FACTSHEET

DRIVER FATIGUE MANAGEMENT PLANS
MANAGING LONG DISTANCE TRUCK DRIVER FATIGUE IN NSW

1. WHAT DOES OCCUPATIONAL HEALTH AND SAFETY LAW REQUIRE IN NSW?

The *Occupational Health And Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005* (the Regulation) commences on 1 March 2006. It is intended to reduce the risk of harm from fatigue to drivers of heavy trucks. The Regulation places legal duties on employers, head carriers and certain consignors and consignees involved in the transport of freight **long distance** by means of a **heavy truck**.

The Regulation requires:

- the risk of harm from fatigue to the driver's health and safety be identified, assessed and eliminated or controlled.
- that driver fatigue management plans (DFMP) must be in place.

The risk assessment and the DFMP are two separate requirements that can be combined, however, it will not be sufficient to have a DFMP that does not identify, assess, eliminate or control the risk of fatigue.

2. WHAT IS CONSIDERED 'LONG' DISTANCE?

Transport freight long distance is defined by the Regulation as meaning: *to transport freight by means of a heavy truck (whether by means of a single journey or a series of journeys) more than 500 kilometres, including any part of a journey where freight is transported because the heavy truck is being driven to collect freight or to return to base after transporting freight.*

This definition means that the distance (more that 500 kms) is calculated as a single journey that may consist of more than one delivery of freight, including distance travelled to return to base after a delivery.

3. WHAT IS CONSIDERED A HEAVY TRUCK?

A heavy truck is defined by the Regulation as meaning: *a motor vehicle with a GVM over 4.5 tonnes, or a motor vehicle forming part of a combination if the total of the GVMs of the vehicles in the combination is over 4.5 tonnes.*

4. WHO HAS RESPONSIBILITIES UNDER THE REGULATION?

From 1 March 2006 all driving where **freight is transported long distance** in New South Wales using a **heavy truck** will require a risk assessment that identifies, assesses and eliminates or controls the risk of harm from driver fatigue.

A DFMP will also be required under the Regulation. It is the employer or head carrier's responsibility to:

- develop the DFMP
- consult with drivers when developing the DFMP
- make the DFMP available to affected drivers and,
- keep certain records in relation to the DFMP.

Consignors and consignees who employ more than 200 persons, and have a substantial part of their business in a **prescribed business,** will also need to assess and eliminate or control the risk of harm from fatigue any self-employed drivers contracted to them to transport freight long distance. They will also need to prepare a DFMP and make it available to affected drivers.

These consignors or consignees who contract with a head carrier will also be required to satisfy themselves that delivery times are reasonable for a driver transporting freight long distance, and that drivers under that contract are covered by a DFMP. These consignors and consignees also have a responsibility to keep certain records.

Drivers also have responsibilities under OHS legislation in New South Wales – *see Factsheet for drivers.*

What is risk management?

Risk management, in the context of work activity safety, is the process of identifying hazards, assessing the likelihood and consequences of the risks of injury or illness occurring, and the elimination of risks (where reasonably practicable), or the implementation of control measures to appropriately manage the risks. The Regulation requires that the risk of harm arising from truck driver fatigue be identified, assessed, eliminated or controlled. In addition the Regulation also requires the development and implementation of a DFMP. For more information on risk management see *Risk management at work* (cat No 425).

5. WHAT IS A DRIVER FATIGUE MANAGEMENT PLAN?

A DFMP is a plan, prepared in consultation with drivers that sets out how the risk of harm from fatigue in the transport of freight long distance is to be managed. Some businesses may have existing human resource manuals and training documents that contain policies or procedures to address issues like safety induction, fitness for work, alcohol and drugs, hazard/incident reporting, etc, across the entirety of their operations. These policies and procedures may be incorporated into DFMPs where the material was developed in consultation with employees and health and safety and representatives.

This would be acceptable as long as the current documents:

- were appropriately referenced in the DFMP
- addressed all the matters required of a DFMP
- were readily available to affected drivers
- were directly relevant to fatigue management.

In other situations such as one-off contracts between consignors/consignees and a self-employed carrier, the DFMP may not be as comprehensive. A consignor's or consignee's duty to eliminate or control the risk of harm from fatigue to the driver only applies to the extent that their activities contribute to the risk.

A DFMP **must** address each of the following matters where they may affect driver fatigue:

Trip schedules and driver rosters

- Times required to perform tasks safely
- Times actually taken to perform tasks
- Rest periods required to recover from fatigue
- The cumulative effects of fatigue over more than one day
- The effect of the time of day or night on fatigue.

Management practices

- Methods for assessing the suitability of drivers
- Systems for reporting hazards and incidents
- Systems for monitoring driver health and safety

Work environment and amenities

Training and information about fatigue provided to drivers

Loading and unloading schedules

- Including queuing practices and systems

Accident and mechanical failures

- Reporting and recurrence prevention.

Information to consider when addressing the matters that must be included in a DFMP is listed below. NB. Workplaces, work practices and types of work may differ – this information is intended as a guide only.

Trip schedules and driver rosters

Trip scheduling is a key factor in managing fatigue. A long distance heavy truck driver is not to be required to drive an unreasonable distance in insufficient time with inadequate provision for rest breaks.

Trip schedules should:

- take into account actual work times of the driver
- plan for adequate breaks
- provide the driver with an opportunity for adequate rest and sleep
- recognise that drivers have other non-work related demands on their time and these may reduce time for sleep
- ensure opportunities for sleep take into account activities such as washing and bathing, eating meals and travelling to and from the depot (when travelling home for sleep).

Trip scheduling also needs to take into account delays and disruptions that may be encountered by truck drivers during a trip, and contingency plans should be factored in.

Driver rosters plan the pattern of work and rest periods. Rosters must:

- always be in accordance with the DFMP
- maximise the opportunity for drivers to recover from the effects of fatigue
- consider changes to the regular sleep patterns of drivers
- give drivers sufficient notice of changes from night and day shifts to allow for sleep pattern differences.

When developing trip schedules, work time needs to include rostered driving hours as well as additional time for work that is incidental to driving – ie. servicing and maintaining the truck, loading, unloading and queuing.

Management practices

Management practices are critical in the development of a DFMP. It is important to consult with those in the transport supply chain to identify risks and manage these risks appropriately. This is especially important for trip scheduling to allow demands to be met while complying with the Regulation.

Wherever possible it is best to eliminate fatigue. This can be achieved by appropriate rostering and trip scheduling combined with allowances for appropriate rest breaks and sleep time.

It is important to make sure that control measures put in place actually work. The Regulation requires that a person responsible for preparing a DFMP must ensure their activities are consistent with the DFMP. Consulting with all parties involved in the transport supply chain as well as checking driver logs will determine whether the control measures are being implemented, if they effectively control fatigue and whether the control measures adhere to legislation.

Consultation with employees during preparation and adjustment of a DFMP is a requirement of the Regulation.

Factors that must be considered when developing this procedure include:

<u>Assessing the suitability of drivers</u>

Drivers need to be in a fit state for work when presenting for duty. Factors that can affect their wellbeing and capacity to work effectively include:

• a second job
• other driving
• recreational and sporting activities
• insufficient sleep
• stressful situations
• the consumption of alcohol/other drugs or medication.

A written company policy needs to be developed, in consultation with drivers, outlining the importance of being fit for duty. Procedures for checking with drivers prior to starting work need to be in place, as does a comprehensive alcohol and drugs policy. Drivers need to understand the implications of presenting as unfit for duty. Contingencies should to be in place for these situations, be clearly documented and communicated to employees.

<u>Systems for reporting hazards and incidents</u>

Systems must be in place so hazards and incidents can be easily reported, as it is important that all hazards that contribute to fatigue be identified and acted upon. Employers are responsible for establishing a process for long distance drivers to report the following types of incidents:

• They failed to obtain sufficient sleep
• They experience a level of fatigue they believe is incompatible with operating in a safe and reasonable manner
• They believe fatigue may have played a contributing role in an actual or near miss incident
• Mechanical defects.

It is important for all drivers to know how to report a hazard. The reporting process provides information for trend and causal analysis and allows for continuous improvement. As drivers are exposed to the hazards associated with fatigue, their input is crucial to identify hazards that arise from their work.

Monitoring driver health and safety

Driver health and fitness is an important issue when considering how to manage the risk of fatigue. Health and fitness directly affects a driver's ability to deal with stress and the demands of the job.
Common health problems experienced by truck drivers include:

• obesity and heart disease
• diabetes - uncontrolled diabetes can lead to feelings of fatigue
• sleep disorders ie. sleep apnoea.

A health management system should be developed and implemented to assist drivers with health problems and promote better health management. The system should include medical history, sleep disorders, diet, alcohol or substance abuse and lifestyle. Drivers also need to have their fitness to drive tested (refer to National Transport Commission's National Standard Fitness to Drive). Employees also have a responsibility for their own health and safety by ensuring that they follow procedures.

Work environment and amenities
The provision of appropriate work environment and amenities are key factors in limiting the risks associated with driver fatigue. Vehicle cabins need to be designed in accordance with ergonomic standards for safe operation, and vehicles need to comply with Australian design rules and standards.

Workplace conditions should meet Australian standards for seating and sleeping accommodation. In particular:

- vehicle cabins are well ventilated
- seating suspension is adjustable to the driver's height and weight
- vehicles are equipped with appropriate sleeping accommodation if drivers are required to sleep in the vehicle.

In particular refer to the Australian Design Rules regarding sleeper berth, ADR 42/04.

Allowances need to be made, wherever it is reasonably practicable, for sleep and breaks to be taken where there is access to amenities such as toilets, showers and facilities for meals.

The time of day and the sleep environment should to be considered, particularly in summer when the temperature inside a truck can be excessive during daylight hours. Parking must also be considered so the truck can be moved into a parking bay - away from traffic noise and vibrations that may disturb sleep.

DFMPs need to identify appropriate rest stops and ensure trip schedules allow drivers to stop at appropriate locations. Drivers, however, must be able to retain the flexibility to stop for breaks if they are experiencing symptoms of fatigue.

Where accommodation is provided away from the truck it needs to be assessed to ensure the driver can have adequate sleep ie. away from noise, intrusions, not too hot or light.

Training and information

A DFMP **must** include training and information about fatigue, its causes and how to identify and better manage hazards. Information should include:

- common causes of fatigue ie. shift work, extended working hours, roster patterns, driver demands and delays in loading and unloading
- tips to identify signs of fatigue
- hazards associated with extended work hours
- potential health and safety impacts of fatigue
- company policies and procedures for fatigue management
- how drivers are responsible for making appropriate use of their rest days, ensuring they are fit for duty on rostered shifts.

Consideration needs to be given to the appropriateness of information, training and supervision to be provided to members of the supply chain. This includes supervisors, schedulers and any other person whose actions may affect road safety. Drivers who attend training outside their normal shift need to be considered ‘at work’ and rosters adjusted accordingly.

Training is also vital to ensure correct procedures are understood and followed by all employees. A DFMP can be prepared, but unless employees follow these procedures, incidents due to driver fatigue may still occur.

Training on the DFMP needs to include:

- shift work schedules
- incident and hazard reporting
- management of driver fatigue
- company policies and procedures.

This training needs to be part of company induction so employees gain an awareness of the company’s general OH&S and fatigue management systems. Further training needs to take place on the procedures of a fatigue management plan before a driver undertakes any trips requiring extended periods of driving. If any changes to procedures occur - as a result of incident investigation, driver feedback, or monitoring of control measures - training needs to occur on the revised procedures.

Training needs to combine written theory with practical application. There should also be an assessment component to the training to ensure those being trained have acquired the necessary skills. A supervisor may do this by observing the person following correct procedures, or through the revision of trip records to ensure that correct applications of the DFMP procedures have been undertaken.

Loading and unloading schedules

Problems can arise if consignors and consignees are inflexible with pick up and delivery times. This can place extra pressure on drivers to make scheduled arrival times, even when delays and disruptions occur.

The DFMP should factor in unplanned delays such as roadwork or traffic accidents that may affect delivery schedules.

Consignors and consignees **must** ensure that the delivery timetable is reasonable to minimise fatigue. This includes loading and unloading as well as queuing times and practices. This may be achieved by:

- adding more flexibility to pick up and delivery times
- minimising the unloading/loading done by the truck driver
- scheduling pickup and delivery times that take into account driver delay and disruption
- ensuring that delays resulting from loading and unloading are kept at a minimum
- providing adequate amenities for waiting drivers.

Accident and mechanical failures

A DFMP must factor in contingency planning such as unexpected delays and disruptions. Risk factors that need to be considered include:

- the time of day – body clock rhythms , length of time since last break, schedule adjustments to accommodate the delay
- length of working time – delays adding excessive working time, adding extra rest time to next shift
- cumulative fatigue - taking adequate break times, opportunities for quality sleep.

Supervision

Employers **must** ensure drivers and contractors are appropriately supervised and follow the requirements of the DFMP.

While away from the depot, supervision may include but is not limited to:

- monitoring arrival and departure times from depots and points of destination
- welfare checks
  - scheduled telephone calls between drivers and supervisors, supervisors and consignees to check on consignment progress
  - auditing logbooks against DFMP
  - auditing timesheets and pay information against DFMP when drivers are paid on an hourly or per kilometre basis
  - using GPS tracking systems to monitor the progress of consignments against the DFMP
  - applying a system where drivers maintain contact with the depot or a supervisor to deal with unexpected delays, and variations to the DFMP need to be activated.

6. WHAT ARE THE SIGNS OF FATIGUE?

There are fatigue warning signs which should not to be ignored when driving. Drivers cannot predict when they will fall asleep but by continuing to drive when fatigued, they place themselves and others at risk of injury.

Sleep indicators include:

- a drowsy feeling
- blurred vision
- difficulty keeping eyes open
- head nodding
- excessive yawning.

Fatigue indicators include:

- feelings of sleepiness
- extended sleep during days off
- a greater tendency to fall asleep while at work
- more frequent naps during leisure hours
- not feeling refreshed after sleep
- repeatedly drifting in and out of traffic lanes
- increased errors and loss of concentration at work
- missing gear changes and turn offs.

7. WHAT CAN I DO TO REDUCE THE RISK OF FATIGUE?

Where fatigue may affect a person's ability to work safely it must be identified, assessed and eliminated or controlled like other hazards in the workplace. Employers, employees and those involved in the supply chain have a role to ensure risks associated with fatigue are eliminated or appropriately controlled.

To find out more on what you can do to reduce the risk of fatigue see:

- *Factsheet for drivers*
- *Factsheet for employers and head carriers*
- *Factsheet for consignors and consignees*

8. MONITOR AND REVIEW PROCESS

The DFMP needs to be monitored regularly to ensure procedures are followed and legislative requirements are being met.

In particular it should be reviewed following any unsafe incident or near miss. Everyone involved in the development and implementation of the DFMP should be encouraged to report incidents or near misses so that measures can be put into place to prevent recurrences. Random reviews should also be undertaken to ensure procedures are effective, which will assist in determining the timing of future reviews.

9. RECORD KEEPING

A person who is required to prepare a DFMP must ensure that all records related to the DFMP and documents required to prepare a DFMP are retained for a period of five years (Clause 81F).

The Regulation requires the following documents **must** be retained:

1. all DFMPs prepared by the person responsible
2. all contracts entered into in the course of the person's business (including any contracts of employment) that relate to the transportation of freight long distance by means of a heavy truck
3. all trip schedules, delivery timetables and driver rosters prepared by or on behalf of the person responsible, or to which the person responsible has access, for drivers for whom the person was required to prepare a DFMP
4. any risk assessments made by or on behalf of the person responsible that relate to fatigue of drivers of heavy trucks.

Consignors and consignees who are required to prepare a DFMP for self-employed carriers **must** keep the following documents for at least five years:

- All DFMPs prepared by the person.
- All contracts entered into in the course of the person's business that relate to the transport of freight long distance.
- All trip schedules, delivery timetable and drivers' rosters required by the person to prepare the DFMP.
- Any risk assessments made by or on behalf of the person that relate to the fatigue of drivers of heavy trucks.

Consignees and consignors who enter into a contract with a head carrier **must** also keep certain documents for a period of five years.

The Regulation requires the following documents to be retained:

- All documents that the person relied on to satisfy themselves that the delivery timetable is reasonable with regard to the fatigue of any driver transporting freight under the contract
- Any relevant trip schedules, delivery timetables and driver rosters to which the consignor or consignee has access.

If any of the related documents that the Regulation requires to be retained are amended in a material way, each version of the document must be treated as a new separate document.

If you are required to keep documents as detailed above, you must ensure that those documents are made available to an inspector or an authorised representative in accordance with a request by the inspector or authorised representative and, in any event, no later than seven days after the date of the request.

10. FREQUENTLY ASKED QUESTION?

I am a self-employed carrier and I contract to consignors and consignees. Do I need a DFMP?	You do not need to prepare a DFMP yourself. Certain consignors or consignees with over 200 employees must not enter a contract with a self-employed carrier unless that driver is covered by a DFMP. It is the responsibility of the Consignor or Consignee to develop this plan and make it available to each driver covered by the DFMP.
I am a self-employed carrier and I contract to a head carrier. Do I need a DFMP?	You do not need to prepare a DFMP. A head carrier must not enter a contract with a self-employed carrier unless that driver is covered by a DFMP. It is the responsibility of the head carrier to develop this plan and make it available to each driver covered by the DFMP.
What is the definition of consignee?	A person **to** whom a consignment of freight is to be delivered, being a person who operates a business of which a substantial part is prescribed business. The requirements of the Regulation only apply where the consignee has 200 or more employees.
What is the definition of a consignor?	A person **from** whom a consignment of freight is to be delivered, being a person who operates a business of which a substantial part is prescribed business. The requirements of the Regulation only apply where the consignor has 200 or more employees.
Does the Regulation cover all consignees and consignors?	No, only consignors and consignees that have **200 or more employees** and who operate a business, a substantial part of which is **prescribed business**, have obligations under the Regulation. For more information see *Factsheet on consignors and consignees.*
I transport my produce from my farm to the markets. Do I need a DFMP?	Only if you employ drivers who transport that produce more than 500k by means of heavy truck, or fall within the definitions of head carrier or consignor.
Are consignor and consignees required to address all the matters required in a DFMP?	Consignors and consignees who are required to prepare a DFMP are to address the matters in clause 81D(4). However it should be noted that the duty of a consignor or consignee to eliminate or control the risk of harm from fatigue only applies to the extent that the consignor or consignee's activities contribute to the risk. In assessing the risk of harm WorkCover does not expect the consignor or consignee to take into account matters that are not within their knowledge or control .
What is considered freight?	Freight includes goods, materials, livestock or any other things, but does not include persons.
To what extent does the Regulation apply?	The circumstances prescribed by the Regulation extend to the transport of freight in NSW. Where such freight is transported from another state or territory, across or to a location in NSW, the Regulation should apply to that part of the journey that occurs in NSW. On this basis, it is reasonable to expect that the total kilometres traveled, as part of the journey, would need to be considered in the development and application of a DFMP while in NSW. The Regulation also extends to the protection of NSW employees (drivers) where prescribed journeys originate in NSW and travel to locations outside of the state.
If I follow my logbook have I complied with OHS law?	Meeting the driving hours requirements in road transport legislation is a starting point for reducing fatigue and meeting the requirements of OHS legislation. However, by only complying with road transport legislation it does not mean satisfactory measures have been taken to reduce fatigue and all the requirements of OHS legislation have been met.

11. FURTHER INFORMATION

WorkCover Assistance Service **13 10 50**

Website **www.workcover.nsw.gov.au**

New South Wales Road Transport Association Inc

Phone: 1300 NSW RTA (1300 679 782)

Transport Workers Union of Australia New South Wales Branch

Phone: (02) 9912 0700

Advice and assistance hotline: 1800 729 909

Natroad Ltd

Phone: (02) 6295 3000

Email: natroad@natroad.com.au

WorkCover publications

- Driver fatigue management – a guide to managing driver fatigue in the long haul trucking industry
- Fact sheet for employers and head carriers
- Fact sheet for drivers
- Fact sheet for consignors and consignees