



Use of mobile phones while driving *

Earlier this year the law in this country changed as regards holding a mobile phone while driving or texting.

For employers it is important to have in place a mobile phone policy particularly for workers who are mobile.

The starting point is a risk assessment.

You either provide hand free sets or you do not have vehicles with hand free facilities. Having a cradle for the phone is not sufficient.

If you do not provide hand free sets in vehicles then effectively you have two choices. The first is that you require the employee to put in a hands free set. This is probably impracticable as it would not be a condition of their employment. The second is that you direct that they either turn off the mobile phone when driving or if they receive a mobile call that they pull in, off the road, when it is safe to do so and return the call.

If you do not put in a policy to cover such situations effectively the employee is left in a situation where the employee has no choice but to simply either turn off the phone or just not answer it. As an employer there will be no opportunity to complain about the employee not taking a phone call when they were driving if the employer does not provide hand free kits.

If you provide hand free kits then it is important to provide that the employee shall not phone when driving and shall not text while driving. Modern technology is a great ability to be in contact with employees when they are out of the office. It is however also a distraction to individuals when they are driving. There is clearly a cost for employers to put in hand free kits into vehicles if the vehicles are not already set up for a hands free facility. It is therefore necessary to look at which employees require hand free kits and which do not. It is then necessary to structure matters around the use of mobile phones when driving.

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