

April 2013

Driving For Work

A Health and Safety Authority survey found that a significant number of employers are unaware of their obligations when it comes to managing driving for work and 42% of Top Irish businesses do not have "Driving for Work Clauses" in their Safety Management policies.

What is Driving for Work?

Employer's responsibility for Driving for work does not only relate only to employee's whose **main** job involves driving for work such as; Heavy Goods vehicles (HGVs), Light Goods Vehicles (LGVs) buses, coaches and taxi drivers. Driving for work is defined as;

"Any person who drives on the road as part of their work (excluding driving to and from work) in;

- **A Company Vehicle.**
- **Or their own Vehicle receiving allowances from their employer for miles driven."**

Therefore, it also applies to jobs such as; Sales and Marketing Staff, Social and Health Workers, Service Engineers, Local Authority Staff, Garage Mechanics and Recovery Staff, Refuse Collectors, Utility Company Employees (i.e. Electricity, Gas), Emergency Service Workers and Enforcement Bodies (i.e. Gardai).

Employers Legal Responsibilities

The responsibility of Employers when it comes to Driving for Work are outlined within;

Road Traffic Law.
Health and Safety Law.
EU rules on Driving for Work.

Health and Safety legislation places what is known as a **"Duty of Care"** on employers for the protection of the Safety, Health and Welfare of employees that drive for work.

This means that employers must take the appropriate steps necessary to manage the Safety and Welfare of employees who drive for work and also for those that might be affected by their driving; i.e. pedestrians.

This includes; ensuring that work related journeys are safe, that staff are safe to drive

the vehicles and that the vehicles and equipment are fit for use and in safe condition.

Managing Driving for Work

Driving for Work Programme

Employers should take steps to introduce a Programme to manage Driving for Work which generally involves the following steps;

Driving for Work Policy

Employers should put in place a "Driving for Work Policy". The policy should outline the company's intention to manage driving for work, the support of the policy from the top down and the procedures and resources which will be used to manage the Driver, the Vehicle and the Journey of those driving for work.

Appoint a Manager

Employers should appoint an experienced manager with a reasonable degree of authority to be responsible for implementing and overseeing adherence to the Driving for Work Policy. Other staff should be encouraged to support this person i.e. providing information to him/her as required.

Assessment of Driving for Work

The employer must assess and document the hazards, risks and control measures of the Driver, the Vehicle and the Journey of employees driving for Work which in broad terms would cover the following;

The Driver

- Assess training requirements for drivers (i.e. on Driving for Work Policy, the Vehicle they are driving, carrying out safety checks, adjusting safety equipment appropriately, securing and distributing loads, emergency procedures etc.)
- Evaluate whether drivers are fit and healthy to drive.

- Check licenses and insurance are valid and up to date.

The Vehicle

- Checking Roadworthiness of the Vehicle.
- NCT approval.
- Assessing procedures for Managing the Maintenance of the Vehicle.
- Assessing procedures for carrying out checks on the Vehicle.
- Assessing safety equipment is fitted, maintained and functioning properly within the Vehicle.
- Carrying out an Ergonomic Assessment on the Vehicle i.e. appropriate seating arrangement.

The Journey

- Evaluating the planning and scheduling of journeys.
- Assessing the Safety of routes used; Taking into account possible restrictions i.e. bridges, tunnels, overhead restrictions.
- Assessing the risk of tiredness when driving, considering journey time, distance and the provision of breaks and rest periods **in line with driving regulations**.
- Assessing procedures for dealing with adverse weather conditions i.e. equipping the vehicle appropriately to deal with bad weather, allowing flexibility in journeys' for certain weather, providing information to drivers in the event of poor weather conditions.

(A Driving for Work Checklist is available from the Road Safety Authority (RSA) website which provides a checklist for employers' to

risk assess Driving for Work within their Companies.)

Implement and Evaluate

Control measures/ actions that were identified in the Risk Assessments need to be implemented.

Regular reviews should be carried out on the Risk Assessments, Driving for Work Policy and adherence to it and any changes made or corrective action taken where necessary.

Consequences of Breach

Failure to manage the Driving for work risks properly will leave employers vulnerable to hefty Employment Law and Personal Injury claims.

Breaches under the Health and Safety Act may result in fines by the District Court of up to €3,000 per charge and/or imprisonment and in the Circuit Court of fines up to €3,000,000 and/or imprisonment for a term not exceeding 2 years. Employers may also incur "on the spot" fines of up to €1,000 for certain offences.

Additionally, there is an onus on Company Directors to manage employee safety properly and failure to do so may result in their receipt of fines of up to €3 Million and/or Two years in prison.

There are also other financial implication related to work related road collisions that employers may incur including; employee sick pay, recruitment costs, replacing and redelivering goods, management and administrative time, damage to company reputation, legal fees, increase in insurance renewal cost.

This update is provided by the MSS HR Support Service.

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