

Politics and all that stuff!



Working time legislation. The work schedules of all employees who drive either full-time or as part of their job will go under the microscope to ensure they meet the tough requirements of the new Road Transport (Working Time) Directive, that came into effect on 23 March 2005.

“White van man” is, in particular, being targeted by the government with the new legislation specifically aimed at “mobile workers” who were previously exempt from the European Commission-inspired Working Time Directive. The Government’s definition of “mobile workers” includes van, minibuses and PSV drivers, but could be interpreted also as including chauffeurs and high mileage company car drivers, according to legal experts. In announcing the legislation, the government said it believes that driver work-related stress levels will reduce and road safety is likely to improve as a result of the move to control the number of hours driven by “mobile workers”.

The Directive is, effectively, an addition to the EC 1998 Working Time Regulations under which employees should not work more than 48 hours per week when averaged over 17 weeks. Workers must also have daily rest breaks of 11 consecutive hours in any 24-hour period and weekly rest periods of 24 consecutive hours in any seven-day period. Referring to the introduction of the Road Transport (Working Time) Directive, Roads Minister David Jamieson was reported to say: *“These regulations will provide drivers with clear guidance on working conditions and provide them with the level of protection enjoyed by employees in other sectors, without imposing an unfair burden upon employers. Drivers will benefit from lower work-related stress levels and we expect to see road safety benefits for both drivers and other road users”.*

This legislation will bring benefits to all those who work in the industry as well as making the industry more attractive to new recruits. VOSA (Vehicle and Operator Services Agency), the renamed Vehicle Inspectorate, will be responsible for enforcing the new regulations that, the government reports, will be chiefly in response to complaints they receive from employees.

Under the Regulations, an employer has a duty of care to keep records that show, for each worker, whether the 48-hour limit is being complied with. The employer must also retain those records for two years. It may also be necessary to introduce a timesheet system on which employees can record their working, travelling and driving hours. VOSA inspectors, as the prosecuting authority, are expected to require examinations of employee records in terms of hours drivers work, and companies putting drivers at risk could face court action. Although the level of penalties have yet to be released, the likelihood is that the larger the company, the bigger the fine.

However, the Government says VOSA’s aim will be to “educate rather than prosecute”. The Department for Transport and Health and Safety Executive’s Driving at Work: Managing Work-Related Road Safety document published 15 months ago highlighted the importance of route planning, realistic work schedules, allowing enough time to complete journeys safely and ensuring drivers are not put at risk from fatigue by driving excessive distances without appropriate breaks. By managing such issues and thus reducing work-related road accidents, companies will be able to improve their image and staff recruitment and retention, increase efficiencies, improve productivity through reduced sick leave and give employees a better home and work life balance.

