

To: Forum Directors, Presidents, CEOs & Area Executives
From: Kerry Arnold, Manager Technical & Roding

WORKTIME AND LOGBOOK COMPLIANCE / ESSENTIAL SERVICE COMPLIANCE / BACKLOADS ON ESSENTIAL SERVICE VEHICLES

Worktime and Logbook Compliance

There is a view emerging within the sector that in the present State of National Emergency, declared yesterday by the New Zealand Government, that the provisions of the Worktime and Logbooks Rule can be overridden.

This is not the case. The work time obligations remain in place unless Government, using its emergency powers under the authority of the appropriate agency (NZTA), declares otherwise and even then, it is not likely to be an open, no holds barred approach.

Historically, NZTA has been very cautious about wholesale declarations of this type, deferring to conservative approach such as extending work time hours within the scope of variations specified in the Rule.

The NZTA has special powers to put in place emergency rules that don't require it to go to consultation.

During the Kaikoura earthquake and Christchurch earthquakes any relaxations were limited and only available for a short time periods; in one case only three days. The relaxations for the earthquakes were put in place to meet the imminent needs of public safety and public health requirements.

The information below is from the Worktime and Logbooks Rule. The circumstances we are in are measurably different to the situation declared under the Civil Defence Emergency Act provisions.

2.3 State of emergency

2.3(1) During a state of emergency declared under the Civil Defence Emergency Management Act 2002, a driver may extend work time hours if the driver can provide evidence that they were directed by the Controller, or by any member of the Police, or any other person acting under their authority, to carry out emergency response work.

2.3(2) As soon as is practicable, a driver must record in their logbook the reason for exceeding work time requirements, and any additional hours, arising from emergency response work.

In the present climate no specific urgency exists that would warrant relaxing the worktime provisions. If anything, the contrary applies. As fewer private vehicles are on the road, the transport sector has much more freedom to complete delivery tasks within the constraints of the worktime rule.

One final point; there is still Health and Safety at Work Act to abide by, where drivers must have adequate rest whatever the situation.

Essential service compliance

The latest list of what is deemed an essential service by government can be found here:

<https://covid19.govt.nz/government-actions/covid-19-alert-level/essential-businesses/>

RTF is aware the community policing initiatives that are part of the COVID-19 management process have resulted in some truck drivers being stopped and interviewed to ascertain whether they are operating within the scope of an essential service. This may also include travel to and from work in their private vehicles.

To assist drivers with these interviews we suggest it is advisable for logistics managers and dispatchers to provide drivers with documentation, or a letter of confirmation, to the effect they are engaged on providing or supporting an essential service.

Backloads on essential service vehicles

This is an issue that will require further clarification but the reality is the outbound trip may be financially viable only if supported by back load revenues. We are in discussions with the Ministry of Transport on this.

Operating a vehicle with a nonessential backload may become an issue with the authorities, so the letter or document showing the outbound leg of the transport service was provided for the purposes of an essential service may help ameliorate any tension with authorities. We would expect pragmatism to prevail but we can never be sure so our advice is please take all reasonable steps to help drivers in these trying times.