TOOLBOX TALK · HEALTH & SAFETY

Driving for Work: *The Risk That Follows You Home*

Health and safety law applies on the road as much as on site: employer duties, fatigue, mobile phones, vehicle condition and your right to say no.

Last reviewed: August 2026 HSE · Driving at Work guidance England, Scotland and Wales ukworkrights.co.uk

In Northern Ireland, similar duties come from Northern Ireland's own health and safety law. Contact HSENI (Health and Safety Executive for Northern Ireland), not the HSE.

THE RISK

Why driving is a work safety issue

- Work-related road incidents account for a **large share of all UK work-related deaths**. Far more than falls or machinery, though they are counted separately from HSE's workplace figures
- It covers **anyone driving as part of their job**: vans, cars, HGVs, and grey fleet drivers using their own vehicle
- Commuting is generally excluded, but **travelling between sites during the working day is work**
- The main causes are **fatigue, time pressure, distraction and poorly maintained vehicles**
- **Employers can be prosecuted** under health and safety law for a fatal collision, not only under road traffic law
- Employers must **assess driving risk and manage it** just like any other work activity

HEALTH AND SAFETY LAW DOESN'T STOP AT THE GATE

If you drive for work, your employer has duties towards you and towards other road users. Unrealistic schedules that can only be met by speeding are the employer's problem, not just yours.

THE CONTROLS

What has to be managed

- **The driver**: licence checked, fit to drive, trained, not impaired by medication, alcohol or fatigue
- **The vehicle**: roadworthy, maintained, insured for business use, with defect reporting that works
- **The journey**: realistic schedules, planned breaks, weather considered, alternatives to driving considered
- **Handheld phone use while driving is illegal**, including at traffic lights and in queues, and covers almost any handheld device use
- Hands-free is legal but still a distraction, and an employer requiring calls on the move is creating risk
- **Drivers' hours rules** apply to many vehicles over 3.5 tonnes and to some vans. Check whether they apply to you
- Grey fleet drivers must have **business use insurance and a valid MOT**, and the employer should verify it

FATIGUE IS NOT SOMETHING YOU CAN PUSH THROUGH

Being awake for 17 hours impairs performance about as much as being at the drink-drive limit. Tiredness is a good reason to stop, and no delivery is worth a fatal collision.

YOUR RIGHTS

What you can insist on

- A **safe, roadworthy vehicle** and a working system for reporting defects
- **Realistic schedules** that do not require speeding or skipping breaks to meet
- Rest breaks under the **Working Time Regulations 1998**, and drivers' hours rules where they apply
- Not to be **pressured into driving while unfit** through tiredness, illness or medication
- To **refuse to drive** where you reasonably believe it is seriously and imminently dangerous (Employment Rights Act 1996 s.44 and s.100)
- Clear guidance on **phone use**, and not to be expected to take calls while driving

SAY IT BEFORE THE JOURNEY, NOT AFTER

If a schedule cannot be met safely, raise it before you set off and put it in writing. Once you have set off under pressure, the risk and the liability are both yours to carry.

COMMON QUESTIONS

Frequently asked questions

Q Does health and safety law really apply to driving?

Yes. The Health and Safety at Work etc. Act 1974 requires employers to ensure the health and safety of employees and of others affected by their work, and that includes driving. HSE and the police can investigate work-related collisions jointly, and employers have been prosecuted under health and safety law following fatal crashes.

Q Can my employer make me use my own car for work?

They can ask, but the vehicle must be roadworthy and insured for business use, and the employer should check that. They must also assess the risk of that driving. If you use your own vehicle, you may be entitled to mileage payments. Check your contract and HMRC approved mileage rates.

Q Can I refuse to drive if I'm too tired?

Yes. Driving while impaired by fatigue is dangerous and potentially criminal. You are protected from dismissal and detriment for refusing work you reasonably believe is seriously and imminently dangerous. Raise it before the journey and keep a written record.

FOR WHOEVER RUNS THIS TALK

Delivery notes & attendance record

Before you start

The point people find surprising is that health and safety law does not stop at the site gate. Employers must assess and manage driving risk. Ask about schedules: most work-driving pressure comes from unrealistic timings, not bad driving.

Questions to ask the team

1. Are the journey times you're given achievable at legal speeds?
2. When did you last check tyres, lights and oil on the vehicle you use?
3. Has anyone driven while too tired to be safe? What made that happen?
4. What is our rule on phone calls while driving, including hands-free?

The law behind this talk

Health and Safety at Work etc. Act 1974 s.2 and s.3; Management of Health and Safety at Work Regulations 1999 reg. 3; Road Traffic Act 1988; Corporate Manslaughter and Corporate Homicide Act 2007

Employers must give workers comprehensible information, instruction and training on the risks they face, Health and Safety at Work etc. Act 1974 s.2(2)(c) and Management of Health and Safety at Work Regulations 1999 reg. 10. Keep the record below as evidence that you did.

Attendance record

Topic	Driving for Work: The Risk That Follows You Home
Date	
Site / location	
Delivered by	
Actions agreed	
Next talk due	

Attendees

Name	Signature

Use the Print handout button to print this record. General information only, not legal advice. This toolbox talk is generic material and is not a substitute for a suitable and sufficient risk assessment by a competent person. Employers remain responsible for their duties under the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999.

FREE H&S GUIDES

Driving for Work *free guide*

Get plain-English information on your rights and your employer's legal duties.

HSE: REPORT AN ISSUE
0300 003 1647
hse.gov.uk

ACAS
0300 123 1100
acas.org.uk

CITIZENS ADVICE (ENGLAND)
0800 144 8848
citizensadvice.org.uk

CITIZENS ADVICE (WALES)
0800 702 2020
citizensadvice.org.uk

CITIZENS ADVICE SCOTLAND
0800 028 1456
cas.org.uk

UK WORK RIGHTS
Driving for Work
ukworkrights.co.uk/toolbox-drivingforwork.html

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OTHER WAYS TO GET HELP

Ways to contact Acas

- Helpline: 0300 123 1100, Monday to Friday, 8am to 6pm.
- Another language: call the helpline and ask for an interpreter. Acas says it can provide one straight away.
- Welsh: Acas can provide its services in Welsh if you ask.
- Cannot hear or speak on the phone: Relay UK, 18001 0300 123 1100, on the Relay UK app or a textphone. You type what you want to say and get text replies from the adviser.
- British Sign Language (BSL): call the helpline through the InterpretersLive! video relay service, in your browser or on the InterpretersLive! app. The interpreter calls Acas and translates between you and the adviser.
- If you cannot call the helpline (for example, you find it hard to speak on the phone, you are not in the UK, or you don't have enough phone credit), use the Acas accessibility form to ask for advice another way. Acas usually replies by email within 10 working days, by BSL or lip reading video call within 2 working days, or by phone within 5 working days. Acas reviews these requests Tuesday to Friday, 9am to 5pm.
- Early conciliation: if your case is already in conciliation, contact your conciliator. Their details are in your "Introducing Your Conciliator" email.
- Training, mediation support, collective conciliation or arbitration (not advice): Acas Training and Customer Services, 0300 123 1150, Monday to Friday, 9am to 5pm, or email events@acas.org.uk. Relay UK: 18001 0300 123 1150. You can ask for an interpreter or call through InterpretersLive!. To book a BSL interpreter in advance for any Acas service, email events@acas.org.uk or call 0300 123 1150.

OTHER WAYS TO GET HELP

Ways to contact Citizens Advice in England

- Adviceline: 0800 144 8848. Usually open Monday to Friday, 9am to 5pm, not on public holidays. Free from mobiles and landlines. At busy times you might wait up to an hour. If you call from a mobile you'll be asked for your postcode.
- Cannot hear or speak on the phone: Relay UK. Dial 18001 then 0800 144 8848, using the app or a textphone. There's no extra charge.
- Money or debt: debt helpline 0800 240 4420, Monday to Friday 9am to 8pm, Saturday 9.30am to 1pm, not on public holidays. Relay UK: 18001 then 0800 240 4420.
- Online chat with an adviser: debt problems (Monday to Friday 9am to 8pm, Saturday 9.30am to 1pm); claiming Universal Credit (Monday to Friday 8am to 6pm); energy bills or supply, consumer problems, or any other problem (Monday to Friday 9am to 5pm).
- Your local Citizens Advice: search by postcode or town on the Citizens Advice website. Most can only help if you live or work in their area.

OTHER WAYS TO GET HELP

Ways to contact Citizens Advice in Wales

- Advicelink: 0800 702 2020. Monday to Friday 8am to 7pm, Saturday 9am to 1pm, not on public holidays. Free from mobiles and landlines. At busy times you might wait up to an hour.
- Cannot hear or speak on the phone: Relay UK. Dial 18001 then 0800 702 2020, using the app or a textphone. There's no extra charge.
- Online chat with an adviser: usually Monday to Friday, 9am to 5pm.
- Your local Citizens Advice: search by postcode or town on the Citizens Advice website.

OTHER WAYS TO GET HELP

Ways to contact Citizens Advice in Scotland

- Free phone line to your local bureau: 0800 028 1456. Say the first part of your postcode and you'll be put through.
- British Sign Language (BSL): make a free BSL call to an adviser through the Contact Scotland BSL website or app (video relay interpreting on a computer, tablet or mobile). Contact Scotland BSL is open 24 hours a day, 7 days a week.
- Language or access needs: tell the bureau and they'll do their best to meet them.
- Applying for Universal Credit for the first time: Help to Claim helpline 0800 023 2581, Monday to Friday, 8am to 6pm, or webchat on the Citizens Advice Scotland website. There's also a BSL service for Universal Credit applications.
- Defined contribution pensions (aged 50 or over): Pension Wise, 0800 138 3944, or +44 20 3733 3495 from outside the UK.
- NHS complaints in Scotland: Patient Advice and Support Service (PASS), 0800 917 2127, Monday to Friday, 9am to 5pm.
- Gambling Support Service advice line: 0800 328 1131, Monday to Friday, 10am to 3pm.
- Your local bureau: find its contact details and opening times by postcode on the Citizens Advice Scotland website.
- If you cannot hear or speak on the phone, you can use Relay UK to make the call by typing. Use the free Relay UK app, or a textphone: dial 18001 first, then the number.

OTHER WAYS TO GET HELP

Ways to contact HSE

- Tell HSE about a health and safety issue: use the online form, or call 0300 003 1647 and HSE will fill it in for you. Building safety (Building Safety Regulator): 0300 790 6787.
- Ask HSE about health and safety, or reach a named person at HSE: use the online form, or call 0300 003 1747.
- Both lines: Monday and Tuesday 8.30am to 5pm, Wednesday 10am to 5pm, Thursday and Friday 8.30am to 5pm.
- Fatal and major injuries only: Incident Contact Centre, 0345 300 9923, Monday to Friday, 8.30am to 5pm. Report everything else online.
- Out of hours, only after a work-related death, a serious incident with several casualties, or one causing major disruption: duty officer, 0151 922 9235.
- Cannot hear or speak on the phone: HSE says it provides a text relay service for people who are D/deaf, hard of hearing or have a speech impairment.
- If you cannot hear or speak on the phone, you can use Relay UK to make the call by typing. Use the free Relay UK app, or a textphone: dial 18001 first, then the number.
- Website information in another format (accessible PDF, large print, easy read, audio or braille): use HSE's online contact form. HSE replies within 21 days.
- Other languages: HSE publishes translated information in many languages (hse.gov.uk/languages).

KEEP GOING

More free *toolbox talks*

TOOLBOX TALK

Vehicle & Forklift Safety

ukworkrights.co.uk/toolbox-vehicles.html

TOOLBOX TALK

Lone Working

ukworkrights.co.uk/toolbox-loneworking.html

TOOLBOX TALK

Risk Assessment

ukworkrights.co.uk/toolbox-riskassessment.html

FREE GUIDE

Health and safety at work

ukworkrights.co.uk/guide-health-safety.html