![ZoomSafer]

DISTRACTED DRIVING

HOW TO CREATE AND ENFORCE POLICIES TO REDUCE CORPORATE RISK

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I. ABSTRACT

This paper examines best practices for how modern corporations can reduce risk and save money by designing, implementing and enforcing policies to guide employee use of cell phones while driving.

Mobile phones are critical to modern business productivity. However, when used while driving, mobile phones pose a serious danger to employees, their families and the communities in which they live as well as an expensive liability to companies. Research shows that distractions from mobile phones cause 1,643 crashes, 904 injuries and 13 deaths per day costing employers over $24,500 per crash, $150,000 per injury and $3.6 million per fatality.

Due to the risk and high costs associated with distracted driving, US corporations are increasingly exploring alternatives for implementing policies to determine what employees can and cannot do with their mobile phones while driving.

But what's the best way to proceed? In a world that has become dependent on mobile communications and messaging – how can corporate managers realistically ensure that employee drivers are using their mobile phones in a manner that is safe, legal and compliant with the company's documented policies?

II. RESEARCH AND STATISTICS

The U.S. Department of Transportation estimates that at any given moment in our country, 812,000 vehicles have drivers who are using hand-held cell phones.[1] Given that statistic, one might expect cell phone usage while driving to be a major cause of car crashes. The actual numbers, though, are truly staggering:

- Each year, cell phone distractions cause more than 1.1 million crashes, 500,000 injuries, and 5,000 deaths. This works out to more than 3,000 crashes, 1,300 injuries, and 13 deaths *per day*.[2]
- In June 2009, America's wireless carriers reported handling 135.2 *billion* text messages, an increase of 80.3% compared to the number of texts sent in June 2008.[3]
- As many as 25% of automobile crashes are caused by driver distraction due to mobile phone usage.[4]
- Drivers who dial phones while behind the wheel are 2.8 to 5.9 times more likely to crash/have a near miss and texting drivers are 23 times more likely to crash/have a near miss.[5]
- A study published in the *New England Journal of Medicine* determined that the risk of crashing caused by cell phone use is equal to the risk caused by legal intoxication.[6]
- Employees' on- and off the job crashes cost employers an estimated $60 billion annually.[7]
- On-the-job crashes cost employers over $24,500 per crash, $150,000 per injury, and $3.6 million per fatality.[8]

These numbers provide a snippet of the truly lethal threat posed by irresponsible use of cell phones while driving, and they indicate a trend that is showing no signs of slowing. In light of these statistics, it is little wonder that corporations all across America are awakening to the significant risks posed by distracted driving, and beginning to take steps to evaluate and implement cell phone use policies to protect themselves from risk and liability.[9]

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[1] U.S. Department of Transportation, "Driving Distracted: Stats and Facts," *D!STRACTION.GOV: Official U.S. Government Website for Distracted Driving*, http://distraction.gov/stats-and-facts/.

[2] National Highway Traffic Safety Administration (NHTSA), "An Examination of Driver Distraction as Recorded in NHTSA Databases (Research Note)" [PDF], *U. S. Department of Transportation*, http://www.dot.gov/affairs/DOT%20HS%20811%20216.pdf.

[3] John Wall, "CTIA's Take on Recent Wireless User Surveys," *CTIA – The Wireless Association Blog*, December 16, 2009, http://www.ctia.org/blog/index.cfm/2009/12/16/CTIAs-Take-on-Recent-Wireless-User-Surveys.

[4] National Safety Council, "NSC Estimates 1.6million Crashes Caused by Cell Phone Use and Texting," *National Safety Council*, http://www.nsc.org/Pages/NSCestimates16millioncrashescausedbydriversusingcellphonesandtexting.aspx.

[5] Virginia Tech Transportation Institute (VTTI), "New Data from VTTI Provides Insight into Cell Phone Use and Driving Distraction" (PDF), *Virginia Tech Tranportation Institute*, www.vtti.vt.edu/PDF/7-22-09-VTTI-Press_Release_Cell_phones_and_Driver_Distraction.pdf.

[6] Donald A. Redelmeier & Robert J. Tribshirani, *Association Between Cellurlar-Telephone Calls and Motor Vehicle Collisions*, 336 New England Journal of Medecine 336, no. 7 (1997): 453, 456, http://content.nejm.org/cgi/content/full/336/7/453 .

[7] Network of Employers for Traffic Safety (NETS), "10 Facts Every Employer Should Know" [PDF], *TrafficSafety.org*, http://trafficsafety.org/wp-content/uploads/2009/05/10facts.pdf.

[8] NHTSA, "The Economic Burden of Traffic Crashes on Employers DOT HS 809 682," *National Highway Traffic Safety Administration*, http://www.nhtsa.dot.gov/people/injury/airbags/EconomicBurden/pages/WhatDoTCCost.html.

[9] Michael Wagner and Matthew Howard, "Distracted Driving: Understanding Your Corporate Risk and Liability" [PDF], White Paper, *ZoomSafer*, www.zoomsafer.com/whitepaper.

III. DESIGNING A CELL PHONE USAGE POLICY

When it comes to distracted driving, experts agree that the risks are significant and are increasing rapidly. The primary goal of any cell phone usage policy is therefore to prevent crashes that could negatively impact a corporation's brand as well as its bottom line.

A. POLICY FOUNDATION

The following is a list of key steps that employers should take when defining a cell phone usage policy:

1. DO THE MATH, KNOW YOUR RISK AND BUILD THE BUSINESS CASE

- Review details surrounding prior crashes within the corporate fleet. Such details include behavior of the vehicle operator, time of day, weather, crash details, prior driving history of the vehicle operator, activity of the operator and passengers (if any) at the time of the crash. To the best of your ability, try to find out if cell phone distraction was a contributing factor in any previous crashes.

- Identify the types of technologies that drivers use on a daily basis, i.e. cell phones (for calls, texts, emailing, and mobile web), dispatch radio, GPS navigation. Does the company issue these technologies? Does the employee personally own them?

- Identify existing company policies for use of such technologies. For example, are your drivers required to phone ahead for their next stop? Is an immediate response required when a supervisor or manager contacts employees?

- Identify how your company communicates "acceptable use" policies to its employees. Is an acceptable use policy documented in writing? Is it implied? Are employees expected, or even encouraged, to respond immediately to messages from important customers? Have former employees been disciplined or terminated because of slow response times?

- Identify your state's legal statutes and restrictions regarding technology use while driving.

- Identify federal legal requirements that apply to interstate driving.

- Build a business case and create a financial model to identify best and worst case scenarios in support of your policy. Research recent case law and other media coverage for lawsuits against companies in similar industries or with similar driving characteristics.[10]

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[10] Michael Wagner and Matthew Howard, "Distracted Driving: Understanding Your Business Risk and Liability."

Figure 1: Sample Business Case Modeling the Cost of Distracted Driving

Number of Vehicles	1,000
Crash Rate (Per Year)	5%
Total Crashes	50.00
% Attributed to DWD (Driving While Distracted)	15%
Total Crashes Attributed to DWD	8
Fully Allocated Cost Per Crash, Property Damage Only, Non Injury	$ 25,000
Fully Allocated Cost Per Crash, Injury	$150,000
Fully Allocated Cost Per Crash, Fatality	$ 3,600,000
Weighted Average Cost Per DWD crash Per Year	$ 85,750
Total Cost of DWD crashes Per Year	$643,125

2. FIND YOUR ORGANIZATIONAL BALANCE

Solutions to complicated problems require careful balancing between competing agendas. Such is the case when it comes to crafting a corporate cell phone usage policy. On one hand, mobile phones have become an essential part of how modern businesses work, and they provide tremendous productivity benefits to employees, employers and shareholders alike. On the other hand, freeform and unmanaged employee use of mobile phones while driving exposes corporations to unnecessary and significant risk.   Therefore the first step in defining a corporate cell phone usage policy is to strike a balance between the need for safety and the desire for mobile productivity. There are a number of actions you should take to gather the information necessary for crafting an effective and appropriate cell phone use policy. Make sure you talk to all of your different constituents. Listen to their concerns carefully. Find out what their hot button issues are. Educate them. Make sure they understand the risks. Show them "real world" case studies. If you encounter opposition, ask what type of a policy they would be willing to support. Compromise where appropriate. Push hard for change where necessary, and remember, status quo is simply not an option for well-managed companies.

3. TALK TO THE END-USERS

One of the most important steps in crafting a balanced corporate cell phone use policy is to talk with the employee end-users. Make sure they understand what the proposed policy will cover and ask for their feedback. Will they be inclined to comply? Will they naturally want to comply? Will they be able to do their jobs in the same manner? Based on job function, where is the appetite for risk higher and which type of end-users (sales, service, managerial) warrant more flexible policies? Conversely, where is the appetite for risk lower, and what type of employees warrant more restrictive policies?

4. IF YOU CAN'T ENFORCE IT, DON'T DO IT AT ALL

Don't waste time and energy crafting a policy that you're not committed to supporting with proper training and enforcement. If you don't take the policy seriously (hiring process, training, certification, documentation, enforcement) then none of your employees will take it seriously. Most importantly, be advised that a "paper-only" policy could potentially backfire and do more harm than good.   The act of creating a policy serves as an acknowledgement of the dangers associated with distracted driving and may come back to haunt you. In summary, before you invest the resources necessary to create a cell phone usage policy, make sure your company is fully committed to proper training, education and enforcement.

B. POLICY COMPONENTS

An effective cell phone usage policy should contain:

- Mission statement

- Definition of prohibited behaviors

- Employee/driver acknowledgement statement

- Enforcement and discipline guidance

1. MISSION STATEMENT

The policy should be clear and simple. Begin your policy with a mission statement that clearly outlines the company's intent to reduce or prevent behaviors that contribute to distracted driving. A sample statement is shown below:

Distracted driving crashes pose a serious and expensive risk to our employees, their families, the neighborhoods where we work and live as well as our corporation. To protect our employees, and to reduce corporate risks, we require our employees to use their mobile phones in a safe, legal and responsible manner when driving. We take this responsibility seriously, and value it equally with our other business objectives.

2. DEFINITION OF PROHIBITED BEHAVIORS

Some organizations have very little tolerance for any type of cell phone use while driving -- while other organizations take a more flexible approach to cell phone use while driving, especially if it is legal within their jurisdiction (e.g. hands-free phone calls, text-to-speech messaging, speech-to-text messaging, etc.). As a result, cell phones use policies may differ widely from one company to the next.

In fact, the Network of Employers for Traffic Safety (NETS) recently conducted a survey of their members' cell phone use policies and discipline strategies.[11] According to the results:

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[11] NETS, "NETS Member Cell Phone Policies," *TrafficSafety.org*, http://trafficsafety.org/wp-content/uploads/2009/05/Cell-phone-reference-table-WITHOUT-company-names.doc.

- 16 of 24 respondents implemented a total ban on use of cell phones while driving.

- 9 companies permit hands-free use only while driving.

- 2 respondents reserve the right to check cell phone records.

- 1 company will terminate an employee for violating its global no cell phone use policy.

Despite the broad spectrum of risk profiles, at a baseline, all policies should explicitly prohibit texting, emailing, and web browsing of any kind while driving. The sample texting while driving law NHTSA crafted for states to reference as they debate various legislative measures offers further perspective on how to define your baseline policy.[12] Executive Order 13513, which President Obama issued to prohibit federal employees from texting and emailing while driving, may be useful as well.[13] CSO Magazine[14] and the National Safety Council each also offer cell phone use policy samples for reference.[15]

Regardless of what your policy says, in order to minimize ambiguity, it is always best to define cell phone behaviors that your policy explicitly prohibits.

3. EMPLOYEE / DRIVER ACKNOWLEDGEMENT

Policies should require all employees to sign a form indicating that they have read and understand the policy. Copies of signed forms should be kept with personnel records. This can also be done electronically via email or company intranet.

4. ENFORCEMENT AND DISCIPLINE – PAST, PRESENT AND FUTURE

Effective cell phone use policies must clearly communicate how enforcement and discipline will be carried out.

- **The Past:** Historically, companies have lacked the management tools to proactively enforce compliance with cell phone usage policies. Therefore, companies have had to depend entirely on employee self-enforcement. In such cases, policy compliance is best achieved through a combination of training (positive enforcement) and penalties (consequential enforcement). According to employers who participated in the NETS survey, the following discipline strategies were utilized:

  o Points based system, where points are applied to driver's file if sighted violating the policy.
  o No reimbursement if employee receives a citation/fine for illegally using cell phone while driving.

[12] NHTSA, "Sample Texting While Driving Law" [PDF], *National Highway Traffic Safety Administration (NHTSA)*, http://www.nhtsa.gov/staticfiles/DOT/NHTSA/Rulemaking/Texting_Law_021910.pdf.
[13] President Barack Obama, "Executive Order 13513 – Federal Leadership on Reducing Texting while Driving" [PDF], *U.S. Government Printing Office*, http://edocket.access.gpo.gov/2009/pdf/E9-24203.pdf.
[14] CSO Magazine, "Sample Cell Phone/PDA Use While Traveling Policy," *CSOonline*, http://www.csoonline.com/article/486687/Sample_Cell_Phone_PDA_Use_While_Traveling_Policy_.
[15] National Safety Council, "NSC Employee Policy on Safe Driving," *National Safety Council*, http://www.nsc.org/news_resources/nsc_publications/shplus/Pages/NSCemployeepolicyonsafedriving.aspx.

- ○ Termination for using a cell phone in violation of company policy.[16]

- **The Present:** In the past year, innovative technologies have emerged that can help corporations proactively enforce and administer cell phone usage policies while leveraging their existing investments in vehicle management. Specifically, companies can now deploy software agents on employee phones (company- or personally-owned), and manage those agents remotely while understanding employee driving behaviors. Such software uses GPS services or telematics input from the vehicle to automatically detect when the employee is driving. When the employee is driving, the software applies customized safety polices that determine what the employee can, and can't, do with the phone. Accordingly, a company with a documented cell phone usage policy can now proactively ensure that its policy is followed in addition to effectively managing its vehicle and driving performance.

- **The Future:** Years into the future, it is anticipated that phones will be more formally integrated with all vehicles. When this eventually happens, management of a cell phone inside of a car will become a seamless part of the driving experience. Key factors contributing to this outcome will be: legislation requiring integration between vehicles and cell phones; standardization of cell phone platforms; and a broad, common definition of the policies involved in a safe driving environment.

C. POLICY TYPES

As mentioned previously, there is a broad range of views on the subject of cell phone use while driving, and therefore there is a broad range of policies available to govern cell phone use. For the sake of this paper, we will highlight three types of policies:

- Restrictive
- Balanced
- Permissive

1. RESTRICTIVE POLICY

A restrictive policy seeks to completely eliminate the individual's use of a cell phone while behind the wheel of a car. For example, Chartis Insurance Company recommends that clients consider the following wording: "Company employees are not permitted to use an electronic interactive communication device, either hand-held or hands-free, while operating a motor vehicle on company business, and/or on company time. While driving, calls cannot be answered and must be directed to voicemail. If an employee must make an emergency call (911), the vehicle should be parked in a safe location before making the call."[17]

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[16] NETS, "NETS Member Cell Phone Policies."

[17] Chartis Insurance Company, *Distracted Drivers: The Dangerous Side of Technology*, February 2010

2. BALANCED POLICY

A balanced policy acknowledges that employees may not always be able to stop driving when important calls are received. Such policies almost always prohibit the use of phones for texting, emailing and web browsing. They do, however, permit employees to make hands-free phone calls and receive hands-free phone calls from priority contacts (e.g. dispatch, managers, key customers, etc). Employees should always be reminded to limit the frequency and duration of these calls.

3. PERMISSIVE POLICY

Permissive cell phone use policies generally mimic the current hands-free legislative agenda. In summary, these policies permit employees to use cell phones to make and receive phone calls while driving, provided they do so in a hands-free manner. Such policies even permit employees to receive and respond to text and email messages while driving, again provided that they do so in a hands-free manner. The recent deployment of voice-powered email and text messaging capabilities may feature as part of an IT-based deployment within the scope of a permissive policy.

4. POLICY COMPARISONS

Following is a summary of cell phone usage policies:

Table 1: Types of Cell Phone Usage Policies

	Training	Employee Acknowledgement	Disciplinary Actions
Restrictive	Semi-annual company-wide training. Monthly remedial training as required.	Employees provide signed acknowledgement of policy at new hire and annually to indicate ongoing understanding of company policy.	Termination upon violation of policy.
Balanced	Annual company-wide training. Quarterly remedial training as required.	Employees provide signed acknowledgement of policy at new hire.	3 strikes or similar. 1st offense: Remedial training 2nd offense: Fine or suspension 3rd offense: Termination
Permissive	Annual company-wide training. Email reminders during year.	Employees provide signed acknowledgement of policy at new hire.	1st offense: Warning 2nd offense: Required to attend remedial training.

Based on the policy of choice and the associated safe driving solution settings, it is also important to have reporting analytics (Key Performance Indicators, or KPIs) that provide a means to monitor actual driving behavior, and provide information to allow for driver remediation where appropriate.

Table 2: Policy Settings and Key Performance Indicators

	Policy Settings	Key Performance Indicators (KPIs)
Restrictive	Application Launch: Automatic Auto-Replies: Emails, Texts, Phone Calls (similar to out-of-office replies while driving) Incoming Calls: None (only when safely in parking lot) Outgoing Calls: 911 Only (only when safely parked) Passenger Exit: Not Allowed (Manager override only) Voice Powered Emails & Text: N/A Driver Exit: Manual (only when finished driving) Safety Announcement (Reminder): Company Specific Local On-Device Application Management: N/A End-User Access to Web-based Policy Management: N/A	Safe Driving Hours Number of Averted Events (unanswered and unannounced emails, texts and phone calls) Stop & Go "Exits" (rapid exit and restart) Activity (time of day, day of week)
Balanced	Application Launch: Automatic Auto-Replies: Emails, Texts, Phone Calls Incoming Calls: Limited Number of Priority Contacts Outgoing Calls: Hands-Free Voice Dialer Passenger Exit: Yes Voice Powered Emails & Text: N/A Driver Exit: Manual (only when finished driving) Safety Announcement (Reminder): Optional Local On-Device Application Management: N/A End-User Access to Web-based Policy Management: Limited (priority contacts only)	Safe Driving Hours Number of Averted Events Stop & Go "Exits" (rapid exit and restart) Activity (time of day, day of week) Passenger Exits (for device-based applications) Calls Made and Received (Frequency/Duration) Number of Priority Contacts
Permissive	Application Launch: Automatic or Manual Auto-Replies: Emails, Texts, Phone Calls Incoming Calls: Any Caller (hands-free) Outgoing Calls: Hands-Free Voice Dialer Passenger Exit: Yes Voice Powered Emails & Text: Yes Driver Exit: Manual (only when finished driving) Safety Announcement (Reminder): Optional Local On-Device Application Management: Yes Web-based Policy Management: Full Access	Safe Driving Hours Number of Averted Events Stop & Go "Exits" (rapid exit and restart) Activity (Time of Day, Day of Week) Passenger Exits (for device based applications) Calls Made and Received (Frequency/Duration) Number of Voice Powered Texts and Emails Total Time Listening/Sending Voice Text/Email Policy Settings

IV. POLICY IMPLEMENTATION

To implement a successful cell phone usage policy, corporate managers must:

- Coordinate with HR as appropriate to communicate the policy and train employees to understand it

- Coordinate with IT as appropriate to leverage existing infrastructure and assets

- Develop a standardized process to report user analytics and KPIs

A. TRAINING AND COMMUNICATIONS

Effective communication and training are critical to implementing a successful cell phone usage policy.

1. FREQUENCY

Training should be done in a manner consistent with the type of policy you have defined. A "restrictive" policy should be trained company-wide on a semi-annual basis to ensure the policy is ever-present in employees' minds. Additional topics can be addressed during monthly safety meetings with specific groups or select individuals. A "balanced" policy or "permissive" policy might require only an annual company-wide review, with relevant topics addressed quarterly with selected drivers. Some corporations even include a "drive along" as part of the training methodology. In these cases, sales management not only participates in the field sales activity, but also provides specific reinforcement of company policy while driving to appointments.

2. RECORD KEEPING

All training sessions should be documented with sign-in sheets for employees and detailed records kept for easy reference by management.

3. BEST PRACTICES

With regard to cell phone usage polices, training best practices include:

- **<u>Use real life examples to explain how dangerous it can be:</u>** Update employees and fellow managers on recent incidents involving distracted driving crashes, lawsuits, and related tragedies. Some recent cases

include those involving Holmes Transport, Inc,[18] Dyke Industries,[19] and the Prince George's County (MD) Police Department.[20]

- **Personalize and humanize:** Real people are being grievously injured and killed. Real companies are greatly affected.
- **Lather, Rinse, Repeat:** Make use of repetitive communications through various media (e.g. email, voicemail, blog blasts).
- **Fun and games:** Create posters, pocket policy cards, and lollipops to distribute as handy reminders.

B. IT COORDINATION AND SUPPORT

Should you choose to deploy management software to proactively enforce your policy you should coordinate closely with your IT counterparts on the following issues:

1. DEVICE SUPPORT

You need to have an accurate inventory of the devices you currently have in service. If there is a Mobile Device Management (MDM) solution in place, then your IT department should already have an inventory of in-service phones. The next step is to determine if those devices can be proactively managed. Are they smart phones? Or, are they dumb phones? Does the enforcement solution you're considering support your specific devices? Will new devices be part of the solution? Does the company own the phones, or are they owned by employees?

2. SOFTWARE DISTRIBUTION

Next, you will need to determine how to get the policy enforcement software onto the phones. There are numerous methods to accomplish this, including:

- Send email to individual devices with a link to download the software over the air
- Push the software out to individual devices using your company's existing IT systems (BES, 3rd party MDM, etc).

Both methods have pros and cons. Emailing a link is very simple but it requires the end-user to take action to initiate the download. Pushing the software out via MDM systems requires full coordination with IT, but guarantees that a) the software will be installed and b) IT can assist with other types of compliance (e.g. making it impossible for users to delete the software off the phone).

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[18] Angela Riley, "Federal Judge Awards $18M to Man who Suffered Brain Injury in Crash," *All Business*, Aug. 20, 2009, http://www.allbusiness.com/legal/trial-procedure-judges/12709994-1.html.

[19] Paul Prentiss, "Employers Should Protect Themselves Against Liability," *Find Articles*, Feb. 24, 2003, http://findarticles.com/p/articles/mi_qn5302/is_20030224/ai_n24421545/.

[20] Ruben Castaneda, "Pr. George's Corporal Either Sent or Got Text Before Crash, AT&T Testifies," *The Washington Post,* Sept. 16, 2009, http://www.washingtonpost.com/wp-dyn/content/article/2009/09/15/AR2009091502750.html.

3. CONFIGURATION AND MANAGEMENT

Does your policy allow end-users to customize their individual policy settings? If so, how much customization do you support? Which components of the policy can end-users modify? Will your policy distinguish between different categories- for example, sales representatives vs. fleet drivers- of employees? Once you have the answer to these questions, you should coordinate with your IT counterparts to determine how users, if permitted, will access the control panel.

4. TELEMATICS INTEGRATION

Does your company have a telematics platform that will work in conjunction with the safe driving solution? You will need to map out a strategy for implementing the triggering mechanism between the two platforms.   This may require some integration to identify cell phones within the telematics platform or track the vehicle IDs within the safe driving solution.

C. REPORTING AND ANALYTICS

Prior to implementing your cell phone usage policy, you should have a plan in place to produce reports to regularly study driver behavior and trends. Such reports will help you to educate key stakeholders on the effectiveness of the policy.

1. ORGANIZATIONAL DATA

It is important to have reports that provide an overview of the organization's behavior. These high-level reports will help you establish KPIs and empirical benchmarks to determine if the organization is complying and if the policy is successfully reducing risk and improving safety.

2. INDIVIDUAL USER DATA

Reporting components should provide the ability to "drill down" into details of individual users. Examples of useful reports include: which policies an individual user has; how many emails, texts or phone calls have been blocked in safe drive mode; and how many times the user has activated the safe driving software.

3. HISTORICAL TRENDS DATA

Data tracked over time is very useful. Anomalies in the data can represent sudden changes in behavior. Identifying these anomalies enables you to proactively investigate the issue and take remedial action if necessary. For example, you may wish to study whether usage activity is increasing or decreasing over time.

4. EXCEPTION DATA

There will always be end-users who try to "beat the system". Therefore, it is important to have strong exception reporting tools to help identify suspicious end-user behavior. For example, are users abusing certain features designed to give them flexibility? Are users exiting safe drive mode while stopped at lights or sitting in traffic? Are certain employees making less frequent use of the software? Such data is important for effective and affordable policy enforcement because it allows you to pinpoint irregular behavior so you can swiftly implement any necessary remedial actions.

V. ENFORCING CELL PHONE USAGE POLICIES: WHAT TO LOOK FOR IN A TECHNOLOGY SOLUTION

Irresponsible use of mobile phones while driving is a complicated behavioral problem for employers of all types. On one hand, mobile phones are critical to modern business productivity. On the other hand, when used while driving, they pose a serious and expensive risk to employees and corporate interests. Creating a cell phone usage policy that properly balances between the need for mobile productivity and the need for improved safety can be a confusing process. Here are some key questions whose answers will help frame your company's solution.

A. KEY QUESTIONS

1. HOW FLEXIBLE IS THE SOLUTION?

As discussed earlier, there is obviously a risk management analysis that is required to decide how permissive you want your safe driving policy to be. You can maximize safety and choose a "restrictive" policy that completely blocks all inbound and outbound communications. Alternatively, you can design for hands-free productivity and choose a "balanced" policy that ensures your employees use their phones in a safe, legal and hands-free manner. Whatever policy management solution you choose should be highly configurable and meet the needs of your organization and your end-users.

2. HOW EASY IS IT TO INSTALL?

Most importantly, administrators should have the ability to create a policy and associate it with each user's device as part of the initial set-up. Once the policy has been established, distributing the software should be relatively straightforward. The installation of a safe driving solution should correspond with the enterprise's requirements. For corporations with existing GPS/telematics/fleet management solutions, the solution should easily download to the phone and integrate with the network-based status functionality and/or local Bluetooth serial port interface connectivity. For BlackBerry "shops", the solution should be easily distributed via the organization's BES with very simple, limited end-user interaction. In any event, the downloading of the application should be done over the air (OTA) with very limited end-user interaction.

3. DOES THE SOLUTION USE GPS OR OTHER TRIGGER TO LAUNCH SAFE DRIVE MODE?

Policy software solutions typically use the local GPS for detecting speed on the local device. Although this service is very effective, it does impact battery life anywhere from 20% to 50% depending on the type of phone. When you are trading off safety for battery life, you can expect that your device will need to be charged each night. For a hardware-based solution, while there is still a battery drain due to the Bluetooth connection to the hardware device, it is significantly less than a software solution. When triggering off of an existing telematics platform, users should not experience any incremental battery drain.

4. DOES THE SOLUTION PREVENT YOU FROM PERFORMING ILLEGAL TASKS WHILE DRIVING?

The current laws in place in North America focus on two major areas: hands-free use for inbound and outbound calling (with an exception allowing for one button push to dial); and limiting access to applications (e.g. web browsing) and services (e.g. text, email, IM) while driving. Therefore it is important that a solution provide you the basic level of capability to ensure compliance with the current (and near-term) legislative requirements. Solutions that claim to solve the problem without providing this baseline capability put you at risk from both a safety and a legal perspective.

5. DOES THE SOLUTION ELIMINATE OR MINIMIZE UNNECESSARY NOTIFICATIONS?

If a solution does not filter out inbound notifications for email, text and phone calls, the user is still faced with the temptation to just look and see who sent the message. Research shows that this temptation is difficult to resist because dopamine in the human brain piques your curiosity and compels you to look at the device.[21] People's inability to control this 'Pavlovian response requires that an effective solution eliminate unnecessary stimuli. For priority circumstances, alerts should be presented in a manner that allows users to respond in a safe, legal and hands-free way.

6. DOES THE SOLUTION PROVIDE ANALYTICS, STATUS AND EXCEPTION REPORTING?

A proper technology solution should give you the ability to see how driving behavior is actually modified (e.g. number of distractions averted, safe driving hours logged, etc.). Such data informs the level of compliance and enables remedial action where necessary. Additionally, the ability to send alerts based on changes in driving status is a good and minimally intrusive way to keep people connected.

7. DOES THE SOLUTION REQUIRE THAT YOU LOOK AT THE PHONE?

The purpose of a cell phone usage policy is to ensure that as much as possible, your employees keep both hands on the wheel and both eyes on the road. Solutions that require users to look at the phone to edit messages, check their "safe driving status", or provide a visual blocking message to prevent the use of a service are all sub-optimal because they require the driver to take his or her eyes off the road and hands off the wheel.

8. DOES THE SOLUTION AUTOMATICALLY TURN OFF WHEN STOPPED?

When it comes to enforcing cell phone usage policies, "auto-off" is a complex issue. First, auto-off requires incremental power resources, exacerbating the "battery tax" inherent in an un-integrated, device-only solution. Second, if the policy enforcement solution turns off just because the driver is temporarily stopped, then the solution would actively encourage inappropriate use of the phone (like texting, emailing, or browsing) while sitting still at stop

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[21] Gary Small, "Techno Addicts: Dopamine Is Responsible for the Euphoria That Addicts Chase," *Psychology Today: Brain Bootcamp*, July 22, 2009, http://www.psychologytoday.com/blog/brain-bootcamp/200907/techno-addicts.

lights and in traffic. Given the complexity of the issue, the most viable standalone technology solutions are those that require drivers to manually exit after they have safely reached their destinations. When integrating with a telematics platform, triggering can be based on other events, such as when the ignition turns on and off.

9. INTEGRATED OR STANDALONE SOLUTION?

There are pros and cons to implementing a solution that stands alone on the cell phone versus one that is integrated with the vehicle's telematics platform. With the standalone solution, you are guaranteed compliance with your policy regardless of what vehicle your employee is driving. You can also enforce your policies if the employee is a passenger in a vehicle and you want to minimize or eliminate all distractions from cell phones. The downside of this solution is the battery life issue discussed earlier. Conversely, integrating with and using your telematics platform as a trigger for your safe driving application provides reliable drive-based activation that requires little or no incremental battery usage. It also provides the opportunity to manage driving behavior from both the vehicle's and the phone's perspective in one central place. However, linking a phone to a vehicle is best used when there is a predictable relationship between a driver and a specific vehicle. It also does not protect against risky cell phone usage when the driver is not using the company vehicle.

10. DOES THE SOLUTION SUPPORT HANDS-FREE SERVICES IF ALLOWED BY POLICY?

Hands-free services are an important component of both "balanced" and "permissive" cell phone usage policies. That said, any policy enforcement solution that enables hands-free productivity should ensure the legal use of the phone at all times by prohibiting texting or typing directly on the device. Examples of hands-free services include:

- Audible announcement of incoming calls so users don't look at their devices' screens

- One-touch voice dialing to enable phone calls by speaking contact's name or number

- Voice-powered text and emails allowing users listen to texts and emails and respond/create texts and emails with their voices.

VI. ABOUT THE AUTHORS

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