



## **Safety & Wellbeing Policy Arrangement**

### **Section 33 – Use of Mobile Devices**

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## **Section 33 – Use of Mobile Devices**

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Further guidance on this matter can also be obtained from the safety team at [healthandsafety@northlan.gov.uk](mailto:healthandsafety@northlan.gov.uk)

## **Section 33 – Use of Mobile Devices**

### **1. Introduction**

North Lanarkshire Council recognises the risks which Council employees may be exposed to while using a mobile phone.

From 1<sup>st</sup> December 2003 it was illegal to use a hand-held mobile phone while driving; irrespective of whether you're speaking, texting or using any other services on the phone. In addition there have been significant research programmes established to examine the much publicised health concerns.

The use of 2-way radio equipment (unless it can be used as a phone) when driving is not included in the new regulations but it should be remembered that such use could be regarded as a distraction and as such could lead to prosecution for careless or dangerous driving. If the 2-way radio is a dual or multi-purpose device that can be used both as a mobile phone and a 2-way radio, the guidance in this note on mobile phones applies.

#### Driving

The two main risks from the use of mobile phones whilst driving are that vehicle stopping distances are impaired when using a mobile phone and telephone conversations can distract driving concentration.

Drivers need 100% of their attention on driving 100% of the time. Traffic situations constantly change and an accident can occur in seconds. Therefore, anything, which has the potential to distract the driver, should be avoided.

Whilst the law allows for the use of hands-free kits while driving, a decision has been taken to restrict the use of mobile phones whilst driving on North Lanarkshire Council business.

Certain individuals will be able to use hands-free kits under exceptional circumstances. These must be agreed with the Director who must demonstrate that it is a controlled risk.

#### Health

The balance of current research evidence suggests that exposures to radio waves below levels set out in international guidelines do not cause health problems for the general population. However, there is some evidence that changes in brain activity can occur below these guidelines, but it isn't clear why. There are significant gaps in our scientific knowledge. This has led to a group of independent experts – commissioned by Government and headed by Sir William Stewart – to recommend “a precautionary approach” to the use of mobile phones until more research findings become available. If you use a mobile phone, you can choose to minimise your exposure to radio waves. The best way to do this is to keep your calls short.

## General Distraction

Using a mobile phone in any situation will distract us from the activities that are taking place around us. It is therefore important to ensure that the use of a mobile phone whilst at work does not expose anyone to additional risks. See Guidance Document 7 (GD7) – “Mobile Phones” for more guidance on this aspect.

## **2. Statement**

North Lanarkshire Council recognises that employees may be exposed to risk as a result of the use of mobile communication equipment and undertakes to identify and implement, so far as is reasonably practicable, adequate control measures to ensure the health, safety and welfare of employees.

This document will describe the conditions under which employees should use Mobile Devices.

## **3. Legal requirements**

As of 1<sup>st</sup> December 2003, it is an offence under The Road Vehicles (Construction and Use) (Amendment) (No 4) Regulations, to use a hand held mobile phone to conduct the following:

- Send or receive an oral or written message;
- Send or receive fax messages; or
- Send or receive still or moving pictures.

The legislation makes it illegal to use your phone if you hold the phone at any point during its use. The law also applies to any interactive devices such as PDAs or navigation aids. “Holding” includes cradling the phone between your ear and shoulder.

North Lanarkshire Council has a duty under health and safety law to manage the risks faced by their employees on the road.

From 1<sup>st</sup> December 2003 drivers in the UK will face a minimum £100 fine and three points on their licence or, if convicted in court, a fine of up to £1,000 and imprisonment if caught holding and using a mobile phone while in charge of a vehicle. Any employees who receive a fine for using their phone whilst driving will not be reimbursed through the Council.

The only exception to the rule is when you need to call 999 for emergency services.

There is also a duty under the Management of Health and Safety at Work Regulations to assess work activities and to minimise the risk of injury or ill health to those associated with the work activity. This would include any risks introduced by the use of Mobile Devices

## **4. Authorised Employees**

In relation to the use of mobile phones by the driver of a vehicle, each Service will authorise the use of hands-free kits to a limited number of employees. Assistant Chief Executives should be involved in this decision process. Only authorised employees will be permitted to use their mobile phone whilst driving. Non-authorised employees who use their phone whilst driving will be in breach of policy.

Authorised employees must only use the hands-free kits if they consider it safe to do so. Under no circumstances are employees to endanger themselves or other road users whilst driving on council business.

The authorised use of a mobile phone whilst driving must be subject to a recorded risk assessment and associated with relevant and meaningful instructions for use. Line managers will be responsible for undertaking the associated risk assessment.

## **5. Driving requirements**

Use of mobile phones whilst driving can only occur if you use a hands-free mobile phone device to make and receive calls.

It is important to note that:

- Even if you use a hands-free mobile device, you are breaking the law if you have to hold the mobile phone in order to operate it.
- Your mobile phone must be safely secured in a mounted cradle or holder allowing you to push buttons to answer/end calls with minimal interaction with the phone.
- You must be driving safely. You can still be prosecuted if driving without due care and attention even while using a hands-free device.

**Employees are advised to switch off mobile phones while the vehicle is in motion and only make or receive calls while the vehicle is safely parked.**

## **6. Hands-free options**

Authorised employees will be provided with hands-free kits to enable them to use the phone while driving.

The type of hands-free kit will depend upon the model of mobile phone and type of car the employee has.

Information on the hands-free options for your model of phone and type of car can be sought from the installation consultants appointed by the Council's network provider.

The only hands-free options that can be considered appropriate for Council use are:

- Bluetooth headsets – Bluetooth is a wireless technology found in many newer phones which allows you to have a conversation hands-free, but without the

wires. This allows you to make or answer calls without even touching the phone.

- Bluetooth for non-Bluetooth phones – a Bluetooth adapter is available for non-Bluetooth phones, which has the same benefits as mentioned above, but could save upgrading the phone to Bluetooth. It is acknowledged that mobile phones that do not have Bluetooth technology are now few and far between.
- Built-in car-kits – These allow you to make and receive calls while driving via a loudspeaker/microphone system within the car.

No other hands free option is appropriate for use when driving on NLC business.

## **7. Distractions**

It is also worth noting that mobile phones can cause distractions in other environments to an extent that the risk of injury may be increased.

The risk assessment process should be used to identify circumstances where use of mobile phones or other similar communication equipment is likely to affect the risk to employees (and others). This could be on construction sites where a mobile phone user may become unaware of the machinery moving around the site or perhaps employees who work in the community who may become distracted from the danger of road traffic or the behaviour of individuals or client groups.

It may be appropriate to establish mobile phone zones where mobile phone users can go to make or receive a call. These areas will be located in low risk areas and make use of barriers, or similar, to ensure users stay within an area isolated from external risks.

## **8. Risk Assessment**

Under Regulation 3 of the Management of Health and Safety at Work Regulations, it is a legal requirement to carry out a suitable and sufficient assessment of the risks arising out of work activities, i.e., a risk assessment.

A risk assessment identifies what work activities could cause harm or loss to people or the organisation. It helps to establish control measures that reduce the risks identified.

A risk assessment is required to identify the risk(s) associated with the use of mobile phones whilst driving or undertaking any other work activity.

All Services are required to carry out a risk assessment for authorised employees around the use of mobile phones whilst driving. This assessment must establish that the residual risks of mobile phone use will not lead to foreseeable harm/injury.

Arrangement Section 4 (AS4) gives more detailed information on conducting risk assessments. In addition further assistance can be obtained from the relevant Service Health and Safety team or the Health and Safety team.

## **9. Training and information**

Authorised employees who are issued hands-free kits will be provided with instruction and/or training on how to operate them safely whilst driving.

In relation to the fixed car kit, the installation consultants, through the network provider, will provide this training. The training will involve demonstrating the correct use of the car kit safely, and the positioning of the phone in relation to answering or receiving a call.

The training must be recorded within a Service training log.

## **10. Compliance failure**

Failure by an employee to comply with the position established within this document may be regarded by the Council as misconduct. This may then be dealt with under the terms of the Council's disciplinary procedure and may result in dismissal.

## **11. Other issues**

### **11.1 Fire risks in petrol stations**

There is a small but possible danger of using a mobile phone at a petrol filling station. Mobile phones represent a potential ignition source. Petrol stations display notices warning to switch off mobile phones when entering petrol station. Mobile phone instruction booklets also contain a warning to "Make sure your phone is switched off in petrol stations". It is therefore advisable that all employees switch off your mobile whilst in the vicinity of a petrol station forecourt.

### **11.2 Damage to in-car electronics**

Certain models of mobile phones may interfere with in-car electronics, for example, tracking devices, immobilisers. More information can be sought from installation consultants or the phone manufacturer.

## **12. Health Concerns**

Mobile phones emit and receive low level microwave radiation. The levels appear to comply with UK exposure limits and there is no conclusive evidence that they pose a significant cancer risk to humans.

A number of studies have examined this issue and on balance the findings continue to indicate that there is no conclusive proof of brain cancer or memory loss. It has been acknowledged that although mobile phones can lead to a small warming of the brain the long-term effects of this remain unknown. Reports generally indicate that children may well be at an increased risk and should be discouraged from using mobile phones.

## Employee Information Sheet – Using Mobile Phones

### Safe use of Mobile Devices

Mobile phones now play an established and integrated part of our daily lives. Many of us use these phones (or other hand held communication devices) as part of our work and because of this there is a need to consider the health and safety implications of their use.

### The Concerns

The use of a mobile phone at work brings with it a number of potential risks. These are best summarised as:

- 1) Driving distraction
- 2) Work distraction
- 3) Health effects

This information sheet aims to provide some information on each of these matters and provide further information on the actions being taken by North Lanarkshire Council to minimise the risks you are being exposed to at work.

### Driving Distraction

The Department for Transport recommends the following guidelines for safe use of mobile phones in cars.

- **Keep your mobile phone switched off when you are driving.** You can use voicemail, a message service or call diversion to pick up your messages at the end of your journey.
- **If you need to use your mobile phone, stop in a safe place.** Do not stop on the hard shoulder of a motorway unless it is an emergency.
- **Avoid using a hands-free device.** These can be just as distracting as using the phone itself.

North Lanarkshire Council discourages the use of mobile phones whilst driving and permits their use for work purposes in only a few circumstances. Detailed guidance is provided and can be found in arrangement section 33 (AS33) and guidance document GD7 – “Mobile Phones”.

### Work Distraction

Using a mobile phone whilst at work will cause distraction. Those using a phone tend to become less aware of the activities that are taking place around them. This could be people carrying things, cars driving through a work area or even just the profile of the ground on which they are walking.

The risk assessments that relate to the work that you do may well determine that the use of mobiles phones are work are not appropriate, or that if they are to be used then some restrictions on where and when they can be used may be established.



## Health Effects

Although current evidence suggests mobile phones are safe to use, the NHS does provide some common sense recommendations to help lower any potential long-term risks.

**Remember that using a phone while driving is currently the greatest risk to your health.**

The radio waves emitted by a mobile phone (or other electronic communication devices) are what cause some people concern. You can lower exposure to radio waves in the following ways.

- Only make short calls on your mobile phone, and do not use it more than necessary.
- Children should only use mobile phones for essential purposes and keep all calls short.
- Find out the specific absorption rate (SAR) of a mobile phone before you buy it. This is how much radio wave energy is absorbed into the body from the mobile phone. SAR can vary between different types of phones. Mobile phone retailers have a responsibility to make this information available to you before you buy.
- Keep your mobile phone away from your body when it is in standby mode.
- Only use your phone when the reception is strong: this is often indicated by bars of energy on your phone screen. Weak reception causes the phone to use more energy to communicate with the base station.
- Use a mobile phone that has an external antenna. This keeps the radio waves as far away from your head as possible.

## North Lanarkshire Council

If you use a mobile phone at work, then your manager will have considered its use within their risk assessment of your work activity. If a significant risk is identified via the assessment process then this will have been documented and a range of control measures established to minimise any risk identified. You will be required to comply with these measures.

Risk assessment is an enabling tool so if you believe there is a need to use a mobile phone whilst at work then speak to your manager about undertaking an assessment to ensure that it can be used in the safest way possible whilst complying with the law.

(Taken from IS69 – Safe Use of Mobile Phones or similar)

**Impact Assessments**

**Document Title:** Health and Safety Policy - Arrangement Section 33 – Use of Mobile Devices

**Environmental Impact Assessment:** This document has been assessed for significant environmental impact; no detrimental impact has been identified

**Equality Impact Assessment:** This document has been assessed for significant equality implications; no significant issues have been identified.

**General Comments:** This document is the arrangement section relating the duty to undertake risk assessments associated with the use of mobile communication devices such as mobile phones. This action is required in compliance with the Council's health and safety policy and the Health and Safety at Work Act 1974. The general aims of the council are to ensure a healthy and safe working environment for all persons working for or make use of Council Services. Nothing in the document serves to have a negative impact on either of the above topics. In general, this and associated documents will encourage positive consideration of relevant factors to ensure all members of the workforce and community are afforded access to the same safe and healthy workplace.