

Distracted Driving: What's Your Company's Policy?

By Timothy J. Murphy

Distracted driving is a problem that is receiving major attention across the country drawing the attention of the news media and state and federal legislators. As of March 2011, 30 states have enacted a ban on texting while driving, and eight states and the District of Columbia have enacted laws prohibiting the use of handheld cell phones while driving.

For the business owner, distracted driving is a critical issue. Several studies show that up to 80% of automobile crashes are the result of distracted driving, resulting in 5,500 to 6,000 deaths per year. A Virginia Tech Transportation Institute study revealed that drivers who are texting are 23 times more likely than nondistracted drivers to be involved in an accident.

In the workplace, automobile-related deaths are the leading cause of fatalities. This is not limited to truck drivers, as there are many sales, delivery and repair people who drive on company business. Additionally, every year numerous workers' compensation injuries occur as a result of automobile crashes.

According to National Safety Council (NSC), corporations are increasingly being held liable for employees' use of cell phones while driving. Some of the scenarios in which corporations have been held liable:

- both during normal work hours and outside of normal work hours;
- to and from work appointments and personal appointments;
- in company-owned/leased vehicles and in personal vehicles;
- while having business and personal conversations;
- while using employer-provided and employee-owned phones;
- while using hands-free and handheld devices.

The bottom line is that your organization is at risk each time your employees get behind the wheel. Use of cell phones and other electronic devices while driving adds to your organization's potential liability. Court cases abound with settlements sometimes reaching seven figures. Police departments and officers also face potential liability for the consequences of distracted driving.

In December 2010, the city of Portland, OR, was required to pay \$338,477 to an 80-year-old female pedestrian who was hit by a police officer who admitted to looking at the computer in his vehicle while driving.

Mitigating the Risks of Distracted Driving

What can we do as safety professionals to help mitigate the risks associated with distracted driving? First, make sure that your corporate health and safety policy addresses the driving exposure. Many of your employees will engage in driving at some point during the year. Recognize and understand that the vast majority of time workers are driving they're doing so without any supervision. Make sure to reinforce positive behaviors behind the wheel.

Where Do You Start?

There are some very useful Internet resources available to those looking to establish or enhance a distracted driving policy for their fleet safety program. NSC has a sample plan on its website. The distracted driving website from the U.S. Department of Transportation (www.distraction.gov) also has some resources including a case study on Schneider National's policy on distracted driving and its total ban on cell phone use for its drivers. Schneider is a commercial trucking company with drivers across the U.S.

ASSE has a standard for the safe operation of motor vehicles: ANSI Z15, Safe Practices for Motor Vehicle Operations. This standard, approved by ANSI, offers guidelines and best practices for the development of motor vehicle safety programs for all classes of employers (those with a single vehicle or a fleet) and whether the equipment is employer-owned, employee-owned or leased from a third party. A revised, second edition of ANSI Z15 is anticipated in the near future; it will include updated distracted driving guidelines and a sample corporate policy in the appendix.

Other safety professionals can be a great resource. A January 2011 survey by NSC states that 20% of respondent companies have a complete ban on cell phone use for their drivers; a 2009 survey by NSC found that 58% of companies had some type of policy regarding cell phones.

Many of your colleagues have already addressed this issue and have policies in place. Reach out to these individuals to learn more about their best practices. If your company already has a distracted driving policy, review and update it on a regular basis.

The Network of Employers for Traffic Safety (NETS), a group of public and private companies dedicated to preventing traffic crashes that occur both on and off the job, may be another good resource for safety professionals to consider. NETS lists the key attributes of each member company's driving policy on its web site. Forty-three percent of NETS member companies have a complete ban on the use of cell phones while driving, and the remainder allow hands-free devices only.

As with any safety policy, enforcement is critical. One NETS member company reviews driver cell phone records to make sure they are not using their phones while driving and terminates the employment of drivers who do so. Once you've established a distracted driving policy and have educated your employees, consider implementing a process to help enforce your distracted driving policy.

Conclusion

Every day virtually every company has someone driving on the road on behalf of its business. Distracted driving is a part of each of those drivers' daily routines, and it is an issue that should be addressed. Driving, whether just a part of one's job responsibilities or the primary job function, is a task that carries the potential for severe injury or death each time it is undertaken.

If your company does not have a policy regarding distracted driving, please consider bringing this issue to management's attention. If you have a policy and you have not reviewed it in a few years, please take the time do so now. This is a constantly changing landscape that needs to be addressed on a regular basis. You could save a life.

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