



Should services be cancelled?

Q: Due to the recent bad weather in the United Kingdom, the operator who I work for has cancelled a number of services due to, in his words, safety concerns. The drivers and myself are worried about this situation. What would you advise?

A: As most readers would be aware during the course of December and January the weather conditions have been appalling and indeed the advice from the various motoring organisations including the Automobile Association, Royal Automobile Club as well as Royal Society for the Prevention of Accidents has been that, where there has been heavy snowfall and ice, driving should only be conducted where absolutely necessary.

A number of highways have been severely affected and with large vehicles such as coaches should these be taken on to the said affected highways this could result in the vehicles becoming trapped or alternatively involved in collisions through no fault of the drivers but simply due to the poor conditions.

If the operator, either the Director and/or the Transport Manager have taken the views that vehicles should not go out on certain days for certain services, this is entirely within their remit.

The duty of the operators is to the health and safety of their employees, i.e. the drivers, as well as their customers and this is to



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ensure the health and safety of these individuals is protected throughout. If the operators consider it is not appropriate for vehicles to go out this is entirely within their discretion. I would suggest that the drivers keep up a dialogue with the operators so all parties know when vehicles are going out and indeed when they are not going out.

What are my rights?

Q: During the Christmas period I was contacted by my Transport Manager who informed me he was not sure if the company would have any more work for me in the near future. I was then contacted after Christmas and informed that there would be no work for the remainder of January.

I was paid during the course of Christmas. It is my belief,

although I do not have a contract of employment, that I am employed on a full-time basis and not part-time. What are my rights in this situation?

A: The member in this situation states that he does not have a contract of employment and it is my understanding that he has been working for the company for less than one year.

The situation is a difficult one and I entirely sympathise with the position of the driver in this case.

I would suggest that the driver contact his transport manager and/or one of the directors of the company direct to ascertain the exact nature of the position.

It may be that there is a shortfall of work during the course of January and that the

company will make use of its services once the work increases.

I would also suggest that the driver asks for a contract of employment as soon as possible to clarify his position within the organisation.

Should the response that the driver receives be inadequate I would suggest that the driver gets this in writing and then reviews the position.

What is the process?

Q: I am looking at setting up my own transport company and am required to apply for an operators' licence, what is the process that is involved?

A: In a situation like this I would suggest that the driver/operator contact the Department for Transport on its website (www.dft.gov.uk) which contains all details that are required for completion of the application of an operators' licence. The website contains all details including application forms as well as guidance notes.

Should the driver have any queries with regard to this application there are two ways forward: Firstly, he can either contact the Department for Transport direct to raise queries or alternatively seek advice from a transport lawyer with regard to specific points.

Abuse: What should I do?

Q: I have been employed by the same company for

approximately 15 years as a driver and a transport manager.

Over the last 18 months or so I have had issues with another driver who has become abusive both physically and verbally with myself.

What should I do?

A: This is obviously a very serious situation for the driver involved.

I would suggest that he initially contacts his line manager, whether that be a Transport Manager or alternatively one of the directors of the Company to discuss the matter.

It is the right of all employees to work in an environment which is safe where they are free from persecution or bullying from other members of staff.

The operator/owner of the company is under a duty under the Health & Safety at Work etc Act 1974 to ensure that all employees have a safe place to work this includes in relation to abuse both verbal and physical by other members of staff.

Once the driver in question has contacted his line manager they would then need to take a decision as to how to progress the matter by interviewing all parties.

Once an investigation has been completed it would then be for the operators to decide what action to take with regard to the driver who has been abusive.

If the person who the driver reports this matter to does not take it seriously I would suggest

that the matter is progressed further up the line to director level.

If there have been physical insults involved it would be appropriate for this be reported to the relevant authorities, ie, the Police, for investigation.

Hours: Is this correct?

Q: I have recently been told by my transport manager that, with regards to breaks during the course of the working day, ie, situations whereby a driver is working in excess of 4.5 hours, I can take three breaks of 15 minutes. Is this correct?

A: In this situation the assertion by the transport manager that the driver can take three breaks of 15 minutes is incorrect.

The correct position is that a driver should take two breaks, one of a minimum of 30 minutes and one of a minimum of 15 minutes or alternatively one break of 45 minutes.

Taking three breaks of 15 minutes does not comply with the regulations.



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