

Winter Driving Safety & Compliance Game Plan



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.