



# Safety Gazette

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## Special Points of Interest:

- Can Technology be your friend?
- How do you dispose of soaked rags?
- What to do in a harassment situation.
- Do you know the law on phone use while driving?
- How to create a company contract.

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## Distracted Driving – Restrict Cell Phone Use

The Federal Motor Carrier Safety Administration (FMCSA) has reported that truckers who text while driving are over 23 times more likely to be involved in a crash than those who do not. Additional FMCSA commissioned research shows that the odds of being involved in a safety-critical event (e.g., crash, near-crash, unintentional lane deviation) are 6 times greater for CMV drivers who engage in dialing a mobile phone while driving than for those who do not.

Dialing drivers took their eyes off the forward roadway for an average of 3.8 seconds. At 55 mph (or 80.7 feet per second), this equates to a driver traveling 306 feet, the approximate length of a football field, without looking at the roadway!

Since January 2012, the FMCSA has prohibited the use of handheld mobile communication devices for truck drivers while in transit.



- The use of a hand-held mobile telephone means:
- Using at least one hand to hold a mobile phone to make a call;
- Dialing a mobile phone by pressing more than a single button; or
- Reaching for a mobile phone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt.

What does this rule mean to drivers and carriers?

- Fines and Penalties – Using a hand-held mobile phone while driving a Commercial Motor Vehicle (CMV) can result in driver disqualification. Penalties can be up to \$2,750 for drivers and up to \$11,000 for employers who allow or require drivers to use a hand-held communications device while driving.

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## Anti-Harassment Strategies

Sexual Harassment is a hot-button topic that many people feel uncomfortable discussing. However, as an employer it is your responsibility to provide a workplace free from harassment and discrimination. Utilize the following 6 simple steps to potentially avoid reduced employee morale, workforce and litigation.

1. Have a written harassment policy and train all employees on “quid pro quo” and “hostile work environment.” This training should be administered to all new hires and annually thereafter. Document training by electronic tracking or by employee sign off. A few states have different standards so be sure to consult your state law. (Training offered via Pro Tread on IAT Loss Control website.)

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# Distracted Driving – Restrict Cell Phone Use

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- Disqualification - Multiple violations of the prohibition of using a hand-held mobile phone while driving a CMV can result in a driver disqualification by FMCSA. Multiple violations of State laws prohibiting use of a mobile phone while driving a CMV is a serious traffic violation. This can result in a disqualification of any drivers required to have a Commercial Drivers License by a State.
- Impact on Safety Measurement System (SMS) Results – Violations negatively impact SMS results, and they carry the maximum severity weight.

In order to comply with the regulations:

- Make sure the mobile telephone is within close enough proximity that it is operable while the driver is restrained by properly installed and adjusted seat belts.
- Use an earpiece or the speaker phone function.
- Use voice-activated dialing.
- Use the hands-free feature. To comply, a driver must have his or her mobile telephone located where he or she is able to initiate, answer, or terminate a call by touching a single button. The driver must be in the seated driving position and properly restrained by a seat belt. Drivers are not in compliance if they unsafely reach for a mobile phone, even if they intend to use the hands-free function.

Note: Drivers may use a mobile telephone when necessary to communicate with law enforcement officials or other emergency services.

It is very important to point out that the act of merely conversing on a cell phone while driving increases the risk of a crash, regardless of whether it is permitted by regulation or not. If calls complying with the regulations must be made they should be kept short, not require significant cognitive participation by the driver, and avoid emotional topics that may further contribute to distraction.

Better yet, Motor carriers should implement a “No Mobile Telephone Use” policy in their Safety Manual. It should be signed at the time of hire by all drivers as well as dispatchers and others that may be tempted to contact a driver. Develop a progressive disciplinary policy for non-compliance comprised of warning letters, suspensions, fines, and ultimately leading to termination.

For more information review: [fmcsa.dot.gov/driver-safety](http://fmcsa.dot.gov/driver-safety) or contact your IAT Loss Control representative.

## Storing Soaked Rags

### **Fire Hazards**

A spontaneous combustion can occur from various flammable materials left on a rag or wiping cloth. Oily rags and wiping cloths should be properly stored to prevent unforeseen ignition sources from starting a fire. Examples of outside sources that can trigger a fire are a welding spark, smoking materials, or trouble lights.

### **Area Cleanliness**

Keeping each working area clean can help prevent fire hazards. Each working area should have a waste can placed in key locations. Waste cans should be readily accessible for employees to store oily rags or wiping cloths. Waste cans should be away from fire hazards or flammable material that has the potential of igniting. Employees should conduct daily inspections of all working areas to make sure all soaked rags are properly stored.

### **Waste Cans**

All solvent materials should be properly stored in waste cans to reduce fire hazards.

Waste cans should be:

- Approved and labeled by a recognized testing laboratory
- Waste can is constructed by existing standards
- Metal containers
- Have self-closing metal lids

### **Disposal**

You need to take special precautions for the disposal of these materials. The company should hire a vendor to remove and dispose soiled rags or wiping cloths. The vendor should implement a schedule to pick-up the soiled rags; this will assist in deterring large amounts of oily rags or wiping cloths in the waste cans or storage area.

# Coping with Technological Change



The modern Transportation Industry is changing and growing to meet the demands of fast moving economy and national infrastructure. With this evolution, technology is being integrated into driver daily processes and routines that had not been the norm for decades. Change is often scary and resistance to change can negatively impact company culture, productivity and profit. Use the following five simple steps to help employees transition to technology-based systems, all the while easing hesitation and lessening stress.

## Communicate company plan for change:

The first step is to communicate to the employees the need for change. Employees often are unaware of systematic problems that negatively impact the company and potentially their income, such as company logbook violations or mismanagement of on-hand inventory. Communicating the positives of alternative processes and how their successful implementation will lessen the workload and opportunity for error to employees, should make employees more receptive to accepting change.

## Keep it simple:

Computer programs/systems can be confusing to non-experienced users. Implementing a training program that educates users on how to properly use systems in a simple and user-friendly manner will help employees transition sooner. Developing a user friendly training program is important to the success of new driver adoption and will help quickly and efficiently train new drivers, lessening potential lost wages due to driver shortages.

## Expect change to take time:

Changing company culture and the way processes were done for decades prior will not be a quick process. Change takes time, and learning a new system takes time as well. Creating a timeline of expected implementation benchmarks will help you gauge the progress and success of your efforts, however be willing to allow for more time, if needed. Outfitting a commercial fleet with electronic logbooks could take up to a year to complete. So plan ahead and expect delays.

## Hands-on-learning is the most effective:

The majority of adult learners retain less than ten-percent of a presentation. Having an individual talk about the program on slides will not result in better retention. Instead, allow the employees to work with the system. Employees who capture informative techniques and ideas should present the ideas to others so the company can benefit.

## Encourage dialogue with employees:

If an employee is frustrated with an application, then discuss it with them. Look around and see if any other employee is suffering from the same issues. Encourage dialogue with others and look to technical support, if needed. Employees should not feel frustrated because of a lack of understanding. Be willing to work with them and provide opportunities for additional training with trainers, if needed.

Highlight to employees how the use of new age systems and technological developments within the transportation industry can increase efficiency, reliability, and reduces workloads.



## Anti-Harassment Strategies

2. Have separate training for managerial staff and front line associates. Managerial staff needs to have a detailed protocol of procedures to follow when an associate reports possible harassment to any member of management. Taking the guesswork out of these procedures allows a manager to immediately acknowledge the associate's claim and sets the stage for a smooth investigation.
3. Have more than one point of contact to report harassment. It may seem more logical to designate a single point of contact. However, what if that person is the alleged harasser? An associate may feel they have no other recourse than to seek out an attorney. Any person with managerial duties should be trained how to handle a complaint and be able to direct that complaint appropriately.
4. Once harassment has been reported keep up good, clear communication with the reporting party. Line out for the person what steps the investigation follows and when follow up communication can be expected.
5. Once the investigation is underway only involve top management, HR and involved parties. Lay out the expectation that all discussions regarding the investigation are private and should not be discussed outside of the investigation. Advise all parties that retaliation is against company policy and EEOC laws and discuss confidentiality and the fact that not all names may be able to be kept confidential.
6. Upon completion of an investigation communicate the findings to the involved parties and communicate the resolution in a way that will not compromise the privacy of any involved individual. The reporting party is not entitled to a detailed run down of discussions, disciplinary actions or any other private information pertaining to the accused party.

Above all, it is important to treat all involved parties with dignity and respect throughout the process. Acknowledge that this is an uneasy situation and do your best to have a protocol that allows for a thorough, swift investigation with minimal disruption within the work place. For further information on workplace harassment consult the [IAT Loss Control Website](#) and go to Human Resources under the Training Tab.

# Creating a Company Contract

Many businesses are dependent on others for some level of support in order to provide reliable goods and services to their clients. Often times business owners rely on others with a “handshake deal.” Because we operate and live in a very litigious world, a handshake doesn’t go as far as it used to. Having a structured system in place to create, implement and periodically review business contracts is essential in conflict avoidance. The following are key points to consider when setting up a contract review program, detailing the contractual obligations of your company and its prospective vendors and contractors.

Contracts should be managed, tracked and evaluated/ reviewed annually by an appointed company “Contract Manager.” The Contract Manager analyzes business relationships and activities to determine when a contract is needed based on the exposures inherent to the vendor services. Additionally, they work with an attorney to review the language of the contracts in order to ensure:

- The risk being accepted/transferred is acceptable
- Hold Harmless clauses are used appropriately
- Indemnification Agreements are clear
- Where appropriate, the business is listed as an Additional Insured on the vendor’s insurance policy

The Contract Manager not only maintains the contracts, but the Certificates of Insurance to go along with the contracts. Furthermore as an added internal security measure, no employee should be allowed to enter into a contract without approval from the Contract Manager.

