

Ministry of Transport

Road Safety Strategy – Vehicles as a Workplace Reference Group Outcomes Report

March 2019

PURPOSE

This report sets out the key challenges, strategic priorities and potential approaches identified by the Vehicles as a Workplace reference group on the Road Safety Strategy.

CONTEXT

The Ministry of Transport is leading the development of a new road safety strategy and action plan

The Government has agreed to the development of a new road safety strategy for New Zealand, replacing the current Safer Journeys strategy, which ends in 2020. It will outline the steps New Zealand will take to meaningfully reduce deaths and serious injuries over the coming decade.

As part of the development of the strategy, the Ministry of Transport is investigating adopting the 'Vision Zero' approach to road safety thinking. This would set a long-term objective of eliminating deaths and serious injuries on our roads.

Reference groups were established to provide early input on the strategy and action plan

Intent and scope of reference groups

Five reference groups were established to discuss key road safety issues, and identify priorities and potential interventions. The purpose of the groups was to:

- provide key stakeholders with an opportunity to influence the development of the strategy at a relatively early stage
- build a better shared understanding of the challenges and opportunities for the new strategy.

However, the reference groups were not asked to reach a common position, or required to endorse recommendations or reports.

Each group focused on one of the following broad areas:

- Speed
- Infrastructure, design and planning
- Vehicles, vehicle standards and certification
- Road user behaviour
- Vehicles as a workplace.

All reference groups also considered a range of cross-cutting factors including the safety of vulnerable users, equity, technology, and rural and urban perspectives. They also considered links to broader health harms and social impacts.

Vehicles as a Workplace reference group examined road safety issues associated with driving for work

Scope

The Vehicles as a Workplace Reference Group (the reference group) examined road safety issues associated with driving for work, including both commercial transport services (such as freight and passenger services) and driving as part of work more generally. These issues were considered from both a road safety and a health and safety at work perspective.

“Vehicles as a Workplace” includes anyone travelling on the road for work; whether driving is a core part of their role (e.g. a bus, truck or taxi driver) or secondary to their main work (e.g. a plumber driving a work van between jobs or someone driving their own car between sites). It also includes bookable fleet vehicle businesses (e.g. rental car companies).

Membership and process

The reference group consisted of representatives from across central and local government, key players in the transport sector, and road safety experts and advocates. **Appendix A** outlines membership for the Vehicles as a Workplace Group.

The Vehicles as a Workplace Group was supported by:

- Chair: Robert Brodnax, Director, Transport Access Delivery, New Zealand Transport Agency (NZTA)
- Advisers from the Ministry of Transport, NZ Transport Agency (NZTA), WorkSafe and the Ministry of Business, Innovation and Employment.
- Expert adviser: Dr Felicity Lamm, Chief Government Adviser Health and Safety, and Co-Director of the Occupational Health and Safety Research Centre, AUT.

The group held four half-day meetings between September and November 2018. The first meeting included a facilitated workshop to identify the opportunities and challenges that the group wanted to focus on in subsequent sessions.

CURRENT STATE

Work-related road safety

Work-related road safety has been identified as a significant issue in New Zealand and internationally, both as a substantial part of overall road safety outcomes and as a leading cause of work-related deaths. However, there is no comprehensive data on the proportion of road crashes that involve work-related driving. Crash records do not record the purpose of the journey, and WorkSafe's Serious Injury Outcome Indicators do not include road crashes.

We do, however, have sufficient data to suggest that work-related crashes are a very significant part of road safety harm, and that road crashes are likely to be the single largest cause of work-related fatalities in New Zealand.

- The Provisional data from the Work-Related Fatal Injury Study 1999-2014, currently being undertaken by the University of Otago, suggests that around 25 percent of road crashes involve someone driving for work (including commuting), with around half of these involving commercial transport services. This is broadly consistent with experience in other jurisdictions.
- According to the Crash Analysis System, approximately 20 percent of road deaths involve crashes with trucks, despite truck travel making up approximately 6 percent of vehicle kilometres travelled. Deaths from crashes with buses are comparatively rare (average 6 per year since 2000). Nearly 90 percent of those killed in heavy vehicle crashes are not the occupants of the heavy vehicles, but the other road users involved.

Current regulatory system

Health and Safety at Work requirements

Businesses and other organisations have broad duties under the Health and Safety at Work Act 2015 (HSWA) to protect people at work. This means businesses must ensure the health and safety of:

- workers when they are driving for work – workers include employees, contractors, volunteer workers, and people gaining work experience
- any other workers who are influenced or directed by the business, when driving for work
- any other people exposed to the hazards generated by the business or undertaking (public, bystanders, customers and visitors).

In relation to work-related driving businesses must identify and control risks to people's health and safety, including by:

- providing and maintaining safe vehicles, and ensuring they are used and handled safely.
- ensuring workers have adequate experience, training, and supervision to use a vehicle.
- considering the impact of broader contextual factors on road safety, such as schedule pressures, procurement decisions, and the nature of client-contractor relationships.

Workers driving for work must also take reasonable care of themselves and others.

The HSWA provides for a chain of responsibility for workplace health and safety. This chain of responsibility applies both “vertically” and “horizontally”, requiring both those procuring transport services to take reasonable steps to ensure the safety of those services, and importers and suppliers ensure that “plant” (defined as including vehicles) is, to the extent reasonably practicable, without risks to health and safety.

Worksafe is responsible for monitoring and enforcing compliance with the HSWA. It also warrants NZ Police officers to enforce health and safety requirements. Other agencies can be designated as health and safety regulators for particular sectors.

Land Transport Act requirements

In addition to the broader health and safety obligations on businesses, some commercial vehicle services are required to be licensed and comply with requirements under the Land Transport Act 1998 (LTA) aimed at improving road safety, consumer protection and personal security:

- Goods service: delivers or carries goods, with a vehicle of a maximum allowable gross vehicle mass of 6000kg or more
- Small passenger service: carries 12 people or fewer (taxis, Uber, shuttles, dial-a-driver)
- Large passenger service: uses vehicles that carry more than 12 people
- Vehicle recovery service: tows or carries vehicles
- A rental service: hires out vehicles to carry goods or passengers.

Overview of LTA commercial transport service requirements	
Risk	Control
Inadequate safety systems	<ul style="list-style-type: none"> • Operator rating system (goods and large passenger services) • Chain of responsibility obligations
Personal safety	<ul style="list-style-type: none"> • P endorsement for passenger services, including fit and proper person test
Driver competency / safety	<ul style="list-style-type: none"> • Class 2-5 driver licence for heavy vehicles • Medical certificate • P endorsement requires the driver to have had licence for 2 years • Medical certificate • 90km/h maximum speed limit for heavy vehicles
Driver Fatigue	<ul style="list-style-type: none"> • Work time and logbook requirements
Overloaded vehicles	<ul style="list-style-type: none"> • Vehicle weight limits
Vehicle safety standards	<ul style="list-style-type: none"> • Certificate of Fitness requirements

The NZTA is responsible for the operation and enforcement of the commercial licensing and certification system under the LTA, while NZ Police are responsible for roadside enforcement

activity under the LTA. The two agencies are working together via the Road Safety Partnership to review that operating model to maximise effectiveness.

KEY CHALLENGES AND OPPORTUNITIES

Challenges

The group discussed the key safety challenges for three broad types of workplace driving:

- *Goods transport:* Key challenges identified in the goods transport sector (e.g. freight and courier operators) included constraints caused by commercial pressures, driver hours and fatigue, the difficulty of providing effective remote supervision, the large number of owner-drivers, and limited resources and mechanisms for compliance and enforcement.
- *Passenger transport:* Key challenges identified in the passenger transport sector (e.g. small passenger services and buses) included pressures caused by the operating environment, the age of parts of the bus fleet, driver skills and experience, driving hours and fatigue and personal safety risks for both drivers and passengers. The impact of new business models on driving hours and fatigue was also raised as a concern.
- *General workplace driving:* Key challenges identified in relation to general workplace driving (e.g. where driving is incidental to a worker's main role) included a poor understanding of driving as a health and safety risk, the use of personal vehicles for work trips, distraction risks associated with trying to run a business from a vehicle and a limited understanding of current workplace driving practices and risks in some sectors.

Links to other reference groups and policy areas

Common themes and linkages between the reference groups were identified throughout the process and shared for discussion. For example, the importance of vehicle safety and technology in the workplace and the influence of procurement policies on influencing demand for safer vehicles were discussed in both the Vehicles as a Workplace and the Vehicles, Vehicle Standards and Certification reference groups. The group also identified strong linkages with other policy areas, in particular with the Government's new Health and Safety at Work Strategy and with employment policy more broadly.

Future trends

The group identified a number of potential trends that may impact on workplace road safety over the next ten years, including the increased casualisation of employment, workforce challenges, changes to freight patterns, the immediacy of delivery times, improvements in vehicle technology, including a longer term shift towards vehicle automation.

FEEDBACK FOR THE STRATEGY

Level of ambition required

The Ministry provided the group with a background on Vision Zero, outlining how the approach was developed, what its fundamental principles are and how it has been successfully applied in other

jurisdictions. There was broad, but not universal, support for Vision Zero among members, with many suggesting that it is the only ethically acceptable approach to road safety.

A key theme of feedback was the need to clearly articulate what we mean by Vision Zero and how a Vision Zero approach would differ in practice to our current road safety approach. A small number of members raised concerns about whether scepticism about the possibility of eliminating every road death could reduce public acceptance of the strategy.

Members discussed the implications of a Vision Zero approach for work-related road safety, noting the close alignment with a health and safety at work approach to proactively managing and eliminating risks. A number of members noted that a Vision Zero approach would require organisations to take the health and safety of people driving for work as seriously as other risks in the workplace, and for all parties in the system to build a better understanding of the underlying factors influencing work-related road safety.

Priority issues for the new strategy

The majority of members identified the following areas as priority issues for the new strategy:

- *Ensuring businesses treat road safety as a critical health and safety risk* – A number of reference group members suggested that businesses often do not treat road safety as a critical health and safety risk to their workers and rely solely on the minimum requirements under the LTA as sufficient to manage this risk. There was broad agreement from the group that businesses in all sectors need better information about how to meet their obligations under the HSWA.
- *Government leadership on work-related road safety* – Members identified opportunities for both central and local government to show leadership by exhibiting best practice on work-related road safety. In particular, the group noted that a focus on safety in government's procurement of vehicles and transport services would help lift health and safety standards in the transport sector more broadly.
- *Using chain of responsibility obligations to drive change* – The reference group discussed examples of where purchasers of transport services have used their procurement processes to drive safety improvements among their suppliers. Members highlighted opportunities to leverage existing obligations under HSWA, including in the tendering and procurement of public transport services.
- *Focussing on fatigue, distraction and vehicle safety as priority issues for work-related road safety* – A large proportion of members identified driver fatigue and distraction as areas of particular concern. Issues relating to driving hours and the use of mobile phones in work vehicles were highlighted. The wholesale use of subcontracted labour in the transport sector who face significant pressure to conform to tight schedules was also seen as a contributing factor of stress and fatigue. Concerns were also raised by members about the safety of vehicles used in the workplace, both those owned by the business and personal vehicles used for work travel.
- *Ensuring that drivers have the skills and knowledge appropriate to their roles* – A number of members emphasised that the standard of training and knowledge of those driving for

work should be improved to enhance competency. They highlighted concerns with existing training in the workplace, regulatory requirements for commercial drivers and driver licensing requirements more generally.

- *Lifting standards for commercial transport services* – A number of reference group members raised concerns that while some commercial transport service operators take road safety very seriously, commercial pressures and a lack of understanding of risks mean that this is not necessarily the case across the board. Some members supported lifting minimum safety standards for commercial transport services, while others considered these measures should be targeted to the highest risk services.
- *Promoting the uptake of technology* – The potential of transport technology, particularly telematics (i.e. vehicle tracking and driver behaviour feedback) and fatigue monitoring technology, to improve road safety outcomes was a key theme of discussions. The reference group broadly agreed that promoting the uptake of these and future technologies at work should be a priority for the new strategy.

Other suggested priorities identified by members include:

- shifting freight modes away from road to rail and coastal shipping
- addressing the real and perceived personal safety risks to passenger service drivers and passengers.

Potential approaches and initiatives for consideration

Members identified a range of potential government and sector-led initiatives to improve road safety across the workshops. The following initiatives were prioritised by members in those sessions and then discussed in more detail.

Given the time available and the purpose of the working group sessions, members were not asked to consider which potential approaches might work well when brought together into a coherent package. A number of members noted that the relationship between these measures would need to be carefully considered and that some of the proposals will probably work better in combination with others.

Improving work-related road safety data

- A key theme from group discussions was the importance of building a clearer understanding of work-related road safety, including the overall level of harm, the implications of practices within different sectors, and the prevalence of different risk-factors in crashes.
- While the Work-Related Fatal Injury Study will help us to build a greater understanding of work-related road deaths, it is limited to fatalities and there is a long lag time between the study period and publication of the data (the study currently underway will cover fatalities up until 2014). Members were therefore strongly supportive of the Ministry and NZTA working with the Police to look at incorporating journey purpose information into our crash statistics.

Promoting the uptake of telematics for commercial vehicles

- Reference group members suggested using regulatory levers to promote the uptake of telematics systems by commercial transport operators. This could include providing incentives for operators to install regulatory telematics systems that share compliance information (eg, work and rest hours, vehicle speed location and mass) with the regulator.
- There was broad support from across the reference group for the introduction of this type of initiative, with differing views on the balance between promoting, incentivising and mandating telematics technology. Most members of the group agreed that promoting the uptake of effective telematics solutions would have a significant impact on road safety outcomes. However, there was a range of views on how difficult it would be to implement such an initiative effectively.

Strengthening NZTA's regulatory tools

- Members noted that NZTA's current powers to address safety concerns in relation to licensed transport operators are relatively limited. While it can attempt to work with operators to improve safety procedures, it has limited regulatory options other than withdrawing the operator's licence if they do not cooperate, which is a lengthy and difficult process. Members noted that inspectors can be reluctant to withdraw a licence due to the significant impact on employees and their families. Other regulatory regimes, such as under the HSWA, provide regulators with a broader and more graduated suite of tools to promote or require compliance, such as licence conditions, enforceable undertakings and a broader range of penalties for non-compliance.
- Members were strongly supportive of strengthening the range of available penalties and tools available to NZTA noting that it is essential that commercial transport services operate under a modern and responsive regulatory regime. Options could include providing powers to impose conditions on licensees under the LTA, or designation of NZTA as a health and safety regulator.
- Members noted that any additional regulatory tools would only be effective if NZTA adequately focuses on and resources its regulatory functions. Some members also raised the need for effective and equitable pathways for operators to challenge NZTA decisions they disagree with. The group identified this issue as one of the most effective changes to improve road safety outcomes, but views varied on how difficult it would be to achieve in practice.

Improving coordination between regulators

A number of members suggested that further clarity is needed in the sector about the roles of regulators (noting that these are clear in statute) and that improvements could be made to how work-related driving incidents are addressed in practice. In particular, members saw a benefit in using a HSWA perspective to drive organisational improvements, rather than focusing on the immediate causes of road crashes.

- Members were very supportive of closer coordination and collaboration between NZTA and WorkSafe to share responsibilities and leadership for workplace driving. This could include developing joint guidance, interventions, campaigns and programmes and sharing information between regulators and across systems. As noted above, the option of

designating NZTA as a health and safety regulator was also canvassed. There were a range of views on what effective coordination would look like in practice, on how difficult it would be to achieve this, and on how much of a difference this would make in relation to road safety outcomes.

Reduce maximum driving hours

- As noted, driver fatigue was identified by members as a critical work-related road safety risk, in particular in relation to commercial transport services. The group identified challenges to both the industry and drivers in reducing driving hours. Some members noted that a level playing field is needed to ensure that those who want to do the right thing by their employees do not suffer commercial disadvantage.
- There was broad, but not unanimous, support from members for amending the Land Transport Rule: Work Time and Logbooks 2007 to reduce the maximum driving hours from 13 hours a day towards driving hours in other jurisdictions such as the European Union. A number of members identified this as a critical intervention to improve road safety outcomes, improve driving health and wellbeing, and to make commercial driving a more attractive occupation.
- Members generally agreed that while this intervention would be effective in improving road safety, it would be challenging to implement in practice. Members noted that the flow-on consequences of a reduction in driver hours would need to be addressed, particularly the impact on driver wages, the difficulty of effective enforcement (particularly in the small passenger services sector), and the cost impact to purchasers of goods and passenger services. Should the standard driving hours be reduced, a risk assessed approach to enable businesses to justify longer driving hours with suitable and sufficient controls was also thought worthy of consideration.

Improving knowledge about work-related road safety

- In response to concerns about a perceived lack of understanding by businesses and other organisations about road safety risks and of how to effectively manage them, members discussed the merits two related interventions:
 - NZTA/WorkSafe guidelines for different sectors, clearly outlining the key risks and how organisations could manage them in practice
 - the establishment of a network or forum for businesses to share and promote best-practice on work-related road safety.
- Members were broadly supportive of both initiatives, but noted the limitations of these interventions in reaching and influencing the behaviour of those organisations that are not already attempting to manage these risks. Members noted that the two potential interventions could be complementary, but would need to be accompanied by strong enforcement of LTA and HSWA obligations. These two initiatives were generally considered to be relatively straightforward to implement, but to have only a modest impact on road safety outcomes.

Introduction of safety case-based licensing for some commercial transport operators

- A number of members raised concerns that the ease of entry into the licensing system allows for operators without a focus on safety to enter the system and does not create a level playing field for operators. A suggested response was a shift towards a safety case-based transport licensing system, which would require the operator to identify and manage critical safety risks in order to be licensed. A similar system exists for rail operators.
- The majority of members were supportive of this approach for at least some commercial transport services. Concerns were raised regarding the cost of the system and challenging transitional issues. Some members suggested that a two-track system could be introduced, allowing for safety-case based licensing as an option for some services in exchange for particular concessions. Other members suggested a more prescriptive approach would be more appropriate for most transport services.
- Members generally felt that while the introduction of this type of system would be one of the more effective interventions in improving work-related road safety, it would also be one of the most challenging to effectively design and implement.

Appendix A: Membership of Reference Groups

Focus area	Speed	Infrastructure, design and planning	Vehicles, vehicle standards and certification	Road user behaviour	Vehicles as a workplace
Chair	Kirstie Hewlett, MoT	Harry Wilson, NZTA	Brent Johnston, MoT	Sandra Venables, Police	Robert Brodnax, NZTA
Advisers	MoT, NZTA, ACC	Auckland Transport, NZTA, MoT, ACC	MoT, NZTA	MoT, Police	MBIE, WorkSafe, MoT, NZTA
Expert Advisers	Dr Hamish Mackie	Dr Simon Kingham	Dr Kim Dirks	Dr Samuel Charlton	Dr Felicity Lamm
Other members	<ul style="list-style-type: none"> • Police • Ministry of Education • Auckland Transport • Hamilton City Council • Christchurch City Council • Automobile Association • Road Transport Forum • NZ School Speeds • Cycling Action Network • Rural Women NZ • NZ Institute of Driver Educators • Living Streets Aotearoa • Sport New Zealand • ACC • Transportation Group New Zealand • Students Against Dangerous Driving 	<ul style="list-style-type: none"> • Police • Ministry of Health • Wellington City Council • Dunedin City Council • Timaru District Council • Automobile Association • Living Streets Aotearoa • Disabled Persons Assembly • Greater Auckland • New Zealand Planning Institute • Bike Auckland • Road Transport Forum • Civil Contractors NZ • Generation Zero • Transportation Group New Zealand 	<ul style="list-style-type: none"> • Police • ACC • Ministry of Business, Innovation and Employment • Ministry of Health • NZTA • Automobile Association • IAG Insurance • Brake • Motor Trade Association • Motor Industry Association • VIA • Motorcycle Safety Advisory Council • Bus and Coach • Uber • Vehicle Inspection NZ • Institute of Road Transport Engineers 	<ul style="list-style-type: none"> • Police • NZTA • ACC • Ministry of Education • Ministry of Justice • Auckland Transport • Waikato Regional Council • Safe and Sustainable Transport Association • Motorcycle Safety Advisory Council • Automobile Association • Health Promotion Agency • Plunket • Brake • NZ Institute of Driver Educators • Cycling Action Network • Rental Vehicle Association • Disabled Persons Assembly • Living Streets Aotearoa 	<ul style="list-style-type: none"> • Police • WorkSafe • NZTA • Ministry of Business, Innovation and Employment • Automobile Association • Road Transport Forum • Bus and Coach • Business NZ • Business Leaders' Health and Safety Forum • FIRST Union • NZ Professional Firefighters Union • NZ Tramways & Public Transport Employees Union • E Tu • IAG Insurance • Taxi Federation • Uber • ERoad