



Cell Phone Use & Driving

Impact on Employee Safety, Productivity and Employer Liability

Lake County Safety Council
April 12, 2013



Background on NSC

- Founded in 1913 and chartered by Congress in 1953, the National Safety Council is a nonprofit organization whose mission is to save lives by preventing injuries and deaths at work, in homes and communities and on the road through leadership, research, education and advocacy
- Membership organization whose members include more than 14,000 companies at more than 51,000 worksites representing over 7.4 million employees.
- 35 local chapters; two are in Ohio (Youngstown & Columbus)



NSC Strategic Initiatives

Five Strategic Initiative Areas

- **Distracted Driving**
- Teen Safe Driving
- Workplace Safety
- Prescription Drug Overdoses
- Safe Communities



Motor Vehicle Crashes

- 1 million people have died in motor vehicle crashes in the last 25 years
- 35,000 deaths each year in the U.S.
- Leading cause of on and off-the-job unintentional deaths in the U.S.
- Leading cause of death for people 5- to 24-years-old
- Cost to society = \$100 billion per year
- Society appears to have grown complacent, accepting these deaths and injuries
- Safety engineering has made significant advances



Types of Traffic Safety Research

- Experimental and Laboratory Studies
 - Simulators
 - Test tracks
 - fMRI brain scans
- Epidemiology Studies
 - Reviews of hospital records
 - Links of hospital records, injuries and cell phone records
- Naturalistic studies
 - Cameras and monitoring equipment in cars



Motor Vehicle Crash Causation

Vehicle maintenance factors

- Definite cause 10% of the time
- Probable cause 13% of the time

Environmental factors

- Definite cause 20% of the time
- Probable cause 33% of the time

Human error

- Definite cause 70% of the time
- Probable cause 93% of the time

Source: Auto Alliance



Which Distractions are Causing Crashes?

Risk – how risky is the distraction

Reading	3.4x
Reaching for a moving object	8.8x
Turning around in a seat	8.8x
Talking on a cell phone	4x
Texting	8-23x

Prevalence – how often is it happening

Manipulating a wireless device	1.3%
Talking on a cell phone	9%

Total Crashes = Risk + Prevalence



Crashes and Cell Phones

- Minimum of 213,000 crashes
 - 4% of all crashes, involve texting
- 1.1 million crashes per year
 - 21% of all crashes, involve cell phone conversations

25% of all crashes
involve cell phone use



How Cell Phones Distract

The Science of Distraction

Visual:	eyes on road
Mechanical:	hands on wheel
Cognitive:	mind on driving

- Visual and mechanical distractions are short lived - cognitive distractions last much longer
- **CHALLENGE:** Drivers don't realize that talking on a cell phone distracts the brain and takes focus away from the primary task of driving



Cognitive Distraction

- When brains are overloaded by two cognitive tasks, people switch attention (without recognizing it)
 - Make one task “primary” and the other “secondary”
- Cognitive attention to driving can become secondary to a phone conversation
- Good example of cognitive distraction: Try talking on the phone while watching a movie
- When driving is a secondary task for the brain, driving becomes impaired
 - Impairment takes several forms, including inattention blindness or tunnel vision

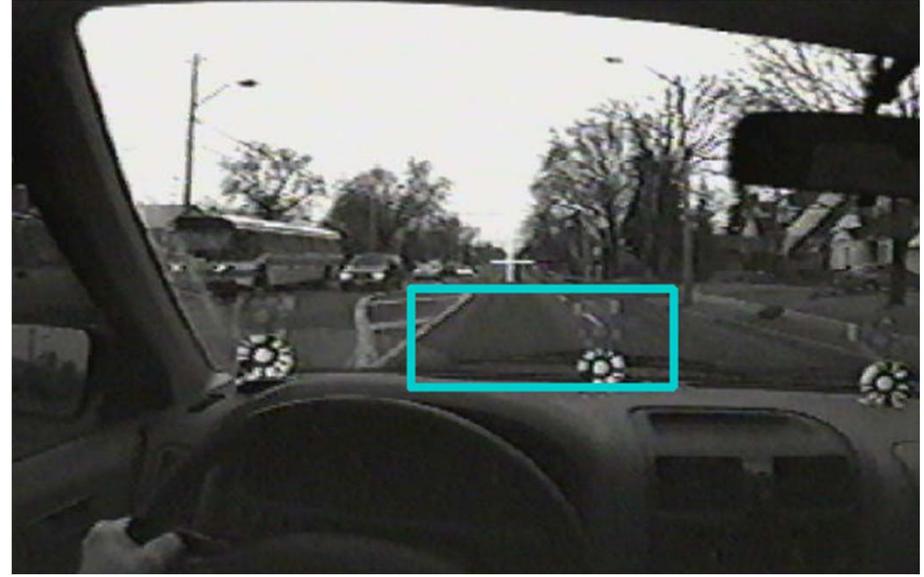


Inattention Blindness

- A type of cognitive distraction
 - “looking” but not “seeing”
- Hands-free drivers **less** likely to see:
 - High and low relevant objects
 - Visual cues
 - Exits, red lights and stop signs
 - Navigational signage
 - Content of objects
- Example = [The Invisible Gorilla](#)



“Tunnel Vision”



Source: Transport Canada



Passenger Conversations

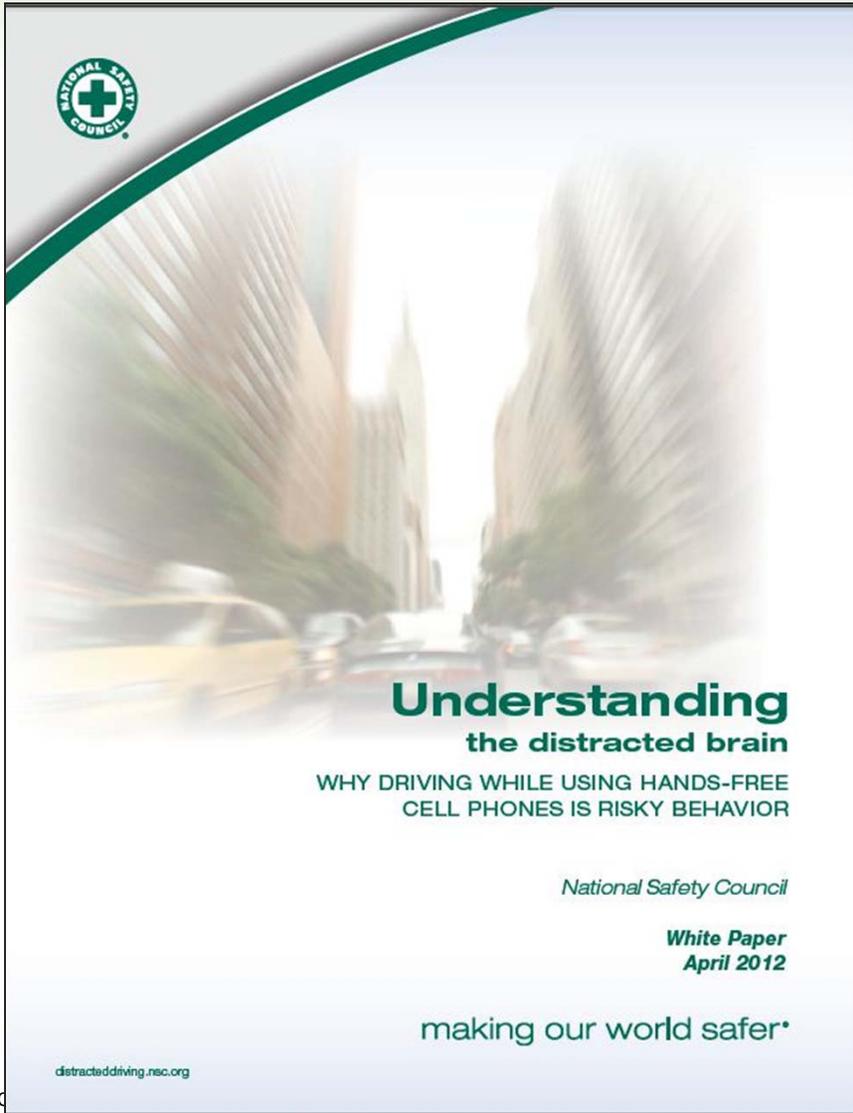
- Adult passengers share awareness of driving situation, a safety benefit
- Front seat passengers reduce risk of crashing by 38% compared to cell phone conversations
- Adults with passengers have lower crash rates than adults without passengers
 - Not true for novice teen drivers



Hands-Free and Crash Risk

Hands free devices do not reduce crash risk:

- National Safety Council
 - National Transportation Safety Board
 - World Health Organization
 - Insurance Institute for Highway Safety
 - Governors Highway Safety Association
-
- 30+ studies reported substantial negative effects of cell phone use on driving for hands-free and handheld phones
 - Similar effects in reaction time, speed, headway and lateral lane position, for hands-free and handheld phones



Free download at:
thebrain.nsc.org



Employer Liability



Employer Liability

\$21.6 million: A stay-at-home dad received the award for the violent wreck that killed his wife, after a jury found a driver negligent for either talking on her cell phone or some other distraction.

\$21 million - A soft drink beverage truck driver was using a hands-free headset, in compliance with a handheld ban, when she struck another vehicle and injured the driver. A jury awarded \$21 million in damages to the injured driver.

\$20.9 million: Dykes Industries of Little Rock, Ark., lost a personal injury suit in which its employee was using a cell phone when the crash occurred.

\$18 million: Holmes Transport, of Muscle Shoals, Ala., was ordered to pay the damages by a U.S. District Judge to Mark Tiburzi who was left unable to walk or talk after a crash caused by one of their drivers distracted by a cell phone.

\$5.2 million: International Paper employee Vanessa McGrogan was using her company-supplied cell phone when she rear-ended a vehicle driven by Debra Ford.

\$2.5 million: State of Hawaii agreed to pay as its share of liability in a crash involving a state employee who was talking on her cell phone when she hit a tourist.

\$1.5 million: City of Palo Alto has agreed to pay the victim of a 2006 vehicle crash involving a city worker who was using his cell phone while driving.



Vicarious Responsibility

An employer may be held legally accountable for negligent employee actions if the employee was **acting within the scope of his or her employment at the time of a crash.**



NTSB Recommends:

- (1) Ban the nonemergency use of portable electronic devices (other than those designed to support the driving task) for all drivers;
- (2) Use the National Highway Traffic Safety Administration model of high visibility enforcement to support these bans; and
- (3) Implement targeted communication campaigns to inform motorists of the new law and enforcement, and to warn them of the dangers associated with the nonemergency use of portable electronic devices while driving.

December 13, 2011



OHSA and Distracted Driving

October 4, 2010

“To combat the threat of distracted driving, we are prepared to act quickly. When OSHA receives a credible complaint that an employer requires texting while driving or who organizes work so that texting is a practical necessity, we will investigate and where necessary issue citations and penalties to end this practice.”

David Michaels, PhD, MPH



Companies with Policies

- ExxonMobil
- DuPont
- Halliburton
- Shell
- Chevron
- BP
- Enbridge
- AstraZeneca
- Spectra Energy
- CA Office of Traffic Safety
- Abbott
- EnCana
- Cargill
- CSX Intermodal
- Schneider National
- Sysco Corporation
- Time Warner Cable
- Potash
- Owens Corning
- NTSB

Just a sample - no national database of companies with policies



Sample Cell Phone Policy

Company employees may not use cellular telephones or mobile electronic devices while operating a motor vehicle under any of the following situations, regardless of whether a hands-free device is used:

- When employee is operating a vehicle owned, leased or rented by the Company.
- When the employee is operating a personal motor vehicle in connection with Company business.
- When the motor vehicle is on Company property.
- When the cellular telephone or mobile electronic device is company owned or leased.
- When the employee is using the cellular telephone or mobile electronic device to conduct Company business.



What about Productivity?

Survey of AMEC employees one year after corporate cell phone driving ban

- 97% agreed talking on a cell phone impacts a person's ability to drive safely
- 96% felt responsible companies should discourage use of wireless communications while driving
- **95% did not experience a decrease in productivity as a result of the ban during work hours**
- 83% reduced or quit using wireless devices while driving outside of work hours



Company Cell Phone Policies

Survey of NSC member companies – August 2009

- 2,004 respondents
- 469 (23.3%) had bans that included both hands-free and handheld wireless communication devices
- 36.1% of NSC members w/o policies have plans in the next 12 months to create policies
- Only seven companies (1.5%) with policies reported a decrease in employee productivity
- **46 companies (10%) reported a productivity increase**



Company Cell Phone Policies

Survey of Fortune 500 companies – September 2010

- 20% of Fortune 500 companies surveyed have total bans in place – estimated 2 million+ employees
- 22 percent of companies with total bans said they experienced decreased crash rates, and the same experienced decreased property damage, indicating the policies work
- Among those who responded and had total bans
 - **19 percent said productivity increased**
 - **22 percent said productivity remained the same**
 - 52 percent don't yet know impact on productivity
 - 7 percent said productivity decreased



CEO Selling Proposition

1. Employee cell phone use while driving is a significant and growing safety threat to our employees and the driving public.
2. It has also become a significant financial risk and liability.
3. If a total ban policy is properly implemented and supported, there will not be a negative effect on productivity, customer service or employee morale.



Takeaways

- We need full attention for the task of driving - cognitive distraction is real - Multitasking is a myth
- Hands-free is not risk free
- Risk exposure is what makes cell phone use the biggest threat
- A total ban on employee cell phone use while driving is “best safety practice” and your company’s best defense against liability exposure.



Free NSC Resources Available to Assist Employers

- **Cell Phone Policy Kit**
- White Papers and Reports
 - Understanding the Distracted Brain
 - Employer Liability
 - Distracted Driving - State of the Nation
 - Underreporting
- Videos Series



Available at:
distracteddriving.nsc.org



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