

COMPANIES PAY HEAVILY FOR DISTRACTED DRIVING BY EMPLOYEES



In most states of US, it is illegal for an individual to talk, text message, email or access the internet on a wireless device whilst driving. Yet, this law is being flouted with impunity, with punitive consequences for the individuals and for the companies that employ them. Four cases, where employees using their cell phones while driving, were involved in accidents, attracted distracted-driving lawsuits for their employers. A lumber salesman crippled a 78-year old woman. Another employee, driving his toy company's van, hit a college sophomore, who died. A cable company worker, more occupied with his phone than with his driving, rammed into a stationary car, at 71 mph, killing a woman and her mother. A driver in a company car failed to react to slowing traffic and triggered a chain reaction crash, when he rammed into the rear of a Honda. A 32 year old young woman lost her life. The tragedies could probably have been averted if the drivers were not on their cell phones at the time of the accident. The National Safety Council estimates that 25 percent of all accidents, an estimated 1.2 million, are because the driver is using his cell phone, in one way or the other, talking, texting or accessing the net. The Companies, for whom the employees were working, were sued by lawyers, who prefer to target their deep-pockets rather than go after the individual, on the grounds that it was they who allowed their employees to talk or text while driving. Juries are also ensuring that companies are made to pay heavily for their employees careless driving that resulted in avoidable loss of lives. One juror awarded the Florida family of the Honda driver, \$21.6 million. The Arkansas lumber company, whose salesman crippled the 78-year-old woman, settled the suit on payment of \$16.1 million. Companies having to cough up millions, are more than eager to settle cases off-court, knowing full well, that past precedents, would give them no chance and they would probably have to pay more, in the court of law. Todd Clements, a Texas lawyer who sued the cable company for the accident that killed the mother and daughter, think that it is prudent for companies to settle without a jury trial. "People think there's a good defense here by saying, 'Everybody does it,'" Clements said. "Well, that's not true, because the jury doesn't want everyone to do it. They just want to do it themselves. It's a huge disconnect." He feels that the huge amounts that are paid to the plaintiffs, will act as a catalyst, to prod and encourage corporate bans on calling and texting, whilst behind a wheel. Many Fortune 500 companies have prohibited employees from cellphone use while driving. UPS, DuPont, Chevron, CSX, Shell and Time Warner are among them. Survey's by the NSC following the bans showed that productivity had come down in only 7 percent cases, whilst 19 percent said, that their productivity had increased. Doug Pontsler, vice president for safety at Owens Corning, said, "There was absolutely concern about that. But our position is, quite simply, that we don't make safety decisions based on productivity." David Strayer, a leading researcher on distracted-driving issues and a professor at the University of Utah, said, that it was crucial that the workforce be educated, if any policy is going to stand in the court of law. "It can't be a wink-wink, nod-nod policy, but in fact one where you really are expected not to use the phone," he said. Clements said that it was easy to fence in company officials into saying that they were ignorant of the dangers of distracted driving, or to admit that they were aware of the threat, but disregarded it. "Then you're able to use the argument that you knew better but you didn't do better, and that's the one that really ticks a jury off," Clements said. "Any employer who doesn't believe they're in a box now is foolish." During the depositions in the Cable One lawsuit, an official of the company said, "We don't think it's respectful to our associates or reasonable in this day and age, to ban communication. We trust our associates to have really good judgment, and that's what our policies are all about." It is not possible to know how many accident lawsuits are for cellphone use while driving since most of the cases are settled out of court.

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