

UPTWOSPEED INFORMATION SHEET – DRIVING AT WORK

The New Corporate Manslaughter Bill

This new legislation takes effect on 6 April 2008. Under the act employers have a 'Duty of Care' to ensure the safety of their employees whilst driving for work purposes. This is additional to your current responsibilities under The Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. Additional duties are placed on you in the Road Traffic Acts and the Road Vehicle Construction and Use Regulations.

Those who drive at work are already in the 'High Risk' category. Every week 200 road deaths and serious injuries involve someone at work. Business drivers have collision rates that are 30 – 40% higher than the private motorist.

The legislation means that it will now be easier to prosecute medium and large organisations for manslaughter following a work related death. This means that prosecutors will not need to single out the individual director or senior manager. Senior Managers and Directors will now be more accountable following any fatal work related collision.

Employers must ensure risk assessments are carried out for their drivers. The results of these risk assessments need to be recorded. The risk assessment should be followed by measures to minimise and control the risk to your drivers and other road users.

These risk assessments and training can also assist your company in other ways. Reduced absence from work, lower fuel costs, lower maintenance costs and lower insurance costs.

This is an on-going process and should be continual assessed. It should also include 'Accident Management' procedures to assess all collisions, convictions and incidents your drivers are involved in. This should not only consider their driving for business purposes but also their private driving.

In the event of a work related death, the focus will be on the way your company activities are organised. It will look at the senior managers, those who have a responsibility for making decisions or the about the organisation of the company, to establish if:

- These have caused the fatality
- They amount to a gross breach of a 'Duty of Care'

In the event of a conviction a court may impose any of the following:-

- A 'Remedial Order' to take steps to prevent a similar breach and ensure Health and Safety policies and procedures are in place.
- A 'Publicity Order' which requires the organisation to publicise the conviction.
- An unlimited fine based on profitability and company turnover.

To protect yourself from prosecution you need to demonstrate that your Health and Safety procedures are in line with existing legislation. Work Related Road Safety should be incorporated within these policies and procedures.

Should you wish to assess how your current policy and procedures cover the Work Related Road Safety of your drivers, visit the following web link: <http://www.hse.gov.uk/pubns/indg382.pdf>