

Using mobile devices whilst driving

The recent conviction in March 2020 of an HGV driver for causing death by dangerous driving is one of the latest in a long line of Road Traffic Collisions (RTC) involving the use of a mobile device whilst driving.

This latest case is particularly shocking (caused in part by video footage) as it shows the driver's first action when getting out of the cab was not to rush to see how the cyclist he'd just hit was but to put his mobile phone in an external compartment where it should have been all along. It also indicates how the message about not using mobile devices whilst driving still needs further reinforcement.

Employers might point to the criminal penalties relating to the use of mobile phones being enough of a deterrent. However, research¹ in the United States points to texting and driving being behind 25% of all accidents, and a 2018 UK survey² indicated that 18-24 year olds are likely to use their smartphone to check social media when driving almost as much as when waiting in traffic, it's clearly a problem that continues to grow.

The addictive nature of social media means that for many, hours alone in a company vehicle offers opportunity to feed that addiction. OFCOM's 2018 research³ indicates that people in the UK were now checking their smartphone every 12 minutes, and the increase of familiarity with this connectivity could lead to even more smartphones being use whilst driving.

Educating employees on the importance of managing the need to stay connected is going to be a challenge – especially with the current UK-wide lockdown meaning that some people are often relying on social media to keep in touch with friends and family, but with the level of distraction caused by using a mobile device whilst driving being so potentially dangerous, doing nothing is not an option.

So what can employers do?

Having a policy on the use of hand-held mobile devices is obviously a start, but given the addictive nature of social media, relying on individuals to completely disconnect from their online world for the duration of a 4 hour work-related journey is probably unrealistic, and some companies are beginning to schedule in more regular breaks for HGV drivers e.g. a 15 minute break every 2 hours either side of a lunch break.

Technology (in the form of multiple cameras, including in-cab units) can help remind drivers of their obligations to focus on the road rather than social media, and employers can monitor the use of company devices (and review data records as part of a post incident investigation).

What about employees personal devices?

Some companies insist they are turned off whilst driving, whilst others insist, they are kept back at the business until the driver returns.

In the event of a serious RTC, it's likely that all devices will be impounded at the scene by the authorities, but what about those minor incidents where there is no Police or HSE involvement?

One possible option could see employment contracts giving employers the authority to access personal phone data records in the event of any RTC whilst driving for the business. Although there would appear to be reasonable grounds to pursue this for some, you should always seek appropriate expert input from suitably qualified and experienced advisors before embarking on such a path.

Whatever you do, it's important that you balance the needs of your business with the needs and rights of employees alongside the protection of both your own drivers and the world around them.

1 <https://www.edgarsnyder.com/car-accident/cause-of-accident/cell-phone/cell-phone-statistics.html>

2 <https://press.gocompare.com/news/58-percent-of-young-drivers-using-mobile-phones-behind-the-wheel>

3 <https://www.ofcom.org.uk/about-ofcom/latest/features-and-news/decade-of-digital-dependency>

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