

## Safety For Employees Who Drive Their Own Vehicles For Work

Webinar Questions and Answers

June 19, 2019

Work-related driving or commuting?	
Question	Answer
When workers drive from their home to work is it covered as a workplace and under WorkSafeBC jurisdiction or ICBC?	<p>Almost always, the drive from home to the primary workplace is considered commuting. While a vehicle is being used for commuting, it is not a workplace so WorkSafeBC requirements would not apply, but requirements under <i>Motor Vehicle Act, Motor Vehicle Act Regulations</i> and others would continue to apply.</p> <p>Be aware that in specific situations, driving from one's home to their usual workplace is considered work-related driving. For example, an employee who regularly drives a company-owned vehicle to and from his/her home and is required to be in communication with his/her employer via two-way radio as soon as he/she gets in the work vehicle is technically "working". Or, if you usually commute each morning to your office, but occasionally drive to a work meeting with a client at their location, that drive from your home to the client's location is considered work-related driving.</p>
Are vehicles used to commute to a workplace considered part of the grey fleet?	Most often, an employee's drive from his/her home to the primary workplace is not considered driving for work purposes; it's simply part of commuting in your personal vehicle.
Are there criteria on how to apply the OHS regs depending on how much an employee uses his/her own vehicle for work (i.e. more than x number of trips per year or more than x kms per year)? What if an employee only uses his/her personal vehicle for work very irregularly?	The <i>Workers Compensation Act</i> and the <i>Occupational Health and Safety Regulation</i> do not identify specific criteria or thresholds. Operating a vehicle for work purposes is work-related driving and occupational safety requirements apply.
If no day rate is paid to the vehicle owner, is this still covered under the WCA Parts 1-15 - 1-17? Is this still a workplace if it is still used just to access a remote worksite location?	If an employee is travelling from his/her home to a primary work site and the employer is not paying the employee a day rate, mileage rate, or any other compensation for the employee to use his/her vehicle to get to that work site, it would seem the employer and employee have agreed that the employee's travel to that worksite is part of the employee's commute rather than work-related driving and therefore not covered by WSBC regulation.

<b>Work-related driving or commuting?</b>	
<b>Question</b>	<b>Answer</b>
If the employer pays a per day rate to a vehicle owner, is the vehicle white or grey fleet?	<p>A grey fleet vehicle is any vehicle that is owned, leased or rented by the employee and used for work purposes. A white fleet vehicle is a work vehicle that is owned, leased or rented by the employer.</p> <p>When an employer compensates their employee who uses their own vehicle for work, that vehicle is a grey fleet vehicle. If the employer leases or rents a vehicle from a lease agency or rental company, that vehicle would be considered a white fleet vehicle.</p>
If an employee is taking an employer-owned vehicle home every night, is the employer required to pay travel time to the first jobsite of the day (which includes travel to various non-remote jobsites).	This is a "terms and conditions of employment" question rather than a "road safety" question. Please consult the appropriate employment authority (e.g. Employment Standards Branch in BC).
<b>Compensation for Driving Your Vehicle for Work</b>	
<b>Question</b>	<b>Answer</b>
If you do get mileage compensation though, it is considered driving for work, right?	Yes. One of the key determinants of "driving for work" is whether the employer compensates the employee for the time and/or the costs associated with that driving. Usually, mileage compensation is paid to recognize the costs of operating the vehicle - fuel costs, maintenance, having the correct insurance policy and such.
If the employer pays mileage, does the employer also have to pay a per day rate for an employee to use a personal vehicle for work daily?	<p>When an employee uses his/her vehicle for work purposes, how the employer compensates the employee for that vehicle use is a matter of negotiation between the employer and the employee.</p> <p>There are a variety of ways that can work. To find the arrangement that works best for you, talk it over and consult with agencies such as the Employment Standards Branch and Canada Revenue Agency.</p>
<b>Properly Insuring Your Vehicle for Work</b>	
<b>Question</b>	<b>Answer</b>
Do I have to get different insurance for my vehicle to use it for work?	<p>If your vehicle is currently insured for pleasure use only and you plan to use that vehicle for work, you will likely need to update the insurance policy to make sure it indicates the correct rate class.</p> <p>Determining the rate class that's right for you depends on several criteria such as how often you use the vehicle for commuting, whether you use the vehicle for work and if you do, what sort of work you do with the vehicle. Check with your insurance provider. The <a href="#">ICBC website</a> provides helpful information.</p>

Liabilities in the Event of a Crash	
Question	Answer
<p>My position requires me to use my personal vehicle to transport clients and me to various locations throughout the day. What would happen in an accident situation with a client in the vehicle? WCB? ICBC? Or does my employer carry some of the responsibility in terms of liability?</p>	<p>Using a vehicle you own to transport clients is work-related driving, so your employer does have legal accountabilities for ensuring your safety while you are doing that.</p> <p>If you are involved in a crash, whether the claim proceeds through WSBC or ICBC depends on several factors, such as who is at fault, who is involved in the crash, who is injured and the specifics of the insurance coverage policies. ICBC provides information on <a href="#">Third Party Claims Election Process</a>.</p>
<p>(Education) If a Worker is doing extra-curricular work, i.e. coaching (not part of job description) and travel to alternate site is required, (i) are they covered (ii) do all the aforementioned requirements apply?</p>	<p>There isn't enough information here to accurately answer the question. Generally, any activity that is not work-related and not compensated by an employer is not considered work. However, what qualifies as work or <i>compensation</i> can be tricky (e.g. perhaps the worker gets time off to compensate them for the coaching effort). As well, there may be special agreements in place between the employer and employees with respect to "coverage".</p> <p>It's best to check with either the <a href="#">Workers' Advisers Office</a> (if you're an employee) or the <a href="#">Employers' Advisory Office</a> (if you're an employer). Whatever the circumstances, using solid road safety practices, procedures and due diligence will help prevent crashes.</p>
Policies and Procedures to Reduce Risk	
Question	Answer
<p>What is the goal of asking for driving abstracts - can the employer prevent an employee with several tickets from driving until they have conducted further training?</p>	<p>One of the main goals of reviewing driver abstracts is to demonstrate to employees that road safety is a priority.</p> <p>Information shown on driver abstracts is an <i>indicator</i> of driving behaviours - if the driver has received tickets, penalty points, prohibitions or suspensions in BC, those will be shown on his/her BC abstract. Some employers use driver's abstracts when evaluating the suitability of candidates for hire (if the work involves driving). Employers may set thresholds around <b>work-related</b> driving points / penalties after which they apply corrective actions or disciplinary measures.</p> <p>Bear in mind there are limits to the information abstracts provide - some drivers use high-risk driving behaviours (speeding, driving while on their cell phone, merging incorrectly, etc.) and don't get caught or receive tickets. Abstracts don't show those behaviours or events.</p>

Policies and Procedures to Reduce Risk	
Question	Answer
<p>We have company vehicles and we have people with car allowances. Should the policy be the same for both? (i.e.)                      Company vehicles can only be driven by company personnel where a car allowance vehicle is a personal vehicle driven by an employee or a family member etc.</p>	<p>It's most efficient and effective to have one set of safe driving policies and procedures that all employees are to apply when they drive for work. That said, there's usually a need to implement a couple of additional practices relative to employee-owned vehicles used for work - verifying maintenance is complete, ensuring proper insurance coverage, etc.</p>
<p>How are we to ensure employee safety when employers are not watching?</p>	<p>That's one of the unique challenges with work-related driving - there usually isn't a supervisor or a manager in the seat beside the driver to provide instructions or guidance. Once the employer knows the employee has the right driving skills and attitudes, the employer is relying on the driver to use his/her knowledge to make correct driving decisions and behaviours.</p> <p>That's where safety culture comes in. That's one of the key questions we cover in the "Building a Stronger Road Safety Culture" workshop. Check out <a href="#">our website</a> for the next offering in your area and make plans to attend.</p>
<p>Driver competency should be established by someone who is competent and qualified to do the assessment. For supervisors who don't drive for work - how do you establish their competency?</p>	<p>The <i>Occupational Health and Safety Regulation</i> Part 1.1 states <i>qualified</i> means being knowledgeable of the work, the hazards involved and the means to control the hazards, by reason of education, training, experience or combination thereof.</p> <p>To be <i>qualified</i> to evaluate competency, the supervisor should have experience with the work-related driving employees do, the vehicles they operate, the circumstances and conditions in which they drive and the hazards they encounter. Better yet, the supervisor will have demonstrated their own driving skills and their abilities to successfully deal with those driving conditions and hazards.</p> <p>If the supervisor doesn't meet those criteria, perhaps a lead hand or another employee does. If no one employed by the organization is <i>qualified</i> to evaluate driving competency, a third-party driving instructor could be a good choice.</p> <p>Check out the <a href="#">Driving Qualifications section</a> of our website. Plus, in September 2019 we will be releasing a new (free) online course dealing with this topic in greater depth.</p>

Ensuring Proper Maintenance for Grey Fleet Vehicles	
Question	Answer
<p>If the employer pays a per day rate to a vehicle owner, is the vehicle maintenance required to be submitted to the employer to prove the vehicle is safe to drive to and from remote worksite locations?</p>	<p>The <i>Workers Compensation Act</i> and the <i>Occupational Health and Safety Regulation</i> do not explicitly require that employees who drive their own vehicles for work submit vehicle maintenance receipts to their employer. However, receiving and reviewing vehicle maintenance receipts is a best practice that employers can use to help ensure work vehicles are road-worthy, and to address their obligations for ensuring the safety of employees when they are driving for work.</p> <p>Another option is for the employer to require that employees have a certified mechanic periodically inspect their vehicle and submit the resulting report to their employer. The expectation is that employees would have the mechanic complete necessary repairs and maintenance identified in the report.</p>
<p>When looking at grey fleets and inspections, maintenance, etc. what do forward-thinking employers do in terms of compensation to enable employees to own and maintain suitable vehicles?</p>	<p>I can think of several forward-thinking organizations that, after years of using both white and grey fleet vehicles for day-to-day operations, are moving / have moved to using only white fleet vehicles. The costs, challenges of making sure employee-owned vehicles have the right equipment and features, and the administrative burden can be significant enough to warrant the investment.</p> <p>That said, if grey fleet vehicles are part of your operations, a good start is to have a policy that explains exactly what equipment and features work vehicles must have (and not have), and makes clear the terms and conditions by which the employer will authorize an employee to use their vehicle for work purposes. You can find an example of such a policy on our website (<a href="#">see example policy</a>).</p> <p>Employers have to be prepared to recognize the costs employees incur to meet those requirements. And, they need to have a process (e.g. periodic spot-checks) to verify that employees' vehicles continue to meet the requirements. Supporting that process with simple documentation lends credibility and provides evidence of due diligence.</p>

Addressing Specific Challenges	
Question	Answer
<p>Road safety seems not to be a priority for our traveling salesperson who was in an accident about two weeks ago. She is refusing to report to first aid so we can record. She just returned but keeps dismissing me. Help.</p>	<p>These can be complex situation and there are many factors consider when determining your best course of action.</p> <p>As a first step, you may want to contact the <a href="#">Employers' Advisory Office</a>.</p>
<p>In an environment with narrow streets and very limited vehicle storage space, what advice can you offer for managing vehicle operation in tight spaces? This is relative to a business with a fleet of vehicles ranging from half ton trucks all the way up through five ton trucks and roll off vehicles.</p>	<p>Operating vehicles in tight spaces can be challenging, especially when you add elements of reversing, texting pedestrians, unobservant cyclists and other complex hazards.</p> <p>First, do a site assessment and look for ways to re-engineer work process to eliminate or reduce hazards. This is a great Joint Occupational Health and Safety Committee activity. Another consideration might be to see if there are ways to remove some of those hazards. For example, can you relocate pick-up points and routes so crews don't have to deal with tight spaces? Can you adjust schedules so crews can avoid those tight locations when traffic is heavy? Can you optimize schedules to ensure they are realistic and allow sufficient time for crews to safely complete their work?</p> <p>In some cases, technology such as back-up cameras can help. But sometimes the driver spends so much time monitoring his/her technology that other hazards are missed.</p> <p>For the operations you describe, a trained safety spotter could watch for things the driver can't see while guiding the driver, halting pedestrians, alerting cyclists and so on.</p>
<p>Would Road Safety at work advocate to organisations for working at home? Have anything been done?</p>	<p>Road Safety At Work is not in a position to advocate but working from home can be a great way to reduce work-related driving, where it makes sense. As Angelina mentioned, the webinar is one example of how we're reducing work-related driving - for ourselves, and for the 250+ webinar registrants.</p>

Addressing Specific Challenges	
Question	Answer
What about driver training/ safety training. i.e. Smith System. How to implement this effectively?	Driver training is a great way to help employees build safe driving behaviours. I don't have specific, first-hand experience with the Smith System but several of the driver training programs I've seen do incorporate Smith System principles, sometimes with different terminology and sometimes providing more detail and explanations of how a driver should, for example, "aim high" and "get the big picture". If you look through our <a href="#">Driver Assessment Tool</a> , you will see the concepts of "active scanning", "path of least resistance", "eye contact" and others.

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