

Driving for work: **Mobile phones**



Driving is the most dangerous work activity that most people do. Research indicates that about 20 people are killed and 250 seriously injured every week in crashes involving someone who was driving, riding or otherwise using the road for work purposes.

HSE Guidelines for employers, 'Driving at Work', state that **“health and safety law applies to on-the-road work activities as to all work activities and the risks should be effectively managed within a health and safety system”**.

Therefore, employers must assess the risks involved in their staff's use of the road for work and put in place all 'reasonably practicable' measures to manage those risks. Such measures are likely to more than pay for themselves by reducing the organisation's accident costs, many of which will be uninsured, such as lost staff time or just doing the paperwork.

Mobile Phones

One risk is staff making or receiving calls on a mobile phone while driving*.

A substantial body of research shows that using a hand-held or hands-free mobile phone while driving is a significant distraction, and substantially increases the risk of the driver crashing. High mileage and company car drivers are more likely than most to use a mobile phone while driving.

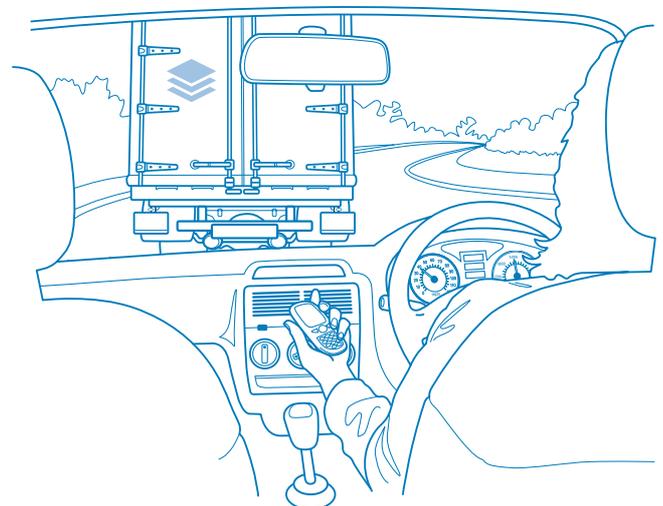
Some employers provide mobile phones or reimburse the cost of work-related calls made on private ones. There are good business reasons to do so. There are also good health and safety reasons for lone workers and staff who travel in areas where summoning help (if they break down, for example) may be difficult.

But, this should not mean that staff should use the phone while driving. Drivers who use a mobile phone, whether hand-held or hands-free:

- are much less aware of what's happening on the road around them
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly and take longer to brake
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated.

Research indicates that they are also four times more likely to crash, injuring or killing themselves and/or other people.

Using a hands-free phone while driving does not significantly reduce the risks because the problems are caused mainly by the mental distraction and divided attention of taking part in a phone conversation at the same time as driving.



*The terms 'drivers' and 'driving' in the leaflet include 'riders' and 'riding'.

The Law

Hand-held Phones

It is illegal to use a hand-held mobile phone while driving. It is also an offence to “cause or permit” a driver to use a hand-held mobile phone while driving. Therefore, employers can be held liable as well as the individual driver if they require employees to use a hand-held phone while driving.

Hands-free Phones

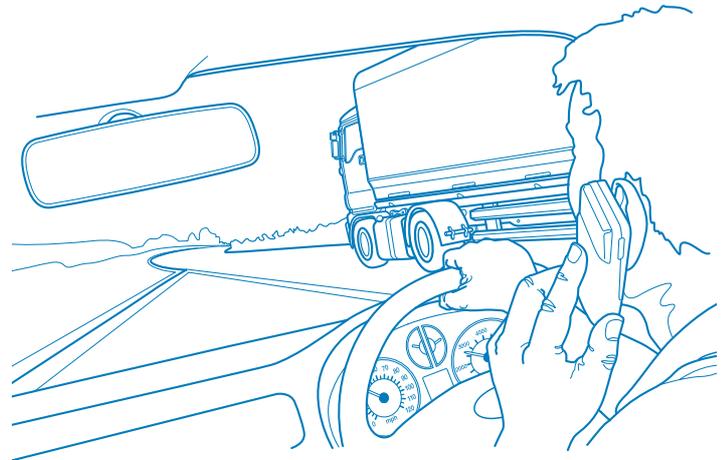
It can be illegal to use a hands-free phone while driving. Depending upon the individual circumstances, drivers could be charged with ‘failing to have proper control of their vehicle’. In more serious cases, the use of any type of mobile phone could result in prosecution for careless or dangerous driving.

The Police may check phone records when investigating fatal and serious crashes to determine if use of the phone contributed to the crash.

Employers who require staff to use any mobile phone while driving for work could be prosecuted if an investigation determined that such use of the phone contributed to a crash. Claims in the civil courts could also result.

This leaflet gives simple advice on how employers and line managers can easily enjoy the business and communication benefits of mobile phones, without experiencing the financial and safety risks of their staff using mobile phones while driving on work journeys.

A sample ‘Mobile Phones and Driving Policy’ is attached. This can be adopted as written or adapted to suit your organisation’s needs. It can be used as a stand-alone policy or incorporated into a wider ‘Driving for Work’ policy.



What employers should do

Expect Safe Driving

Ensure all staff, including senior managers and line managers, understand that the organisation expects everyone who drives for work to drive safely for their own, and others' benefit.

Consult Staff

Ensure that staff and/or their safety representatives are fully consulted about the organisation's policy on Mobile Phones and Driving and that this is reviewed periodically in joint health and safety committee meetings.



Raise Awareness

As part of recruitment, training and staff appraisal, ensure that drivers and line managers are reminded about:

- the dangers of using a hand-held or hands-free mobile phone while driving
- the organisation's policy on mobile phone use
- the need to go to voicemail, or to switch the phone off while driving, and to stop in a safe place to check messages, or to allow a passenger to use the phone
- that good communication can easily be maintained without using a phone while driving
- the importance of line managers not expecting staff to make or receive calls when driving
- the legal, financial and bad PR consequences that could result from using a mobile phone while driving.

Avoid Using a Mobile Phone

In particular, emphasise that staff should never make or receive calls on a mobile phone, or use any similar device, while driving.

Lead by Example

Senior Managers, from the head of the organisation down, should lead by personal example by not using a mobile phone while they are driving themselves.

Plan Safer Journeys

Ensure that journey plans include time and places to stop for rest and refreshment, and to check messages and return calls. For further advice see 'Driving for Work: Safer Journey Planning' at www.rospa.com/roadsafety/info/worksafejourney.pdf



Review Work Practices

Review work practices to ensure they do not pressurise staff into making or receiving calls when driving.

Record and Investigate Crashes and Incidents

Require staff who are involved in any crash or damage-only incident when driving at work (in their own, a hire or company vehicle) to report this to their line manager. Check if the driver was using a mobile phone, and what (if any) action is necessary to prevent repeat occurrences. If the company provides the phone, a check could be made against the phone bill.



Provide Training

Interview staff who have been identified as using a phone while driving, or been involved in a crash, to establish the details and to identify what lessons can be learned. The approach should be positive and helpful, rather than punitive, although it should be made clear that further incidents may lead to disciplinary procedures. Consider if driving training would help.

Liaise with the Police

Make it clear to staff that the organisation will co-operate with police enquiries resulting from a crash and will supply to the police all relevant information on the employee to whom the vehicle is allocated or if someone else was driving at the time, their details.

Monitor Compliance

Managers should discuss this issue with their drivers during periodic staff appraisals and team meetings. It should form part of an individual employee's performance appraisal, leading, where appropriate, to new personal performance targets. Staff should be encouraged to report any pressure from managers or customers to use a phone while driving.

Further Advice

- HSE Guide, 'Driving at Work' – www.hse.gov.uk/pubns/indg382.pdf
- 'Managing Occupational Road Risk: The RoSPA Guide' (price £25.00) – www.rospa.com/drivertraining
- 'The Risk of Using a Mobile Phone While Driving' – www.rospa.com
- www.orsa.org.uk
- www.dft.gov.uk (Road safety section)
- DfT FAQs on the mobile phone and driving offence – www.dft.gov.uk/stellent/groups/dft_rdsafety/documents/page/dft_rdsafety_025216.hcsp
- DfT leaflet on 'Mobile phones and driving' – www.thinkroadsafety.gov.uk/advice/mobilephones.htm
- www.hse.gov.uk/roadsafety/index.htm
- 'Driving for Work: Safer Journey Planner' – www.rospa.com/roadsafety/info/worksafejourney.pdf
- 'Driving for Work: Safer Speed Policy' – www.rospa.com/roadsafety/info/workspeeds.pdf

Company Mobile Phones and Driving Policy

As part of our overall health and safety policy, _____ is committed to reducing the risks which our staff face and create when driving or riding for work. We ask all our staff to play their part, whether they use a company vehicle, their own or a hire vehicle.

Staff driving for work must never make or receive calls on a mobile phone, whether hand-held or hands-free, while driving. Persistent failure to do so will be regarded as a serious matter.

Senior Managers must:

Lead by example, both in the way they drive themselves and by not tolerating poor driving practice among colleagues. They must never make or receive a call on a mobile phone while driving.

Line Managers must ensure:

- they also lead by personal example
- they do not expect staff to answer calls when they are driving
- staff understand their responsibilities not to use a hand-held or hands-free mobile phone while driving
- staff switch phones to voicemail, or switch them off, while driving, or ask a passenger to use the phone
- staff plan journeys to include rest stops which also provide opportunities to check messages and return calls
- work practices do not pressurise staff to use a mobile phone while driving
- compliance with the mobile phone policy is included in team meetings and staff appraisals and periodic checks are conducted to ensure that the policy is being followed
- they follow our monitoring, reporting and investigation procedures to help learn lessons which could help improve our future road safety performance
- they challenge unsafe attitudes and behaviours, encourage staff to drive safely, and lead by personal example by never themselves using a phone when driving.

Staff who drive for work must

- never use a hand-held or hands-free phone while driving
- plan journeys so they include rest stops when messages can be checked and calls returned
- ensure their phone is switched off and can take messages while they are driving, or allow a passenger to use the phone
- co-operate with monitoring, reporting and investigation procedures.