



## Risk Control

# Driver Distraction and Cell Phone Use

## Focus on avoiding common distractions

Distracted driving poses a significant risk to every business with employees who drive for company business, even if the vehicles aren't company-owned. Common activities that divert attention from the road include texting, cell phone use, eating/drinking, reaching for an object, talking with a passenger or reading navigation systems. According to the National Highway Traffic Safety Administration (NHTSA) there were over 3,100 people killed by distracted driving in 2019, representing an almost 10% increase over the prior year.

Use this guide to assist in developing a program that helps enhance driver behaviors and reduce cell phone-related distractions, such as talking and texting.

### What is distracted driving?

Any activity that could divert a person's attention away from the primary task of driving is considered distracted driving. All distractions endanger driver, passenger and bystander safety. According to the National Safety Council, distractions now join alcohol and speeding as leading factors in fatal and serious injury crashes.

### Common cell phone distractions

- Phone calls
- Reading or composing text messages
- GPS
- Social media applications
- Taking photos/videos
- Surfing the web
- Adjusting music
- Watching videos

### Vehicle crash statistics

The National Highway Traffic Safety Administration states that over **90% of crashes are caused by human error**. According to the National Safety Council, one in four crashes involves texting while driving.

The likelihood of a crash triples when the driver engages in visual-manual subtasks like reaching for a phone, dialing and texting, according to the [Virginia Tech Transportation Institute \(VTTI\)](#).

### Texting while driving

Texting is a distraction that requires all three types of attention: manual, visual and cognitive.

[According to VTTI](#), texting while driving raises a vehicle's crash risk by 23 times. Texting keeps a driver's eyes of the road for an average of five seconds, which, at 55 mph, is enough time to travel the length of a football field.

### Company responsibility

Under the doctrine of vicarious liability, employers may be held legally accountable for negligent acts employees commit during the course of their employment. Employers may also be found negligent if they fail to put a policy in place for the safe use of cell phones.

Many states [have passed legislation](#) to regulate cell phone use and texting while driving. At least 13 nations, including England, Germany and Japan, have banned the use of cell phones when driving a vehicle. Check state laws regularly, as legislation may change.

In recent years, cell phone usage has been an issue in several lawsuits, and employers are being held responsible if a worker causes an accident while talking on the phone. So why should employers be concerned about cell phones? Cell phone records can be subpoenaed to prove the employee was on the phone when the accident occurred. Other distractions cannot be identified to a specific time, and many drivers don't want to say they were distracted and not driving safely.

While there is no guaranteed defense to liability, developing appropriate policies, training and enforcement mechanisms can help limit potential liability and increase public safety. Several companies are deciding on a total ban to prohibit employees from using cell phones while driving company or personal vehicles for work. According to the National Safety Council, one percent of companies believe that productivity declined as a result of implementing a total ban. In contrast, other companies adopt cell phone safety guidelines and focus on training and enforcement.

Each company should determine whether the benefits of employee cell phone use outweigh the risk. Many companies are opting for total ban on cell phone use unless absolutely necessary.

All workers are at risk of crashes, whether they drive light or heavy vehicles, or whether driving is a main or incidental job duty. To protect themselves, employers should consider establishing a written policy restricting any use of a cell phone and ensure employees read and sign the written policy. The restriction should include the use of hands-free headsets, since studies indicate it's the conversation, not the physical act of holding the phone that contributes to accidents.

### A cell phone policy may include:

- Total ban on all cell phone use while driving personal or company vehicles for work
- Pulling over in a legal and safe location to use make phone calls, respond to text messages or set up GPS
- Asking a passenger to make or take the call
- Informing regular callers of your driving schedule and when you will be available to talk
- Planning calls prior to traveling or while on rest breaks whenever possible
- While driving, keeping your hands on the wheel and your eyes and mind on the road
- Cell blocking technology

To learn more about managing your risk and increasing efficiency, visit [cna.com/riskcontrol](https://cna.com/riskcontrol).