

Managing Driving for Work Managing Grey Fleet

Information Sheet

October 2019



This guidance will help you learn about the legal duties of employers and how to implement a safe systems approach to managing the risk associated with driving for work in privately owned or privately leased vehicles, more commonly known as the grey fleet.

This is part of a series of resources¹ to help employers manage driving for work as a risk in their business. It complements the 'Managing Driving for Work My Responsibilities'² information sheet, 'Safe Driving for Work Driver's Handbook'³ and the Managing Driving for Work e-learning course⁴.

What is the grey fleet?

The grey fleet is commonly defined as any vehicle that is not owned, leased or rented by an employer that is driven by an employee or a contractor making a work related journey.

This could be a financial contribution, a car obtained via an Employee Car Ownership (ECO) scheme, a privately owned vehicle used for occasional journeys or a vehicle that the employee has hired outside of any company-provided scheme.

When most businesses analyse the road journeys that their employees make on their behalf, they identify employees who they never considered as 'drivers' and who have never been included in any of the policies and procedures relating to driving for work.

¹ Full suite of resources on driving for work risk management can be accessed at www.drivingforwork.ie

² [Managing Driving for Work Information Sheet](#)

³ Safe Driving for Work Driver's Handbook can be accessed at www.drivingforwork.ie

⁴ Managing Driving for Work e-learning course can be accessed at www.hslearning.ie

Why manage the grey fleet?

In general, businesses manage their grey fleet (both the drivers and the vehicles that they are using) less effectively than they do with their owned or leased fleet.

Most businesses recognise that driving for work is a necessary activity without which they would not be able to effectively operate. Driving for work is a high-risk activity that carries a greater likelihood of collision owing to the fact that many 'at work drivers' do not get to choose how, when and how often and for how long they use the roads for work. They are exposed to greater risk than people whose journeys are of a personal or leisure nature. They are faced with increased risk themselves and create risk for others because of their driving for work activities. The risk of injury or death to workers and other road users is real and must be prevented through reasonable and practicable means. With a significant proportion of work-related journeys now undertaken in grey fleet, how do businesses effectively cope with this aspect of work-related road risk management?

Unacceptable, unsafe and irresponsible driving behaviour when driving for work can result in personal injury to employees and other road users. This can lead to substantial and prolonged business disruption, uninsured business losses associated with trauma to the employee and colleagues, and the potential negative impacts can be summarised as follows;

- missed meetings, orders and business opportunities,
- employee absence due to injury, investigation and court appearances,
- risk of prosecution of employee and/or employer,
- risk of key employees being banned from driving,
- risk of increased insurance premiums,
- time lost as a result of work rescheduling,
- cost of replacement staff,
- business disruption due to unplanned investigation and follow up,
- risk of damage to business reputation or brand,
- increased stress levels amongst employees,
- low morale and job satisfaction, and
- risk of third party claims⁵.



A financial risk associated with grey fleets is where an employee is making a work related journey and is involved in a collision and found to have either incorrect insurance (for example, that does not include business use) or an invalid licence. The employee is committing a road traffic offence and may be prosecuted, but if it is a serious collision, the probability is that any claimants will also look to the business for reparation as they had the duty to manage the employee.

From a financial perspective, the use of grey fleet vehicles may not be the most effective means of transport available. When travelling beyond 160 kilometres they become far more costly (in terms of cost per kilometre) and have the added potential cost of wasted working hours, for example, when employees spend time in traffic or have been involved in a collision and are temporarily not available for work⁶.

Minimal changes are usually required to existing fleet safety management processes to incorporate grey fleet. Often changes will simply require specific additions for risks specifically associated with grey fleet. A sound risk management approach will mitigate grey fleet risk and may result in cost savings.

⁵ Managing Grey Fleet Safety Guidance for employers, visit www.etsc.eu

⁶ Energy Saving Trust (2015) A Guide to Managing and Reducing Grey Fleet Mileage <https://www.energysavingtrust.org.uk/>

What the law requires

The fact that employees use their own vehicle for business purposes does not absolve the employer from 'duty of care' responsibilities.

Employers have a legal duty of care to an employee regardless of vehicle ownership, and therefore grey fleet needs to be managed as diligently as company-owned or leased vehicles.⁷ As an employer, you should have a safety management system in place for managing all work related risks. Driving for work grey fleet risks should be managed as part of this system.

While drivers are personally responsible for how they drive their own vehicle, when they drive their own vehicle for work employers are responsible for putting procedures in place that make sure the employees drive for work safely at all times.

Regardless of what is contained in your policies and procedures, the biggest challenge faced is to make sure employees actually read, understand and agree to follow them. Many businesses get their employees either to sign a declaration physically or electronically to confirm that they have read, understood and will abide by the rules. Current best practice is to carry out comprehensive checks with all employees with 100% compliance required. Then the company can demonstrate a robust audit trail to confirm that employees have actually read the documentation, increasing the chance that they will act on it.

As a minimum, you must make sure that employees who drive grey fleet are:

- formally permitted to drive for work in their own vehicle,
- legally entitled to drive the vehicle they are using,
- using a vehicle that is in a safe and roadworthy condition,
- using a vehicle that is motor tax compliant,
- using a vehicle that is suitably insured for occasional business use,
- medically fit to drive,
- instructed, trained and informed on company requirements for driving their vehicle safely for work, and
- complying with the Rules of the Road⁸ and company requirements at all times.



Significant adverse legal implications may follow for individuals and organisations who breach health and safety obligations, or who are found to be criminally liable or liable for negligent acts, or vicariously liable for the actions of others. Obligations in relation to management of safety of both workers and volunteers using grey fleet and safety of the public when grey fleet is used should be taken very seriously.

⁷ ibid

⁸ The Rules of the Road can be found at <http://www.rulesoftheroad.ie/>

The following sections outline key requirements for employers to consider and manage in respect of drivers, vehicles and journeys and grey fleet management. More detailed information from a driver's perspective is provided in the Safe Driving for Work Driver's Handbook available at www.drivingforwork.ie

The grey fleet risk management process

The first and fundamental step is to identify grey fleet use and understand the risks faced by your business.

A full risk inventory will help you identify the type, frequency and scale of grey fleet use and which employees are involved. You need to develop a profile of your grey fleet drivers before you conduct a risk assessment of the activity across the business and on each employee involved.

The results of completing your grey fleet risk inventory will give you a profile of:

- who and how many people drive grey fleet for work,
- age, licence status and driving experience profile of each grey fleet driver,
- insurance status of each grey fleet driver,
- occupation and role of employees who drive grey fleet for work,
- purpose of journeys undertaken,
- how many employees travel as passengers on grey fleet journeys,
- how many journeys undertaken by day, by month, by quarter and per annum,
- kilometres driven by individual, by team, in the business overall,
- grey fleet driving frequency by occupation, by department, by manager group,
- cost of grey fleet journeys to the business, and
- a profile of risk exposure.



Reducing grey fleet journeys

Management policy on the use of grey fleet should be part of a business travel plan that aims to reduce the need to travel at all by using a decision matrix for work related road travel⁹ (see table below). Risk management should be linked to employee mobility solutions that reduce overall business mileage.

Travel option	Considerations
No transport	Can the meeting be completed without travel? Not all meetings need to be face to face. Phone or video conferencing or similar reduces exposure and costs. What are the circumstances and criteria that apply to this option?
Public transport or taxi	Can the journey be carried out using public transport? Does the business require and/or incentivise use of public transport? This avoids employees getting behind the wheel.
Fleet/pool vehicle	Do you have a vehicle available for use? What are the circumstances and criteria that apply to using this vehicle? Is the fleet/pool vehicle fit for purpose of journey and maximised to EuroNCAP (www.euroncap.com) safety standards? Do you provide instruction, information and training for the safe operation of the vehicle?
Hire or long term lease vehicle	Do you make a hire vehicle available for an employee's journey? What are the circumstances and criteria that apply to using this vehicle? Is the hire vehicle fit for purpose of journey and maximised to EURONCAP safety standards? If specific tools and/or equipment need to be carried, how should they be stored in the vehicle?
Grey fleet vehicle	What are the circumstances and criteria that apply to workers using grey fleet? Does the driver have the appropriate licence for the vehicle? Is the vehicle roadworthy, appropriately maintained and insured? Is the vehicle fit for purpose of journey and maximised to EURONCAP safety standards? If specific tools and/or equipment need to be carried, how should they be stored in the vehicle?
Car-pooling in a grey fleet vehicle	What are the circumstances and criteria that apply to car-pooling in grey fleet?
Grey fleet non vehicle	What are the circumstances and criteria that apply to workers using bicycles, motorcycles/ powered two wheelers, or other motorised means of transport.
Grey fleet driver (Double grey fleet)	A grey fleet driver is a worker who may drive a client's or friend's vehicle. Has this situation been covered in your driving for work policy? What are the circumstances and criteria applicable to grey fleet drivers? Does the driver have the appropriate licence for the vehicle they are using? Is the vehicle roadworthy, appropriately maintained and insured? If specific tools and/or equipment need to be carried, how should they be stored in the vehicle?

⁹[Grey Fleet Safety Management Guide](#) by National Road Safety Partnership Program(NRSPP) Australia

Driver Requirements

The driver has the most influence over whether they are going to be involved in a collision, regardless of blame, so most emphasis should be placed on driver management.

Drivers driving their own vehicle for private or personal journeys have an individual responsibility for their driving behaviour under road safety and road traffic laws. However, when driving for work, the context changes from private road user to occupational or work related road user and therefore additional health and safety laws apply to both the employer and employee. There is a shared responsibility under these laws for the safety of the worker.

Drivers must play their part by making sure that they are fit to carry out driving duties. They should obey occupational health and safety, road safety and road traffic laws when driving for work.

Employers must make sure driving for work policies, procedures and rules are clearly explained to, and understood by drivers.

It is important to note that drivers of buses, trucks and taxis are treated as 'professional drivers', and are subject to additional legal requirements under national road traffic and road safety laws, including additional mandatory driver training, stricter drink and drug drive limits and restrictions on driver hours.

Fitness to drive¹⁰ is one of the key areas that needs managing, and will include areas such as:

- health,
- fatigue,
- eyesight, and
- alcohol/drug (medicines and recreational) use/dependency.

Employers should check that drivers have a valid driving licence, insurance, motor tax and a roadworthiness certificate for each vehicle driven. In addition, it is important to check your driver's health and medical history.

Drivers have an individual responsibility for their driving behaviour and must assess their own fitness to drive.

Some important rules for employees to follow when driving for work should include:

- never drink and drive and be aware of dangers associated with driving the morning after alcohol intake, as alcohol may still be present in the body and cause impairment of driving¹¹,
- never drive under the adverse influence of drugs (either prescribed, over the counter or recreational),
- carry out pre journey checks at intervals prescribed in procedures (daily, weekly and monthly),
- switch off mobile phone while driving; check for messages during scheduled breaks,
- avoid being distracted when driving by phones, hand held devices, passengers or satellite navigation,

¹⁰ Medical Fitness to Driver Requirements and guidance for Ireland can be found at <https://www.rsa.ie/RSA/Licensed-Drivers/Safe-driving/Medical-Issues/>

¹¹ The legal limit for fully licenced drivers is 50 milligrammes of alcohol per 100ml of blood. The legal limit for professional and learner drivers is 20 milligrammes of alcohol per 100ml of blood. An Garda Síochána have powers to set up random breath-test checkpoints at any time. <https://www.rsa.ie/en/RSA/Licensed-Drivers/Driving-in-Ireland/>

- drive in a safe and comfortable position,
- drive with seat belt fastened and make sure that all passengers are wearing seat belts and are suitably restrained before driving,
- drive with lights on at all times,
- observe and obey road safety signs, in particular road signs warning of road works,
- drive in a safe and legal manner,
- be courteous and considerate of all other road users when driving for work,
- observe and obey speed limits,
- stop driving if feeling tired or sleepy; find somewhere safe to rest straight away,
- report any collisions to employer immediately and report to Gardaí if any person is injured, and to insurer, as appropriate, and
- always park legally.

Vehicle requirements

Employers have a legal duty to verify that employees' vehicles are safe and legal when used for work. You may request documentary evidence to confirm this, and require employees to follow driving for work policy, procedures and rules relating specifically to driving their own vehicle for work. In practice, this may be done by means of a driver declaration form.¹²

Employers may make checks annually on employee vehicle documentation and in addition, may carry out random spot checks as part of a compliance verification process.

Employees who drive their own vehicle for work purposes are responsible for vehicle:

- roadworthiness,¹³
- motor tax,
- insurance - this means making sure vehicle is covered for business use [excluding commuting], and
- condition - the vehicle should be in good serviceable condition at all times and be serviced and maintained in accordance with the maintenance schedule laid down by the manufacturer¹⁴.

Ideally, the criteria for grey fleet vehicles should be clear and align with the company's wider fleet management policy.



¹² Sample grey fleet driver declaration form can be found at www.drivingforwork.ie

¹³ Details of requirements for the National Car Test (NCT) can be found at www.ncts.ie

¹⁴ Manufacturer outlines details of servicing requirements in vehicle manual

The employer should be clear on:

- Vehicle choice and fitness for work purpose or task (e.g. carrying work equipment, samples etc.),
- Vehicle safety rating such a EuroNCAP rating¹⁵ of 4 or 5
- Vehicle safety specifications as standard, such as;
 - o Electronic stability control
 - o Anti-lock braking
- Vehicle age, condition and mileage profile.

Employees must cooperate with their employer's health and safety procedures and follow rules and procedures relating to driving for work in their own vehicle.

Journey requirements

Employers can take simple steps to make sure employee journeys are safer.

The following is a non-exhaustive list of the key requirements for journey management.

Make sure:

- all journeys are properly planned by employees,
- employees allow enough time to complete appointments, rest breaks and travel safely,
- employees plan and note the route before setting out,
- employees plan for the safest route, avoiding urban and residential areas if possible, particularly schools,
- employees use dual carriageways and motorways where possible,
- employees check travel and weather information before travel and during the course of journey,
- employees plan when and where to take breaks (Rule of thumb is a 15-minute break for every two hours driven, with more frequent breaks required at night or in poor weather conditions),
- employees allow plenty of time so they are not under pressure to drive at unsafe speed, and
- employees are courteous and considerate of all other road users when driving for work.

Employers should have procedures for emergencies such as incidents, collisions, adverse weather events or breakdowns that occur when employees are driving for work.

Make sure that drivers know exactly what to do in the event of an emergency situation when driving for work and have the following in their vehicles:

- a copy of the company emergency procedures for driving for work,
- contact details of the person(s) to whom you should report emergencies and incidents, and
- a fully charged mobile phone to call for help if necessary. Do not use the phone while driving.

¹⁵ EuroNCAP explained at <https://www.euroncap.com/en/vehicle-safety/the-ratings-explained/>

Grey Fleet Risk Management¹⁶ – Employer Gap Analysis Checklist

As a minimum you should make sure that your grey fleet drivers are legal (driving licence, relevant insurance, NCT or roadworthiness certificate (where necessary) and motor tax, follow the [Rules of the Road](#) and that their vehicle is serviced in line with manufacturer recommendations).

After that, your responses to the questions below will guide you on gaps in your current policies and procedures and give you a good idea of the risks and exposures to your business and areas where grey fleet risk management improvements can be made.

	Question	Yes	No	Action
1.	Is driving for work in grey fleet identified as a risk in your company Safety Statement?	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Have you carried out a detailed risk assessment on driving for work in grey fleet?	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Have appropriate controls been put in place to deal with grey fleet risks for all staff affected?	<input type="checkbox"/>	<input type="checkbox"/>	
4.	Has the company developed a clear policy, controls and procedures on driving for work in grey fleet?	<input type="checkbox"/>	<input type="checkbox"/>	
5.	To accompany the policy and procedures, do you provide written instructions to employees?	<input type="checkbox"/>	<input type="checkbox"/>	
6.	To accompany the policy and procedures, do you organise training sessions on policy requirements?	<input type="checkbox"/>	<input type="checkbox"/>	
7.	To accompany the policy and procedures, do you discuss driving for work at regular management meetings?	<input type="checkbox"/>	<input type="checkbox"/>	
8.	To accompany the policy and procedures, do you regularly send safety information to employees who drive for work?	<input type="checkbox"/>	<input type="checkbox"/>	
9.	Is there a designated competent person who has full responsibility for managing grey fleet safety in line with the business's wider driving for work policy?	<input type="checkbox"/>	<input type="checkbox"/>	
10.	Is there a full inventory carried out annually, quarterly or as required to determine a driver, vehicle and journey profile of employees who drive for work in grey fleet?	<input type="checkbox"/>	<input type="checkbox"/>	
11.	Do contracts of employment include the requirements for grey fleet drivers to abide by the same policies and procedures as company car drivers?	<input type="checkbox"/>	<input type="checkbox"/>	
12.	Is there a clear audit trail with proof of dispatch, receipt and agreement on procedures for each employee?	<input type="checkbox"/>	<input type="checkbox"/>	

¹⁶ Adapted from the original Grey Fleet Management Gap Analysis developed by Dr. Will Murray <https://www.edriving.com/resources/>

	Question	Yes	No	Action
13.	Are employees aware that use of any private vehicle on company business is subject to satisfactory completion of a driver vetting and authorisation process, which sets out the driver's responsibilities?	<input type="checkbox"/>	<input type="checkbox"/>	
14.	Have all employees read, understood and accepted their obligations and are they aware of the consequences of any failures to comply?	<input type="checkbox"/>	<input type="checkbox"/>	
15.	Can you demonstrate a clear audit trail to verify that grey fleet drivers are fully compliant with the company procedures on work related driving?	<input type="checkbox"/>	<input type="checkbox"/>	
16.	Is there a clear policy on permitted vehicle types for employees who drive for work in grey fleet determined by the exact nature of the work (cars, SUVs, vans, 4 wheel drive and powered two wheelers)?	<input type="checkbox"/>	<input type="checkbox"/>	
17.	Is there a policy that controls grey fleet vehicle selection, based on appropriate type, age, safety rating and condition of vehicles?	<input type="checkbox"/>	<input type="checkbox"/>	
18.	Are records maintained as to the types, ages and conditions of vehicles being used by grey fleet drivers?	<input type="checkbox"/>	<input type="checkbox"/>	
19.	Are all vehicles in the grey fleet kept in a roadworthy condition at all times, and have a valid NCT or roadworthiness certificate (where necessary), motor tax, and insurance?	<input type="checkbox"/>	<input type="checkbox"/>	
20.	Are regular licence, insurance, motor tax, NCT and compliance with company procedures checks recorded?	<input type="checkbox"/>	<input type="checkbox"/>	
21.	Is vehicle maintenance (including routine maintenance) completed, recorded and monitored by grey fleet drivers in line with manufacturer's recommendations?	<input type="checkbox"/>	<input type="checkbox"/>	
22.	Are planned and random inspections of all vehicles in the scheme undertaken either in-house or by an external supplier?	<input type="checkbox"/>	<input type="checkbox"/>	
23.	Have line managers and supervisors been trained, and do they understand their legal responsibilities for managing and administering the grey fleet?	<input type="checkbox"/>	<input type="checkbox"/>	
24.	Do line managers and supervisors verify that grey fleet drivers have completed required training and comply with procedures and rules?	<input type="checkbox"/>	<input type="checkbox"/>	

	Question	Yes	No	Action
25.	Are grey fleet drivers subject to the same recruitment, induction, and assessment and training procedures as company car drivers?	<input type="checkbox"/>	<input type="checkbox"/>	
26.	Are employees aware that if they need to use a private car, demonstrator or courtesy car on business, they must obtain prior written authorisation from their manager?	<input type="checkbox"/>	<input type="checkbox"/>	
27.	Do employees understand that it is their responsibility to ensure they have adequate business use insurance in place?	<input type="checkbox"/>	<input type="checkbox"/>	
28.	Is there a process for each driver's business use insurance details (insurer, policy number, period of insurance and extent of use) to be checked and recorded on an annual basis by the business?	<input type="checkbox"/>	<input type="checkbox"/>	
29.	Do employees have their licences checked on appointment, then quarterly, to insure they are valid and to monitor penalty points, endorsements and convictions?	<input type="checkbox"/>	<input type="checkbox"/>	
30.	Are employees required to notify the business of any medical or other conditions that may adversely affect their ability to drive as per medical fitness to drive requirements?	<input type="checkbox"/>	<input type="checkbox"/>	
31.	Do you require eyesight checks for all employees who drive for work, at least every two years?	<input type="checkbox"/>	<input type="checkbox"/>	
32.	Do you provide guidance and instruction on effective route planning to make sure journey times are minimised?	<input type="checkbox"/>	<input type="checkbox"/>	
33.	Do you provide guidance and training on effective schedule setting to make sure journeys are planned efficiently?	<input type="checkbox"/>	<input type="checkbox"/>	
34.	Do you provide guidance and training on what to do in the event of an emergency while driving for work (collisions, breakdown and adverse weather event)?	<input type="checkbox"/>	<input type="checkbox"/>	
35.	Are all incidents, near misses and claims involving vehicles being driven on company business by employees reported to a nominated person, investigated and actioned for risk management purposes?	<input type="checkbox"/>	<input type="checkbox"/>	

Driving for Work resources for employers in Ireland

A suite of driving for work risk management resources have been jointly developed by the HSA, RSA and An Garda Síochána, including online e-learning, guidance, factsheets, sample policies, driver declaration, and risk assessment checklists, and are available at www.drivingforwork.ie

Other Useful Information

Managing Grey Fleet Safety - A short guide for companies whose staff drive their own cars for work at www.etsc.eu/praise

Driving for Work: Own Vehicles guidance by the Royal Society for Prevention of Accidents(ROSPA) www.rospa.com

National Road Safety Partnership Program Australia: Grey Fleet Safety Management Guide, and Grey Fleet: Legal implications for businesses. Visit www.nrspp.org.au/resources/15096-2/

This guidance could not have been produced without the support and assistance of some dedicated and safety passionate people working within a wide variety of road safety and occupational health and safety industry and regulatory roles. Development of this guidance involved countless hours of work and the people involved made themselves available and contributed freely of their time to ensure that this document is particularly relevant and practical to businesses and organisations both public and private. The collective wealth of experience of the people involved is considerable and while some may have devoted considerable time, others may have contributed just as immensely by conveying an idea or sharing a simple statement.

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Údarás Um Shábháilteacht Ar Bhóithre
Road Safety Authority