



# Can they make this deduction?

**Q:** I have recently received my payslip which states that a £50 deduction has been made in relation to damage to a vehicle which was sustained while I was driving. I do not recollect any incident I was involved with. I have spoken to my transport manager who stated that he had spoken to another driver who was on the vehicle at the time who said there was a collision. I have not been able to speak to this driver and do not think this deduction should be made. What can I do?

**A:** In relation to this situation, the most appropriate method forward would be to contact the transport manager direct and ask for a full report in relation to the alleged incident that occurred resulting in the damage to the vehicle. Once you have received this then you will be in a better position to dispute the claim.

If you still consider that you did not damage the vehicle I would suggest contacting the transport manager or alternatively his direct line manager and speaking to him on an informal basis initially.

If the situation cannot be resolved through informal channels then the method open to you would be to consult your contract of employment and review the provisions with regard to raising a grievance against the company.

## What can I do about letter?

**Q:** A number of months ago I was involved in a speeding incident and the company was

asked to provide details of the driver driving the coach at the time. The details were provided to the court, however, I had no response from the court. I have now received a letter stating that I did not attend court on 4 September and as such they found me guilty in my absence and fined me £500 plus six points on my licence. What can I do?

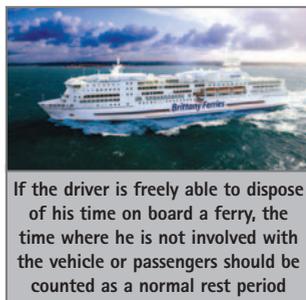
**A:** In this situation it appears that the correspondence from the court has gone to the wrong address. I would suggest that the driver should write to the court addressing any correspondence to the Court Manager stating that the correspondence from the court had gone to the wrong address and providing details of the correct address where it should go to.

The court should then re-open the file and the matter will start anew with the driver entitled to enter a plea of either guilty or not guilty to the charges.

## Is ferry time counted as other work?

**Q:** As part of a regular excursion, I spend approximately 3½ hours each way on a ferry. I am given access to a cabin while on the ferry. Am I able to treat this as a rest period or should it be treated as other work?

**A:** With reference to the regulations on this matter, it is my view that, if the driver is freely able to dispose of his time on board the ferry - and in this circumstance it seems that he is as



If the driver is freely able to dispose of his time on board a ferry, the time where he is not involved with the vehicle or passengers should be counted as a normal rest period

he has access to a cabin - the time where he is not involved with the vehicle or passengers should be counted as a normal rest period and recorded as such.

## Is this summons out of date?

**Q:** I have recently received a Summons in relation to a road traffic incident which occurred in June 2009. Is this now out of date?

**A:** This is a common question. Where an incident occurs and the matter is for prosecution within the Magistrates Court the time limit for the issuing of a summons is six months from the date of the offence. In this case the offence occurred in June 2009, the authorities would have until December 2009 to issue the Summons.

Should the authorities issue outside of this date, it is more than likely that the court would still allow them to prosecute the offence as long as there has been no prejudice suffered by the defendant.

My advice would be to reply to the Summons as early as possible

to inform the courts of whether you will be entering a plea of guilty or not guilty to the charges. It is essential that you take legal advice in relation to the prosecution.

## Are new room regs coming?

**Q:** I have been contacted by a number of my drivers who state that there are new regulations coming in with regard to the provision of individual rooms for drivers if they are away on tour overnight. Is this correct?

**A:** This is a question which is raised regularly whereby drivers state that they would like individual rooms to sleep in while on tour. Although I have a great deal of sympathy for drivers who want their own rooms, sometimes it may not be practical to do so. However, it is entirely up to the employer to decide if individual rooms will be provided or if drivers will be required to share.

Should drivers raise genuine concerns then it should be reviewed by the company to ensure the drivers are receiving adequate rest while driving and resting and suitable provisions introduced.

## Is it legal to use equipment?

**Q:** The operator who owns and operates the vehicles for the company for which I drive has recently fitted breathalyser equipment to the vehicles to monitor drivers' intake of alcohol prior to setting off and while they are operating the vehicle. What is the legality in relation to this?

**A:** It is becoming increasingly more common for operators to fit their vehicles with alcohol monitoring equipment i.e. breathalysers, which the drivers are required to breathe in to prior to commencing their journey. These are designed to reduce the possibility of a driver who is driving under the influence of alcohol taking a vehicle out on to the road.

As far as I am aware there are no specific regulations governing this type of equipment. The breathalyser equipment is owned and operated by the operator and therefore it is up to this operator to set the limits on the machinery. Any evidence gained from this machinery could not be used in the criminal courts as it does not have the same accuracy as that used by police forces.

Advice that I would give the drivers who are operating a vehicle fitted with this equipment would be for them to ensure that they make their employer aware of any medication that they are on which may affect the readings, for example, cough medicine, mouth wash etc. If they are unsure as to the limits of the breathalyser they should discuss this with their employer.

## How do I stop harassment?

**Q:** I have been employed by a small coach operator for a number of years. Over the last 12 months or so, I have been subjected to harassment by one of the drivers. It is now at the stage where I am fed up with the situation. I approached my transport manager

but he has essentially stated that it is a matter for the two of us and it was nothing to do with the business. What can I do?

**A:** In such a serious situation, I would advise the member who is being subjected to intimidation at work to start keeping a diary of events that occur. The diary should include the date and times of any events, details of what is said or done and if there were any witnesses to the incidents.

It is important that any such diary contains as much information as possible as, should the situation escalate, the driver would then be able to present a full account of everything that has occurred to the relevant authorities.

In dealing with this matter practically, I would advise that the driver should escalate the matter to the ultimate director of the company who I am sure would take the view that it is very much indeed the company's responsibility. The legislation including the Health & Safety at Work Act and various employment law regulations state that an employee is entitled to work in a safe environment.



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