

The business case for tackling at-work road risk

Reducing costs and legal exposure

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1. Why the issue cannot be deferred

There are two important reasons why employers cannot ignore or defer the issue of at-work driving risks.

Firstly, the law, in the Management of Health & Safety at Work 1999 Regulations, says all employers **must** carry out a risk assessment if any of their employees drive on business, whether it be in company or their own vehicles. Directors and managers of firms that don't do this run a real risk to themselves - of prosecution and the subsequent likelihood of heavy fines or even being sent to jail.

Secondly, accidents and incidents cost businesses a huge amount of money in repair bills, higher insurance premiums and lost working time. Dealing with the road risk issue will save your organisation time and money and increase its profits - at least 10% per year.

The law says you must have a comprehensive risk assessment for both your organisation and all employees that you know or believe to be driving 'at-work' either in company vehicles or using their own transport.

Cars - the deadly workplace

Recent changes mean that organisations are considerably more exposed to civil and criminal prosecution when their employees are involved in incidents while driving at work - even when the employee was not at fault or was driving in their own vehicle.

The steady replacement of manual work by office-based occupations means that for millions of workers, the most dangerous thing they do whilst at work is get behind the wheel of a vehicle.

In fact, while 400 people a year die in non-driving work-connected incidents, more than 1,000 people a year die 'at work' because of road-related incidents.

Those are just the bare statistics. Every work-related road death is a tragedy for the victim, their family and colleagues and society as a whole. And for every death, there are hundreds of injuries of varying severity to add to the physical, emotional and financial toll.

The Government has put at-work driving at the forefront of its efforts to reduce road deaths and injuries. The law now requires directors and managers to take specific steps to measure and deal with the risks their employees face when they drive on business.

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2. The changing legal framework

A key change affecting employers' exposure to legal action over at-work driving incidents was the publication by the Health and Safety Executive in 2003 of official guidelines on managing occupational road risk. These effectively require all employers to formally assess the level of road risk affecting all of their employees who drive 'at work', however infrequently.

Changes in the way the Police investigate road crashes mean that the nature of the journey - business or private - is always recorded so that appropriate action can be taken against the driver's employer if necessary.

At-work road accidents are not a specialised sub-set of 'normal' industrial accidents and injuries. As well as being more common, they actually expose employers to potential prosecution under more types of legislation, such as road traffic acts and construction and use regulations.

For instance, a director or manager of an organisation whose employee was involved in a fatal road crash while driving at-work could find themselves in court for aiding and abetting the offence of causing death by dangerous driving.

With current legislation and the imminent new law on Corporate Manslaughter looming, plus the rising cost of accidents in both human and financial terms, doing nothing about occupational road risk ceased to be a viable option some time ago.

What the law requires

All organisations whose employees drive at work need to do two things in order to be able to show, in the event of a work-related driving death or serious accident, that they have met the minimum expected standards under their Duty of Care for employees.

They must:

- Have a current risk assessment (i.e. one that is updated at least annually)
- Have a risk mitigation plan in place to address general and specific needs uncovered by the risk assessment
- If your organisation does not have both of these at the present time, it carries a significant risk exposure.
- The potential consequences are that in the event of a vehicle-related health and safety incident, both the Health & Safety Executive and the Police may pursue a prosecution against any or all of your organisation and its directors, management and staff

The laws that apply to this area include:

- Health and Safety at Work Act
- Management of Health & Safety at Work Regulations
- Provision and Use of Work Equipment Regulations
- Road Traffic Act
- Working Time Regulations

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3. Risk Assessment and Mitigation Benefits

Organisations that have worked with the legal and risk management specialists who developed this system have reported many beneficial results including:

- Road incident numbers reduced by at least 30% over 3 years
- Reduced severity of motor vehicle incidents
- Improved staff morale and accountability
- Increased profits thanks to more efficient and cost effective fleet operation

These organisations can also point to:

- Lives saved and personal injuries avoided
- Demonstrable commitment to the welfare of staff, customers and the general public
- Effective and auditable management processes that minimise occupational road risk

In short, if the worst should happen (which is of course less likely for such companies), they could confidently demonstrate that they had addressed all their health and safety obligations towards at-work drivers.

This would dramatically reduce the likelihood of the HSE or Police deciding to prosecute the organisation or its directors and managers.

4. Outcomes

- Comprehensive risk assessments for both your organisation and all employees that you know or believe to be driving 'at-work' either in company vehicles or using their own transport
- A tailored analysis of the responses to the risk assessment survey
- Detailed recommendations for compiling a risk mitigation plan for the organisation
- Realistic and achievable performance targets
- Monthly progress reports
- A full audit trail that exceeds HSE requirements
- A manual for directors and managers describing their roles and responsibilities in relation to occupational road risk
- An internal communication campaign plan for promoting awareness of occupational road risks
- Prioritised management action plans
- A plan for performance monitoring and improvement against targets for reducing occupational road risk

5. System summary

The system is unique in the thoroughness of its risk assessment process, the sophistication of its software engine (built by the UK's leading experts on road risk management and legal compliance), and the scope and quality of the tailored outputs it produces to allow users to take control of their particular occupational road risk issues.

Drivers securely enter personal responses from any internet-connected computer while you, as administrator of your system account, compile and update the organisational risk assessment with access to driver details (including which employees have failed to complete their assessments).

Benefits

Eliminate the fear of non-compliance and all its ramifications.

The system delivers the audit trail required by the law, insurance companies and the HSE, while monthly updates allow you to track progress and decide on the key issues.

Track all at-work driving by employees

Allows you to track and monitor everyone who drives on company business, both in their own vehicle and in company vehicles.

Save time and cut costs

This is a complete solution, with assessment, mitigation planning and regular follow-ups. It delivers an Action Plan geared to performance improvement, including a return on investment model. Future annual assessments are faster and can easily be accommodated within a busy schedule.

Performance Improvement

The fully detailed action plans enable you to set priorities and measure progress forward.

Direct Control

Take control of your own destiny using tools on your desktop to prepare effectively for internal audit reviews.

6. Protect your organisation

The business case for tackling road risk is undeniable. With a new law on corporate manslaughter currently going through Parliament and the Department for Transport preparing a specific focus on employer responsibility for at-work driving safety, every organisation needs to put in place robust, recorded, assessment and mitigation policies.

To get the costs of the complete solution for all at-work driving risks (an annual licence for an unlimited number of drivers costs less than hiring a typical midrange car for a week) please go to the [Contact Us](#) page.