
Work-Related Road Risk -Legal Obligations on Employers

Angus Robbins

HM Inspector

Leeds

Legal Obligations

- The Health and Safety at Work etc Act
 - General duty on employers and others
- Provision and Use of Work Equipment Regulations
 - Duty relating to equipment at Work
- Management of Health and Safety at Work Regulations
 - Risk Assessment, H&S Arrangements

- All include the words “at Work”
- Why?
 - 150 vehicles at work crash
 - Per day
 - 1,000 deaths, 13,000 serious injuries
 - Per year
- Business pays

Driving at Work?





Legal Responsibilities



- Health and Safety at Work etc Act 1974
 - Section 2 – duty on every employer to ensure, so far as is reasonably practicable the health safety and welfare at work of all his employees
- General duty, extended by lots of subsections, none of which mention driving or roads

Legal responsibilities 2

- HSWA section 3 – duty of every employer to conduct his undertaking in such a way as to ensure, so far as is reasonably practicable, that persons not in his employment ...are not exposed to risks to their health or safety.
 - Another general duty, again with no mention of driving

Legal responsibilities 3

- Health and Safety at Work etc Act 1974
 - Section 52 – definition of “at work”
 - “Throughout the time when he is in the course of his employment”

- “commuting” not held to be “at work”

but

- Travelling away from “base” considered to be “at work”

Legal Responsibilities 4



- HSWA section 7
 - General Duty on an employee at work
 - To take reasonable care.....
 - And
 - Cooperate with his employer...
- So not all on the employer

Legal responsibilities 5



- Management of Health and Safety at Work Regulations 1999
 - Risk assessment
 - Health and safety arrangements

- Both recorded (5 or more employees)

Legal Responsibilities 6



- Provision and Use of Work Equipment Regulations
 - Equipment to be suitable
 - Equipment to be maintained
 - Information Instruction and Training

Legal Responsibilities 7

- Not forgetting
 - Road Traffic Act
 - Highway Code
 - MOT test
 - Construction and Use Regulations
 - Actually let's forget them

Legal Responsibilities 8

Corporate Manslaughter

- (the Corporate Manslaughter and Corporate Homicide Act 2007)

Personal manslaughter

- Common Law

Both rely on proving “gross negligence manslaughter”.

Lots of legal tests to prove.

Writing a great driving for work policy



Trying to....



- What do you want to achieve
 - Safety at work
 - Whilst driving
 - 1000 die driving at work each year,
 - “only” 240 die in other accidents
 - (3000 die from asbestos related illness)

What a “Great Policy” needs

- To be brief
- To be informative
- To be practicable

“SMART”

Managing Work Related Road Safety



- Safe driver
- Safe vehicle
- Safe site

Safe Driver



- Competent
 - Qualified
 - Trained
- Fit
 - Healthy
 - Awake
 - concentrating

Safe Vehicle



- Suitable
 - Capability
 - Capacity
- Maintained
 - Deficiencies reported
 - Deficiencies rectified
- “grey fleet”

Safe Site



- But it's the road!
 - So what.
- Need to consider
 - Distances
 - Scheduling
 - Speed
 - Breaks
 - Weather

Mobile Phones



- We all know the Law
 - Oh Really!
- If you have people driving at work
 - You need a policy for phone use,
 - They need the right kit.

Otherwise it's just an answerphone!

Management



- Information/instruction/supervision
 - Tell them what you want
 - Make sure they know you want it
 - Make sure you get it
 - Monitor their behaviour!
- If you don't, you could be held liable.....

Getting it Wrong

