

OHS peer reviewed papers

Taking an OHS-led approach to work-related road safety: Research, policy and practice

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Abstract

This paper reviews the extent to which the vehicle is classed as part of the workplace in Australia in occupational health and safety (OHS) research, policy and practice. It focuses on published research from Australia and overseas. It concludes that although the vehicle can be seen as part of the workplace, it is rarely managed or enforced in this way. Despite this, it is argued that the extent of the work-related road safety risks means that adopting an OHS-led approach can bring many potential benefits to work-related road safety.

Keywords

Work-related road safety, Occupational health and safety, Fleet safety

Introduction

The Australasian Fleet Managers Association *Safer motoring guide* [1] stated that any organisation-supplied vehicle is considered a workplace for occupational health and safety (OHS) purposes and as such is subject to all health and safety legislation. This means that, so far as is reasonably practicable, organisations are required to ensure the health and safety of all employees while at work and not to impact negatively on the general public.

Despite this, in our day-to-day research and practice on work-related road safety, we are frequently asked questions along the following lines: Are our vehicles classed as part of the workplace under occupational health and safety regulations? Should our health and safety team focus on managing road risks as part of their day-to-day priorities? What regulations and enforcement are we likely to face? Should we treat all our people – including commercial and car drivers – the same or differently? Thus, this paper provides some international comparisons of the extent to which the vehicle is perceived as part of the workplace under OHS regulations and aims to:

- review OHS and worker road safety policy responses in Australia and in selected jurisdictions around the world
- understand the potential to apply OHS-led approaches to work-related road safety
- identify some lessons and next steps for research, policy and practice.

Review of the current situation in Australia

According to Driscoll et al. [2], motor vehicle-related deaths accounted for 31% of all work-related deaths in Australia, increasing significantly if commuting is included [3, 4]. Queensland-specific data showed that approximately a quarter of road fatalities involve people at work, and upwards of 50% of occupational fatalities involve vehicles [4]. Many of these involve heavy trucks, which are relatively heavily regulated in Australia through road transport, fatigue management and chain of responsibility requirements, initiated in part due to such initiatives as the Quinlan enquiry in New South Wales [4].

At the policy level, light vehicles, including cars and smaller commercial vehicles, remain relatively unregulated, with Stuckey et al. [5] suggesting that as many as 40% of Australian work vehicle crash-related fatalities are not identified by OHS nor workers compensation surveillance systems, as they are operated by small organisations or sole traders. Due to the scale of the worker and road safety risks identified, a great deal of research, guidance and good practice has originated in Australia, described and in some cases critiqued by Staysafe [6], Haworth et al. [3], Murray et al. [4], Stuckey et al. [7,8], Pratt et al. [9], Pope [10], AfMA [1] and Murray et al. [11].

At the Staysafe36 conference hosted in Sydney [6], several speakers discussed the potential of OHS as a framework for improving work-related road safety policy and practice in Australia. Following on from this, Haworth et al. [3] reviewed the OHS legal perspective in relation to fleet in some detail, concluding that under Australian OHS legislation, vehicles can be considered to be workplaces on public roads. Their research identified that there is a requirement to ensure that vehicles and the ways in which they are used provide, so far as practicable, a working environment that is safe and without risks to health.

Haworth et al. [3] concluded, however, that work-related road safety is often neglected in practice, as it is not clearly seen as the responsibility of fleet management or OHS groups within organisations. They used the OHS legislation in Victoria to show the considerable opportunity for promotion of best practice injury prevention measures, suggesting, however, a lack of attention to specifically targeting vehicle and driver safety in the occupational setting.

They also identified that at that time, no investigations of employers in relation to the operation of car fleets had ever been undertaken by WorkCover Victoria [3]. Typically for road

crashes, WorkCover only becomes involved if notified by the police or coroner, which occasionally happens with truck crashes but had never happened with fleet car crashes [3]. Based on more recent work undertaken by Murray et al. [11], this is typical of many other jurisdictions around the world, where truck safety is heavily regulated, but light vehicle safety less so.

Further developing the findings of Haworth et al. [3], Murray et al. [4] described a wide range of OHS-led initiatives in Australia, where each state and territory has a principal OHS Act, setting out requirements for ensuring that workplaces are safe and healthy. They identified that employers, employees and contractors have a duty to do everything 'reasonably practicable' to protect the health and safety of people in the workplace. Vehicles are considered as part of the workplace in all jurisdictions around Australia, and people who drive in the course of their employment form the majority of drivers on the road on any given work day and a disproportionate number of vehicle-related workers compensation claims are made.

In this context, organisations operating vehicles have a 'duty of care' to provide a safe and healthy workplace, with minimal risk to health – covering risk factors such as safe vehicles, information, work instructions and training. The employee must co-operate with the employer to meet health, safety and welfare requirements. They concluded, however, that in practice, vehicle safety rarely appears to be managed as an OHS issue and has not been strongly enforced at the policy level. They also identified that relevant surveillance data is often unavailable or fragmented between the agencies for compulsory third party insurance, road safety and OHS.

Despite this, Murray et al. [4] identified several good practice case studies that have adopted an OHS-led approach to work-related road safety in Australia, and summarised all the existing research and practice into an OHS risk assessment-led model for reviewing and improving work-related road safety in organisations. The Roche Australia case [12] provides a good peer reviewed example of the potential of such a risk assessment approach, the full evolution and application of which was described by Murray et al. [11].

Stuckey and LaMontagne [7] reviewed insurance data on the extent of the work-related driving risk in light vehicles such as cars and vans. They focused on policy, legislation, work patterns (including the growth of contingent workers using private vehicles that fall outside of the current workers compensation), motor accident insurance and public health surveillance systems.

They concluded that at the policy level, OHS legislation varies between states and territories in Australia, leading to poor OHS surveillance data on the full extent of the problem. They recommended changes to OHS regulations across Australian jurisdictions to better address light vehicle safety. Particularly, there is an increased likelihood of related OHS regulatory or policy failure in multi-employer supply chains, where OHS legislation focusing on employees in large enterprises, fragmented OHS reporting and poor access to workers compensation are particular problems.

Stuckey and LaMontagne [7] went on to suggest that in OHS law, workplaces, including vehicles, are recognized under statutory 'general duties of care', regardless of employment arrangements or locations. If employees are required to drive as part of their work, the employer's OHS duties apply. In practice, however, OHS policy and practice rarely explicitly address driving for work – particularly in light vehicles. For this reason they recommended that OHS practice should take into account all at-work drivers, regardless of their work and vehicle-ownership arrangements.

According to Stuckey and LaMontagne [7], this includes employers providing a safe vehicle and ensuring that their employees are fit to drive and appropriately licensed. They also argued that self-employed workers are responsible and obligated for their own risk management under the OHS and Road Safety Acts, but fall outside of OHS preventive legislation and have no access to workers compensation if injured.

Finally, they suggested that to improve data collection and direct policy development, standardized surveillance systems are required. Such systems should report all at-work collisions – covering relevant vehicle, journey and work-arrangement information, which should be shared across all data-collecting and OHS regulatory agencies. Such data would be of value for research, policy and practice.

Further research by Stuckey et al. [8] focused on the remote work environment of drivers, typically away from direct supervision and support. They argued that vehicle safety standards for light commercial vehicles are often substandard to those for cars and that light vehicle users are not subjected to the regulatory regimes imposed on heavy vehicle users. They also identified that in Australia, relevant data is fragmented between state transport authorities, OHS/workers compensation agencies, compulsory third party (CTP) insurers, vehicle insurers and the fleets themselves.

These findings were supported by Pratt et al. [9]. Without the ability to integrate all such relevant surveillance data, the full extent and impact of the risks cannot be identified and project evaluation is highly complex. This analysis was used as the starting point to integrate traditional OHS and wider approaches into a model framework for developing policy, guidance and intervention research. This focused on the workers, their work environment and the wider societal context in which they drive for work. Mooren et al. [13] also advocated a similar health and safety systems-based approach as a model for fleet safety in Australia.

State level policy and guidance-based responses in Australia

Several states in Australia have identified the extent of the work-related road safety risk and developed responses, often in the form of policy, guidance and demonstration projects based on the government's own fleet. Many such projects, including the Queensland Transport self audit for fleets and the Fleetsafe project undertaken by the Southern Sydney Regional

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Organisation of Councils (SSROC) project, were described by Murray et al. [4].

Typically, many of the state-level initiatives have been guidance based. As an example, research by Pope [10], working in Western Australian government, identified a lack of integration between OHS and road safety legislation. He cited previous research to suggest that integrating a fleet safety management system into an OHS framework can reduce the risk of injury, death and costs, and protect organisations in relation to OHS regulations.

Pope's research fed into a Fleet Safety Resource Kit [14]. This contained model policies based on best practice, to assist local government and business organisations in adopting fleet safety policies. Other recent examples have included WorkSafe Victoria [15], Transport Accident Commission Victoria [16] and Workplace Road Safety Western Australia [17].

These are promising guidance documents. To date, however, they do not appear to have been widely publicised, few appear to have been evaluated, there is typically only fledgling inter-agency cooperation and, in many cases, very limited and rarely integrated surveillance data. This is in-part because the relationship between OHS, road safety, compulsory third party insurance, public health, fleet management and occupational driving safety is fragmented, meaning that none of these groups focus enough attention on work-related road safety until a trigger event fatality or major incident occurs, and even then the courts rarely apply OHS regulations to fleet safety. This means that many organisations operating vehicles or requiring their people to drive for work often remain unconvinced of the need to identify, assess and control their road safety risks.

Overseas comparisons

Similar issues and initiatives around the world are described by Murray et al. [11] and Pratt [18], particularly relating to Europe, New Zealand and the USA. In Europe [19] there is increasing discussion on 'vehicles as a place of work' and the interpretation of the Health and Safety Framework Directive 89/391/EEC, for example, in Sweden [20] and the UK [21]. In the UK, and despite only minimal enforcement activity, the Health and Safety Executive (HSE)/Department for Transport (DfT) *Driving at work* document has become a minimum benchmark standard for organisations to work to. It sets out clear management requirements for risk-assessed and documented safe systems of work for vehicles, drivers, journeys, sites and processes.

Organisations that have embraced such an approach (e.g., see [22, 23]) have obtained many positive safety and other outcomes. The Swedish Work Environment Authority [20] has determined that the roadway is part of the work environment and that employers bear responsibility for minimizing road risk for employees, regardless of the ownership of the vehicle. It advocates developing a road safety policy, focusing on the safe

organisation of work, travel planning, risk assessment, sample policy, monitoring, vehicle safety, journey management, private and hire car use on business, outcomes measurement, follow-up and improvement. Sweden is also leading the way in the development of ISO standard 39001 on Road Traffic Safety Management, which has an occupational health and safety theme. In Finland, the fleet safety research and case studies published by Salminen [24] have also been developed and led from an OHS perspective.

In New Zealand the vehicle is acknowledged as part of the workplace under its inter-agency *Your safe driving policy* document, which recommends that once an organisation has created a safe driving policy, it should be incorporated into overall health and safety policy to ensure all staff know about it [11]. Ongoing collaboration between the OHS, transport and workers compensation agencies in New Zealand is further developing this initiative, including updating the *Your safe driving policy*, providing better risk data and self-audit tools for fleet operators and government agencies leading by example in the proactive risk management of their own driver safety.

In the US, the occupational risks of vehicle operation have been incorporated into research, voluntary initiatives, guidance documents and advisory committees [18]. The National Institute for Occupational Safety and Health (NIOSH) publishes guidance documents related to occupational road safety, interacts with national and global stakeholders, initiates or supports research, and convened the first international conference on Occupational Road Safety during 2009 [18]. US presidents have used executive orders to influence the driving behaviour of federal workers. During the Clinton administration, an executive order required the use of seat belts by federal employees while on official business. Recently, the Obama administration has focused on managing driver distractions – for example, prohibiting employees from using mobile phones to call or send text messages while driving on federal business.

Conclusions and opportunities for research, policy and practice

From the above review it appears that, despite the data, policy and regulation being fragmented, driving to and at work is a significant occupational risk in Australia, the vehicle can be classed as part of the workplace, and some states have acknowledged this and developed good practice guidance documents as a policy response. To date, however, there appears to have been very limited enforcement of OHS regulations in relation to work-related driving.

This suggests that at the policy level there may be some potential for OHS and other agencies, such as transport, to undertake more collaboration, data capture and linkage, leadership, enforcement and evaluation on work-related road safety. There is also some potential for work-related road safety researchers, policy makers and practitioners to engage with the

OHS community more closely. Based on the available statistics, there is no doubt that work-related road safety can be an opportunity for the OHS community to make a significant impact on worker safety. To date, however, it has rarely been seen as part of their core brief, and typically is not covered in their professional qualifications.

For researchers, there is an opportunity to review and compare the existing OHS and related data collection, regulations, guidance and enforcement around all the Australian states and federally. There is also an opportunity to focus more research attention on the extent to which organisations have managed work-related road safety as an OHS issue to date, and the outcomes from any program evaluation or successful OHS-led case studies such as Roche Australia [12] or overseas examples such as Wolseley [23], the Finnish electricity project [24] and others described in the Driving for Better Business program [22].

In relation to practice, there may be opportunities for organisations requiring their people to travel to encourage their fleet management and OHS specialists to work collaboratively on road safety initiatives. The beginning point for such collaboration is a work-related road safety gap analysis (see, for example, [11] and [23]) or initial status review [4], developing a sustainable business case and the formation of a cross-organisation fleet or work-related road safety steering group [23].

Despite the gaps identified in policy, surveillance, data collection, enforcement and evaluation, OHS offers an opportunity for further research, policy and practice in relation to work-related road safety in Australia and beyond. Even if surveillance, regulation and enforcement levels are varied, the OHS-led guidance documents [1, 10, 14-17, 20, 21], frameworks [4], systems [8, 11, 13], processes [3] and good practice cases [12, 22-24] identified provide the potential for organisations to review, understand and cut the frequency and costs of their work-related travel safety risks. Taking an OHS-led approach to work-related road safety also hints at the potential opportunity for closer collaboration, learning and actions between researchers, policy makers and practitioners in Australia – for example, to further apply, review and evaluate the existing approaches described throughout this paper.

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