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Health & Safety Laboratory

**Management Standards for Workplace
Transport: HSE Staff Consultation**

HSL/2006/49

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ACKNOWLEDGEMENTS

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EXECUTIVE SUMMARY

AIM

The Health & Safety Executive (HSE) has been directed by the Health & Safety Commission (HSC) to consider non-regulatory alternatives to Regulation 9 of the Provision and Use of Work Equipment Regulations (PUWER), which refer to training requirements. HSE are conscious of the subjective nature of the word 'adequate' used in Regulation 9 of PUWER, which has been perceived as open to interpretation by dutyholders.

To address this issue, HSE are exploring the potential for implementation of Workplace Transport (WT) Management Standards for industry. This involves actively working with partners within HSE and industry to develop clear and agreed generic standards of good management practice for a range of Workplace Transport topics.

The Health and Safety Laboratory (HSL) were commissioned by HSE to engage HSE personnel through focus groups to discuss their perceptions of the utility of introducing Workplace Transport Management Standards.

OBJECTIVES

The objectives of the project were as follows:

1. To conduct a series of five focused discussion groups with experienced HSE staff from a range of operational and sector groups.

2. To explore Inspectors' views in relation to seven proposed topic areas to be covered in the Workplace Transport Management Standards:
   - Fitness to drive;
   - Risk assessment/management responsibilities;
   - Driver competence;
   - Training;
   - Workplace layout;
   - Information provision;
   - Involvement and guidance.

3. To conduct a thematic analysis of the qualitative data arising from the focus groups to examine the key issues emerging in relation to the introduction of Workplace Transport Management Standards.

4. To produce a written report detailing the findings from these focus groups to allow comparison with findings from previously conducted industry stakeholder focus groups.

MAIN FINDINGS

1. There was a general questioning of the need for Workplace Transport Management Standards. However, the majority of suggested topic areas were deemed sensible.

2. Existing HSE guidance on the various WT topics were considered adequate and in some areas very useful. However, the participants suggested a need for more good practice examples and case studies.

3. It would be helpful to provide additional information on how to implement the standards and provide links to a range of supporting tools (e.g. sector and vehicle specific good practice guidance).

4. Some participants highlighted a more pressing need for increased inspection and / or incentives (financial), as a means of influencing industry behaviour, rather than additional guidance.

5. The limited resources of SMEs and the self-employed, in terms of finance and workers, were deemed a barrier to the uptake of Standards.

6. In light of the increasing focus on WT issues, it was felt that HSE needs to communicate more efficiently and systematically its approach to assessing, advising, controlling and enforcing compliance on the management of WT risks.

7. Participants identified a need to encourage increased worker representation and involvement in workplace transport management.

8. Some participants recommended that HSE should consider undertaking a comprehensive review of the range of current research relevant to aspects of WT. This will allow HSE to gain an overview and evidence base in order to inform the proposed standards.

RECOMMENDATIONS

Given the limited sample of the Inspectorate involved in the current project, there exists scope for further work exploring the issues identified with other HSE staff. For example, a survey-based approach to gain insight into a broader range of opinion relating to issues identified in the focus groups may be of benefit.

1   INTRODUCTION

1.1   BACKGROUND

Workplace Transport (WT) is defined as "any vehicle or piece of mobile equipment that is used in a work setting" although it specifically excludes transport on the public highway, air, rail or water transport, and specialised transport used in underground mining (HSE, 2005a). Workplace Transport is one of the Health & Safety Commission's (HSC) top Priority Programmes because it is the second biggest killer in the workplace. Each year workplace transport accidents cost the nation approximately £540 million. There is also an additional cost to industry through loss of personnel, increased insurance premiums, court appearances and fines, bad publicity and so on. On average, annually there are around 70 fatalities related to WT (in 2003/04, 57% were 'struck by a vehicle' and 7% were 'falls from vehicles'). Around 2000 people are seriously injured in WT-related accidents every year (in 2003/04, 43% were 'struck bys', and 43% were falls from vehicles). The number of minor injuries, i.e. over-3-day[1] has almost doubled in the last 3 years. All industry sectors are affected.

In February 2004, the Health & Safety Executive (HSE) presented proposals to the HSC seeking a change in law to make training for WT compulsory. This resulted in Commission Paper HSC/03/128, "Action arising from the HSC Discussion Document: Preventing workplace transport accidents" dated 10 February 2004. HSE are conscious of the subjective nature of the word 'adequate' in Regulation 9 of the Provision and Use of Work Equipment Regulations, 1998 (PUWER 98), which refer to training requirements, as this was perceived to be open to interpretation by dutyholders. HSC acknowledged the importance of training but asked HSE to consider a non-regulatory approach.

Further research commissioned by HSE has revealed that although training is essential to provide the individual with the necessary skills, the way in which individuals choose to perform a task is more likely to be influenced by attitudes and beliefs. The Workplace Transport Priority Programme team believes that this means that a way of changing the culture within organisations is required. To address this issue, HSE began exploring the potential for implementation of Workplace Transport Management Standards for industry to adopt. This involves actively working with partners within HSE and industry to develop clear and agreed generic standards of good management practice for a range of Workplace Transport topics (see Chatten, 2005). In March 2005, HSC gave HSE permission to undertake extensive consultation involving stakeholders and interest groups across industry – the first step on the road to Workplace Transport Management Standards.

Standards are intended to be about cooperation between HSE and industry. HSE need to establish a safety culture and hope to do this by setting a minimum benchmark that every industry believes it can work towards. The standards are aimed at both management and employees, such as drivers and operators.

To summarise, HSE are exploring the potential for implementation of WT Management Standards. This involves working with partners to develop seven clear generic standards of good management practice. This HSL support project aims to input into the HSE project by

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[1] *Accident figures are compiled by the Health and Safety Executive (HSE) under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR, 1995). Under RIDDOR, all fatalities, major injuries and over-3-day injuries related to work activities must be reported to HSE.*

engaging HSE personnel to discuss their perceptions of the utility of introducing Workplace Transport Management Standards through a series of focus groups.

It is intended that the outcomes of this study will be used to:
- Produce a Commission paper recommending options for taking the work forward, and;
- Inform the second phase of the project involving the development of Workplace Transport Management Standards.

1.2 OBJECTIVES

The aim of the project was to collect views from HSE personnel on a number of Workplace Transport Management standards proposed for discussion by HSE's Workplace Transport Priority Programme team. Specifically, the objectives of the project were as follows:

1. To conduct a series of five focused discussion groups with experienced HSE staff from a range of operational and sector groups.

2. To explore Inspectors' views in relation to seven proposed topic areas to be covered in the proposed Workplace Transport Management Standards:
   - Fitness to drive;
   - Risk assessment and management responsibilities;
   - Driver competence;
   - Training;
   - Workplace layout;
   - Information provision;
   - Involvement and guidance.

3. To conduct a thematic analysis of the qualitative data arising from the focus groups to examine the key issues emerging in relation to the introduction of Workplace Transport Management Standards.

4. To produce a written report detailing the findings from these focus groups to allow comparison with findings from previously conducted industry stakeholder focus groups.

2   METHOD

2.1   CONTENT OF THE FOCUS GROUP DISCUSSION PROTOCOL

Five focused group discussions were conducted during December 2005 with experienced HSE staff from a diverse range of areas of expertise and backgrounds. The aim of the groups was to explore HSE personnel's views on the proposed introduction of workplace transport management standards, in particular:

- What management standards should be developed?
- What level of detail is needed for these standards?
- What type of workplace standards would have most impact on operators / drivers?
- How different business sectors and business sizes differ (according to each topic)?
- How these differences can be taken into account in the workplace standards?

A primary strength of focused discussion groups is that they represent an informative and cost effective means of gaining a detailed insight into salient issues relevant to the topic(s) of interest (Morgan, 1997). They are particularly useful in identifying noteworthy issues and potentially play a valuable role in the generation of hypotheses that can be tested at a later stage, i.e. they can help to rationalise thinking on how to go about exploring complex issues, by reducing the number of variables which need to be considered.

A set of open-ended questions were developed, to ensure elicitation of comprehensive responses from the participants regarding seven workplace transport topics identified by HSE's WT Priority Programme team as potential areas for management standards to be introduced. This question set was based on a topic guide used in previous industry stakeholder focus groups conducted by TRL, a research consultancy, although minor changes were made to reflect the experience of the participants involved. Appendix A contains the full set of questions employed during each discussion. This achieved consistency across the stakeholder and regulator focus groups and allowed for comparability of the two sets of results.

The topics covered were:
- Fitness to drive;
- Risk assessment/management responsibilities;
- Driver competence;
- Training;
- Workplace layout;
- Information provision;
- Involvement and guidance.

2.2   THE SAMPLE

The Workplace Transport Priority Programme team recruited focus group participants on behalf of HSL. A total of 32 participants took part in the five focus groups: 28 of these were from HSE and the other four participants were from Local Authorities (LAs).

Each group included individuals from a range of geographical locations, and experience from a variety of sectors and sizes of organisation. Twenty-three of the participants were HSE Inspectors from specific sectors including Hazardous Installations Directorate (HID); Manufacturing; Health services; Construction; Agriculture, Food; and Forestry. The Strategy

Communications group, Transport sector, Operational group and Services group were represented by the remaining five HSE participants.

Each focus group lasted for approximately two hours, and was attended by a HSL facilitator to introduce the discussion questions and probe issues raised, and a HSL note taker to maintain a written record of each discussion. Discussions were audio taped with permission of those present to maintain a record of each discussion. Individual participants have not been identified in connection with the findings.

2.3   DATA ANALYSIS

Verbatim transcripts from each group discussion were produced. The audiotape recordings were supplemented with the written account of discussions to identify the contribution of individual speakers to the discussion.

The transcripts were appraised using the thematic analysis technique, used as the basis for identifying the key themes and issues that emerged within each group. Specifically, text was considered with reference to a coding frame that reflected the constituent facets of the seven topics discussed.

3   RESULTS

DISCUSSION OF FOCUS GROUP FINDINGS

The main findings from the focus groups are listed according to each topic covered.

Note: although there is a considerable degree of overlap between a number of the topics under consideration, in order to increase the transparency, findings are discussed as if they were discrete entities. Similarly, the order in which topics are discussed reflects the format of the focus group protocol, and in <u>no sense</u> reflect either the author's or respondent's views on their primacy.

3.1   GENERAL COMMENTS ON THE PROPOSAL OF STANDARDS

A number of participants believed that the existing Workplace Transport guidance is adequate, and did not understand the need for further standards as the laws are already stated. It was felt that HSE have enough regulations to be able to use effectively, but rather lack the resources to enforce them. In contrast, others thought that HSE needed greater clarity on the issue of driver training.

Some participants commented that WT information would benefit from being located in a more interactive and more user-friendly website, similar to those currently available for 'slips and trips', 'hand arm vibration', and 'noise' (Please note that the HSE WT website has since been updated).

Participants from Group 3 thought that HSE already has lots of existing guidance on transport issues, and that a checklist may perhaps encourage employers to be more proactive. The checklists in HSG65[2] were considered as a good starting point for WT risk assessments. Many participants preferred to continue to apply the principles of HSG65, than produce extra standards that some thought were basically "*over-egging the pudding*" (Participant from Group 1). They argued that standards would not be the way of tackling the problems faced. On the other hand, using the currently devised system of expressing risks in terms of 'Safe driver, Safe vehicle and Safe site' was considered to have real value as it is easily understandable and each aspect can be developed.

Participants from Group 4 said that small businesses often want a stock answer from HSE: "*People ... will come to you and [say] you tell me what it is [you want me to do] and I will do it. It [guidance] is sort of a middle way of actually doing that.*"

Participants from Group 1 commented that standards imply complexity, which inspectors would not like. They thought it would be reasonable to rewrite and repackage WT guidance in terms of "*this is what you could possibly do*", and then this would be helpful for inspectors. Furthermore, any guidance would need to give examples, for example, of what makes a site adequate, but not provide a concrete stipulation of 'this is exactly what you have to do'.

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[2] The HSG65 (1997) booklet summarises the key messages of successful health and safety management as well as providing guidance on: planning for health and safety; accident and incident investigation; and health and safety auditing. It demonstrates that any safety management system must consider all aspects of the system, that is, the organisation, the people, and the tasks they are required to perform.

Group 3 asked for any standard produced to be firm in general principals yet applicable to any situation. "*It has got to have flexibility within that firmness.*" For example, the standards should be appropriate to both a large motor company or a small car repair outlet.

One inspector in Group 3 cautioned that there is a danger when producing new material - that it is misapplied or not used for its intended purpose, thus is unlikely to achieve its original purpose:

"*The dangers of standards are [that] you bring them in for one purpose and in two or three years you have forgotten what the original purpose is and that standard becomes a tablet of stone. It would have to take on a life of its own and a status of its own. People forget the original purpose of the thing and why it was written.*"

3.2 FITNESS TO DRIVE

The questions discussed within the focussed discussion groups were:
- Should an employee lose the right to drive at work, if he has lost his driving licence e.g. dangerous driving or driving when over the legal alcohol limit outside the workplace or had his licence suspended on medical grounds by DVLA?
- Should people with medical fitness problems (physical and mental) be allowed to drive on the worksite (particularly relevant for self-employed)?
- If a person is advised not to drive on the road, e.g. because of prescribed medication for depression with adverse side effects for driving, should they be allowed to drive under this medication at work?

3.2.1 Medical grounds

All the groups discussed the necessity of medical screening to ensure medical fitness to drive. The overriding conclusion was that these are difficult issues for HSE to effectively offer input upon:

"*It is not really HSE's place to provide medical standards and make that decision in black and white terms. This is at the extreme of what HSE might do; it is really for the medical profession to decide.*" (Participant from Group 1).

As a result, Group 1 commented that any standard produced regarding 'fitness to drive' would likely end up being quite general, basically referring the employee to a doctor for screening.

Group 1 suggested that HSE needed to look at this issue from the perspective of "*has there been any problem up to now in defining whether somebody is medically fit to drive is?*" They questioned the rationale behind the production of the 'fitness-to-drive' standards:

"*Do we have information to suggest people are having big medical problems whilst driving at work that are causing lots of accidents; its all very well producing lots of materials, but will this have any real effect. … Unless accident statistics show otherwise, I think the generality of standards that exist are fine.*"

It was felt that there is lack of utility in making detailed medical information available to the average employer or even inspector, as this is likely to confuse the situation. "*Is it really worth doing more on these issues, do we need to do any more [than the DVLA guide]*". Group 1

questioned the value of very deep analysis, beyond saying that vehicle operators "*shouldn't drink.*"

Participants from Group 2 suggested that the standards needed to be of appropriate content to ensure that suitable and sufficient action is taken by dutyholders. This will avoid making them so flexible that they are meaningless or so rigid that they end up being overly prescriptive. In contrast, a participant in Group 3 commented that they were not too sure whether HSE should produce the standards being proposed:

"*I am not quite sure what this is going to add compared with the guidance that is already out there, such as the [various] HSG booklets on fitness to drive.*"

All the groups discussed how difficult it was to make blanket statements regarding which conditions may or not affect a person's ability to drive. For example, there are a huge range of prescription and non-prescription drugs which may have varying effects on ability to drive. Group 5 thought that the duty should be on the employees to declare anything that might adversely affect their ability to operate vehicles or machinery. However, they acknowledged that privacy issues would come into play if employees actually reveal personal information that may impact at work. However, they believed it could be argued that it is reasonable for employees to recognise that some conditions might make it difficult for them to operate machinery; and reasonable for employers to ask the question about pre-existing conditions.

Conversely, Group 2 commented that ensuring competence to drive should be the responsibility of the employer:

"*It is up to management to work this out, not the person driving the vehicle. Employers ought to review the right to drive of someone when they become aware that they are unfit to drive on the road.*"

All groups noted that HSE should be careful about stipulating standards in certain contentious areas, such as where the driver has an amputated limb. In this instance, any standard would have to be line with the Discrimination Act. According to this Act, there is a responsibility to ensure the vehicle is modified to suit the driver, rather than prohibiting use of the vehicle for that person.

3.2.2   Drugs & Alcohol

Specific issues regarding the longevity of measurable levels of cannabis residue were highlighted, as this remains detectable for weeks but will not necessarily have any impact on ability to drive. Participants from Groups 2, 3 and 4 talked about certain industries where random testing is used and is part of the workplace culture. It was considered that it is up to the employer to decide whether they want random drugs testing as part of their management policy.

Participants in Groups 3, 4 and 5 commented that being banned for drink driving on the roads does not actually mean you are unfit and incapable of driving on the worksite. In addition, to extend the ban to the workplace could deprive someone of his or her livelihood. Thus, Group 1 stated that it is immoral to stop people from doing their work because of something they have done outside of work, and as such, questioned whether this ethical issue was one in which HSE should involve itself: "*Again this is another messy difficult issue to get involved in, [it is] possibly more pain than gain.*"

3.2.3 Potential to use DVLA fitness levels as standards

Participants were asked if they were aware of the fitness levels required by the Drivers' Medical Unit of the Driver Vehicle Licensing Agency (DVLA), and whether these could also be used as a standard for workplace transport.

When considering eyesight, Group 4 participants suggested that the DVLA eyesight tests for driving on the road might not be adequate for some types of work involving specialist vehicles. It was felt that although the DVLA standards are a good starting point, certain industries in high-risk areas might perhaps benefit from increased standards regarding eyesight requirements. For example, there is a specific eyesight requirement within the Docks Regulations for driving vehicles. However, some participants questioned whether HSE was sufficiently resourced to take on responsibility for deciding fitness to drive on the basis of eyesight, given that this requirement is currently fulfilled acceptably by the DVLA.

There was some debate as regards the impact of lack of fitness to drive on public highways on fitness to drive in a workplace setting. To illustrate, some participants in Groups 3, 4 and 5 felt these were mutually exclusive, in that if the DVLA says someone is unfit to drive for medical reasons, then HSE and the employers should respect this position: *"If they are unfit for the road you just say right well they are unfit to drive on my site."* (Participant from Group 4).

However, in contradiction, others felt: *"Where as you may not be fit to drive on a main road, that doesn't necessarily mean that you might not be fit enough to drive a forklift truck."* (Participant from Group 3).

3.2.4 Driving Hours & Risk Assessment

Following the question on the topic guide: 'If you drive to and from work should these hours be included in your driving hours or not?' Group 4 participants discussed whether these hours should be included in an operators working hours or not. They noted that civil liberty issues have been raised already regarding whether employers have a right to actually even ask about time spent driving to work. They felt that it must come down to an individual person's responsibility. Group 3 said that they would like to see a referral system on the number of hours spent driving rather than any guidelines. Groups 2 and 3 thought that a risk assessment approach seemed to be the best way of assessing the dangers from workers spending too many hours driving.

The topic of fitness to drive led all the groups to discuss the importance of adequate risk assessments. Group 2 argued that employers have got to assess fitness to do the work, discover what the problems are, and whether an employee is going to be fit to do the job. However the issue of employees under-reporting relevant issues, both medical and personal, to their employers was noted by Group 2.

3.3 DRIVER COMPETENCE

3.3.1 Standards of the Road Traffic Act

When asked whether the standard of the Road Traffic Act (RTA) should apply to the workplace, participants from Group 1 felt that there was only limited applicability:

"Standards in relation to drink driving might be appropriate for workplace, but that is all that is appropriate from RTA".

In response, other participants in Group 1 thought HSE should follow the alcohol testing criteria applied by the Road Traffic Act (RTA) for regular highway transport. Similarly, as regards drug testing, it was felt that the testing policy and standards applied for public highway transport would also be suitable for workplace transport as well:*"[We should] follow [existing standards] here, rather than lead."*

Participants in Group 3 felt that any changes in the law would be difficult to organise, and in terms of practicality, almost impossible to enforce:

"What about somebody ... who has caused a serious accident on site because of being ... under the influence of [drink or] drugs ... on the road they would have lost their licence. Should it be transferred the other way rather than the road traffic act coming on site?"

Furthermore, participants in Group 2 could not see how HSE could enforce the RTA standards in the workplace. As an alternative, it was felt that management could impose their own monitoring system. For example, if management observed an employee driving erratically, they could be sent for retraining.

All groups had trouble understanding the exact remit of the proposed standards, indicating that it is difficult to know where Road Traffic Act (RTA) stops and where these standards begin. This has implications regarding criteria for the involvement of other bodies, such as the police. Group 3 discussed the differences between RTA and HSE legislation and wondered how HSE could apply the RTA. They commented that the RTA applies only to the driver, whereas HSE legislation applies to both the person operating the workshop plant, and also to the employer to make sure that person is competent and capable of operating that particular piece of equipment.

Group 3 thought it best to stick to the adequate training requirement as set out in the PUWER regulations rather than introduce an extra requirement to hold vehicle specific driving licenses. They suggested that the standards of the Road Traffic Act already apply to the workplace setting in a sense. The general public sometimes have access to sites, such as school parking, so therefore the Road Traffic Act applies.

"I have prosecuted drivers on work sites for driving in a manner that was inappropriate. ...So the law exists to do something about it already. ...You would have to say they are in breach of Section 7 if there were over the [drink driving] limit."

Section 7 of the Health and Safety at Work Act 1974 (HSWA) states that it is the duty of an employee to take reasonable care while at work. Group 5 also mentioned Section 7, as it covered employee competence and responsibilities, which they regarded as relevant to the topic of 'Driver Competence'. Participants in Group 4 commented that dangerous driving or drink driving laws apply at the workplace, as the health and safety at work act applies which also operates in a similar fashion to Section 7. Therefore, they also concluded that HSE have already got an act that applies at the workplace, so they did not think it is necessary for the Road Traffic Act to apply.

3.3.2 Possession of a valid driving licence

In response to the topic guide question: 'Should operators/drivers possess a valid driving licence to drive on the worksite?' participants in Group 3 commented that possession of a licence to

drive a normal road vehicle does not necessarily equip anyone to the level required to drive a specific workplace transport vehicle in the workplace. This was thought to be due to the differences in vehicle controls, sizes and types of hazards faced at different sites. Group 5 thought it would be quite sensible to have an equivalent and additional standard to operate a specific WT vehicle round the site.

It was felt by Group 1 that a normal car-driving license could not be used as an accurate means of assessing driving skills required to use Workplace Transport vehicles. It was argued that the skills required are not at all comparable and a car-driving license would be totally inappropriate to assess driver competence for WT. It was felt that although the level of competence per se may be about the same as a road license, there is an additional need to understand the specific vehicle and operating environment:

"The bar isn't necessarily higher, but it's not necessarily in the same place."

Participants from Group 2 stated that there are many issues to consider when assessing driving at a workplace and that it is necessary to look at categories of the plant that are being operated on site rather than just focusing on vehicle driving licences. Group 3 acknowledged that competency is a tricky issue to assess, given the range of different types of workplace vehicles available.

"To suggest that you need a driving licence to be able to drive on site, there isn't a link to competence there. The fact that you have got a driving licence doesn't mean to say that you are competent to drive any site vehicle and vice versa."

"The valid driving licence to drive on the work site implies a very big regime with everything that goes with it. You are talking about huge cost implications."

Group 5 noted that there appears to be a discrepancy between the legal requirements of driving on the road and the legal requirements to operate machinery: *"You can operate farm machinery [from a young age] but you can't get a driving licence until you are 17."*

3.3.3   Passport Schemes / Specific Licence Schemes

It was agreed that an operative driving a forklift truck (FLT), tractor or dumper truck needs to be trained up properly on that particular vehicle and possibly even on the particular site where the vehicle will be used, if possible. As such, Group 2 thought that some sort of vehicle specific licence system may be useful. They questioned how an employer determines competencies of their employees to drive a particular vehicle. It was argued that an employer should send their staff for proper training for that vehicle and get an appropriate certificate.

Some participants in Group 3 asked for a minimum level of competence to be set for Heavy Goods Vehicles (HGV) reversing with trailer units. They suggested that although HSE could set out the guidance, it should be up to the employers to ensure competence relevant to driving activities.

Participants in Group 4 went on to say that those issues that covered the proposed standard of 'Driver Competence' should be covered as part of risk management. They did however, feel that training was important and asked for a specific requirement for the proposed standards to set out the appropriate level of competence: *"Standards have got to bring in monitoring of the driver competence."*

Group 4 participants highlighted further problems inherent in introducing any passport scheme. They argued that different companies often operate within the same industrial estate, but have no control over who is driving on site. It would also be difficult to demonstrate a driver's competence and stop him from coming onto site.

The existing standards set in the construction industry scheme were discussed. Here, there are a number of widely accepted standards in the industry, well established training courses (some accredited by the Construction Industry Training Board (CITB)), and industry specific licensing for different types of vehicles. The scheme is often referred to outside construction because it is well established. People often use it for other industrial sites because it is some sort of standard that they can work with. Similarly, UK airports have got their own well-developed and accepted airside driving code, which stipulates specific levels of training.

Some respondents questioned the utility of passport schemes in all situations:

"*Where people are going from site to site, it is useful to be able to have a passport to demonstrate their competence. If people are just employed by one person, and stay on one site all of the time, do they need this passport? The employer has got to make a judgement of competence regarding whether they actually need something formal that they can take off site.*" (Participant from Group 4)

Participants from Group 4 stated that employers often accept FLT certificates at face value, when in actuality they should really ask the driver to demonstrate their competency. Having a certificate does not necessarily equate to competence to drive in a range of trucks and working environments. Here, the benefit of thorough training was underscored.

The issue of transfer of driving responsibility for vehicles where unlicensed operatives are required to move vehicles was raised in Groups 2 and 4. For example, this occurs in distribution depots where HGV drivers park their trailer onsite, but then personnel without licenses from the site move the trailers onto the loading bays.

3.3.4 Use of Mobile Phones

The use of mobile phones was thought to be an area that HSE could look at, according to participants in Group 2. Phones are often used by pedestrians on construction sites, in warehousing and docks. Staff are even expected to look at their screens on radiocoms, this may make them more vulnerable to walking in front of a vehicle. Even use of hands free equipment could be an area for concern. Therefore, drivers need to be aware of pedestrian behaviour.

3.3.5 Agriculture sector

Specific issues related to the nature of the agricultural industry were raised for consideration by Group 4. They commented on the difference between a self-employed person putting themselves at risk compared to airports or the docks were the risk is to other people. One participant wondered if the lack of benchmarking in agriculture had increased the risks in the sector. This led on to discussion about the difference between being 'legal to drive' (i.e. private 'farm' land) and 'fit to drive'. Participants in Group 3 argued that the WT management standards being proposed could not be easily applied to agriculture as the industry is self-regulated. As such, any standards are going to have a disproportionate impact on small businesses like farms.

3.4 TRAINING

3.4.1 Ideas for the proposed Standard

The need for a clear distinction between the terms "training" and "competence" was noted, as these terms were felt not to be synonymous.

Participants felt that on completion of training, there needs to be some assessment of competence to determine whether the trainee is capable of operating that vehicle safely. Any standard or guidance produced would need to cover both issues.

It was believed, by some participants across all the groups, that the obligation should be on the employer to get the driver up to speed. Employers also need to take into account the environment in which the vehicle is being operated.

Group 5 argued that in general they thought that the clearer the standard, the easier it would be for inspectors to do their job. They felt that a clearer line on the issue of in-house training was required, as at present it could be interpreted in different ways. In addition, they suggested that the guidance should state that the training must also cover: basic vehicle operation, control, safety features, and what to do in an emergency.

It was expressed by Group 3 that HSE should be firmer and clearer about what training means, how it should be carried out, and with what frequency. The length of training will vary on the individual involved so it was important not to be prescriptive about course length. They commented that at the moment if somebody gets a forklift truck driver's certificate, it lasts for life. Group 1 agreed that there are some areas that do need clarification but strongly suggested that this should be either left to the inspector's judgement or alternately it should be written in black and white across the board.

The exact scope of the standard was a point of discussion:

"*Because of the range of vehicles, we can only provide generic guidance and then actually let industry develop their own more specific standards. I think it would be quite difficult for HSE to actually do this for every single type of vehicle around.*" (Participant from Group 2).

"*You [HSE] certainly ought to be pushing the trade associations into agreeing standards or adopting standards.*" (Participant from Group 2).

A company should assess a driver's competency, but the company should not need them to attend a training course or possess a certificate. This followed with a discussion about supervision and the supervisor's level of competence. It was felt necessary to ensure proof of competence of the person administering the training.

"*You must be able to show your trainer is competent. …Whoever trains any person on a fork lift truck or similar vehicle should be an accredited trainer.*" (Participant from Group 5).

Participants stated that driver training should also involve an awareness programme of hazards relating to workplace layout, pedestrians and other people operating onsite. Furthermore, Group 2 remarked on the importance of having a system in place for checking vehicle maintenance.

3.4.2 Need for Refresher Training and/or Monitoring

The monitoring of training provision was considered an important issue by participants from Group 4, who argued that training courses often only teach people how to pass the test:

"*A driving license [means] you reach a certain standard, [but it] doesn't mean you are competent*".

Some participants called for greater clarity on refresher training, and asked for a list of accredited competent trainers, covered by a registered body to be available on the HSE website. It was suggested by one participant that there appeared to be a limited knowledge of the requirements in this area, and they were only aware of refresher training being mentioned in the 'fork lift truck guidance' but not elsewhere. Thus, a standard to highlight the need for refresher training would be useful.

However, in contrast others perceived that effective active monitoring was the best way of assessing behaviour, and as a consequence compulsory refresher training may not always be necessary. Instead, flexibility within the standard was considered to be key, especially so to not burden smaller businesses with extra costs.

3.4.3 Impact on Small businesses

Participants in Group 2 pointed out that to expect an employer to only use people who have been trained in accordance with specified standards, and to have had site and job specific training may not be unreasonable, but it is probably unrealistic to expect a small company to apply all these standards. In contrast, other participants thought that HSE should be firmer with small businesses and insist on externally verified competence cards to operate machinery.

"*The small business should then make sure the person is capable of using whatever it is on their premises. That is where we have got to firm up*." (Participant from Group 3).

Group 2 proposed that there may potentially be extra cost to businesses if a new standard required additional certification to be introduced:

"*The only trouble that I can see with making everyone comply to this national standard of assessment is that of course there is going to be some cost implication. Perhaps, the government could offer some incentive to get everybody up to a particular standard.*"

3.4.4 Training Schemes

Group 5 approached the topic of training by highlighting the positive benefits of the construction industry's certification scheme i.e. CSCS cards. It was deemed to work well in this instance because of the strong presence of the Construction Industry Training Board (CITB). In general, large sized businesses were considered to have better workplace training programmes than small sized businesses. Group 4 remarked on the airports standards and the docks passport scheme, which include driver training as examples of good practice.

3.4.5 Variability of training provision

The training provision currently available for workplace transport was thought to be variable. For example, some participants thought that for forklift trucks and certain other vehicles there is mandatory training, whilst not for other vehicles (in fact FLT training is only covered by the requirements of PUWER 98 regulation 9 which relate to the basic training of operators of rider-operated lift trucks). Participants in Groups 2 and 3 thought that the forklift truck guidance was reasonably comprehensive and a good model that could be usefully extended elsewhere. Participants from Group 3 wondered if transferable, recognised qualifications for different vehicles might be the best way to go, because employers would then not need to reassess training of drivers when recruiting; they would simply have to look at ongoing competencies.

3.4.6 Specificity of training to different worksites

Participants in Group 4 believed that there is probably quite a vast difference between levels of training provided, especially for forklift trucks. Some training courses will issue a certificate after teaching standard manoeuvres, but this is often without any practical relevance to the actual environment of work or to the activities being undertaken. As a result, the individual may not necessarily be competently trained to do their job. The certificate to drive forklift trucks may be limited in its application as the driver is trained in one place but later may move location to where the site 'geography' is different. As an example, a participant from Group 3 talked about the following incident:

"*We had an incident in the module yard up on [Town] who wanted a crane driver. The guy turns up, with a crane driver certificate and licence issued by British Steel, we tried him on a crawler crane, he operated that and then went on to a telescopic and turned it over. When we went to speak to him, although he had got crane driver class whatever, that was a British Steel coding, but in fact it was for a travelling crane. He had never driven a crawler or a telescopic crane before.*"

Group 2 also thought HSE could emphasise the requirement for training to be tailored to what drivers do on site to ensure that a driver is competent to drive not only a particular vehicle but also competent to drive on a particular site. In relation to training, Group 4 questioned whether there is particular standard industry training for the reversing of articulated lorries / HGVs. Inspectors knew to encourage HGV drivers to put closed-circuit television (CCTV) on the back of vehicles to assist with reversing, but wondered if the drivers were then getting any training to help them get the best out of the CCTV.

Group 4 discussed the signalling standard across the transport industry. Although there are British Standards, European Standards, and internationally accepted signals, there is no one single set of signals. This was considered to be potentially critical because serious accidents have occurred at sites with multi-national workers, such as the docks, due to the confusion. Communication between drivers and banksmen was also discussed, with similar issues relating to variability in hand signals used being highlighted. It was also noted that HSE ought to be discouraging banksmen in general, due to risks inherent in this practice.

3.5 INFORMATION PROVISION

3.5.1 Necessary Components of WT Information System

Onsite information provision was considered to be an area where HSE could be clearer about what they expect of dutyholders. However, participants in Groups 2 and 5 thought that guidance relating to information provision was already written into Management Regulations (the Management of Health and Safety at Work Regulations 1999 (MHSW)) and HSG136[3].

For example, it was felt that new arrivals on site ought to be provided with a plan detailing key information such as the speed limit, one-way systems and reversing areas. Some participants stated that HSE need to do more to help management identify what the relevant information is and how it is best presented. Participants from all five focus groups thought the best way to present this information was through a combination of different measures. For example, the provision of a laminated map / card, in conjunction with a verbal briefing from onsite staff who possess a thorough understanding of the risks.

"*When someone is coming on site they need to be verbally told because if they are just given a piece of paper, they are not going to read it and they won't pay attention to it.*" (Participant from Group 2).

Participants in Groups 4 and 5 suggested that information should also be presented pictorially, and with colour coding where appropriate, as many overseas drivers may not speak good English. Also, visiting drivers should know and be provided with the site rules before they arrive on site. The information people are provided with should depend on findings from the sites workplace transport risk assessments.

Group 1 highlighted the importance of having an onsite staff member explain any written information provided to unfamiliar drivers arriving onsite. In addition, they stated that it is necessary to monitor this information provision to ensure it is conveyed properly; and also that inappropriate 'visitor driver' behaviour is controlled.

It was acknowledged by some participants in Group 3 that any instructions provided should be simple and easy to understand, in order to ensure it is read and adhered to:

"*After an 8 hour drive down the motorway the last thing you are going to do is pull in and spend 10 minutes reading the rules, so they need to be very short otherwise they just won't read it.*"

Respondents from Group 3 discussed the importance of clear, recognisable signage on the actual road layout:

"*But what is more important is if the road system and the markings ... are immediately recognisable to everybody ... So [the information] are the usual rules that you are used to obeying when you are driving vehicles.*"

In summary, as Group 2 put it, any information provided needs to be 'fit for purpose'. It is also important that information is updated to reflect changes to the worksite, and then communicated effectively to relevant personnel.

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[3] *The HS(G)136 (1997) booklet summarises the key messages of successful health and safety management for Workplace Transport.*

It was commented that bigger sites often have quite well developed traffic management systems, with a useful plan and set of rules, commonly displayed in the gatehouse. In this respect, the participants felt information provision was suitable.

3.5.2 Information Provision for 'New' and 'Visiting' staff

All the groups discussed the need for different approaches to information provision for 'new' staff and 'visiting' staff, although it was considered that the information would most likely be the same. However, it is necessary to provide information proportionate to the risks present on site:

"*These are things you need to think about, rather than prescribing 'this is what you have to do.*" (Participant from Group 1).

Some participants felt that it would be useful to provide best practice examples on 'Information Provision', although this must be done carefully to ensure they are of relevance to as many dutyholders as is possible. All groups mentioned the need for improved signage, especially for visitors not familiar with the site.

Participants from Group 3 commented that HSE should set the standard stipulating that the information is provided in writing. With verbal instructions there is no evidence that visitors have received the information. Provision of written notes may reduce the likelihood of injury claims being brought against the company as they may act as some 'proof' of safety instruction.

Booking in procedures, especially for visiting lorry drivers, were discussed during some of the groups. Good practice was suggested, whereby drivers have to park up, get out of the vehicle and physically go to an office so they are out of the way whilst someone else is loading the lorry. Furthermore, it was felt that subcontractors should only have named, approved drivers who are allowed to visit the site. If the driver is not a designated driver, they should not be allowed on site, thus everyone arriving is familiar with the site. One participant mentioned that sites could also turn away delivery vehicles arriving outside their designated time slot.

Group 4 also thought that the biggest pressure drivers are under is to collect or deliver loads at specific times of the day. Therefore, there may be some scope for the industry to see whether loads can actually be transported at times of the day when traffic flow is reduced. As a result, this might help loads get transported to destinations quicker with the drivers under less stress.

It was thought that the driver refuge should be fairly attractive to encourage drivers to wait inside rather than in their vans. It was noted that some places take the keys off the drivers so they cannot move the vehicle until it has been completely loaded/unloaded (Participants from Group 4).

3.5.3 Responsibility for providing information

Participants from Groups 4 and 5 thought that it was the responsibility of site management personnel to provide relevant workplace transport information about their site. However, they commented that any contractors should also bring proof of their competency to be accepted onto the site. In this respect, site staff also need information in return from the driver, as they need to manage drivers and check whether they have got the correct certification. Group 5 thought that the driver's employer should be responsible for providing a certain amount of information like training certificates and basic generic information about what WT risks are.

It was considered that relevant information should be provided to drivers about particular risks, notably falls from heights.

"People are still falling off vehicles and we have seen more of that especially when loads have to be sheeted or tied down. The problem occurs because people have to climb up and they might get caught in the netting or … slide off it. HSE have got to make sure they have relevant information on issues such as, sheeting, reversing, unloading and loading, and manual handling etc." (Participant from Group 2)

Group 4 talked about the monitoring of behaviour, and challenging personnel who are not behaving in the appropriate manner. It was felt that the site operator should monitor whether visiting drivers have been given the relevant information. The standards that HSE set need to mention monitoring and offer comment on how often HSE would expect people to carry it out.

Employee involvement was considered the best way forward by Group 4:

"…You are more likely to get a reaction from people … if it is coming from their peers. If you have got other drivers around who are turning round to fellow drivers and just talking to them rather than actually looking at imposing more rules and restrictions."

Trade unions should also be involved in raising the standards as there is presumably quite a high trade union membership among self-employed haulage drivers. It was noted that the drivers are professional, highly qualified, trained individuals doing a high-risk job. Therefore, HSE should also look at the drivers themselves and actually get them to raise the standards rather than looking at it from the site owner's point of view.

3.6   RISK ASSESSMENT & MANAGEMENT RESPONSIBILITIES

The issue of management responsibility for workplace transport was felt to be complex, and could not adequately be covered in a single standard or set of instructions. It was suggested that a sole standard would likely underplay the intricacies involved in multiple contracting arrangements. Participants involved in Group 2 felt assigning responsibility was a complex task:

"Our legislation is so complex in terms of where responsibilities lie. …Everybody has a degree of responsibility. Is there scope to be more detailed than what already exists in workplace related legislation that we have already got?"

Groups 3 and 4 argued that one of the things HSE need to be clear about is the issue of role responsibility:

"A lot of people don't know if they are the site manager that they are responsible for various things and your visiting driver probably has never even thought about what his responsibilities might be on that site." (Participant from Group 4).

Other participants thought that the current legislation already establishes to some extent the responsibilities for WT. *"HSE needs to stress that these are the overall responsibilities of people on that site, and it's down to them [those on the site] to get it sorted"*. (Participant from Group 1).

It was felt there were potential pitfalls in stipulating overly specific responsibilities for workplace managers. Here, HSE can only state in general terms that the manager should be able

to look after things and then it is up the individual inspector to make a judgement regarding sufficiency:

"*Regarding the competencies required of a workplace manager, it's probably overkill listing a whole set of competencies for someone who only manages 100 yards of road*". (Participant from Group 1).

Participants from Group 2 added to this in indicating that ultimately the responsibility for health and safety lies with everyone involved in activity on the site. They contested that it is all already covered in the management regulations (MHSW, 1999) and in the existing guidance:

"*We have a very good package and a check list in our revitalising pack on workplace transport that was a short three or four A4 sheet which went through all the different aspects and I think using that it covers almost everything you would hope to think of.*"

However, the original HSG136 document was thought to be good with the way management responsibilities are is set out with regards to WT:

"*The competency of the van driver should be down to the van driver himself. He is the licence holder and as he is self employed, the site is the responsibility of the site manager or the site owner … I think the workplace manager or the owner of the site, if he has done his bit and he has done as much as he reasonably can to protect or segregate vehicles from pedestrians, what more can you do.*" (Participant from Group 2).

Groups 2, 3 and 5 argued that an adequate risk assessment (RA) is already a regulation but they agreed that it should also be set as a standard. They suggested that the way to help industry achieve that standard was through clear and precise guidance, case studies, and sharing best practise. This is highlighted in a case study discussed in Group 3: "*I mean quite a few companies went to [one large car manufacturing company] to see what they had done and quite a few, as a result, radically altered their transport management arrangements.*"

Participants in Group 4 stated that often the health and safety on site 'is fairly dire', specifically workplace transport risks have not been identified at all because the Health & Safety officers have not got the knowledge or experience.

"*They almost throw it back to you to say 'well what do you think we should do, what are the control measures?' [You tell them to consider issues of] safe vehicle, safe site, and safe driver and work through it that way. If they still haven't identified the significant risks, then you have to bear in mind whether they are competent to do it or not*"

Group 4 went on to say that often in situations like this the safety representative knows more about the risks faced than the management. Therefore, although the manager has the responsibility to ensure assessments are completed, it is the people using the system who may better understand what the issues are.

Inspectors in Group 5 argued that the key to a risk assessment is that it has to be site specific. HSE can provide a generic list of things to consider, but clearly there cannot be a generic workplace transport assessment because no two sites are the same. A risk assessment has to concentrate on outcomes - it should point out the control measures that are required on a site to control risks. Therefore, HSE needs to talk about not only risk assessment but also safe systems at work, and present clear instructions for the manager at that site on how to control risks.

"It is my main criticism that a lot of [HSE] guidance was very weak on making people work at the top of hierarchy, [i.e. the managers]. Therefore there is too much reliance on training and them telling people and not enough on physical measures." (Participant from Group 5).

However although large sized companies are able to manage their risk assessments, it was suggested that workplace transport is often not built into the risk assessments of small or medium sized business to the same degree, if at all (Participant from Group 3).

Another issue of note is that members of the public are often involved in industrial environments yet it was felt that management responsibility for the public is particularly ignored in risk assessments. A number of examples in both industry and retail environments were provided by participants in Group 4 (for instance public are freely allowed into scraps yards; or they may have to walk across supermarket loading bays where lorries and cars mix) but it was stated that the risks to the public arising in these instances are not necessarily always controlled adequately.

The importance of choosing the best vehicle for the job was underscored. Management have a responsibility to risk assess specifically whether the vehicle is suitable for the job they are using it for. Where inappropriate vehicles are provided for employees, it often places them in a difficult situation:

"It is very difficult for an employee to say to the employer I am not going to do that because it is dangerous". (Participant from Group 4).

The selection of equipment that goes on vehicles, in particular CCTV, was identified as one area where at present, there were shortcomings in HSE's policy:

"For quite some time we insisted on [CCTV] in some vehicles and not on others. We need to bottom out some of these issues about technology. If it's appropriate we should say clearly that because these costs are so cheap, we expect it to be used." (Participant from Group 5).

Group 3 considered the importance of monitoring to ensure that workplace transport rules are actually adhered to. It is also imperative that any site plans reflect the activities taking place in reality on the site.

"Where there are rules, people very rarely enforce them. Everywhere has got a speed limit but they very rarely see anyone doing any checks. If they do catch anyone they don't do anything about it anyway. So I think that is an area that needs to be beefed up…"

3.7   WORKPLACE LAYOUT

Workplace layout was considered by many respondents as of key importance when controlling WT risks. However, some commented that workplace layout was already adequately covered by existing legislation and guidance.

Group 3 argued that although practicality of implementing changes to the workplace layout often depends on physical constraints of the site, it was thought to be an area where HSE could have greater influence. This might be achieved through the provision of case study examples of good site layouts, although it was recommended that HSE should avoid an exact stipulation for dutyholders of *"this is exactly what you have to do"*.

Participants from Group 2 argued that HSE should not go down the line of prescribing standards for workplace layout. The reasons for this assertion were that often the site environment will not necessarily permit significant change, and in some cases it is not appropriate for the type of operations / activities performed.

It was recommended that companies need to complete an initial risk assessment which would help isolate specific WT issues for consideration, as opposed to HSE laying down specific rules:

"*If we start describing what the outcomes of risk assessments are, we will never win because there are so many variables in the individual site's circumstances. That is the whole point getting the occupier to do their own risk assessment.*" (Participant from Group 2).

Groups 3, 4 and 5 discussed issues relating to poor site design which could potentially be avoided by better initial site planning. It was observed that it is much harder to put problems right retrospectively than it is at the design stage.

"*In terms of workplace layout you need to concentrate on designers.*" (Participant from Group 5).

In contrast, some participants suggested that the answer is not to actually look at the site design in terms of the designers, but actually to forge the link with the Local Authority planning officials because they are the ones who give the go ahead for buildings projects. A move to a licensing regime similar to the Hazardous Installations Directorate (HID) permissioning regime for building a factory was suggested (for example, any new installations subject to Control of Major Accident Hazards Regulations (1999) have to apply for a permit from HSE). Therefore, better interaction with the Local Authority planning authorities could help to ensure that WT is a factor that is considered where new sites are constructed:

"*We should have a bit of a campaign to make sure Local Authority planning authorities are aware of the guidance that health and safety people are issuing on these sorts of things.*" (Participant from Group 4).

Participants from Group 4 and 5 commented that HSE never get involved early enough in building projects, that most of the inspectors' workplaces are compromises because they have not intervened early enough.

Groups 2 and 3 thought that a separate standard should be given to the 'appropriate selection of vehicles for site and activity', with reference to the maintenance vehicles. These factors were thought to influence workplace layout:

"*The number of vehicles, the type, who uses them, what functionality they have got, what type of terrain they are used for. … you are training someone to use a vehicle within these different specific areas but you [need] the vehicle that copes with them.*" (Participant from Group 3).

"*I think that the standard that is being suggested is, a workplace should be suitable and safe for people and vehicles; and the ways of achieving that.*" (Participant from Group 3).

As an example of vehicle selection Group 2 discussed 360-degree excavators. Some machines have the counter balance over hanging the tracks, however if is positioned near a wall (like a recently investigated accident) it would crush somebody against that wall. It may be more appropriate to choose an excavator where the counter balance does not over hang the track.

Group 4 stated that they found that dutyholders want HSE be quite prescriptive and tell them how to resolve problems specific to their site. However, it was felt that this level of prescription should not be reflected in any standards produced, due to variation in situations encountered:

"*I think we have got to be a bit careful that we are not too prescriptive because each situation is going to be different.*"

3.7.1 Features of Workplace Layout Crucial to Ensure Safe Operation of Work Vehicles

There existed general consensus amongst the groups regarding the importance of a number of workplace layout factors, most notably, clear signage, speed limits, and clear vehicle and pedestrian segregation. Group 5 argued that signage, such as zebra crossing, are often effective as they can work subconsciously to cue the driver that there might be pedestrians around. In addition, they are recognisable and do not rely on driver literacy as is the case with written materials. Group 2 noted that the safety signs regulations (The Health & Safety (Safety Signs & Signals) Regulations 1996) state that any signs related to road traffic or road transport matters has to comply with the Road Traffic Act standards. They thought that it should be made absolutely clear that this is the standard that needs to be achieved.

Although the importance of reducing reversing where possible was highlighted, for example, through adoption of one-way systems, it was cautioned that one-way systems should not be used as a panacea for reversing issues at all workplaces:

"*One measure doesn't necessarily fit all such situations, you have to take account of the factors affecting each site individually.*" (Participant from Group 2).

Group 3 thought that interactive guidance where people could build up the road scenario would be useful, as that prompts other local issues or issues personal to the company, i.e. different companies with a shared road. Case studies were thought to be useful as examples for companies to follow.

3.8 INVOLVEMENT AND GUIDANCE

All groups were invited to discuss whether workplace transport safety was a perceived problem at the sites they inspected.

Some inspectors asked for greater clarity on the use of seat belts on forklift trucks. This was considered necessary as inspectors are often asked whether forklift truck drivers need to wear their seat restraints. There was a perceived problem because to get the guidance needed there are currently three or four different sources available.

3.8.1 Perceptions of Responsibility for Controlling Workplace Transport Risks

The topic guide question asked: Who should take responsibility for Workplace Transport? Should regulation come from inside or outside each company?

In response to the above question, Group 1 felt strongly that as every site is different, each company must assess the risks at their own site:

"You can't make hard and fast rules that are going to work everywhere. You can only regulate where there are black and white areas but here there are too many grey areas."

There existed some debate as to whether employees or employers were primarily responsible for controlling risks associated with workplace transport at their site. Participants from Group 5 argued that management should take a leading role, and could potentially influence workers through promoting a positive safety culture and by leading by example. Others felt that it was critical to promote greater worker involvement:

"Employees are much more likely to want to be involved when they feel that they are being listened to. When they do, they can open up [to new ideas]. When they are perceived as having rules imposed upon them, generally they are not open." (Participant from Group 5).

Participants from Group 5 thought that the real problem was overcoming the inertia to act safely from most vehicle operators. In this respect they felt that HSE needed to stipulate what the rules are more clearly, and that management needed to enforce these strongly in order to stimulate a change in operator behaviour.

"Quite often what you end up with is guidance that is so watered down that it … is absolutely useless. Lets decide what we want and have a strong line that we can enforce against or advise against…"

3.8.2   Influencing Stakeholder Behaviour

The final topic of discussion covered in the groups was perceptions on the best way to influence stakeholder behaviour towards using safer procedures.

In response there existed a general consensus that there is no 'holy grail' for influencing stakeholder behaviour in regard to workplace transport. HSE simply needs to use same combination of approaches that they always use, i.e. stronger penalties, more visits as deterrent for poor safety practices, and recognition and reward for good performance (or even an improvement in performance).

All the focus groups discussed the issue of employees' and employers' perceptions of health and safety in relation to WT; and also of HSE as an organisation. It was thought that a lot of dutyholders do not necessary understand the risks associated with use of workplace transport.

"I think also there is a "transfer issue" … we talk about segregation of vehicles and pedestrians but every day we walk down the road next to vehicles so there is a transfer of what is accepted outside the workplace is actually something slightly different to what the expectation is inside the workplace." (Participant from Group 2)

"We all drive cars so perceive workplace transport as something we all know about." (Participant from Group 4).

All the groups suggested numerous ideas for raising dutyholder awareness of the risks associated with workplace transport. These included:
- Use radio to distribute information to employees, with an advertising campaign which sticks in people's minds.
- Produce newspaper articles explaining how better health and safety reduced costs and lost days.

- Create a workplace transport related story line in a popular soap opera, such as Coronation Street or Eastenders.
- Provide information in toilets – people like to have something to read.
- Persuade training companies to give out HSE information.
- Introduce HSE information and guidance in other businesses' literature.
- Target haulage drivers through service stations or roadside cafes.
- Start raising awareness early in life to promote change of culture and behaviour i.e. at school.
- Produce a TV campaign - around nine o'clock to get target audience.
- Generate WT case studies or worked examples in the guidance, available on the HSE website.
- Produce a WT-related DVD or CD rom - to bring the message home quickly.
- Offer relevant tool box talks.
- Provide free training packages on workplace transport issues.

"*I think maybe we need to push on the insurance industry more to say if we can, good performing companies should be have their insurance rates reduced rather than penalising on the basis of accidents. Advertising campaign highlighting positive benefit is these insurance are now giving people discounts for good health and safety record.*" (Participant from group 5)

It was felt that there might be scope to conduct documentary style interviews with operatives who had been involved in workplace transport related incidents, as had been effectively adopted in the 'Slips & Trips' campaign. The potential importance of gaining Trade Union (TU) involvement in any awareness raising scheme was highlighted, with the successful example of the recent 'Backs' campaign cited by Group 4. It was felt important to make sure that where other organisations are involved, they are given sufficient notice and are involved in the planning stage of the campaign. The previous government campaigns surrounding drink driving were discussed by Group 3; they were thought be effective where the message was personalised to the driver.

3.8.3   Workplace Transport Best Practice Examples

An example of WT best practice was cited at an airport where one company had introduced a vehicle management system with a computerised card-operating system to drive vehicles. As such it is possible to identify specific vehicle operators, and know how long the vehicle has been driven since its last service. Furthermore, the vehicle also automatically stops if it had a collision. It cost about £1,000 per vehicle to implement, but these costs were recouped within 12 months. This was simply in terms of the time and money the company had been previously spending on repainting vehicles, mending windscreens, broken lights etc. This new system has promoted greater accountability in drivers for their actions, and has changed the whole concept of the way the operators drive.

4   MAIN FINDINGS

The main findings from the focus groups are listed as bullet points according to each topic covered.

4.1.1   Fitness to Drive

Medical grounds:
- 'Fitness' to drive is an ambiguous term. It should be dependent on the type of vehicle and be industry or sector-specific.
- It was queried how 'medical fitness' would be judged, i.e. by a GP or by self-certification. It was also questioned whether drivers would declare any medication they were taking.
- It was generally agreed that it should be the employers' responsibility to decide competence, and the individuals' responsibility to decide fitness.
- Medical confidentiality: It was queried how an employer would be aware of medical grounds for 'unfitness' if employee did not disclose information.
- There would need to be some medical screening to ensure medical fitness. However, these are difficult issues for HSE to ably input on. It is not really HSE's place to provide medical standards. It is likely that this will end up with a general standard for the workplace, which basically says go and consult a doctor.
- It is also difficult to make blanket statements as there are a huge range of prescription and non-prescription drugs which may have varying effects on ability to drive.
- A licence signifies competence to drive road vehicles. But if a physical/ mental ailment renders driver incompetent to drive a site vehicle (i.e. FLT), the driver should be declared unfit.
- BUT, it is difficult to specify competence as there are plenty of people with limbs missing who competently drive altered vehicles. There are problems with the issue of discrimination.
- To start making medical information available to your average employer or even inspector is not going to help, but rather confuse the situation. *"Is it really worth doing more on these issues, do we need to do any more [than the DVLA guide]"*.
- The rationale behind the production of the fitness-to-drive standards was questioned. *"Do we have information to suggest people are having big medical problems whilst driving at work that are causing lots of accidents?"*

Alcohol/Drugs:
- Random testing may be informative; however, it was seen as a dangerous area due to Human rights/ business culture issues. (However, post-accident, police would be able to breathalyse and take blood samples).
- Consequences of testing are dependent on the availability of replacement drivers. Businesses not prepared to discount drivers for 'minor' offences if no replacement is available.
- Random testing should be included in conditions of employment (i.e. Railways randomly test for alcohol, so it is accepted as part of the culture).
- Alcohol will affect the ability to drive regardless of where you are, so businesses should follow the testing criteria applied to public highway transport. With drug testing, again, go with the testing applied to public highway transport.
- There are problems regarding cannabis residue as it lasts for weeks, but it will not necessarily have any impact on ability to drive.

Licences:
- Road driving licences do not discriminate between vehicle types. Therefore they are not relevant in a 'site' context.
- Standardised licences are required if licence-system to work due to the ambiguous nature of current certification.
- Assessments need to consider the context of the individual.

Other issues:
- It is the employer responsibility to assess driver competence.
- 'Fitness' can be affected by the commute to and from work. Potential to restrict availability to work.
- Assumptions of self-reporting, rely on culture that encourages reports and does not punish.
- The issue of cost of testing was raised, especially in smaller companies.
- It is difficult for employers to discriminate against drinkers. They would have to treat drinking as an 'illness'.
- It is hard to know where RTA (Road Traffic Act) stops and these standards begin; it was asked whether the police would get involved.

4.1.2   Driver competence

- Workplace standards for driving skills <u>cannot</u> be compared to those for the road.
- Should standard of the RTA or the RTA apply? *"Standards in relation to drink driving might be appropriate for workplace, but that is all that is appropriate from RTA".*
- The level of competence per se may be about the same as a road licence, but there is a need to understand the specific vehicle and operating environment.
- Competence is a tricky issue to assess. Competence is highly relevant to vehicle and site and is not denoted by a licence.
- It is a question of taking 'reasonable care'.
- Conversely, potentially with these standards a driver excluded from driving on site could then be excluded from driving on the roads, but is it acceptable?
- There would be difficulty applying road-driving standards and licences to sites due to inherent differences. So there is a need for workplace focused standards.

Mobile Phones:
- Phones can be a cause of distraction, and bans are often ignored.
- Drivers on site do not always use mobile phones – it is the pedestrians on site on mobiles, who get hit.

Employer responsibility:
- Although a licence represents minimum competence, it is still management responsibility to ensure competence in context of a specific site.
- An employer can determine competency by sending their employees for proper training and getting a certificate.

Penalties:
- Points systems exist on roads, but no equivalent is widely used on site.
- There is increased power of larger companies to implement and enforce such systems.

- Good employers should be using such methods anyway.
- Systems should be utilised whenever incompetence is suspected or demonstrated.
- Penalty systems are difficult for employers to enforce.

4.1.3 Training

- Some areas do need further classification.
- Training is highly variable between workplaces; ranging from mandatory to practically non-existent.
- There is a wide range of training currently available; the real issue is the range of quality and the sustainability of skills. This should be monitored through the regular 'reassessment of competency'.
- Training is not necessarily transferable across different sites.
- Clarity is required on what training is, where and how it is carried out. It should be practical vehicle-based training at a specific plant (FLT model: competence based, based on task type/ site etc.).
- Training should be specific to the vehicle, and the individual site. However due to wide range of vehicles, only generic guidance for training can be provided. Then it should be up to Trade Associations to set industry-specific standards or guidance.
- External verification to validate passport schemes would be useful. However, standardised training is required to make passport schemes work.
- Pedestrians as well as other site attendees should be educated as well as drivers.
- Training in agriculture sector is difficult due to the 'know it all already' mentality (in addition there is little or no suitable training available).
- Cost of training magnified in smaller companies. So is there any potential for financial incentive?

4.1.4 Information provision

- This is an area where HSE could be clearer about what they expect to happen. A company should not do a pro forma for *everyone* that arrives on site, but HSE need to do more to help people identify what the information should be and how it is best presented.
- Different approaches for 'new' staff and 'visiting' staff are needed, although the information will most likely be the same. Must remember to be proportionate to the risks on site, i.e. "*these are things you need to think about, rather than prescribing 'this is what you have to do*.""
- Any information needs to be highly specific to the site. (This may be difficult where the information changes daily e.g. in the construction sector).

Ideas and Good practice examples:
- Site-specific risk assessments (RAs) should define the information required.
- The best way to present this information is "*probably combination of different measures, e.g. a laminated map / card and verbal briefing from someone who actually knows about risks to explain it thoroughly*." Site should provide verbal and written 'site rules' to all visitors, to ensure efficient communication of information (i.e.: piece of paper may never be read).
- Example of good practice: Corus Group use a interactive site entry 'test' that must be passed before access is allowed. This also provides a log of people 'authorised' to enter site (i.e. visitor's who have previously passed 'test').

- Use of 'PIN' numbers to identify and monitor who has driven what, where, when, and for how long. Resultant information can be used to identify training needs etc.
- General need for improved signage, especially aimed at new people and/or visitors to the site (i.e. comprehensive directions to reception to prevent pedestrians wandering around site).
- A system of 'named and approved' drivers only to be allowed onsite was recommended. As was the use of clear, recognisable road markings to minimise information provision requirements.
- A 'computer game' would be useful for site visitors regarding information provision of site layout.
- Example of good practice: Ford motor company provide short, efficient, colour coded, paper-based site rules. They also utilise signage in order to reduce paper-based information.
- The use of clear labelling and signage should be used where relevant, and potentially in conjunction with more basic 'site rules'.
- A site should request information about drivers *before* they arrive on site. It was seen as good practice when information was sent out before a visitor's arrival on site (this would help build a basic relationship, and allow potential problems to be resolved *before* they occur).
- Visitors could also sign to say they have received the information, and are aware of their responsibilities.
- Visiting drivers should be informed and made aware of onsite rules for reversing, loading, unloading, and manual handling etc.
- New arrivals on site ought to get a plan showing speed limit, one-way systems etc.

4.1.5   Risk assessment & management responsibilities

Issues with suggested Standard:
- Some problem in the focus groups in understanding the question presented. There was confusion between, who is the pedestrian and who is a member of the public.

- Responsibility is not easily teased out in one set of instructions, because of multiple contracting for example. The legislation already establishes to some extent the responsibilities. "*It's got to be done on an individual basis, HSE needs to stress that these are the overall responsibilities of people on that site, and its down to them to get it sorted.*"

- Useful guidance already exists. Not sure if it is possible to write further guidance for this type of issue. Some groups would rather see the principles of HSG65 applied, than all these extra standards. Simply expressing risks in terms of safe driver, vehicle and site has real value as it is easily understandable, and each aspect can be developed.

Ideas for Standard:
- In the past workplace transport was neglected in risk assessments (RAs) as it was assumed that people would be aware of the risks by travelling to and from work.
- There was general agreement that there were shared responsibilities. Everyone is responsible to varying extents; so it is not intelligent or reasonable to state that specific people are responsible.
- The difficulty can occur if RAs are carried out internally, as it becomes a case of 'what can I afford to improve', which leads to an incomprehensive RA.

- Management should encourage segregation of pedestrians from traffic to reduce hazards. Possibly by introducing timing restrictions of vehicles on site.
- Management should implement guidance, and site managers should be responsible for making sure certain things get done. However, they are not necessarily responsible for doing it themselves (i.e.: ensure clear signage for external visitors, which is usually found to be very poor, and can significantly contribute to accidents).
- Case studies and more examples of good practice are required.
- Interactive, user-friendly sites were favoured as a means of presenting information. Especially if there is the opportunity to build up own 'circumstances' (i.e. see the slips and trips website).
- It was generally considered that management should put more emphasis on vehicle selection, usability, and function.
- On multi-occupancy sites, pedestrians need to be responsible for being aware, and stick to segregation zones. However, drivers also have a responsibility for being aware as well.

4.1.6   Workplace layout

Issues with suggested Standard:
- For the most part, the focus group participants feel that these safety features are already pretty well covered in existing documentation. HSE need to give examples of what makes a site adequate, but not a concrete stipulation of this is exactly what you have to do.
- Standards imply complexity, which inspectors do not like. It would be ok to rewrite and repackage in terms of "*this is what you could possibly do*"*,* then this would be helpful for inspectors.
- Workplace layout should already be part of basic risk assessments, and therefore should not necessarily be detailed in standards. In-depth, site-specific analysis is required - 'safe site, safe driver, safe vehicle'.

Ideas for Standard:
- This was seen as a highly important issue, as no amount of training can compensate for layout black spots.
- Reduce journeys where possible (or at least reduced reversing/ turning).
- Example of good practice: Ford motor company use cabs with reversible seats.
- If it is not possible to change physical layout of a site, then emphasise route-planning and vehicle arrival. (Local Authorities (LAs) are not often willing to allow secondary entrances).
- There are problems with shared routes, due to multiple companies.
- Case studies, especially referring to conflicts and how they were solved would be useful.
- There are generic problems altering established physical layout.
- Alternatives include reducing danger through segregation of activities, either time, or space (i.e. phased occupation).
- Good quality pedestrian routes and signage (including lighting if relevant) are required to discourage pedestrians from walking on transport routes.
- Use of speed limits, ramps, one-way systems, reduced reversing, clear road markings and use of CCTV (where visibility poor/ blind spots).

- Importance of selecting correct vehicle for job, and ensuring regular maintenance checks.

4.1.7 Involvement and guidance

Issues with suggested Standard:
- The laws are already stated so HSE does not necessarily require more guidance. Rather, they need improved resources in order to apply existing guidance.

- Every site is different, each company has to assess their own site; "*you can't make hard and fast rules that are going to work everywhere.*" HSE can only regulate where there are black and white areas and here there are too many grey areas.

- There is no 'holy grail' for influencing stakeholder behaviour; need to use same combination of approaches HSE always use. Such as the use of stronger penalties and more visits as deterrent for poor safety practices were recommended. Also, recognition and reward for good performance.

Ideas for Standard:
- An onsite radio campaign (to communicate a subconscious message) or behavioural safety campaigns were put forward as ideas of how HSE could influence WT.
- Rules on back of toilet doors (this was considered the only time available to sit and read).
- It may be too late to influence behaviour by the time employees' enter the workplace. Aspects of the 'good habits' involved could be taught early on in schools.
- The focus groups thought that employers needed worked examples and case studies to illustrate WT issues.
- Workplace transport issues are a 'visible' problem. The relevant response media would be: DVDs detailing good practise or interactive website-based resources. (However small companies may have restricted computer use).
- 'Peer pressure' could be a useful tool for implementing on-site involvement (i.e. encourage wearing seatbelts etc.).
- Also, anonymous reporting systems (i.e. to report instances of speeding). Especially useful as often the employees aware of *'who does what wrong'*.
- Use of trade associations to reach wider audience, and raise awareness of guidance.

5 CONCLUSIONS

Based on the findings from the five focus groups a number of conclusions are presented below. These conclusions are intended to represent the key areas that appear to merit attention in relation to HSE's proposed workplace transport standards. Work addressing some of these recommendations is known to already be underway, for example, through HSE's current Workplace transport campaign[4].

These conclusions are based on findings from a limited sample of 28 HSE staff and 4 Local Authority employees. They should therefore be regarded as tentative and ideally be tested against a wider sample of staff.

1. There was a general questioning of the need for Workplace Transport Management Standards. However, the majority of suggested topic areas were deemed sensible.

2. Existing HSE guidance on the various WT topics were considered adequate and in some areas very useful. However, the participants suggested a need for more good practice examples and case studies.

3. It would be helpful to provide additional information on how to implement the standards and provide links to a range of supporting tools (e.g. sector and vehicle specific good practice guidance).

4. Some participants highlighted a more pressing need for increased inspection and / or incentives (financial), as a means of influencing industry behaviour, rather than additional guidance.

5. The limited resources of SMEs and the self-employed, in terms of finance and workers, were deemed a barrier to the uptake of Standards.

6. In light of the increasing focus on WT issues, it was felt that HSE needs to communicate more efficiently and systematically its approach to assessing, advising, controlling and enforcing compliance on the management of WT risks.

7. Participants identified a need to encourage increased worker representation and involvement in workplace transport management.

8. Some participants recommended that HSE should consider undertaking a comprehensive review of the range of current research relevant to aspects of WT. This will allow HSE to gain an overview and evidence base in order to inform the proposed standards.

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[4] *An advertising campaign highlighting workplace transport issues was launched during January 2006 in the North East of England. The campaign, aimed primarily at those who manage the reception and dispatch of goods and professional drivers, featured advertisements in regional newspapers and local radio stations. HSE's website also offers a new checklist which forms the basis of a risk assessment for the business premises, plus ten tips for a safer site and ten concerns of drivers making deliveries and collections. Response to this work will be closely evaluated before a national campaign is developed.*

RECOMMENDATIONS

Given the limited sample of the Inspectorate involved in the current project, there exists scope for further work exploring the issues identified with other HSE staff. For example, a survey-based approach to gain insight into a broader range of opinion relating to issues identified in the focus groups may be of benefit.

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8   PRINCIPAL GUIDANCE, REQUIREMENTS & LEGISLATION ON WORKPLACE TRANSPORT

The following list of principal guidance, requirements and legislation has been taken from 'Topic Inspection pack Workplace Transport' and 'Band 4 Topic Training Pack Workplace Transport Safety'.

Below is a list of some of the principal guidance. Most of these booklets include additional references which can be found in the list below which deals with Relevant Legislation.

HS(G)6 - Safe Working with Lift Trucks
HS(G)113 - Lift Trucks in Potentially Flammable Atmospheres
HS(G)136 - Workplace Transport Safety
HS(G)144 - Safe Use of Vehicles on Construction Sites
HS(G)148 - Sheeting and Un-sheeting of Tipper Lorries

L117 - Rider Operated Lift Trucks: Operator training

PRINCIPLE REQUIREMENTS
These are summarised in the table below. Information in the table is not exhaustive. Additional guidance can be found in the references in the final column and further references below.

Act or Regs	Risks Assess, Manage	Safety Controls, Stability, Warning, Roll-over protection	Train Operators	Work Place Organise routes	Work Place Lighting	Work Place Floors, Edges	Refs CoPs, AcoPs, etc.
HSW Act 1974	-	s.2	s.2	ss.2,3,4	ss.2,3,4	ss.2,3,4	L117
MHSW Regs 1999	regs.3,12	-	Reg.13	-	-	-	L21
Workplace (HSW) Regs 1982	reg.17	-	-	reg.12	reg.8	reg.12	L24 HSG6
PUWER Regs 1998	-	reg.4,5,6 and 25-30	reg.8,9	-	reg.21	-	L22
LOLER Regs 1998	-	regs.5,7,9, 10	-	-	-	-	L113 HSG6
Construction (HSW) Regs 1996	-	reg.17 & 27	reg.28	reg.15	reg.25	reg.18	HSG144
Docks Regs 1988		reg.12	reg.11	reg.12	reg.6	-	CoP25

SPECIFIC LEGISLATION ON WORKPLACE TRANSPORT

The general requirements of HSWA, MHSWR, PUWER, and the Workplace Regs obviously apply to controlling WT risks. In addition however there are pieces of this and other law (and ACoPs) aimed specifically at workplace transport topics. This section collates the main WT-specific requirements.

Workplace Health, Safety & Welfare Regulations 1992 & ACoP

Regulation 12 - Condition of floors & traffic routes. Keep vehicle routes in a safe condition i.e. no holes, slippery areas, not too steep. Keep clear of obstructions.

Regulation 17 - Organisation etc of traffic routes. Adequate traffic routes for both vehicles and pedestrians. Sufficient separation between vehicles and pedestrians. Signing. See detailed ACoP re layout etc.

Provision & Use of Work Equipment Regulations 1998

The whole of Part III of PUWER is aimed specifically at WT. Regs 26 to 30 are already in force for "new" mobile work equipment, and from 5 December 2002 will apply to all mobile work equipment (see PUWER ACoP L22, paras 55 - 59).

Regulation 25 - Employees carried on mobile work equipment. Vehicle not to carry people unless suitable - possible need for seats, cabs, falling object protective structures (FOPS), restraint, limiting speed, wheel / track guards.

Regulation 26 - Rolling over of mobile work equipment. Minimise roll over risks, by maximising stability. Provide Roll Over Protective Structure (ROPS) and restraint eg seat belt where overturn a significant risk (see detail of regulation)

Regulation 27 - Overturning of forklift trucks. Forklifts with vertical masts or ROPS to have restraint eg seat belt where appropriate, to prevent crushing driver.

Regulation 28 - Self propelled work equipment. Vehicle controls including brakes; adequate vision for driver, provide vision aids (eg extra mirrors, CCTV) where needed; vehicle lights.

[Regulation 29 - Remote controlled self-propelled work equipment. Rare equipment - if encountered see ACoP.]

Regulation 30 - Drive shafts. Safeguard any drive shafts (though not strictly a WT topic).

Para 194 of the PUWER ACoP concerns driver training.

1 Practical guidance on the Provision and Use of Work Equipment Regulations 1998 (PUWER 98) including Part III is given in the HSE publication L22 "Safe use of work equipment - Approved Code of Practice and guidance" (file 200) which should be read in conjunction with this document.

2 Further information or advice concerning aspects of these regulations, which are not covered by this document, the general PUWER OC xxx/yy or L22, can be obtained by contacting Safety Unit.

GENERAL

3 Part III of PUWER (regs.25-30) applies to mobile work equipment. For mobile work equipment that was in use in the premises or undertaking before 5 December 1998, Part III (Regs.25-30) did not apply until 5 December 2002 (see reg.37). See PUWER booklet L22 at paragraph 314 onwards for general application of PUWER to mobile work equipment.

MOBILE WORK EQUIPMENT (REGS.25-30)

(Note: the transitional period for Part III coming into force expired on 5 December 2002.)

4 The requirements in Part III deal, for the most part, with the risks due to its mobility which arise when mobile work equipment is travelling. The requirements of Part III are in addition to the other requirements of PUWER (L22 para 314)

5 Vehicles designed primarily for use on the public roads will normally comply with Part III, if they comply with the Road Vehicles (Construction and Use) Regulations 1986, where these contain similar provisions (L22 para 317).

6 The actual risks during use need to be considered when determining the precautions necessary for mobile work equipment.

7 The regulations in part III for the most part refer to 'employees'. Where members of the public are at similar risk, HSW Act can be applied.

8 Regulation 25 contains general requirements which underpin Part III. The more particular requirements in reg.26 (rolling over), reg.27 (over-turning of fork-lift trucks), reg.28 (self-propelled), and reg.29 (remote controlled), build on these generalities.

SUITABILITY (REG.25)

9 Regulation 25(a) is an explicit and absolute requirement to ensure that employees are not carried on mobile work equipment unless it is suitable for carrying persons. Any measures to reduce other risks to employees when equipment is travelling are covered by reg.25(b).

ROLLING OVER (REG.26)

10 Measures should always be taken to reduce the risk of mobile work equipment rolling over, but where such risks cannot be eliminated, reg.26 requires risks from the equipment rolling over to be minimised. (Note: stabilising the equipment, in fact, reduces the risk of rolling over.)

11 There are certain classes of mobile work equipment which, experience shows, are particularly likely to roll over, (though this does not mean that they will be at risk in all circumstances of use). For the following, ROPS are the most practical solution:

- tractors (where no cab is/can be fitted);

- compact dumpers;

- all-terrain vehicles (sit-in type); and

- rough terrain variable reach trucks (telehandlers).

However, even for these classes of equipment, the risks when they are in use may not be sufficiently serious to justify formal enforcement or other action.

12 There are also situations in which individual items of mobile work equipment are at risk of rolling over, because of where and how they are being used, eg grass cutting machines used on steep slopes. For the sit-astride type of all-terrain vehicle (ATV or quad bike), see guidance in Agriculture Information Sheet No 33 The safe use of all-terrain vehicles (ATVs) in agriculture and forestry.

13 In practice, with most vehicle types, the most likely measure to take to reduce the consequences of roll over will be provision of a roll-over protective structure (ROPS). For tractors this will normally take the form of a cab, but for some small or very old tractors, the only structure available will be a roll bar.

14 Where a ROPS cage or roll bar is used, rather than a cab, there is usually a risk of anyone on the mobile equipment being crushed in event of its rolling over. In such cases, reg.26(2) requires a restraining system in addition to a ROPS, or other device, and this will most often be a seat belt.

15 There may be situations where there is a serious risk of rolling over because of the location and conditions under which the mobile work equipment is in use. In such situations only equipment that complies with reg.26 should be used.

16 For new equipment, there should be no difficulties regarding the provision of ROPS for most of the classes listed in para 11. However, for new compact dumpers, supplied without ROPS, or any second-hand CE-marked dumpers which are not capable of having a ROPs fitted and which are in use where there is a serious risk of rolling over, NO FORMAL ENFORCEMENT ACTION should be taken without first consulting HSE Safety Unit so that any necessary safeguard action can be put in hand at the same time.

17 For several years, new rough terrain variable reach trucks (telehandlers) should have been supplied with ROPS. Where a ROPS is fitted to a telehandler, then seat restraints will also be required and this should be enforced where there is a risk of rolling over.

18 Counter-balanced, seated, centre-controlled, fork-lift trucks do not need ROPS (because they have a mast), however, seat restraints will be required where this is necessary because of the risk of overturning. However there may be some difficulties in fitting restraints to certain older fork-lift trucks, particularly those that are battery powered.

OVERTURNING (FORK-LIFT TRUCKS) (REG.27)

19 Regulation 27 requires restraining systems to be fitted to certain fork-lift trucks if there are risks (particularly crushing between the truck and the ground), should the truck overturn. This applies in particular to seated, centre-control, counterbalanced fork lift-trucks. Where such a counterbalanced truck is to be used in a high-risk situation but, because of the age and design of the truck, there are technical difficulties in fitting attachment points for a restraining system, the selection of suitable alternative equipment may be the only solution. This may be a particular problem with some older battery powered forklift trucks. For further information on the fitting and use of restraining systems on forklift trucks, see HSE Information Sheet MISC 241.

SELF-PROPELLED WORK EQUIPMENT (REG.28)

20 Regulation 28 deals with a variety of additional measures on self-propelled work equipment, eg equipment that has its own engine or motor. However, little, if any, action may be needed for vehicles used primarily for travel on public roads where they comply with similar provisions in the Road Vehicles (Construction and Use) Regulations 1986. The extent of any such overlap (and also the gaps) is being looked into and the action necessary is under consideration.

DRIVER VISION – REGS 28(e) and 17(3)(a)

21 There is an overlap between the requirements in reg.17(3)(a) and those in reg.28(e) driver direct field of vision. For self-propelled mobile work equipment, the same measures, for example additional mirrors or CCTV, can be used to meet the requirements of both regulations (see also para 64 regarding on-the-road use).

22 Regulation17(3)(a) can be used in relation to 'a driver's direct field of vision' where there is a significant risk resulting from the use of mobile work equipment, particularly where this is established sector policy. Inspectors should be aware however that in some situations it may be more appropriate to use reg 28(e) as this permits risk to be reduced by means other than improving the driver's vision, for instance the use of radar or other sensing aids to assist safe vehicle manoeuvring (this may be relevant for example where very dusty conditions severely limit the usefulness of visual systems).

23 For visibility issues on earth moving equipment, see SIM 2/1995/05 "Visibility for operators of mobile earth moving machinery used on construction sites". See OC 803/70 Closed circuit TV on road going vehicles for guidance on the application of CCTV to lorries and other large road going vehicles.

FIRE FIGHTING ETC - REG 28 (g)

24 The requirement for appropriate fire-fighting appliances should only be applied where escape from self-propelled work equipment cannot be achieved easily.

REMOTE-CONTROLLED SELF-PROPELLED WORK

EQUIPMENT - REG.29

25 The requirements relating to remote-controlled self-propelled work equipment apply primarily to radio-controlled equipment.

FURTHER GUIDANCE

HSE Information Sheet MISC 241 Fitting and use of restraining systems on lift trucks. (File 200)

HSE Information Sheet MISC175 Retrofitting of roll-over protective structures, restraining systems and their attachment points to mobile work equipment (file 200) (covers the technical and legal aspects of hired equipment before the expiry of the transitional period on 5 December 2002).

HSE Information Sheet MISC156 Hiring and leasing out of plant: application of PUWER 98, regulations 26 and 27) (file 200).

Supply of Machinery (Safety) Regulations 1992

The legal requirements for the initial integrity of workplace vehicles are not simple, but are summarised below.

For workplace vehicles supplied for use mainly off the road, section 6 HSWA and the Supply of Machinery (Safety) Regulations 1992 (SMSR) apply, and hence such workplace vehicles are subject to the Essential Health and Safety Requirements (EHSRs). The main EHSRs regarding

vehicle movements are contained in SMSR Schedule 1, section 3 "EHSRs to offset the particular hazards due to the mobility of machinery". (Note that SMSR do not apply to agricultural tractors).

However, roadgoing vehicles such as lorries also come into workplaces, and it is important to note that the EHSRs do not apply to vehicles designed for normal road use. Schedule 5 of SMSR specifically excludes from the requirements of

SMSR "...vehicles and their trailers intended solely for transporting passengers by...road...as well as means of transport...designed for transporting goods on public road...networks", though "vehicles used in the mineral extraction industry shall not be excluded". Therefore, vehicles mainly travelling on the road are exempted from SMSR with the exception of those vehicles used in the mineral extraction industry (Metals & Minerals Sector can advise on vehicle safety issues in this industry).

Health and Safety (Safety Signs & Signals) Regulations 1996

Regulation 4(6) - where a sign is needed to control risks from vehicle movements on a work site, and a "public highway" design of sign exists for that purpose, such a "public highway" sign should be used rather than any alternative design (it is more likely to be understood). Information on signs for the public highway can be found in the Traffic Signs Regulations and General Directions 1994 (SI 1994/1519) and the Highway Code.

There is other Sector-specific legislation applicable to WT including the Docks Regulations 1988, the Quarry Vehicles Regulations 1970, the Agriculture (Tractor Cabs) Regulations 1974 and the Agriculture (Avoidance of Accidents to Children) Regulations 1958. For detailed advice on Sector specific WT law contact Sector staff.

Safety Signs and signals - The Health and Safety (Safety Signs and Signals) Regulations 1996 Guidance on Regulations L64 ISBN 0-7176-0870-0, HSE Books

The Traffic Signs Regulations and General Directions 2002, SI 2002 No. 3113, Road Traffic, HMSO. (TSR & GD)

The Highways Act 1980

The Road Traffic Regulation Act, 1984 and amendments

Research Report 038 Review of workplace control measures to reduce risks arising from the movement of vehicles, on HSE's Website under Science & Innovation > Publications > Research Reports >Report 038

HSE leaflet INDG242L "In the driving seat" – advice to employers on reducing back pain in drivers and machinery operators.

HSE CDROM MISC482 Safe driver, safer workplace – driver safety assessment CD-ROM, limited number available from HSE Books

Reversing vehicles INDG148 HSE Books

Driving at work INDG382 HSE Books

Health and safety in road haulage INDG 379 HSE Books

Avoiding falls from vehicles INDG 395 HSE Books

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Health and safety in motor vehicle repair HSG67 HSE Books 1991 ISBN 0-7176-0483-7

Department for Transport Code of Practice - Safety of loads on vehicles 3rd edition, 2002 ISBN 0-11-552547-5, priced £10.50 or available for free download from DfT website.

Safety in the use of pallets PM15 HSE Books 1998 ISBN 0 7176 15227

HSE Info Sheet MISC 156 Hiring and leasing out of plant - application of PUWER 98, regulations 26 & 27

HSE Info Sheet MISC 175 Retrofitting of roll-over protective structures, restraining systems and their attachment points to mobile work equipment.

HSE Information Sheet MISC 241 Fitting and use of restraining systems on lift trucks

Contract Research Report 305/2000 Sheeting and unsheeting of non-tipper lorries - a health and safety scoping study on HSE's Website under Science & Innovation > Publications > Contract Research Reports >Report 305).

Safety in the Loading/Unloading of steel stock INDG313 HSE Books

Workplace transport safety - guidance for employers HSG 136 HSE Books ISBN 0 7176 0935 9

Managing vehicle safety at the workplace - leaflet for employers INDG 199 HSE Books 1995, ISBN 0 7176 0982 0

APPENDIX A: TOPIC GUIDE

Preventing Workplace Transport Accidents: Workplace Transport Management Standards: Topic guide

Aim and procedure
The overall aim of the focus groups is to consider:
- What management standards should be developed?
- What level of detail is needed for these standards?
- What type of workplace standards would have most impact on operators/drivers?
- How different business sectors and different business sizes differ?
- How these differences can be taken into account in the workplace standards?

1. Fitness to drive
Should an employee lose the right to drive at work, if he has lost his driving licence e.g. dangerous driving or driving when over the legal alcohol limit outside the workplace or had his licence suspended on medical grounds by DVLA?
- Should people with medical fitness problems (physical and mental) be allowed drive on the worksite (particularly relevant for self-employed)?
  - Who of the following should be allowed to drive on the worksite: people suffering from epileptic seizures, people who had a limb amputation, people who are sick with flu, people who suffer from sleep disorders? Which other conditions that would in your opinion exclude from driving?
- If a person is advised not to drive on the road, e.g. because of prescribed medication for depression with adverse side effects for driving, should they be allowed to drive under this medication at work?
- If you drive to and from work should these hours be included in your driving hours or not?
- Are you aware of the fitness levels required by the Drivers' Medical Unit of the Driver Vehicle Licensing Agency[5] (www.dvla.gov.uk/at_a_glance/content.htm)? Could they be used as a standard for workplace transport too?
- Would you see value in HSE producing guidance on setting medical fitness standards for workplace transport?

2. Driver competence
Should the standards of the road traffic act (e.g. dangerous driving or drink-driving laws) apply at the workplace?

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[5] These standards for medical practitioners list all major groups of illnesses, such as neurological disorders including e.g. epilepsy, cardiovascular disorders, visual disorders, disability or drug and alcohol abuse and prescribe for each syndrome, if driving is permitted or not, or how long a person needs to be symptom free before becoming eligible for driving again. A further distinction is made between car/motorcycle drivers and lorry/coach drivers, and stricter criteria apply for the latter group.

- Should operators/drivers possess a valid driving licence to drive on the worksite?
- What skills/knowledge does a driver/operator need to drive on the worksite?
    - Knowledge of how to operate machinery and equipment safely
    - Knowledge of risk factors, e.g. mobile phones, fatigue, alcohol/drugs
    - Knowledge of how to carry out routine checks of equipment

3. Training
- What workplace transport training is currently available? What more should be offered?
- What are the barriers to take it up?
- Who should participate in training courses?
- What should training cover?
    - Safe vehicle operation, including vehicle features and load
    - Mobile phone use
    - Routine vehicle checks
    - Dealing with accidents/incidents
    - What else?
- Are there "best practice" examples in the focus group?
- How can it be ensured that what is learnt in the training is actually used on the job?

4. Information provision
If a visiting driver/operator, e.g. a subcontractor is arriving at a worksite. What information does he need to drive safely "on site"?
What information do new employees need? How should this knowledge be conveyed?
- Who is responsible for providing this information?
- In what form should information be provided, e.g. verbally versus written safety policy
- Are there "best practise" examples in the focus group?

5. Risk assessment and management responsibilities
A self-employed van delivery driver runs over a pedestrian while reversing on the worksite. Who is responsible for this?
- Who should a workplace manager or Safety, Health and Environment manager carry responsibility for? What should their responsibilities cover?
    - The public (e.g. provision of warnings/safety introduction for visitors)
    - The employees (e.g. provision of training and work schedules, that allow using safe work practises)
    - The vehicles (e.g. vehicle selection, vehicle safety features, taxation and maintenance schemes)
    - The workplace layout (e.g. visibility, separation of vehicle and pedestrian areas, signage)
- What knowledge/competencies does a workplace manager need to manage occupational risks at the workplace, e.g. ability to carry out risk assessments,

knowledge of work vehicles, communication with employees, documentation of incidents)
- How can this knowledge and competence be ensured/maintained?
- How can a workplace manager encourage safe driving practices in operators/drivers in his company?

6. Workplace layout
Which features of the workplace do you think are crucial to ensure safe operations of work vehicles? How should safety features of the workplace be prescribed (by legislation/guidance)?
- Lighting conditions
- Separation of pedestrian and vehicle areas
- Speed limits
- Reversing
- Banks men
- Width of entries/ gates
- Signage of routes
- Separation of traffic routes from gates, doors, vulnerable items
- Visibility
- Ground conditions/gradient
- Parking areas
- Loading bays
- Which other features do you think are important?

7. Involvement and guidance
Who should take responsibility for Workplace Transport? Should regulation come from inside or outside each company?
- Is workplace transport safety a perceived problem at the sites you inspect?
- How do you feel about guidance versus regulation?
- How can you increase employee involvement in monitoring workplace transport standards?
- Do employees want to be involved?
- What is the best way to influence stakeholder behaviour towards using safer procedures?
- What are the reasons for not using safe procedures?
- How can HSE most effectively distribute information/guidance about workplace transport safety, e.g. 'butty bags', CDs, written reports, poster, radio

APPENDIX B: NOTES [TOWN 1] 28TH NOVEMBER 2005

People present:
P1 - (B3 Inspector FOD)
P2 - (B1 FOD)
P3 - (B3 Inspector Agriculture, Wood, Food)

Fitness to drive

<u>Medical conditions</u>
- Need some medical screening to ensure medical fitness. These are difficult issues for HSE to ably input on. Not really HSE's place to provide medical standards and "make that decision in black and white terms" / "at the extreme of what HSE might do"; this is for the medical profession to decide. It is likely that will end up with a general standard for the workplace, which will basically says go and consult a doctor.

- Need to look at it from the perspective of "has there been any problem up to now in defining what somebody medically fit to drive is?" Thinks not, <u>therefore questioning the rationale behind the production of the fitness-to-drive standards</u>. "Do we have information to suggest people are having big medical problems whilst driving at work that are causing lots of accidents; its all very well producing lots of stuff, but will this have any real effect". Most accidents happen because of drunkenness, poor vehicle and site maintenance, rather than particular medical conditions. "Need to be proportionate in our response", "generality of standards that exist are [probably] fine", unless accident stats show otherwise.

Difficult also to make blanket statements as there are a huge range of prescription and non-prescription drugs which may have varying effects on ability to drive. Should also be careful about going into specific areas such as amputated limbs. Here, there is a responsibility to ensure the vehicle is modified to suit the driver, rather than prohibiting use of the vehicle for that person.

<u>Alcohol / drugs issues</u>
Alcohol will affect ability to drive regardless of where you are, follow testing criteria applied for highway transport. With drug testing, again go with testing applied for public highway transport ("follow this rather than lead"). Problems re cannabis residue; lasts for weeks, but wont necessarily be having any impact on ability to drive much later. it's immoral to stop people from doing their work because of something they have done outside of work. "Again this is another messy difficult issue to get involved in, possibly *more pain than gain*".

<u>Other points raised</u>
Hard to know where RTA (Road Traffic Act) stops and these standards begin; do the police get involved.

To start making medical information available to your average employer or even inspector isn't going to help, but rather confuse the situation. "Is it really worth doing more on these issues, do we need to do any more [than the DVLA guide]". What is the value of very deep analysis of this beyond saying 'shouldn't drink etc etc'

Driver competence

Workplace standards for driving skills <u>cannot</u> be compared to those for the road. They are not at all comparable, e.g. a car-driving license would be totally inappropriate. the level of competence per se may be about the same as a road license, but need to understand the specific vehicle and operating environment. *"The bar isn't necessarily higher, but its not necessarily in the same place"*.

Should standard of the RTA or the RTA apply. *Presume should be standard of the RTA.* "Standards in relation to drink driving might be appropriate for workplace, but that is all that is appropriate from RTA".

Training
Some areas do need classification. But is this up to the inspector's judgement or should it be written in black and white across the board.

Information provision
Area where could be more clear about what HSE is expecting to happen. New arrivals on site ought to get a plan showing speed limit, one-way systems etc. Shouldn't do a proforma for *everyone* that arrives on site, but need to do more to help people identify what the info is and how its best presented

Best way to present this info is "probably combination of different measures, e.g. a laminated map / card *and* verbal briefing from someone who actually knows about risks to explain it thoroughly" – practicalities of someone with authority realising what they are doing. Can't just give someone a card when they arrive on site, also need to explain it (this needs also to be monitored to ensure its done properly; and also that inappropriate visitor driver behaviour is controlled). Also need signs to explain.

Different approaches for "new" staff and "visiting" staff, although the information will most likely be the same. Must remember to be proportionate to the risks on site, i.e. "these are things you need to think about, rather than prescribing 'this is what you *have* to do'". Would be useful to provide best practice examples, although must be wary as not all will be of relevance to everyone.

Risk assessment & management responsibilities
Some problem in the group in understanding the question here

Responsibility is not easily teased out in one set of instructions, because of multiple contracting for example. The legislation already establishes to some extent the responsibilities. It doesn't matter as long as it *is established*; "its got to be done on an individual basis, HSE needs to stress that these are the overall responsibilities of people on that site, and its down to *them* to get it sorted".

"Regarding the competencies required of a workplace manager, its probably overkill listing a whole set of competencies for someone who only manages 100 yards of road". All you can do is say in general terms; the manager should be able to look after things; then as an inspector you've got to make the judgement.

Rather see the principles of HSG65 applied, than all these extra standards that are basically "over-egging the pudding". Not sure this is the way of tackling these. Simply expressing risks in terms of safe driver, vehicle and site has real value as its easily understandable, and each can be developed.

Workplace layout

For the most part, feel that these safety features are already pretty well covered in existing documentation. Need to give examples of what makes a site adequate, but not a concrete stipulation of this is exactly what you have to do.

Standards imply complexity, which inspectors don't like. Would be ok to rewrite and repackage in terms of "this is what you could possibly do", then this would be helpful for inspectors.

Involvement and guidance
Again don't understand the first question – the laws are already stated

Every site is different, each company has to assess their own site; "you can't make hard and fast rules that are going to work everywhere". Can only regulate where there are black and white areas; here there are too many grey areas.

No 'holy grail' for influencing stakeholder behaviour; need to use same combination of approaches HSE always use. Usual eg's Stronger penalties, more visits as deterrent for poor safety practices. Recognition and reward for good performance, or even an improvement in performance.

Other points raised / criticisms
As inspectors driving during work – will the standards affect them when on site? Need to be clear on this; what standards are relevant to ("clarify exactly where they start and where they finish"). What is the situation re sites where air, rail, water transport also involved (e.g. quarries with lakes). There are possible loopholes.

Level of detail required for standards is dependent on who they are being aimed at, and what is trying to be achieved.

Lot of the potential standards envisaged in the project has already been covered elsewhere. "Most of this stuff is largely available in other sorts of [HSE] guidance around the place, and is largely known".

If current standards weren't deemed to be good enough, it would suggest that new standards would have to be very detailed. May also result in a huge number of standards, so no one will know which to supply – "all be in a mess". To produce a new document covering all this would mean a hugely vast amount of material that would most likely go unused.

Not sure why HSE is following down this path ("could go on forever"). Over-stipulation unnecessary, as already have huge amounts of standards in operation.

Wondering how HSE is going to produce the standards (participants thought it would most likely to end up as a big book, that would be little referred to). Worried about the approach. "Can't see 101 manuals being the way to develop this".

Standards are means to an end, but their production must be justified. The last thing we need is more paperwork. E.g. small businesses when faced with all this will just "abandon any semblance of compliance". If produce standards for example for machines, and then a new machine comes along that falls outside those standards, "do you really want to have to re-judge them all again". Should try to deal with it in a more practical way, "rather than trying to deal with everything in black and white because there will always be gaps".

"Generally don't need a big book of standards in order to understand cause of most accidents; it's usually pretty obvious". Doesn't seem to be based on an analysis of what is actually causing

accidents. If found out e.g. 2 main causes of accidents, could tackle these specifically rather than trying to hit every area in general terms. "Doesn't sound like a very sophisticated method".

"Feels like a decision has been made to come up with this package, like it or not, the package will be provided, without necessarily thinking about if its needed, is what's out there already sufficient".

APPENDIX C: NOTES [TOWN 2] 5TH DECEMBER 2005

People present:
P1, General Inspector
P2, Principal Inspector (Operational group)
P3, HID Inspector
P4, Principal Inspector
P5, B3 Inspector
P6, Inspector (Construction)
P7, HID Inspector

1. Fitness to Drive
Medical grounds
- 'Fitness' to drive is an ambiguous term. It should be dependant on the type of vehicle and be industry/ sector-specific.
- Driving road vehicles: licence signifies competence. But if a physical/ mental ailment renders driver incompetent to drive a site vehicle (ie FLT) driver should be declared unfit.
- BUT, difficult to specify, its not just black and white (Plenty of people with limbs missing competently drive altered vehicles).
- Also who will judge 'medical fitness'? GP or self-certification? (And would drivers necessarily declare medication)
- Generally agreed it should be the employers' responsibility to decide competence, and the individuals' responsibility to decide fitness.

Alcohol
- Consequences dependant on availability of replacement drivers. Businesses not prepared to discount drivers for 'minor' offences if no replacement available.
- Problems detecting alcohol consumption at work.
- Random testing should be included in conditions of employment. (ie: Railways randomly test for alcohol: accepted, part of culture).

Licences
- Standardised licences required if licence-system to work (ambiguous nature of current certification etc)
- Assessments need to consider the context of the individual.

Other issues:
- Assumptions of self-reporting rely on culture that encourages reports and doesn't punish.
- Issue of cost of testing raised: especially smaller companies.
- Discrimination: difficult for employers to discriminate against drinkers. Would have to treat as drinking as an 'illness' etc.

2. Driver Competence
- Difficulty applying road-driving standards and licences to site due to inherent differences. Need for workplace focused standards.

Mobile phones:
- Drivers on site don't use mobile phones – it's the pedestrians onsite on mobiles, who get hit.

Training
- Drivers need comprehensive training, specific to vehicle and specific to site.

Employer responsibility
- 'How does an employer determine competency…of their employee to drive whatever vehicle …I always argue that….they should send their guys off for proper training and get a certificate that way they're covered even though the legislation doesn't say that….and most clients that I speak to buy into that…and they do it' JB

Penalty point systems
- Good employers should be using such methods anyway….an example of good practise.
- Systems should be utilised whenever incompetence suspected/ demonstrated.
- Difficult for employers to enforce system.

3. Training
- Training should be specific to the vehicle, and the individual site. However due to wide range of vehicles, only generic guidance for training can be provided. Then it should be up to Trade Associations to set industry- specific standards/ guidance.
- Wide range of training currently available, real issue is the range of quality and sustainability of skills. This should be monitored through the regular 'reassessment of competency'.
- Standardised training required to make passport schemes work.
- Cost of training magnified in smaller companies. Potential for financial incentive?

4. Information Provision
- Site should require information about drivers *before* they arrive onsite.
- Site should provide verbal and written 'site rules' to all visitors, to ensure efficient communication of information (ie: piece of paper may never be read). Visitors could also sign to say they have received the information, and are aware of their responsibilities.
- Good practice: Information should be sent out before visitors' arrival on site (would help build a basic relationship, and allow potential problems to be resolved *before* they occur).
- Larger sites usually found to be very good in this department.
- Visiting drivers should be informed/ aware of onsite reversing rules/ loading/unloading/ manual handling etc

Signage
- The use of clear labelling/ signage should be used where relevant, potentially in conjunction with more basic 'site rules'.

Relevance
- Information needs to be highly specific to site. (Difficulty: this information changes daily in the construction sector)

5. Risk Assessment & Management Responsibilities
(some confusion to start who is the pedestrian? Member of public?, are they sober? etc)
- Generally agreed everyone responsible to varying extents. Not intelligent/ reasonable to state specific people responsible.

- On multi-occupancy sites pedestrians responsible for being aware, and sticking to segregation zones, drivers also responsible for being aware etc.
- Useful guidance already exists. Not sure if its possible to write further guidance for this type of issue.
- Management should implement guidance, and Site managers should be responsible for making sure certain things done (not necessarily responsible for doing it themselves. (i.e.: ensure clear signage for external visitors-usually found to be very poor, and can significantly contribute to accidents)
- Management should encourage segregation of pedestrians from traffic to reduce hazards.

6. Workplace Layout
Highly important issue: no amount of training can compensate for layout black spots.
- Generic problems altering established physical layout.
- Alternatives include reducing danger through segregation of activities: either time, or space. (ie phased occupation).
- Good quality pedestrian routes and signage (including lighting if relevant) required to discourage pedestrians from walking on transport routes.
- Use of speed limits, ramps, one-way systems, reduced reversing, clear road markings and use of CCTV (where visibility poor/ blind spots).
- Importance of selecting correct vehicle for job, and ensuring regular maintenance checks.
- This should all be part of basic Risk Assessments, and therefore should not necessarily be detailed in standards. In-depth site-specific analysis required. 'safe site, safe driver, safe vehicle'

7. Involvement and Guidance
Don't necessarily require more guidance, need improved resources in order to apply existing guidance.
- Guidance: people want worked examples/ case studies to illustrate. Very useful for duty holders, and still required for smaller sites and for applying to complicated circumstances.
- Workplace transport issues are a 'visible' problem. Relevant response media: DVDs detailing good practise, or interactive website-based resources would be welcomed.
- (However small companies may have restricted computer use etc)
- 'Peer pressure' useful tool for implementing on-site involvement (i.e. encourage wearing seatbelts etc).
- Also anonymous reporting systems (i.e. to report instances of speeding) Especially useful as often the employees aware of 'who does what wrong'.
- Use of trade associations to reach wider audience, and raise awareness of guidance.

General
- The issue of 'Vehicles' not covered in enough detail in this focus group. Referred to under 'RA and Management Responsibility'. Should make a deliberate decision to either ignore or cover this issue.
- General confusion as to what Management standard is. (cf guidance etc)
- Has the construction/ agriculture sector transport group been consulted on this?

APPENDIX D: NOTES [TOWN 3] 7TH DECEMBER 2005

People present:
P1, Specialist Inspector
P2, Inspector (Private Sector)
P3, General Inspector
P4, (Manufacturing)
P5, Inspector (Services group)
P6, Inspector (Operations Manager)
P7, Principal Inspector (Services group)

Fitness to Drive
Medical grounds
- If excluded from driving by DVLA, exclusion should transfer across to on-site activities.
- Who will judge 'medical grounds'? Driver may be fit to drive specific vehicles, depending on impediment. Problems with issue of discrimination.
- Medical confidentiality: Would employer be aware of medical grounds for 'unfitness' if employee did not disclose information?
- Random testing may be informative. Dangerous area: Human rights/ business culture issue. (However, post-accident, police able to breathalyse/ take blood samples etc)

Alcohol
- Exclusion of driver for 'drink driving' outside work may result in loss of livelihood, when evidence of driving unsafely at work lacking. (Possession of license doesn't infer competence at work, so shouldn't be affected by disqualification)

Licenses
- Road driving licences don't discriminate between vehicle type. Therefore not relevant in 'site' context.

Other issues:
- Employer responsibility to assess driver competence.
- 'Fitness' affected by commute to/ from work. Results in surprisingly high hours. Potential to restrict availability to work?!

Driver Competence
- Competence is a tricky issue to assess.
- Judged competence is highly relevant to vehicle and site (not denoted by a licence).
- Question of taking 'reasonable care'.
- Conversely, potentially a driver excluded from driving on site-acceptable to then be excluded from driving on the roads?

Mobile Phones
- Cause of distraction, bans ignored.

Employer responsibility
- However licence represents minimum competence (management responsibility to ensure competence in context of specific site).

Penalties
- Points systems exist on roads, but no equivalent widely used onsite.
- Increased 'strength/ power' of larger companies to implement/ enforce such systems.

Training
- Highly variable between workplaces: Mandatory v practically non-existent.
- Currently training not necessarily transferable across different sites.
- Required: Clarity on what training is, where and how carried out. Should be practical vehicle-based training at specific plant (FLT model: competence based, based on task type/ site etc).
- Training in agriculture sector difficult "know it all already" mentality (in addition little or no suitable training available.)
- External verification to validate passport schemes.
- Pedestrians as well as other site attendees should be educated as well as drivers.

Information Provision
- Good practice: CORUS use of interactive site entry 'test' which must be passed before access allowed. Also provides a log of people 'authorised' to enter site (i.e. visitor's who have previously passed 'test').
- (Requirement for visitors to 'sign in' also makes sure they are kept out of the way whilst vehicles unloaded etc)
- Use of PIN No's to identify/ monitor who has driven what, where, when, and for how long. Resultant information can be used to identify training needs etc
- General need for improved signage, especially aimed at new people/ visitors to the site. (ie comprehensive directions to reception prevent pedestrians wandering around site). Use of suitable lighting for night visitors to site.
- System of 'named and approved' drivers only allowed onsite, and use of clear, recognisable road markings to minimise information provision requirements.
- Hand out written set of 'site rules' to all visitors (no 'evidence' if verbal rules used)
- 'Computer game' would be useful for site visitors regarding information provision of site layout.
- Good practice: FORD provide short, efficient, colour coded, paper-based site rules. Utilise signage to reduce paper-based information.
- Site specific risk assessments should define information required.

Risk Assessment & Management Responsibilities
- General agreement: shared responsibilities.
- Difficulty: if RAs carried out internally, becomes a case of 'what can I afford to improve'. Not a comprehensive RA.
- Management responsible for ensuring suitable segregation: Timing restrictions of vehicles on site.
- Case studies and more examples of good practice required.
- Interactive, user-friendly sites favoured. Especially if there is the opportunity to build up own 'circumstances' (i.e. see the slips and trips website).
- Issue: in past workplace transport neglected in RA. Assumed people aware of risks through travel to/ from work.
- Management responsibility: there should be more emphasis on vehicle selection, usability, function (related to training).

Workplace Layout
- Reduction of journeys where possible (or at least reduced reversing/ turning)
- Good practice: FORD use cabs with reversible seats.
- If not possible to change physical layout of site, emphasise route-planning/ vehicle arrival. (LA not often willing to allow secondary entrances).
- Problems with shared routes: multiple companies.
- Good practice: Case studies, especially referring to conflicts and how they were solved would be useful.

Involvement and Guidance
- Onsite radio campaign (subconscious message!).
- Rules on back of toilet doors (considered only time available to sit and read!).
- Improve employee involvement by personalisation of message.
- Behavioural safety campaign.
- May be too late by the time employees in the workplace. Aspects of the 'good habits' involved could be taught early on in schools – especially relevant as children more independent these days.

General
- In the interests of fairness these same topics should be raised with uninterested parties.
- The need for Management standards questioned.
- Suggested lack of focus on slips/ trips and falls from vehicles.
- Not sure what standards will add to current guidance on these issues. Difficulty being descriptive in a standard. (Farming industry would be unlikely to follow prescriptive standards).

APPENDIX E: NOTES [TOWN 4] 12TH DECEMBER 2005

People present:
P1, Strategy communications group
P2, Transport Section
P3, Manufacturing sector (waste)
P4, Strategy communications group
P5, Inspector
P6, Inspector (12 years)
P8, Strategy communications group (Band 4)
P8, Medway Council Environmental Health
P9, Swale Borough Council
P10, Shepway District Council
P11, District Council

Fitness to drive
- Need to take into account vehicle being driven (dependant)
- Complexity of what's being driven – cranes/ FLT more difficult than cars.
- Already FLT guidance in existence
- EU directive regarding 'fitness to drive' (maybe just on public highway)
- Needs to align with Disability Discrimination Act.
    o Need to make changes to workplace to allow people to work ok
    o Dependant on site as well (e.g.: Agriculture)
    o Also difficulties i.e. self-employed
- Drink ban outside work; need to declare at work
- Hard to judge whether they'd do the same at a work site.

- Lots of confusion over whether the RTA applies on site or not.

- Down to RA – employer needs to assess fitness of employee
- - But will need framework to base judgements of risk assessment on.
- DVLA guidelines are pretty good place to start for benchmark.
- If alcohol is persistent problem – may affect behaviour at work
- Employer needs to be available in order to judge
- Testing is a matter for employers to decide about policy
- Random testing helps to stop people dodging it.
    o Eyesight tests important at sites (e.g. colour blindness) can be a real problem when reading signs onsite.
    o DVLA good start point, but for certain industries, need to stipulate specifics
- If DVLA judges unfit to drive, employers need to accept this
- However not part of DVLA's responsibilities to inform employers
- Employers would need to ask employees about their history
    o Including driving hours: dependent on how far they live from work.
- Difficult topic: Gatwick example
    o Civil liberties, e.g. in South East, cant afford to live nearby (e.g. Gatwick)
- Sense of personal responsibility

Driver Competence

- Don't need RTA to apply on the work site; already got HSAW Act
    - Trying to apply at different work sites could be difficult.
- All other issues covered in training.
- Standards need to set out <u>appropriate level of competence.</u>
- Need to cover refresher training as well.
- All sector and site specific.
- Industry standards better in Construction (CITB) – not widely used elsewhere.
- Similarly with airports – very specific/ waste.
- CITB scheme widely accepted in construction industry
- -   Sometimes used in other industries
- Passports useful if work: if at same site no need.
- e.g. Distribution depot example (not got proper licences)
- Need some form of proof of experiences in order to get onto the site
- Although will use car licences as a means of arguing against this
- Foreign drivers onsite is tough – language barriers/ potential problems with passport scheme
- Also low literacy in driving population
- Loads of different people coming on site hard to control esp. with a passport. Not just looking at competence. Can have a certificate but need to be monitored.
- When go for a new job – hand over certificate for FLT which may not be applicable for machines – need pre-training (key questions and testing)
- What about <u>Stress</u> in vehicles?
- Confusion regarding the necessity of FLT certificate – would need further classification. Need to change law in order to make this necessary

Training
- Training regarding reversing larger vehicles? Any existing?
- Training provided differs; particularly FLTs: training is not necessarily specific to sites they will be working on.
- e.g. CCTV – may need to train to use most effectively
- Need better standards for banksmen; vary between banksmen – nationwide standards might be useful.
- British Standard Exists but probably not used.
- In waste industry – simplifying signalling systems.

- Depends on industry.
- Noisy audible warnings for reversing – don't want to use late at night to disturb residents.
- Problems regarding agency or foreign workers – not local labour force signals may vary between regions and countries.
- Monitoring is key. All very well learning things (almost learn how to pass the test. Not competent overnight). Need to ensure people applying what's been learnt.
- Need dates of training completion/ refresher training etc
- Refresher training needs some sort of formal standard (e.g. every 5 years)
- but if being monitored – should you really need refresher training etc?
- Regarding monitoring in SMEs, when get busy, everyone may just muck in when supposed to monitor. *issue here* (may also introduce piece work)
- Co driving annual internal assessment – go through checklist and see whether competent to drive. 1 yr passport could then demonstrate at other sites.
    - -   although flaws in plan, not a bad idea i.e. assessing competence is important.
- RA is important – in waste industry aim to eliminate risky operations where possible.

- Vehicle-specific training important. Even for same vehicle eg new FLT bought may be different from old.
- Training employees important when get new vehicles.

Information Provision
- Need site map and pictograms: remove language barrier
- Larger sites; need to ensure that know when people have come onsite, also need to area to accommodate vehicles when coming on.
- Maybe send out info in advance (eg with order/ invoice i.e. no reversing etc) but hard to ensure info gets to the driver.
  (down to monitoring)
  (get complacent if get away with bad practise)
- E.g. supermarkets
- delivery slots for vehicles – if early then often have to go away and park up somewhere causing other problems.
  Different site rules exist for different sites (where to wait etc)
- Visiting drivers need to know what's expected of them onsite in an understandable way (if have lots of Spanish possibility of translation).
  Monitoring here is important.
- Need to know what to do in case of emergency also.
- Possibility of raising status of drivers (they're pros, mostly pretty good)
  Look at drivers themselves – don't want to antagonise/ use good
  Need to involve drivers themselves.
  Drivers – pride in profession e.g. Eddie Stobart drivers
  (Need reporting mechanism for drivers about site problems)
  (Feedback to site from drivers management)
- Need to look at the practicalities of timing of delivery e.g. Monday morning = bad time for traffic on public highway.

Risk Assessment and Management Responsibilities
- Competence for workplace managers. Head office send down generic RA's for line managers to sort out with no training. Therefore RA's produced poorly – cant identify significant risks
- Need to involve workforce in RA.
- Safety reps often better H+S than supervisor. Use people who actually know about issues.
- Problems regarding SMEs have no idea where to start RA's – little time or inclination.
- But guidance has been produced. HSG 136 checklists would help to focus mind on issues, then use knowledge of people onsite.
- Don't always think about vehicle selection. Usually go for more of the same and perpetuates same problems.
  (people don't actually think about it: not raised very often unless something goes very wrong.
- Need safety features fitted as standard on vehicles such as vans (CCTV not as expensive as used to be).
- Good examples regarding prosecutions: poor FLTs purchased - poor visibility.
  (Higher management need to be better at communicating: top brass do have a responsibility for assessing risks).
- Problem is employees not often going to turn around and complain to management.
- Need to ensure that everyone knows what they are actually responsible for.

- Aerial view of site on a map would be very useful to show where vehicle movements will be onsite (turning areas) Also main pedestrian areas.
- Need to align paper plans and actual happenings
- Public on industrial environments, can be a real problem. Companies often do not consider public; who often much more vulnerable (have no awareness of site etc)
- Need to try and account for unusual situations.
- Management responsibilities – need good communications between contractors and subcontractors.

Workplace Layout
- Already got legislation and guidance on this in Regs. Don't really need to discuss this further.
- As LA, plans for new companies can influence from a safety point of view – at an early stage
- (Need to raise awareness with planning authorities)
- Duty holders want HSE to be very prescriptive: need to be careful not to be too prescriptive – differences between sites.
- Encourage sites to use stuff like on highway normally (mirrors/ PPE)
- Need to define what a 'workplace' is.

Involvement and guidance
- Workplace transport is not perceived as a big hazard – rather an accepted risk. Only big problem after an incident
- (Discussion is a necessity. But employees might not want to be involved – don't perceive it to be a risk)
- Don't think is enough employee consultation from management.
- Need to ensure 'shop floor' are following what they're supposed to be doing.
- "Make the quick route the safe route"
- Get people who've suffered an accident to talk to camera about their experience – have a good "shock" effect on audience.
- Need lot of "lead-in" time for projects (e.g. see regarding 'backs'!)
- Websites – need companies to put H+S messages on their <u>own</u> website – messages endorsed.
  E.g. Airport - introduced a vehicle management system etc.
- Info position: toolbox talks very good with slips+ trips/ backs.

- Not enough on vehicle design and selection should be standard in its own right.
- Could be aimed at manufacturers etc.

APPENDIX F: NOTES [TOWN 5] 13TH DECEMBER 2005

People present:
P1, Inspector (Band 2)
P2, Inspector (Band 3, 7 years).
P3, Inspector (Band 3, 4 years)
P4, Inspector (3 years)
P5, Inspector (4 years)
P6, Inspector (4 years)
P7, Inspector

Fitness to Drive

- Eyesight requirement; only in docks not in other worksites e.g. accident in [Town] due to poor eyesight.
- Standard for work driving should be same sort of thing as driving on public highway.
- Driving when using phone – leading to accident.
- BM for operating of work – need a specific license.

HSE not medical practitioner. Would have to set a standard then send them to doctors for assessment.
- Probs. Re. DDA – got to be careful if talk about e.g. limb amputation.
    - We're not enforcing authority for this.
- Standards ok – but it relies on individual to 'fess up.
- Hard for HSE to say what's a safe driver – medics better placed to make judgement.
- Trouble in assessing severity.
- If HSE tries to enforce more stringently than DVLA – doesn't reflect joint up working.
- Depends on how things can be modified.

- Stipulation of side FX from medication – hard to say
- Sleeping disorders – 90% HGVs driver with sleep apnoea.
- HSE not able to set limits (EMA'S job)
- Put duty on employees to have e.g. 5 yr checks
- Employees should have to 'fess up re. Any medication
- Privacy probs. – woman on pill
    o Have side effect
- Want to avoid putting onus on HSE at all: avoids all probs.
- Although diff. drugs work diff. On diff. people (will be exceptions) but are planning for majority – e.g. 98th percentile
- Need to be proportionate and reasonable.
- Rely on honesty of employee screening
- Agree that should be lines, but HSE not one to draw them in this instance.

Driver Competence

- Section 7 – responsibility for employee. Need to ensure competence.
- Cooperate from machinery from 13 years but driving license at 17 years
- Lots of certificates. FLT one works quite well; if trained by an approved HSE body.

- Some certificates bit dodgy.
- Need <u>clear</u> line on issue of <u>in-house</u> training, lots of places where person training is competent.

Key issues need to be as clear as possible.

e.g. You <u>must</u> be able to …

Training <u>must</u> cover these areas …

2. Don't rely on previous training at new sites (new vehicles) new tasks – need to be assessed properly by a competent supervisor.

Training

- CSCS cards works well in construction; pushed well by CITB. Also major contracts can really push it in right direction – will be more difficult in fixed premises.
- CORGI working well – takes ages till it becomes the norm but when it does, it's great
- Those companies that do have a good SMS are very varied – had to draw consensus – need to provide examples of good and bad stuff.
- e.g. Felixstowe post training – good; specific dock related equip.
- Need to <u>clarify</u> legal position re. 7-tonne lorries: if took driving test before a certain time, can be free to drive

Training provision & competence. At end of training, really need to assess competence. Safe vehicle operation is key.

* Length of training will vary depending on individual. Can't be prescriptive. When you are ready, then you go.

- Clarity on refresher training
- Needs also to be higher <u>list</u> of <u>registered</u> trainers. Ore even a list of approved qualifications instead. To get into accredited list, need to prove competence – similar to CORGI registered.
- Trainers need to competent on training on all types of kit they're training on. Competency in right areas.
- "They don't know they don't know".

Information Provision

- If dealing with a sub-contract, must show them what you expect them to bring on site (need proof of competence)
- Site should provide information
- Works well in bigger sites, harder to control on industrial estates
- Site needs to establish competence of sub-contractors
- Temps / agency worker – new con. of work

Employer of driver responsible for providing certain – training; generic info.

Site shall supply site specific info. e.g. British Sugar.

- Info. should be proportionate to risk of task being performed although site map will usually be good idea – pictorial for foreign driver.
- Whenever poss. – always provide Hi Vis
- Do you really need more than 1 set of guidance

- Need to avoid people needing to buy 3/4 sets of guidelines.

- HSE has multiple documentations coming out. Need to align these – working in sites

Risk Assessment & Management Responsibilities

- Need to look who police might prosecute if was on road – although HSE don't always agree with police.
- Member of public don't have any training; but people working onsite should be more aware.
- Police & HSE often coming at people from different angles.

- RA <u>has to be</u> site specific – has to cope for peculiarities. Can't do generic assessment, as no 2 sites are same.
- Need to also focus on outcomes - safe systems of work – here use studies would be good.
- WT RA shouldn't be based on severity of risk – all of it high risk.
- Need to make it explicit – list the hierarchy – push strongly make legislation more prescriptive. Tell them what not acceptable then tell them what is
- H&S professionals / consultants not necessarily any good (lots of paper not true solution – needs to be quality), HSE needs to crack down on these.
    - ensuring competence
- Ensure people justify why people haven't done changes in RA (why not)
- Work at falls from height
- Need to educate - ensure message is clear for duty holders.

- Selection of equipment on vehicles e.g. CCTV means of upgrading vehicles – need to bottom out technological issues
    – e.g. FIT (decreasing human error) where have to punch in code
- With manufacturers, HSE needs to encourage them re. best practice e.g. CCTV is not optional on vehicle
    – removes option from purchaser
- Problem still exists re. 2nd hand machinery,
- LOLA regs. – needs to be guidance for people on ground

- Need to move away from word "consider". Make if more "expecting" it to be there (so would need v. good justification for not doing it).
- People think in boxes – tech. Progressing; guidance re. selecting vehicles should say "do you need the vehicle at all – needs to be suitable for what's going in
- Guidance needs to be specific enough to inspect against. Avoid "consider".

Workplace layout

- Need to put focus on designess of new sites, but at old sites can be terrible – no planning considerations e.g. Ipswich port.
- HSE needs to be in better links with planning authorisation
- Clear issues – harder to put right retrospectively.
- Most workplaces are compromises because haven't got involved early enough.
- If employers about to alter site… no legal duty for planners to consult with HSE would involve a change of legislation - move to HID style of permissioning

Signing - use visual ones e.g. zebra crossing; may work subconsciously

- HSE publicity in roadside café for truckers

  - Need one – way systems.
  - Need boxes nest to loading bays.
- How to prescribe workplace layout: just HSE guidance.

Involvement & Guidance

- To raise awareness of hauler drivers need to target where they go (café / service stations)
- Info. in builders merchants;
- Put info in toilets.
- Persuade - need training companies to give out HSE stuff if when training

- Need to incentive H&S performance.
- H&S could work more on hard outcomes – make it serious.
- With WT have opportunity for something hard hitting and shocking
  - case studies fit in here – put personal accounts of people who've been nailed and those doing the running over
  - people who are like you – giving the message
- TV campaigns possibly – but expensive.
- Need positive safety culture in order for management, to get workers influenced
- Need to ensure management play by same rules – <u>all</u> wear hi-vis
- Real problem is overcoming inertia re. "it'll never happen to me" therefore need to enforce - these are the rules – you've got to follow them
- Posters re. insurance could be quite effective.
- help make costs & benefits more transparent
- need to push harder on benefits e.g. lower premiums; need to push insurance industry more
- Inertia. On worksite, take less personal responsibility.

- HSE tends to dribble with campaigns.
- H&S aren't seen as societally as bad – more petty; need to turn this perception around
  - Need stronger disciplinary system for breaking H&S rules
  - Guidance can be so over-arching, it gets repeatedly watered down – need to take stronger approach.
- Maybe minimum standards as def. then another document saying what they could achieve as best practices.

- Worker involvement programme.