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Safer driving at work

A guide for UNISON safety
representatives



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Safer driving at work -a guide for safety representatives

Introduction

More UNISON members are killed as a result of driving as part of their job than from any other type of work related accident.

Nationally, over 3,000 people are killed on the roads every year, and 40,000 are seriously injured. The Health and Safety Executive have estimated that 30 per cent of those are likely to occur while the driver is 'working'.

Because road safety is enforced by the police, few employers see it as being a health and safety issue. Their main concern is that the vehicle is taxed, insured, maintained, and the driver has an appropriate licence.

It is because of that attitude that the death and injury rate is so high. Driving at work is more dangerous than working in construction, mining or agriculture.

UNISON believes that work-related road safety must be given a much higher priority. The safety of our members at work, while driving or being driven, is just as important as other safety concerns in the workplace, and the risks should be assessed in the same way.

This advice is intended for use by branches negotiating with employers where members work as part of their job. It is deliberately general, and only covers the occupational health and safety issues. It does not concern itself with road traffic law, nor is it intended as a guide for professional drivers. The use of vehicles within the workplace, such as forklift trucks, dumpers and industrial trucks is not covered by this guide, nor are heavy goods vehicles, tractors and other specialist vehicles.

Separate advice is available on these from the Health and Safety Executive (see further information).

The Law

Health and Safety Law applies to all work activities – including driving. Driving is not only a hazard for professional drivers, but also for anyone going from one site to another, visiting a client, or any other activity that involves them driving a vehicle, riding a bike, or even walking.

Under the Health and Safety at Work Act, 1974, all employers are required to ensure the health, safety and welfare of their employees.

In addition the 1999 Management Regulations require employers to assess the nature and scale of workplace risks to health and to ensure that there are proper control measures in place to avoid these where possible, and reduce them as far as possible, where not.

This means that any risk assessment must include risks from driving, if they exist.

Risk assessments should look at all the hazards which might be faced by workers on the road. It should also ensure that these hazards are removed or reduced as far as is practical.

As well as ensuring that their employers conduct adequate risk assessments, branches should also seek to negotiate a policy on driving at work. Details of what might be included in a safer driving policy are covered later in this guide.

In addition, any risk assessment should look at whether journeys are necessary and whether there are ways of reducing the level of driving, either by reducing the amount of travelling, or considering safer forms of transport such as by train.

However, there is no specific health and safety law stating that employers have any special duties beyond the general ones mentioned above. Guidance on work-related road safety is being developed by the Health and Safety Executive.

In addition there are a variety of Road Traffic Acts which are enforced by the police. Normally these are enforced against the driver or owner of the vehicle.

Issues for Branches

So what are the issues that should be addressed when considering the risks associating with driving at work?

Hours of work

One of the main causes of road traffic accidents is fatigue. It is a factor in over 15 per cent of all fatal road accidents.

This is related to the amount of time a person is driving, the lack of breaks and the time of day. Although there are no specific limits to the amount of time someone can drive for, no-one should be driving continuously for several hours. Most motoring organisations recommend taking a 15 to 30 minute break every two hours, although this should be a break away from the vehicle.

Driving at night can also be more hazardous and should be avoided wherever possible. A particular danger is where a member is called out during the night for an emergency. Driving when you have just woken up during the middle of the night is much more dangerous, and the employer should make arrangements for a taxi.

Driving after a long shift is also known to be hazardous, especially after a first night-shift when the employee is likely to have been without sleep since the previous morning and is expected to drive home through rush hour traffic.

Where any member feels that they are too tired to drive, there should be agreement that they can either arrange for an alternative method of transport, or be able to book into a local hotel at the employer's expense.

Training

Normally a driving licence is sufficient for most day-to-day driving. However, the risk assessment should consider whether further training is required. Any person required to drive a minibus, four-wheel vehicle, or to drive off-road, should be given appropriate training in addition to the standard driving test.

Advanced driver training can lead to fewer accidents, but branches should resist attempts to make these an initial requirement for the job, unless necessary, as they can be discriminatory. This is because far more men have undergone advanced driver training than women. Instead, such training should be offered to staff once they are in post.

Under no circumstances should anyone drive as part of their work with a provisional licence, even if supervised.

Carrying equipment

Employees are often asked to carry equipment as part of their job. There are specific regulations which relate to the packaging and labelling of dangerous substances. These should always be observed. No person should carry any materials unless they are labelled, and if there is any possible risk, a full risk assessment has been done and training given.

Generally employees should not be expected to carry any potentially hazardous substances in their own vehicles.

Members should also not be asked to carry heavy, large, or awkward items in their cars. Anyone who has to load or unload items needs to have been given manual handling training, and the items should be properly labelled.

Carrying people

UNISON members often have to escort clients or members of the public as part of their job. This should be included in the risk assessment and procedures should be in place to prevent any possibility of violence or damage. This may involve ensuring that no member escorts a client in a vehicle alone, and that the driver is covered by suitable insurance.

Mobile phones and driving

Although the media have given a lot of publicity to the issue of mobile phones and the possible health effects on the brain, the main risk is from their use while driving.

At least 16 people have been killed in the UK as a result of accidents when the driver has been using a mobile phone and the actual death toll is likely to be much higher.

The Highway Code states “never use a hand-held mobile phone or microphone while driving”. It goes on to warn that even hand-free systems are “likely to distract your attention from the road”.

Employers should ensure that staff use the voicemail function on their phone when driving, and that they stop and check messages regularly.

Where staff have vehicles fitted with a radio then there should be clear guidance on its use when driving.

Condition of vehicles

Older cars are more likely to break down, and can be less likely to protect occupants from injury or death in the event of an accident.

Yet many employers expect UNISON members to use their own cars for work. This means that the employer gets the use of the employees' car, often at very little cost.

Low-paid members are less likely to be able to afford newer, safer cars, and are less likely to be able to get the car regularly inspected or maintained.

In law, if a car is used for work, it is work equipment. As such it must be properly maintained and inspected, whoever owns it.

While Health and Safety Legislation puts the primary responsibility on the employer, Road Traffic Legislation puts the responsibility on the owner or driver of the vehicle.

However, the legal responsibility for removing risk goes well beyond simply ensuring there is a valid MOT and sufficient tread on the tyres. Employers must ensure that the car is fully safe and roadworthy at all times.

The Road Traffic Laws state that an MOT is required if a vehicle is to be on the road. Health and Safety Law, however, states quite clearly that it is the employer's responsibility to ensure that the vehicle is safe for the purpose it is being used for. Simply relying on an MOT, or paying an employee a car allowance, may not be enough. It is not even sufficient to tell employees that it is their responsibility to ensure that the car is properly maintained.

Employers should be encouraged to consider ways of ensuring that the car is properly maintained and adequate for the task. One way of doing that would be to offer quarterly maintenance checks for all car users.

An alternative is to provide cars for all staff who are required to use them for their work, and provide regular maintenance checks, or introduce a subsidised car leasing scheme.

However, many members prefer to use their own cars and branches should recognise this. There is no reason why employees should not use their own cars for work activities, so long as the vehicle is suitable for the purpose and the employer has arrangements to ensure that it is regularly serviced and maintained. Many employers

have introduced interest-free loans to ensure that staff can afford newer, more reliable cars.

The employer must also have procedures to check that the vehicle is fully insured for work purposes.

Some employers, and some car allowance schemes, differentiate between 'essential' and 'casual' users, with casual users getting little or no payment towards purchasing or maintaining their vehicle.

It does not matter whether someone only uses their car occasionally for work. The employer must ensure that the vehicle does not create a risk to the driver, passenger, or other road users, and it is their responsibility under Health and Safety Law to ensure this. For this reason, some car allowance schemes may need to be revised.

Type of car

Any vehicle used for work must be suitable for the use it is to be put to. This means that if it is to be used in rural areas, a four-wheel drive should be considered. If bulky items are being moved, then the vehicle should be large enough for this, and if hazardous items are to be transported, the vehicles should be designed to protect the driver by having either separate compartments or, in the case of dogs, a grille.

Driving is also one of the main causes of back pain. To help prevent this the seat must be able to be adjusted for comfort and legroom. It must also be at a suitable height for the driver.

The vehicle should also have any necessary safety factors such as airbags, central locking systems, and have equipment for use in an emergency such as fire extinguishers, reflective jackets, warning triangle and ice scraper.

Where employers simply ask that employees use their own car, there must be some system of ensuring that it is suitable for the type of work required, and properly equipped.

Concern has been expressed about central locking systems that do not allow the driver to get into the car without all doors being unlocked automatically. There have been instances of people travelling on their own, opening the door to get into the car and an intruder opening the rear door and assaulting or robbing the driver.

These locking systems should be avoided as they are especially dangerous in car parks or when travelling at night.

Breakdown

All employers should ensure that their staff are covered by an efficient national breakdown service, that their car is equipped with emergency equipment and that employees are trained on what to do in the event of a breakdown.

The employers should also have a policy making it clear that staff should not drive as part of their work in hazardous conditions such as heavy rain or snow, and that they have procedures for staff to stay in hotels if necessary rather than attempt to drive in unsafe conditions.

Speeding

One of the main causes of death and injury while driving is excessive speed. Drivers will often exceed the speed limit, or drive too fast for the conditions, when they are under pressure or late.

Work has to be structured to give every driver sufficient time to get to an appointment, or do their work safely. There must be sufficient flexibility to allow for them to reschedule work in the event of a delay caused by a traffic jam, road works or accident.

No member should ever be disciplined or reprimanded in any way for being late due to traffic delays.

A number of employers are reported to have introduced a policy of reimbursing speeding fines. This must be seen as being

irresponsible as it could encourage employees to drive too fast. Instead employers should consider introducing further training for any drivers regularly prosecuted for speeding while at work, and also consider ways of rewarding consistently good and safe driving.

Motorbike and cycle users

Some staff choose to travel as part of their work by motorbike or cycle. Many of the points raised in this booklet are equally relevant to these, and other forms of transport. However, it is important that risk assessments reflect the differing risks involved and that these risks are dealt with in any policies.

Involving members

Car usage and car allowances are one of the most emotive and contentious issues for many UNISON members.

This booklet deals only with the health and safety aspects of driving, although branches also need to address environmental issues and concerns over allowances and costs.

It is important that members are fully involved in the development of a policy and that every effort is made to reconcile differing interests. However, in the last analysis, the safety of our members, and the public, must come first.

Finding out if there is a problem

Before trying to develop a policy, the employer and the UNISON branch need to find out what problems have to be addressed through any policy.

It is important to try to build up as accurate a picture as possible. This would include information on how many people drive as part of their work, the nature of their journeys, the miles covered, the vehicles used, the number of accidents and incidents, the level of insurance claims, and the instance of sickness absence caused by road accidents.

Branches should also consider a joint survey of drivers to find out what issues they believe need to be addressed through a policy.

Only by accurately mapping the extent of the problem, and the concern of members, can an effective, relevant policy on road safety be developed.

Driving policies

Every branch should seek to negotiate a safe driving policy with those employers it deals with. The following checklist includes those issues which should be included in any policy

- It must be joint, and should be drawn up with the involvement of safety representatives who should consult drivers.
- It should make it clear what staff it applies to and also whether it only covers motorcar use, or also motorcycle and bicycle use.
- It should emphasise the importance of the policy, outline the legal framework, and state how it relates to other policies, such as any alcohol/drugs policies.
- It should state who is responsible for implementing the policy at each level.
- The policy should detail what action should be taken when

an accident occurs. This includes not only the practicalities of vehicle recovery and repair, but also reporting.

- The policy should state what level of competency is required and what instruction, information and training will be given.
- It should state what practical steps will be taken to prevent accidents, such as avoiding unnecessary road journeys, how to plan and organise journeys, policies on breaks, rest and fatigue management.
- The policy should indicate what types of vehicles are required for what work, how maintenance will be carried out, how road-worthiness will be ensured and how ergonomic issues such as seating and legroom will be addressed.
- It should give information on how to deal with emergencies and breakdowns.
- The policy should include any separate individual policies on use of mobile phones, safe handling, security issues at night, lone working and other safe behaviour.
- There should be details of how the policy will be jointly monitored and reviewed.

Further Information

UNISON has produced several publications that may be useful to branches or safety representatives who are dealing with workplace driving safety. These are available from the Communications Department at UNISON Head Office.

- The Health and Safety Six Pack. UNISON's Guide to Health and Safety Law (Stock item 1660)
- UNISON's Guide to Risk Assessment (Stock item 1351)
- UNISON's Health and Safety Representatives Guide (Stock item 1684)

In addition UNISON has produced a number of information sheets on health and safety issues including mobile phones. These are available from the Health and Safety Unit at UNISON Head Office.

Details of Health and Safety Executive Publications can be obtained from HSE Books on 01786 881165.

The main organisation providing advice to employers on safe driving, maintenance and training is BRAKE, an independent road safety organisation. Tel 01484 559909. Their website is at www.brake.org.uk

Advice

If you have any specific health and safety queries, your Branch Health and Safety Officer or Branch Secretary may be able to help you. If they are unable to answer the query, they may pass the request to the Regional Officer or to the Health and Safety Unit at Head Office.

UNISON's Health and Safety Unit is at:

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London WC1H 9AJ

Tel: 020 7551 1446

Fax: 020 7551 1766

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Your Comments

UNISON welcomes comments on this guidance from Branch Safety Officers and Safety Representatives. Either write or e-mail to the Health and Safety Unit at the above address.