



Employers Can be Liable for Distracted Driving

Upcoming Safety Observances

April

National Distracted Driving Awareness Month
 National Work Zone Awareness Week (April 26-30)

May

National Youth Traffic Safety Month
 Motorcycle Safety Awareness Month
 National Heatstroke Prevention Day (May 1)
 Click-it or Ticket (May 17- June 6)

June

National Ride to Work Day (June 21)
 National Trailer Safety Week (June 6-12)

Free resources are available on the Utah NETS webpage to assist you during these observance periods.

For more information, visit UTAHSAFETYCOUNCIL.ORG or call 801.746.SAFE (7233).

It's easy to imagine: A manager takes a business call while driving to work, a driver browses social media while delivering packages, or a salesperson who's stuck in traffic sends a text to a client. So what happens when distracted drivers cause accidents while they're working? Employers could be on the hook for damages.

About 100 people die in car accidents every day, and distracted driving is a leading cause of fatal crashes, according to the National Safety Council. Additionally, 40 percent of all workplace fatalities in 2016—the most recent year for which data are available—involved transportation incidents, according to U.S. Bureau of Labor Statistics data. Roadway accidents accounted for more than any other type of transportation incident that led to a worker's death.

Employers can generally be held responsible for damages when a distracted driver is acting in the course and scope of employment. Since technology is expanding and the remote workforce is growing, workers are conducting more business away from the worksite and on the road, which increases the chances for employer liability, said Anne Cherry Barnett, an attorney with Polsinelli in San Francisco.

Risk Factors

A court will look at many factors when determining the scope of an employer's liability, Barnett said.

If an employee is driving a work vehicle, even when off duty, the employer could be held responsible. Furthermore, an employer may be liable when an off-duty worker is driving his or her own vehicle and causes an accident while making a work-related call or sending a text. Cellphone records can be subpoenaed to show who the driver was talking to or texting at the time of the accident.

Practically speaking, when someone has been injured by a distracted driver, the injured party will want to know who owns the vehicle, why the person was driving and what else that person was doing while driving, said Jennifer Sandberg, an attorney with Fisher Phillips in Atlanta. If the driver was working or driving a company vehicle, the injured party may pull the employer into the lawsuit because it likely has the "deepest pockets," she explained.

Sandberg suggested that employers limit the amount of time that employees spend behind the wheel for the business. Make sure the trip is necessary and that the vehicle is safe and well-maintained, she said.

Employers Can be Liable for Distracted Driving, cont.



Hands-Free Laws

Employers should ensure that workers are familiar with and following laws that regulate the use of devices while driving, Sandberg noted.

Although there is not a clear federal position, the issue has been addressed at the state level, Barnett explained.

Most states have laws that ban texting, and 16 states prohibit the use of hand-held devices while driving, according to the National Conference of State Legislatures. The use of hands-free devices—such as earpieces, speakerphones and dashboard systems—are generally allowed under state laws.

No state bars all cellphone use while driving, but at least 38 states have outlawed cellphone use by teen and new drivers, and 21 states don't allow school-bus drivers to use phones when they're on the road.

The problem is that people don't always follow the law, Barnett said. "Every day, we see people texting or enraptured in a client call while driving."

Furthermore, according to the National Safety Council, talking on a hands-free device is still dangerous because the driver's mind is distracted. Talking to a passenger in the car is different because the passenger will likely see and be able to respond to changes in traffic patterns and any hazards.

Effective Policies

"It's all about risk management," Barnett said. Depending on the nature of the business, enforcing a strict policy that bans all cellphone use may be unrealistic, she said. At a minimum, employers should incorporate any state laws into their policies and consider the company's culture and the types of jobs that require driving. What level of risk is the employer willing to take?

Having too strict a policy isn't helpful, Sandberg said. It's problematic if everyone is breaking a strict policy and the employer knows it. If employees know they can ignore one policy, perhaps they'll think it's all right to disregard other rules, such as those that are part of an anti-harassment program, she noted.

For jobs that require driving, employers should make sure workers take a defensive driving class and have a good driving record, she said. "Check records at least once a year during employment, and have a policy requiring employees to self-report any accidents that happen."

Employers will want to know if drivers have a DUI on their record—even if the incident occurred off duty. "Imagine if you don't have that information and something bad happens on the job," Sandberg said.

Make sure the policy is rolled out effectively to the relevant employees and that workers understand how important it is to the company, Barnett said. "If employees are not following the policy, there needs to be consequence," she added.

"Some of it is just based on luck, but if you have good policies and effective training and enforcement, you will have made significant strides to reduce liability," she said.

Source: <https://www.shrm.org/ResourcesAndTools/legal-and-compliance/state-and-local-updates/Pages/Employers-Can-Be-Liable-for-Distracted-Driving.aspx>

Get Recognized For Your Safety Achievements



Submit Award Applications Today!

We want to make sure you & your company are recognized for your achievements in safety. Submit your safety award applications today to be recognized during our Annual Meeting on August 13, 2021.

Award Applications are Due by June 30, 2021

Award applications have been mailed to each member company. You may also download applications on our website by [clicking here](#) and selecting the **Safety Awards Application** tab.

How to Submit Award Applications:

By Email: awards@utahsafetycouncil.org
Use "2021 Awards Submission" in the subject line

By Fax: 801.478.0884

By Mail: 1574 West 1700 South, Salt Lake City, UT, 84104

Occupational Seat Belt Award Time

Each year, the Utah Network of Employers for Traffic Safety (NETS) and the Utah Safety Council challenge businesses and their employees to increase their seat belt usage.

The Occupational Seat Belt Award is presented to organizations that encourage seat belt use among employees and achieve a 100% usage rate. The benefits gained are numerous. Organizations will be presented with an award for their success at the Utah Safety Council's 2021 Annual Awards on Friday, August 13, 2021.

Start With Safety



FREE WEB-BASED SEMINARS

Seminar Time: 10:00AM MST

Start each month with the Utah Safety Council's free webinars. Join us online, where we will discuss safety topics that directly impact Utah businesses and communities with experts in the field. In addition to each month's safety topic, we will share upcoming courses and help you get the most out of your Utah Safety Council Membership.

Upcoming Seminars:

May 3, 2021: NFPA 70E Updated Standards
June 1, 2021: National Safety Month

[Click here to sign up](#)

Encourage Your Employees to Buckle Up

In Utah alone, we have had an estimated 260 roadway fatalities this year. Of those 260 fatalities, 71 were not wearing a seat belt. Tragically, these deaths were 100% preventable.

As employers, employees, and everyday commuters these numbers can be reduced with education, training and awareness.

The Utah Safety Council wants to help remind your employees and customers to "Buckle Up - Every Trip, Every Time" with our new reflective parking lot signs.

Each sign is 12x9 and available for members to purchase at \$25.75 each.

For more information or to place an order, please contact Nichole Rilk at nrilk@utahsafetycouncil.org or 801.746.SAFE (7233) ext. 303.



Defensive Driving Courses for Your Employees

Improper driving is a contributing factor in OVER HALF of all motor vehicle crashes.

The National Safety Council's Defensive Driving Course (DDC) offers practical strategies to reduce collision-related injuries, fatalities and costs. It addresses the importance of attitude in preventing crashes, and reinforces good driving skills. Most importantly, DDC shows students the consequences of the choices they make behind the wheel, and puts defensive driving in a personal context.

Study after study has shown that drivers who participate in the Defensive Driving Course average fewer collisions and fewer driving arrests than drivers who do not take the course. Offered locally through the Utah Safety Council, this course has set the standard in the industry for over 40 years, and continues to improve driver behaviors.

The following options are available to utilize the Defensive Driving Course:

On-Site Defensive Driving: 4-Hour Course (DDC-4)

- Fast-paced, practical and highly effective refresher course
- Developed to meet your driver improvement and safety needs
- Taught by certified experienced instructors
- Available on-site or specially arranged at the Utah Safety Council
- Customizable in a variety of ways

In-House Defensive Driving: 4-Hour Course (DDC-4)

- Certify your current instructors as DDC instructors
- Utilize cutting edge curriculum and teaching materials
- Teach proven collision avoidance techniques
- Instill the importance of attitude in preventing crashes
- Flexibility in scheduling, location and class size.
- Purchase materials through the Utah Safety Council

Online Defensive Driving Course

- Nationally recognized program
- Locally administered and maintained
- Flexible, easy to use and available 24/7
- Engaging and interactive, with reviews at the end of each session
- Available in English and Spanish
- Course demo available upon request
- Quantity discounts available

If you have any questions or need additional information please contact Nichole Rilk, Traffic Safety Program Manager at 801.746.SAFE (7233) or by email at nrilk@utahsafetycouncil.org.



ONLINE DEFENSIVE DRIVING COURSE Producing Safer Drivers



This course offers practical strategies to reduce collision-related injuries, fatalities and costs.

The National Safety Council's Online Defensive Driving Course (DDC) addresses the importance of attitude in preventing collisions, and reinforces good driving skills. Most importantly, this course shows participants the consequences of the choices they make behind the wheel, and puts defensive driving in a personal context.

Quantity	Member	Non-Member
1-25	\$40	\$50
26-100	\$37	\$47
101-250	\$32	\$42
251+	\$27	\$37

Offered locally through the Utah Safety Council, this course has set the standard for the industry for over 40 years, and continues to improve driver behaviors. Many Utah companies train their employees to drive defensively with Online DDC.

UTAHSAFETYCOUNCIL.ORG



Online DDC is:

- Flexible and self paced
- Easy-to-use
- Engaging through the use of streaming media
- Interactive, with a review at the end of each chapter
- Locally administered and maintained

Call the Utah Safety Council today to see how we can assist you with your training needs.

Contact **Nichole Rilk** Traffic Safety Program Manager at 801.746.**SAFE** (7233) or email **traffic@utahsafetycouncil.org** for more information or to purchase user IDs.

Online DDC demo available for preview. Send an email to Greg requesting to view the online course.

Work Zone Safety



Work zones play a critical role in the preservation and enhancement of our nation's roadways. They separate construction and maintenance activities from traffic, providing a safe route for all road users (motorists, pedestrians, and bicyclists) and a safe area for workers. However, work zone related changes in traffic patterns and rights of way, combined with the presence of workers, and the frequent movement of work vehicles, may lead to crashes, injuries, and fatalities.

Through National Work Zone Awareness Week (April 26-30), the Federal Highway Administration (FHWA) and its partners hope to bring attention to the critical issue of road user and worker safety in and around work zones.

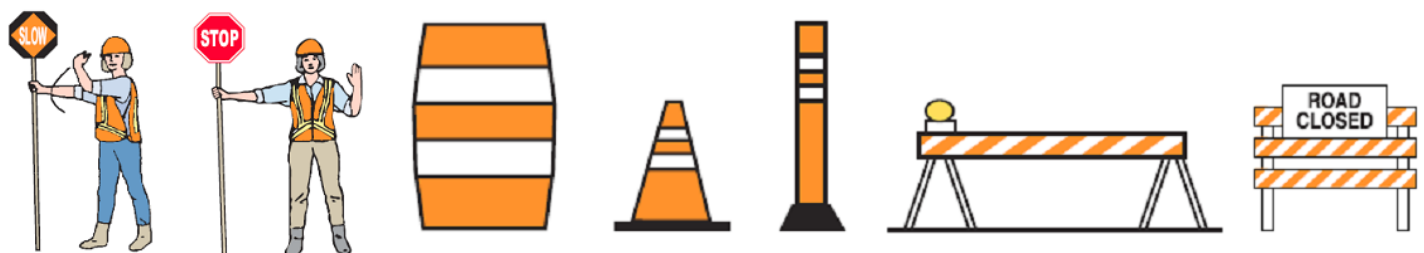
It's important for everyone to do their part to be safe. Drive Safe. Work Safe. Save Lives.

To protect field workers and all road users, follow these tips for traveling safely through work zones:

- **Know Before You Go.** Before heading out, check for the latest traffic conditions along your route. With information on active work zones, you can change your trip, possibly avoiding work zones altogether.
- **Stay Alert and Obey the Roadway.** Be aware of all activity occurring around you, including paying attention to other drivers and road users. Work zones change daily; pay attention so you can anticipate new traffic patterns. Remember, signs, cones, barrels, and flaggers are there to help maneuver you safely through the work zone.
- **Watch for Workers.** In 2019, 135 workers were killed in highway work zones.
- **Watch for Sudden Stops.** Work zone activity often leads to congestion, delays, and traffic queues. Be alert and watch for sudden stops. In 2019, nearly one quarter of all fatal work zone crashes involved rear-end collisions.
- **Slow Down.** Speeding can lead to crashes with other vehicles and with field workers. Make sure to obey posted work zone speed limits and keep a safe distance from the vehicle ahead of you.
- **Use Caution Around Large Vehicles.** Large vehicles have a slower reaction time, so refrain from making sudden lane changes in front of trucks or buses that are trying to slow down.
- **Keep Everyone Safe.** Be respectful of workers, fellow drivers, and all road users. We need everyone to work together to ensure we all stay safe.

Visit the FHWA Work Zone Management website at www.fhwa.dot.gov/workzones and the National Work Zone Safety Information Clearinghouse website at www.workzonesafety.org for access to resources, guidance, and training.

Source: https://ops.fhwa.dot.gov/wz/outreach/nwzaw_factsheet_2021/nwzaw_factsheet_2021.pdf





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LOCAL CHAPTER

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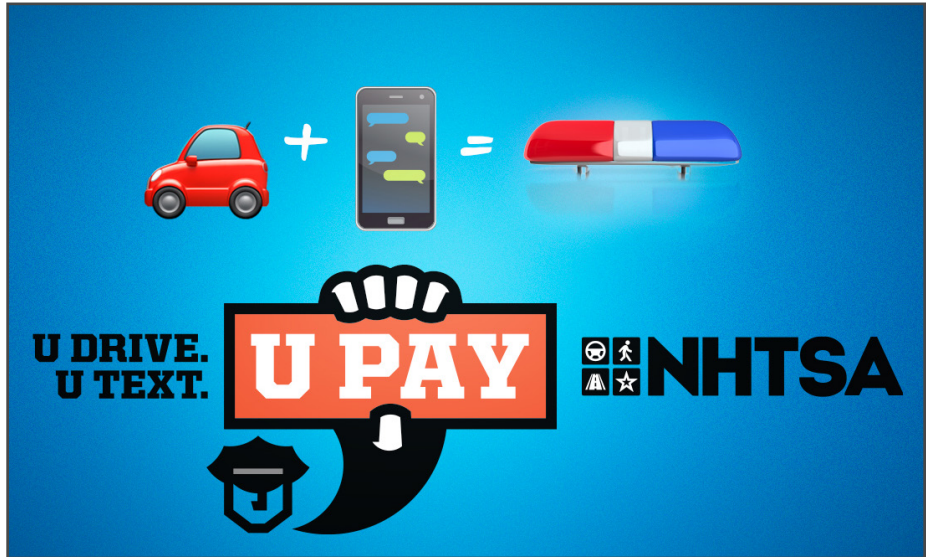


NETS News

If you would like to submit items for use in this newsletter, send them to:

Email: nrilk@utahsafetycouncil.org

Phone: 801.746.SAFE (7233)




ANNUAL SAFETY AWARDS

Celebrate with us on August 13, 2021!

All award applications are due by June 30th

[Click here to view all of the award applications.](#)