The Importance Of Cell Phone and/or Electronic Devices Policies



In the ever-increasing age of communication through cell phones and electronic devices, organizations would be wise to have a policy in place. While cell phones are oftentimes a business necessity, a few formal parameters must be established to govern their use and protect your company's interests.

Cell phone litigation, the most common of which arises as a result of car accidents, is popping up around the country, and the lawsuits are not only being filed against the person operating the phone, but their employer as well. The claims are typically premised on the argument that the employer has either required, or at the very least sanctioned, the employee's use of a cell phone while away from the office. In other words, it was the employer's fault that the person was on the phone in the first place.

The key to avoiding being pulled into these cases lies in the oft-cited tenet that "an ounce of prevention is worth a pound of cure." First and foremost, every employer should have an official written policy on the use of cell phones and all electronic devices. Even those companies who do not want employees using cell phones and/or electronic devices, they should include that very prohibition in their employee handbook and/or policy manual in order to avoid any confusion as to your company's position.

While various states and local municipalities have either implemented or proposed similar legislation, employers in every geographic area should err on the side of caution, and either strictly prohibits the use of cell phones for business purposes while operating a motor vehicle, or if necessary, mandate the use of a hands-free device. Not only will this limit any potential liability that might arise from the employee's use of a cell phone, it also helps to protect employees who may inadvertently enter a jurisdiction with cell phone laws.

While you can never fully prevent someone from filing a claim, with the above measures in place your ability to defend those that are filed will increase exponentially.

For cell phones laws by state click here: Governors' Highway Safety Association.