

Submission from Unite

Thank you for seeking the views of Unite, Britain's largest road transport union, on this very important issue.

For some background, since the beginning of the pandemic I have represented Unite's membership in road transport in informal discussions with representatives of DfT and the employers trade bodies at regular meetings. These discussions have been broadly positive and have certainly enabled the industry as a whole to respond to the challenges of the pandemic in a way that has kept the nation supplied.

The issue of drivers' hours has been a regular topic of discussion and there have been now, I believe five relaxations since April 2020. The latest relaxation, the first since the UK – EU Agreement was made, is for the longest and has been deemed necessary due to the changes in the trading arrangements between the UK and the EU..

Historically, relaxations of drivers' hours, have been for very short periods of time and has been very specific to particular sections of the industry. This latest relaxation covers practically every professional HGV driver in the country, including those delivering to the UK from other countries.

The fundamental purpose of these regulations is road safety and the welfare of drivers. Any relaxation therefore puts all road users at risk due to drivers not having appropriate periods of rest and working for very long periods of time.

The government has adopted a very broad definition within the regulations: “ “exceptional circumstances” means the circumstances arising from the Covid-19 pandemic or the withdrawal of the United Kingdom from the European Union, which adversely affect the carriage by road of goods;”. This wide ranging definition essentially means any driver in the country. This is not what the regulations were set out to do.

The issues in Kent have been widely reported but the knock on effect of the border issues is now impacting on domestic transport. We have received reports from drivers who simply cannot find places to park to take statutory rest breaks due to service areas being full of drivers trying to get Covid tests and customs documents checked. In one instance, over 200 drivers were queueing outside of Thurrock services which meant that other drivers could not park safely.

Statutory rest periods for drivers can be within the working day, daily rest periods and weekly rest periods. There is already great flexibility in the rules which allow reductions in all but the 45 minute breaks drivers must take during their working day. The weekly rest period is what is relaxed in this Statutory Instrument. It is worth pointing out that the standard weekly rest cannot be taken in the cab of the vehicle, the drivers workplace. However, a reduced rest can be. This means that drivers will be expected to spend their working and rest periods at their place of work. Whilst there have been great advances over the years in cab comfort, working and living in an HGV cab for weeks on end will inevitably result in driver fatigue. There is very little sound insulation and other vehicles moving in the vicinity will mean drivers cannot get proper rest. Due to necessary Covid controls drivers are also limited with any activities they can take outside of the vehicle such as relaxing away from work, eating or exercising.

The impact of fatigue is well documented and for drivers it can be the equivalent of being under the influence of alcohol. Unite believes that prolonged long working hours without the ability to take proper rest away from work will result in serious risks in road safety, for HGV drivers and all road users.

Unite is also extremely concerned about the ability of enforcement officers to be able to enforce the relaxed regulations effectively. This is particularly relevant to international drivers whose operating base may be in another country.

Unite does welcome the elements of the relaxations that require reporting into the DfT and that drivers and their unions should be involved in managing any relaxation. However, in reality drivers are not given the choice, operators simply plan drivers routes and then apply a relaxation if needed.

The employers in the industry have been very clear that on any given day there may not be the requirement to use a relaxation but simply want the flexibility to relax the rules when they need to. This is like saying the speed limit on a motorway is 70 mph but you can go quicker if you want. Unite believes that this is simply the start of watering down vital safety rules for professional drivers.

Unite, of course, understands that there are often genuine reasons for using a relaxation in very limited circumstances. This relaxation however, is far more than that and in our opinion goes much further than is actually necessary even under these very difficult circumstances.

With better Covid testing throughout the country for drivers, better management of traffic flow and ensuring that drivers have the ability to park safely to take well-earned rest the need for a relaxation would be reduced.

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