

## **USE OF MOBILE PHONES WHILST DRIVING**

### **COMPANY VEHICLES AND PERSONAL VEHICLES ON COMPANY BUSINESS**

Whilst the law does allow for the use of hands-free devices whilst driving, Plastica Ltd's policy is that the use of mobile phones whilst driving a Company vehicle or a personal vehicle on company business is **not permitted**.

#### **Research and the Law**

Plastica Ltd have a duty under health and safety law to manage the risks faced by our employees on the road. We have identified that one of the biggest risks whilst on the road is the use of mobile phones. Research has shown that using a hands-free phone while driving is just as dangerous as using a hand-held phone.

It is illegal to hold and use a phone, sat nav, tablet or any device that can send or receive data, while driving. This means that you must not use a device in your hand for any reason, whether online or offline. For example you must not text, make calls, take photos or videos, or browse the web. The law still applies to you if you're:

- stopped at traffic lights
- queuing in traffic
- supervising a learner driver
- driving a car that turns off the engine when you stop moving
- holding and using a device that is offline or in flight mode.

You can use a device held in your hand if:

- you need to call 999 or 112 in an emergency and it's unsafe or impractical to stop
- you're safely parked <https://www.gov.uk/guidance/the-highway-code/waiting-and-parking-238-to-252#239>
- you're making a contactless payment in a vehicle that is not moving, for example at a drive-through restaurant.
- you're using the device to part your vehicle remotely.

It can also be illegal to use a hands-free phone while driving. Depending upon the circumstances, drivers could be charged with 'failing to have proper control of their vehicle', or careless or dangerous driving if they are distracted because they are using a hands-free phone. However, [www.gov.uk](http://www.gov.uk) states that you can use devices with hands-free access, as long as you do not hold them at any time during usage. Hands-free access means using, for example:

- a Bluetooth headset
- voice command
- a dashboard holder or mat
- a windscreen mount
- a built-in sat nav

The device must not block your view of the road and traffic ahead.

The definition of driving: Under the existing law a person may be regarded as "driving" a vehicle while the engine is running and the vehicle is stationary.

## **Mobile Phone Requirements**

**Company vehicle drivers or a drivers of a private vehicle on company business are not permitted to use a mobile phone at all whilst driving the vehicle (unless it is required for an exemption shown above regarding genuine emergencies).**

Your mobile phone must be switched off or switched to silent whilst you are driving on company business so as not to cause a distraction or temptation to use it.

If you need to use a mobile phone whilst on company business, you must pull over in a safe place (legally permitted for stopping), switch off your engine and only then use your mobile phone.

Plastica may send you text messages whilst you are driving on company business but you must not respond to these until you have stopped driving and switched off your engine.

All staff, whether drivers or not, must not require drivers to commit an offence. If you call a member of staff and you are aware that they are driving whilst talking to you, you must terminate the call immediately.

Plastica will not be responsible for any fines/legal charges accrued by you due to any infringement of the law.

We monitor the use of company mobile phones and SatNavs.

## **Sat Nav Requirements/Dash Cams**

The use of a SatNav device is permitted whilst driving. However, if you need to alter any details on the device by hand this must only be done when you have a safely stopped, parked and the engine is switched off. SatNav devices must be placed in a safe position, for example in a cradle whilst you are driving.

The use of Dash Cams is required if these have been provided in the Company vehicle. However, you may only physically access the device when you have safely pulled over, stopped, parked and switched off the engine.

Any breaches of the above policy may lead to disciplinary action being taken which could result in your summary dismissal.

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Please sign and date below to show that you have read and understood this policy and that you agree to follow the requirements.

Name: .....

Signed: .....

Date: .....