

Distracted driving – How much could a call or text really cost your organization?

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Impaired driving



Today's objectives



- By the end of this program, you will be able to:
 - Explain the causes, effects and costs of distracted driving
 - Recognize the liability your company faces from Mobile Communication Device usage by your employees and the connected legal environment
 - Implement best practices to drive down the risk of distracted driving

This is not difficult, but it is hard



**Culture
change**

**Policy /
procedure**

Education

**Technolog
y**

Cause, effects and costs

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Rapidly growing problem



Thousands of new mobile communications devices (MCD) are issued everyday.



Talking on the cell phone and driving while testing (DWT) have become prolific



Several high profile crashes have brought this to public attention



The US government has begun taking serious actions

Poll



Have you talked
on the cell phone
for more than 30
seconds or
sent/received a
text message while
driving in the past
30 days?

Public viewpoint



Distracted Driving is now the **number one** safety concern of the American driving public

82% of drivers rated Distracted Driving a **SERIOUS** problem

Respondents rank Distracted Driving higher than drunken driving

Popular bumper sticker – **Shut up and Drive!**

These same people could be making decisions about your liability

What is
distracted
driving?

- Any activity that takes your eyes off the road
- Any activity that takes your hands off the wheel
- **Any activity that takes your mind off the driving task**

The findings

Reaction time
and perception
are impaired

Comparisons
have been
made to driving
under the
influence of
alcohol –
socially
unacceptable

Virginia Tech
study
determined
texting while
driving
increases
crash risk by
23x

Use of mobile
communication
devices causes
impaired
driving

Distractions and reactions



- Manual manipulation of the device diverts cognitive resources
- Multitasking creates lag time that reduces reaction time
- 2 second distraction – the vehicle has traveled over 160 feet



Different conversations – different outcomes



- Talking and texting differs from talking to passengers
- Cell phone use while driving can cause 'tunnel vision'



The consequences



- Losing track of the changing environment leads to this



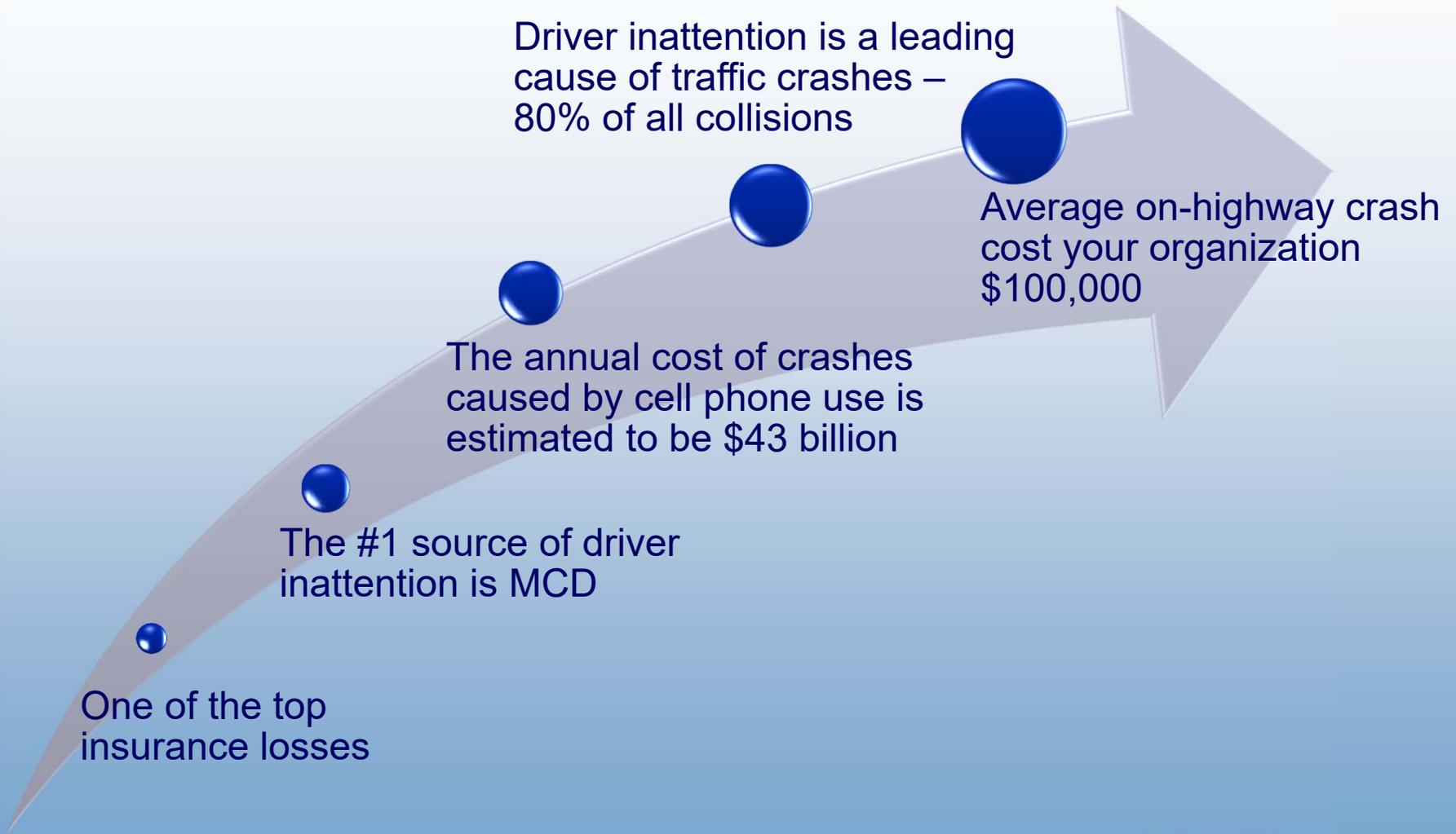
The hands-free myth



- No difference in distraction between hand-held and hands-free devices
- Talking on the cell phone increases crash risk by 4/5x



What does this cost?



The ultimate costs



- Auto crashes are a leading cause of work related injuries.
- Auto crashes are **the** leading cause of work related fatalities!



Is it worth it?

Laws and legal findings

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The law



- Most states now ban texting while driving and limit cell phone use
- The UK has one of toughest MCD laws
- Canada now restricts cell phone use and bans texting in most provinces

Pending laws



- President Obama recently issued an executive order that bans texting while driving for Government employees
 - Also effects government contractors
- The US Department of Transportation is working to ban texting while driving and limit cell phone use
- Pending US Senate actions will require every state to ban texting while driving and limit cell phone use
- The Senate bill will make it a primary offense



Productivity traps



- We live in an “always connected” world.
- Many perceive driving as “down time”
 - Read email, text and catch up on phone calls
- Organizations often knowingly or unknowingly encourage risky behavior
 - Expect return phone calls during drive time
 - Schedule conference calls during drive time
- Impairment + public perception + traffic law + acceptance = Liability

Liability and negligence exposures



- Your business may be liable, even negligent.
- Employers can be held vicariously responsible for damages.
- It has been established in a number of cases in numerous states.
- Employers were found negligent for either tacitly endorsing cell-phone use while driving.

Case study



- An associate in a law firm accidentally swerved off the road.
- She struck and killed a 15 year-old.
- Her employer is facing a \$30 million dollar wrongful death suit.
- The suit contends:
 - Employee was acting in the scope of her employment.
 - Cell phones and driving was encouraged.
- Company had no policy on cell phone usage in the vehicle.

Cell phone usage causes death



Large
brokerage firm
paid \$500,000
to settle a
case

Employee
was driving
his personal
vehicle on
company
business



Motorcyclist killed
when hit by a
stockbroker who was
using a cell phone
while driving

Senseless crash seriously injures women



- An employee was using her company-supplied cell phone as she drove
- She rear-ended a vehicle driven by another woman
- The collision resulted in the amputation
- **\$5.2 million payout**



Was it worth it?

Legal implications



- Juries have not reacted favorably to employers whose employee-drivers caused accidents while using a cell phone.
- Utah – DWT with fatality
 - Negligent homicide
 - \$10,000 fine, 15-year jail term



Best practices

You can implement immediately

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Step One: Policy



Create and implement policies and procedures

- Courts and public recognize efforts to reduce risk
- Strong policies are the foundation
- Procedures must reflect the intent of the policies
- These efforts are not bullet proof but necessary

Best practice

- Total ban on all cell phones and communication devices
- Total ban on use of all wireless devices or personal entertainment
- Permitting only emergency use with a statement for safety, such as pull over safely, etc.

Sample policy language



Distracted driving

1. Use of cellular telephones, pagers and two-way radios

- The use of wireless communication devices, such as cell phones — including those equipped with “hands-free devices” — are not permitted while driving a vehicle on company business.
- However, these devices may be used when the vehicle is safely parked in a designated parking area.

2. Use of personal stereo devices

- Employees are prohibited from using a headset with any type of stereo or music device while operating a motor vehicle.

Step 2: Education and Culture



Education

- Your organization and your customers
- Post warnings

Culture

- Create one where texting while driving is not accepted

What else should you do?



- The policy should be clearly articulated, broadly communicated, and uniformly enforced.
- Train and trainer often.
- Post warnings on employer owned cell phone and in employer owned vehicles.
- Inform clients of your cell phone policy.

Resources



- When you leave this presentation, you will be taken to a website with additional resources
- Click the following link for more information

Q & A



Add directions for asking question on the webinar system.



Thank you for attending!



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