

# The Fatigue Problem.

The road authorities act on what they believe to be accurate information and data with the aim of reducing road crashes by fatigued drivers. Car drivers are not regulated in any way and can drive 24 hours straight legally and would most likely not even know that it is illegal to drive whilst fatigued. Truck drivers do their job for a living and we would all hope that they do it with at least one thing in mind, to get home safely each trip.

We do need laws to regulate many things. Speeding laws aim to do the same, to prevent crashes, but they are designed to control the lowest level of idiot and we all know, you cannot legislate for stupidity. No one, except someone wishing to commit suicide, goes out on the road with the aim of having a crash, which may kill them and or someone else and the actual level of ability to spend their next 70 years on the road, let alone the absolute skill level or otherwise of any driver, is not tested or appraised by any current license or license test.

Fatigue still cannot be measured, particularly on the side of the road and it affects different people in different ways. Truck driving, particularly long distance interstate, is a job where fatigue can be a problem. How do you learn your limits when you start out in such a job? The law and the logbook will not recognise when you are tired, yes they will supposedly guide you, tell you what the legal limits are, but you can be on the road for two hours and be unsafe, or you can be on the road for much longer and still be safe.

Logbooks do not teach you how to recognise your level of fatigue, they rely on the number of hours worked, they do not have the ability to know what you did before you started, nor whether you actually got any sleep at all, during a regulation break. So again, how do we comply with a law that cannot be truly measured, but which holds sufficient penalties, designed and policed by those who do not have to live by them, that will see a driver and his family severely punished, both financially and on the road?

I want to raise some points for comment and consideration, not just from the authorities, but also from drivers. We rarely have the chance to truly communicate our views to those who make these rules. Yes they ask for feedback and comment, but you have to know they are asking, you have to be able to respond, you have to be able to clearly explain the issue and this may be the hardest part, when the people you are explaining it to, do not have to live it and then, perhaps even more importantly, you have to be listened to!

Many drivers have issues with the logbook, amongst other things and very few could quickly and simply, write and explain the problems, because the job we do is not like many others. The hours vary, not just weekly, but daily. The pressures to do the job come from many groups, not just the boss on site like so many workers. Again, who comes first and who exerts the most pressure is not simply a line from top to bottom. It depends on both where you are in the cycle and a whole host of other factors, where the driver has no control or input into most of them.

We will start with the authorities, they will tell us when and for how long we can drive, but do they provide suitable rest areas where we can get good quality sleep, not really, that is the drivers problem. How we get there, how we sleep there, how and when we can get something to eat, or have access to a clean toilet, let alone shade or separation from other trucks, again, not their problem, but they will punish us if we do not do it their way.

We could then go to the customer, who wants his products picked up at a time to suit him only, won't allow you to come early, gets upset if you come late, some won't let you use their toilet or

smoko room, let alone anything else and then want the goods delivered at the cheapest possible price and at a time to suit his customers, not the driver. This is not as much a problem if you are delivering around the corner or across town, traffic notwithstanding. But it is, if you have to travel for 10 or more hours to get there. You need fuel, food and rest and places to be able to do this along the way and then again when you get there, because you will not simply be able to go to the customer and just unload. You will need to fit in with them, you will need to control all the other factors to meet their timing, not yours.

Then there is the owner of the truck, who wants you to make money to not only pay off the truck, but to make a profit so he can keep his business running and afford to pay the driver. Running trucks on the road is not cheap, the cost of registration, insurance, fuel, tyres and maintenance or repairs, all worse the further you get from a major capital city, let alone the wages of the driver. Most people get paid for the time they work, then go home to a family. Yes we get paid to drive, but would you be happy to work for 10 hours, get paid for 6, then try and find somewhere to get a decent meal, a clean toilet and then a place to sleep and I mean a place where you get somewhere in which you can sleep without noise, heat or other intrusions. A place where you have access to most of the facilities you have at your workplace even, let alone at your home.

You then have the roads, roadworks, road failures, crashes, signs and restrictions, let alone the other drivers, in cars, trucks, bikes and caravans, to deal with. The roads will damage you and the truck, the roadworks will delay you and it seems everyday, one of the other drivers wants to risk your life to save them 5 seconds, again, let alone the complete idiots who are a menace unto themselves and others.

Then you have the authorities on the road, who seem hell bent on making us all out to be drugged up, having worked 24 hours straight, in a vehicle with no brakes and or falling apart and it seems to many, some of them will interpret the laws to make sure they can ping you with something, anything, both to justify their jobs and wages and to ensure, they have some more bad figures to make us look even worse.

Every one of the above can contribute to driver fatigue, but the truck driver cannot control any of them, yet they will be told to do things to suit a book and rules that do not consider how these things will affect them.

Then at the bottom of the "chain", there is the poor driver. A person who goes to work to feed their family in a job which takes them possibly thousands of kilometres away from them, who has to comply with all the rules that we still cannot get the same across one nation and who has to deal with all the above. Do they then get suitable recognition for being in control of upwards of half a million dollars worth of equipment, let alone the value of the load they carry? Do they have all the help and facilities that most workers have at their place of work? Don't they also have to share that place of work with others who are not taught to share it with them, to do a job that realistically is not recognised by the public and most likely, certainly not by the final customer of the product carried, no matter what it is?

So how do we fix this? I believe we all agree that we need laws. A free for all, will only see some drivers pushed and abused by those who are that way inclined. I do think we have come some way forward, in that years ago a driver would be pushed till he said no and even then, he would often be told, if you don't do it, I will get someone who will. That someone is not there anymore. Yes in the past there were other drivers waiting, but not anymore. What does this tell you about the job we do? If it was such a good job, would we have a driver shortage? I think not, though to be fair, the way people see work and jobs now is very different to how we as drivers may have seen our job years ago.

People now want a life, not just a job and the job we do as interstate drivers, is not as appealing as many others. How many of your mates on the road have lost their family, due to the job, how many have said to their sons, "If you go anywhere near a truck, I'll kick you that hard you won't land for a week", or how many have lost their life on the road? We are responsible for a vehicle worth upwards of half a million dollars, a load possibly up to the same value or more, we share the road with those who are not taught to share it with us, we live a life that means we are liable for a fine of half a weeks wages or more for going half an hour over time.

We do not have access to toilets and facilities like most workers do, we have to feed ourselves, no lunchroom on the road with a microwave and sink etc, not every roadhouse is there to serve your needs, let alone breakdowns and all the other hassles on the road. Years ago you worked your 110 plus hours a week and made really good money. You cannot do that now and much of the unionised workforce, who have the representation on site, who have access to the boss to show and explain a problem, have kept their conditions and improved their lot.

We are working less hours, though still often more than most, but if you look at the lifestyle and the time away from home and the amount of time that you do not get paid for, it makes the hourly rate less than impressive for the work and the responsibility. But the public expect their food, fuel and whatever else they desire to simply "be there" for them. I believe we need to better educate the public as to what we do for them, let alone how to share the road with the trucks, that deliver their goods.

There are drivers who have done millions of kilometres safely, by driving when fit and sleeping when tired, but not done by when a logbook tells them to. They have done this for many years and you are asking them to change that, to suit rules designed and policed by those who do not have to live by them. Some drivers have told me they are finding it harder to comply now and that it is tougher to do, than ever before.

The "Chain of Responsibility" is meant to take some of the pressure off drivers, by putting that pressure with those further up the chain, those who should bear the responsibility of suitable loading and delivery times and requirements, but it is still to get to many, other than the drivers. We are heading to Electronic Work Diaries, which it seems, the authorities think will solve all these problems, by knowing where a driver is and what he is doing at any time. Yes it will know when the truck is moving and will record same, but will it know if you are loading or off shopping, whilst it is stopped.

All we want is sufficient flexibility to be able to get the job done safely and to be able to get home safely to the family we are trying to feed and look after. I believe the biggest thing needed is greater flexibility, in the form of two main things. The first is the legal ability to split our 7 hour continuous rest break, even if only for two or three nights a week and with that, the ability to reset the clock by moving that 7 hour break to the best time to suit.

If you start work at a time of your choosing, you can set the path for the week, knowing that it will likely be affected by others actions and can change. If you have to start to suit others, you could well set a path of driving each night and trying to sleep in the day, to suit any or all of the factors above. Under the current rules there is simply not enough flexibility to alter this, once commenced. I do not know any driver who wants to work 18 hours a day, 7 days a week, but I do know of many who want to be able to drive while they are fit and sleep when they are tired and even then, in a place where they will get good quality sleep. Not in a yard full of trucks and forklifts, not in the blazing sun in the middle of the day and not in a truck stop with trucks less than a metre away on either side, dropping maxi brakes and slamming doors.

A definition of work is also required. In the past it was said if we answered the phone for work while on the toilet, it was work. Who in their right mind would expect anyone to write this down as work time. Years ago you loaded 20 ton on potatoes, then tarped it and then drove to your destination and did it all again. With forklifts and much improved transport equipment, drivers do not have to do the manual labour of the past. Again in regard to work time and EWDs, a driver will not mark down work, go back to move one gate and lose 15 minutes work time for 1 minute. There needs to be some discussion on what is fatiguing, some drivers will say that sitting and waiting for the logbook to catch up is far more fatiguing than walking round the truck and kicking the tyres or doing a pretrip inspection and if you want us to comply, then like all laws, they must have some basis in fact, not just fiction from those who do not have to do the job.

I ask for the two things above to be considered. Allow split rest up to 3 times a week and split to suit us, not just 2 plus 6 only as now, but any combination and we would then be happy to make it a total of 8 hours instead of 7. Allow us to either exceed hours in 24, as long as a major rest break is within those hours, (Currently called "Nose to Tail" Shifts), but only twice a week to give the chance to move the 7 hour continuous break into a better time, for example from day to night. Most of the factors affecting fatigue and driving hours are outside of the control of the driver, they come from customers and the road itself. If these two things were addressed, I believe that the rest of the regulations as currently enforced, would not only be far more palatable to drivers, but would see improved safety outcomes for them and all on the road.

As to Electronic Work Diaries, EWDs, it seems the authorities think these will solve all the problems as they will know exactly where we are and what we have done. However there are three issues I would like to raise. The first is that whilst the EWD can tell when the truck is moving, it does not know if you are working or resting, when the truck is stopped and no one is going to run back and forth to hit buttons, each time they have to move a gate, or adjust or check loading. A suitable and agreed definition of work is needed. Years ago you loaded 20 tonne of freight by hand and then tarped it, yes agreed, work. But now you move a gate while the forklift moves the freight, not the same. If you are going to monitor us to every second, then we need to agree on what is work!

The second thing is if you are again, monitoring even to the minute and not the second and will monitor work at that level, then the same must be done for rest. Any break over ten minutes (and the WA regs which recognise a change of activity, for example getting out and walking round the truck checking tyres, as being a good thing, are a much better recognition of what is fatiguing) must be recorded as rest for that time, not saying because you had only had 29 minutes break, that it will only show 15 minutes rest.

By not allowing any tolerance whatsoever for rest and not then recognising that we will "lose" work time by such actions, you will again punish the driver for things he cannot control and the more you deliver direct to clients or load at clients premises, the more of a problem this will cause.

The NTC has confirmed an 8 minute tolerance will be written into the law for work periods. Based on the above, I believe, as I asked for in my submission into EWDs, that 30 minutes, even if only twice a week, is what is needed. 8 minutes will not help me get to a roadhouse or to a better rest area. You need to understand that this job is not done like most.

The third thing is that until such times as you recognise these issues, you will get little take up of EWDs for those who have to deal with customers, who have little control over most of the factors that affect their job and their fatigue. A driver doing a changeover or shuttle run, will only have to deal with on road delays and at each end and these are enough, let alone dealing with customers.

At the absolute extreme, a driver with a logbook hit by a drunken driver may well escape a manslaughter charge because of the way logbooks work and the 15 minute increments, yet a driver

with an EWD, say 9 minutes over his time and about to end his shift, could well go to jail because he knew he was over hours and a judge could say, you should have stopped. This is an extreme example, but even to the point where at the end of the week when your EWD is checked, you could simply be fined for every minute out. Who else in the Australian workforce is subject to that level of scrutiny?

There is currently talk of 20% of American drivers walking away from the industry when Electronic On Board Recorders (EOBRs, their term for EWDs) become mandatory next year and they have far better roads, facilities and respect, let alone facilities within the distances between major cities, unlike we do not have, in our decentralised country.

Every person is different and in transport, every job can be and all are different, to working on site in a fixed location. Fatigue is a contributing factor in road crashes and not just for truck drivers, but if you cannot measure it, how can it be policed by simple rules. To manage fatigue, you need some control over your time, you need suitable places to sleep, decent facilities and laws that provide some flexibility. Many current fatigue crashes are within "legal" work hours, so the current laws do not prevent fatigue crashes from happening and fining a driver a weeks wages for being 10 minutes over a set time, when that ten minutes may well give him access to a more suitable place to sleep, eat and or rest, will only make matters worse.

We cannot throw away the current laws and we cannot have none, but we need some flexibility and understanding of the job and input from those that live on the road, both to get better rest areas and to get a fair go on the road.

Data collection will contribute to this discussion, but when such data is collected by road authorities at crash sites, how many of them have any understanding of the life and issues of a long distance truck driver. It is all well and good to say that fatigue causes crashes, but what role did the current lack of rest areas have? What role did the lack of flexibility in log book hours, the issue of a book controlling when you must sleep and where, with no regard to your current state of work or even health and who has the right to control that to the lowest level available and then to punish those who do not comply.

There is and must be recognised, a difference between a driver who is one hour over time to get to a site, to get home or to get to a place to sleep and a driver who has no intent on complying at all. How can you define a critical risk for a driver 45 minutes or less over time, when you cannot measure his alertness or fatigue and what of others who get paid overtime to work, when we get fined for it? What role does forcing a driver to stop and have a break when he is not tired, or to force him to sleep in the heat when he can't, have on his fatigue and if this is the problem, then what is being done to alleviate these issues?

I agree there is not one solution to the problem, but I do believe that the current laws do not do the best for us on the road and that other factors need to be addressed first and suitable and sufficient rest areas is the major place to start. What are your views? Safe Travelling, Rod Hannifey.