



Overview

Safety Issue:

Cell phones can be both a safety tool *and* a safety hazard on the road.

Motor vehicle accidents are the leading cause of on-the-job deaths, and they are a major cause of death and injury off the job as well. There are many factors that contribute to accidents on the road, but a new one has become a prominent source of concern.

Cell phones offer any number of benefits to users, saving time and providing safety and convenience. Unfortunately, these advantages come at a price: the potential for increased vehicle accidents involving distracted driving.

Although there are no data to pinpoint the actual percentage of crashes caused by cell phone use and texting, it's clear that cell phones are a factor in a growing number of accidents. Driver distraction is the root of the problem, whether because of inattention to the road while dialing or keying, sending, or reading messages.

New technologies, such as hand-free phones, memory dial capabilities, and voice-activation features may help improve safety in some cases.

Whether your employees use cell phones or other electronic devices while they're driving on the job or when they're commuting to and from work, they

need to be alert to the safety hazards that these highly useful tools can create and be prepared to use cell phones safely and responsibly while on the road.

Legal Issues

OSHA regulation: In the absence of federal distracted driving laws for noncommercial drivers, the Occupational Safety and Health Administration (OSHA) encourages employers to declare vehicles as “call- and text-free zones” as part of establishing a safe workplace under the General Duty Clause of the Occupational Safety and Health Act (OSH Act). OSHA Director Dr. David Michaels issued a letter stating that “employers have a responsibility and legal obligation ... to have a clear and enforced policy” against the use of cell phones and electronic devices while driving and that employers violate the OSH Act if “by policy or practice” they require, incentivize, or encourage their use while driving. OSHA has warned employers it will investigate complaints and impose penalties on employers that fail to comply with its guidelines.

Commercial drivers. The U.S. Department of Transportation issued a final joint rule from the Federal Motor Carrier Safety Administration and

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the Pipeline and Hazardous Materials Safety Administration specifically prohibiting interstate truck and bus drivers from using handheld cell phones while operating their vehicles.

State law: Most states and the District of Columbia have passed laws that prohibit the use of handheld cell phones while driving, and more states are likely to follow. Many cities, such as Chicago and San Francisco, and local jurisdictions also have ordinances in place that ban the use of handheld phones.

Employers should also be aware that many other states have prohibited distracted driving such as text messaging, including composing, sending, or reading such messages, while driving. **Note:** Most state and municipal laws allow cell phones and mobile electronic devices to be used in emergencies to summon help or report an accident, fire, or criminal activity.

Liability. If an employee has an accident and harms someone while making a work-related cell phone call or text, the employer may be found liable. Several lawsuits have been filed against employers, as well as the employees themselves, who have harmed or killed someone allegedly because of cell phone use or texting while driving.

And what if the employee is driving a personal vehicle and using a personal cell phone? If his employer texts or calls him during the trip, and the employee is in an accident while answering or talking, the employer can be liable for any damage or injuries.

Management Issues

✓ **Establish a policy for cell phone use by employees who drive on the job.** The policy should state that employees are not to place calls or text using cell phones or other devices while driving or fueling vehicles. Cite state law if applicable. Employees should sign an acknowledgment that they have read and understand the policy.

Employees should also be instructed that if they receive a cell phone call or text, they should stop at a safe area to address it. Policies should also cover contractors.

Note: While an employer may be concerned about a loss of productivity if employees aren't using cell phones or sending text messages while on the road, the National Safety Council has found that 99 percent of companies that had policies prohibiting the use of cell phones while driving experienced no drop in productivity after the policies took effect.

✓ **Supply hand-free devices for those who must use cell phones while driving.** Most state and municipal cell phone laws allow the use of hands-free devices; check your locality. If allowed, supply employees required to be in contact with hands-free devices, but instruct drivers that it is preferable to pull over when talking.

✓ **Install blocking software.** There are devices that can be installed in company vehicles to block all cell signals except calls to 911. The software senses when a vehicle is moving and begins blocking signals. Inform employees when this software is installed.

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✓ **Outline disciplinary measures.** The policy should state that failure to comply with this policy can result in disciplinary action up to termination. Some companies have a cumulative “point” system for violations. The policy can also state that any accident occurring while an employee is talking on a cell phone or texting will be considered a “preventable” accident caused by the driver.

Training Issues

Safe cell phone use is a topic that affects everyone who drives—and that includes most, if not all, of your employees. Even those who don’t own a cell phone need to understand the hazards of cell phone use and know how to drive defensively around those who do. And employees who do own and use cell phones on the job and off need to understand that developing strong habits of safe cell phone use is a serious responsibility. Important training issues include:

✓ **The cell phone can be a significant safety tool for drivers.** Although the cell phone poses risks to drivers, it also can be an important safety tool. The advent of the cell phone has meant that drivers don’t need to leave their vehicles because of a breakdown and risk being struck by oncoming traffic or accosted by strangers. It also means that accidents can be reported to the police and medical assistance summoned almost instantly. Employees should be encouraged to use their cell phones to protect their safety.

✓ **Cell phone use while driving increases the chance of accidents.** On the other hand, distracted driving is also a likely cause of a growing number

of road accidents. Typically, drivers fail to respond quickly to changing traffic patterns or wander into another lane while dialing or texting.

✓ **There are a variety of hazards associated with the use of cell phones while driving.**

Hazards that employees need to be aware of include distraction while dialing, texting, driving too fast while juggling the phone and steering wheel, inadequate steering control, wandering from the lane while focusing on the conversation, slowing down or speeding up, depending on the emotions generated by a call, being startled by a ringing phone, and swerving while reaching for the phone, among others.

✓ **Safe habits can reduce the risk of accidents and injuries.** Safe and responsible use of cell phones on the road can reduce accidents. Employees should be advised to pay full attention to their driving and limit cell phone use to necessary calls and occasions when road conditions permit safe operation of both the vehicle and the phone. When conditions make cell phone use hazardous, the best policy is to pull over and stop when making or receiving a call.

The information contained in this checklist will help you encourage and monitor safe cell phone use by employees who drive on the job, and it will also help you suggest safety precautions to all employees who use cell phones in their personal vehicles. You can use the quiz to test employees’ awareness of cell phone hazards and knowledge of safety precautions to prevent accidents.



Take Action

Remind employees that they have signed an acknowledgment that they have read the policy.

Publicize your cell phone/texting policy and publicize it on your intranet and in company publications. Have managers and supervisors review the policy with employees. Encourage employees to ask any questions they need to understand and implement the policy.

For Further Help

For more information and safety suggestions, go to the federal government's official website on distracted driving at <http://www.distraction.gov> or the National Safety Council's distracted driving website at http://www.nsc.org/safety_road/Distracted_Driving. Your state Department of Transportation can provide you with useful information. Also, you may find cell phone or texting laws for your state online at <http://www.distraction.gov/content/get-the-facts/state-laws.html>.