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HOUSE OF REPRESENTATIVES STANDING COMMITTEE
ON COMMUNICATIONS, TRANSPORT AND THE ARTS

INQUIRY INTO MANAGING FATIGUE IN TRANSPORT

SUBMISSION PREPARED BY RAIL 2000

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1. INTRODUCTION

This submission has been prepared by Rail 2000 Inc. for the House of Representatives Standing Committee on Communications, Transport and the Arts Inquiry "Managing Fatigue in Transport".

Scope

The focus is on the long distance land transport of freight with an emphasis on the difference in the treatment of the issue by the road and the rail industries. Following a brief review of the current situation applying in each industry and the historical reasons for these differences, several recommendations are made with a view to providing a more consistent approach to fatigue management and to promote a safer transport environment.

Background

The rail industry until recently has been characterised by large systems under Government ownership. Safety has been one of the most significant icons of railway culture and there is no evidence of this declining in importance as the systems are privatised and smaller players enter the field. Strong union involvement has ensured that driver hours and conditions have always been well structured and regulated.

In contrast the long distance trucking industry is privately owned and players range in size from owner-drivers of single trucks to large companies with fleets of several hundred articulated vehicles. There are currently in excess of 50,000 articulated trucks in Australia.

The road industry is considered to be very efficient even by world standards. Rates are extremely competitive and productivity gains from the introduction of larger trucks and the easing of mass restrictions have not translated into higher profit margins for operators.

The result is that participants are under extreme pressure to reduce costs. Truck drivers have borne the burnt of this and are now working hours well in excess of what is considered reasonable by Australian standards and for remuneration which is similarly less than adequate in view of the conditions.

2. THE IMPACT OF FATIGUE

2.1 *The Evidence from Research vs. Current Practice*

Over the last 25 years the scientific evidence of the deleterious effects of shiftwork and fatigue in the workplace has accumulated to the point where a number of unequivocal facts have been evident for some time. These are:

- People do not 'get used to' shiftwork. Coping mechanisms vary, but gastrointestinal problems and cardiovascular disease are proportionally higher for shiftworkers.
- Social consequences (eg impact on family life) are as significant as the physical.
- Time-of-day factors are more relevant than length of shifts.
- Rosters should not contain more than three consecutive night shifts.
- Rosters should rotate with the clock, that is, day - afternoon - night.
- Fatigue researchers have concluded that there is little difference in performance between alcohol impaired and fatigue impaired subjects. If anything, the evidence indicates that fatigued drivers can be less capable.

However, industrial practice has generally been slow to embrace these findings. Until recently, most hours of work and rosters were regulated by industrial awards. These prescriptions were not scientifically based – indeed it seemed that as long as allowances and ‘penalty’ pay rates were applied, there were few other restrictions on shiftwork and rosters.

Similarly, while there were some restrictions on length of shifts, these restrictions were applied without reference to the time of day.

3. THE TRANSPORT INDUSTRY

Historically, the rail industry and most sectors of the road transport industry have been governed by industrial awards covering shiftwork and rosters. The significant exception has been the long distance trucking industry which is dominated by ‘owner-drivers’ and contractors working largely unregulated and unchecked. This freedom from regulation has been the main reason for their attractiveness to large transport companies in preference to the use of company employed drivers.

3.1 The Rail Industry

In the rail industry, during the enterprise bargaining process and now with privatisation, the award structure has been replaced by simpler and less prescriptive enterprise agreements. This has been accompanied by a rearrangement of work, with longer shifts (up to 12 hours) and longer distances being covered by train crews.

It is significant that whilst allowing these changes to proceed, both rail management and the unions were concerned as to the possible impacts on staff of these changes. The major rail systems (Queensland Rail, FreightCorp, V/Line, AN, Westrail and NR) acting through the Australasian Railway Association (ARA, formerly Railways of Australia) and Worksafe Australia commissioned the University of South Australia Sleep Research Centre to study the work of locomotive drivers.

This study closely examined over a three year period the work, leisure and sleep routines of 253 train drivers in 14 depots spread throughout Australia and covering a variety of train driving tasks. As a result, a fatigue management program was developed for drivers which consisted of:

- An algorithm for highlighting rosters generating high fatigue and facilitate the preparation of rosters which reduce fatigue. Actual worked hours can also be monitored to avoid call-outs with fatigue consequences.
- A training and education program designed to help shiftworkers and their families cope with the pressures of shiftwork.

All of the participating rail systems have adopted these outcomes to varying degrees.

Significantly, the rail systems are using the fatigue modelling program to provide further input in the analysis of safety incidents and, where fatigue has been found to be a contributing factor, positive action is taken to ensure that the situation does not arise again. The accident involving the two coal trains at Beresford (NSW) in 1997 is a case in point and crew rostering has been modified as a result of the investigation.

3.2 The Road Industry

In contrast to the above, the long distance trucking industry has not tackled the issue of fatigue to the same level as other modes in the transport sector.

While there are now regulations relating to truck driving hours, the issue of driver fatigue in the industry is still a major issue for the reasons:

- Many of the major trucking companies are now carefully monitoring driver hours and/or providing provide relief and relay drivers. However, these actions are aimed primarily at drivers which are company employees and do not address owner-drivers or contractors. This large segment is still effectively unregulated.
- The regulations take no account of time-of-day factors. For example, a six hour rest from 6 am to 12 noon is assumed to have the same benefit as a rest from midnight to 6 am, which the research has shown not to be the case.
- Most significantly, these regulations are treated lightly. Indeed the 'Log Book' system is so discredited that it widely considered a joke rather than an enforceable law.
- While the road industry has developed and distributed some educational and training aids to its members, to date these have been aimed primarily at helping truck drivers cope with bad scheduling situations rather than rectifying the bad schedules themselves.
- Widespread substance abuse by drivers is a direct consequence of the extended and continuous working beyond prescribed limits. This practice has even been supported by certain truck companies as was brought to light in the Blanchtown (SA) incident.

3.3 Discussion

There is clearly a significant discrepancy between the safety practices of the rail and road industries, particularly in relation to fatigue management. Three reasons may be advanced:

1. Industry Culture

A key difference between the two industries is that whereas Australian railways have been Government owned, the road industry has been dominated by private enterprise.

It is widely acknowledged that while Government Business Enterprises lack the financial and customer imperitives of private enterprise, nevertheless there is a strong emphasis on regulations and saftey which has long been an established part of the railway culture. Strong union involmnet has further ingrained this ethic.

For the road industry, on the other hand, financial imperitives have tended to dominate over adherence to safety issues (even where regulations exist). This is compounded by the large number of subcontractors and owner-drivers who, in contrast to organisations, are very difficult to monitor.

2. Driver Remuneration

Government ownership and strong union representation has also resulted in much higher salaries being paid to train drivers than truck drivers.

Train drivers are paid typically \$25 - 30 /hour which explicitly includes all off-train activities and this puts them at the high end of the salary range. On the other hand, truck drivers employed by companies are paid in the range \$15 - 20 /hour and this frequently excludes non-driving activities such as loading and maintenance.

The result is that there is little incentive for train drivers to 'beat the system' and work longer hours in order to achieve higher pay, but this is not the case for truck drivers who are on a substantially lower rate of pay. There is strong incentive for them to work longer hours, or as is frequently the case, to work a return trip after minimal or no rest.

3. *Management Skills*

A large portion of road freight is handled by owner-drivers. This group generally does not possess a high level of management or accounting (budgeting and cost allocating) skills with the result that they become under considerable pressure to resort to dubious practices in order simply to survive.

Due to the large number in this segment, the entire road transport industry (which includes the more reputable companies) is then also placed under pressure to apply practices and schedules in which drivers become susceptible to fatigue problems.

4. *RECOMMENDATIONS*

With a strong safety record and with fatigue issues high on the agenda, the rail industry overall is not presenting a cause for concern at this stage. The main problem is clearly in achieving compliance in the long distance road transport industry. This submission proposes five recommendations:

Recommendation 1: Accreditation

A comprehensive system of accreditation for drivers, owner-drivers and companies must be implemented.

This must go beyond road competence to include a sound knowledge of current regulations, work practices which address fatigue issues, a safety plan and, for owner-drivers and companies, an understanding of basic accounting and management principles.

Recommendation 2: Effective Regulation and Enforcement

The schedule of uniform truck driving hours which was approved by the State Transport Ministers in January 1998 is certainly a step in the right direction. However, it will be of no benefit unless backed up by effective regulation and enforcement. This will include:

- enforceable penalties and withdrawal of accreditation for non-compliance, and
- police and other authorised inspectors having the power to enter and search trucks and company premises to inspect relevant records.

Recommendation 3: Accountability

Enforcement and penalties have focused on truck drivers. This segment is the most visible and easy to target, but it is the least empowered group in the transport chain and is vulnerable to exploitation. Two other segments are in fact more responsible for conditions imposed on truck drivers and these must also be made accountable for breaches in regulations. These are:

- The transport companies must be accountable for imposing unrealistic schedules on drivers - both employee drivers *and* subcontractors - and for excluding off-road activities (eg, loading and maintenance) when calculating working hours and remuneration.
- Shippers also must be accountable where they demand unrealistic schedules and/or rates which preclude relief drivers. This should apply whether shippers are dealing with transport companies or with individual drivers.

Recommendation 4: Technology

While the majority of transport companies are willing to comply with regulations, there is an element within the industry which will attempt to profit by non-compliance. The concept of an 'honour' log book system is meaningless to this group.

However, GPS technology is now well established with an Intelligent Transport Systems (ITS) trial currently under way in Tasmania. It is relatively inexpensive to implement and is able to monitor accurately truck location and speed. Such an 'electronic log book' would be difficult to tamper with and would ensure industry-wide compliance. Other benefits would accrue both to transport companies and shippers from knowing truck location more precisely.

This need only apply to heavy articulated trucks of which there are currently about 55,000 in Australia. Fitting GPS should be mandatory on new trucks, with a (typical) 3 year period for retrofitting older trucks.

5. CONCLUSION

This submission acknowledges the importance of fatigue issue in transport and focuses on the long distance land transport of freight.

It is maintained that the rail industry in fact does have a culture of safety and is adequately addressing the issue of driver fatigue currently with its workplace reforms.

On the other hand, the long distance road transport industry does not have the same culture of safety and driver fatigue is a now critical safety issue which is not being adequately addressed.

There is a need for concerted action and to implement substantial reform in the road industry. This submission recommends the following:

1. A comprehensive system of accreditation be implemented for drivers, owner-drivers and companies.
2. This should be supported by effective regulation and enforcement.
3. Accountability should include companies and shippers where drivers have been pressured to depart from safe work practices.
4. GPS technology should be mandatory for articulated trucks as a means of ensuring compliance.

These measures are comparable to current practice in the rail industry and will lead to a consistent approach the issue of driver fatigue across the land transport industry.