



GAMEPLAN

WINTER DRIVING

Prepared for.

OHS INSIDER

104-2510 Government St

Penticton, BC

V2A 4W6

Website

www.OHSInsider.com

Email

info@OHSInsider.com

WWW.OHSINSIDER.COM

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7 STEPS TO MINIMIZE WINTER DRIVING TRAFFIC INCIDENTS AND THE LIABILITY RISKS THEY INVOLVE

While it's a perennial hazard, risk of injury and workers comp claims resulting from traffic accidents involving workers that drive company vehicles or that drive as part of their regular job duties is especially high during the winter. But what you might not realize is that failing to prepare workers to drive safely in winter conditions also exposes your company to liability. Here's a briefing on your liability risks and a 7-step game plan you can follow to prevent workers from getting into winter traffic accidents.

EMPLOYER LIABILITY FOR WINTER DRIVING ACCIDENTS

Employers can be held liable if workers or other people get injured in a traffic accident caused by, say, a worker's poor winter driving skills or a company car that didn't have snow tires. Liability risks stem from 2 different sets of laws.

OHS LAWS

While OHS laws typically don't specifically address winter driving hazards, they do include a general duty clause requiring employers to take all reasonable steps to protect workers from known and foreseeable hazards. So, not properly preparing workers to deal with winter conditions can result in OHS penalties.

Example: A worker used a dozer to remove gravel left in front of the trailer ramps after loading a disabled rock truck onto a trailer. The dozer skidded on ice and pinned a worker's leg

against the trailer, causing serious injuries. The company was convicted of 2 OHS offences. The Ontario court noted that the workers—and their supervisor—knew the road was icy and posed a slipping hazard. They should've waited until the ice was removed or treated the road surface with sand or something similar to provide traction. But there was no evidence that anyone considered such steps or that the company had made sand or similar material available [R. v. B. Gottardo Site Servicing Ltd., [2010] ONCJ 239 (CanLII)].

NEGLIGENCE LAW

Under the law of negligence, someone who's injured because another person didn't use reasonable care can sue for damages. Workers' comp laws normally bar workers from suing their employers for negligence for work-related injuries. But such laws may exclude incidents involving the use of a motor vehicle. Of course, employers can also be sued by a third party who's injured as a result of their negligence. Example: A worker speeds on icy roads and causes a traffic accident, the worker and/or another person injured in the accident could sue the worker's employer for negligence. And the employer would be liable for the accident if the evidence shows that:

- It had a duty to use reasonable care to protect the victim;
- It violated that duty; and
- The violation caused the accident.

The best defence against liability is to minimize the risks of workers getting into traffic accidents. Here are 7 vital steps to achieve that objective.

STEP 1. TRAIN WORKERS TO PLAN AHEAD

Establish procedures for safe winter driving that are initiated before workers even enter their vehicles. Before heading out, workers should check the current road conditions and the weather forecast. Advise workers to make a conscious evaluation of the risks and benefits involved and whether it makes sense to wait until conditions improve. If they do decide to travel in inclement weather or conditions, they should ensure that somebody is aware of their travel plans. They should also prepare an emergency survival kit in case something goes wrong that includes a cell phone, a flashlight and batteries, emergency food, bottled water, candles, blankets, booster cables, sand or kitty litter for traction, tow cables and road maps.

STEP 2. PRE-TRIP SAFETY INSPECTION

Before setting out, they should remove snow from all windows, lights, mirrors, exhaust pipes, hood and roof and do a pre-trip safety inspection of their vehicle, especially the tires. Make sure the wipers are clean and functioning properly and that there's ample wiping fluid in the reservoir.

STEP 3. MONITOR OUTSIDE TEMPERATURES

Train workers to be aware of freezing points. A road may look wet, when in fact it's starting to freeze. The closer the outside temperature gets to freezing, the more slippery it becomes. The most dangerous conditions occur right at freezing.

STEP 4. KNOW THE VEHICLE'S LIMITATIONS

It's important that workers understand the limitations of the vehicles they drive. This is

especially when workers drive four-wheel or all-wheel drive vehicles that may give a false sense of security because of their improved traction and additional ground clearance. Workers need to keep in mind that while such vehicles may reduce the risks of getting stuck, they won't reduce your risks of getting struck—or striking somebody else.

STEP 5. TRAIN WORKERS ON SAFE WINTER DRIVING

Driving in winter isn't like driving at any other time of the year. There are certain actual driving techniques required to drive safely in snow and ice. Even if they think they know what they're doing behind the wheel in the winter, they may be wrong. Being comfortable with winter driving and being competent at it are 2 completely different things. So, ensure that workers get training on how to drive safely in the winter. Key points to cover:

Proper Trailing Distances: It generally takes 4 to 10 times more time and distance to stop on icy or snow-covered roads as opposed to dry pavement. As a result, drivers need to leave ample room between the vehicles ahead and not follow them too closely.

Proper Braking Techniques: Pumping the brakes on a vehicle equipped with anti-lock brakes defeats that feature's purpose and dramatically increases stopping distances. Pumping brakes on slippery roads is only advisable with vehicles that don't have anti-lock brakes.

Handling a Skid: In winter conditions, you need all the traction you can get and entering a curve while braking or accelerating is going to reduce traction, possibly leading to an unrecoverable skid. The proper technique involves braking before the corner and steering into it without brakes applied. As long as you decelerate and

coast through the corner the front wheels remain loaded by the weight transfer, giving you the maximum steering effectiveness. “The important thing to remember is not to accelerate until you’ve turned the steering wheel back towards straight at the end of the corner.

Drivers first must identify whether the front or rear of the vehicle is beginning to slide. If the vehicle is skidding at the front, they should ease off the accelerator and turn the steering wheel back just a little toward straight to regain traction and control. If the rear end starts to skid, they should look to where they would rather be going and turn the steering wheel in that direction. As they turn into the skid, they should gently accelerate to bring the vehicle back under control.

STEP 6. ENSURE VEHICLES ARE PROPERLY EQUIPPED FOR WINTER DRIVING

Employers must ensure that not just the workers but also the vehicles they drive on company business are properly prepared and equipped for winter driving. This is imperative regardless of who owns the vehicle. If the company owns the vehicle, require workers to take certain steps to prepare it for winter, such as installing snow tires on it before using it on the job. If workers use their own vehicles, require them to take the same steps to prepare the vehicle before allowing them to use it on company business.

Perhaps the most important piece of winter driving safety equipment of all are the tires. Follow Transport Canada’s 4 tips:

Tip 1. Use Snow Tires: Snow tires help drivers control their vehicles safely in slippery conditions. Tires marked with the pictograph of a peaked mountain with a snowflake meet specific snow traction performance requirements and have been designed specifically for use in severe snow conditions. Tires marked “M + S”—or “mud

and snow” tires, also known as “all-season” tires—continue to provide safe all-weather performance, but may not always be suitable for severe snow conditions. Wide, high performance tires, other than those that are specifically designed as snow tires, aren’t suitable for use on snow-covered roads.

Tip 2. Don’t Mix Tire Types: If workers may be driving in severe winter conditions, install four winter tires that meet the “snow tire” designation on their vehicles. Mixing tires with different tread patterns, internal construction and size degrades the stability of the vehicle and should be avoided.

Tip 3. Replace Worn Tires: As a tire wears, its snow traction is reduced. Tires that are worn close to the tread-wear indicators shouldn’t be used on snow-covered roads or in severe snow conditions. So, be sure to replace tires as they get worn.

Tip 4. Maintain Proper Air Pressure: Proper air pressure extends tread life, improves safety and reduces fuel consumption. Tire pressure decreases as temperatures drop, so be sure workers check the pressures in their vehicles’ tires at least once a month when the tires are cold, preferably after the vehicle has been out all night.

STEP 7. IMPLEMENT A WINTER SAFE DRIVING POLICY

The final step is to establish and implement a written OHS policy for driving safely in the winter that requires workers to get proper training, sets vehicle and equipment standards and lists the roles and responsibilities of the different stakeholders—employers, supervisors, workers, etc.—in minimizing the risk of traffic accidents.

WINTER DRIVING SAFE WORK PROCEDURE

BACKGROUND

Motor-vehicle incidents are a leading cause of workplace deaths. Winter weather can present hazards for workers who drive for work or as part of their jobs. For example, more work-related crashes causing injuries that result in time-loss claims occur between October and February.

PURPOSE

The purpose of [insert company name]'s winter driving safe work procedure is to:

- Reduce the human and financial costs associated with motor-vehicle crashes;
- Promote safe driving practices that reduce worker exposure to winter driving hazards;
- Improve the safety performance of [insert company name];
- Ensure that [insert company name] meets or exceeds the minimum requirements of the [insert name of applicable OHS statute] and the [insert name of applicable OHS regulations] ("the OHS laws"); and
- Develop and maintain a safe work environment that helps [insert company name]'s drivers meet their obligations under the [insert name(s) of applicable motor vehicle or road safety laws] and other applicable laws.

DEFINITIONS

Personal Vehicle: A vehicle owned, leased or rented by a worker and used for work activities.

Fleet Vehicle: A company-owned, leased or rented vehicle for the purpose of work activities.

SCOPE/APPLICATION

This safe work procedure applies anytime a

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worker is required to drive a fleet or personal vehicle (such as a passenger car or light-duty truck) for work purposes during the winter driving season (October 1st to April 30th).

RESPONSIBILITIES

Among other duties, supervisors will inform their workers who drive for business purposes of all known or reasonably foreseeable winter driving hazards. Supervisors are expected to conduct a job task analysis to identify seasonal driving hazards and take appropriate steps — such as instruction or training — to eliminate or minimize worker exposure to the identified hazards.

TRAINING

[Insert company name] will provide workers with the information, instruction, training and supervision necessary to ensure the health and safety of workers who drive for work purposes, including fleet vehicles or personal vehicles driven for work.

SAFE WORK PROCEDURES

Pre-Trip: Decisions Concerning Travel in Winter Conditions

Before approving any work-related driving in winter weather, the supervisor should determine:

1. If work tasks can be accomplished through means other than driving, such as conducting business by phone, e-mail or video conferencing; or
2. If work activities can be accomplished by using other means of travel, such as public transportation, where available.

If winter weather driving is required, the supervisor — with input from other supervisors and workers — will assess weather conditions for where company driving will occur and, when necessary, modify driving activities (such as changing driving routes, allowing for more travel time, driving during daylight hours, postponing travel during adverse winter weather, etc.).

Pre-Trip: Worker Preparation for Winter

Driving

Plan your route — where possible, minimize your time on streets or highways that may become dangerous during bad weather. Respect road closure signs and barriers. Allow extra time for work travel to avoid rushing.

Working alone procedure — follow [insert company name]'s procedure. Plan specific times or locations to check in. Ensure your supervisor knows your trip route and expected arrival time.

Apparel/PPE — wear comfortable clothing that doesn't restrict your movement while driving. In addition, bring warm clothing (winter boots, coat, gloves and hat) in case of an emergency. Ensure that you have a suitable high visibility vest that can be easily accessed from inside the vehicle.

Communications — follow [insert company name]'s policy on distracted driving. Make sure your cell phone is charged. Ensure charger cable is available. Make sure two-way radios are operational (if available).

Fitness/ability to drive safely — objectively and to the best of your abilities evaluate your personal condition. Are you:

- Rested? (Drowsy driving reduces your attention, slows reaction time and impairs decision making.)
- Hydrated?
- Nourished?
- Medically fit to drive?

Pre-Trip: Daily Assessment of Vehicle Exterior

PPE — wear your high visibility vest.

Assess engine noise — listen for unusual squeals, clicks, hisses or other sounds that may indicate the need for maintenance or repair.

Disengage the engine block heater, if available.

Snow/ice removal — activate heating and defrost controls after starting your vehicle. Clear any snow and ice from all windows, lights, side mirrors, hood, roof and any vehicle camera systems. Be careful of postures and extended reaching that may cause a back strain — use a long-handled brush when removing snow or ice.

Vehicle circle check — before assessing the condition of the vehicle, make your presence known to other workers nearby through communication and the use of a suitable traffic cone. Be mindful of the presence of other vehicles or mobile equipment. Be careful of slippery surfaces that might cause you to slip and fall.

Check the condition of the following:

- Windows — undamaged and clean
- Mirrors — undamaged and clean
- Wipers — in good working order
- Headlights/rear lights — in good working order
- Other lights (e.g., hazard lights, fog lamps) — in good working order
- License plate light — in good working order
- Bodywork — undamaged
- Winter tires — check for visible damage and assess inflation
- Undercarriage — check for visible fluid leaks
- Stored materials (truck bed or trailer) — safely secured with suitable straps or netting
- Externally mounted loads — safely secured and within the ratings capabilities of

external OEM or aftermarket racks

- Trailer (if applicable) — securely hitched, in good working order

Pre-Trip: Daily Inspection of Vehicle Interior

Inspect — check the condition of the following:

- Seat belts — in good working order
- Head restraints — set correctly for driver's height
- Interior — no loose items
- Driver's floor — free of items / hazards
- Dash warning lights — engine / system status good
- Gas — have adequate reserve in case of emergency
- Brakes — in good working order
- Rear-view and side mirrors — set correctly
- Items — secured with suitable straps / restraint netting
- Fire extinguisher — charged, available
- Emergency seatbelt cutter — available, accessible
- Flares / emergency reflective triangles — available
- Windshield washer fluid — spare fluid available
- Supplemental food — in case of emergency

Pre-Trip: Weekly Assessment of Vehicle

Check all of the above. In addition, check the following:

- Tires — check the air pressure (the correct pressure is listed on a decal located in the

driver's side door jamb) and tread depth (3.5mm minimum) on all tires.

- Vehicle jack — check for the availability of a vehicle jack and the inflation level of the spare tire, if available.
- Windshield washer reservoir — fill reservoir with cold-rated (e.g. —45°) windshield washer fluid.
- Winter survival kit — Recommended items include:
 - Emergency kit containing non-perishable food, one blanket and first aid kit for the driver and each passenger
 - Windshield scraper and snow brush
 - Extra windshield washer fluid
 - Spare tire, wheel wrench and jack
 - Shovel and traction mat, sand or kitty litter
 - Fuel-line antifreeze
 - Flares and matches or lighter
 - Tire chains and gloves
 - Flashlight and extra batteries
 - Battery jumper cables

Drive For the Conditions

Look ahead — scan the road ahead for hazards. Look ahead of the vehicle in front of you for changes in the traffic pattern and be ready to respond. Drivers tend to steer where their eyes are directed so keep your eyes focused in the direction you want to travel. Eliminate or minimize any distractions that may occupy your attention.

Speed — reduce your speed (depending on

the weather conditions) to below the posted maximum speed limit.

Space — increase the space between your vehicle and the vehicle in front of you. On the highway, leave at least a four second space between your car and the vehicle in front of you.

Road surface — reduce speed when approaching icy areas such as shaded areas, bridges and overpasses.

Vehicle control — steer gradually to avoid a skid. Accelerate gently, turn slowly, and brake carefully and early. Avoid quick movements that could put you in a spin. Anticipate turns, stops and lane changes well before they occur.

Visibility — it's critical for drivers to be seen in low light conditions, and when blowing snow impairs visibility. Always drive with your headlights on.

Emergency and highway maintenance vehicles — be cautious when approaching emergency vehicles, snow plows, highway maintenance vehicles and other vehicles on the side of the road. Maintain a safe following distance or slow down and move over

Emergency vehicles — drivers must slow down and (if safe to do so) move over when approaching a stopped emergency vehicle, from either direction, when it has its lights flashing. Drivers must slow their speed to 70km/h when in an 80km/h or over zone and 40km/h when in an under 80km/h zone.

Post-Driving Activities

Documentation — create a daily entry in the mileage and vehicle condition logbook.

Reporting — advise your supervisor of any unique road hazards.

Emergency Procedures

If you become stuck or stranded, follow [insert company name]'s procedures. Stay with your vehicle, if safe to do so. If it's an emergency, call 9-1-1.

If you're involved in a crash:

1. Turn off your vehicle.
2. Check if you or your passengers are injured; call 9-1-1 if required; provide any necessary first aid, if trained.
3. Crashes can be traumatic – consider your emotional state (and that of your passengers) before exiting your vehicle.
4. If involved in a multi-vehicle crash, consider the emotional state of the other driver and their passengers.
5. Depending on the severity of the crash, fuel lines may have been damaged; if you see or smell fuel, immediately get yourself and your passengers to safety.
3. Beware of fallen electrical lines if a power pole has been struck; stay inside your vehicle and/or drive to a safe location, if possible.
4. Move your vehicle to the side of the road, if damage is minimal.
5. Never walk onto the roadway to inspect damage; other drivers may be too focused on the crash to notice you or they may inadvertently steer too close.

Assess Immediate Hazards

1. Always assess traffic hazards before exiting your vehicle. Take steps to be seen — wear

suitable high-visibility apparel (such as a vest or jacket) when near traffic or mobile equipment.

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4 TIRE TIPS FOR SAFE WINTER DRIVING

Workers who drive as part of their duties face special challenges in the winter, including heavy snow, black ice and reduced visibility.

One way to protect workers on the roads this season is to ensure that their vehicles are equipped with the proper tires for winter driving conditions. Here are four tire tips from Transport Canada:

1. Use snow tires. Tires marked with the pictograph of a peaked mountain with a snowflake meet specific snow traction performance requirements and have been designed specifically for use in severe snow conditions. Snow tires help drivers control their vehicles safely in slippery conditions.

Tires marked “M + S”—or “mud and snow” tires, also known as “all-season” tires—continue to provide safe all-weather performance, but may not always be suitable for severe snow conditions.

Wide, high performance tires, other than those that are specifically designed as snow tires, aren't suitable for use on snow-covered roads.

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So make sure to replace tires as they get worn.

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