



Edenred

Developing a Driver Eyecare Policy

Your options & legal obligations

Next practice in rewards and benefits

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Overview

The Corporate Manslaughter Bill was introduced in April 2008 and has fuelled debate around whether sight tests for drivers of commercial vehicles should be compulsory. This can include van and truck drivers, fleet drivers, company car drivers and, in short, anyone who drives on business and who could pose a danger on the road if their eyesight is not up to driving requirements.

The background

This document is not designed to scaremonger, but to look at the facts and assess the potential risks to an organisation of ignoring what is an extremely important area for concern.

Driver eyecare is one of the areas which is only currently addressed by a small percentage of companies and yet it has the potential to result in serious problems for the employer.

If driving is a part of your job, then your chances of being involved in an accident increase significantly. The Royal Society for the Prevention of Accidents (RoSPA) has produced some frightening figures showing the risks for drivers who travel more than 25,000 miles a year:

- **1 in 8,000 risk of death**
- **1 in 5,000 chance of a vehicle's occupant being killed in an accident**
- **1 in 400 chance of a vehicle's occupant being seriously injured in an accident**
- **1 in 100 chance of a vehicle causing a car related injury every year**
- **1 in 4 chance that a vehicle would be damaged in an accident**

Many commercial drivers can cover a great deal more than 25,000 miles in a year. RoSPA's research shows that around 20 people are killed, and 220 seriously injured, every week in crashes involving someone who was driving, riding or otherwise using the road for work.

The vast majority of these will purely be down to driver error – RoSPA statistics show that 95% of accidents are caused by people's behaviour. But what proportion of these deaths and serious injuries could be avoided by companies taking simple measures to regularly check the eyesight of their drivers?

RNIB has found that 13 million drivers on the road do not have good enough eyesight to be driving without glasses or contact lenses. How many of these people work for your organisation? How many are currently behind the wheel of a company vehicle without the glasses or contact lenses they should be wearing? How many have even been for a recent eye test?

Why should it matter to employers?

The Health and Safety (Display Screen Equipment) Regulations 1992, which were amended in 2002, gave employers responsibility for the eyecare of visual display unit (VDU) users. However, in stark contrast to this, there is currently no direct regulation in place which addresses the need for people who drive, either private or company-owned cars, on commercial business to have their eyes tested.

As described in the RNIB statistics above, an alarming number of people on the roads have such poor eyesight that they shouldn't be driving without corrective glasses or contact lenses. These figures, which will be discussed in detail later, show the need for better regulation and for taking responsibility – starting with the employer.

Eyesight often deteriorates slowly, making people oblivious to a change in their vision until it is too late. They may believe, for example, that no one else can see that motorway sign until just 25m away from it – but only realise this is not the case after a potentially fatal accident.

Consider a new sales manager's first day at work. The employer will provide a mobile phone, a laptop and keys to potentially the most dangerous piece of work equipment the employee will get, the company car.

What checks might that person have gone through before getting to that point? Many companies insist on seeing an employee's driving licence to check that it is valid, but how much attention is given to whether the person needs glasses to drive? Even if the licence states that the person does not need corrective spectacles, what is to say that their eyes haven't changed since they took their driving test 20 years ago? The employee would be driving on company business and may not be able to see beyond the bonnet of their car - let alone the person crossing the road in front of them.

What has changed under the new legislation?

Previously, unless the employer was asking the employee to do something illegal such as making a journey in a time which would mean breaking the speed limit, the company could not be held responsible for any accidents. A company could only be convicted of manslaughter if a Managing Director or Chairman was personally responsible for allowing the person to drive.

However, the new law allows for prosecution arising from management failures, when an accident 'at work' results in a death. This means that now, for the first time ever in the UK, an employer could be held accountable for a fatal accident caused by an employee as a result of poor eyesight if significant management failures could be identified and proved against individuals in the company. Ignorance of the need for a driver to wear glasses would certainly not be a good enough excuse. This would come into effect from the very first time an employee drives on company business, even if it is their first day.

For a corporate manslaughter case to be proved, a judge has to deem that there has been gross negligence on behalf of the employer, which led to a fatality. As yet, there has not been a test case for this, but driving for work is an obvious target due to the sheer number of fatalities on the roads. Any cases are likely to be of great interest both to the public and the media. Health and safety professionals, in particular, are currently holding their breath - waiting for the all-important first case to test the new law.

Why are regular sight tests so important?

This is the ideal time to ensure your business is up to speed and addressing its responsibilities. Aside from the need to make sure your company is not at risk from prosecution under the new legislation, having a policy in place to look after your employees' eyesight shows your workforce that they are valued. Optical care has recently been quoted as one of the top five core healthcare benefits offered by employers in a survey conducted by Employee Benefits magazine. Offering Eyecare to your staff can help with retention and recruitment as it demonstrates that your organisation genuinely looks after its staff.

Eyesight tests will not just help to protect the future of your organisation against prosecution under the new legislation, they can highlight potentially serious medical conditions amongst staff.

20 Minutes That Saved Helen's Sight

Thanks to a VDU-users sight test paid for by her employer, Helen was successfully treated for a potentially blinding condition. The day that 29-year-old Helen went for a routine eye examination was one of the luckiest days of her life. Despite the fact that she had no symptoms, the 20-minute check revealed that the retinas of both her eyes were becoming detached. Without rapid treatment, she could have gone blind with little or no warning.

Helen had gone for her sight check almost by chance and she was convinced her sight was absolutely fine. The optometrist on duty immediately realised Helen had a problem.

"Helen's case was extraordinary. The retina is the light sensitive, innermost layer of the eyeball and if there is a tear or detachment the patient usually notices a multitude of small black floaters or a shadow in part of their vision. Helen had none of these symptoms, but if her condition had been left untreated, there was a serious danger that she could have lost her sight."

At first, Helen just couldn't believe there was anything wrong with her sight. "I had no difficulty seeing clearly," she said. "What's more, I had just heard that I had been posted to New York, and when the optometrist told me she thought there could be a problem with my eyes, I said I would have them looked at when I arrived in the USA."

Flying to the States with this type of eye condition could potentially have been the worst thing for Helen to do, so the optometrist was persistent and recommended that Helen should see her GP as soon as possible. When she did, she was immediately sent to the Royal Free Hospital, where she was referred to Moorfields that same afternoon with detaching retinas in both eyes. Helen underwent laser surgery within days. The retina in her right eye was in quite an advanced state of detachment, while detachment in her left eye was just beginning. There was only a little soreness after surgery and Helen is now fully recovered.

"The whole situation has made me realise just how important it is to have your eyes checked regularly," added Helen. "I had an eye examination about three years before and there was no sign of any trouble at all. It shows that these things can happen quite unexpectedly, and to someone of any age."

"Eye examinations are a window to the body, providing indications of other health issues such as hypertension, low or high blood pressure and it is not unknown for signs of conditions such as brain tumours, diabetes and high cholesterol levels – all of which could affect long-term health – to be picked up through eye tests. Too few employers and employees themselves realise that eye tests are a very quick health check at a very low cost."

Marc Karbaron, Optician

What should be included in a driver eyecare policy?

The following four point plan provides a summary of what should be contained within any driver eyecare policy:

1. **Purpose and scope of the policy** – an explanation of what the policy has been designed to do, namely to ensure that the people who drive vehicles as part of their role minimise any risk to their health and the health of other road users when driving on company business.
2. **Employer and employee responsibilities** – clearly define the role of the employer as a provider of the sight test as a result of the person's job role requiring them to drive on company business. It would also be beneficial to make the employee aware of the steps that they can personally take to make them safer on the road.
3. **Monitoring and review** – state the need for employees to provide proof that they have had their eyes tested and that they don't need to wear glasses, or for those who wear glasses, a signed document stating that they will wear these at all times when driving on company business.
4. **Record keeping** – develop an appropriate system to log all users that have been provided with eye tests and ensure that these are followed up at the required time (normally every two years).

How can employers manage a scheme for their drivers?

There are three options available to employers to ensure the eyesight of driving employees is tested regularly:

Reimbursement

This involves employees paying for their own eye tests, then their employer reimbursing them for the expense, either out of petty cash or through the expenses system, rather than having an upfront payment method. There are several disadvantages associated with this method. Firstly, it requires employees to incur a direct cost, which may discourage them from having their eyes tested. Secondly, employees may be unclear as to exactly how much they can claim back from their employer and finally, unless specifically told, the optician will not be aware that the eye test is for driving.

Single deal with opticians

This involves an organisation developing a direct relationship with a local optician or large chain of opticians. There are no upfront costs to the employees but they are restricted to using that specified eyecare provider, who is often located close to the office. This may prevent employees from continuing to see their regular optician so for this reason it may be preferable for the employee to choose the optician rather than having a practitioner pre-selected by their employer. This has the advantage of continuity of eyecare, maintaining the confidence of the user and, as a result, employees are more likely to have regular eye tests.

Employers should also be wary of selecting an optometrist purely on the basis of cost. Eye examinations need to take into account whether a person drives for their work so that they can consider that employee's ability to drive with or without glasses. Cheaper optometrists may not provide enough detailed information on this aspect of the eye test. Beware, too, of 'bargain' deals which don't offer real value, such as flexibility in the choice of opticians for employees. Staff will be less likely to make use of the opportunity – or even to recognise that what they are being offered is of benefit to them.

Eyecare vouchers

Under an eyecare voucher scheme, organisations have an account with a voucher supplier and purchase the required amount of eyecare vouchers upfront. These are then offered to employees who redeem the vouchers with the optometrist when they go for their eye test. Vouchers are also available to help with the cost of glasses to correct vision, should they be required specifically for use when driving. There are no sudden demands for petty cash advances and no expense claims to reimburse – nor is there any possibility of misuse, as vouchers can only be used for their intended purpose and cannot be converted into cash. Eyecare vouchers have the added benefit of offering a great deal of flexibility and choice to employees. Edenred Eyecare Vouchers, for example, are accepted by over 96% of optometrists (more than 6,000 opticians) in the UK, so staff can use them at their local optician.

Eyecare vouchers do not constitute a benefit in kind and are exempt from PAYE liability. They are free of National Insurance contributions for both employers and employees and the employer's costs are deductible for Corporation Tax purposes. In addition, you won't pay VAT on the purchase of the vouchers.

Want to know more?

If you'd like to know more about how the Corporate Manslaughter Bill affects employees driving on business for your organisation, or would like to know more about the eyecare options available to you, the following websites will help:

www.homeoffice.gov.uk
www.eyecarevouchers.co.uk

What you need to know:

- In light of the new Corporate Manslaughter Bill, employers need to be sure of their responsibilities so that they can protect themselves and their staff. Any organisation that employs people who drive on company business needs to have an eyecare policy in place to be sure that it is complying with this new legislation.
- Every week people are killed or seriously injured on UK roads. If your employees are involved in a fatality whilst driving for work, your Health and Safety Managers could find themselves facing heavy penalties – even imprisonment.
- It is in the interest of those affected by the new legislation to make sure that drivers' eyesight is good enough to be on the road by ensuring they have regular eyesight checks. This can be done through reimbursement, single deals with opticians or eyecare voucher schemes – such as those offered by Edenred.



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About Edenred

We help organisations engage and motivate people to achieve enhanced performance

Our unique and unrivalled total reward solutions:

Employee benefits solutions that encompass the management of your flexible and voluntary benefits, employee discounts and salary sacrifice schemes, that can be deployed to drive engagement at a company-wide level or focused around specific segments of your workforce.

Incentives and rewards solutions that can motivate, create behavioural change and improve performance, centred around the widest choice of reward platforms and mechanisms and that offer the recipient the widest choice of redemption options.

Expense management solutions that help streamline and simplify your routine payment processes, reducing administrative burden, saving money and helping make life easier for everyone.

Communication services that ensure your investment in incentives, rewards and employee benefits are understood, valued and appreciated, delivering maximum returns for your business.

This offering is available to our clients as a fully integrated solution or as individual products that meet a specific need or requirement, either at a local, national or international level.

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