

Mobile Telephones

Introduction

This arrangement helps staff assess potential health and safety risks from the use of mobile phones at work. It also sets out clear guidance to employees on the actions, which they should take to help eliminate or minimise such risks.

Potential health risks

Mobile phones emit low levels of microwave radiation during use and operate within international guidelines. It is recommended that a precautionary approach is taken. Department managers, as responsible employers, need to ensure that employees using mobile phones, take sensible steps to minimise their exposure to microwave radiation.

These steps are set out in the Health and Safety Precautions section below.

Risks associated with the use of mobile phones in vehicles

Concentration and Distraction

Using a hand-held phone while driving severely limits the driver's ability to physically control the vehicle in a safe manner. The law requires drivers to have proper control of their vehicles at all times.

Consequently, the use of hand-held phones whilst driving is a criminal offence. It is also known that the distracting effect of conversation, even on a "hands-free" phone can cause accidents.

The council therefore prohibits the use of both hands-free and hand-held phones by any driver on council duty, whilst driving a vehicle.

Health and Safety Precautions

Shropshire Council expects that all employees will exercise common sense when using mobile phones.

Shropshire Council recommends the following when using a mobile phone:

Minimising Health Risks

1. Only use a mobile phone, when necessary, wherever possible limit use to short duration calls only.

2. If appropriate use the phone on speaker setting or try to leave a slight gap between the phone and ear to reduce the concentration of absorbed energy.
3. Do not use mobile phones when walking down a corridor or around an office environment, going up or down stairways, crossing roads, operating equipment, or carrying out tasks, which require concentration.

Minimising Driving Risks

4. Managers must not expect staff to use phones whilst they are driving.
5. Do not use a hand-held or hands-free phone while driving.
6. On a long journey take regular breaks to check for messages and to make any necessary calls. Park in a suitable safe location, with the hand brake engaged and the engine switched off.
7. You may only use a phone whilst driving if you need to summon the emergency services and are unable to stop safely.

Minimising effects on Other Equipment

8. Do not use your mobile phone while refuelling at a filling station.
9. Turn off and do not attempt to use your mobile phone where there is a potentially flammable or explosive atmosphere, e.g., paint spraying or bottled gas storage. Please note: A mobile phone will continue to transmit responses if left on stand-by.

Legislation on Mobile Phones and Driving

Regulations came into force on 1 December 2003, **using a hand-held mobile phone, or similar device, when driving is illegal.**

From 25 March 2022 motorists are breaking the law if they use a handheld mobile phone or device, behind the wheel for any use, including to take photos or videos, scroll through playlists or play games. Anyone caught using their handheld device while driving could face a fine of up to £1,000 as well as 6 points on their licence or a full driving ban.

Shropshire Council has banned the use of both hand-held and hands-free phones whilst driving at work.

Questions and Answers

Q1. Is hands-free phone equipment allowed?

- The law permits it, but Shropshire Council has prohibited it whilst staff are driving on council business because it is known to be dangerous. See Q4 below for use of maps.
- You should note that hands-free phones are distracting, and you still risk prosecution for failing to have proper control of a vehicle under Regulation 104 of the Road Vehicles (Construction and Use) Regulations 1986 if you use a hands-free phone when driving even if you are driving in your own time. If there is an incident, the use of any phone or similar device might justify charges of careless or dangerous driving.

Q2. How do you define driving?

- You are driving if you are in the driving seat of the vehicle and the engine is running – whether or not the vehicle is stationary.

Q3. What about texting/internet access/filming or viewing video images or video calls?

- The use of a mobile phone or similar device for any of these activities while driving is also prohibited.

Q4. Will drivers still be able to use navigation equipment or personal digital assistants (PDAs) or other computer equipment that sends or receives data (which would include GPS transmissions)?

- A mobile phone can be used for route finding purposes provided that it is located safely and securely within the vehicle so that it does not obscure view of the road and must not be held in the hand. When using any device for route finding, i.e., sat nav, the address must be entered before the vehicle is driven. Adjusting information whilst driving is not permitted.

Q5. Will mobile phones have to be switched off in vehicles?

- No - See Q4 above also passengers may want to use them, and drivers can use them when they are safely parked, hand brake applied and with the engine switched off.

Q6. What if the phone rings when I'm driving?

- Let it ring and return the call when safely parked. Better to switch to voicemail before starting.

Q7. Who do the regulations apply to?

- The regulations apply to the drivers of all motor vehicles on the road, including cars, motorcycles, goods vehicles, buses, coaches, and taxis.
- They also apply to anyone supervising a learner driver, while the learner driver is driving. Anyone supervising a learner driver needs to be concentrating on what the driver is doing and should not be using a mobile phone.

Q8. Can I use a hand-held or hands-free mobile phone when stopped in a traffic jam?

- No

Q9. Are there any exemptions?

- Yes. There is an exemption for calls to 999 (or 112) in genuine emergencies where it is unsafe or impractical to stop.
- There is also an exemption for the use of 2-way radios (see **Q10** below).

Q10. Will 2-way radios be included in the new offence?

- The use of 2-way radio equipment is not prohibited under the mobile phone laws (unless the device can also be used as a phone). However, there is still a risk of distraction and prosecution under other powers.

- If a device is a dual or multi-purpose device that can be used both as a mobile phone and a 2-way radio, the use of the device while driving or supervising a provisional licence holder is prohibited. Use is prohibited whether the device is being used as a 2-way radio or as a mobile phone.

Q11. If using mobile phones is prohibited, then what about people talking or tuning the radio? What powers do the police have?

- There are many potential distractions while driving and it remains the driver's responsibility to drive safely at all times. Research shows that it is more distracting to talk on a mobile phone than to have a conversation with a passenger who can see what is happening.

Q12. Is the offence endorsable?

- **Yes.** If you're caught using a handheld phone while driving, you could get 6 penalty points on your licence and a fine of up to £1000. Points on your licence will result in higher insurance costs.
- New drivers will lose their licence if they get 6 or more penalty points within 2 years of passing their driving test.
- Remember, in some circumstances, for example if there has been a serious accident, prosecution for careless or dangerous driving may be justified if a phone was in use at the time of the crash. The penalties on conviction for such offences include heavy fines, endorsement, disqualification and, in serious cases, imprisonment.
- Refer to Transport policy on the Intranet for further information about what to do if you incur points on your licence.

Q13. Where can I go for more information?

<https://www.gov.uk/using-mobile-phones-when-driving-the-law>

The legislation is available at: <http://www.legislation.gov.uk/ukxi/2003/2695/introduction/made>
 Look for Statutory Instrument No 2695 - The Road Vehicles (Construction and Use) (Amendment) (No 4) Regulations 2003.

If you would like any further advice, please contact your manager in the first instance or The Health and Safety Team health.safety@shropshire.gov.uk (01743) 252819.

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