

Alberta's Distracted Driving Legislation takes effect September 1, 2011 - Are You Ready For It?

Alberta's new *distracted driving* legislation (Bill 16) takes effect September 1, 2011, restricting drivers (even cyclists) from:

- using hand-held cell phones (except to contact 911);
- texting or emailing;
- using electronic devices like laptop computers, video games, cameras, video entertainment displays and programming portable audio players (e.g., MP3 players);
- entering information on GPS units;
- reading printed materials in the vehicle;
- writing, printing or sketching; and
- personal grooming.

From an occupational health and safety perspective, we urge Alberta employers to consider implementing or updating their driver training programs, driving policies or any other safety-related policies and practices to ensure that employees are aware of the new restrictions and to prevent their employees from being in breach. Breaches by employees could expose employers from an occupational health and safety standpoint, particularly where the offence was committed *on the job*.

Employers can learn from the new law and improve their due diligence procedures in many ways, from installing hands-free devices to making it a policy violation to, for example, talk and text while driving. Employees can be encouraged to help prevent their colleagues from becoming distracted, for instance, by not scheduling teleconferences when participants are driving or in transit, and refraining from being in an automobile where the driver is in breach (including taxi cabs). Safety must come first and this law is a good reminder about the dangers of distracted driving. Employers, especially those whose operations require their employees to be drivers or passengers, should consider whether the new law could help improve their overall safety initiatives.

The fine for violating the law is \$172.00 and there are currently no demerit points; however, a violation could result in other charges depending on the seriousness of the offence (e.g., drivers can still be charged with *driving carelessly* under the *Traffic Safety Act*).

For more information please refer to Transportation Alberta's website:
<http://www.transportation.alberta.ca/distracteddriving.htm> and
<http://www.transportation.alberta.ca/Content/docType3679/Production/FactSheet.pdf>.

For further information on ways to adapt your safety programs, or for general questions on the law, please contact any member of the Spectrum HR Law LP Labour & Employment practice group:

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