

## **ASK SAVA: Prevent driving distractions for your employees.**

**Question:** “I recently discovered one of my sales people talking on his hand-held cell phone while he was driving. I’ve talked with him, but his comment is that everyone seems to still be doing it even with the state laws banning it. If he has an accident, am I liable as his employer? What can I tell him to do if he needs to make a phone call while driving?”  
W.S., East Hartford, CT

**Answer:** Driver distractions or inattentive driving play a part in one out of every four motor vehicle crashes. That is more than 1.5 million collisions a year and 4,300 crashes daily, according to the National Highway Traffic Safety Administration. Text messaging, changing radio stations, even turning around to talk with passengers can prove deadly, according to the Insurance Information Institute.

While cell phones and text messaging cause the most accidents, drivers are also distracted by using PDAs, laptops and navigational aids while driving. Other drivers create a potential hazard because they eat, drink, read, write or groom themselves when their full attention should be on the road in front of them.

A car is not your living room, office or kitchen. It is a means of getting from one point to another and must be used judiciously. People can become so absorbed in their conversations or activities that their ability to concentrate on the crucial act of driving is severely impaired, jeopardizing the safety of vehicle occupants and pedestrians.

Employers are now concerned that they may be held liable for accidents caused by their employees while driving and conducting work-related conversations on cell phones, according to the I.I.I. Under the doctrine of vicarious responsibility, employers may be held legally accountable for the negligent acts of employees committed in the course of employment. Employers may also be found negligent if they fail to put in place a policy for the safe use of cell phones.

Many companies are now establishing cell phone usage policies. Some allow employees to conduct business over the phone as long as they pull over to the side of the road or into a parking lot. Others have completely banned the use of all wireless devices in the car. The following safety tips could be recommended to you and your employees:

- 1) Pull off the road. Don’t drive while calling or texting; pull off the road to a safe location.
- 2) Use speed dialing. Program frequently called numbers and your local emergency number into the speed dial feature of your phone for easy, one-touch dialing. When available, use auto answer or voice-activated dialing.
- 3) Never dial while driving. If you must dial manually, do so only when stopped. Pull off the road, or better yet, have a passenger dial for you.
- 4) Take a message. Let your voice mail pick up your calls in tricky driving situations. It’s easy – and safer – to retrieve your messages later on.
- 5) Know when to stop talking. Keep conversations on the phone and in the car brief so you can concentrate on driving. If a long discussion is required, if the topic is stressful or emotional, or if driving becomes hazardous, end your conversation and continue it once you are off the road.
- 6) Keep the phone in its holder. Make sure your phone is securely in its holder when you are not using it so it does not pop out and distract you when you are driving.
- 7) Don’t take notes while driving. If you need to write something down, use a tape recorder or pull off the road.
- 8) Don’t eat or drink while driving. Spills, both hot and cold, can easily cause an accident. If you have to stop short, you could also be severely burned.

9) Groom yourself at home. Shaving, putting on makeup, combing your hair or other forms of preening are distractions and should be done at home, not while driving.

While everyone should follow these safety rules, it is particularly important to review them carefully with your employees, and even your teens when they are first learning to drive. A Pew Internet and American Life Project 2009 survey of 800 young people found that 26% of American teens ages 16 to 17 have texted while driving and 43% have talked on a cell phone while driving. 48% of teens aged 12 to 17 say they have been in a car when the driver was texting and 40% say they have been in a car when the driver used a cell phone in a way that put themselves or others in danger.

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Donna L. Yother, President

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