

# Spot The Safety Violation: Distracted Driving Is Unsafe & Illegal



This truck driver is committing at least two safety infractions. What are they?



Study after study has demonstrated the dangers of distracted driving, particularly the use of cell phones while behind the wheel. That's why using a handheld electronic device while operating a motor vehicle is illegal across Canada. (In fact, simply holding a cell phone while driving may be illegal.) These bans apply to all drivers'including workers operating vehicles on the job, such as this truck driver.

The truck driver in this picture shouldn't be talking on his cell phone while operating his truck. Being on the phone will increase his reaction time should, say, a vehicle suddenly pull out in front of him. And having only one hand of the steering wheel will impact his ability to respond properly in that event.

In addition, if the truck driver should get into an accident due to his

distracted driving, he's more likely to get seriously injured because he's not wearing his seatbelt.

### **IMPLEMENT ELECTRONIC DEVICE POLICY**

Cell phones pose safety hazards to workers not just when they're operating vehicles or powered mobile equipment, such as dozers or cranes. Using a cell phone can distract workers from dangers in the workplace. For example, a road construction worker in New Brunswick was seriously injured when he stepped in front of a half-ton truck while talking on his cell phone. And they can distract workers while they're performing other hazardous activities, such as mixing chemicals or using machinery.

These distractions aren't limited to cell phones, either. Other electronic devices, such as MP3 players, tablets or handheld gaming devices, are also distractions in the workplace. That's why you should have a policy on the use of all such items in the workplace.

Your electronic device policy should include:

- An explanation of the policy's purpose;
- A broad definition of the devices it covers;
- Who the policy applies to, including workers, contractors, etc.;
- The prohibited uses, such as using such devices while operating vehicles or equipment or while on the factory floor;
- The permitted uses, such as on meal breaks or in the lunch room. If you permit workers to use a hands-free device for cell phones while driving, spell out the parameters of that use in this section (But note that one study says that use of hands-free devices isn't any safer); and
- The possible penalties for violations of the policy.

If your policy is unclear about how workers can and can't use electronic devices or doesn't explain the consequences for violations of these rules, you may be limited if you try to discipline workers for infractions.

*Example:* A worker was fired for using his cell phone on the manufacturing plant floor and in an oil shed during work hours and in violation of safety policy, which barred workers from using such devices in the plant. The union claimed termination was excessive.

The arbitrator noted that two years prior the worker had been given a verbal warning by a supervisor about using his cell phone in the plant. In the recent incidents, he played a game on his phone while in the plant and then was seen talking on the phone while in the oil shed after getting a text from his wife. The worker knew that using the phone in the plant violated policy. But the policy wasn't clear that using cell phones was barred in the oil shed, too. And the supervisor didn't make it clear to the worker that he could face serious discipline for violating this policy.

Given his 22 years of service and remorse, the arbitrator concluded that a 10-shift suspension and reinstatement without back pay was appropriate [*PGI Fabrene Inc. v. International Assn. of Machinists and Aerospace Workers, Local Lodge 2922 (Montgomery Grievance)*, [2013] O.L.A.A. No. 378, Sept. 16, 2013].

For more information on the hazards of distracted driving and use of electronic

devices in the workplace, go to the OHS Insider's Cell Phone and Other Electronic Devices Compliance Centre, which has, among other things:

- A cell phone use policy
- A music device policy
- A video on the tragedies caused by distracted driving
- The dangers of texting while driving
- A briefing for senior management on company liability for distracted driving accidents
- A Distracted Driving Infographic you can post in the workplace.