MANAGING DIFFICULT PASSENGERS
GUIDANCE MATERIAL FOR BUS OPERATORS
**BACKGROUND**

On 11 July 2010 a passenger died in Beaufort after having been removed from a bus service operating between Melbourne and Adelaide. The passenger was removed from the bus service by the driver due to the passenger’s intoxicated and disruptive manner. The Coroners Court of Victoria investigated the death and issued its findings on 13 February 2012.

The Coroner’s report included a formal recommendation that “Transport Safety Victoria (TSV) give consideration to the provision of specific guidance to the bus industry that explains how bus operators can meet their safety duties when managing difficult passengers, including the removal of passengers by drivers due to their poor behaviour or intoxicated state”.

The Coroner found that “although the passenger’s death may not have been foreseeable and the driver’s act in removing him from the bus did not directly cause his death, bus operators should have appropriate policies and procedures in place to meet their safety duties toward passengers.”

**INTRODUCTION – SAFETY DUTIES**

TSV has considered the risks posed by disruptive passengers to the bus industry. It has developed the following guidance material to assist operators to determine appropriate risk controls to meet their safety duties towards passengers.

Operators have an obligation to ensure safety so far as is reasonably practicable. This responsibility includes providing drivers with appropriate instruction and training, such as the actions to take if a passenger’s behaviour presents a potential risk to the safe operation of the bus service.

It is important to note that the safety duties imposed on operators and drivers under the Bus Safety Act 2009 (Vic) do not extend to providing for the personal protection of passengers in these situations. The critical factor is that the driver’s main priority and safety duty to their passengers is to concentrate on driving.

Drivers must take reasonable care to ensure the safety of passengers who may be affected by the drivers’ acts or omissions to the extent that it is related to the provision of a bus service. It is not envisaged that bus drivers would be required to, for example, intervene physically if a fight or brawl was taking place on board the bus they were driving. They may however be required to contact Victoria Police or call the depot/head office and seek advice on how to proceed.
SCOPE
To provide specific guidance to bus operators on how they may meet their safety duties in regard to managing difficult passengers.

RISK ASSESSMENT AND INTRODUCING DRIVER PROCEDURES
Operators have safety duties in regard to the management of difficult passengers, including the removal of passengers due to their poor behaviour or intoxicated state. Operators are encouraged to introduce procedures and training to assist drivers to deal with such events.

The guidance material has been designed to assist operators produce and implement such procedures. These procedures could become part of a ‘driver manual’ and/or ‘induction program’.

Operators need to consider their own operational environment and amend the guidance material accordingly.

Operators need to undertake a risk assessment of the services they provide to determine the level of risk their services are exposed to from such events and implement procedures as necessary.

GUIDANCE
Drivers may encounter difficult or aggressive passengers during the course of their duties.

These passengers may exhibit behaviours including:
- being disruptive and non-cooperative
- verbal threats, intimidation or harassment
- physical assault and spitting
- throwing objects and projectiles
- damaging property on the bus
- intoxication - drinking, smoking or drug use
- bullying and violence.

Difficult and disruptive passengers have the potential to both distract and distress the driver. The driver’s main priority and safety duty to the passengers is to concentrate on driving safely. If a passenger’s conduct is such that the driver is or may be distracted, it may be unsafe for the driver to continue the journey.
**DRIVER ATTITUDE AND BEHAVIOUR**

In some circumstances if the driver remains calm and respectful toward the difficult or aggressive passenger it may de-escalate the situation and reduce the risk of both physical and verbal assaults.

Below are some tips for drivers in regard to their attitude and behaviour:

• treat passengers with dignity and respect at all times
• accept differences in culture, language, religion, accents, gender and speech patterns
• speak clearly and ask passengers to repeat information if you are unsure
• remain calm, polite and professional at all times. Don’t take insults or offensive language personally. Remember, your response may turn a minor situation into a major conflict
• maintain self control. Loss of temper affects your judgement, reduces your driving ability and increases your stress
• empathise with the passenger when possible.

It is important to remember when dealing with difficult, intoxicated or drug affected passengers that their ability to make reasonable and rational decisions is greatly reduced.

**WHAT TO DO IF THE SITUATION ESCALATES**

Drivers should try to avoid conflict at all times. However, situations may arise that cannot be tolerated or ignored, such as when an assault has occurred or may occur, a threat has been made or other laws have been broken. In these circumstances, the driver should ring 000 as soon as possible.

Should the driver become concerned about a passenger’s behaviour the actions detailed below may help to eliminate risk where possible:

• stop the vehicle when and where considered safe
• open all doors
• remain in the driver’s seat or area if appropriate
• request the difficult or aggressive passenger to alight from the vehicle. Do not physically handle the passenger unless you are acting in self-defence. (If acting in self-defence the amount of force used must be reasonable and proportional)
• call 000
• call a supervisor.

If the difficult or aggressive passenger refuses to alight from the vehicle and the threat is still present, the driver could also consider the actions below:

• engage the handbrake, switch the engine off and remove the keys
• advise the other passengers that they may alight the vehicle
• alight from the vehicle
• wait until the police arrive.

**DRIVER TRAINING**

It is crucial that every driver understands the procedures and is given the opportunity to practise applying the procedures in a variety of situations. Interpersonal skills training of frontline operational staff can be a proactive way to reduce the risk of difficult passengers. Drivers who know how to deal with difficult passengers will be more likely to be able to prevent situations from escalating into more serious ones, for example, argument, abuse or assault.

Consideration could be given to training in customer service, behavioural assessment and conflict prevention/mitigation.
SUMMARY

Drivers may encounter difficult or aggressive passengers during the course of their duties. These types of passengers may pose a potential risk to the safe operation of the bus service by causing the driver to be distracted.

The BSA imposes safety duties on both operators and drivers. The driver’s main priority and safety duty to passengers is to concentrate on driving safely.

To assist operators to meet their safety duties in these circumstances, it is strongly recommended that operators introduce driver procedures and training to assist with dealing with such events.

The guidance material has been designed to assist operators produce and implement such procedures.

OPERATOR PROTECTION MEASURES AND TECHNOLOGIES

Operators could also consider the use of currently available protection measures and technologies to assist in the management of difficult passengers.

Operators need to consider their own operational environment and the level of associated risk. The use of such technologies may be appropriate for high risk operations.

Additional protection measures and technologies may include:

- duress alarms and emergency communications systems
- audio and/or video surveillance, for example, CCTV
- barriers
- signage
- GPS-based vehicle tracking
- self-defence tools and training
- counselling and employee assistance programs.
RELATED LEGISLATION

Current Victorian legislation includes:

- Transport (Passenger Vehicles) Regulations 2005 (Vic)
- Bus Safety Act 2009 (Vic) (BSA)

Regulation 71(2) of the Transport (Passenger Vehicles) Regulations 2005 (Vic) allows for the driver of a vehicle to request that a passenger leave the vehicle if the passenger is behaving in a violent, noisy or offensive manner or is so intoxicated that they are likely to behave in an offensive manner.

Section 15 of the BSA imposes a duty on the operator of a bus service to ensure the safety of that bus service, so far as reasonably practicable.

Section 17 of the BSA also imposes a duty on a bus safety worker (which includes a driver) to take reasonable measures to ensure the safety of persons who may be affected by the act or omissions of that bus safety worker.

BSA (Section 14(1)) and the Regulations impose a duty on a person to ensure safety so far as is reasonably practicable. To achieve this, a person is required to:

(a) eliminate risks to safety so far as is reasonably practicable; and
(b) if it is not reasonably practicable to eliminate risks to safety, to reduce those risks so far as is reasonably practicable.

Section 14 (2) of the BSA then provides that regard must be had to the following matters in determining what is (or was at a particular time) reasonably practicable in relation to ensuring safety:

(a) the likelihood or the hazard or risk concerned eventuating
(b) the degree of harm that would result if the hazard or risk eventuated
(c) what the person concerned knows, or ought reasonably to know, about the hazard or risk and any ways of eliminating or reducing the hazard or risk
(d) the availability or suitability of ways to eliminate or reduce the hazard of risk
(e) the cost of eliminating or reducing the hazard or risk.
WHERE TO GET MORE INFORMATION

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