Motor vehicle accidents are the leading cause of on-the-job deaths, and they are a major cause of death and injuries off the job as well. Cell phones offer a number of benefits to users, such as; saving time and providing convenience and safety in case of an emergency. Unfortunately this also means the potential for increased vehicle accidents involving distracted driving.

Currently there is no national ban on texting or using a wireless phone while driving for noncommercial drivers, but a number of states have passed laws banning texting or the use of hand-held wireless phones. Many of these states require the hands-free use of wireless phones while driving. New technology, such as hand-free phones, memory dial capabilities, and voice-activation features may help improve safety in some cases.

In the absence of federal distracted driving laws for noncommercial drivers, the Occupational Safety and Health Administration (OSHA) encourages employers to declare vehicles as “Call and Text free zones”, as part of establishing a safe workplace under the General Duty Clause of the Occupational Safety and Health Act (OSH Act).

Many states passed laws that prohibit the use of handheld cell phones while driving. Several other states have prohibited distracted driving such as text messaging; including composing, sending, or reading such messages, while driving. If an employee has an accident and harms someone while making a work-related cell phone call or sending a text message, the employer may be found liable.

Companies should establish a policy for cell phone uses by employees who drive on the job. The policy should state that employees are not to use cell phones or other electronic devices while driving unless they can do it safely and using hand free devices that are in compliance with federal and state laws. Employees should be instructed that if they receive a cell phone call or text message, they should always consider stopping at a safe area before using hand free devices. Employees should sign an acknowledgment that they have read and understand the policy.

Employers should supply hand-free devices for those who must use cell phones while driving, as long as it meets the requirements of federal and state laws. Most state and municipal cell phone laws allow the use of hands-free devices.

The policy should state that failure to comply with this policy can result in disciplinary action, up to termination. Employers should provide all employees with training regarding this policy. They should also lead by example, and consistently and uniformly enforce the Distracted Driving policy.