###### Use Of Mobile Phones While Driving

will be referred to as ‘the Company’ throughout this policy.

It is an offence to use a hand-held mobile phone whilst in control of a vehicle. The maximum penalty for a van or lorry driver is £2,500.

A “hands-free” phone will include all phones not secured to the vehicle in a kit.

“In control of a vehicle” will include being stopped at traffic lights. The only time it will not apply is when the vehicle is parked, and the engine is switched off.

It applies to all public roads, i.e. “where the public have access” and will therefore apply to all private, factory and site roads.

It applies to both company and personal phones.

The law does not extend to cab radios, CBs and similar devices, although their use may be an offence under the Road Traffic Act, section 3 as “Driving without due care and attention”, where the use of such a device distracts the driver.

Mobile phones should not be used to make or receive calls in filling stations, etc., as they have been shown to cause the explosion of petrol fumes.

On health and safety grounds, the company has a statutory duty to control the employees’ use of personal and company mobile phones in all situations where their use could distract the employee and place the employee or others at risk.

The company does not wish to infringe the employees’ personal rights and liberties and believe that for this reason a blanket ban on mobile phone use should not be imposed.

The company relies on the employees’ discretion and good sense to use these devices correctly, but the following rules will have to be imposed whilst employees are at work.

* No employee will use a hand-held mobile phone, company or personal, whilst driving a company vehicle (including plant) or driving a private vehicle on company business.
* The use of hands-free phones should be limited to essentials and, where possible, transferred to message services whilst driving.
* The use of hand held microphones for cab radios should be minimised to essentials.

Mobile phones and similar devices will not be used where explosive or flammable atmospheres might exist in filling stations, etc.

##### Use of Mobiles

The term “Hands-free” applies only to phones which are fixed to the vehicle and not to an earpiece and microphone plug-in set, the latter being regarded as being hand-held.

To be “Hands Free”, the user must use only finger to touch the phone to make or receive a call and must never hold a phone or have it resting on his person.

As well as carrying on conversations, the use of a mobile will include texting, or the receipt of any type of message, picture or other communication.

##### Motor Vehicle Use Guidelines

Whilst driving, employees should limit the use of mobiles to essential calls only and these should only be through a “hands free” phone.

##### Hand Held Mobile Phones

An employee in control of a motor vehicle, including periods when stopped at lights, etc., will not use a hand-held mobile phone.

These should be switched off and calls diverted to a call answering service.

Whilst on company business, this will apply to all vehicles, including private vehicles being used for business travel and purposes, and to all mobiles, company or personal.

To comply with the law, where a call has to be made or received, then the vehicle should be parked off road and the ignition switched off.

##### Hand Held Microphone Units

The use of hand held microphones (such as fixed cab radios) whilst driving a vehicle on a road, is not currently included in the mobile phone legislation. It could however prove to be a distraction to the driver and fall within the terms of “Driving without due care and attention” (see Legislation above).

The use of hand held microphones should be kept to a minimum.

##### Use in Filling Stations

Mobiles have been a proven cause of fire and explosion of petrol fumes, even when receiving calls.

Mobile phones should be switched off when in areas where volatile flammables (such as petrol fumes) may be present and should never be carried live on your person, or laid on places such as car roofs, in filling stations and similar areas.

##### Personal Mobiles

Other than in designated areas, the use of personal mobiles whilst engaged on a task is prohibited, as they are both distracting and time consuming.

The use of hand held personal mobiles whilst driving a company or private vehicle whilst at work is prohibited.

The above restrictions will not preclude the answering of calls on personal mobiles at periods when the employee is not immediately engaged on a work-related task.

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| **Signed on Behalf of:** |  |  |
| **Name (Print):** | Steven Callander |  |
| **Position:** | Director |  |
| **Signature:** | A black line on a white background  Description automatically generated |  |
| **Date:** |  |  |