

FACT SHEET FOR DRIVERS

Managing long distance truck driver fatigue in NSW

This fact sheet outlines the responsibilities of drivers with regard to the *Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005* (the Regulation). A glossary of terms is provided at the back of the fact sheet. This fact sheet should be used in conjunction with *Driver fatigue management: A guide to managing driver fatigue in the long haul trucking industry*, and the *Driver fatigue verification tool*.

1. WHAT DOES OCCUPATIONAL HEALTH AND SAFETY LAW REQUIRE IN NSW?

The *Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005* is intended to reduce the risk of harm from fatigue to drivers of heavy trucks. The Regulation places legal duties on drivers involved in the transport of freight long distance by means of a heavy truck.

The Regulation requires:

- the risk of harm from fatigue to the driver's health and safety be identified, assessed and eliminated or controlled
- that driver fatigue management plans must be in place where they are required under the Regulation.

This fact sheet outlines the responsibilities of drivers with regard to the *Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005* (the Regulation). A glossary of terms is provided at the back of the fact sheet. This fact sheet should be used in conjunction with *Driver fatigue management: A guide to managing driver fatigue in the long haul trucking industry*, and the *Driver fatigue verification tool*. Drivers should also consult with the RTA to ensure they comply with other related legislation.

2. WHAT ARE MY RESPONSIBILITIES AS A DRIVER?

The Regulation requires the risk of harm from fatigue to a driver to be identified, assessed and eliminated or controlled. The Regulation also requires a Driver Fatigue Management Plan (DFMP) to be in place. It is an employer or head carrier's responsibility to develop this DFMP in consultation with drivers.

Drivers should be trained in the use and application of the DFMP. Training needs to take place on DFMPs before a driver undertakes trips requiring extended periods of driving. If any changes to procedures occur, training needs to be given on the revised procedures.

There should also be an assessment component to the training to ensure drivers have acquired the necessary skills. A supervisor can conduct this assessment by observing the driver following the correct procedures, or through the review of trip records to ensure that the DFMP is understood and is being followed.

Consignors and consignees who employ more than 200 people and have a substantial part of their business in a prescribed business will have to identify, assess and eliminate or control the risk of harm from fatigue to self-employed drivers who transport freight long distance. The consignor or consignee must prepare a DFMP for these drivers.

While at work, a driver must cooperate with their employer or other persons to ensure compliance with the *Occupational Health and Safety Act 2000* (the Act) and the *Occupational Health and Safety Amendment (Long Distance Truck Driver Fatigue) Regulation 2005*. This includes consultation in regard to DFMPs and following the instructions of their employer.

A driver also needs to take reasonable steps to notify their employer or supervisor of any matter that, to their knowledge, may affect the employer's capacity to comply with the Act and Regulation. This could include:

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

3. WHAT ARE THE SIGNS OF FATIGUE?

There are fatigue warning signs which should not be ignored when driving. Drivers cannot predict when they will fall asleep, but by continuing to drive when fatigued, they place themselves and others at risk of injury.

Sleep indicators include:

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

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 time
- 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.

4. WHAT CAN I DO TO REDUCE FATIGUE?

The best way is to look after yourself. This includes ensuring you get enough sleep, eat well, take precautions when driving and stay physically fit.

It is important that shift workers get close to the average amount of required daily sleep as possible (seven to eight hours). Drivers should also be aware that the effects of sleep are less effective when split between day and night.

Human beings are day orientated and light and noise during the day can mean that sleep quality is poorer. It is therefore important to ensure sleeping conditions are as favourable as possible.

Tips for sleeping include:

- use blinds or curtains with backing and sound insulation to reduce light levels and noise within the room/sleeping cabin
- cool conditions can help with getting to and staying asleep
- inform friends and relatives of work schedules and sleep times to avoid unwanted disruptions
- use an answering machine or turn your phone down to help minimise disturbances
- develop ways of 'unwinding' after an afternoon or night shift, eg take a walk or watch television
- have a shower or a relaxing bath before going to bed
- go through normal rituals for going to bed regardless of the time of day.

The timing and quality of meals can affect your sleep. You can use the following tips:

- wherever possible, keep to daytime eating patterns
- consider having your largest meal in the middle of your time awake
- do not have a large meal or drink before sleeping.

Shift workers tend to have more health-related problems than day workers. Seek some medical advice if you experience:

- depression
- sleeping problems
- heart problems
- indigestion or other stomach or bowel problems.

To help manage fatigue when driving you can:

- avoid driving when tired
- take regular breaks to stretch, walk and check the truck
- avoid using the heater as it can cause drowsiness. When cold, direct warmth to the feet and allow fresh air on your face
- keep your mind active by listening to the radio while driving.

GLOSSARY

consignor 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.

consignee 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.

driver fatigue management plan means a plan that sets out how the person required to prepare the plan will meet its obligations under the Act and this Regulation in relation to any risk associated with the fatigue of drivers that transport freight long distance.

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

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, or
- 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.

prescribed business means 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):

- a. Agriculture, Forestry and Fishing
- b. Mining
- c. Manufacturing
- d. Construction
- e. Wholesale Trade
- f. Retail Trade
- g. Accommodation, Cafes and Restaurants
- h. Transport and Storage
- i. Communication Services
- j. Property and Business Services
- k. Cultural and Recreational Services.

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, or
- 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, or
 - ii. a person who, together with the members of his or her family, has a controlling interest in the body corporate, or
 - 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, or
- 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.

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

WHERE CAN I GET MORE HELP?

- WorkCover Assistance Service
13 10 50
www.workcover.nsw.gov.au
- Transport Workers Union of Australia and NSW Branch
Phone: 02 9912 0700
- Natroad LTD
Phone: 02 6295 3000
Email: natroad@natroad.com.au

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).

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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