

Fatigue Management And Fitness For Duty Policy



This template policy is designed to draw your attention to some of the important issues under the Heavy Vehicle National Law and its associated regulations (HNVL) that may be relevant to you. To create your own Fatigue Management and Fitness for Duty Policy, you need to consider all of the issues listed in this template and whether, and to what extent, they are relevant to your business.

1.0 APPLICATION

This policy applies to all Chain of Responsibility Participants. This policy should be read in conjunction with our chain of responsibility policy and

2.0 OBJECTIVES

Fatigue management is the shared responsibility of _____, Drivers and Chain of Responsibility Participants. _____ is committed to ensuring a safe and healthy work environment for Drivers, other road users and members of the public by promoting good fatigue management practices.

3.0 DEFINITIONS (continued)

**Note: if your chain of responsibility policy defines all of the parties in the chain of responsibility, you may be able to delete many of the definitions in this section*

The meanings of the terms used throughout this policy are set out below.

_____ means

AFM means Advanced Fatigue Management.

BFM means Basic Fatigue Management.

Chain of Responsibility Legislation means the Heavy Vehicle National Law Act, the Heavy Vehicle (Fatigue Management) National Regulation, the Heavy Vehicle (General) National Regulation, the Heavy Vehicle (Mass, Dimension and Loading) National Regulation, the Heavy Vehicle (Vehicle Standards) National Regulation as enacted in any Australian state or territory.

Chain of Responsibility Participant means the Consignee, Consignor, Prime Contractor, the Operator, Driver's Employer, Loader, Unloader, Loading Manager, Packer and Scheduler (or any one of them) undertaking activities associated with the use of a Heavy Vehicle.

Consignee means a person who arranges for goods to be delivered to it or who accepts goods for delivery.

Consignor means a person who dispatches goods for delivery.

Contractor means a person who carries out Work for _____ providing transport services under a contract for services, either as an individual or employee of a company or firm, other than

Loader means a person who loads goods into a Heavy Vehicle or loads a Heavy Vehicle with a freight container.

Loading Manager means a person who:

- (a) manages or is responsible for the operation of regular loading or unloading premises at which goods are loaded onto or unloaded from Heavy Vehicles; or
- (b) has been assigned by a person mentioned in (a) as responsible for supervising, managing or controlling, directly or indirectly, activities carried out by a Loader or Unloader of goods at regular loading or unloading premises for Heavy Vehicles.

Operator means a person who is responsible for controlling or directing the use of a Heavy Vehicle.

Packer means a person who:

- (a) puts goods into packaging, even if that packaging is already on a Heavy Vehicle;
- (b) assembles goods as packaged goods in an outer packaging, even if that packaging is already on a Heavy Vehicle;
- (c) supervises an activity mentioned in (a) or (b); or
- (d) manages or controls an activity mentioned in (a) or (b).

Prime Contractor means a person who engages a Driver to drive a Heavy Vehicle under a contract for services.

Scheduler means a person who schedules the transport of goods by road on a Heavy Vehicle.

Unloader means a person who unloads goods from a Heavy Vehicle or unloads a freight container from a Heavy Vehicle.

Work (for the purposes of this policy) means:

- (a) driving a Heavy Vehicle;
- (b) instructing another person to drive, or supervise another person driving, a Heavy Vehicle;
- (c) performing another task relating to the use of a Heavy Vehicle, including but not limited to:
 - (i) loading things onto, or unload things from, the Heavy Vehicle;
 - (ii) inspecting, servicing or repairing the Heavy Vehicle;
 - (iii) inspecting or attending to a load on the Heavy Vehicle;
 - (iv) cleaning or refuelling the Heavy Vehicle;
 - (v) performing marketing tasks in relation to the use of the Heavy Vehicle (such as arranging for the transport of goods by the Heavy Vehicle and canvassing for orders for the transport of goods by the Heavy Vehicle);
 - (vi) helping another person to perform, or supervise another person performing, a task mentioned in any of subparagraphs (i) to (v);
- (d) recording information or complete a document, as required under the Chain of Responsibility Legislation, a corresponding fatigue law or otherwise, in relation to the use of the Heavy Vehicle;
- (e) occupying the Driver's seat of a Heavy Vehicle while its engine is running.

Work Diary means the work diary required to be kept under the Chain of Responsibility Legislation.

Worker means an employee, Contractor, volunteer or agent of

4.0**WORK AND REST OPTION**

operates under
Fatigue Regulated Heavy Vehicles.

when operating

5.0**IDENTIFYING SIGNS OF FATIGUE**

The following is a non-exhaustive list of typical signs of fatigue while driving:

- (a) trouble keeping your head up;
 - (b) wandering disconnected thoughts (e.g. daydreaming);
 - (c) inability to remember driving the last few kilometres;
 - (d) irritability;
 - (e) eyes closing for a moment, eye lids drooping or vision going out of focus (e.g. microsleeps);
 - (f) frequent yawning;
 - (g) poor judgement including drifting over the centreline or onto the gravel at the side of the road, not noticing signs and hazards, missing an exit, missing gear changes, approaching corners too fast, poor steering or braking too late and changing speed without noticing; and
 - (h) seeing things that are not there.
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6.0

RESPONSIBILITIES OF DRIVERS

Drivers have an important role to play in managing fatigue in the Workplace. All Drivers are responsible for:

1. Ensuring that they do not drive while impaired by fatigue or while otherwise unfit for duty
2. Ensuring they comply with maximum Work time and minimum rest time requirements when driving Fatigue Regulated Heavy Vehicles
3. Complying and cooperating with all policies, procedures, instructions and rules concerning fatigue management and trip procedures
4. Taking reasonable care to ensure their own health and safety by monitoring and managing their own fatigue
5. Drivers are required to record their Work and rest times in a Work Diary
6. Drivers are required to hand in copies of completed Work Diary pages
7. Drivers are required to complete a fitness for duty assessment prior to commencing Work
8. Drivers are required to complete regular fitness for duty assessments while performing Work, at least every
9. Drivers are required to participate in fatigue management training
10. Drivers are required to refrain from activities outside of Work that will have a negative effect on their fatigue during Work
11. When Drivers are fatigued, they must
12. Drivers are required to notify _____ if they are unfit to work due to any lifestyle, health or medical issue.
13. Drivers are required to report any warnings, infringement notices or court appearance notices they receive relating to fatigue management to _____
14. Drivers are required to report any roster, schedule or delivery requirement that is unreasonable or impracticable or may require the Driver to breach maximum Work time or minimum rest time requirements or drive while impaired by fatigue? Drivers must notify _____ in such circumstances.

7.0

RESPONSIBILITIES OF EXECUTIVES

Executives are responsible for:

1. Executives are required to consult with Drivers and Chain of Responsibility Participants about fatigue management practices
2. Executives are required to monitor and review the effectiveness of fatigue management measures
3. Executives are required to participate in any management or other meetings (eg WHS committee) in which they consider control measures that eliminate or reduce the risks associated with Driver fatigue. Meetings are held

Consider the following issues as applicable to your business and add any additional Executives' responsibilities in the field provided below:

8.0

RESPONSIBILITIES OF PARTIES IN THE CHAIN OF RESPONSIBILITY

Loading Managers are responsible for:

1. Loading Managers are responsible for ensuring that rest facilities are available to allow Drivers to take rest while waiting to load/unload
2. Loading Managers are responsible for making reasonable arrangements to manage loading/unloading time slots
3. Loading Managers are required to ensure that loading and unloading practices do not require or encourage Drivers to breach maximum Work time or minimum rest time requirements or drive while impaired by fatigue or otherwise unfit for duty.

Consider the following issues as applicable to your business and add any additional Managers' responsibilities in the field provided below:

Schedulers are responsible for:

1. Schedulers are required to ensure that rosters, schedules and safe driving plans are monitored and regularly reviewed
2. Schedulers are required to ensure that rosters, schedules and safe driving plans are in writing and provided to Drivers with sufficient advance notice so the Driver can comply with their fatigue management obligations
3. Schedulers are required to ensure that rosters, schedules and safe driving plans reasonable and achievable having regard to maximum Work time and minimum rest time requirements as well as other factors such as traffic conditions and delays that could reasonably be expected
4. Schedulers are required to consult with Drivers about rosters, schedules and safe driving plans
5. Schedulers are required to ensure that rosters, schedules and safe driving plans do not require or encourage Drivers to breach maximum Work time or minimum rest time requirements
6. Schedulers are required to take action to minimise fatigue risks when altering rosters or schedules
7. Schedulers are required to keep accurate records of all rosters and schedules

Consider the following issues as applicable to your business and add any additional Schedulers' responsibilities in the field provided below:

Consignors and Consignees are responsible for:

1. Consignors and Consignees are required to ensure that delivery requirements do not require or encourage Drivers to breach maximum Work time or minimum rest time requirements or drive while impaired by fatigue

Consider the following issues as applicable to your business and add any additional Consignors and Consignees' responsibilities in the field provided below:

8.0

RESPONSIBILITIES OF PARTIES IN THE CHAIN OF RESPONSIBILITY (continued)

Health and safety officers / compliance officers are responsible for:

1. Health and safety officers/compliance officers are required to ensure that schedules and Drivers are trained and re-trained in their fatigue management obligations
2. Health and safety officers/compliance officers are required to maintain training records of all Workers including the details of:
 - (a) what training has been undertaken, who delivered the training and when the training was undertaken
 - (b) when re-training is required
 - (c) qualifications of Workers, including any units of competence achieved
3. Health and safety officers/compliance officers are required to review Driver Work Diary pages on a regular basis to ensure the Drivers are complying with maximum Work time and minimum rest time requirements. Health and safety officers / compliance officers act on any non conformances.
4. Health and safety officers/compliance officers are required to check the accuracy of Work Diaries by cross-checking against proof of delivery records, fuel receipts, weighbridge records, gate entry/exit times etc.
5. Health and safety officers/compliance officers are required to monitor, identify, report, investigate and record breaches of fatigue management obligations

Consider the following issues as applicable to your business and add any additional Health and safety officers / compliance officers' responsibilities in the field provided below:

9.0

SANCTIONS IN THE EVENT OF BREACH OF THIS POLICY

_____ may take disciplinary action against any Worker who breaches this policy.

The disciplinary action taken will be determined in the sole discretion of _____ and may include:

1. Further training in this policy
2. Suspension, including suspension without payment
3. Termination of the employment or engagement of the Worker with notice or immediately
4. Where the driver is not an employee of _____, requiring the employer of the Worker to cease using the Worker to provide any services to _____

10.0**NOTIFICATION TO**

Every Chain of Responsibility Participant is encouraged to notify _____ of:

- (a) any work system, situation or practice that the Chain of Responsibility Participant considers may have the consequence of a Driver having an incentive to, or being expected to:
 - (i) breach maximum Work time or minimum rest time requirements; or
 - (ii) drive while impaired by fatigue;
- (b) any Worker or Chain of Responsibility Participant who is, or may be, in breach of this policy.

_____ will treat any notification made under this clause seriously. Following such a notification _____ may make inquiries or may make changes to a work system, situation or practice.

The Heavy Vehicle National Law (HVNL) and regulations imposes a primary duty in the chain of responsibility. Businesses are required to comply by identifying their risks, and develop and implement control measures tailored to their circumstances. This Form is a **guide only** and does not contain a definitive list of Heavy Vehicle National Law and regulatory requirements. To meet your obligations under the HVNL and regulations you are required to seek independent advice to assess your circumstances

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