

NEWLETTER No. 3.

VETTING OF DRIVERS

The National Road Traffic Act of 1996 requires transporters / operators involved in the transportation of goods to ensure that their drivers have a valid Professional Drivers Permit (PDP) and Driver's License. For Foreign drivers they are required to have an International Driver's License, Work Permits (if driver is not a permanent resident of the Republic but employed by a South African Company) and Defensive Driving Permits (DDP – iro Zimbabweans). It is the transport owners / operator's duty to ensure these documents are legit and the driver is legally allowed to drive on South African Roads and competent to drive that specific truck or transport those specific goods.

Gone are the days where you can trust any document provided to you by the driver. Stats have shown that 33% of Zimbabwean Drivers licenses and 66% of Zimbabwean DDP's are in fact fake! If these are not double checked and the driver vetted, and in the event of a claim, Insurers find out that the drivers documents are in fact fake (whether the transport owner or the driver knew it or not), Insurers will not be able to pay the goods in transit or a motor vehicle claim. Insurers are unable to pay an insurance claim where the claim involves an illegal act. Contravening the Road Traffic Act of 1996 would be classed as such an illegal act. Unfortunately, ignorance cannot be used as an excuse either, when it comes to the law, especially when it involves an industry in which the transporters operate - i.e.: transportation.

Every SADC country has their own licensing requirements and transport owners / operators employing foreign drivers need to be aware of what is required.

Example: - Requirements to legally drive a truck in South Africa using a Zimbabwean license:

- A valid Class 1/2 license
- A valid defensive driving certificate
- A license by Automobile Association (This is the International Driving Permit – 2 pages)
- Valid passport with a valid work permit/asylum seeker permit
- A traffic register.

When companies employ an office worker, employee checks are usually carried out, including credit checks, proof of education etc, so why should employing a driver be any different. Unfortunately, too many transporters are willing to give a newly employed driver a R2m Truck and R5m worth of cargo, without doing any checks, and then cry when the driver goes missing along with the vehicle and the cargo.

TUM's "Move It" Goods in Transit policy wording for Transporters reiterates this in the following clauses: -

11.11. Driver Fidelity Claim Extension

Loss of Goods arising through theft and/or hijacking in instances where there is involvement of Your driver(s) acting in isolation is covered. However, this extension does not cover the involvement of Your owners, partners, members or directors. **This extension is provided with the provision that all drivers and/or co-drivers have been vetted and are free of a criminal record. These records must be made available to the Insurers in the event of a Fidelity Claim or suspicion thereof.**

12. Road Vehicle Special Conditions

Drivers Licenses

No cover shall exist whilst the Carrying Vehicle is being driven or under the control of any person who is not in possession of a valid and suitable driver's license and driving permit (or failed to renew same) at the time of loss as is required for the relevant Vehicle in applicable legislation.

Theft of cargo by the drivers is unfortunately extremely common in South Africa, so Transporters / Operators should ensure that all drivers and co-drivers are vetted and are free of a criminal record before employment.

DON'T BE

"PENNY WISE, POUND FOOLISH"