



Risk Control

Driver Distraction and Cell Phone Use

Distracted driving poses a significant risk to every organization with employees who drive for company purposes. Defined as any activity that could divert a person's attention away from their primary task of driving, distracted driving places drivers, passengers and bystanders at risk. In 2022 alone, more than 3,300 fatalities and nearly 290,000 injuries from crashes in the United States were attributed to distracted driving¹.

One cause of driver distraction is the use of cell phones, specifically smartphones. As smartphones integrate into many aspects of daily life, it is recommended that organizations adopt a position on cell phone use while driving and ensure that all employees are educated and trained on the organization's policies.



Common cell phone distractions

Many cell phone uses can lead to manual, visual, cognitive and auditory distraction:

- Phone calls
- Reading or composing text messages
- Navigation assistance
- Social media and web applications
- Taking photos or videos
- Consuming videos, podcasts or music
- Engaging in conference calls or webinars

Company responsibility

Under the doctrine of vicarious liability, employers may be held legally accountable for negligent acts employees commit during their employment. Employers may also be found negligent if they fail to put a policy in place for the safe use of cell phones. Developing appropriate policies, training and enforcement mechanisms may help limit potential liability and increase public safety. Therefore, it is recommended that every company determine whether the benefits of employee cell phone use outweigh the risks.

Legislation throughout the world has led to regulatory updates restricting or banning the use of cell phones while driving. Regulatory elements of cell phone use may vary by the country, province² or state³ in which you and your drivers operate, so check legislation regularly to ensure your company's cell phone policies adhere to, or exceed, what is required from those jurisdictions.

A written policy restricting cell phone use and ensuring employees read, understand, and sign the written policy is recommended to protect the organization and its employees.

What to include in a cell phone policy

Consider the following when drafting or enhancing your organization's distracted driving policy:

- Add a statement specific to the restricted use of cell phones, including ways to appropriately use cell phones and smartphones.
- Educate all employees on the importance of safe driving behaviors, including proper use of cell phones.
- Model the way by ensuring leaders and managers limit their cell phone use while driving.
- Show employees how to place their phone on "do not disturb" while driving. Most phones offer the ability to deliver an automatic reply indicating that they are driving.
- Allow drivers to respond to missed phone calls or messages without being penalized for delays.
- Offer guidance on ways to pull over in a legal and safe location to make phone calls, respond to text messages or set up navigation assistance.
- Be open to feedback on improving logistics and ease of operations pertaining to cell phone use. Consider employees' and drivers' suggestions and communicate updates that take place as a result of their input.
- Consistently enforce the policies outlined and be prepared for disciplinary and/or corrective action with employees and drivers if necessary.

Moving beyond a policy

Programs and policies are considered administrative-level controls and rely on people to implement, enforce and comply with the outlined protocol. This leaves room for error in policy interpretation and enforcement. Advancements in technology have improved the organization's ability to monitor and limit driver distractions.

Consider technology-based solutions such as cell phone blocking systems while the vehicle is in motion and in-cab telematics systems that can monitor not only cell phone use but also other distractions such as fatigue and eating or drinking while driving. Additionally, newer vehicles have built-in vehicle safety systems that can monitor elements for near misses and other distracted driving behaviors. These events can then be utilized for corrective action training with drivers, which may be the best action towards preventing future accidents.

Additional Resources for Your Drivers:

CNA's Risk Control team has developed additional resources for some of your most valuable assets, your drivers. Please reference our Fleet Safety series for driver-focused training efforts and check for further publications.

- **The Driver: Understanding Driver Distractions**
- **The Driver: Situational Awareness While Driving**
- **The Driver: Driving Under the Influence**
- **The Driver: Tips for Wintertime Driving**
- **The Driver: Tips to Reduce Auto Accidents**

To learn more about managing your risk and increasing efficiency, visit cna.com/riskcontrol.

¹ National Highway Traffic Safety Administration (NHTSA), Traffic Safety Facts, Distracted Driving in 2022, Published April 2024, <https://crashstats.nhtsa.dot.gov/Api/Public/Publication/813559>

² Distracted Driving in Canada: Laws & Penalties Per Province (canadadrives.ca)

³ Governors Highway Safety Association, Distracted Driving State Laws (United States)

⁴ <https://www.ghsa.org/state-laws-issues/distracted-driving#:~:text=All%20Cellphone%20Use%3A%20No%20state,a%20texting%20ban%20in%202007>

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