

Royal Society for the Prevention of Accidents
Prioritising Work Related Road Safety
‘Twenty four arguments for increased action
by the Health and Safety Commission and Executive’

A. Background

Working together with over 100 other organisations in the Occupational Road Safety Alliance (ORSA) (visit www.orsa.org.uk) RoSPA is continuing its campaign to ensure that occupational road risk is addressed by employers and regulators as a mainstream health and safety at work issue. In September 2003, in light of the report of the Government’s independent Work Related Road Safety (WRRS) Task Group (Dykes Report) the Health and Safety Executive (HSE) and the Department for Transport (DfT) published new guidance for employers entitled, ‘*Driving at Work*’ (<http://www.hse.gov.uk/pubns/indg382.pdf>). The Health and Safety Commission (HSC) have followed up their ‘*Revitalising Health and Safety*’ (RHS) programme launched in 2000 by elaborating a new strategy (<http://www.hse.gov.uk/aboutus/hsc/strategy.htm>) indicating the HSC/E’s overall approach to improving workplace health and safety in Great Britain to 2010 and beyond.

B. RoSPA’s position

RoSPA has strongly welcomed the strategy but is nevertheless concerned that it contains no reference to WRRS. RoSPA is also very concerned that the new HSE/DfT guidance contains a statement as follows:

“...HSC’s enforcement policy statement recognises the need to prioritise investigation and enforcement action. Current priorities, as set out in HSC’s Strategic plan, do not include work-related road safety....”

RoSPA believes that, notwithstanding their need to work in partnership with other agencies and ‘key players’, HSC/E should:

- accept that managing occupational road risk (MORR) is mainstream health and safety;
- urge all employers to address this issue within their health and safety management systems as a clear priority;
- amend the Reporting of Injuries Diseases and Dangerous Occurrences Regulations (RIDDOR) to require injuries in work related road accidents to be reported to enforcing authorities and recorded;
- increase HSE staff resources devoted to WRRS;
- facilitate greater benchmarking and sharing of case study information on MORR, for example via the HSE’s WRRS web pages;
- focus on on-road as well as site transport safety during inspectors visits to workplaces;
- in this context, issue enforcement notices where necessary;
- deal with complaints by workers on WRRS issues;
- in partnership with the Police and where appropriate, investigate work-related road crashes and, if necessary, take high profile prosecutions;
- lead the WRRS/MORR research agenda; and

- take a lead within Government as an exemplary employer in relation to the management of occupational road risk faced by its own staff.

C. HSC/E's position

In summary HSC/E have sought to justify their stance on WRRS on the grounds that:

- in deciding where best to place their finite resources, they should be less proactive in those areas that they believe are appropriately regulated by others;
- in this context, they believe that road safety at work should be regulated by the police; and that
- there is still insufficient evidence concerning the prevalence, causation and 'preventability' of work related road crashes by employers to justify HSE becoming more involved. In particular they still remain to be convinced about the extent to which work related road crashes are due to health and safety risk management failure by employers.

D. Twenty four arguments in favour of making WRRS an HSC/E priority

The rest of this paper sets out a series of arguments which, inter alia, address these points and which, taken together, underpin the case for HSC/E to prioritise action on lines suggested above.

Scale of Harm

1) Work related road accidents are the **biggest cause** of work related accidental death (with up to 20 people on average likely to be dying in work related road crashes every week compared with less than 7 fatalities notifiable under RIDDOR).

Risk levels

2) **Levels of occupational risk** to workers who drive as part of their job are relatively high. Millions of workers who have to drive as part of their job are required to cover much greater mileage than they would otherwise drive in a purely private capacity and they are thereby **exposed to significant additional risk**. (At annual mileages above 25, 000 miles levels of risk of fatal injury are equivalent to those faced by workers in HSC/E priority, high hazard sectors such as construction or quarrying).

Employer influence

3) The suggestion that the prevention of road accidents while at work is not really part of occupational health and safety is ill founded and ignores the numerous points at which **employers can both exacerbate and ameliorate levels of risk** faced (and created for others) by their employees while at work on the road. For example, employers can adversely impact risk by requiring employees to drive too far, too fast (incentives to speed etc), on unsafe routes, under unsafe conditions (e.g. adverse weather), in unsafe (or inappropriate) vehicles, when stressed, tired or untrained (e.g. for unfamiliar vehicles), when using mobile phones while driving and generally by having a poor health and safety culture that promotes unsafe driving attitudes. Conversely they can reduce risk levels by reducing exposure wherever possible (for example,

promoting ‘meeting without moving’), having clear policies on speed, safe journey planning, safer vehicles, mobile phone use (‘No mobile while mobile!’), putting in place suitable driver assessment and training, taking action to combat driver fatigue and generally by having clear corporate policies on WRRS which are led by personal example by senior and line managers.

‘Changing world of work’

4) In an increasingly service based economy WRRS is clearly part of the **‘changing world of work’** in which the workforce is becoming ever more ‘road mobile’, with the majority of workers now expected to travel by road at some point during their work. There are also **clear links between driving and musculo-skeletal disorders and stress** (which, as the two biggest causes of absence related to ill-health caused or made worse by work, are clear HSE priorities).

Road mobile workers are part of the itinerant workforce

5) WRRS is yet another dimension of an increasingly itinerant workforce. HSE accept that employers have responsibility for ensuring, so far as is reasonably practicable, the health and safety of their employees (and others who may be affected by their activities) **when the latter are at work outside** the boundary of premises which they own or control.

Preventive/precautionary approach

6) While there are still many unmet research needs in relation to prevalence, causation and ‘preventability’ of work related road accidents, the existing UK and international evidence base points clearly to the need for HSC/E to adopt a **preventive and precautionary approach**. Demanding too high a level of evidence before taking action risks regulatory ‘paralysis by analysis’.

Building H&S culture

7) Because travelling by road is such a common risk experience, a risk management approach by employers to promoting **WRRS is an excellent health and safety culture ‘builder’** and can be used to: reinforce and extend management and workforce commitment to health and safety generally; develop positive attitudes to ‘sensible safety’ (a current Government and HSC/E preoccupation); and to influence employees’ driving attitudes and behaviours outside work.

The safety, business and social cases for action

8) There is major scope for **safety gain and for cost savings** to employers in the private, voluntary and public sectors, as well as the National Health Service (NHS) and local and central government, particularly since road traffic injuries (both at work and in other circumstances) are likely to be a **bigger cause of lost work days** than all other occupational accidents and lead to many victims having to give up work altogether, often becoming **socially excluded**.

Congestion and the environment

9) Reductions in unnecessary work related travel by road for safety reasons (for example, by encouraging modal shift and ‘meeting without moving’) can also contribute to **reduction in traffic congestion and environmental impact**.

Growing political and public support

10) There is clear and **growing political and wider public support** (including a strong consensus between the social partners) for the idea of making work related road safety (WRRS) part of health and safety at work. This was evidenced, for example, in responses to the **Dykes consultation** in the HSC’s consultation exercise on their strategy up to 2010 and beyond and in the recent consultation on **amending RIDDOR**. It has also been a feature of the recent report into the work of HSC/E by the House of Commons **Work and Pensions Select Committee** and the recent report of the **Motorist’s Forum** on work related road safety. The growing membership of ORSA, which now includes many significant and influential organisations, also testifies to the high level of support which exists for making WRRS part of the occupational health and safety mainstream.

Health and safety law applies

11) While road traffic law obviously places duties on all road users, where people are on the road while at work **health and safety (H&S) law also applies** and, in this context, key duties placed on employers by the Management of Health and Safety at Work (MHSW) Regulations have particular relevance (especially risk assessment, risk avoidance, training and monitoring).

WRRS not included in the HSC/E’s priorities debate

12) Originally WRRS was not part of the RHS consultation exercise which pre-dated the Dykes Group and thus it remained **excluded from the RHS accident reduction targets** (but arguably only because work related road injuries have not been reportable under RIDDOR). Not only are levels of harm and risk clearly much greater than other HSE priorities but HSE’s insistence on a high evidence level before taking action has not been required as a pre-condition for its other priority areas, including areas such a rehabilitation which arguably are outside HSE’s main remit.

The need for joined-up government

13) The issue is one that clearly demands **‘joined-up Government’**, particularly since promotion of WRRS by HSE and Local Authorities (LAs) could make a significant contribution to meeting the Government’s **road casualty reduction targets and its injury reduction objectives in the context of public health**. HSE, DWP, DfT and DH all need to be aligned.

Awareness raising and partnership

14) The immediate need is to **focus on raising awareness** among employers and intermediaries and in this context HSC/E can develop a cost effective approach through **partnership working**, for example, with members of ORSA.

HSE/LA's enforcement role is still needed

15) There is a clear case however for an **HSE enforcement role**, for example, where inspection by HSE and/or LAs - or investigation in collaboration with the Police in the aftermath of work related crashes - reveals that employers may have given totally unsafe driving tasks to their employees.

Enforcement by the police alone is not enough

16) Although police officers enforce road traffic law on the road, a) this addresses, in the main, the **behaviour of individual road users** and not the risk management duties of employers that are contained in the Health and Safety at Work (HSW) Act and the MHSW Regulations, b) it will **not be part of their normal remit** or training to adopt a proactive approach with employers, for example by visiting workplaces to review risk management arrangements, and c) it is unlikely that they will be able to respond effectively to **complaints by employees** on WRRS issues.

'Foot letter' out of date

17) In this respect there is a **need to revisit the 1974 'Foot letter'** (separating enforcement responsibilities between safety law enforcers) which is out of date and was drafted before the introduction of the MHSW Regulations and the subsequent approaches to 'joined up government'.

The parallel with violence at work

18) Further, there is **clear parallel with violence at work** which at one time was considered to be a matter for the criminal law alone but which has since been understood to be a reasonably foreseeable risk in the context of the duties of care contained in the HSW Act.

Likely burdens over-estimated

19) The anticipated **additional burdens** placed on HSE's field resources are not likely to be as great as might be suggested, particularly if clear criteria are developed with the police about the circumstances in which HSE become involved following work related road crashes and HSE limit decisions to **prosecute to the worst cases** in which successful prosecution would be most likely to have a powerful, exemplary effect.

Building the link with site transport safety

20) Promoting a risk management approach by employers to WRRS would also help to **support HSE's priority theme work on site transport safety**. Indeed a focus on management arrangements for ensuring safety while at work on the road could be 'marbled into' inspectors' visits and could help employers to take an overview of their road transport operations as a whole.

'Walking (driving?) the talk'

21) Since ministers expect HSC/E, both as an H&S regulator and a Government employer to be **'walking the talk'** by being visibly committed to demonstrating exemplary standards when managing their own health and safety (including managing occupational road risk faced by their own staff), **it will seem bizarre** if HSC/E are not seen to be expecting a comparable approach by all other employers.

Possible legal challenges

22) In the light of recent some judicial reviews, HSE/LAs could face **legal challenges** if they refuse to enforce in particular cases where employers have failed to prevent injuries or control unacceptable risk occurring on the public highway in an at-work context.

International developments

23) The United Kingdom needs to be **abreast of international developments**, particularly in Europe and to learn from successful approaches being adopted towards WRRS in other countries.

Threats to HSC/E's corporate reputation

24) HSC/E will face a major **threat to their corporate reputation and credibility** if they fail to address WRRS as a matter of growing public concern, particularly since levels of risk, harm and loss associated with at-work road accidents are substantially greater than in other sectors that are clearly regarded by HSC/E as priorities, including railways. Indeed, as many higher performing employers are embracing action on WRRS as their lead priority in occupational safety, HSE risk losing credibility if they are not able to reflect this in their conversations with employers about priorities. Employers and regulators need a shared sense of priorities in the safety at work field.

E. Looking forward

Responding to the WRRS agenda poses clear challenges for HSC/E (and in the longer run will not be possible without additional resources). In the short to medium term however the above arguments suggest that neither the Commission nor the Executive can continue to maintain their previous policy position on this issue based on the 'Foot letter' – which, in any case, with the passage of time needs revisiting. HSC and E need to accept that WRRS must be made a priority in the evolving '2010 and beyond' strategy while at the same time working with others to focus on raising awareness and using the coming period to get to grips with some of the more challenging aspects of this very important issue.

The immediate task must be to work towards a new set of WRRS management standards, building on the general advice contained in INDG382.

RoSPA has urged successive DWP and DfT Ministers to reconsider Dyke's recommendation (which was rejected by HSC) that the WRRSTG, or a similar body, be reconvened to review progress to date, to exchange information and to advise on what can be done to promote and monitor further action in this area. Although the function of information exchange has to some extent been fulfilled by ORSA, an advisory grouping is still needed to help to sustain and co-ordinate work between key players on WRRS. There could be merit in 'nesting' this sort of body, within DfT, perhaps as an advisory group to the Minister's Road Safety Advisory Panel. Such an arrangement would place WRRS closer to other key elements in the overall UK road safety strategy while at the same time providing a meeting point for the main enforcement bodies, the HSE and the Police and other interested partners, such as the Driving Standards Agency, the Driver and Vehicle Licensing Agency, the Transport

Research Laboratory and so on. Linkages in this area - not only between official agencies but other key players – are quite complex and, in RoSPA’s view, would benefit from a ‘round table’ approach to focus attention and to match the considerable enthusiasm for the WRRS agenda which continues to develop in both the occupational and road safety communities.

F. Conclusion

Further information can be obtained by calling me on 0121 248 2095 or Emailing me at rbibbings@rospa.com .

Roger Bibbings

Occupational Safety Adviser

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