

# **Black & White Cabs**



## **Fatigue Management Policy**

## 1.0 BACKGROUND

Different legislation across multiple jurisdictions provides the legal obligations and responsibilities associated with safe use of a vehicle for work purposes. Workplace Health and Safety (WHS) obligations are owned by a number of persons, including employers, workers and persons in control of workplaces. A workplace includes a vehicle used for work related purposes.

A person conducting a business or undertaking, has an obligation to ensure the WHS of their workers and any other persons, is not affected by the conduct of the business or undertaking. The obligation is discharged if each of the employer's workers and any other persons are not exposed to risks to their health and safety arising out of the conduct of the business or undertaking.

Discharging this obligation includes but is not limited to:

- Providing and maintaining a safe and healthy work environment
- Ensuring safe systems of work
- Providing information to ensure health and safety.

Applied to the taxi industry, the obligations of the operator may include providing drivers with information about:

- The safe use of vehicle
- Safety features of vehicles and instruction how to use them
- The causes and effects of fatigue
- Safe maintenance of the vehicle
- Requirements of road safety laws

Taxi drivers and operators have obligations under the WHS legislation as self-employed persons:

- A self-employed person has an obligation to ensure the self-employed person's own workplace health and safety in the conduct of the self-employed person's business or undertaking
- A self-employed person has an obligation to ensure other persons are not exposed to risk to their health and safety arising out of the conduct of the self-employed person's business or undertaking
- A person who conducts a business or undertaking has an obligation to ensure the health and safety of each person who performs a work activity for the purposes of the business or undertaking.

Applied to the taxi industry, a driver's duties would include:

- Holding a current, valid driver's licence
- Abiding by all the road rules (e.g. speed limits, alcohol consumption)
- Refraining from driving impaired by tiredness or medication
- Reporting any incidents required by law or by the operator's program
- Carrying out routine vehicle checks required by the driver

Both taxi operators and drivers have duties to each other and to others (the passengers) who might be affected by the work they undertake. In the case of the taxi industry, this includes other road users, passengers and people at locations where the driver stops to carry out work.

## 2.0 CHAIN OF RESPONSIBILITY

The Transport Operations (Passenger Transport) Act 1994 and the Transport Operations (Passenger Transport) Regulation 2018 refers to a Chain of Responsibility which holds all parties responsible for actions as they occur in the Passenger Transport industry.

Under this chain of responsibility, the booking entity and the Operator are amongst many things, responsible for driver fatigue management, and must take all reasonable steps to ensure the driver of the Taxi vehicle does not drive a Taxi vehicle whilst being fatigued.

The chain of responsibility framework sets out the legal obligations of each participant in the personalised transport supply chain, with a strong focus on improved safety outcomes.

## **The 'chain of responsibility' includes:**

- Booking Entity Authorisation Holders (BEAH)
- local nominees of foreign booking entities.
- operators
- licence holders
- drivers
- registered operators of vehicles

## **Booking Entity Authorisation Holders (BEAH)**

- taxi booking companies
- booking platforms and apps
- operators who run their own business

## **Operator**

- taxi operators (including management companies)
- limousine operators
- ride-booking operators

## **Driver**

- taxi drivers
- limousine drivers
- ride-booking drivers

## **Compliance**

The Department of Transport and Main Roads (TMR) can audit any person in the 'chain of responsibility' at any time to assess a person's compliance with relevant legislative requirements and validate information provided to TMR.

For example, TMR may investigate a person in the 'chain of responsibility' to ensure appropriate systems are in place for managing driver fatigue and other safety risks.

## **Safety duties**

The main safety duties will include:

- Primary safety duty – a primary duty of care is to ensure, as far as reasonably practicable, the safety of the person's activities relating to providing the service. The level and nature of a person's duty depends on the person's functions, the nature of the safety risk and the person's ability to control, eliminate or minimise the risk.
- Fatigue management duties – duties to manage driver fatigue apply to ensuring the safety of taxi and booked hire services.

Specific obligations related to safety also apply to the provision of taxi, limousine and ride-booking services under relevant transport legislation. These include:

- [driver authorisation](#)
- [vehicle maintenance](#)
- [vehicle safety inspections](#)
- [vehicle security cameras.](#)

## **Requirements of booking entities**

The responsibility of booking Entities under the chain of responsibility include:

- Complying with driver fatigue management requirements
- ensuring that drivers hold and maintain Driver Authorisation (Driver Authorisations can be checked in the [driver authorisation public register](#))
- ensuring drivers are trained to government-set standards in relation to disability awareness, anti-discrimination (including sexual harassment) and the provision of wheelchair accessible services
- facilitating approved security camera downloads on behalf of operators
- ensuring that all vehicles are licensed and compliant
- provide required data to TMR.

### Requirements of Operators

Operator's responsibilities include:

- meeting driver fatigue management requirements
- ensuring that drivers hold and maintain Driver Authorisation
- ensuring drivers are trained to government-set standards in relation to disability awareness, anti-discrimination (including sexual harassment) and the provision of wheelchair accessible services.
- ensuring personalised transport services operate under a taxi, limousine or booked hire service licence
- vehicle maintenance
- ensuring safety requirements.

### Drivers

- Drivers must:
- be affiliated with an authorised booking entity to provide personalised transport services
- hold and maintain the appropriate driver authorisation
- be trained to government set standards in relation to disability awareness, anti-discrimination (including sexual harassment) and the provision of wheelchair accessible services
- meet driver fatigue management requirements
- produce records of bookings for services if requested by TMR (this applies only to ride-booking and limousine drivers – it does not apply to taxi drivers).

## 3.0 TMR FATIGUE MANAGEMENT POLICY

Fatigue management is part of the 'chain of responsibility' under the personalised transport reforms. It's an important step to ensuring the safety of the industry for passengers, drivers and the public.

The fatigue management reforms will be achieved in four parts:

1. **general duty**
2. standard hours of work
3. fatigue awareness
4. compliance.

### What is the general duty?

The general duty is the first part of the fatigue management reforms. It includes two key obligations:

1. A person must not drive a motor vehicle while fatigued. A maximum penalty of 160 penalty units applies (\$20,184).

2. Other people involved in providing a taxi service or booked hire service (a person in the chain of responsibility) must take all reasonable steps to ensure another person does not drive a vehicle to provide the service while fatigued. A maximum penalty of 160 penalty units applies (\$20,184).

The Department of Transport and Main Roads (TMR) may audit anyone in the 'chain of responsibility' to investigate whether they have appropriate systems in place for managing driver fatigue and other safety risks.

All participants in the taxi, limousine and ride-booking industries need to be aware of the fatigue management general duty

***The remaining specific fatigue management responsibilities will be implemented at a later date.***

### **Future Fatigue Management Reforms?**

Future fatigue management reform will include, however may not be limited to the following requirements:

#### **Standard Hours of Work**

Standard hours are the work and rest hours allowed by law. They are the maximum amount of work and minimum amount of rest possible that can be performed safely without additional safety countermeasures.

In addition to the general duty to not drive a taxi on a road while fatigued, drivers will be required to comply with maximum work and minimum rest limits.

Persons in the Chain of Responsibility will be required to take all reasonable steps to prevent a driver from exceeding these limits. This means that drivers must be allowed to stop if they are at risk of exceeding the limits and make alternative arrangements.

#### **Fatigue Management Awareness**

Fatigue is a significant contributor to workplace incidents, accidents and deaths in workplaces all over Australia. Fatigue Management Awareness will ensure early identification of fatigue hazards and provides strategies for managing these risks. This includes information such as how to recognise the symptoms of fatigue and act upon them to minimise the likelihood of an incident.

#### **Compliance**

Queensland Department of Transport and Main Roads Compliance Officers will be responsible for ensuring requirements for all persons in the Chain of Responsibility are complying with their requirements at all times.

Compliance and enforcement aims to:

- improve compliance outcomes for road safety, infrastructure and the environment
- minimise the adverse impacts of passenger transport on the community
- minimise unfair competitive advantage within the passenger transport industry.

Compliance activities by TMR may include:

- Incident investigation
- Random roadside checks
- Site visits
- Formal audits

#### **Penalties and enforcement**

Significant financial and non-financial penalties apply for non-compliance, including:

- For a breach of primary duty of care and officer liability provisions, significant financial penalties apply (up to 3,000 penalty units or \$391 650 for an individual or 30,000 penalty units or \$3,916, 500 for a corporation where there is reckless conduct).
- Non-financial penalties for booking entities and operators include the suspension or cancellation of their booking entity authorisation or licence.

- For repeat offenders of eligible offences, financial penalties gradually increase up to a maximum of 400 penalty units or \$52,220.
- Where a driver is convicted of an eligible offence three times within a 3 year period, an immediate 1-month driver licence suspension applies.

## 4.0 BLACK & WHITE CABS POLICY

### Booking Entity Authorisation Holder (BEAH)

The BEAH controls access to dispatch facilities. By setting time limits, the BEAH has the ability to determine how long a driver can access bookings from their platform. Given that there is no way the BEAH can determine the fatigue level of any driver at any time, the best effort will be by measuring shifts by hours logged into the system, hours spent on jobs and actual hours driving during a given period of time.

Drivers will be required to complete a driver health questionnaire when renewing/updating personal details. This form will also be included in the initial training.

Black & White Cabs will perform daily checks on drivers, and will establish if all of the following measures of fatigue are breached:

- Hours operating the vehicle > 16 hours
- Hours on jobs > 10 hours
- Hours driving at 40 KM/H > 12 hours

To enable all drivers the opportunity to achieve sufficient rest between shifts the MTI dispatch system will log off drivers who have been logged on for 16 hours during a 24 hour period.

Black & White Cabs will provide a suite of Fatigue Management tools to assist operators and drivers appropriately manage fatigue. This suite of tools will be designed to meet the requirements of TMR compliance audits.

### Operators

Operators hold a responsibility to ensure driver safety and driver fatigue are closely monitored. There are a number of things that an Operator can do to ensure drivers are aware of their obligations under law. These include:

- Tool box talks and team meetings relating to particular safety topics associated with the taxi industry and operations highlighting issues and strategies to mitigate risk.
- Road rule knowledge tests and quizzes undertaken in a friendly non-threatening manner to educate personnel on road rules and updates. Possibly focus on a road rule of the week.
- Monitoring rosters and sign-in times of drivers and ensuring that drivers are taking regular breaks and having days off at regular intervals.
- Safety alerts can be used as a communication knowledge improvement or reminder mechanism in response to a recent incident within the taxi fleet. For example, reminders about processes to ensure safety while reversing in response to a recently reported reversing incident.
- Driver assessment could be undertaken using a qualified driving training provider to conduct an in vehicle driving assessment and education program for drivers
- Driving safety workshops and seminars could be scheduled to implement behaviour and attitude change programs
- Fact tip sheets can be developed to put up on notice boards and highlight particular issues and solutions

Another recommendation is that drivers should be required to complete the Driver Health Questionnaire as part of the induction process with any new Operator. Whilst not a total answer, the Questionnaire will prove valuable for Operators when rostered shifts to drivers.

The checklist is designed to support drivers to better understand and monitor any medical conditions and health behaviours that can impact on safety while driving.

Operators should also introduce a pre-shift Fatigue Template for drivers to complete and hand in at the commencement of any shift.

Sample templates of both forms can be obtained by contacting the Fleet Operations Department via email, phone, or visiting in person during business hours (Monday to Friday, 08:30 AM to 04:30 PM).

## **Drivers**

Drivers have the ultimate responsibility for their fatigue levels as they are the only ones who truly know if they are fatigued or not. Regular breaks including getting out of the vehicle to stretch will assist drivers in battling any fatigue issues.

Drivers should not work tired and if they are feeling the effects of fatigue, must cease work and rest until they have sufficiently restored their energy levels.

Drivers need to understand that they are accountable for their own actions and whilst Black & White Cabs will attempt to make them understand what they need to do to ensure risk of fatigue is minimalized; the ultimate responsibility sits with them.

If a driver is tired, he should not drive a cab.

## **Process for Managing Drivers**

Drivers are monitored via reports on a daily basis. Any driver who exceeds the three measurements outlined in the BEAH paragraph of Section 4 of this policy, or alternatively a substantiated complaint outlining behaviours detailed in Section 7 of this policy, will be considered in breach and the below correction process will be followed.

This process takes into account the number of breaches in any 12-month period and goes through the following stages of escalation.

All breaches will be documented on the ServiceDesk system and the internal driver file.

### **Breach 1**

The driver is required to attend Black & White Cabs headquarters for an interview with the Service Delivery Officer or a delegate.

The driver shall be issued with a copy of the Fatigue Management Policy accompanied by a verbal warning and the operator will be advised they are required to attend the head office if the driver has any further breaches. This can be done via email or phone call, however, the method must be documented on the ServiceDesk request.

### **Breach 2**

The driver and the operator are required to attend the headquarters for an interview with the Service Delivery Officer and the Fleet Operations Supervisor of Black & White Cabs. A formal written warning will be issued to the driver, with a copy sent to the Fleet Operator.

### **Breach 3**

The driver and the operator are required to attend the headquarters for an interview with the Fleet Operations Supervisor and the Operations Manager of Black & White Cabs. The driver is issued with a Final Warning, with a copy sent to the Fleet Operator.

### **Breach 4**

Driver's affiliation with Black & White Cabs is withdrawn, with a written notice given to both the driver and the Fleet Operator.

TMR will be advised in writing of the driver's affiliation being withdrawn and the grounds for withdrawal.

## **5.0 DRIVER FATIGUE - RISK IDENTIFICATION**

Driver fatigue or drowsy driving is a safety hazard for the Taxi industry. Fatigue can be caused by a number of reasons, and it is important our drivers are aware of the signs of fatigue.

When you have been awake for an extended period of time, a chemical called adenosine is produced telling your brain to go to sleep. You also have a 90-minute body clock that affects you when you are awake. If you are engaged

in a strenuous activity, such as driving, you will feel very tired if you do not take a break for at least 30 minutes at least every 2 hours of driving.

Driver fatigue is a term sometimes used to describe the experience of being sleepy or tired. Fatigue is not just a problem for drivers on long trips as any driver can suffer from fatigue even on short trips. The effect of fatigue is both a physical and mental experience and can severely impair judgment when driving. Driver fatigue can cause lapses in concentration that may prove fatal (TMR, 2017).

One of the main problems with fatigue is that it slowly develops, and drivers do not realise they are too tired to drive safely (TMR, 2017). There are warning signs a driver may be fatigued and not capable of driving safely.

Another problem is that individuals are often not reliable judges of their level of fatigue. That is why it is also the responsibility of the booking entity and/or operator to identify the signs of fatigue and ensure a driver is prohibited from driving while their driving ability is impaired by fatigue.

In light of the risks associated with driver fatigue, it is clear there is a need for a risk management processes.

## 6.0 RISK ASSESSMENT AND EVALUATION

### 6.1 ASSESSMENT AND EVALUATION

**LIKELIHOOD:** Fatigue is particularly dangerous because it can affect anyone, even very experienced drivers. Fatigue is involved in up to 30% of fatal crashes and severe injuries (CARRS-Q, 2015).

**CONSEQUENCES:** The severity of consequences from a crash ranges from injury, permanent disability and potentially death. These outcomes are associated with high financial, operational and social costs.

**RISK LEVEL:** Prior research has shown the taxi industry in Queensland does have general fatigue management procedures however; fatigue was considered a considerable and ongoing risk within the industry, with drivers that drive taxis as a second income considered a high risk (Wishart et al., 2016). Universally, driving fatigued is a risk to the driver, passenger(s) and public safety in general.

### 6.2 RISK MITIGATION AND TREATMENT

For **booking entity/operators** the risk can be reduced by:

- Making scheduling and rostering a priority for driver(s)
  - Provision for realistic rosters with adequate rest breaks and some flexibility with the management of fatigue

For **driver(s)** the risk can be reduced by:

- Not driving while tired and disclosing issues that may affect fatigue levels
- Stop on a regular basis, at the very least once every two hours or when you feel you need one to take a short break. The break can include walking around, doing some light exercise or some breathing exercises.
- Do not rely on quick fix 'stay awakes' such as double dose coffee, energy drinks or tablets
- Getting plenty of sleep between shifts
- Use the car's air conditioning to increase your comfort level
- Do not drive longer than 14 hours per shift
- Eat healthy food, avoid fatty or high calorie food and drinks
- Have regular health checks to ensure you do not have a sleeping disorder.



## 7.0 SIGNS OF FATIGUE

A driver must not drive a fatigue-regulated heavy vehicle on a road while impaired by fatigue. Drivers may be impaired by fatigue even when complying with work and rest limits. It is important to spot the signs of fatigue and take a break.

Common signs of fatigue are:

- A lack of alertness
- Inability to concentrate
- Making more mistakes than usual
- Drowsiness, falling asleep or micro-sleeps
- Difficulty keeping your eyes open
- Not feeling refreshed after a sleep
- Excessive head nodding or yawning
- Blurred vision
- Mood changes
- Changes to personal health or fitness

Common signs of fatigue while driving your taxi are:

- Near miss or incident
- Yawning (Sleepiness)
- Blurred vision
- Can't keep your eyes on the road
- Nodding your head
- Not maintaining a constant speed
- Not keeping a single lane
- Poor turning
- Daydreaming
- Imagining objects that are not there
- Slow Reaction times including overshooting a sign or line
- Poor gear changes

## 8.0 CAUSES OF FATIGUE

Causes of fatigue can be work related, personal or a combination of both. They can also be short term or accumulate over time.

Work causes of fatigue might include:

- prolonged or intense mental or physical activity
- sleep loss and/or disruption of your internal body clock
- organisational change
- travel
- exceptionally hot or cold working environments
- work scheduling
- excessively long shifts
- not enough time to recover between shifts

- strenuous jobs
- long commuting times.

Some workers are at a high risk of fatigue because their work typically involves some or all of these factors, for example:

- shift workers
- night workers
- fly-in, fly-out workers
- drive in, drive out workers
- seasonal workers
- on-call and call-back workers
- emergency service workers
- medical professionals and other health workers.

## 9.0 IMPACTS OF FATIGUE IN THE WORKPLACE

Fatigue in the workplace doesn't only impact on workers' mental and physical health, it can also impact on the health and safety of those around them.

Fatigue can result in a lack of alertness, slower reactions to signals or situations, and affect a worker's ability to make good decisions. This can increase the risk of incidents and injury in a workplace, particularly when driving a taxi.

## 10.0 MANAGING FATIGUE IN THE WORKPLACE

Everyone in the workplace has a work health and safety duty and can help to ensure fatigue doesn't create a risk to health and safety at work.

Examples of identifying factors that may cause fatigue in the workplace include:

- consulting workers—managers, supervisors and health and safety representatives—about the impact of workloads and work schedules, including work-related travel and work outside normal hours
- examining work practices, systems of work and worker records, for example sign in-out sheets
- reviewing workplace incident data and human resource data.

Examples of [control measures](#) for fatigue [risks](#) that could be considered include:

- work scheduling
- shift work and rosters
- job demands
- environmental conditions
- non-work related factors
- workplace fatigue policy.

Providing information and training to workers about the factors that can contribute to fatigue and the [risks](#) associated with it will help them to not only do their job, but also implement [control measures](#) to minimise the risk of fatigue in the workplace.

Training about fatigue and relevant workplace policies will be developed and made available to all persons in the Chain of Responsibility.

Once [control measures](#) are implemented, they will be monitored and reviewed to make sure they remain effective.