

October 2006

Michael Kemp reporting affairs as he finds them



A polite police warning

MAJOR police forces are alerting business leaders to their "legal need to comply with Health & Safety at work requirements to manage occupational road risk".

Police are putting out the message that they regard occupational road risk protection as a 'corporate must'.

Cynics warn that police could be preparing for a fierce blitz next year when tough new laws are in place.

Look out if your company has no ORR protection in operation.

Eye tests

OF 300 motorists random eye tested in Wales five were unable to read a number plate at 10, 15, 20 and 25-metre distances.

Now the joint police-NHS spot check is spreading to England and employers are being asked to regularly check business drivers' vision.

A BLACKLIST of drivers who "regularly thrash and damage hire cars" is now available at the British Vehicle Rental and Leasing Association. Better still, hire from FSG and be worry-free.

RiskMaster protection is insurer's safeguard

AN insurance company has taken out special cover to protect its business and managers from occupational road risk (ORR).

It is believed to be the first time an insurer has taken such action.

ORR is now the biggest legal pitfall facing UK business because driving is the most dangerous at work activity. Under Health & Safety (H&S) and duty of care commitments employers can be liable for employee failings.

MSL Legal Expenses Insurance, a major player in its field and largest established provider of replacement vehicles including uninsured loss recovery for innocent drivers in accidents, is protecting its business and staff from unpredictable legal action following a road crash in which police or H&S investigators allege corporate failings and/or responsibility.

Every road death in Britain is now investigated for corporate involvement under Health & Safety and duty of care requirements. Nearly a third of the nation's 3500 annual road deaths involve someone in a working vehicle.

Also, a new Corporate Manslaughter Bill, targeting companies, is passing through Parliament heading for the Statute Book this year, and new (legal) rules for directors, approved by union leaders, are coming early next year. Penalties are to be unlimited fines, that could cripple companies, plus possible jail for managers.

Paul Nash, MSL Sales and Marketing Manager, said at the company's Cheadle, Cheshire HQ: "We are responding to what is happening. MSL has updated its legal protection.

"The company and its managers, at all levels, are now protected against an unpredictable road death. It is as important as car insurance. In addition MSL RiskMaster is being made available to corporate clients and fleet operators."

The only legal defence against corporate responsibility for failings causing or contributing to death in the workplace on the road is proof that the manager and/or business concerned took every precaution to prevent such an occurrence.

MSL's 'insurance' is FSG's RiskMaster programme. Claimed to be the most comprehensive solution, it researches employee driver licence status and legal 'fitness' to drive, insurance status, and vehicle fitness – and annually repeats those checks.

Employees in the scheme have to apply annually for an employer's Permit to Drive, for which they must prove their worthiness by completing in-depth questionnaires and undertake to observe their employer's vehicle and road safety requirements.

Nationwide MSL has nine depots with over 80 employee drivers. It provides "every type of vehicle made" – that alone prompts need for ORR protection.

1-in-3 is 'illegal'

ONE-in-three cars was untaxed, uninsured, or unroadworthy in a Transport Department random check on 6000 vehicles. Now a Midlands fleet management company is calling for police prosecution of owners and drivers.

It's time to think

CLOCKS go back at 1.00a.m. on Sunday October 29 and road deaths will rise by one a day to 31 in November and nearly two a day to 76 in December, based on past experience warns RoSPA. Don't let the last tick be for you.

Angelic van man

SAFED one-day van driver training (free for some) has since January produced impressive results including 14% fuel reduction worth up to £500 per vehicle, 56% cut in driver faults, 34% fewer gear changes, 1.5% drop in journey time.