



# Driver fatigue management

A guide to managing driver fatigue in the long haul trucking industry

*making a difference*

## **ACKNOWLEDGMENTS**

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New South Wales Road Transport Association Inc  
Patrick Corporation  
Roads and Traffic Authority  
TNT Australia Pty Limited  
Transport Workers Union  
Woolworths Ltd

### **Disclaimer**

This publication may contain occupational health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website ([www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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# 1. INTRODUCTION

This guide has been developed in consultation with the peak employer associations, unions, and other interested stakeholders involved with the transport industry in NSW. It contains practical guidance on how to appropriately eliminate, or manage, the risks of injury and illness arising from the fatigue of truck drivers involved in the transport of freight, long distance, and meet the requirements of the *Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005* (the Regulation).

The Regulation was developed following extensive consultation with the Transport Workers Union, and peak employer groups and associations. Public information sessions were held across NSW in March-April 2005, to inform industry and seek feedback on the content of the proposed Regulation. At the completion of this process the Regulation was gazetted on 10 June 2005.

The intent of the Regulation is to reduce the likelihood of injury or illness arising from the fatigue of drivers of heavy trucks involved in the transport of freight long distance. In order to do this, the Regulation places specific duties on employers of drivers, head carriers, consignors and consignees (who have 200 or more employees) and operate a business specified in the Regulation. It also places duties on employees (drivers).

The Regulation contains specific details on the documents that need to be retained and to be made available to an inspector or an authorised representative of a driver.

## 2. FATIGUE

### 2.1 WHAT IS FATIGUE?

Fatigue is the term used to describe the feeling of weariness from bodily or mental exertion. Fatigue can be defined as feeling tired, drained or exhausted. Fatigue influences an individual's physical and mental and emotional state. When feeling fatigued, we lose alertness, which is accompanied by poor judgment, slower reactions to events and decreased motor skill.

Fatigue can result from long periods of time awake, strenuous work as well as poor sleep patterns. The time of the day that the work is performed can also have an influencing effect. Fatigue can also be effected by emotional and health issues. It's important to realise that the effects of fatigue can accumulate over a period of time. Fatigue can impair a driver's judgment of their state of fatigue. This means the effective management of fatigue is not the responsibility of the driver alone.

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.

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.

## **2.2 HOW THE BODY CLOCK WORKS**

The circadian rhythm is a variety of biological cycles that control the human body. These cycles repeat approximately every 24 hours. The body clock regulates sleeping patterns, body temperature, hormone levels, digestion and many other functions and helps conserve resources.

The body clock programs a person to sleep at night and stay awake during the day. Body temperature drops during the night resulting in sleepiness and rises during the day to assist in feeling alert.

Most people are day orientated, ie designed to work or conduct activity in the day and sleep at night. Therefore, periods of sleep cannot be easily rescheduled, deferred or resisted. Moving to a new work schedule that requires a change in the sleep pattern is difficult to adjust to and the body can take several days or weeks to adjust. The risk that a truck driver will be involved in a road crash increases when driving at times when they would normally be asleep, and therefore these risks must be managed.

## **2.3 SLEEP**

Poor sleep, such as sleeping in a moving vehicle or having a small amount of sleep over several days, may lead to severe sleep deprivation and the irresistible urge to sleep. This increases the risk of falling asleep while driving. Prolonged periods of physical and/or mental exertion without enough time to rest or recover can also increase the risk of falling asleep while driving.

There are early warning signs when a person is sleepy and these warning signs are not to be ignored when driving. Due to the nature of fatigue, drivers have a limited ability to predict when they will fall asleep and, by continuing to drive when sleepy, they place themselves and others at great risk of a serious crash. Sleep indicators include:

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

The restorative effects are less if the sleep is split between day and night. Some people experience excessive sleepiness during the day, despite an apparently adequate length of sleep. This suggests the presence of a sleep-related disorder that may require medical attention.

## **2.4 EFFECT OF IRREGULAR WORKING HOURS**

Working irregular shifts can lead to irregular sleeping times, disrupting the body clock. This may then alter the sleeping structure of the person, as the person is trying to sleep when the body is telling them that they should be awake. This may lead to a decrease in sleep length, bringing on sleep deprivation. Sleeping during daylight hours, from a result of working at night, has shown to lead to reduced daily sleep, increased risk of chronic sleep deprivation and increased feelings of sleepiness while awake.

There is also a cumulative effect on fatigue, greatly increasing tiredness on the second or succeeding days. Fatigue levels will vary depending on workload, length of shift, previous hours and days worked, and time of day or night worked.

Generally businesses should have in place scheduling that considers recognised driving hours such as RTA Driving Limits or Advanced Fatigue Management Plans that are in place in some jurisdictions.

## **3. LEGISLATION**

NSW Occupational Health and Safety legislation places legal responsibilities on employers, head carriers, certain consignors and consignees, drivers and others.

### **3.1 THE OCCUPATIONAL HEALTH AND SAFETY ACT 2000**

In broad terms, The *Occupational Health and Safety Act 2000* (OHS Act) establishes a statutory framework to protect the health, safety and welfare of people who work in NSW, as well as those who might be affected by work activities. The OHS Act places legal responsibilities on those who control 'work practices' and are therefore best placed to influence how the work is to be performed safely. They include employers, self-employed persons, controllers of work premises, designers, manufacturers and suppliers of plant and substances etc. Legal responsibilities are also placed on those individuals who have influence over the safety performance of these businesses at an organisation level. They are expected to exercise due diligence to prevent organisational failures. Employees also have a responsibility to follow the instruction, information, training and supervision provided by their employer so that work progresses in a suitable and safe manner.

### **3.2 THE OCCUPATIONAL HEALTH AND SAFETY REGULATION 2001**

The *Occupational Health and Safety Regulation 2001* (OHS Regulation) supports the *Occupational Health and Safety Act 2000*.

The OHS Regulation, in general terms, requires workplace safety to be managed by the implementation of risk management principles. Risk management is the process whereby workplace hazards are identified; the risk of injury or illness is assessed and then eliminated or controlled to prevent people sustaining injury or illness. Crucial to this process is the monitoring of the effectiveness of controls.

The OHS Regulation also identifies particular hazardous activities, processes and substances and prescribes certain controls for these instances. Employees also have responsibilities to ensure that their behaviour does not place the health and safety of others at risk in the workplace. They are also expected to cooperate with their employer and other 'duty' bearers so that workplace safety can be maintained and to report OHS concerns.

### 3.3 THE OCCUPATIONAL HEALTH AND SAFETY AMENDMENT (LONG DISTANCE TRUCK DRIVER FATIGUE) REGULATION 2005

This section of the guide explains how the Regulation specifically applies to employers, head carriers, certain consignors and consignees, drivers and self-employed carriers who are involved in the transportation of freight (but not persons) long distance.

**Transport freight long distance** is defined by the Regulation as meaning: *'the transport of 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.'*

**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.'*

**Consignors and consignees** have legal responsibilities if they have **200 or more employees** and run a business of which one or more of the following are a substantial part:

- Agriculture, forestry and fishing
- Mining
- Manufacturing
- Construction
- Wholesale trade
- Retail trade
- Accommodation, cafes and restaurants
- Transport and storage
- Communication services
- Property and business services
- Cultural and recreational services.

**Note:** Under the Regulation, if an agent or other person acting on behalf of a consignor or consignee commits an offence, the consignor or consignee is considered to have committed the same offence as the agent (irrespective of the number of employees of the agent).

A **head carrier** operates a business that transports freight for others by means of a heavy truck, but is not a self-employed carrier.

A **self-employed carrier** operates a business as a carrier, transporting freight by means of a heavy truck. The Regulation sets out types of business structures that fall within the self-employed carrier definition – generally family companies, partnerships and individuals. An example of a self-employed carrier is an owner-driver.

### 3.4 RESPONSIBILITIES OF EMPLOYERS OF DRIVERS, HEAD CARRIERS, CONSIGNORS, CONSIGNEES AND DRIVERS

**Employers must** not allow any of their employees to transport freight long distance unless the employer has identified, assessed, eliminated or controlled the risk of harm from fatigue arising from the employer's activities. The Regulation also requires that the employer **must** prepare a Driver Fatigue Management Plan (DFMP) for all drivers employed to transport freight long distance.

**Head carriers must** not enter into a contract for a self-employed carrier to transport freight long distance unless the head carrier has identified, assessed, eliminated or controlled the risk of harm from fatigue arising from their activities. The Regulation also requires that the head carrier **must** prepare a DFMP for all drivers who transport freight long distance under the contract.

The responsibilities of consignors and consignees differ depending on whether they contract with a self-employed carrier directly, or whether they contract a head carrier.

Consignors and consignees **must not** enter a contract with a **head carrier** for the transport of freight long distance **unless**:

- they are satisfied that delivery timetables are reasonable
- each driver who will transport the freight long distance under the contract is covered by a DFMP.

Consignors or consignees **must** satisfy themselves on reasonable grounds (taking industry knowledge into account), that the delivery timetable is reasonable for the trip including loading, unloading and queuing times.

**Note:** A head carrier is a person, who in the course of their business, transports freight for other persons (but is not a self-employed carrier) – ie a transport company. In this instance a driver's employer or head carrier is responsible for the DFMP.

**Consignors or consignees** who enter into a contract with a **self-employed** carrier to transport freight long distance, must identify and assess the risk of harm from fatigue to any driver under that contract. They must eliminate the risk or if that is not practicable, control the risk. Consignors and consignees must also prepare, in consultation with drivers, DFMPs and make those plans available to effected drivers. In all of the above instances, 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.

**Drivers** (employees), while at work, must cooperate with their employer or other persons to ensure compliance with the OHS Act and Regulations. This includes consultation on DFMPs and following the instructions of their employer.

An employee needs to also take reasonable steps to notify their employer or supervisor of anything that, to their knowledge, may affect the employer's capacity to comply with the requirements of the OHS Act and Regulations. This could include:

- notifying the employer of any hazards that are identified during the course of a shift
- notifying the employer if they are unfit to safely drive a heavy vehicle due to fatigue or any other reason.

Under the OHS Act an employee cannot be dismissed for raising OHS issues or concerns.

**Self-employed persons** also have duties under section 9 of the OHS Act. *More information is available from WorkCover's fact sheets on managing long distance driver fatigue in NSW for employers, head carriers, consignors and consignees and drivers.*

### 3.5 CONSULTATION

An employer **must** consult with their employees so they can contribute to decisions affecting their health, safety and welfare at work. Such decisions could include changes to work systems, purchasing new plant or substances, undertaking risk assessments or introducing control measures. In addition, a person who is required to prepare a DFMP must consult with those persons for whom the DFMP is written.

### 3.6 ROAD TRANSPORT LEGISLATION AND OHS LEGISLATION

Maximum driving hours and requirements for rest breaks are prescribed under road transport legislation. Employers, drivers, consignors, consignees and transport operators must take this legislation into account when preparing and operating DFMPs.

Meeting driving hours requirements in road transport legislation is a starting point for reducing fatigue and meeting the requirements of OHS legislation. However, complying only with road transport legislation does not mean satisfactory measures have been taken to reduce fatigue and that all requirements of the OHS legislation have been met. Additional steps are required including risk assessments and implementing control measures for all elements required in a DFMP.

## 4. DRIVER FATIGUE MANAGEMENT PLANS (DFMP)

A DFMP is a plan prepared in consultation with drivers, that sets out how the risk of fatigue in the transport of freight long distance is to be managed. Some business may have existing human resources manual and training documents that contain policies or procedures to addresses 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 representatives.

This would be acceptable as long as the current documents:

- were appropriately referenced in the DFMP
- address the elements of trip schedules and driver rosters, management practices, training and information about fatigue provided to drivers
- were readily available to effected drivers
- directly relevant to fatigue management.

In other situations such as one-off contracts between consignors/consignees and a self-employed carrier, the DFMP would 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 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 the fatigue effects of work
- 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 provided to drivers regarding fatigue**

**Loading and unloading schedules**

- including queuing practices and systems.

**Accident and mechanical failures**

- Reporting and recurrence prevention.

**4.1 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 unreasonable distances in insufficient time with inadequate provision for rest breaks. They should also be provided with adequate notice of a change of shifts.

Trip schedules should:

- take into account actual driver work times for the driver
- plan for adequate breaks
- provide the truck driver with an opportunity for an 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 them to recover from the effects of fatigue
- consider changes to the regular sleep patterns of the driver
- 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.

## **4.2 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 appropriate 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 that 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 the preparation and adjustment of a DFMP is a requirement of the Regulation.

### **4.2.1 Assessing the suitability of drivers**

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 be in place for these situations, be clearly documented and communicated to employees.

#### **4.2.2 Systems for reporting hazards and incidents**

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.

#### **4.2.3 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.

Factors to consider when developing policies and procedures include:

- methods to generate a culture of understanding of fatigue management, ie communication and consultation
- the type of work to be performed and body clock patterns which can contribute to fatigue
- driver scheduling and rostering – including length of shift, allowances for necessary rest and recovery during and between shifts
- availability of rest areas and amenities for drivers
- consultation on fatigue risks with drivers and other parties in the chain of responsibility

- reviewing loading and unloading times and delays at pickup and delivery points
- establishing driver capacity and fitness for work
- contingency planning including providing for reasonably expected delays
- training and education in fatigue management
- managing incidents and near misses
- establishing and maintaining appropriate workplace conditions
- audits.

#### 4.3 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, the Australian Design Rules regarding sleeper berth, ADR 42/04, should be taken into consideration. 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 must 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.

#### 4.4 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 OHS 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 accident 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.

#### **4.5 LOADING AND UNLOADING SCHEDULES, QUEUING PRACTICES AND SYSTEMS**

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.

#### **4.6 ACCIDENTS 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, time elapsed since last break
- length of working time – whether the delay excessively adds to working time
- cumulative fatigue – adequacy of rest breaks, opportunities for quality sleep.

Schedules may need to be adjusted to accommodate the delay and/or extra rest time added to the next shift to allow sufficient quality rest.

#### **4.7 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.

## **5. MONITOR AND REVIEW PROCESS**

The DFMP needs to be monitored regularly to make sure procedures are followed and that 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.

## 6. 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 81 F).

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

- All DFMPs prepared by the person responsible.
- 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.
- 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.
- Any risk assessments made by or on behalf of the person that relate to fatigue of drivers of heavy trucks.

Consignors and consignees who enter into a contract with a head carrier must also keep the following documents for a period of five years:

- 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.
- All documents that the person relied upon to satisfy themselves that all drivers who will transport freight long distance under the contract is covered by a DFMP

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.

## 7. FURTHER INFORMATION

WorkCover Assistance Service: **13 10 50**

Website: [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

Transport Workers Union of Australia NSW Branch

Phone: 02 9912 0700

NatRoad Ltd: 02 6295 3000

Email: [natroad@natroad.com.au](mailto:natroad@natroad.com.au)

### **WorkCover publications**

- *Factsheet for consignors: Managing long distance truck driver fatigue in NSW* (Catalogue No. WC02783).
- *Factsheet for employers: Managing long distance truck driver fatigue in NSW* (Catalogue No. WC02781).

- *Factsheet for head carriers who enter into a contract with a self-employed carrier: Managing long distance truck driver fatigue in NSW* (Catalogue No. WC02782).
- *Factsheet for consignees: Managing long distance truck driver fatigue in NSW* (Catalogue No. WC02780).
- *Factsheet for drivers: Managing long distance truck driver fatigue in NSW* (Catalogue No. WC02779).

## 8. DEFINITIONS

Defined in Part 4.5 Section 81A of the *Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005*.

**Activities** of a person include anything done or omitted to be done by the person, anything done or omitted to be done under the terms of a contract to which the person is a party, anything done or omitted to be done by the person's employee or agent in the course of his or her employment or agency and anything done or omitted to be done in accordance with a work practice over which the person has control.

**Authorised representative** means an officer of an industrial organisation of employees (including any person who is concerned in, or takes part in, the management of that organisation) who is authorised under Part 7 of Chapter 5 of the *Industrial Relations Act 1996*.

**Carrier** means a person who, in the course of the person's business (including a business carried on under a franchise or other arrangement), transports freight for another person by means of a motor vehicle.

**Combination** means a group of vehicles consisting of a motor vehicle connected to one or more vehicles.

**Consignee (receiver)** means a person to whom a consignment of freight is to be delivered, being a person who carries on business of which a substantial part is prescribed business.

**Consignor (sender)** means a person from whom a consignment of freight is to be delivered, being a person who carries on business of which a substantial part is prescribed business.

**Contract** includes a series of contracts.

**Driver fatigue management plan** means a plan that sets out how the person required to prepare the plan, will meet its obligations under the OHS Act and the *Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005* in relation to any risk associated with the fatigue of drivers that transport freight long distance.

**Employee** is an individual who works under a contract of employment or apprenticeship.

**Employer** a person who employs persons under contracts of employments or apprenticeship.

**Fatigue** is primarily caused by prolonged wakefulness or insufficient and/or disturbed sleep.

**Freight** includes goods, materials, livestock or any other things, but does not include persons.

**GVM** has the same meaning as in the *Road Transport (Vehicle Registration) Act 1997*.

**Head carrier** means a carrier other than a self-employed carrier.

**Heavy truck** means:

- a. a motor vehicle with a GVM over 4.5 tonnes
- b. 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.

**Motor vehicle** means a vehicle that is built to be propelled by a motor that forms part of the vehicle.

**Prescribed business** means a business that falls within one or more of the following Divisions recognised in the *Australian and New Zealand Standard Industrial Classification (ANZSIC)*, 1993 edition (Australian Bureau of Statistics publication, Catalogue No WC01292.0):

- Agriculture, Forestry and Fishing (Division A)
- Mining (Division B)
- Manufacturing (Division C)
- Construction (Division E)
- Wholesale Trade (Division F)
- Retail Trade (Division G)
- Accommodation, Cafes and Restaurants (Division H)
- Transport and Storage (Division I)
- Communication Services (Division J)
- Property and Business Services (Division L)
- Cultural and Recreational Services (Division P).

**Self-employed carrier** means:

- a. a partnership that carries on business as a carrier, being a business in which any heavy truck used for the transport of freight is driven only by a partner of the business
- b. a body corporate that carries on business as a carrier, being a business in which any heavy truck used for the transport of freight is driven only by:
  - i. a director of the body corporate or a member of the family of a director of the body corporate
  - ii. a person who, together with the members of his or her family, has a controlling interest in the body corporate
  - iii. a member of the family of a person who, together with the members of his or her family, has a controlling interest in the body corporate
- c. an individual who carries on business as a carrier, being a business in which any heavy truck used for the transport of freight is driven only by the individual.

**Note:** The classes of persons that are taken to be self-employed carriers are based on those specified in section 309 of the *Industrial Relations Act 1996*.

**Transport freight long distance** means 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 the journey or journeys where no freight is transported because the heavy truck is being driven to collect freight or to return to base after transporting freight.





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