



Executive Summary

Why is cell phone use while driving a problem?

Motor vehicle crashes are the No. 1 cause of work-related death (CDC) and account for more than 35,000 deaths each year in the United States (NHTSA). Beyond concern for the safety of employees, crashes are also costly to employers. An on-the-job property damage crash costs an employer more than \$24,500. That cost rises to more than \$150,000 if the crash involves injury, and can be as much as \$3.6 million if the crash involves a fatality (NHTSA and FMCSA). All employers face ongoing liability, insurance, productivity and absenteeism costs.

Driver distraction is a significant contributor to crashes and cell phone use has played an increasingly larger role. Nearly everyone now has a cell phone. Today there are more cell phone subscriptions than there are people living in the U.S., and nearly one-third of households are wireless only (CTIA).

At a typical daylight moment, 9 percent of drivers on the road are talking on their cell phones (NHTSA). More than 2 in 3 drivers admit talking on a cell phone while driving (AAAFST). More than 1 in 4 drivers admit to typing or sending text messages while driving and more than 1 in 3 report reading a text message or email while driving (AAAFST).

The risks and costs associated with cell phone use while driving will continue to grow in the coming years. So, what is an employer to do?

Solution

The National Safety Council recommends employers issue an organization-wide policy prohibiting the use of cell phones while driving. The policy should state:

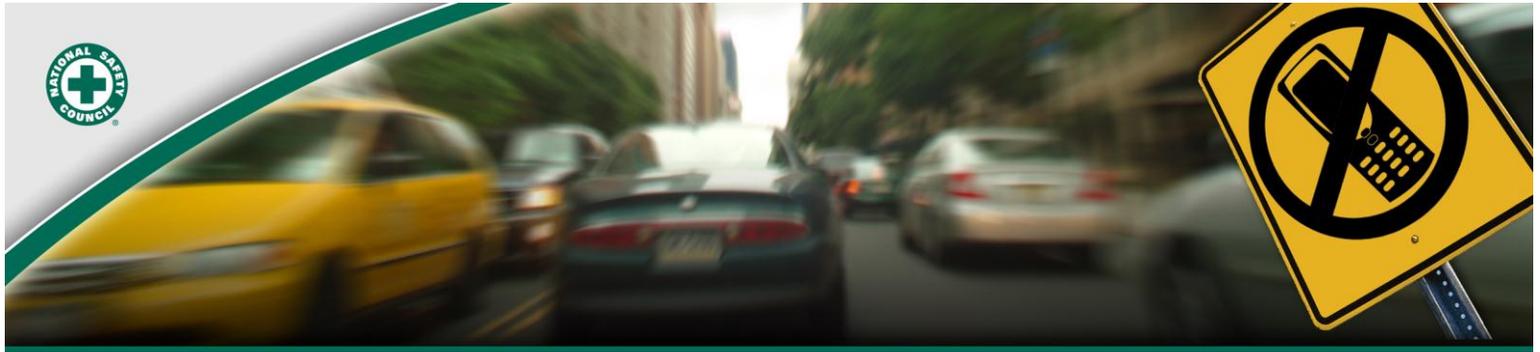
- Employees are not permitted to use electronic devices, either handheld or hands-free, while they are driving
- Employees are not permitted to answer calls while driving. Incoming calls must be directed to voicemail
- Employees are not permitted to read or respond to text messages and emails while driving
- If it is necessary for an employee to make an emergency call (911), the employee must park the vehicle in a safe location before making the call

What are the risks?

Three types of driver distraction are:

- Visual – eyes on road
- Mechanical – hands on wheel
- Cognitive – mind on driving

Cell phones are unique from other forms of driver distraction because they usually involve all three forms of distraction. Many people tend to focus on visual and mechanical distractions. However, cognitive distraction is very risky because people do not always recognize they are cognitively



distracted and this distraction lasts much longer than the other two types. There is a false perception that hands-free phones are safer than handheld. But research has found no safety benefits to hands-free phones.

Specific risks faced by drivers talking on cell phones include:

- Four times as likely to be in crashes resulting in injury or property damage
- More likely to commit driver errors and traffic violations
- Slower reaction time than drivers impaired at .08 blood alcohol level
- Looking but failing to see up to 50 percent of the driving environment
- Cognitive impairment – more than one-third of the brain's processing resources are drawn away from driving tasks

How do cell phones compare to other driver distractions?

Talking on cell phones may not be the riskiest thing we do in our cars. But many other distractions are rare and/or occur for very short lengths of time. Cell phone conversations are common and can be lengthy.

Talking with passengers does not increase crash risk in the way that talking on a cell phone does. Adult passengers actually lower the crash risk and add a safety benefit to adult drivers. Passengers share awareness of the driving environment and can serve as “co-pilots.” People on the other end of cell phone conversations cannot provide this safety benefit or moderate their conversation when the driver faces a challenging traffic situation.

What are the implications for employers?

Two major implications are the safety of employees and employer liability. Allowing employees to conduct business on cell phones while driving is to allow a four times increase in crash risk. Even higher risks are associated with text messaging and emailing while driving.

Jury awards and settlements in recent years have included amounts \$21.6 million, \$18 million, \$16.1 million, \$5.2 million and \$2 million. Scenarios included a mix of business and personal time, and company- and personal-owned phones and vehicles. Policies should be designed to protect employees and employers in all possible scenarios.

A 2010 national survey conducted by NHTSA estimates 10 percent of drivers read incoming email or text messages while driving, and 6 percent send email or text messages. Ten and 6 percent does not sound like a large number, but if a company employs 20,000 people that means 1,200-2,000 employees send or read text or email messages while driving. That is a significant number of employees exposed to very high crash risk. Drivers who text are 8 to 23 times as likely to crash.



What solutions are available to employers?

Even when people know the risks, voluntary compliance is very difficult. Education alone is not an effective solution. Safety, human resource and employment law experts recommend employers implement and enforce policies banning cell phone use while driving that include:

- Clear policy language
- Documented training and employee communication
- A requirement that employees read and sign the policy
- Disciplinary action with firm enforcement

Although not a shield from lawsuits, strictly enforced policies can help reduce risk of crashes, injuries and costly outcomes.

Among 2,000 National Safety Council members surveyed in 2009:

- 23.3 percent already ban both handheld and hands-free phone use while driving
- Of members without policies, 36.1 percent planned to create a policy within the next 12 months

Although productivity and employee accessibility is an initial concern of many, National Safety Council members and others have found employees were motivated to develop solutions to maintain productivity. Of 469 National Safety Council members with total cell phone ban policies, only seven companies (1.5 percent) reported a decrease in employee productivity.

Currently, no state law addresses both hands-free and handheld phone use among all drivers for both talking and text messaging. Because no state law provides optimum prevention, NSC recommends employer policies exceed state law requirements. Technology should also be considered as a solution to prevent cell phone use while driving, making it easier for employees to comply with policies and laws.