

Lancashire County Council Occupational Health and Safety Management System Corporate H&S Guidance

Safe Use of Mobile Phones

This document sets out the County Council's guidance and arrangements for the safe use of mobile phones. It applies to all employees working for, or on behalf of, Lancashire County Council including temporary workers, agency workers, elected members and volunteers.

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Risk Assessment

In accordance with the Management of Health and Safety at Work Regulations, 1999, risk assessments must be carried out for all work activities. In some circumstances, it may be identified that a mobile phone is an appropriate control measure to enable employees to be safe and effectively carry out their duties.

Mobile phones and ancillary devices are considered as 'work equipment' within the definition contained in the Provision and Use of Work Equipment Regulations, 1998 and therefore must be suitable for its/their intended use. When issuing a mobile phone for work purposes, managers must also ensure the user is provided with:

- Any relevant health and safety information relating to its use, including local safety procedures;
- Appropriate instruction on the safe use of the mobile phone i.e. user manual and any local procedures.

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Where a mobile phone is issued for work purposes, consideration must be given to what features it should have i.e. Short call dialling, any key answer, call divert messaging or voicemail facilities.

LCC mobile phones and accessories should be acquired via the corporate mobile phone contract. Advice can be obtained from ICT Services, One Connect Limited (Customer Service Desk 01772 532626).

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Use of Mobile Phones whilst Driving

Using a hand held mobile phone while driving is illegal under the Road Vehicles (Construction and Use) (Amendment) (No.4) Regulations 2003. This applies to use by a driver of all hand held mobile phones including phones with headpieces / microphone if they need to be held in the hand to operate, or car kits where the phone has to be held to the driver's ear. The use of hand held mobile phones is only permitted when the vehicle is parked safely, according to traffic regulations, with the engine switched off.

It is a manager's responsibility to make it clear to employees that they must not use hand held mobile phones for any reason whilst driving on County Council business. Please bear in mind that employers can also be prosecuted, if employees use hand held phones in the course of their employment whilst driving,

If drivers are known to use hand held mobile phones whilst driving, this will be treated as a disciplinary matter by the County Council and appropriate action will be taken. There are no exemptions for short-term use e.g. even answering to say "I'm driving, I'll pull over".

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Use of Hands Free kits

The Road Vehicles (Construction and Use) Regulations 1986 (as amended) state that a driver must have proper control of their vehicle at all times.

The Law does not ban the use of hands free kits however it does recognise that drivers may be distracted whilst using these and could be at higher risk of a road traffic accident.

Where a "hands free" phone is fitted in a vehicle, it can be used whilst driving but only with care and when safe to do so.

The County Council does not expect employees to make or receive calls whilst driving and the use of hand free kits whilst driving should be kept to a minimum. The County Council accepts no liability in respect of any employee prosecuted for actions arising from inconsiderate, careless or dangerous driving whether it is caused by using a hands free phone or not.

In exceptional circumstances where a manager identifies that it is essential for an employee to be able to make and receive calls whilst driving, a risk assessment must be carried out in conjunction with the employee and the potential risks explained.

This must be documented and reviewed on a regular basis or in the event of any significant changes.

The Federation of Communication Services recommend that hands free phones should always be installed in accordance with the manufacturers' instructions and to the BSI "Guide to in vehicle information systems" DD235: 1996. In addition they suggest that to guarantee installation by a qualified installer, purchasers/providers should look for those working to the Government Installation Code of Practice, MPT 1362, or Radio Quality Assurance Scheme (RQAS).

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Use of Two Way Radios

Two way radio microphones, which are fitted to some County Council vehicles, should not be used whilst driving if they are hand held. However, where they can be used "hands free", their use is permitted whilst driving subject to the same requirements noted above for the use of "hands free" mobile phones i.e. they should be used with care and only when safe to do so and the County Council accepts no liability in respect of any employee prosecuted for actions arising from inconsiderate, careless or dangerous driving, whether it is caused by using a two way radio or not.

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Safe Use of Mobile Phones at Work in Circumstances other than Driving

The County Council has a general obligation to ensure the health, safety and welfare of all employees at work.

The nature of business or personal mobile phones is that incoming calls come without warning; therefore there is a danger of distraction from tasks that may require a high level of concentration. Distractions can also be caused when someone is talking on their mobile phone. In these circumstances they may be unaware of what is going on around them. This is particularly a problem in environments where there is moving machinery or other hazardous activities are taking place, or where an employee may be involved in a meeting where their full attention is required.

LCC employees involved in activities that require a high level of concentration must switch off their mobile phones before beginning the task. Examples of such activities are:

- operating machinery / equipment;
- lifting or moving materials or people;
- working with electricity;
- working at heights from ladders or other temporary platforms;
- supervision of people i.e. pupils in play ground, curriculum activities involving close supervision
- any other hazardous activity not included above
- when involved in meetings or visits, other than where exceptions apply for safety and security reasons.

Any employees observed to be using their mobile phones (whether provided for business use or personal phones) in these circumstances may be subject to disciplinary action.

The exception to the above are Lone Workers who have been formally identified as such by their line manager and who have been provided with a mobile phone as a control measure, who may continue to have their mobile phones switched on. However, if they are undertaking a high risk activity or activity that requires high levels of concentration, they must cease the activity and put themselves in a safe situation before answering their mobile phone or responding to a missed call etc.

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Use of a mobile phone in a public place

If an employee needs to make or receive a business call in a public place or on public transport, they must consider the content and language used during the conversation and the confidentiality of personal information. Not all conversations are appropriate in a public place.

Employees should generally be discouraged from using their mobile phone for business purposes on public transport because of potential breaches in confidentiality and also as this could cause annoyance to other passengers which may reflect badly on the County Council.

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Stress Associated with the use of Mobile Phones

For some people, having to carry a mobile phone for work purposes may increase levels of stress by creating a feeling that they are always in contact with the office and on call 24 hours a day.

Employees issued with a mobile phone should be encouraged to switch them off when they are not required, or switch to voice mail/message facility to ensure that they have adequate breaks. Any concerns should be addressed as part of supervision sessions.

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Health Issues Associated with the use of Mobile Phones

In the UK, the Health Protection Agency (HPA) closely monitors all mobile phone and health research. Apart from an accident risk when using a phone whilst driving, it states, '...there is no clear evidence of adverse health effects from the use of mobile phones or from phone masts.' However, as people have only been using mobile phones for relatively few years, the HPA advises that more research be carried out, especially to investigate whether there might be longer term effects.

Manufacturer's and supplier's guidance documentation must also be consulted for specific information on use.

Protracted use of a hand held mobile phone involving frequent lengthy calls should be discouraged and alternative methods of remaining in contact should be considered, wherever possible i.e. the use of landlines.

Anyone suffering from headaches or other problems thought to be associated with the use of a mobile phone at work should be advised to seek advice from their GP in the first instance. If symptoms persist, further advice should be sought from the Occupational Health Unit and the situation reassessed.

For more information see the NHS leaflet: [Mobile phones and base stations –Health Advice on Using Mobile Phones.](#)

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Personal Safety and Mobile Phones

Where a risk assessment identifies potential risk to the personal safety of employees involved in visits away from an LCC work base that could be reduced through access to a mobile phone, managers should consider their use.

Managers should be aware of the possibility that employees may find themselves in areas of poor mobile phone reception, so reliance should not be placed on mobile phones as the only means of communication and there should be local arrangements in place for employees to log their whereabouts and for managers or colleagues to check on them periodically. (See also Lone Working Risk Assessment guidance [Intranet link](#) & [Schools portal link](#)).

Security

Employees should consider whether or not it is essential that mobile phone numbers be given out to anyone else.

Mobile phones should not be left unattended either on a desk or in a vehicle.

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General Advice for Mobile Phone Usage

As a courtesy to others, mobile phones should not be left switched on during meetings etc. If they must be left switched on, in the event that an urgent call is expected, this should only be done with the agreement of others present.

General Advice for Peripatetic Mobile Phone Users

Mobile phones must be fully charged when employees are relying on them as a means of personal safety.

Mobile phones should not be relied on as the only means of communication.

Local arrangements should be in place for employees to log their whereabouts and for managers or colleagues to check on them periodically. (See also Lone Working Risk Assessment guidance [Intranet link](#) & [Schools portal link](#)).

Mobile phone reception should be checked before relying on them as a means of contact when out on visits. Remember in some areas, mobile phone reception is intermittent.

Mobile phones should be equipped with a facility to allow speed dialling of emergency contact numbers.

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Legislation references and related links

- Health and Safety at Work Act 1974
- Provision and use of Work Equipment Regulations 1998
- Management of Health and Safety at Work Regulations 1999
- Road Vehicles (Construction and Use) Regulations, 1986 (as amended)
- Government Installation Code of Practice, MPT 1362 or Radio Quality Assurance Scheme (RQAS).
- BSI “Guide to in vehicle information systems” DD235: 1996
- DirectGov page: [Think! Mobile Phones](#)
- NHS leaflet [Mobile phones and base stations –Health Advice on Using Mobile Phones](#)

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