



SAFETY ALERT

Worksafe Prosecution: Perth Based Heavy Haulage Company

The prosecuted company carried on a commercial freight haulage business delivering freight as far North as Karratha from Perth.

The company did not set trip schedules but rather left it to its drivers to regulate their own driving. The drivers exceeded the amount of work time permissible without having a break of at least 7 consecutive hours of work time as required of the drivers by regulation 3.132 of the OSH Regulations.

The trip hours were recorded on trip sheets signed by the drivers and submitted to the company by the drivers or in driver's diaries. At no time were any of the drivers disciplined or informed by the company that their driving exceeded the permissible hours stipulated by the regulations. The company had failed to ensure that drivers complied with the permissible working hours stipulated by the regulations.

At least one of the vehicles driven by the drivers was fitted with a GPS tracking system (IVMS) which enabled the company to track and be aware of the movements of the vehicle. This facility also indicated whether the engine was engaged or not. Instead of using this facility to ensure the driver was complying with the regulations the company used this facility to track the drivers movements, demanding that the driver deliver the freight he was hauling within a certain time, forcing the driver to depart from the requirements of the regulations.

At the time one of the other drivers did not hold a medical certificate certifying him as fit to drive a commercial vehicle. Despite this knowledge the company permitted this driver to drive for it prior to his obtaining the requisite medical certificate.

The Perth Magistrates Court fined the company and made an award against them of significant legal costs.



Legislative Requirements:

Pursuant to the *Occupational Safety and Health Act*, employers must provide a safe place of work which includes ensuring that drivers are medically fit to undertake their duties and sufficiently rested to complete their tasks.

For more information see:

National Transport Commission – Assessing Fitness to Drive (2012)

Worksafe WA – Code of Practice: Fatigue Management for Commercial Drivers

Worksafe WA – Commercial Vehicle Driver, Medical Assessment Form

Barbaro Group:

Barbaro Group is a subject matter expert in all aspects of land transport, vehicle management and road safety.

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