



Mobile Phones Policy and Guidance

General Statement

This document outlines the Council's policy on the use of mobile phones and similar devices whilst driving. It follows the guidelines issued by the Department of Transport, which are based on existing legislation and takes account of the specific legislation, which is being introduced on **1st December 2003**.

The use of mobile phones at work offers a convenient and efficient means of communication. In some circumstances they can also have safety benefits in terms of security and use in emergencies. However the use of mobile phones by drivers of vehicles has been proven to lead to inattentive and dangerous driving which in some cases has led to fatal accidents.

The Government is to introduce legislation to prohibit the use of hand held mobile phones and similar devices whilst driving from **December 1st 2003**. Breaching the new legislation will incur fixed penalty fines of £30 or up to £1000 (£2,500 for drivers of goods vehicles, buses or coaches) if the matter goes to court, and will also incur three penalty points. Furthermore if an employer causes or permits any other person to use a mobile phone whilst driving a vehicle at work they may also be liable and render themselves and/or the organisation open to prosecution.

As an employer, Torbay Council has a statutory duty to assess potential risks to the health and safety of employees and others, arising from work activities, and to take steps to eliminate or minimise any significant risks. This code of practice assesses 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.

Hand-held phone: - A hand-held phone or similar 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". A device is "similar" to a mobile phone if it performs an interactive communication function by transmitting and receiving data. Examples of interactive communication functions are sending and receiving spoken or written messages, (texts) sending or receiving still or moving images and providing access to the Internet.

Hands-free phone equipment: - Provided that a phone can be operated without holding it, then hands-free equipment is not prohibited by the new regulation. Similarly 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 new offence, provided you don't hold the phone. However, hands-free phones are also distracting and you still risk prosecution for failing to have proper control of a vehicle under existing legislation.

The use of 2-way radios is not included in the offence unless they can be used both as a mobile phone and a 2-way radio, however there is still a risk of distraction and prosecution for failing to have proper control of a vehicle as above.

Potential Health Risks From the Use of Mobile Telephones

Mobile phones emit low levels of microwave radiation during use. Such low levels of microwave radiation can induce minute, localised heating of body tissue. The levels of radiation experienced by users are well below the dose limits recommended by the UK's National Radiological Protection Board (NRPB). These dose limits are currently 10 watts per Kilogram of body tissue. In addition a "resonance effect" is created when a hand held mobile phone is used inside a vehicle. This resonance effect amplifies the microwave energy emitted by the phone, although the levels are still well within current NRPB dose limits.

The Council, as a responsible employer, considers that staff and others using mobile phones should take sensible steps to minimise their exposure from risks to their health and safety, which are set out in the Health and Safety Precautions below.

Risks Associated With the Use of Mobile Phones in Vehicles whilst driving

Using a mobile phone or similar device while driving, severely limits the driver's ability to control a vehicle in a safe manner. The law requires a driver to have proper control of his or her vehicle at all times. **Henceforth using a mobile phone or similar device whilst driving on Council business is prohibited. Unless, hands-free equipment is fitted, used, and the driver has been specifically authorised by their director to use the equipment in case of a genuine emergency, e.g. immediate and life threatening.**

Directors

Directors will be responsible for identifying and authorising employees who they wish to have hands free equipment fitted to their vehicles for use with mobile phones, in case genuine emergency communications are required.

Other Potential Risks

The potential for mobile phones to interfere with sensitive electronic equipment means that their use is forbidden in aircraft and healthcare premises. This also has implications for persons fitted with cardiac pacemakers or other medically implanted electronic equipment. Mobile phones, unless specially designed for this purpose, can pose a fire risk if used in potentially flammable atmospheres.

Health and Safety Precautions

The following rules must be followed when using mobile phones. You should also refer to any specific manufacturers' safety information supplied with your phone.

1. **The use of any mobile phone or similar device is prohibited whilst driving.** When driving switch off the phone and use a message service, or allow a passenger to answer or make the call. Unless you have been authorised by your director and are using professionally fitted hands free equipment for an emergency as above.
2. **Never use a mobile phone or similar device unless your vehicle is stationary and safely parked with the hand brake applied.** Where possible use a land line telephone. Encourage callers to use an answerphone or message taking facilities.
3. When you have to use a mobile phone, (when not driving) **use it for a short duration only i.e. less than 10 minutes.**
4. **Don't press the phone tight against your ear.** Leave a slight gap between the phone and your ear to reduce the concentration of absorbed energy.

5. If you have to make an unavoidably lengthy call, **change the phone periodically** from ear to ear in order to minimise localised concentration of absorbed energy.
6. When using a mobile phone with an extendable aerial, **make sure it is fully extended** as this reduces the energy concentration. **Do not** move the aerial close to any exposed part of the body. **Never put the aerial in your mouth. Do not** use the phone if the aerial is damaged.
7. On a long journey **take regular breaks to check for messages** and to make any necessary calls. Park in a suitable location, and if it is safe to do so get out of the vehicle to make a call.
8. **Switch off** your phone when inside an aircraft or when visiting healthcare premises.
9. **If** you have a cardiac pacemaker or other medically implanted electronic equipment, **seek medical advice before using a mobile phone**. Where possible steer clear of others using mobile phones.
10. **Switch off your phone when at a petrol refuelling station** or when near any other potentially flammable atmosphere, e.g. paint spraying or bottled gas storage. Please note that a mobile phone will continue to transmit responses if left on stand-by.
11. **Always** ensure that a competent person fits hands free kits and they are compatible with the vehicle in use, some mobile phones have been known to interfere with cars braking systems.