



Barbados Employers'
Confederation



Road Traffic Act Guidance from the BEC

Road Traffic (Amendment) Regulations 2017 has caused some intense discussion in and around the workplace as well as in public. The Barbados Employers' Confederation saw it necessary to provide guidance to employers on the actions for employment relations as necessitated by this Act.

The Act in **Section 24 (7)** gives much consideration as to who is the owner of the vehicle. Under the Act the owner of the vehicle becomes liable for breaches made while the vehicle is in operation. It therefore places the responsibility on the owner of the vehicle to ensure that the users of the vehicles are clearly warned of the do's and don'ts while operating the vehicle. While the driver is responsible there can be some claim of vicarious liability in circumstances where reasonable provisions were not made for the vehicle's legal operation.

Section 2 defines owner in the case of a registered motor vehicle as:

- i. The person in whose name the vehicle is registered;
- ii. The person in charge or in possession of the vehicle where the owner is absent from Barbados; or
- iii. The purchase in possession of the vehicle under a hire purchase agreement.

Employers must move swiftly and strategically to ensure that they facilitate an environment where all employees are aware of the changes to the Act and Company Policy.

What are the owner/employer's responsibilities?

1. Ensure all seat belts are functional.
2. Determine who are unauthorized drivers and passengers.
3. Ensure handheld devices are not in operation while driving.
 - a. If phone access is necessary, install handsfree devices with Bluetooth and voice activation capabilities
4. Ensure the vehicle operates within the stipulated speed limits.
5. Ensure the vehicle is roadworthy.
6. Ensure the vehicle is up to date on road tax and insurance.
7. Ensure all employees have a valid driver's license for the type of vehicle(s) operated.

What are the businesses' requirements?

1. Employers are required to create policies to govern the use of their vehicles. If there is an existing policy, it must be updated to include the new responsibilities of the drivers and the rules of the employer. Employees should be given reasonable time to peruse the policy and are required to sign as an indication of understanding and acceptance. If an employer can prove that he did all that was reasonably practicable to prevent breaches, this may serve as a justified defence.
2. Going forward, employees who are contracted to drive for work, whether their own vehicles or that of the company, should receive formal information regarding the company policy during their orientation process.
3. Additionally, policies should be disseminated via more than one medium and accompanied by a code of discipline. This will illustrate the seriousness of the matter. The employer however, must enforce the policy and code of discipline. If it can be proven that you condoned the behaviour of a single employee, it can be used against the employer as an acceptance of a culture indiscipline.