

TDI

Safety @ Work
Division of Workers' Compensation

Driving and Using Cell Phones or Electronic Devices



**Workplace
Program**



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INTRODUCTION



The leading cause of workplace death is motor vehicle crashes,¹ and an estimated one-quarter of those crashes involve cell phone use.² Cell phones, sync dashboard systems, and evolving voice command features all pose a threat to the safety of workers who drive on the job. Cell phones and other handheld and hands-free electronic devices not only present a danger to employees but are a potential costly liability to the company. A non-fatal work-related crash due to a cell phone distraction costs an employer on average \$72,442.³ A fatal work-related crash due to a cell phone distraction can cost an employer much more -- up to \$500,000 in medical care, legal expenses, property damage, and lost productivity.⁴

The National Highway Traffic Safety Administration estimates that 660,000 drivers in America are using cell phones or manipulating electronic devices while driving at any given daylight moment. Drivers can miss seeing up to 50% of what's around them

when they are using these devices.⁵ That includes other drivers, pedestrians, and bicyclists.

With the rise of mobile technology use in vehicles, a company cell phone and electronic device policy should:

- prohibit the use of any handheld or hands-free cell phone or electronic device that violates federal, state, or local laws;
- outline the company's risk tolerance, expectations, and consequences related to cell phone or electronic device use while driving;
- establish methods to reinforce the company's cell phone and electronic device policy; and
- provide information to drivers about the reasons for the policy.

¹Bureau of Labor Statistics. National Census of Fatal Occupational Injuries in 2018. Website. <https://www.bls.gov/news.release/pdf/foi.pdf>. Accessed March 12, 2020.

²National Safety Council. Cell Phones Are Involved in an Estimated 27 percent of All Car Crashes, says National Safety Council. Website. <https://www.nsc.org/in-the-newsroom/cell-phones-are-involved-in-an-estimated-27-percent-of-all-car-crashes-says-national-safety-council>. Accessed March 12, 2020.

³Network of Employers for Traffic Safety. Cost of Motor Vehicle Crashes to Employers. Website. [https://trafficsafety.org/road-safety-resources/public-resources/cost-of-motor-vehicle-crashes-to-employers-2015/#:~:text="](https://trafficsafety.org/road-safety-resources/public-resources/cost-of-motor-vehicle-crashes-to-employers-2015/#:~:text=). Accessed March 12, 2020.

⁴Occupational Safety and Health Administration. Guidelines for Employers to Reduce Motor Vehicle Crashes. Website. [https://www.osha.gov/Publications/motor_vehicle_guide.html#:~:text="](https://www.osha.gov/Publications/motor_vehicle_guide.html#:~:text=). Accessed March 12, 2020.

⁵National Highway Traffic Safety Administration. Using Electronic Devices While Driving is a Serious Safety Problem. PDF. https://www.nhtsa.gov/staticfiles/numbers/SafetyInNumbers_Nletter101_811742.pdf. Accessed March 12, 2020.

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CELL PHONE SAFETY POLICY

It's the Law

In 2017, the Texas legislature passed a statewide ban on using wireless communications devices for electronic messaging while operating a motor vehicle.⁶ Texting, as well as reading or writing emails, is illegal in Texas. Many local Texas municipalities passed stricter laws, which completely limit using a cell phone or holding any electronic device (including a GPS) while driving. It is the responsibility



of the employer to learn the laws of the local areas and build the company's cell phone and electronic device policy accordingly.

The safest policy is to drive now and use the cell phone or electronic device later. Always encourage employees

to pull over and stop, or wait until they reach their destination before making a phone call, sending a text, or programming a GPS.

Reflect the Company's Risk Tolerance, Expectations, and Consequences

Some companies no longer provide employees cell phones and do not refund drivers for related expenses because of the increasing liabilities associated with cell phone use on the job. Other companies allow or provide cell phones but limit how and when the devices can be used. Each company's policy must reflect the organization's tolerance for risk.

Additionally, a cell phone and electronic device policy must clearly outline company expectations and employee consequences. Employers should consider incorporating the following rules into their cell phone and electronic device policy:

- ban workers' use of handheld or hands-free devices while a company-owned or personal vehicle is in motion;
- require workers to pull to the side of the road and stop before making or taking a call;
- urge drivers to turn off cell phones before getting behind the wheel;

- state that the driver's main purpose is to drive the vehicle;
- instruct passengers to handle any additional tasks that may prevent safe operation of the vehicle;
- train drivers to forward calls to voicemail while driving to avoid the distraction of an incoming call;
- inform employees about free smartphone apps (or operating system settings on some devices) that put phones in a do-not-disturb safe mode (some with auto-replies) while the vehicle is moving; and
- outline the consequences of receiving traffic violations due to cell phone or electronic device use while driving.

⁶Texas House Bill 62, 85th R.S. The Alex Brown Memorial Act. Website. <https://capitol.texas.gov/tlodocs/85R/billtext/html/HB000621.htm>. Accessed March 12, 2020.

Reinforce the Cell Phone and Electronic Device Policy

Once a cell phone and electronic device policy is created, include it in the company employee handbook and review it during new-employee orientation. Require employees to sign an agreement form to obey the policy's terms and conditions. Include information on the consequences of not doing so. Also, review this information as part of the company's routine employee training. Periodically create a company-wide campaign to remind employees of the dangers of driving while texting, emailing, or talking on cell phones.



Inform Drivers of the Reasons for the Policy

It's important to review the reasons for the cell phone and electronic device policy with employees, including how it helps to reduce crashes, injuries, fatalities, and costs to the company. (See introduction.)

Additionally, inform employees about common distractions and myths related to driving while using cell phones and electronic devices.

Three Main Types of Distractions



Manual: Keep Hands on the Wheel

Save the texts and web browsing for later.



Visual: Keep Eyes on the Road

Use the voice command feature when using navigation and read the directions before starting the trip.



Cognitive: Stay Focused

Avoid the risks of any speech-to-text application on cell phones or electronic devices.

Myth Busting

Despite research showing that any form of cell phone use is unsafe while driving, nearly two-thirds of all drivers say using a handheld phone is unacceptable, but a hands-free phone is acceptable.⁷ There is a disconnect in information. Employers can help bust these myths for employees who drive as part of their job.

Myth #1 ***Hands-free beats handheld every time.***
Nope. More than 30 studies show hands-free devices don't make drivers any safer. The brain remains distracted by the conversation.

Myth #2 ***My car came with a sync dashboard system. Since it's built into my car, it must be safe.***
No way. Studies show that drivers who voice tasks on sync dashboard systems can remain distracted for as long as 27 seconds after finishing.⁸

Myth #3 ***Multitasking behind the wheel can be done.***
No, it can't. Multitasking, such as driving while talking, increases the likelihood of crashes due to delayed braking time and not seeing traffic signals.

Myth #4 ***I know distracted driving is dangerous, but I can't afford to miss calls, emails, or text messages. My job depends on it.***
Big mistake. Car crashes are the number one cause of workplace deaths, and cell phone use is one of the leading factors in road fatalities. More employers and employees are recognizing the hazards of being connected while driving. Dozens of Fortune 500 companies are adopting cell phone and electronic device policies that ban the use of cell phones while driving.

Myth #5 ***Talking on a cell phone is just like speaking to a passenger.***
Again, no. Adult passengers often serve as co-pilots. They can alert drivers to traffic problems and help avoid crashes. People on the other end of cell phones can't see what's going on!

Myth #6 ***Cell phone distractions while driving are only a problem among inexperienced or teen drivers.***
False. Cell phone distractions affect people of every age and every level of driving experience.

⁷U.S. News. AAA Study: Using Hands-Free Devices Distracts Drivers. Website. <https://www.usnews.com/news/articles/2013/06/12/aaa-study-using-hands-free-devices-distracts-drivers#:~:text=>. Accessed March 12, 2020.

⁸AAA Foundation for Traffic Safety. Measuring Cognitive Distraction in the Automobile III: A Comparison of Ten 2015 In-Vehicle Information Systems. Website. <http://newsroom.aaa.com/wp-content/uploads/2015/10/Phase-III-Research-Report.pdf>. Accessed March 19, 2020.

Sample Policy

A key part of this workplace program is to encourage employers to educate drivers about the company's cell phone and electronic device policy and the related driving hazards. A sample cell phone and electronic device policy is available below to help companies customize a policy to meet their individual needs. Always remember to review and incorporate related state and local laws, and continually update the policy as needed.

Sample Cell Phone and Electronic Device Policy

The use of handheld and hands-free cell phones and other electronic devices interferes with the safe performance of driving tasks. The [Insert Company's Name] policy is that employees may not 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.

Employees who receive a traffic citation or are involved in an incident related to cell phone or electronic device use while operating a motor vehicle on the job must report it to their supervisor as soon as possible. Employees who are 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 their 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