

Specsavers Corporate Eyecare
Guide to Driving Legislation

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It is a worrying truth that most companies in the UK fail to ensure that drivers in their employment can see clearly enough to drive safely.

Research carried out by the country's largest optical retailer, Specsavers, suggests that fewer than half of firms have in place a policy to check the eyesight of professional drivers.

Until now, there has been no legal imperative for industry to make sure drivers complied with minimum sight requirements. As long as drivers were able to pass the mandatory sight test during their driving test (the ability to read a number plate from 20.5m, about the length of a cricket pitch), they are never required to prove the fitness of their eyesight ever again. But, as most people's eyesight changes considerably as they age, especially after they reach about 40, it is inevitable that a large proportion of the country's driving population cannot see as well as they should.

This situation could be about to change, as the EU is considering introducing uniform standards of vision for employees that drive during the course of their work.

Delegates at a Federation of Manufacturing Opticians Eurocom 1 seminar were told that tighter legislation will be introduced to ensure that the eyesight of both commercial and private drivers is adequate for driving (Note 1). Legislation, passed in the EU Parliament in 2006, is set to be introduced to member states in 2011. The current proposal is that holders of commercial licences will have to have their eyes tested every five years, and holders of private licences every 10–15 years. Each member state has until 2013 to translate the directive into national law.

Mark Raines, director of corporate and retail development for Specsavers, said: "The only eyesight requirement of drivers at the moment is the number plate test that was devised in the 1930s. Driving today requires so much more, including good peripheral vision and the ability to refocus between different distances such as from driving instruments in the car to objects on the outside road. Any directives that ensure a driver's eyesight is good enough for driving is excellent news."

Britain's business community does not always embrace EU directives with enthusiasm or warmth. But Specsavers' own research reveals that there is an appetite in the country's business community to back legislation that will make drivers' working lives safer.

A study by Specsavers Corporate Eyecare, published in April 2008, showed that most employers (53%) were concerned that some employees may be driving during the course of their work, when their eyesight is not good enough to do so.

The research aimed to discover just how seriously employers and health and safety professionals take the issue of the eyesight of their staff who drive during the course of their work. Most employers (84%) classed it as 'very important' that employees who drive during the course of their work have their eyes tested regularly. However, the vast majority of employers (60%) did not have a policy to test the eyesight of these employees. Of those who do have a policy to test their employees' eyesight, only 13% did so on a regular annual basis. Only 16% did so on a regular basis of every other year and 15% would only check employees' eyesight as and when requested.

Jim Lythgow, director of strategic alliances for Specsavers Corporate Eyecare, said: 'There seems to be a discrepancy between what employers think should be the case and what actually happens in the workplace. Our research shows nearly all employers (90%), believe legislation should be in place to ensure employees who drive during the course of their work have their eyes tested regularly. Very few, however, have actually put this in place themselves. It is interesting that 60% of employers have had their own eyesight tested within the last 12 months but only 13% have a policy to do the same for their staff.'

Most employers would prefer to see the onus put on the staff with over two thirds (68%) stating it should be the employee's responsibility to ensure their eyesight is sufficient for driving during the course of their work. This may be a risky strategy, estimating that up to a third of all road traffic accidents involve somebody who is driving for work at the time - which may account for over 20 fatalities and 250 serious injuries every week' (Note 2).

The Corporate Manslaughter and Corporate Homicide Act 2007 placed responsibility for fatal work-related injuries firmly on employers' shoulders. But that law focuses more on business systems and health and safety strategies, rather than on providing eye tests for individual members of staff.

The Act states that 'an organisation will be guilty of the new offence if the way in which its activities are managed or organised causes a death and amounts to a gross breach of a duty of care to the deceased.' The Ministry of Justice states: 'Courts will look at management systems and practices across the organisation, providing a more effective means for prosecuting the worst corporate failures to manage health and safety properly.' Juries will have the chance to decide if a death is the result of failed safety systems in an organisation. Senior managers are not personally liable to prosecution – although they can still be charged with gross negligence under existing laws. But the penalty for an organisation found guilty of corporate manslaughter is an unlimited fine.

Firms can improve their employees' chances of staying safe on the road by insisting that business drivers have regular checkups – every two years at least - at an opticians. Loss of vision can creep up on people, and a person may have had good eyesight in the past and not notice a gradual deterioration. Similarly if a person's eyesight had been borderline in the past, deterioration can mean their eyesight is no longer good enough to drive.

If a person's eyesight is found not to be good enough for driving, their insurance may be invalidated, they may be liable for three points on their licence, and of course they are a danger to others.

There are two checks that are pertinent to driving – sight and field-of-view – ie peripheral vision. In terms of 'sight', a person needs to be able to read a number plate from 50 yards – which for the sake of safety is in excess of the minimum required by the driving test. Peripheral vision is important for driving when overtaking, approaching a junction, coming out of a junction, etc, and if it isn't adequate then driving ability is seriously impaired.

Further to this, it is important to have eyes tested regularly as a matter of course for general health and wellbeing; an eyesight test can highlight other health issues that can be identified during the test - not directly related to eyesight - such as blood pressure and other serious health conditions.

Road safety for everyone would be vastly improved if fleet managers establish eyesight criteria when they take on new staff. Ideally, a sight test would be part of the interview and recruitment process, especially in light of the requirements imposed on firms by the Corporate Manslaughter Act - it would certainly indicate a company's intention to take road safety seriously right across the organisation. All the time that needs to be invested in recruitment and training is wasted if a driver's eyesight is not good enough for driving.

Some problems with eyesight can't be corrected to the required level, and that should be identified before an individual is taken on. All existing staff that drive should also be regularly checked to test their eyesight for driving.

It should be down to fleet managers to take responsibility for their drivers. Just as they have to ensure the safety of their vehicles are fit for the road, ie they regularly have to pass their MOT and have fluid checks on oil and water, they should also be responsible for their drivers to be fit to be behind the wheel. It is sensible for this to be part of HR policy and details included in personnel records - such as when a driver last had their eyes tested, the results, any action required - and the driver should sign a declaration of the details. All staff should have regular eyesight tests regardless of whether they drive for a living, but it is even more important for drivers – regardless of how far they drive.

As well as facing tighter legislation regarding the eyesight of drivers in their employ, firms must also comply with a raft of existing law relating to safety eyewear in the workplace.

The 1992 Management of Health and Safety at Work regulations introduced in 1992 addressed the 'duty of care' for the well-being of employees.

The Act extended the responsibility of employers to do what could be considered as reasonably practical to manage risks in the workplace. The regulations effectively broadened the scope for consideration of risks beyond those workers specifically mentioned in existing legislation. It could also apply

to anyone working in detailed or repetitive tasks requiring intense concentration, and almost certainly applies to those required to drive any sort of vehicle in the course of their employment.

Employers are obliged to assess the nature and scale of all risks to health in their workplace and base their precautions on them.

Although legislation is often the most effective call to action there is evidence that employers are increasingly realising the relevance of good eyesight to virtually any activity in the 21st century workplace, as humans are still relied upon to perform detailed, repetitive or precision work at high speeds in an age of automation. As a consequence optical benefits (39%) finally overtook provision of dental insurance (36%) in a recent employers' survey.

Whatever the nature of regulations we face in the future, the important message is that there are often very simple solutions to the most complex requirements if we only have the vision to see them. For anyone who employs drivers, that begins with the determination to make sure that anyone who climbs behind a wheel on behalf of their company can see clearly enough to be safe on the road.

Notes:

(1) Directive [2006/126/EC](#) of the European Parliament and of the Council of 20 December 2006 on driving licenses (Recast) [Official Journal L 403 of 30.12.2006]. For more information about the announcements at the FMO seminar see: www.fmo.co.uk

(2) Figures from HSE guide: driving at work, managing work-related road safety