

## Myths and Misunderstandings

Motor vehicle crashes are the leading cause of traumatic workplace death in British Columbia. Despite this, there are several common misconceptions about who is responsible for an employee’s safety when they drive for work. This is particularly true when employees drive their own vehicle.

This section helps set the record straight to dispel any misunderstanding about the roles, responsibilities and requirements of employers and their employees when they drive for work.

<b>Myth</b>	<b>Employers are not responsible for the safety of employees when they are driving for work.</b>
<b>Fact</b>	In BC, a vehicle is considered a workplace when it is used for work. Therefore, employers are responsible for employee safety whether they are driving or riding in a company-owned or their own personal vehicle for work. The <i>Workers Compensation Act</i> and the <i>Occupational Health and Safety Regulation</i> set out those responsibilities.

<b>Myth</b>	<b>Because employers can't control what happens on a <u>public road</u>, employers have no duties to ensure the safety of their employees when they drive a work vehicle on a public road.</b>
<b>Fact</b>	Employers have responsibilities for employee health and safety when employees are on the job, no matter where that might be. A vehicle is a workplace when it is used for work - whether it's operated on property owned and controlled by the employer, or on a public roadway.

<b>Myth</b>	<b>Employees are solely responsible for their own safety when they drive <u>their own vehicles</u> for work because their employer does not own the vehicle and does not have authority to exercise control over how the vehicle is operated.</b>
<b>Fact</b>	Under WorkSafeBC legislation, employers have the <u>same responsibility</u> for employee health and safety whether employees drive (or ride in) a company-owned or their own vehicle. As is required for company-owned vehicles, employers need to confirm that employee-owned vehicles used for work are fit for the purposes they are used, regularly inspected and properly maintained, that employees have the skills necessary to safely complete assigned driving tasks, and that they know and follow company safe driving procedures.  While employees are responsible for licensing, insuring, operating and maintaining their own vehicles as required in the <i>Motor Vehicle Act</i> and its Regulations, employers need to periodically verify employees are meeting those requirements.

<b>Myth</b>	Using employee-owned vehicles for work purposes is a cost-effective practice used worldwide by industry leaders.
<b>Fact</b>	<p>Organizations around the world - and right here in BC - are finding that a fleet-only approach is a better way to run their business.</p> <p>The business case for road safety is built around preventing harm to employees, as well as property and environmental and reputational damage. Employers have practical, financial, moral and legal liability stakes in preventing work-related crashes. Many employers find it is <u>easier</u> to implement crash-prevention measures in company-owned vehicles than they do in employee-owned vehicles. Because employers experience a big share of the costs of work-related crashes, if a company-owned fleet provides better success in preventing crashes and managing overall costs, it's the wiser approach.</p>
<b>Myth</b>	Employers have no authority over what type of personal vehicles employees drive for work.
<b>Fact</b>	<p>Quite the contrary, each employer has a <u>duty</u> to ensure all vehicles used for work are fit for their intended use. That means employers should decide what criteria employee-owned vehicles must meet before they authorize employees to drive them for work. Employers should stipulate vehicle type (e.g., 4-door sedan, all-wheel drive), condition (e.g., model year, mileage), load capacity and safety features (e.g., anti-lock brakes, electronic stability control (ESC), crash rating, back-up sensor, winter tires in winter). Employers should also identify any vehicle features or modifications they will not accept.</p> <p>In addition to conducting periodic visual spot-checks, receiving and reviewing inspection and maintenance records of those vehicles will help employers verify employee-owned vehicles continue to meet their expectations.</p>
<b>Myth</b>	If an employee crashes their own vehicle while they are using it for work, there is no need for the employer to be concerned because the employer is not liable for repair bills, a replacement vehicle or increased vehicle insurance rates
<b>Fact</b>	<p>Indeed, the employee is responsible for those costs if they crash their own vehicle while driving for work. However, they will likely have to take time off work to meet with the adjuster, deliver the car to the shop, pick it up, and other related tasks. While that employee is away from work, the employer has to figure out how to get their work done.</p> <p>Regardless of who owns the vehicle, when employees are injured in a crash they still miss work. It makes good sense to do what you can to prevent crashes in the first place.</p>

<b>Myth</b>	To confirm their employees have the necessary driving skills to safely operate motor vehicles, all employers need to do is verify that employees have valid drivers' licences for the type of vehicles they are driving.
<b>Fact</b>	<p>Confirming employees have valid driver's licences is a great start but it likely won't meet the test of due diligence.</p> <p>Most employers now ask drivers to periodically provide a copy of their driver's abstract so the employer can verify they are legally entitled to drive. It also helps the employer watch for penalty points and fines for offences that may indicate high-risk driving behaviours.</p> <p>Most importantly, before allowing employees to drive for work — whether they use fleet vehicles or personal vehicles — employers must confirm that employees are qualified to undertake assigned driving. That should include assessing employee driving skills, and providing education, instruction, training and supervision where needed.</p>

<b>Myth</b>	Investigating work-related crashes that involve employee-owned vehicles used for work isn't important because it is not a legal requirement.
<b>Fact</b>	<p>Provincial occupational health and safety legislation does not require employers to investigate work-related vehicle crashes that occur on a public street or highway. However, crash investigations are important to help employers identify what factors contributed to or caused the crash. Investigating and learning from crashes - whether they involve fleet vehicles or employee-owned vehicles - is essential to reducing the likelihood of future crashes.</p>

<b>Myth</b>	If employees are injured in a crash while driving their own vehicle for work, ICBC will cover all injury and wage replacement costs.
<b>Fact</b>	<p>Depending on the crash scenario, injured workers can elect to claim <u>injury</u> and <u>wage replacement</u> costs through ICBC <u>or</u> WorkSafeBC, as per the following criteria:</p> <ul style="list-style-type: none"> <li>• If the crash does not involve another vehicle, the injured worker must claim through WorkSafeBC.</li> <li>• If the crash involves two or more vehicles and the worker is at fault, the worker must claim through ICBC because the worker lost their right to sue the other driver.</li> <li>• If the crash involves two or more vehicles, and the other driver(s) are also workers, the worker must claim through WorkSafeBC because workers cannot sue workers under the <i>Workers Compensation Act</i>.</li> <li>• If the crash involves two or more vehicles, the worker is not at fault, and the other driver(s) are not workers, the worker can claim benefits through either ICBC or WorkSafeBC</li> </ul>

<b>Myth</b>	<b>Safety programs are a burden on management.</b>
<b>Fact</b>	<p>Creating, implementing and monitoring a safety program are necessary activities for employers - it's a legal requirement. In meeting those obligations, many employers have found that effective safety programs pay for themselves many times over through fewer injuries to workers, increased productivity with less downtime, and lower insurance rates.</p> <p>Plus, a strong and effective safety program lets your employees know that you care about their well-being, has a positive influence on their engagement at work. It can help your organization attract and retain the best and the brightest employees, which can be a strong competitive advantage.</p>

<b>Myth</b>	<b>Road safety programs cost too much.</b>
<b>Fact</b>	<p>Preventing crashes saves lives and avoids serious injuries, property damage, downtime and lost productivity. Fewer crashes translate to lower insurance rates. An effective road safety program shows that the employer:</p> <ul style="list-style-type: none"> <li>• genuinely cares about employees and is taking all reasonable care to protect their well-being.</li> <li>• is managing risk by controlling or eliminating road safety hazards.</li> <li>• is committed to the success, growth and reputation of the business.</li> </ul> <p>Rather than an unnecessary cost, a road safety program that helps prevent crashes is a sound investment that will save the organization money over the long haul. Road safety is simply smart business.</p>

<b>Myth</b>	<b>Employers are responsible for employee safety when they commute to and from work in their own vehicles.</b>
<b>Fact</b>	<p>When employees drive from home to their usual place of employment whether in their own vehicle or a company-owned vehicle, they are (usually) not covered under the <i>Workers Compensation Act</i> or <i>Occupational Health and Safety Regulation</i>, and therefore, employers are not responsible for their safety.</p> <p>Of course, each driver must follow the <i>Motor Vehicle Act</i>, its associated regulations and other road safety laws during their commute. And, if they are driving an assigned fleet car, those drivers must follow their company's "personal use of vehicles" policy.</p>

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