

RISK MANAGEMENT

EMPLOYERS CONTRIBUTING TO DISTRACTED DRIVING

A NEW study has found that many people who interact with their mobile phones while behind the wheel do so because of pressure from their bosses to answer calls, e-mails and text messages even if they are not on the clock.

Employers that pressure their staff to respond quickly to work-related messages and calls can be held partially liable for any accidents their employees cause due to distracted driving.

While the employee's personal auto coverage would cover the cost of accidents they cause, if an incident results in serious injury or property damage, the injured third party may go for deeper pockets, like your business.

According to the report by The Travelers Companies, almost nine in 10 business managers expect their employees to at least occasionally respond to work-related phone calls and texts outside traditional office hours. A third of them expect employees to take or participate in work phone calls while they're driving.

Forty-two percent of drivers take work calls and read work texts and e-mails while driving, according to the report.

Of those who do:

- 42% say it's because there may be an emergency at work.
- 39% believe they must always be available for their employers.
- 19% believe their bosses will become upset if they don't answer.

Another study found that 86% of people who drive for their jobs had used a mobile device for work purposes while driving during the prior three months. An astounding 29% participated in video calls while driving.

These behaviors put the health and lives of the drivers at risk, along with those of their passengers and the motorists with whom they share the road.

In addition to unnecessary pain and suffering, resulting accidents can incur thousands or even millions of dollars in legal liabilities for the drivers and their employers.

What to do

Also, employees should find safe places to stop their vehicles if they feel it necessary to check messages or respond to calls or texts from work. Your staff should feel secure enough in their positions that they can also refuse to respond until they are safely parked.

Distracted driving causes avoidable, tragic accidents. These are bad enough when people make voluntary irresponsible decisions. They are worse when drivers feel they have no choice.

Employers can take action

- Include in your employee handbook policies discouraging use of mobile devices while driving on company business;
- Make safe driving part of the company's culture so that employees will have an expectation that they must drive safely;
- Explicitly state that no phone call, e-mail or text message is so important that it can't wait until the driver has stopped driving;
- Explicitly state in your workplace policies that no employee will be expected to participate in video calls while driving; and
- Discourage managers from calling, texting or e-mailing employees when they know employees are driving.

If employers and employees change their attitudes, they can make the highways safer for all.



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New Rule Provides Clarity for Employers, Subcontractors

The takeaway

This new rule will provide employers with clarity and certainty in instances where they may be considered joint employers, either when working with contractors or as franchisees.

However, employers still face some risk and should ensure that managers stay within the confines of the rules when establishing project goals and directing the work of third-party providers

such as subcontractors and staffing agencies through direct supervision or task assignment. When dealing with these workers, managers should focus on what needs to be done rather than how the vendor's employees perform it.

For franchisees, it will now be more difficult to pull franchisors into labor disputes and collective bargaining, which may prompt unions to focus on site-specific organizing.