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*(sent by email only)*

15<sup>th</sup> April 2016

### **Re: Professional Driver Hours Consultation**

Dear Eleanor,

The Irish Waste Management Association (IWMA) offers the following response to the current consultation on EU driving and resting time rules in Ireland. It must be noted at this point that we are not involved in the transport industry per se. Our members operate a transport related Essential Public Service on behalf of the public and the Local Authorities.

#### **About the IWMA**

The IWMA is comprised of 37 Member Companies that are each engaged in managing waste in Ireland. Our members' employ more than 4,300 people directly and support many other jobs indirectly. Their activities cover the following areas of waste management:

- waste collection,
- pre-treatment & transfer,
- materials recycling,
- composting,
- bioenergy / anaerobic digestion,
- waste to energy / incineration,
- hazardous waste management,
- Healthcare waste management and
- landfill disposal.

Our members collect 75% of the household waste currently managed in Ireland and the vast bulk of the commercial, industrial and hazardous wastes. The bulk of this waste was recycled or otherwise recovered. All our member's facilities are either licensed by the EPA or operated under a local authority permit.

## PROFESSIONAL DRIVER BEHAVIOURS RELATED TO DRIVING TIMES

### **1: What are the factors related to driving hours and working time that cause driver errors and put other road users at risk.**

- Obviously in any job, not just driving, rest breaks and sufficient sleep/rest periods are important in order to deliver an efficient and safe service. Within our industry driver fatigue has never been reported or presented itself as being a problem in any shape or form. This is due to the nature of the work involved. Our operations of kerbside, door to door collection of waste does not create a driver fatigue problem for the following reasons:
  - The operation is multi-stop with sometimes only seconds between stops. There is never a case of long, monotonous driving that could potentially lead to driver fatigue. We have examined typical routes from some of our members and based on both urban and rural collections the average **actual** driving time on a shift would be approximately 4.5 hours.
  - The average driving speed on a typical collection route is very low. Again through detailed analysis from some of the telematics systems that our members are using we have determined that the average speed on a typical urban route is 11.42 km/hr and 19.51 km/hr on a rural route. This was calculated based on start/finish time of leaving the waste depot in the morning and returning again in the evening.
  - All waste collection vehicles must comply with regulation EN1501. Amongst other items this regulation deals with speed limiting of the vehicles during collection operations. All vehicles are limited to maximum 30 km/hr and this is subject to regular audits and inspections by the HSA.
  - A waste collection driver is not just a driver, he/she is also a loader. They exit the cab and assist the other loaders as required.
  - There is never a case of lone working. A waste collection driver will always be accompanied by one if not two loaders. Part of the job description of the loaders is also to be a driver's assistant. This involves aiding the driver in areas such as parking at pick up points, reversing etc.
  - Waste operators design their routes such that their crew can complete the shift in accordance with the working time directive. In addition to this and also in order to be commercially viable most collection routes will typically be within a 40km radius of the waste depot.
  - Waste operators are already working in compliance with the working time directive. This ensures that all staff members take their required breaks and have sufficient rest before presenting for work again the next day. This is subject to regular audits and inspection by NERA. It must be noted at this point that the waste industry, more so than many other industries, is already subject to extremely heavy regulation in terms of safety, operational and environmental criteria.

- In relation to the drivers or operations that do fall within the scope of the EU driving and resting time rules we feel that the information could be delivered clearer and should be emphasised stronger in some of the CPC modules. The application and understanding of the driving and working time rules can sometimes be confusing for employees.

**2. *How effective are the current rules and regulations at minimising driver fatigue and reducing driver errors for those professional drivers who fall within the scope of the EU driving and resting time rule?***

- We feel the current rules and regulations at minimising driver fatigue and reducing driver errors for those professional drivers who fall within the scope of the EU driving and resting time rule are effective.

**3. *Would these rules and regulations be effective at minimising driver fatigue and reducing driver errors with non-regulated professional drivers?***

- We can only speak for our industry here and for the reasons explained in a previous answer and as per Annex 1 we strongly attain that the EU driving time rules are not and should not be applicable to drivers on door to door waste collection. We also feel that the requirement of drivers on commercial door to door collections to comply with EU driving rules be removed for many of the same reasons previously mentioned.
- Within our industry the working time regulations and regular auditing of same are sufficient for controlling professional drivers. In door to door collections the loader is doing physically demanding work and will most definitely take their required breaks. Obviously collections must cease when the loader is on break. As household door to door waste collection routes are very structured and repeated the same way week after week the crews have multiple stop points such as service stations on each route where they are welcomed and have the use of toilet and wash facilities.
- Self-employed drivers should be subject to the same working time audits and should be treated as if they were employees of themselves.
- All employers have health & safety obligations to mitigate risk to both the public and their employees. As this is subject to audit by the HSA and with many waste companies operating to a certified safety standard, this is sufficient for managing professional drivers' risks.
- We feel that there are inadequate roadside rest areas in Ireland along the main road networks when compared to our European counterparts. We feel these areas should be identified and more fully serviced rest areas built.

**4. *Is there merit in extending the existing EU driving time and resting times rules to other sectors that are currently out of scope or exempt?***

- We feel there is absolutely no merit in extending EU driving time rules to the waste collection sector. In addition to the reasons outlined earlier and in Annex 1, we are providing Essential Services to the public, similar to the emergency services and the Local Authorities. The waste collection sector is primarily privatised now and on instructions from the Local Authorities our members

regularly need to react to environmental incidents. The Local Authorities no longer have waste collection infrastructure or treatment facilities in place and rely solely on our industry for these Essential Services.

The nature of our work involves the collection of both hazardous and non-hazardous wastes that can cause both safety and environmental nuisance in terms of odour and leachate and it is paramount that this be brought directly and promptly to an authorised treatment facility. In Ireland the section of our industry that is exempt from EU driving rules is limited, with just under 300 vehicles and approximately 400 drivers involved and it is critical that this exemption remains in place.

- It is very easy to record and monitor breaks and rest periods for exempt drivers in our industry without the use of tachographs. Telematics play a very important role in the operation of waste collection vehicles and from July 1<sup>st</sup> 2016 all waste operators are required to electronically identify and weigh each waste receptacle that is collected. The systems that are currently in place for this also provide time, date, GPS co-ordinates and other vehicle information that is used by the waste operators to monitor progress, safety and other indicators that are important in the safe and efficient running of their businesses. Use of tachographs for this purpose including the ongoing recalibrations that are needed is an unnecessary cost burden.
- Currently employers have no way of legally checking and verifying the driver license status of an employee/potential employee and rely solely on the word of the person in question. This is an area that we feel would need to be addressed as it has compliance and insurance implications for an employer and could potentially put their business at risk.

## **RULE AND COMPLIANCE VIOLATIONS (DRIVER AND OPERATORS)**

### **1. *What are the main reasons for non-compliance and other violations?***

- Reasons for non-compliance and other violations would include lack of education, lack of appropriate training in particular areas, over complicated and often ambiguous rules and regulations, generic human disobedience which would not be unique to driving or transport related issues.
- Accountability and responsibility should rest with both the driver and the employer.

### **2. *What are the best measures for reducing non-compliances and violations?***

- We feel that the existing sanctions on regulated drivers are effective. If additional sanctions were to be imposed we feel the best approach and certainly the first approach would be to impose mandatory training or re-training for a particular offence. We feel the best way to approach re-offending after mandatory re-training has been completed would be by way of fixed penalty notices.

### **3. *Would these new measures be acceptable in Ireland?***

- We feel that mandatory re-training followed by fixed penalty notices would be acceptable and would probably give the best outcomes. However and in conclusion, we need to be very mindful of the driver situation in Ireland at the moment. Drivers play a vital role and are critical in keeping the wheels turning so to speak in our economy. We are pretty much at crisis point at the moment and the situation is getting worse in relation to lack of drivers in the transport and transport related essential public service sectors such as our industry. Ireland is no longer producing its own home grown young drivers and the current average age of Irish National drivers is alarmingly high. In a growing, recovering economy and with very few young people choosing driving as a career due to costs of entry, time and maintenance costs in relation to on-going courses, over-regulation, increased responsibility versus reward etc., the demand for drivers is increasing and we do not have the people to fill the positions. Our members have also noted that good, experienced responsible drivers are choosing to depart driving as a career for some of the reasons just mentioned. We need to take a holistic view of the situation and get the balance right between regulation, enforcement and economic need.

## Annex 1: Reasons why Household Door to Door Waste Collections should be exempt from EU Driving and Resting Time Rules

- The operation is multi-stop with sometimes only seconds between stops. There is never a case of long, monotonous driving that could potentially lead to driver fatigue. We have examined typical routes from some of our members and based on both urban and rural collections the average **actual** driving time on a shift would be approximately 4.5 hours.
- The average driving speed on a typical collection route is very low. Again through detailed analysis from some of the telematics systems that our members are using we have determined that the average speed on a typical urban route is 11.42 km/hr and 19.51 km/hr on a rural route. This was calculated based on start/finish time of leaving the waste depot in the morning and returning again in the evening.
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- Waste operators design their routes such that their crew can complete the shift in accordance with the working time directive. In addition to this and also in order to be commercially viable most collection routes will typically be within a 40km radius of the waste depot.
- Waste operators are already working in compliance with the working time directive. This ensures that all staff members take their required breaks and have sufficient rest before presenting for work again the next day. This is subject to regular audits and inspection by NERA. It must be noted at this point that the waste industry, more so than many other industries, is already subject to extremely heavy regulation in terms of safety, operational and environmental criteria.

Yours Sincerely,



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