

Increase in Use of Electronics Creating “Intoxicated” Workers

*By
Teresa Long*

The proliferation of personal technology, predominantly cell phones, Blackberrys and iPods, now infiltrates work life as well as leisure time. These devices are impacting job safety, a not-so-good vibration being felt, literally, from coast to coast.

A Boston trolley driver is distracted while sending a text message and slams into another car, injuring scores of passengers. Even more horrific is the operator of a commuter train in Los Angeles who, while looking down to send a text message, hits another train and causes the deaths of 20 people.

Research by the Virginia Tech Transportation Institute revealed that a truck driver looking down while texting for a mere six seconds while motoring at 55 miles per hour will travel the entire length of a football field, and not realize he traveled so far, so fast. No longer is it only intoxicated drivers who are dangerous, it is the “intoxicated” drivers, as well.

The Harvard Center of Risk Analysis estimates that cell phone activity contributes to 636,000 motor vehicle crashes, 330,000 injuries, and 2,600 fatalities, each year. Although it’s hard to put a number on how many of those are “work-related,” such as truck drivers, delivery drivers, salespeople on their way to the next meeting, it is safe to say employers need to be aware of potential ramifications.

Some businesses have already noted the number of injuries and rising costs associated with workplace distractions by adopting policies on banning cell phones. These employers understand the potential liability connected with this behavior. All you have to do is look back a few years to a company that had to settle a case for \$16 million because one of its salespeople killed an elderly person when driving while talking on a cell phone.

Unfortunately, there are still employers who fail to realize the urgency of the matter, because many believe that a salesperson on the road or the local delivery person can’t do his or her job fast enough unless they are multi-tasking.

But it's time for them to wake up and smell the risk. Because most assuredly the insurance company and their underwriters are standing downwind and it's only a matter of time before they start sniffing around to see if employers have language in place prohibiting the use of cell phones while driving.

Several politicians and the American Transportation Association have already introduced legislation aimed at banning texting while operating a vehicle. The proposed "Avoiding Life-Endangering and Reckless Texting by Drivers Act of 2009" bill will penalize states in violation of the law with the risk of losing 25% of their annual federal highway funding.

And it's not just the inappropriate use of cell phones that's causing undo risk. It's also injuries to workers listening to iPods while on the job. It's when an employee is listening to ABBA instead of listening to a co-worker yelling out a warning or hearing the *beep-beep-beep* of a forklift backing up.

One aerospace manufacturer took a pro-active approach by recently banning 1,500 of its employees from using iPods at work, stating, "Even though there have been no incidents, there are aircraft, forklifts, trucks and so on moving around. We feel people should always be concentrating fully."

The Human Resources Department of a company needs to know the ramifications of the new technology in the workplace, put specific policy language into the employee handbook, properly train employees, and vigorously enforce those policies. By doing so, they can protect themselves from a liability standpoint by showing that the employee *knowingly* violated a written safety rule.

Companies need to realize that they are putting themselves at risk should a distracted employee be involved in an accident. Plus, to add insult to the injury, it is very likely that there will be a Workers' Compensation claim.

Unsafe acts cause more workplace accidents than unsafe conditions. So employers and employees need to work together to ensure that an electronic device policy is enforced in a way that shows each understands the importance of keeping the public and co-workers safe by being able to respond instantaneously to a workplace issue, whether it's a pedestrian crossing a street or a truck backing up to a loading dock.

It's true that you can't idiot-proof the world. But by putting the proper policy into place you *can* protect your little piece of the world (such as your workplace) and the public as a whole.

Nothing drives home this point better than the story of a 25 year old truck driver from upstate New York who was talking on a cell phone with one hand and texting with the other. As you would expect, he came up one hand short and lost control of his vehicle, smashed into another car, careened across a front lawn and plunged his truck into a swimming pool, injuring a 68 year-old woman and her 8 year-old niece.

We can only hope that the company he worked for had the foresight to have an up-to-date policy on the do's and don'ts of the new technology in the workplace. Because recent cases have shown language is not enough. The company must also show it has enforced the policy and properly educated the employee.

Teresa A. Long is Director of Agency Services for the Institute of WorkComp Professionals in Asheville, NC, the largest network of Workers' Compensation professionals in the nation (www.workcompprofessionals.com). Teresa was claims manager for 14 years for Walt Disney World and later was Vice President of Risk Management for Sarasota, FL-based Unisource Administrators, Inc. She can be contacted at 828-274-0959 and teresa@workcompprofessionals.com