



Workplace Safety Reference Materials

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Keys to an Effective Cell Phone Policy

by Joanne Tucker (Reprinted courtesy of [Business Fleet Magazine](#))

It shouldn't take an accident followed by an expensive trial to convince businesses to implement effective policies on distracted driving. And, even if the company has a policy, it also shouldn't take a distracted driving case to make the business enforce it.

David Bobrosky and Sue Bendavid are attorneys specializing in personal injury and employment, respectively, at the law firm of Lewitt, Hackman, Shapiro, Marshall & Harlan (www.lewitthackman.com) in Encino, California. Both cite that often employers wish they had implemented a policy once an accident occurs. "And from the plaintiff side, that's what we look for: Did they really enforce the policy?" Bobrosky says. "And that's what OSHA wants to see too."

Negligence in not effectively enforcing a policy will put you on the losing side, and cases are surfacing to prove it. In *Ford v. McGrogan & International Paper*, for example, a woman's arm had to be amputated after a driver for International Paper rear-ended the plaintiff's car while on a cell phone in 2008. The company had a policy banning employees from using cell phones while driving, but still had to pay \$5.2 million to settle the case.

These types of cases, in which a company had a policy but an employee ignored it, can be avoided, as seen in examples from companies that put in policies protecting their fleet, employees, and other drivers.

Gaining Consensus

John Kenner, executive vice president of The Jankovich Company, a Southern California-based petroleum distributor, makes "safety first" the company's mantra. Jankovich installed iZup smartphone software in each of Jankovich's 30 fleet vehicles. The software allows operators to control cell phone usage while on the road. The company has set the software to prohibit all cell phone use, including hands-free. The company consistently reviews data from iZup to ensure employees are using it correctly and not trying to override the control functions while driving.

Before implementing the software, though, Jankovich had already placed extensive safety measures. For example, Kenner created an employee incentive program in which groups

competed for a \$250 bonus for going incident-free. “Everyone got the bonus,” he says, adding that when he began implementing the safety tracking protocols, he included the drivers in the discussions.

Employee response to the software and policy was “90 percent positive,” says Kenner. “It has taken a little relief off the temptation to communicate while driving,” he says.

Some worried the ban would affect dispatchers’ ability to change or cancel a delivery on the fly. In fact, studies reveal that loss of productivity may be overblown. A 2009 National Safety Council survey reported that 99 percent of companies that banned cell phone use while driving cited no decrease in productivity; many respondents actually experienced an increase.

Creating the Policy

Dan Ross, CEO of Needham, Massachusetts-based Illume Software, the maker of iZup, partners with several organizations working to prevent distracted driving. “We try to address behavior, and you can change behavior with education,” Ross says.

He recommends the following steps to help prevent distracted driving in the workplace:

1. Engage in internal communications. Tell your employees that a cell phone policy is going to be issued. Hold open meetings, show examples from other companies, and get feedback on appropriate penalties. Review distracted driving facts and show that top management is in support of a policy.
2. Make safety part of your company’s credo. According to a Network of Employers for Traffic Safety (NETS) survey, companies with the lowest crashes per million miles (CPMM) issue monthly reports to their employees, track crashes, have safety-oriented messages in company statements and training, issue full bans on cell phones while driving, and share the details of any accident, whether it involves injury or not, with the entire staff.
3. Plan tracking protocols. How will your company keep track of employee cell phone use? Besides considering safety software, Bendavid suggests reviewing call logs for company-issued phones.
4. Write out a policy. Make sure you’re following state laws. Assess severity of punishment: 83 percent of companies with low CPMM respond with disciplinary action, not just a warning, according to NETS, which also suggests implementing the strictest option: termination. Once the policy is finalized, send out a companywide e-mail. Sample policies can be found at www.nsc.org and www.trafficsafety.org.
5. Build staff buy-in. Having your employees sign the policy is a good start, but it’s not

enough. When you introduce the policy, use real stories of people who have been killed in distracted driving incidents.

The federal government website www.distraction.gov has videos and keeps track of distracted driving accidents and fatalities.

Distribute a sheet explaining why the company is implementing the policy. Remind employees that signing the policy opens them up to liability as well; if they violate the policy, the company can take legal action against them.

6. Enforce the policy. After education and buy-in, stick by your measurement protocols and incentive programs, and keep employees in the loop of results.

Gather survey information about individual productivity, especially since the effects are likely to be positive.

Other tactics include reminders in fleet vehicles and pocket cards for each employee with a summary of the policy.

Make sure there are clear chains of command so there are alternative contacts if someone is on the road.

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