

Electronic Alert

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OSHA Distracted Driving: Best Practices for Employer Policies

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Did you know that according to OSHA, more workers are killed every year in motor vehicle crashes than by any other cause?

The holidays are approaching faster than you think, and more and more of your employees are on the road thinking about meeting their quotas and bonus requirements, not to mention of their families, trying to figure out who is watching the kids and who is picking up the in-laws at the airport. Now is the perfect time to ask if you have the right policies in place to address distracted driving and protect your company. Although you might not have thought about this, one entity certainly has – the Occupational Safety and Health Administration (“OSHA”).

Although there is not a specific standard addressing distracted driving, OSHA has made it clear that it considers distracted driving to be covered under the General Duty Clause of the Occupational Safety and Health Act of 1970, which states that “employers must provide a workplace free of serious recognized hazards.” This means that not only could an employer be in violation by requiring that an employee text or email while driving, but also by organizing work such that it is a necessity or providing any sort of incentive that might encourage an employee to text or email while driving.

OSHA provides some guidance on what it believes are best practices for employers when it comes to distracted driving. Under OSHA guidelines, an employer should:

- Prohibit texting while driving and declare vehicles “text-free” zones.
- Establish work procedures and rules that do not make it necessary to text or email while driving.
- Set clear procedures, times, and places for drivers’ safe use of texting and other communication technologies.
- Incorporate safe communications practices into employee orientation and training.
- Eliminate financial and other incentive systems that encourage workers to text while driving.

While it is well recognized that texting or otherwise operating a cell phone dramatically increases the risk of accident or injury, many still do. Further, the more our cars allow for connections to our phones in various “hands-free” ways (which rarely are truly hands-free) the more tempted an employee may be to communicate in one form or another while driving. Employers should consider whether they want to craft a policy that covers more than just texting and emailing, and more completely bar distractions.

In order to adequately protect your business and employees, do not wait for a New Year's resolution to reevaluate your distracted driving policies.

For help crafting employer policies, distracted-driving or otherwise, contact Wilson Jarrell at 503-276-2181 or wjarrell@barran.com.