



Work-related Road Safety Task Group

Preventing at-work road traffic incidents

This discussion document is issued by the independent Work-related Road Safety Task Group to encourage debate about how best to prevent at-work road traffic incidents.

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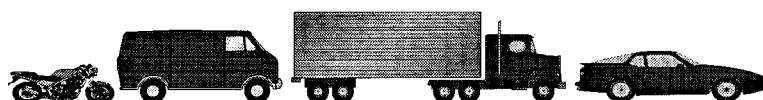
to reach the Secretariat no later than 25 May 2001

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Responses to the discussion document are invited on the basis that anyone submitting them agrees to their being dealt with like this. Responses, or parts of them, will be withheld from the Information Centres only at the express request of the person making them. In such cases a note will be put in the index of responses identifying those who have asked that their views, or part of them, be treated as confidential.



DISCUSSION
DOCUMENT



PREFACE

Each day of the year in Great Britain, 10 people on average die and over a hundred are badly injured in road traffic accidents. Many victims are at work, either drivers or passengers or those working by or on the road. Many accidents could have been avoided by a more diligent approach to managing risk or by better training to drive with greater care.

The Government are committed to trying to reduce the number of road casualties. The Road Safety Strategy, *Tomorrow's Roads – safer for everyone* - launched in March last year, signals this commitment and I was very pleased to be asked to head up an independent, multi-agency Task Group to produce recommendations to help reduce road accidents involving people at work.

This Discussion Document is a key part of the debate in which the Task Group wants to engage those who share a common objective of improving road safety. In it we set out how this objective might be met. The central proposal is that employers should be encouraged in a number of ways to manage at-work road risk more effectively. We do not see this as revolutionary, as employers already have to manage health and safety within workplaces. Indeed, as we explain, in addition to the obvious social and moral case, there are strong business reasons for taking action. Applying the same principles to at-work road risk is likely not only to save lives but also reduce costs. But it is more difficult to manage people who are away from their workplace on business. We must therefore seek to get the balance right between what we might expect of employers on the one hand and, on the other, the responsibilities of employee-drivers, or those working on or by the road. And we need to be sure that there are supporting mechanisms in place to assist employers and that effective arrangements exist between the law enforcing authorities to investigate incidents when they happen.

The ideas set out in this document are those of the Task Group, not the Government or its agencies. Please let us have your views on them. Your comments are important and will feed directly into further debate within the Task Group and then into the report and recommendations we intend to put to the Government and the Health and Safety Commission later this year.



RICHARD DYKES
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PREVENTING AT-WORK ROAD TRAFFIC INCIDENTS

What is the Discussion Document about?

1. Each year about 3,500 people are killed on our roads and 40,000 are seriously injured. In total there are nearly a $\frac{1}{4}$ million accidents and 300,000 road casualties every year. This results in terrible human suffering and is a serious economic burden. The direct costs of injury accidents alone are about £3 billion a year. The Government is determined to reduce these figures and in March 2000 it published its Road Safety Strategy *Tomorrow's Roads: safer for everyone*. The strategy sets out what the Government plans to achieve by 2010, namely:

- a 40% reduction in the number of people killed or seriously injured in road accidents;
- a 50% reduction in the number of children killed or seriously injured; and
- a 10% reduction in the slight casualty rate.

2. One part of the strategy is to see whether more can be done to reduce road traffic incidents that are connected to work. Many vehicles are driven for work purposes, for example lorries, vans, taxis, coaches, buses, emergency service and utilities vehicles, company cars, construction and agricultural machinery, motorcycles, mopeds and bicycles. And many people work on or by the road, for example maintenance workers, refuse collectors, postal workers, vehicle breakdown employees, the police and so on. All these workers are exposed to risks from traffic.

3. In order to find out more about the issues and how we can move forward, the Health and Safety Commission (HSC) agreed with Ministers that an independent Task Group be set up to make recommendations on preventing at-work road traffic incidents. Our terms of reference and membership are at annex 1.

4. In this document we set out what we know about such incidents and what we are doing to find out more. **We seek views on our central proposition that employers should manage at-work road risk within the framework they should already have in place for managing all other occupational health and safety risks.** There is a strong argument for action, morally, financially and to benefit society. Safer driving for work purposes should result in fewer fatalities and injury, lower costs to employers and wider advantages to society as driving standards improve. There would also be environmental gains, as safer driving is less polluting. We set down options for developing and disseminating good practice principles and raise a number of questions about how the enforcing authorities, and others, might work more closely together with the common aim of reducing at-work road traffic incidents.

How you can contribute to the debate

6. This Discussion Document is for those concerned with both road safety and occupational health and safety. It will be of particular interest to employers as it suggests that more should be done to manage at-work road risk. This helps build on the aims of *Revitalising Health and Safety*, a strategy statement announced by Government and HSC in June 2000, adding fresh impetus to better health and safety at work.

7. But in developing our proposals for Government, we would very much like to know what *you* think. We need to be able to gauge the strength and depth of opinion about the issues we cover and the options we raise. A number of questions are posed throughout the document on which we seek particular views. For convenience, these are also set out in a questionnaire at the back of the document. If you are replying on behalf of an organisation, it would be helpful if you could tell us what the organisation does and what its aims are. Details of how to reply are on the front cover and at Appendix 1. We should like all replies to arrive no later than 25 May 2001.

8. You may copy and circulate this document freely. It is also available on the Task Group's website at <http://www.open.gov.uk/hse/road>. Alternatively, you can obtain further copies from HSE Books at the address on the back cover.

The scope of at-work road traffic incidents

9. In examining the issues before us, our remit is to consider at-work road journeys that expose workers and/or members of the public to risks from traffic; and other work activities carried out on or near roads that expose workers on foot to risks from traffic. We are excluding incidents when individuals are commuting to and from work as an employer's duty of care to protect the health and safety of their employees does not generally extend to situations where the employee is not at work.

The scale and nature of the problem

10. In developing our proposals, we need to call on information about the numbers and causes of at-work road traffic incidents. No one such source exists, rather a patchwork of data. We have, therefore, commissioned independent researchers to analyse data from several different sources in order to establish a clearer picture of the extent of 'at-work' road traffic incidents. More information about the research methodology and findings are at annex 2. The use of different sources raises the problem of varying definitions of the severity of accidents and, as a result, no precise figure can be determined. Nonetheless, taken together, the findings broadly indicate that between 25% and 33% of all serious and fatal road traffic incidents involve someone who was at work at the time. This suggests that people are more likely to be killed or injured in an at-work road incident than in an accident in a "fixed" workplace. However, the important issues of causation of, and responsibility for, the incidents remain uncertain.

11. More knowledge is needed and an extensive research portfolio will continue to be taken forward by Government into road safety and driver behaviour, lessons from which will no doubt read across to at-work road safety. More specifically, research will continue or be commissioned to improve understanding about the number and causes of at-work road incidents and to assess the effectiveness both of preventive interventions and recording mechanisms so that measures to reduce at-work road incidents can be properly targeted.

Costs

12. The overall cost to Britain of all workplace accidents and illness is estimated to be between £14.5 billion and £18.1 billion, with the cost to employers alone estimated to be between £3.5 billion and £7.3 billion (HSE 1995/96). This figure excludes additional costs arising from at-work road traffic incidents, which may add as much as £5 billion to the former estimate (this is a very rough calculation which includes the costs of large goods, passenger and smaller commercial vehicle accidents, and a view about the proportion of company-registered cars, and non-company registered cars, which are being used for business journeys when involved in accidents). The DETR estimate of the value prevention of a fatal road casualty is over £1 million, including over £300,000 in lost output. The total value of prevention of all road accidents in 1999 was estimated to have been around £16 billion (also DETR).

Question 1: given the evidence, do you agree that action needs to be taken to reduce the number of at-work road traffic incidents? If you agree, what action should be taken and why? If you don't agree, please say why.

Developing a risk management approach to at-work road safety

13. The protection of workers and members of the public from traffic risks to date has been mostly a matter for road traffic law, normally enforced by the Police and the Courts, and by Traffic Commissioners in respect of large goods and passenger vehicles. It has been Government policy for

many years that the health and safety enforcing authorities should not investigate at-work road traffic incidents, except where work vehicles or workers are engaged in specific work activities (eg refuse collection, street cleaning). However, one consequence has been that, other than for large vehicles, there has been little motivation for employers, or the enforcing authorities, to examine whether a failure in health and safety management systems might have contributed to an incident.

14. The Task Group believes that this position is no longer sustainable. Our central proposition, therefore, is that employers should manage the risks associated with at-work road journeys and other on-the-road work activities within the framework they should have in place for managing health and safety within their firms. This could mean that approaches set out in existing health and safety law (principally the Health and Safety at Work etc Act 1974 (HSW Act) & the Management of Health and Safety at Work Regulations 1999 (the Management Regulations) would become relevant.

What might this mean in practice?

15. The HSW Act sets out general duties of employers to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all their employees; and for employers and the self-employed to minimise risks to those not in their employment. The Management Regulations build on the HSW Act, setting out broad duties on employers, the self-employed and employees. In short, employers, in developing health and safety systems, need to put preventive measures at the heart of their policy making and procedures. They need to ensure that systems are in place to manage risk and that the action they take is in proportion to that risk. Senior management leadership and commitment to change are crucial.

16. The first step is to assess the risks to their employees from the activities carried out at work, by identifying hazards and who might be harmed, and then evaluating the risks and assessing whether existing precautions are adequate. Where more needs to be done, employers and the self-employed need to apply the following principles of prevention:

- if possible, avoid the risk altogether, eg by doing the work in another way. For occupational driving, this would mean considering whether alternatives to the journey or type of travel exist;
- tackle risks at source rather than taking superficial short term action, eg by giving thought to work scheduling to restrict long hours, choosing vehicles carefully and maintaining them conscientiously, specifying safe routes for journeys and so on;
- selecting drivers who are entitled to drive the vehicle, ensuring that they and those working on or by roads are competent to do so, for example through driver assessment, providing them with the right amount of information, training and instruction to enable them to drive or work safely;
- involving employees and their representatives in identifying and putting in place control and other measures;
- clarifying the roles and responsibilities of all in the management chain from directors to the individual employee; setting standards of what behaviour is expected;
- crucially, putting in place measures to review experience and take further action where necessary. This creates a loop of continuous improvement and a greater likelihood of improving the health and safety culture within firms; and
- ensuring that the systems apply equally to those who drive for work only occasionally.

17. Many employers already manage health and safety risks to which employees are exposed when they work on or by the road, for example in construction, utility and telecommunications work, emergency services, refuse collection and postal delivery. We suspect that more can still be done. A greater concern, however, lies in the management of risks associated with driving while at work. Here, we believe, systems are likely to be ad hoc, concentrating more on driver training, vehicle

selection and incentives for safe driving rather than on applying risk prevention measures in a systematic way.

18. While we suggest that employers should actively manage at-work road risk, we must not undermine the principle that drivers, while behind the wheel of a vehicle, remain responsible for their own and others' safety on the road. We must be careful to get the balance right between what we can reasonably expect of employers in controlling risks to employee-drivers and the responsibility of drivers themselves to drive safely. Drivers must comply with the Road Traffic Acts and the Highway Code. And under the HSW Act, they should co-operate with their employer to enable the employer to comply with their health and safety duties; they should take reasonable care of their own health and safety and that of others who might be affected by their actions; and they should use equipment provided to them correctly. These principles apply equally to those who work on or by roads.

Question 2: Do you think that health and safety management systems, if applied to at-work road risk, could reduce at-work road traffic incidents? If so, what practical suggestions can you offer on what should comprise such systems and why? (We would welcome examples of company policies).

Improving driver competence

19. Road traffic legislation requires a driver to undertake a theory and a practical test to demonstrate their competence to drive a motor vehicle. Motor vehicles are grouped into categories under European legislation – broadly, cars, motorcycles, lorries and buses. Once an individual has passed the test, he or she is considered to be competent to drive all vehicles in that category. Drivers have to hold a full car licence before they can learn to drive lorries or buses, and more demanding standards are set for tests to drive large vehicles. The minimum standards for driving tests, particularly for lorries and buses, are being raised as part of European harmonisation.

20. The Government's *Road Safety Strategy* emphasises the role of better training and more thorough testing to improve driving. The Driving Standards Agency (DSA) has been given a wider role to set standards, assure the quality of training, and improve assessment for all types of driver and rider, including professionals and their employers. DSA will be bringing forward schemes for better driving standards for lorry and bus drivers, using powers in the Transport Act 2000. These schemes will set down the content of training courses, the trainers who may deliver them and the registration of professional instructors. The arrangements for training, testing and supervising instructors will be rationalised, with detailed provisions for the different sectors. The role of retraining and retesting where standards slip will be the subject of further consultation.

21. The Agency is involved with the Road Haulage and Distribution Training Council in developing standards for drivers in the road transport industry, undertaking driver quality monitoring projects for bus companies, and providing driving tests for local authorities exercising the local taxi licensing function. It is also looking at setting standards for riders in the despatch and fast-food delivery sectors, developing standards for advanced driver and rider training, and developing an occupational driver appraisal service. DSA has issued a Consultation Paper about proposals to register driving instructors who specialise in providing training to fleet drivers (see www.driving-tests.co.uk/consult/consult_index.htm).

22. A central principle of effective health and safety systems is that employees should be competent to carry out the work for which they are employed. Much HSE guidance exists to explain when and how employers should train, inform and instruct employees so that they can work safely and healthily within workplaces. Extending this principle to occupational driving would mean that, based on their risk assessment, employers would have to consider whether to provide their employees with additional training both for general driving and for vehicle/task-specific competence. Not least, refresher or familiarisation driver training might be needed and employees may need training in relation to the specific task they were being asked to perform.

Question 3: do you think that there should be specific training and /or testing for occupational drivers/riders? Why? What form should this take and to whom should it apply?

The benefits to employers

23. Putting in place new working practices to manage at-work road risk requires time and money. But we would argue that employers should already have in place systems to manage workplace health and safety. Extending these to their on-the-road activities might not prove too burdensome. Indeed, there is evidence that firms that have successfully introduced appropriate measures have been able to show that benefits have outweighed costs, thus:

NEWS Transport, a road haulier operating 10 large goods vehicles and five cars carried out an assessment in 1990 of their accident, repair and associated costs. They found these to be around £64,000 and set about putting in place measures to reduce these overheads. They introduced a structured one-to-one driver training programme, added vehicle safety measures and better managed driving schedules. As a result, they have enjoyed nine continuous years of no insurance claims, less garage down time and seen the residual value of their vehicles maximised.

Bell and Howell, a document management company, ran a fleet of 250 vehicles when, in the early 90s, they conducted a review of their accident claims history. They found that many of their 180 claims were for fairly minor collisions that nonetheless amounted to a hefty insurance bill. They introduced measures to increase individual choice of vehicle and more responsibility for bearing the cost when drivers were found to be at fault, supported by driver training. This programme increased the sense of ownership of employees towards their vehicles. Five years after the programme was introduced, claims fell from £812 per vehicle to £211 per vehicle.

During the 1980s, Leo Pharmaceuticals experienced mounting insurance costs from its fleet of 170 vehicles. In response they initiated better driver training, greater employee education and individual responsibility, gained senior management commitment and resources, appropriate vehicle selection criteria and regular servicing and maintenance. The effect was dramatic. For example, over the past three years, £35,000 has been saved in insurance premiums. A better fleet safety culture has raised standards in the round and line managers are able to monitor performance not least through petrol consumption, tyre and brake wear and general repair bills.

24. These benefits mirror those found in studies to assess the extent to which health and safety management systems improve business performance, namely fewer accidents, less lost time, lower training costs, improved morale, reduced insurance costs. And even more importantly, fewer accidents result in less injury and suffering to the employees themselves, often crucial in smaller firms where the absence of key personnel can be devastating.

Implementing change

25. An important issue for the Task Group to consider is how to persuade employers to apply risk management principles to at-work road safety. We have not discounted new legislation, although, as we have explained above, the existing legal framework, particularly the potential for the Health and Safety at Work etc Act to be applied, might be sufficient. And the operation of many types of vehicles, for example large goods and passenger vehicles, is already governed by regulation. It may be, therefore, that it is more that roles and responsibilities need to be clarified and advice given on how best to manage the change. But we are open to views. For example, one suggestion is that the operator licensing system might be extended to cover light goods vehicles, with benefit to road safety.

26. The Government's Road Safety Strategy referred to the Task Group considering the appropriateness of an 'Occupational Highway Code', as a supplement to the main Highway Code. We have debated this but conclude that this would probably not be the best approach. While the Highway Code is an influential and popular document, its primary focus is on the individual road user's responsibilities as set out in road traffic law.

27. We believe that we need a document more aligned to existing health and safety management principles. It is essential that employers, and others, have some form of written advice on which to draw when introducing measures to manage at-work road risk. Its status could be either (i) an HSC/E Approved Code of Practice (ACoP), (ii) guidance under the *Highway Code Explained* series or (iii) generic HSE guidance.

28. An argument in favour of an ACoP¹ is that it would have the necessary weight and influence to encourage people to act to reduce at-work road incidents, by setting standards for employers to manage at-work road risk and against which they can be assessed by the enforcing authorities. It would place employers' duties firmly within the health and safety management system. Supporting guidance could amplify the duties laid down in the ACoP and provide practical advice on how employers might comply. A disadvantage may be that an ACoP would be overly legalistic, prescriptive and premature given that we need better information about the true scale of the numbers and causes of at-work road incidents and the extent to which risk management systems can reduce incidents.

29. Publishing a document under the *Highway Code Explained* series has attractions. While not having a particular legal status, its link to the Highway Code means it could help to build a bridge between those responsible for transport matters within firms and those responsible for occupational health and safety, often a significant divide and a key challenge to overcome. And, given people's awareness of the Highway Code, issuing it in this series may help with marketing, an essential consideration given that 95% of businesses either have no employees or employ up to 9 employees. Many vehicle operators in particular are self-employed or micro-businesses (one illustration: there are about 420 000 licensed large goods vehicles in Britain, operated by 108 000 firms, of which about half are one-truck companies). The principal disadvantage of this approach is that such a document might be seen as being divorced from health and safety.

30. The third option - generic guidance - has the advantage of being adaptable across the range of modes of transport. Following the guidance would not be compulsory but would normally be enough to comply with the law. While having a lower status than an ACoP, it could nonetheless provide an impetus for change, allowing more rigorous standards, for example through an ACoP, to be introduced later once employers have had an opportunity to put in place arrangements, drawing on the guidance for advice. By laying down general principles of good practice, it would allow industry sectors and individual employers to draw up policies and procedures based on their own needs. Some, however, may argue that guidance is an insufficient tool to effect change.

Question 4: We have no fixed view about the preferred status of the core document: which of the approaches above do you think is the right one and why? Would different approaches work in different sectors? If it is none of these, what would you prefer to see happen?

¹ An ACoP has a special legal status as it gives practical advice on how to comply with health and safety law. However, duty holders are free to choose other means of compliance but in prosecutions would need to show that they had satisfactorily complied with the law in some other way

Content

31. Whichever approach is adopted, the purpose of the document would be to encourage good practice to prevent at-work road traffic incidents. A suggested content, at Annex 3, would be kept as straightforward as possible, eg using checklists and supported by case studies. The key audience for this document would be employers. However, we expect that separate material for other audiences will be needed, in particular for individual drivers/riders to inform them of what they can expect from their employers and to remind them of their responsibilities and, importantly, a document for those working on or by roads.

32. The Task Group will also consider other means of raising awareness and getting messages across, including ways to encourage people to produce more specific advice tailored to their needs. Some useful publications already exist, for example the voluntary Good Van and Good Lorry Codes co-produced by the Freight Transport Association, the Road Haulage Association and the CBI as part of their Well Driven campaign; the joint DETR/Despatch Association *Courier Code*; and the Royal Society of the Prevention of Accidents and BRAKE have been active in this field. And we will suggest ways to build on publicity initiatives already planned as part of the Government's Road Safety Strategy, eg the DETR's *THINK!* advertising campaign.

Question 5: looking at annex 3, does it address all the issues you would like to see covered? If not, what would you like to see omitted or included?

Question 6: what suggestions do you have about how best to get employers, particularly those running very small businesses, and the self-employed to adopt the good practice guidelines?

Securing an integrated approach

33. The application by employers of risk management principles to their on-the-road work activities is likely to have significant implications for law enforcing authorities. A fairly complex map of road safety and health and safety institutions currently exists. In most cases, the Police have primary responsibility under road traffic law for investigating an incident in order to determine its cause and allocate responsibility, where appropriate. The Government has signalled that this should continue to be case. So far as at-work incidents are concerned, an employer may be prosecuted by the Police (in Scotland by the Crown Office/Procurator Fiscal), or in the larger vehicle sector, face action by the Traffic Commissioner. This may be for setting timetables or schedules so tight that the driver would be breaking speed limits if they attempted to meet them; causing (a positive mandate) or permitting (a looser term of allowing someone to do something), for example, a person to drive without the relevant driving licence or a vehicle to be driven in a dangerous condition; failing to have suitable recording equipment installed in vehicles where appropriate; or failing to inspect goods vehicles. The Magistrates Act 1980 may also be relevant to employers in England and Wales who aid, abet, counsel or procure an offence.

34. Other organisations have a role, for example the Vehicle Inspectorate (VI) can examine whether a vehicle defect has contributed to an incident and Traffic Commissioners have the power to withdraw or suspend large goods or passenger vehicle operator licences ('O' licences) where the operator has failed to observe the condition of their licences.

35. In terms of enforcing occupational health and safety law, local authorities are responsible for enforcement in lower risk premises, for example, offices and retail outlets while HSE enforces in, for example, industrial premises, construction sites and farms and in the carriage of dangerous goods. Work activities taking place on the public highway in theory fall to HSE although in practice little enforcement has taken place as in general HSE has deferred to the Police to conduct investigations. These health and safety allocation arrangements are currently under review, for example to determine whether enforcement boundaries should be linked to business activities rather than to premises.

36. Liaison arrangements already exist between the Police, HSE and the Crown Prosecution Service/Procurator Fiscal in the investigation of workplace fatalities. Clearly there will be a need for existing lines of communication and co-operation to be built upon, and new ones created, to develop closer partnerships to establish if a road traffic incident is connected with work, whether management failure played a part and how its investigation should be taken forward. There are some big challenges here to ensure that the chosen mechanism is one that ring-fences on-the-road investigation to the Police; is not an administrative burden; and ensures that health and safety enforcing authorities' role is related only to the underlying management issues. There may be significant resource implications for the enforcing authorities.

37. However, we feel there is already scope for better alliances. The Traffic Commissioners are required by law to consider an operator's suitability in a number of respects before granting an O licence. They are entitled or required to remove that licence if specified criteria are no longer satisfied. Their consideration could be extended to draw on HSE's enforcement databases when considering O licences. And there would be potential for VI and HSE to exchange information on doubtful practices when visiting premises

38. Discussions continue about partnership working on enforcement issues. These discussions need to be extended to include other key intermediaries such as the insurance industry, the DSA, road and health and safety professionals, local government agencies and employer and employee representatives to see what further initiatives can be carried forward jointly.

Question 7: what arrangements for enforcement do you consider the best and why?

Reporting arrangements

39. One further point on which we seek views for our report is whether to recommend that employers should inform the law enforcing authorities about at-work road incidents, in addition to existing obligations under O licensing. This would help enforcers identify where and how risks arise, enable investigation to take place when appropriate and to show up trends.

40. In the context of at-work road incidents, there is an argument that, as a minimum, employers should report fatalities and major injuries as a result of their on-the-road work activities. Such a duty to report might encourage more action by employers to consider risks arising from such work. One option might be to seek an amendment to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). At present, these require a 'responsible person', usually the employer or self-employed person, to notify HSE or local authorities of certain serious incidents occurring at work, including deaths; major injuries to workers and members of the public; where someone is off work for more than three days because of an injury caused by an incident; certain dangerous occurrences; and certain diseases that might be linked to the work the employee is doing.

41. The Task Group is not necessarily wedded to this approach. Another option might be to adapt the STATS 19 reporting system, used by the Police to collect information at the scenes of accidents (and which feed into DETR statistics on road accident data) but which currently do not differentiate at-work road traffic incidents from other traffic incidents. However, other, more creative approaches might be more appropriate and we would welcome ideas. We need to bear in mind, of course, the resource implications of any new or adapted scheme. Businesses would have to report and the law enforcing authorities would have to respond. By asking for at-work road incidents to be reported, however restricted, might substantially increase the numbers of cases with which law enforcers had to deal.

42. In considering this issue, it is worth noting that HSE has already consulted widely about whether there should be a new duty on employers to investigate incidents arising at work, recording their findings which can then be made available to the health and safety enforcing authorities for

scrutiny. In principle this new requirement could be extended to employers investigating at-work road traffic incidents.

Question 8: do you think that employers should be required to report at-work road traffic incidents? If so, what should be reported – fatalities, major injuries, over 3-day injuries – and to whom?

Conclusion

43. Our vision for the future is the adoption of good practice in the management of at-work road risk. We believe that if effective measures were put in place, there could be a significant reduction in incidents and casualties. But much needs to be done to harness and target effort and ensure employers in particular are given the right support to enable them to apply risk management principles to on-the-road work activities. And enforcing authorities need to develop working relationships to aid prevention and investigation. The issue of at-work road risk will, in time, need to be meshed in with other initiatives, particularly those highlighted in *Revitalising Health and Safety*, for example education programmes and developing the business case for better health and safety management, especially in small firms.

44. We have set out some ideas in this Discussion Document on which we would very much welcome your views. We aim to put recommendations to Ministers and the Health and Safety Commission later this year. Whatever we propose will be subject to a Regulatory Impact Assessment, part of the Modernising Government agenda, and include a Cost Benefit Assessment.

Question 9: is there any further action you would like to see taken (eg detailed guidance, campaigns, enforcement, research etc) and by whom?



In order to help us monitor the effectiveness of this consultative process, please answer the following questions:

Question 10: in your view how well does this Discussion Document represent the different policy issues involved in this matter: very well, well, not well, poorly?

Question 11: is there anything you particularly liked or disliked about this consultation exercise?

TERMS OF REFERENCE AND MEMBERSHIP OF THE TASK GROUP

The Terms of Reference for the Work-related Road Safety Task Group are to:

- establish (or signal what further work is required to establish) accurate casualty and incident statistics for work-related activities on or near roads;
- establish (or signal what further work is required to establish) the main causes and methods of preventing work-related road traffic incidents;
- promote a public debate on best practice in relation to preventing at-work road traffic incidents;
- propose minimum health and safety management standards for employers, the self-employed and others for work-related journeys and other work activities on the highway;
- propose if possible non-legislative mechanisms for dovetailing road traffic law with health and safety at work law;
- propose mechanisms for effective liaison between those who enforce road traffic law and those who enforce health and safety at work law
- prepare a Regulatory Impact Assessment if appropriate.

Membership of the Task Group comprises:

Richard Dykes, Group Managing Director, Post Office (Chairman)

Michael Messinger, Commander, Metropolitan Police

David Strang, Assistant Chief Constable, Lothian and Borders Police (ACPO - Scotland)

Alastair Jefford, Kent County Council, representing local authorities as highway authorities

Rod Denley-Jones, representing local authorities as health and safety enforcing authorities

Paul Butler, Head of Policy, Driving Standards Agency

David Dixon, Traffic Commissioner, Wales and West Midlands

Steven Salmon, Operations Director, Confederation of Passenger Transport UK

John Lyons, Group Safety Adviser, British Telecom, representing employer interests

Ross Chadwick, Safety Adviser, Power Gen UK plc, representing employer interests

Geoff Dunning, Road Haulage Association

Graham Stevenson, Transport & General Workers Union representing workers' interests

Tom Mellish, Policy Officer, TUC, representing workers' interests

Roger Bibbings, Occupational Safety Adviser, RoSPA

Robert Doughty, Chairman, the Despatch Association, representing motorcycle couriers

Don McIntyre, representing the interests of the freight transport sector

John Lepine, representing the Motorists' Forum

Alan Brown, Head of Road Safety, Scottish Executive

Meryl James, the National Assembly for Wales

Hugh Edwards, Vehicle Inspectorate

Mary Williams, Executive Director, Brake

Ron Munro, Zurich Commercial, representing the insurance industry

Di Rees, Leo Pharmaceuticals, representing the Association of Car Fleet Operators

Richard Clifton, Head of Transport Safety Division, HSE

Norman Swain, Head of Safety Unit, Field Operations Directorate, HSE

Roger Peal, Head of Road Safety Division, DETR

Angela Moss, Head of Road Haulage Division DETR, until 12/00, subsequently **Beth Ann Bostock**

Les Philpott, Safety Policy Directorate, HSE (Secretary)

NUMBERS OF AT-WORK ROAD TRAFFIC INCIDENTS

The Business Strategy Group were commissioned by HSE on behalf of the Task Group to “identify sources of statistics relating to at-work road traffic accidents and, thereby, to quantify the number and seriousness of these incidents and begin to identify the key factors that appear to be involved”. The summary below provides a picture of the extent of the problem. Further work continues to identify causation factors. When completed, a report of the findings will be published.

The sources used for the research were: a specially commissioned Police Survey, Fleet Insurance Claims, a study of accidents in Cambridgeshire, Fleet Risk Management data and Research Reports published by TRL and Academic Institutions. ONS data of road traffic deaths was analysed in detail but proved inconclusive with regard to the involvement of ‘at-work’ cars in fatal incidents where the ‘at-work’ driver was not killed. A vehicle’s involvement does not indicate any fault or responsibility.

Special Police Study – Results to date

A specially commissioned survey was undertaken in four police force areas – NE Metropolitan, North Wales (Eastern), Merseyside and Lothian & Borders (Edinburgh Division). These forces asked additional questions at road traffic incidents to establish whether anyone involved was at work. The survey is still underway. The results to date show that 30% of all serious/fatal incidents investigated involved at least one person ‘at-work’. In NE Metropolitan area, the three-month study period has been completed and 28% of all incidents involved someone ‘at-work’. The 79 incidents investigated included 24 fatalities of which 8 (33%) involved someone ‘at-work’. Two-thirds of the ‘at-work’ incidents involved heavy goods or smaller commercial vehicles. Cars ‘at-work’ were involved in 19% and motorcycles ‘at-work’ in 4%.

Fleet Insurance Claims

Confidential data was provided by a number of the leading fleet vehicle insurance companies. The data represented a sample in excess of 10% of all fleet vehicles, including cars, goods vehicles and others. The data was analysed to give a national estimate of ‘serious’ claims i.e. those taken to involve third party personal injury claims in excess of £10,000 and/or accidental damage in excess of £6,000. The results indicated an estimate of almost 12,000 serious incidents involving fleet cars ‘at-work’ each year and 3,000 serious incidents involving commercial vehicles.

These data underestimate the full extent of personal injury and accident damage as the insured driver is not covered for personal injury and claims do not include incidents where the fleet insured was not at fault.

Because of the different definitions involved, it is not possible to compare the estimates directly with the Road Accidents Great Britain national data for 1998 (the latest published data compiled by DETR), which shows a total of 44,255 road users killed or seriously injured.

The most significant finding was that ‘at-work’ incidents could be estimated to result in approximately 6,000 third party personal injury payments in excess of £10,000 per year. One fleet insurer provided data covering one year prior to and one year after driver training across 34 fleets including cars and commercials. The results showed a reduction in third party claims of over 60%.

Cambridgeshire County Council Study

Analysis of a questionnaire survey, undertaken by Transport Research Laboratories for Cambridgeshire County Council, of drivers involved in accidents on both single and dual carriageway ‘A’ roads, indicated that 24% of the drivers were at work at the time of the incident.

Fleet Risk Management

Data provided by one major fleet risk management specialist indicate that the average 0.65 claim rate per vehicle per year across a mix of all vehicle types. For delivery fleets, the claims rate per vehicle can rise to 1.2 per year. These figures are understated, as claims that fall below the excess are not reported. Risk management companies claim to achieve up to 70% reduction in claims through driver assessment, training, monitoring and changes to company culture.

Road Deaths ‘at-work’

The ONS database is compiled from Coroners’ returns. Detailed analysis was undertaken of the 3,003 road deaths in 1999 and 3,278 in 1994.

Coroners have the facility to code whether the deceased was ‘at-work’ at the time of the accident. These codings and their text descriptions showed that an average of 123 people per year (4% of the total number of traffic fatalities) died in traffic accidents while at work. 40% of these were in heavy goods and smaller commercial vehicles, 13% were on foot, 10% were in cars, 7% on motorcycles and 6% involved passenger-carrying vehicles (including taxis). The remaining 24% comprised farm, police, maintenance, recovery and other or unspecified vehicles.

Over the two years, 18 deaths ‘at-work’ were on motorcycles. This, however, is a small percentage (2%) of all motorcycle fatalities.

An attempt was made to identify whether other vehicles involved in fatal incidents had been ‘at-work’. This proved to be inconclusive as it was not possible to identify whether another ‘car’ involved had been at work at the time. 49% of all fatalities involved another vehicle, overwhelmingly a car, where it was not possible to identify whether that vehicle had been ‘at-work’. A further 15% of incidents had no text entries to identify whether or not any other vehicles had been involved.

It was, however, possible to identify the involvement of commercial vehicles and commercial passenger carrying vehicles in 85% of fatalities. It was found that an average of 716 fatalities per year (23% of all traffic fatalities) involved one or more commercial vehicles ‘at-work’ (heavy goods and smaller commercial vehicles, buses, coaches, taxis and other vehicles used solely for work purposes).

Clearly, the 23% above relates to commercial vehicle involvement only and is, therefore, a significant understatement of the ‘at-work’ total since cars are only represented if the occupant died ‘at-work’.

Road Usage ‘at-work’

The RAC estimates that there are 2,993,000 company fleet cars in the UK, across 719,920 companies. According to National Travel Survey (NTS), 16% of car miles driven are ‘at-work’. Company cars average 10,580 ‘at-work’ miles per year per car and self-employed business cars 7,250 ‘at-work’ miles per year. Approximately 50% of the annual mileage of company cars and self-employed owned cars is ‘at-work’.

According to Road Accidents Great Britain (RAGB), commercial vehicles (including LGV, HGV, Buses and Coaches) account for 17.3% of the total annual mileage of all motor vehicles. It is assumed that almost all of this mileage is ‘at-work’

Taken together, vehicles ‘at-work’ account for 30% of all miles driven on UK roads.

OUTLINE DRAFT 'GUIDANCE' FOR EMPLOYERS ON MANAGING AT WORK ROAD SAFETY

[principles in this document can be applied to all occupational road risk but separate guidance likely to be prepared for employees working on the road and for those driving/riding as part of their work [DN - should we provide an outline of these?]

INTRODUCTION

- explain what the guidance sets out to do, where it applies and where it doesn't; and
- that it is aimed at employers who employ workers who drive for all or part of their living or who work on or by roads.
- reference to the relationship with road traffic legislation & driver responsibility. Importance of putting prevention first;
- explain why employers should act: the business, moral and legal arguments; knock-on effect to safer driving in the round
- the application of health and safety law to the "apparently self-employed".

WHY EMPLOYERS SHOULD ACT

- legal duties on employers under HSW Act & the Management of Health and Safety at Work Regulations 1999 to take steps to prevent at work road traffic incidents. Clarifying the principles of workplace health and safety management to on-the-road work activities. The benefits to be gained for the business and the individual.

FINDING OUT IF YOU HAVE A PROBLEM

- list indicators that show there might be a problem for employers in the way in which they manage their on-the-road activities, eg insurance claims, sickness levels etc. The problem relates not merely to those on the road as an integral part of their work, but also for those who make the occasional at work road journey.

TAKING ACTION [supported by case studies against each of the actions below to illustrate good practice]

Involving employees

- importance of getting employees involved and committed when introducing new procedures relating to the management of road safety to raise awareness, involve, inform and instruct. The requirement to consult trade union safety reps eg about the findings of the risk assessment. Benefits accruing - understanding, commitment etc;

- need for employees to co-operate with employer's health and safety arrangements and to work safely.

Setting a policy

- need/importance of having a policy on the prevention of at work road traffic incidents, set in the context of the legal duty to prepare a health and safety policy statement and the conduct of risks assessment for all work activities. Should also cover the action to be taken when there is an incident;
- aligning the policy to other policies eg drugs and alcohol; and to road traffic legislation/Highway Code where appropriate including requirements relating to tachographs, drivers' hours
- set out the roles and responsibilities of directors, managers, supervisors and drivers and those working on the road to ensure this policy commitment becomes a reality.
- setting objectives and introducing performance standards for the company and individual; importance of managers setting an example.
- allocating resources.

Preventing incidents

- avoiding road journeys;
- planning and organising road journeys - length of journey, route, time of day etc;
- drive/rest regimes, inc drivers' hours;
- fatigue management;
- issues surrounding working on or by roads;

Pre-employment/pre-assignment checks

- driver's licence checks to ensure compliance with road traffic laws
- fitness to drive.

Training and competence issues

- ensuring employees are given sufficient instruction, information and training to work safely
- refresher training/driver improvement training
- competence issues surrounding working on or by roads

Vehicle selection and maintenance

- safety features/suitability for the task;
- maintenance eg lights, brakes etc, complying with roadworthiness requirements in the Highway Code;
- ergonomic issues.

Safe behaviour

- safe systems of work for reversing and other hazardous manoeuvres;
- dealing with breakdowns and other emergencies;
- securing loads, safe unloading and loading;
- carriage/tipping of loads;
- manual handling of loads;
- use of mobile phones;
- safe systems of work for working on or by roads.

Dealing with particular at risk groups eg lone drivers, inexperienced drivers, motorcyclists, bikes, emergency service vehicles

Learning from experience

- how to monitor, audit and review procedures for at-work road safety;
- keeping data eg insurance claims, accident records and damage reports
- using the information.

Responsibilities of employees

Summary of what employers should expect from employees eg on driving safely, carrying out basic maintenance, complying with RTA, being fit to drive, avoiding fatigue, not using mobile phones when driving, working safely on or by roads etc.

But guidance for worker drivers would be in a separate document.

REPLYING TO THIS DISCUSSION DOCUMENT

We would welcome your comments on all the issues raised in this Discussion Document, but we would particularly like you to answer the questions we ask. These are set out in the reply form on the next page, which you may find helpful to use when replying. Please attach additional pages if necessary. We will acknowledge responses and consider points made to us as we develop our recommendations.

Responses to this Discussion Document will be lodged in the Health and Safety Executive's Information Centres after the close of the discussion period, where they can be inspected by members of the public or be copied by them on payment of the appropriate fee to cover costs. Responses to this Discussion Document are invited on the basis that anyone submitting them agrees to their being dealt with in this way. Responses, or parts of them, will be withheld from the Information Centres only at the express request of the person making them. In such cases a note will be put in the index to the responses identifying those who have commented and have asked that their views, or part of them, be treated as confidential.

If you reply to this Discussion Document in a personal capacity, rather than as a postholder of an organisation, you should be aware that information you provide may constitute "personal data" in the terms of the Data Protection Act 1998. For the purposes of this Act, HSE is the "data controller" and will process the data for health, safety and environmental purposes. HSE may disclose the data to any person or organisation for the purposes for which it was collected, or where the Act allows disclosure. You have the right to ask for a copy of the data and to ask for inaccurate data to be corrected.

Please reply to:

Task Group Secretariat - Work-related Road Safety
Safety Policy Directorate, Division A2
Health and Safety Executive
5th Floor, South Wing
Rose Court
2 Southwark Bridge
London SE1 9HS
(tel: 020 7717 6841/6340/6059)
(fax:020 7717 6670)
(e-mail spd.work.roadsafety@hse.gsi.gov.uk)
(visit our website at <http://www.open.gov.uk/hse/road>)

We should like all replies to arrive **no later than 21 May 2001**.

If you are not satisfied with the way this consultation exercise has been conducted, please write to the Head of Safety Policy Directorate, Division A at the address above who will investigate your complaint and tell you what is being done about it. We aim to reply to all complaints within 10 working days. If you are not satisfied with the reply you receive, you can raise the matter with the Director General of HSE, Timothy Walker CB, at the same address. You can also write and ask your MP to take up your case with us or with Ministers. Your MP may also ask the independent Parliamentary Commissioner for Administration (the Ombudsman) to review your complaint.

**WORK-RELATED ROAD SAFETY TASK GROUP
DISCUSSION DOCUMENT**

Preventing At-work Road Traffic Incidents

Reply form

(Please type, or write in block capitals)

Name of organisation or individual

.....

Address.....

.....

.....

Postcode.....

Name of contact.....

Telephone.....

Email.....

If you are replying on behalf of an organisation, please say what it does

.....

.....

How many people does it employ?

If you are replying as an individual, what is your job?

<p>Question 1:</p> <p>Given the evidence, do you agree that action needs to be taken to reduce the incidence of at work road traffic incidents?</p>	Yes	
	No	
<p>If you agree, what action should be taken and why? If you don't agree, please say why.</p>		

Question 2: Do you think that health and safety management systems, if applied to at-work road risk, could reduce at-work road traffic incidents?	Yes	
	No	
If so, what practical suggestions can you offer on what should comprise such systems and why?		

Question 3: Do you think that there should be specific training and/or testing for occupational drivers/riders?	Yes	
	No	
Why? What form should this take and to whom should it apply?		

Question 4: Guidance or Code?

We have no fixed view about the preferred status of the core document: an HSE ACoP, guidance under the *Highway Code explained* series or HSE generic guidance. Which of the approaches do you think is the right one and why? Would different approaches work in different sectors?

If it is none of these what would you like to see happen?

Question 5:

Looking at annex 3, does it address all the issues you would like to see covered?

Yes

No

If not, what would you like to see omitted or included?

Question 6:

What suggestions do you have about how best to get employers, particularly those running very small businesses, and the self-employed to adopt good practice guidelines?

Question 7:

What arrangements for enforcement do you consider the best and why?

Question 10:

In your view how well does this Discussion Document represent the different policy issues involved in this matter?

- Very well
- Well
- Not well
- Poorly

Question 11:

Is there anything you particularly liked or disliked about this consultation exercise?

DISCUSSION DOCUMENT



The full text of this and other Discussion Documents can be viewed
and downloaded from the Health and Safety Executive web site on the internet:

www.hse.gov.uk/disdocs/

Discussion Documents are available from:

HSE Books, PO Box 1999
Sudbury, Suffolk CO10 2WA
Tel: 01787 881165
Fax: 01787 313995