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Texting and Driving

Texting and driving. It's the new age drinking and driving. Both are dangerous. Both are senseless. The U.S. Department of Transportation ("DOT") reports that in 2009 more than 5,400 people died in crashes related to driving distractions, and thousands more were injured. Those numbers have increased over the last few years, and with the explosive growth of cell phones and texting technology, the numbers will continue to increase – unless something is done about it.

President Obama took action last year by signing an Executive Order banning all Federal employees from texting while driving. OSHA and DOT followed his lead by implementing a nationwide campaign to ban texting and driving in the workplace.

Employers have a role to play in this effort because of their legal obligation under the Occupational Safety and Health Act to provide a safe work environment for their employees. OSHA has reached out to employers to remind them that their obligation to provide a safe workplace applies to all of their employees, including the millions of people who do their work behind the wheel of a vehicle – whether they drive full-time or just now and then. OSHA has created a Distracted Driving Web page, located at <http://www.osha.gov/distracted-driving/index.html>, where employers can find information laying out the safety challenge posed by texting and driving.

OSHA has also asked employers to declare their vehicles "text-free zones" and to back-up that declaration with employee education and policies that explicitly ban texting while driving. OSHA has further asked employers to revise any practices and procedures, written or unwritten, that either condone or require drivers to text behind the wheel as a necessary part of doing their job.

OSHA believes that most employers will embrace the nationwide campaign as an opportunity not only to enhance protection for their workers, but also to project a positive,

responsible image of their business to their customers and communities. However, for those employers who are unaware of the campaign, or who choose to ignore it, OSHA has reached out to employees to let them know that an employer who requires them to text while driving – whether by policy or through procedures that make this practice a practical necessity of their job – are violating the OSH Act. OSHA has warned that it will investigate credible complaints and, where warranted, issue citations and penalties to end the practice.

Reducing texting fatalities in the workplace must start from the top. Employers should implement common sense policies strictly prohibiting texting and driving. Employees should be instructed that the texts they send and receive, even if employment related, are not so important that they cannot wait until they are safely off the road.

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