MOBILE PHONE AND PERSONAL ELECTRONIC EQUIPMENT POLICY

Over recent years the increased use of Smart Phones have become a major issue for those at work on operational construction sites. Accidents could occur and could be fatal.

To ensure that accidents and near misses do not occur because of inappropriate use of electronic equipment, the following policy has been set.

NEVER use a mobile phone or personal electronic equipment when:

- Operating vehicles, plant or machinery
- Working in confined spaces or working at heights
- When directing or banking plant vehicles
- Employees are under no obligation to make or receive telephone calls while driving
- Hand-held mobile phones or personal electronic equipment should never be used while driving
- Employees should only use professionally fitted hands-free kits with phone cradles and even then, highlight that there is a risk of prosecution for careless or dangerous driving when using hands free, if it can be shown that the driver was distracted and not in proper control of the vehicle.

Employers may want to consider the following best practice guidelines:

- Mobile phones or personal electronic equipment should be switched to voicemail when the user is driving
- Emergency calls only should be made / received when on the move
- Employees should be encouraged to only make or receive calls –- even with a hands-free kit – when they are safely parked away from the road.

The rules aim to protect employees and their employers from possible prosecution for using a mobile phone or personal electronic equipment while driving a motor vehicle. The new law also aims to inform and educate staff about the responsible use of mobile phones in vehicles.

This policy applies to all company lorry drivers as well as employees who use their own private vehicles for work purposes. It should be incorporated into the terms and conditions of employment of all relevant employees and employers should keep a record of their employees understanding and accepting the policy.

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What do the regulations mean?

The regulations make it illegal to use a hand-held phone or similar device when driving. This applies to the drivers of all motor vehicles on the road, including cars, motorcycles, goods vehicles, buses, coaches and taxis. It also applies to anyone supervising a learner driver, while the learner driver is driving.

The regulations also apply to anyone who causes or permits any other person to use a hand-held mobile phone while driving. So, employers would be liable if they required their employees to use a hand-held phone while driving and would also be liable if they failed to forbid employees to use such phones on company business.

In Northern Ireland if you're caught using a hand-held mobile phone or similar device while driving or riding, you'll get an automatic fixed penalty notice - **six penalty points and a fine of £200**. If your case goes to court, you may face disqualification on top of a maximum fine of £1,000.

What is a hand-held device?

A hand-held device is something that 'is or must be held at some point during the course of making or receiving a call or performing any other interactive communication function'. Examples of interactive communication functions are sending and receiving spoken or written messages, sending or receiving still or moving images and providing access to the internet.

The offence applies if a phone is being 'held' while making or receiving a call. 'Cradling' a phone by wedging the phone between the ear and shoulder – or anywhere else – constitutes 'holding' a phone.

The use of a mobile phone or similar device for texting/internet access/video phones while driving is also prohibited if the phone (or another device) must be held to operate it.

Are there any exemptions to the rules?

The prohibition applies when driving. Driving includes times when stopped at traffic lights or during other hold-ups that may occur during a typical journey when a vehicle can be expected to move off after a short while.

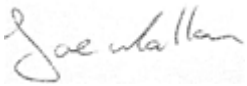
There is an exemption to the prohibition on calls while driving, for calls to 999 in genuine emergencies where it is unsafe or impractical to stop.

Provided a phone or personal electronic equipment can be operated without holding it, hands-free equipment is not prohibited by the regulations. In addition, pushing buttons on a phone while it is in a cradle or on the steering wheel or handlebars of a

motorbike for example is not covered by the offence, provided the individual does not hold the phone.

FAILURE TO OBSERVE THESE RULES MAY RESULT IN INSTANT DISMISSAL.

Remember – Mobile phones and personal electronic equipment are a dangerous distraction and have caused fatal accidents.



Joseph Mallon
Director 05/01/2026