

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 others 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.