

Will I Wake Up? A Presentation on Fatigue, Showing Innovative Measures Working with Road Safety Partners to Address the Problem

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ABSTRACT

Fatigue within New Zealand is not readily linked to road fatalities however in the 2005 year alone it was a contributing factor in 39 fatal traffic crashes, resulting in 47 deaths. Coupled with the level of crash injuries, this had a total social cost of about 280 million.

The Central District Police has less urban areas that modify driver behaviour or give the opportunity to rest. It is the gateway that links many major cities in the North Island of New Zealand. There are a high proportion of crashes through its dissecting State Highway system that inherently draws high speed motorists attempting to make the connection between New Zealand's largest metropolis, Auckland and its capital city, Wellington as quickly as possible. State Highway 1 which links these two cities is also the prime arterial route linking both ends of the North Island with tourist skiing destinations like Mt Ruapehu.

This pilot project was a result of combining the resources of Police and the Accident Compensation Corporation (ACC) in gathering current data, then formally notifying the Company Manager/Director of an employees driving offence while using a company vehicle, linking this to the employers responsibility under the Health and Safety in Employment Act 1992 and the "duty of care" provisions.

The process involves filtering for repeat offenders and using Injury Prevention Consultant visiting risk industries to assist them with driver fatigue programs.

The desired outcomes have included

- identification / reduction in driver fatigue amongst commercial drivers.
- improved awareness of fatigue as a crash factor
- encourage owners/ operators / company executives to ensure meetings, timetables and other work have significant travel components and appropriate rest periods

CENTRAL DISTRICT HIGHWAY PARTNERSHIP PROJECT

This project demonstrates the interagency / alternative legislative approach undertaken by the New Zealand Accident Compensation Corporation (ACC) and New Zealand Police Central District Highway Patrol Group in an effort to reduce road trauma and injury by identifying and reducing driver fatigue amongst commercial drivers.

The Accident Compensation Corporation (ACC) is a Crown entity that administers the New Zealand Accident Compensation Scheme. It provides personal injury cover for all New Zealand citizens, residents and temporary visitors to New Zealand and is responsible, amongst other things for:

- preventing injuries
- collecting levies and
- paying compensations

Central District is the hinterland of the New Zealand North Island. It has limited urban areas that may modify driver behaviour or give the opportunity to rest.

It is also the gateway that links major cities. As such, it has a high proportion of crashes through its dissecting State Highway system that inherently draws high speed motorists through the district attempting to cover as much of the country in as shorter period as possible.

THE COMMERCIAL DRIVER

The commercial driver was chosen due to the relationship between the driver / operator of a company vehicle and the employer, given the requirement for employers to comply with the Health and Safety in Employment Act 1992. This Act places an obligation on the employer, known as a "duty of care" to ensure that employees are working in a safe environment by "eliminating, isolating or minimising" work place hazards. Hazards are not required to be significant or physical and may include shift work, extended hours of duty or work demands.

This employer responsibility to provide a safe work place not only include the factory floor, showroom, or the office but also the car and truck cab. As such should the employers created expectations e.g. attendance at another location or timetables, schedules, which could have a real effect on the driver's ability or capacity to safely conduct themselves in this part of their work place there is a defaulted responsibility on the employer to minimise any risk associated with this.

Equally drivers who have set themselves unrealistic objectives also fall under the employer control and responsibility. This responsibly may also include the employers ability to influence or recognise external pressures e.g. social, secondary employment and sleep deprivation as factors which could have impacted on the drivers primary responsibility of correctly driving the vehicle.

Research indicated that the definitions of fatigue varied and were difficult to measure. Much depended on the particular research goals or the motivation of the individuals or companies that wished to be included or excluded from the description.

Given the varying interpretations and acceptance of the fatigue definition by researchers, enforcement agencies and industry it is understandable why the fatigue link to driver behaviour is also missed. It was a definition that has not been universally accepted by some sectors of the commercial driving industry.

Fatigue for the purposes of this campaign was described as being a period of inattention, lack of awareness or ability by the driver to put the effort into driving or to practice proper driving standards. The definition was drawn from the Occupational Health and Safety correspondence distributed by the New Zealand Government's Department of Labour.

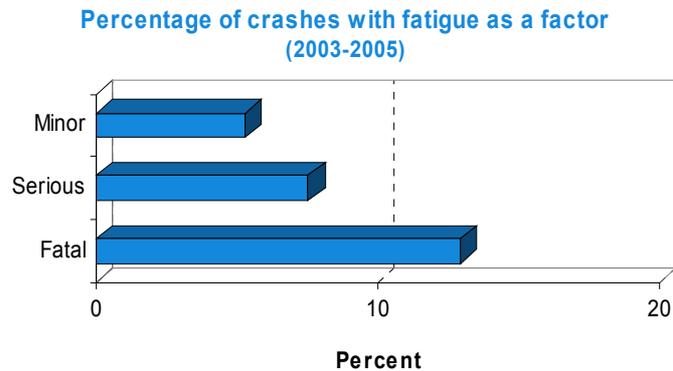
Police have linked this "lack of attention " by the driver who fails to maintain proper control of his or her vehicle to includes such offences as speeding, failing to stop when required, crossing the centre line or having committed any other trauma promoting offence as defined in NZ Police Road Policing policy.

The project informed the employers, that their employee's had been issued with infringement notices, and that this particular offence might be associated with driver fatigue. The project also reminded employers of their obligations to their employee's regarding the minimising of risks under the Health and Safety in Employment Act 1992.

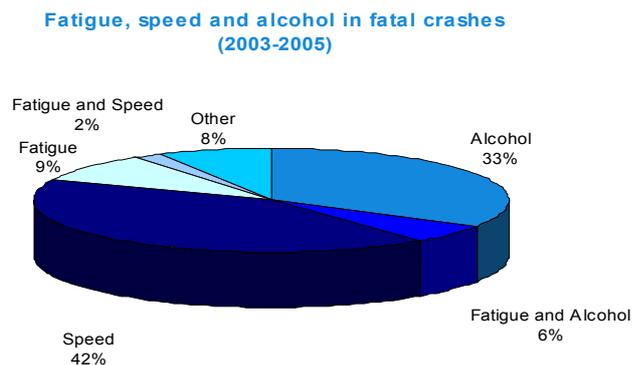
The ACC and Police saw this project as an opportunity to gather information on the driver / company link, to monitor individual companies and to educate this sector that fatigue was an important road safety issue. It was hoped that, this project would also influence and impact on driver behaviour.

FACTS

Between 2003 and 2005 in New Zealand, driver fatigue was identified as a contributing factor in 13% of all fatal crashes.



In 2005 fatigue was linked to 39 fatal crashes, 161 serious injury crashes and 449 minor injury crashes. When coupled with alcohol and speed related fatal crashes, 145 fatigue related fatal crashes occurred between the 2003 -2005 years.



Given that driver fatigue is difficult to identify or recognise as contributing to a crash, in part due to the methodology of recording fatigue on the Police Traffic Crash reports, it was believed that fatigue was under-recorded, and contributed to more crashes than we realised.

OBJECTIVES

The desired objectives of the project has been to:

- Improve awareness of fatigue as a factor in road crashes
- Deliver both driver and operator education
- Encourage owners/ fleet managers to ensure meetings, timetables and other work which has a significant travel component take into account realistic travel times, appropriate rest periods and slow driving factors with the focus on encouraging road safety.
- Bring new legislation or existing requirements to the forefront of employers.

There was a secondary consideration in that continued non compliance or lack of driver improvement might impact on the employer ACC relationship in terms of premiums.

There has been speculation within the commercial sector as to how much risk ACC might be willing to accommodate with individual companies before they took a more aggressive approach. The aim however was to gain compliance, and re-educate. The desired outcome of the campaign might be that employers would see a responsibility for driver improvement to be a purely monetary component. Either way, the topic of driver fatigue was likely to receive much more attention than was previously the case.

PROCESS

- The project required the detection of each commercial driver whose driving fell within the parameters of a trauma or fatigue related offence.
- The process then required the serving of a flyer detailing the police intention to disclose the event details to the respective employer.

"The Privacy Act 1993 governs the collection, use and disclosure of information about identifiable individuals. To conform with New Zealand's privacy laws, the issuing of the flyer fairly informed the driver of the police intention, and as such covers off our obligation under the legislation".

- A copy of the notice was then forwarded to a central point where a secondary check was made to confirm that a commercial vehicle was detected
- Entries were made onto a simple data base that incorporated a mail merge for a dual letter to be sent to the company, signed by Police and ACC senior management reminding them of their responsibilities under the HSE legislation."
- The data base was subsequently sent to ACC for loading against their own work place injury data base with the intention of identifying repeats and other trends with particular companies

While the employee might receive an infringement notice, the previously unwary employer was now linked to the event and the campaign process drew their attention through education as to the responsibility they had in effecting better driving practices. Implicit in this notification of the event was an inference that the employer should take some preventative steps or review.

The campaign allowed ACC the opportunity to work with "live" data as opposed to reviewing historical trends and effect immediate improvements should a trend be identified. ACC believe that there will be a causal link between companies with high injury work rates outside of the driving component and those companies that are shown to be repeat offenders for this project, essentially demonstrating linkages between poor health and safety practices through out the entire company.

The review of the data and action thereof has been the responsibility of the ACC. Through filtering the data and identifying repeat offenders or companies of interest, ACC have personally enquired with companies using their own Injury Prevention Consultants (IPC) with a view to assisting in developing or improving their driver or fatigue policy.

This process has allowed the enforcement at the road side using existing legislation under the Land Transport Act 1998 to be coupled with "civil" legislation developed for the workforce. The combination of the legislation mix has ensured that the road side enforcement is brought to the attention of the employer who may not have been notified by the errant employee and draws some responsibility of the employer to initially recognise, consider the issue and take appropriate steps as required.

It project has not required the targeting through increased enforcement on the commercial sector, these motorist would have received some form of enforcement action anyway. The campaign is more an extension of the influence that agencies interested in road safety can make through alternative legislation.

PROJECT REVIEW

Two project reviews have occurred to date. In February 2006, Police and ACC held a conference with a number of key individuals at a local and national level including members of the Road Transport Forum, Department of Labour (Policy division), Road Transport and the National Road groups.

Concerns raised were that:

1. The heavy motor vehicle (HMV) industry could have been pre warned about the project.
2. That calling the companies to account for driver performance placed a vicarious link to the company to now take action regarding policy and training.
3. That the data could be linked to the ACC for their further consideration against other matters that may be before them.
4. Belief that this information was linked to ACC premiums.

The above concerns were rationalised as follows:

1. The fatigue campaign focussed on all commercial vehicle drivers and while HMV's were a predominant sector, they could not, and were not singled out for special attention or consideration.
2. Formally writing to the owners of the vehicles had unnerved a number of operators who either did not know that the drivers were committing offences, were paying the fines on their behalf or turning a blind eye to the events. In any event the Project Team felt that not only did the employer have a responsibility to its employee, but Police also had a responsibility to fairly inform the employer of the event.
3. Formalising the process placed more of an onus on companies to review their driver policy under the Health and Safety regulations and to ensure that employees were in fact working in a safe environment.
4. ACC would use the data along with other information relating to individual companies in a holistic manner to determine if there are trends throughout the industry / company aside from driving matters.

Given the impact the campaign has had to date, the ACC have commissioned Research New Zealand, an independent research agency, to review the project and its impact on ACC and Police and with the companies detected. It could not question the drivers concerned because of current privacy legislation.

The results of this research has yet to be released. The intention is to review the findings with consideration to market the concept on a national basis.

CONCLUSION

In conclusion, the campaign has drawn national attention to the fatigue risk for commercial operators through the combined efforts of the Central District Highway Patrol and the localised ACC office.

The project has resulted in an educational awareness through information delivery. It has demonstrated that through a legislation mix not normally associated with road safety, the driver and employer behaviour to road safety can be altered through the disclosure of poor driving to the employer or through the employer being linked and accountable for the driving mannerisms of employees.

REFERENCE

www.landtransport.govt.nz/factsheets/24.html