

Driving and Using Cell Phones



**Workplace
Program**



Cell phones and other hand-held electronic devices play a central role in our society. This has led to an increase in the number and frequency of people using their phones while driving – magnifying dangers on the road.

Visual distractions happen when drivers take their eyes off the road to dial, text, or read. According to the National Highway Traffic Safety Administration, sending or receiving a text takes a driver's eyes from the road for about five seconds. At 55 miles per hour, this is equal to driving the length of an entire football field blind. Drivers can become so absorbed in their conversations or their devices that the resulting **cognitive** distraction affects their brains' ability to process what their eyes see. They can't see things in their field of vision, even though their eyes are on the road. These conditions are unsafe for the driver, passengers, pedestrians, and other vehicles on the road. Using a cell phone while driving, whether it is hand-held or hands-free, drastically lowers a driver's focus and reaction time.

Cell Phone Use Policy

Employers should have an organizational policy for employees' cell phone use while driving. (In this publication, "cell phone" includes other hand-held electronic devices.) The policy should:

- *Prohibit any cell phone use that violates federal, state, or local laws or that is otherwise unsafe.* In accordance with the Alex Brown Memorial Act (Texas House Bill 62, 85th R.S.), it is illegal to text and drive in Texas as of September 1, 2017.
- *Reflect the organization's risk tolerance.* Some companies no longer provide employees cell phones and do not refund drivers for related expenses. Others allow or provide cell phones but limit how and when they may be used.
- *Reinforce your company's policy.* Include your organization's cell phone use policy in an employee handbook and review it during new-employee orientation. Have employees sign an agreement form to obey the policy's terms and conditions, and explain the consequences of not doing so.
- *Inform drivers.* Go over the reasons for the policy, including how it helps reduce the risk of crashes, serious or fatal injuries, and potential liability for the organization. Cover rules for safe cell phone use in all employee driver-training programs and in reminders such as an employee newsletter.

Rules for employers to consider incorporating into an employee cell phone use policy:

- Ban drivers' use of cell phones while the vehicle is in motion, whether an employee is using a company-owned vehicle, a personal vehicle, or a phone supplied or required by the organization. Require employees to pull off the road and come to a complete stop before making or taking a call. Urge drivers to turn their phones off altogether before getting behind the wheel.
- State that the driver's main purpose is to drive the vehicle; a passenger should handle any additional tasks, or the driver should stop the vehicle in a safe place before doing any task that might prevent safe operation of the vehicle.
- Train drivers to forward calls to voicemail while driving to avoid being distracted by an incoming call. Inform employees that many free smartphone apps (or certain operating systems or devices) are available to help users drive safer. Some of these apps work by putting phones in a do-not-disturb safe mode that prevents Internet use or blocks incoming calls and texts – or even sends auto-replies – when the technology senses that the vehicle is in motion. Other apps act as an in-vehicle monitor of driving behaviors, such as speeding or sudden stops.
- State that employees who receive traffic violations resulting from cell phone use while driving are responsible for all penalties that result from such actions.

This document was produced by the Division of Workers' Compensation (DWC) and is considered accurate at the time of publication.

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Sample Policy

This sample cell phone and electronic device policy can be changed for your organization. Be sure to review related state and local laws to make sure your policy supports and does not conflict with them.

Cell Phone and Electronic Device Policy for Those Driving

The use of cell phones and other hand-held electronic devices interferes with safe performance of driving tasks. (Company's) policy is that no employees may use cell phones or other electronic devices while operating a motor vehicle for work. This includes employees who are frequent travelers and those who may drive incidentally. In emergency situations, employees should pull off the road in a safe and legal place to make or receive a call on a cell phone.

An employee who receives a traffic citation or is involved in an incident related to cell phone or electronic device use while operating a motor vehicle on the job must report it to his or her supervisor immediately or as soon as possible. An employee who is convicted of a traffic violation resulting from using a personal or work-issued cell phone or electronic device while operating a motor vehicle must report the conviction to his or her supervisor immediately and will be responsible for all penalties that result from such action.

As an employee, I understand that failure to comply with this policy could result in disciplinary action up to and including termination.

Employee Acknowledgement

Supervisor Acknowledgement

Date