

Expansion of the 'grey fleet', gig economy and new technology prompts Health and Safety update on driving and riding for work

The Health and Safety Executive (HSE), working in partnership with the Department for Transport (DfT), has published updated [guidance on work-related road risk](#) (WRRR) for employers and workers today (7 September 2021). The gig economy and the increasing use of personal vehicles for work purposes – the so-called 'grey fleet' – has created some confusion over where responsibility for legal compliance lies, says the regulator.

Driving for work is likely to be the most dangerous activity most workers will ever undertake.

- Every week there are around 200 deaths and serious injuries involving people using the road for work
- It is estimated that 40,000 people working in occupations such as sales, deliveries or taxi-driving are involved in road traffic collisions every year
- Company car drivers in the UK are 49% more likely to be involved in traffic collisions, even after correcting for demographic variables and their relatively high mileages
- Countless other will suffer stress, anxiety and/or minor injuries from unreported incidents.

HM Inspector for HSE's Transport and Public Services Unit, Nicola Jaynes, commented:

"The Health and Safety at Work Act sets out the legal duties of employers and those engaged to work for them, their responsibilities to manage WRRR are nothing new. However, the landscape is changing and we wanted to ensure guidance reflects these changes and also remains relevant for years to come.

"Companies who otherwise have robust health and safety policies sometimes fail to consider their responsibilities adequately when it comes to driving or riding for work. Everyone should come home from work safe and well, whether they're working behind a desk or behind the wheel."

Prosecutions could lead to significant fines and custodial sentences, as well as driving bans and/or operator licences being revoked. In 2020, a company found guilty of failing to effectively manage fatigue for their employees driving for work, was fined £450,000 and ordered to pay £30,000 costs after two men lost their lives in a motorway collision.

All drivers and riders have an individual responsibility for their driving behaviour under road traffic laws. However, when driving for work, the

organisation they work for has legal responsibility for their employees' health and safety. For example, ensuring employees do not drive an excessive number of hours and checking their vehicle is properly maintained, even if it belongs to the employee. The regulations apply to all workers including those using two-wheeled vehicles, such as motorcycles, scooters and ebikes.

The updated guidance is informed by HSE research which included a literature review, survey and interviews with those working in the sector.

Nicola Jaynes added:

“The shocking number of injuries and fatalities associated with driving for work demonstrates that more needs to be done to manage WRRR. This updated guidance will give employers the guidance they need to ensure the safety and wellbeing of their drivers and riders. Organisations with a positive safety culture and clear, well managed policies for driving and riding for work can have a significant influence keeping our roads safe for everybody.”

Editor's notes

1. The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. We prevent work-related death, injury and ill health through regulatory actions that range from influencing behaviours across whole industry sectors through to targeted interventions on individual businesses. These activities are supported by globally recognised scientific expertise. [hse.gov.uk](https://www.hse.gov.uk)
2. HSE and the Department for Transport have worked with stakeholders to create new '[Driving and riding safely for work](#)' This replaces INDG382 Driving for Work guidance. There is clear, simple guidance:
 - for employers and those who engage drivers and riders on how to make sure the journey, driver and vehicle are safe
 - for workers and those who drive and ride for work on their responsibilities.

In recent years there have been significant developments in vehicle driving and monitoring technologies, employment status and driving practices. The new webpages explain the responsibilities of anyone who engages workers to drive or ride for work, whether in an HGV, van, car or on a two-wheeled vehicle. The guidance covers health and wellbeing as well as safety.

[Food manufacturer fined after workers are exposed to sulphur dioxide](#)

A food manufacturing company, based in Holbeach Lincolnshire, has been fined after employees were exposed to sulphur dioxide (SO₂) gas released as a

result of poor planning and unsafe systems of work during the commissioning and operation of a new potato processing line.

Lincoln Magistrates' Court heard that AH Worth Ltd (formerly known as QV Foods Ltd) purchased a new potato processing line in 2018. The purchased line dipped the cut potatoes into a substance (Microsoak) to prevent them browning. The purchase, installation and commissioning work was poorly planned. During commissioning, the Microsoak gave off sulphur dioxide gas that affected workers in the packhouse. The company made modifications to the line to attempt to cure the problem, but it caused the nozzles on the line to repeatedly block up and more sulphur dioxide to be given off. A maintenance engineer attempting to unblock the nozzles on the 11 June 2018 was badly exposed to the sulphur dioxide. The factory had to be evacuated and other workers in the vicinity were also affected. The maintenance engineer and another worker were so badly affected that they were not able to return to work due to the effects of the gas on their lungs.

An investigation carried out by the Health and Safety Executive (HSE) found that the work should have been properly planned mindful of the risks involved. There should have been adequate flows of information between QV Foods Ltd and the contractors involved. Commissioning should have been properly planned. When they started to have problems, they should have stopped and properly evaluated the solutions before going ahead and modifying the line. The maintenance workers and those on the line should have been provided with adequate information, instruction and training about the new line and what to do. There should have been a safe system of work in place for unblocking the nozzles and the workers should have been provided with additional PPE.

AH Worth Ltd of Manor Farm Holbeach Hurn, Spalding, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc Act 1974 in that it failed to ensure, so far as was reasonably practicable, the health and safety at work of its employees. The company were fined £300,000 and ordered to pay costs of £9924.90 with a victim surcharge of £170.

Speaking after the hearing HSE inspector Mr Martin Giles said: "This was a tragic and wholly avoidable incident, caused by the failure of the company to plan properly for the introduction of new plant and equipment. It made alterations to the new plant without adequate thought and planning, failed to implement safe systems of work and failed to react adequately when things started to go wrong".

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2. At the time of the incident in June 2018 the company was known as QV Foods Ltd, but in 2019 I changed its name to AH Worth Ltd

3. More about the legislation referred to in this case can be found at: legislation.gov.uk/
 4. HSE news releases are available at <http://press.hse.gov.uk>
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[An installer of fire suppression systems and a manufacturer of alcoholic drinks fined after an employee was crushed by machinery](#)

An employee of Fire Protection Group (FPG) was working at Chivas Brothers Limited (CBL) premises when he was crushed and trapped in a Kardex Remstar Shuttle XP500 machine.

Dumbarton Sheriff Court heard that on 22 February 2017, a fire alarm engineer, employed by FPG, was undertaking a visual inspection of fire suppression systems at CBL's bottling plant in Kilmalid, Dumbarton. Side panels that act as fixed guards preventing access to dangerous moving parts inside of the machines were removed so that the FPG employee could gain access inside to carry out the inspections. Only part of the machine was isolated from power sources. The FPG employee was crushed and trapped when the extractor device of the machine was activated. He sustained crushing injuries to his right side.

An investigation by the Health and Safety Executive (HSE) found that both FPG and CBL had duties to ensure that there was an appropriate exchange of important health and safety information in advance of, and during, the work activity. They failed to ensure that all the systems were isolated before removing the covers.

Fire Protection Group of 28 Mill Road Industrial Estate, Linlithgow pleaded guilty to breaching the Health and Safety at Work etc Act 1974, Section 2(1), 2(2)(a) and (c) and was fined £50,000.

Chivas Brothers Limited of Kilmalid, Stirling Road, Dumbarton pleaded guilty to breaching the Health and Safety at Work etc Act 1974, Section 31 and 33(1)(a) and was fined £50,000.

After the hearing, HSE inspector, Mac Young, said: "This injury was easily preventable. The risk should have been identified. Employers should make sure they properly assess and apply effective control measures, such as permits to work when machinery is safely isolated, to minimise the risk from dangerous parts of machinery."

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 3. HSE news releases are available at <http://press.hse.gov.uk>
 4. For more information on working safely with vehicles at work, please visit: <https://www.hse.gov.uk/workplacetransport/>
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[Rubber processing company fined after worker suffers serious injuries](#)



A rubber processing company was fined after a worker's arm was trapped in machinery.

Tameside Magistrates Court heard how, on 4 January 2018, an employee of Marple Polymers Processors Limited was cleaning a stationary conveyor belt on a Banbury mixing machine. Unaware cleaning was taking place, another employee started the conveyor belt system. The original employee's left arm became trapped between the conveyor belt and the tension idler causing serious injuries to their arm and hand.

An investigation by the Health and Safety Executive (HSE) found the company's system of work was unsafe as it relied too heavily on effective communication between employees who were working on the machine in a dark and noisy environment.

Marple Polymer Processors Limited, Stockport, pleaded guilty to breaching Section 2(1) of the Health and Safety at Work etc. Act 1974 and was fined £20,000 and ordered to pay costs of £7,269.30.

After the hearing HSE inspector Simon Bland said: “This injury could have easily been prevented had a robust safe system of work been in place which included, for example, the isolation of power to the machine whilst cleaning was carried out. Employers should properly assess the hazards associated with the operation of machinery and put in place effective control measures which employees understand and follow when operating, maintaining and cleaning machinery”.

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2. More about the legislation referred to in this case can be found at: [legislation.gov.uk/](https://www.legislation.gov.uk/)
3. HSE news releases are available at <http://press.hse.gov.uk>
4. More information and guidance can be found at <https://www.hse.gov.uk/rubber/introduction-to-rubber-processing.pdf>

[Construction company prosecuted for multiple safety failings](#)

A construction company has been fined after repeated health and safety breaches, giving rise to significant risk, were found on a site in Bolton.

Manchester Magistrates’ Court heard how inspections at the construction site at Manchester Road, Bolton, had taken place three times between October 2019 to January 2020 by the Health and Safety Executive (HSE). As a result of these inspections, multiple Prohibition and Improvement Notices were issued to Venus Properties and Development Limited for various Health and Safety failings. Work at height breaches were found on every occasion and other breaches included sleeping on site, lack of guarding on a metal guillotine, electrical safety, wood dust and safety during lifting operations.

The HSE investigation found that Venus Properties and Development Limited failed to properly assess, plan and implement health and safety procedures and measures resulting in repeated breaches giving rise to significant risk.

Venus Properties and Development Limited of High Street, Waltham Cross, Herts pleaded guilty to breaching Section 2 (1) of the Health and Safety at Work etc. Act 1974 and was fined £23,000 with costs of £6,917.40.

After the hearing, HSE inspector Rebecca Hamer said: “Companies should be aware that HSE will not hesitate to take appropriate enforcement action against those that fall below the required standards.”

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2. More about the legislation referred to in this case can be found at: legislation.gov.uk/
3. More information on health and safety in construction can be found at: [Construction – Health and safety for the construction industry \(hse.gov.uk\)](http://hse.gov.uk/construction-health-and-safety)
4. HSE news releases are available at <http://press.hse.gov.uk>