



Recreational Distracted Driving: Risks Are Not Limited to a Vehicle

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Introduction

Technology and care and control of any moving equipment do not mix. Most fail to recognize that vehicle incidents are one of the leading causes to worker lost time injuries. Consider the supervisory responsibilities associated with providing a worker with both portable technology and access to any motorized vehicle with no training or written direction. It is important for members to accept that distracted driving is not limited to vehicles controlled under the Highway Traffic Act (HTA) but all other work-related motorized equipment such as but not limited to grass mowers, golf carts, riding cleaning equipment, working at height lifts, forklifts or ice resurfacers.



Unacceptable Actions While Driving

Under the Highway Traffic Act (HTA) a driver can use any device that they do not touch, hold or manipulate while driving, other than to activate or deactivate it. Dialing or scrolling through contacts are legally unacceptable. There is some latitude given for dialing 911 in an emergency. Recreation workers will use many types of motorized vehicles not covered under the HTA that will require clear direction from facility management as to policy that guides workplace behaviour on equipment not covered under the HTA.

MOT's "Put Down the Phone" Campaign

The Ontario government has recognized an increasing trend to accidents caused by distracted driving. In response, the [Ministry of Transportation](#) (MOT) began a million-dollar campaign in 2016 to raise awareness through videos that show drivers what happens when engaged in distracted behaviour.

See: <https://www.yd.com/blog/ontario-governments-put-phone-campaign/>

Penalties for Distracted Driving

If convicted of distracted driving, a fully licenced driver can receive a minimum fine of \$400, plus a

victim surcharge and court fee and three demerit points applied to a driver's record. Drivers who endanger others because of any distraction, including hand-held and hands-free devices, may still be charged with Careless Driving under the *Highway Traffic Act* or even Dangerous Driving under the Criminal Code of Canada. Both charges carry heavy fines and penalties with dangerous driving being a criminal offence that can include jail terms of up to five years. (Note: check MOT web site for fine amount updates)



Potential Insurance Impact for Distracted Driving Charges

Although not every insurance company is currently treating distracted driving as a major conviction there is a trend in that direction. Any major driving conviction can bring significant premium hikes or insurance cancellation. All workers need to understand that driving infractions are a reflection on their personal driving record and as such will impact their personal insurance. This can then be combined with work related discipline that could include, warnings, time off without pay or release from duty.

OHSA Responsibilities

Supervisors who provide any motorized vehicle are encouraged to consider what current policies and training are in place. Adding "distracted driving awareness" to current health and safety training programs is strongly recommended.

OHSA: Duties of supervisor

27. (2) Without limiting the duty imposed by subsection (1), a supervisor shall,

(a) advise a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;

(b) where so prescribed, provide a worker with written instructions as to the measures and procedures to be taken for protection of the worker; and

(c) take every precaution reasonable in the circumstances for the protection of a worker. R.S.O. 1990, c. O.1, s. 27.

Young Workers

Most millennials are connected to all types of technology. These young workers are at a higher risk for distracted driving behaviour and as such must be given clear direction that actions such as answering a cell phone, changing the playlist entering an address into a GPS, reading, reaching for an object, sipping a coffee or eating (whether at a red light or moving) are all considered distracted driving risks that must not occur behind the wheel.

Worker Policy and Training

As with all other workplace hazards and risks, employers cannot assume that all workers will know distracted driving laws. Including information as part of a worker's orientation and regular health and safety training is now considered essential training for all who take care and control of any moving workplace vehicle.

Developing a policy that is supported with an awareness program on the issue of distracted driving is strongly recommended. A key policy statement inclusion might be the mandatory adoption of the proven driving technique of always having two hands on the steering wheel!



But be sure the correct hand placement is being used. Before the introduction of airbags, a driving instructor would encourage "hands at 10 and 2". Since the introduction of airbags, the recommended position of the driver's hands is now at 9 and 3

o'clock, with the thumbs placed along the rim rather than looping around it. In the event of an accident. The change is recommended as the force of airbag deployment can send hands at the top of the wheel into the driver's head or even break thumbs.

Training could include a fact sheet with these tips:

Always:

- Enter GPS location and review all maps/directions before placing the vehicle in drive
- Pull over and deal with any issue going on inside the cab that is not directly related to driving safely (all loose objects should be secure)
- Put phone out of reach (and if no Blue Tooth option) and on silent mode or turn off while driving

Never:

- Text, use apps or read e-mails
- Eat or drink

Thinking Driver Support

The "Thinking Driver" organization are fleet training experts that offer a wide variety of products and services to promote worker safe driving principles to support employer training programs.

See: <http://www.thinkingdriver.com/>

Conclusion

Until autonomous cars (also known as a driverless car, self-driving cars) are readily available, distracted driving will continue to be an issue that employers will need to address.

Resources

- Ministry of Transportation FAQ regarding extracted driving:
<http://www.mto.gov.on.ca/english/safety/distracted-driving-faq.shtml>