



Cycling and e-biking for Work Purposes

Introduction

The use of cycles for 'at work' journeys is increasing as a response to environmental concerns around the use of cars, promoting employee health and avoiding potential virus transmission risks associated with the use of public transport. A bicycle or e-bike that is used for work purposes is classed as a piece of work equipment irrespective of whether it is owned and/or provided by the employer, or the employee. The use of any type of bicycle for work purposes is covered by both health and safety, and road traffic legislation.

The issues

While statistics are suggesting that cycling is becoming relatively safer as it becomes more popular, latest figures still show an average of nearly three fatalities and 81 serious injuries per week in 2020¹. Cyclists are classed as vulnerable road users and are exposed to higher levels of risk as they do not enjoy the protection afforded by a vehicle body and can also be more difficult to see on the road. Because of this, the duty of care an employer needs to show towards employees cycling for work purposes is greater than that if they were using a car for example.

Next Steps

Risk Assessment

The insured is responsible for producing a suitable and sufficient risk assessment, which must consider as a minimum:

- Journey
 - Distance of ride
 - Duration of ride
 - Time of ride (does the ride coincide with rush-hour traffic or darkness?)
 - Topography (i.e. presence of hills etc.)
 - Weather (inclement and also excessive heat)
 - Availability and use of cycle lanes, or areas free of motorised traffic
 - Purpose of journey, including any equipment to be carried/returned
 - Cycle parking at destination or any intermediate stop-off points
 - Lone working

¹ <https://www.gov.uk/government/statistics/reported-road-casualties-great-britain-pedal-cyclist-factsheet-2020/reported-road-casualties-in-great-britain-pedal-cycle-factsheet-2020>

- Person
 - Competence on a bike and how is this demonstrated
 - Familiarity with the bike and adjustment
 - Knowledge of the Highway Code
 - Fitness/health
 - Appropriateness of clothing (avoiding loose and/or dark clothing) and footwear
- Equipment
 - Suitability of the bike chosen for the task
 - Employer supplied only?
 - CE/UKCA marked
 - Reputable manufacturer/supplier
 - Serviceability
 - Pre-use checks (particularly safety-critical components such as tyres and brakes)
 - Additional inspections (frequency, records)
 - Planned preventive maintenance (frequency, records)
 - Failure/malfunction whilst in use
 - Provision of safety equipment
 - Helmets (mandatory – how is this enforced and monitored?)
 - Wet weather gear (who provides, maintains?)
 - Hi-visibility clothing (mandatory – who provides, maintains?)
 - Bike lights
 - Bell or other audible warning device
 - Water and, from March to October, sun screen
 - Transporting (if permitted)
 - On public transport
 - In a car (including private vehicle)
 - Lifting/manual handling risk assessment may be required
- Accident or injury
 - Fall from bike, hit fixed object, struck by moving object
 - Emergency procedure and response
 - Reporting and investigation
- Additional considerations pertaining to e-bikes
 - Employee familiarity with use
 - Inappropriate speed for conditions and environment
 - Malfunction of electrical element (particularly power assistance ‘sticking on’)
 - Additional weight
 - Manual handling
 - Manoeuvring
 - Battery safety
 - Leaking
 - Overheating
 - Charging

Information, instruction, training and supervision

Where the responsibility for complying with any of the risk controls identified in the risk assessment are delegated to employees, the insured must ensure that employees are supported with appropriate information, instruction and training to enable them to discharge those responsibilities effectively. The insured must also retain appropriate records to demonstrate that their responsibilities have been properly discharged. It is important that users are made aware of the requirements of the Highway Code and the hierarchy of road users.

A word on scooters and e-scooters

At present, e-scooters are only legal to ride in public as part of trial schemes in selected areas. Privately-owned e-scooters remain illegal for use in public places. E-scooters are classed as motor vehicles and are therefore subject to the same road use rules as other motorised vehicles, although some local authorities may have put additional byelaws in place further restricting or permitting their use. Riders of scooters and e-scooters are more vulnerable than cycle and e-bike users due to the size of the scooter wheels being insufficient to cope with normal road conditions (i.e. potholes). As such, Protector recommends that scooters and e-scooters are not used for work purposes.

Risk Management Advice

While cycling for work purposes can bring benefits, the increased risk must be properly assessed, understood and controlled to reduce it to acceptable levels. The insured must demonstrate that they have effective management control of this work activity and do not assume competence or knowledge on the part of the rider. Any delegation of risk control to the rider must be accompanied by appropriate support. Protector would recommend avoiding cycling for work purposes during 'rush hour' times (7am-10am and 4pm-7pm²), during periods of low visibility (i.e. fog) and/or light and in inclement weather or heatwave. Wherever possible, journey planning should make best use of cycle paths and off-road cycle tracks, avoid challenging ascents or descents and ensure appropriate cycle storage and welfare facilities for the rider at the destination. An appropriate helmet and high visibility clothing must be worn at all times while cycling and loose or dark clothing avoided. Cycles or e-bikes provided by the insured must be inspected and maintained (with a particular emphasis on the condition of tyres and brakes) with a process in place for addressing defects or responding to breakdown.

Cycles that have a fixed gear and are unable to freewheel, scooters and e-scooters are not suitable for use for work purposes.

² <https://www.gov.uk/government/statistics/reported-road-casualties-great-britain-pedal-cyclist-factsheet-2020/reported-road-casualties-in-great-britain-pedal-cycle-factsheet-2020#time-of-day-of-collisions>

Checklist

- ✓ A suitable and sufficient risk assessment
- ✓ A cycle that is fit for purpose and meets safety standards
- ✓ PPE and water easily available
- ✓ Details of training or advice provided to riders (i.e. training course synopsis, rider handbook)
- ✓ Synopses of training courses provided and records of attendance
- ✓ Analysis of accidents and near misses (if appropriate)
- ✓ Inspection and service reports

Further information and guidance on this subject is available from:

- <https://www.gov.uk/guidance/the-highway-code>
- <https://www.rospa.com/rospaweb/docs/advice-services/road-safety/employers/introduction-to-morr.pdf> - although aimed primarily at drivers of cars, vans and trucks, many of the considerations in this document are equally applicable to the use of cycles.
- <https://www.cyclinguk.org/article/cycling-work-tips>
- <https://www.sustrans.org.uk/>

For clarification or further information please contact –

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