
checklist

September 2015

Are your employees safe to drive checklist

What steps should you take as an employer to demonstrate that you have made reasonable enquiry on whether a prospective employee is fit to drive where there is a requirement to drive as part of the role?

Pre-employment

Enquire with the applicant whether there are any reasonable adjustments that need to be made for the interview

Make clear in the job application form that the role is one which requires the successful applicant to drive as part of their job and make the following enquiries:

○ Whether the applicant has a relevant driving licence

○ Whether they suffer from any medical condition that they are required to disclose (or have disclosed) to the DVLA

○ Whether their driving licence contains any restrictions from DVLA

○ Whether they have any medical condition which may affect their ability to drive

If the answer is no to all queries above, then continue with your recruitment process as normal

If the answer is yes to any of the queries above then in the event of an offer of employment being made, it would be reasonable to make such offer conditional upon receiving suitable medical information (whether from the applicant's GP or OH) assessing whether the applicant is fit to drive. This could be:

○ Obtaining an occupational health report on the applicant and his ability to carry out the role in light of any disclosed medical conditions

○ Asking the applicant's GP to verify the information given by the applicant in relation to his health and commenting on the applicant's suitability for the driving role

During employment

Contracts of employment should include an obligation on the employee to notify the employer if the medical information provided as part of the recruitment process has changed and/or if there is a change in their health that could affect their ability to drive safely. Failure by an employee to comply with this contractual obligation would be a breach of contract.

Employers might consider asking employees to sign an annual/bi-annual declaration that there has been no change in their health or any medical conditions that could affect their ability to drive

Contracts of employment should give the right to the employer to request that the employee undergoes a medical assessment at any time throughout the course of the employment.

Review your disciplinary policies and procedures as you will want to ensure that if the employee lies and/or provides misleading information as part of any forms completed regarding their health then that would constitute gross misconduct which can lead to summary dismissal
