



*City of*  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

# **Mobile Phone Use at Work**

## **Health and Safety Guidance for Managers**

**Issued by Occupational Safety Team**  
**Originally Issued: January 2002**  
**Reviewed: January 2022**

### Aims of the Guidance

This guidance document aims to advise managers on:

1. Action by managers with regard to mobile phone use.
2. Hazards associated with mobile phone use.
3. Legal position regarding mobile phone use.

The term “mobile phone” includes smartphones, Blackberries or any other handheld interactive communication device.

Mobile phones are an excellent workplace technology when used correctly and safely.

This guidance only deals with health and safety aspects of mobile phone usage. Other guidance is available via Bradnet with regards to mobile phone and data protection.

### 1. Action by Managers in relation to Mobile Phone Users

- Managers to bring the following information to the attention of their employees and ensure that it is followed.
- Adhere to all control measures, safe systems of work, working polices and procedures which have been implemented to manage the risks associated with work related mobile phone use.
- Switch the mobile phone or device to call divert, voicemail, silent, flight or meeting mode if you are not available, or it would be unsafe, or unable to answer because of a specific situation, e.g. meetings, training, driving, whilst operating machinery etc.
- Do not use the mobile phone or device, if you are in a potentially hazardous situation. For example:

While working on a ladder or roof. While operating machinery, plant or equipment, which includes lawnmowers, sweepers, MEWPS, power tools.

Within a potentially explosive atmosphere, such as plumes of airborne fine dust and powders; vapour, fume or gas saturated environments.

Driving, manoeuvring or operating any type of vehicle, including motorcycles and bicycles. These could be Council owned fleet, hired or privately owned vehicles being used for Council business use.

Adhere to any specific restrictions regarding mobile phone use e.g. in hospitals, petrol stations, refuelling depots, construction sites etc.

- If using a mobile phone as part of your personal safety arrangements, then keep the battery well charged and do not rely on or assume 100% reception, as there may be blind spots or areas of poor or no reception.
- Respect the personal space of others who may be affected, distracted, or annoyed by your mobile phone use.

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- If you must receive calls whilst you are driving a vehicle, use a mobile phone with voicemail or call divert facilities. This way your phone is switched off or on stand by and not a distraction. You can then check and deal with your calls when the vehicle is safely parked up. Equally managers and others should not make calls to those who are likely to be driving.

**Please note** the only exception to using a mobile phone whilst driving is in the case of a genuine emergency and you need to call 999 or 112, where there is a immediate threat to your or others safety, and it is unsafe or impractical to stop.

### 2. Hazards associated with Mobile Phone Use

- The use of mobile phones by drivers when their vehicle is in motion not only presents a significant hazard to the safety of the driver and any passengers, it also presents a hazard to other road users including pedestrians. Interacting with a mobile device whilst driving, including hands free, the driver is four times more likely to be involved in a road traffic incident, which is similar to a drunk driver.
- Do not use a mobile phone in a moving vehicle if you are the driver or supervising a learner driver.
- Blue-tooth, pairing or twining the mobile device to the vehicle's sound system or using in-vehicle voice activated mobile phone systems also creates a potentially dangerous distraction for the driver if they are making or receiving calls whilst driving.
- Using a mobile phone whilst undertaking activities can be hazardous. Examples include working at height, operating plant and machinery, being within potentially explosive atmospheres or within 50m of a suspect bomb or IED.
- Interacting with a mobile device (making/receiving calls, texting, web browsing, streaming and using social media) are a common contributing factors to many slip trip fall accidents on staircases, due to the distraction and lack of awareness of the immediate environment.

### 3. The legal position regarding mobile phone use

Employers have a general legal duty to ensure the health and safety, so far as is reasonably practicable, of their staff and other people affected by actions or omissions. Managers must carry out risk assessments and introduce measures to eliminate or control the risks. This general duty applies to the use of mobile phone and other similar hand held devices in the workplace.

The Highway Code contains the following requirement. This forms part of the Road Traffic Act as it is a legal requirement and deemed a criminal offence if not adhered to:

*“You **MUST** exercise proper control of your vehicle at all times. Never use a hand held mobile phone, microphone or similar device when driving. Using hands free equipment is also likely to distract your attention from the road. It is far safer not to use any telephone while you are driving – find a safe place to stop first.”* (Road Traffic Act 1998 Sections 2 and 3)

### **Notes**

It is an offence to use a hand held phone or interact with similar mobile devices when driving, while stopped at traffic lights, queuing in slow moving traffic or while supervising a learner driver. If caught, it can lead to 6 penalty points and £200 fine. You could also be taken to court and banned from driving, or riding, and or receive a maximum fine of £1000 (£2500 if driving a PSV (bus) or HGV (lorry). Those who have passed their driving test within two years of the offence could lose their licence.

In the event of a road traffic accident the police will automatically check your mobile phone usage. You will not be able to hide the fact you were using it. In the event of a work related road traffic incident, the police may also extend their investigation to the manager of the driver and further into the Council.

In the workplace using such devices while driving or operating plant, equipment and machinery will be deemed an act of gross miss-conduct as described in the Employee Code of Conduct.