

ALERT

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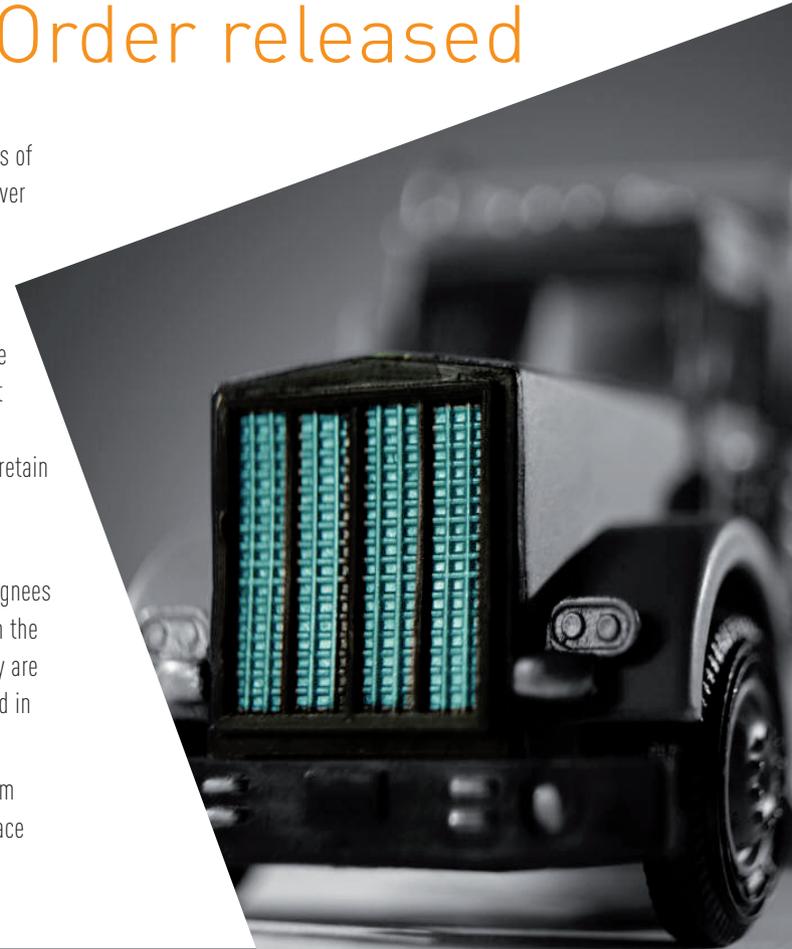
Draft Road Safety Remuneration Order released

The Road Safety Remuneration Tribunal (**Tribunal**) has issued its first draft order, which if made will affect the retail, livestock, bulk grain and long-distance (both interstate and intrastate) road transport sectors.

Importantly, the draft order also imposes positive obligations on supply chain participants, such as consignees of goods, to ensure the safe work performance of drivers and also ensure that employers/hirers of drivers have written contracts in place with those drivers.

Under the draft order:

- employee drivers' minimum rates of pay contained in the relevant modern award will not be affected, but hirers will be required to pay contractor drivers 'a reasonable amount for work'. Work has been defined broadly to include the time spent by a driver driving a vehicle, queuing while in control of the vehicle, loading/unloading a vehicle, inspecting, servicing or repairing a vehicle, cleaning or refuelling a vehicle, or recording information/completing documentation as required by law or otherwise in relation to the use of a vehicle;
- employers/hirers will be required to enter written contracts of employment/engagement with their drivers prior to the driver commencing their employment/engagement;
- employers/hirers will also be required to prepare safe driving plans for all drivers required to undertake 'long distance travel'. Long distance travel is defined as a single journey or a series of journeys in a vehicle in any one shift of more than 500 kilometres (and includes any distances travelled after delivery of freight). Employers/hirers must retain copies of complete safety driving plans for a period of six years;
- participants in the supply chain, such as consignors/consignees and intermediaries, must consult with employers/hirers on the safe driving plan and take reasonable steps to ensure they are satisfied that the road transport services can be performed in accordance with the safe driving plan;
- participants in the supply chain will also be prohibited from taking adverse conduct against a driver who has a workplace entitlement, or who exercises or purports to exercise his/



her workplace entitlement and must ensure that a written contract of employment/engagement consistent with the order exists between the employers/hirers and the drivers;

- employers/hirers must ensure drivers receive workplace health and safety training. This requirement will be phased in over a 12-month period for existing drivers (but must take place within 3 months of commencement of the order for new drivers). Employers/hirers will be responsible for the costs associated with the training, including paying drivers to undergo the training and reimbursing the drivers for any reasonable expenses they incur in undertaking the training; and
- employers/hirers must prepare and implement a drug and alcohol policy for their drivers and provide copies of the policy to supply chain participants. In addition, employers/hirers must ensure drivers are trained in the requirements of the policy (which must address prohibited illegal drugs and the unauthorised use of and dealing in prescription drugs and alcohol in the workplace). Employers/hirers must also ensure the policy provides for a fair and reasonable process for drivers to notify management of their drug or alcohol use.

The Tribunal will hold hearings on the draft order and submissions from 13-16 August 2013, with an expected commencement date of 1 October 2013.

For employers

Road transport employers and supply chain participants affected by the order may consider making a submission to the Tribunal

prior to midday on 26 July 2013.

If you are a road transport employer, you should:

- ensure you have an up-to-date drug and alcohol policy that meets the requirements of the order, ensure consignors/consignees and intermediaries have a copy of your policy, and ensure that all drivers are trained in the requirements of the policy;
- prepare written contracts of employment/engagement for drivers;
- develop an occupational health and safety training plan for your business and schedule to ensure employees have received relevant training; and
- prepare safe driving plans, considering measures to reduce risks associated with long-distance driving, and review such plans regularly to identify safety issues and opportunities for improvement.

If you are a supply chain participant, you should:

- familiarise yourself with the requirements of the order; and
- set up a mechanism for consulting with road transport employers/hirers regarding safe driving plans, and for providing evidence of written contracts with their drivers.

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