

# Public consultation on the new EU occupational safety and health policy framework

You reply as -single choice reply-(compulsory)	on behalf of an organisation
Please indicate your organisation's name -open reply-(compulsory)	Brake, the road safety charity
In which country are you and/or your organisation based? -open reply-(compulsory)	United Kingdom

## Necessity and nature of a new EU OSH policy framework

Do you agree with the assessment of the EU OSH Strategy? Did it lead to tangible results? -open reply-(compulsory)

Brake's remit as a road safety charity operating predominantly in the UK, and offering fleet safety guidance to employers internationally, means we can only comment on what has been achieved in relation to road safety, including on work-related road safety (WRRS). The previous EU OSH strategy did not incorporate work-related road safety, and the assessment does not reference work-related road safety, so it did not, as far as we are aware, lead to tangible results in relation to work-related road safety in the UK. Brake strongly believes that WRRS should be included in, and put at the heart of, the next strategy. Excluding mention of work related road safety effectively sends a signal that it is not part of health and safety at work. In the UK, companies have work-related road safety obligations under health and safety law, and Brake, along with others working in this important field, encourage and advise companies to adopt best practice in work-related road safety as part of their wider approach to health and safety at work. Work related road safety is a vital part of managing and reducing risk at work, and failure to manage these risks a major contributor to casualties caused by work activities, so it is in Brake's view inappropriate and unhelpful to exclude it from the EU's OSH strategies. More than one in four fatal incidents at work involved person 'driving a means of transport or motorized and mobile handling equipment' according to European Commission figures. Brake is aware of the work of the DG working group on work-related road safety, and is concerned this work wasn't referenced at all by the previous strategy. Because of this, it is unclear where European leadership on WRRS sits. Brake argues that the new strategy should stress the vital importance of WRRS, and preferably make this central to the strategy, or at least direct to another document at this level that can show appropriate leadership on this topic.

In order to improve workplace safety and health, do you consider it necessary to continue coordinating policies at EU level or is action at national level sufficient? -open reply-(compulsory)

Brake believes it is helpful to coordinate policies at EU level as well as national level to benefit work-related road safety and prevent the many needless and violent casualties that occur due to work-related driving. Hence we call for strong leadership at European level to be contained within the forthcoming EU OSH strategy. Explanation for this is given below.

If you deem such a framework at EU level is necessary, explain why. Which aspects should be covered? -open reply-(compulsory)

The EU should provide leadership to ensure road risk is a central part of OSH regulation and implementation across the EU, given that one in four fatal incidents at work involves someone driving a motor vehicle and the huge scope for delivering casualty reductions in this field. The EU can provide important direction to drive progress and standards in work-related road safety across states, so there's a coherent approach adhering to global research and best practice, maximising impact. The EU OSH strategy is an important place to do this, so we recommend including a vision, targets and objectives aimed at reducing at-work road casualties. Leadership at EU level is valuable in WRRS given the scope for far greater progress in this field, and as so many fleets operate across borders. Brake is concerned work-related road safety is not given adequate priority at national level. It has been sidelined in UK OSH regulations, and the UK's current 10-year road safety strategy contains no specific policy proposals to reduce work-related road casualties. At employer level, while the field has developed, at-work road safety could be improved considerably, to prevent the many casualties that continue to result (at least two deaths and 18 serious injuries a week in Britain). Through our work advising fleets, and our surveys of employers and drivers, we know many companies are failing to even cover the basics in reducing road risk, and a large proportion of at-work drivers engage in risky, illegal behaviour. Road deaths and serious injuries are devastating, resulting in acute and lasting suffering (which Brake

witnesses through its support services for bereaved and injured crash victims), and a major social and economic burden. Yet they are preventable, so we should not accept any number. We recommend the EU OSH strategy incorporates a vision to reduce work-related road deaths to zero, challenging casualty targets to drive progress, and leadership on evidenced action

## Level of commitment

With respect to your answer to the above questions, is there a need for a new EU OSH Strategy or should alternative measure be considered? Please explain. -open reply-(compulsory)

Brake agrees there is a need for a new EU OSH strategy, and a particular need for this to contain strong leadership on work-related road safety, given that motor vehicle incidents are such a major cause of devastating at-work deaths and injuries, and given the scope to prevent these through evidenced approaches. WRRS could be vastly improved in the UK. At least 17% of road crashes in Britain that result in injury are known to involve someone driving for work, although the real figure may be much higher[1]. Best-practice in WRRS not nearly widespread enough. In our surveys of fleets (among companies engaged with Brake likely to be more active in fleet safety than a random sample) we found a large proportion not following best practice in managing risks like speed, impairment and phone use, with smaller companies even less likely to do so. In our surveys of people who drive for work, many own up to risky behaviour like speeding and distractions. National action on WRRS is inadequate. In the UK government's current road safety strategy, there are no specific policy commitments to address it. WRRS is not adequately tackled through the Health and Safety Executive, the UK body tasked with managing OSH. While it provides guidance on road risk, it does not include on-road casualties in its at-work incident reporting system. This lack of national progress, and inadequacies in self-regulation by companies, means there is much scope for the EU to drive progress to reduce at-work road casualties. Brake argues WRRS and occupational health and safety should sit together, not be treated as separate entities by policy makers and companies. Both are about managing risk and preventing harm among and caused by people at work. Some large employers Brake works with have demonstrated what can be achieved when WRRS is treated as an integral and vital part of OHS. [1] Reported Road Casualties Great Britain 2011, Department for Transport, 2012

If EU level action is necessary in order to improve workplace safety and health, do you consider it necessary to set broad goals and priorities and to coordinate national policies at EU level? -open reply-(compulsory)

Brake argues it is necessary and helpful to coordinate action on work-related road safety at EU level, and necessary to set goals and priorities to make this action meaningful. We explain our reasons for this view in response to question three above.

What would be the added-value of including specific targets into a possible new EU OSH policy framework to measure progress in improving workplace safety and health in the EU? -open reply-(compulsory)

Brake would strongly urge the introduction of EU casualty reduction targets for work-related road crashes, and a long-term vision to reduce at-work road deaths and serious injuries to zero, to help drive action on work-related road safety at national and company level. This is in light of international evidence that setting casualty reduction targets accelerates and aids casualty reduction[1], and in light of the devastating and widespread nature of these casualties (as discussed above). There are no targets for reducing road deaths and injuries from work related crashes in the UK, and data on the extent of these casualties is possibly incomplete. Brake would suggest that introducing EU targets for reducing work-related road casualties would most likely help drive action at local and company level, as well as improving understanding of the scale and nature of this issue by ensuring improvements in data collection. For countries to contribute towards the target, a common definition would need to be agreed on for work-related road casualties, and improvements in data reporting would be needed in the UK and no doubt many other member states. Brake believes these improvements would be highly beneficial to work across the EU to improve road safety and occupational health and safety. [1] Road Safety Target in Sight: Making up for lost time, ETSC 2010

Should a new policy framework include a list of objectives, actions, calendars and actors involved in the implementation of actions or should it be limited to setting a vision for the future, and a definition of goals and priorities? -open reply-(compulsory)

It is important to provide leadership and direction to member states through a strong vision, goals and priorities, but Brake further urges that specific actions and timetables are outlined in the strategy to direct focus for member states, employers and other stakeholders. Some key recommended actions are outlined in answer to Q2 below.

## Content of a new EU OSH policy framework

What are the key challenges in the OSH area?

How would you prioritise them? -open reply-(compulsory)

We list here key challenges in WRRS, which we believe should be a top priority in OSH, for the reasons above. A major challenge is building business and government commitment to WRRS as a vital part of OSH, and recognition of organisations' responsibility to implement policies and practices to ensure vehicles, journeys and drivers are as safe as possible. With this commitment, it's likely a lot could be achieved quickly in WRRS and casualty prevention, given evidence on what policies and practices are effective in reducing incidents. Lack of complete data on work-related road crashes is part of the challenge of gaining commitment, as it's impossible to accurately evidence the scale of at-work road casualties. Another key challenge in WRRS is that employers are often not adequately held to account when unsafe practice causes crashes. Many employers and drivers continue to flout crucial safety regulations, and UK traffic enforcement (for commercial and small vehicles) is not as widespread, nor penalties nearly as high, as we believe they should be. Brake's research shows dedicated traffic police in England and Wales have reduced by 14% in five years, while at the UK's Vehicle and Operator Services Agency (enforcing commercial vehicle safety) staffing has reduced by 18% since 2003/4. Penalties across the board remain very low. Cross-border enforcement also remains a challenge; Brake welcomed the EU directive on cross border enforcement and was disappointed the UK opted out. WRRS in the UK is also obstructed by employers not being compelled to report on-road incidents under OSH reporting regulations, meaning road safety is often side-lined by companies who take other elements of OSH very seriously. Brake also argues regulation for at-work car and van drivers should be improved, including by extending safety regulations that currently only apply to commercial vehicles, such as driver hours rules.

What practical solutions do you suggest to address all or some of these challenges? -open reply-(compulsory)

Making WRRS central to a new EU OSH strategy, would itself help generate commitment and action from governments and employers. The strategy should also set out work to improve and standardise data collection on work related crashes, linked to targets and a vision on casualty reductions. In the UK, where police report on journey purpose following crashes, in three out of four cases it is recorded as unknown, so data is limited. Brake also recommends the strategy sets out the benefits of requiring reporting of on-road incidents as part of wider OSH incident reporting, to spur greater compliance. In the UK, on-road incidents are excluded from OSH reporting requirements. Inclusion would mean crashes would be investigated and companies better held to account for poor road risk management. The strategy should encourage strong enforcement of traffic laws and set standards states should aim to achieve. It should also seek to further develop cross-border cooperation in traffic enforcement. The strategy should also set out how EU regulations on WRRS can be strengthened. In particular, Brake recommends driver hours and fitness to drive rules for commercial vehicle drivers should be extended to all at-work drivers. This would provide these workers with better protection from pressure to drive long hours, and better protect the public. The strategy could also drive progress in adoption of intelligent speed adaption by fleets across EU, and provide strong leadership in encouraging national governments and town and city authorities to deliver action to protect vulnerable road users from vehicles driven for work purposes. See below for further comment on this. 3. Do you consider that such a framework should develop initiatives to provide further protection for vulnerable groups of workers and/or for workers in specific high risk

Do you consider that such a framework should develop initiatives to provide further protection for vulnerable groups of workers and/or for workers in specific high risk sectors? -open reply-(compulsory)

Brake suggests workers who drive are particularly vulnerable to harm at work, hence we support inclusion of measures to further protect this group. However, managing WRRS is critical in protecting not just workers, but the wider public too, and we recommend this point comes across strongly in the framework. The recommendations above would help protect workers and the public. However, Brake suggests the strategy give particular emphasis to the importance of WRRS in protecting vulnerable road users on foot and bicycle. Brake strongly advocates work to protect people on foot and bicycle since it not only prevents casualties but also encourages healthy, active, eco-friendly lifestyles and sustainable travel. Numerous evidenced WRRS measures can be adopted by authorities and employers to protect pedestrians and cyclists, such as fleets fitting 'blind spot' devices, improving junction engineering, lowering urban speed limits, promoting slower speeds, and limiting HGVs from using busy urban roads at busy times. Brake knows numerous examples of fleet operators working alongside authorities to address this issue with positive results. However, far more could be done in the UK and at EU level to persuade authorities and employers to implement best practice to protect pedestrians and cyclists. Managing speed is critical to WRRS generally, but particularly protecting people on foot and bike. Intelligent Speed Adaption (ISA) could be used to great effect to manage speed better across the EU, and this strategy could drive progress. ISA is shown to reduce fatal crashes by 50%[1]. It uses satellite technology and speed limit maps to prevent speeding. But before it can be used, speed limit maps must be produced. Sweden, Finland and the Netherlands have maps. The OSH strategy should encourage states to develop maps to enable a move towards ISA in business vehicles. [1] ISA-UK: Intelligent speed adaptation, Oliver Carston et al., The University of Leeds and MIRA, 2008

Do you consider that measures for the simplification of the existing body of EU OSH legislation should be included in such a political instrument? If so, which ones would you suggest? -open reply-(compulsory)

Brake cannot comment on proposals to simplify existing EU OSH legislation. However, we do believe regulation on WRRS should be strengthened, and that this should be included within the strategy.

Do you think that such a framework should specifically identify and address the challenges posed by the ageing of the working population? If so, which measures would you suggest? -open reply-(compulsory)

An ageing workforce can create specific work related road safety risks around fitness to drive issues, which Brake believes should be addressed by the framework. As drivers age, they are more likely to suffer from medical conditions and poor vision, which increase road risk. While in the UK commercial vehicle drivers are required to undergo health checks and vision checks every five years after they reach the age of 45, drivers of cars and vans who drive for a living are not. Brake would recommend extending regulation for commercial vehicle drivers to all employees who drive for a living, to help to mitigate the challenges posed by an ageing working population. It also recommends the promotion of best-practice in fitness to drive issues to employers and authorities, such as providing vision tests every two years.

What measures would you suggest to reduce the regulatory burden on SMEs and micro-enterprises, including reducing compliance costs and administrative burden, while ensuring a high level of compliance with OSH legislation by SMEs and micro-enterprises? -open reply-(compulsory)

SMEs, like all businesses, can benefit financially from effective management of work-related road safety, and promoting this message to SMEs is vital. SMEs are often the hardest to engage in work-related road safety, due to the fact that managing road risk inevitably involves some level of investment of time and resources. Hence communicating the longer-term financial benefits that can be brought about through compliance and good practice in WRRS – through reducing staff and vehicle down-time, reducing insurance premiums, preventing fines, and preventing reputational damage - is an important message we promote to businesses and especially SMEs. Indeed, Brake has recently been funded by the UK Department for Transport to deliver a series of webinars to SMEs with this as a key goal. Brake therefore suggests that the EU OSH strategy should focus on how effective WRRS can benefit businesses and reduce costs, rather than suggesting that costs be cut through 'reducing compliance costs'. Brake argues that the latter is a potentially dangerous message that implies safety is a needless expense that can be cut back.

Do you have any views on the role of social dialogue at EU and national level to the identification, preparation and implementation of any new initiatives to improve health and safety at work? -open reply-(compulsory)

Brake is unclear about the meaning of this question, and suggests that plainer language would be beneficial in improving the accessibility of consultations like this. If the question relates to whether consultation with national governments and other stakeholders would be helpful in formulating strategies to address work-related road safety, then Brake agrees this would be beneficial, particularly in relation to sharing good practice and promoting cooperation across member states.

Add any further aspects that in your view were not sufficiently taken into account by the above questions? -open reply-(compulsory)

Brake suggests the language and structure of this consultation could have been more accessible, to encourage a range of responses from different stakeholders. Brake felt that in places the questions were unhelpfully repetitive or unclear, and many incorporated jargon. Fewer, plainer questions, with a longer word count for each, would have made the consultation far easier to complete.