

Corporate Policy and Procedure



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TAB: HUMAN RESOURCES
SECTION: HEALTH AND SAFETY
SUBJECT: ACCEPTABLE USE OF MOBILE TECHNOLOGY

POLICY STATEMENT The City of Mississauga is committed to the ongoing health and safety of all employees, and to the continued improvement of road safety for all road users, by promoting responsible driver behaviour.

PURPOSE The purpose of this policy is to outline the City's expectation of employees in regard to the safe, appropriate and consistent use and operation of all Mobile Technology devices and display screens visible to the driver while operating a Vehicle during an employee's working day and/or while conducting City business.

SCOPE This policy applies to all union and non-union City employees who operate a personal or City provided vehicle, except as set out in the Exemptions section below. While citizen members of committees, contractors, consultants and volunteers are not employees of the City, they are expected to conduct themselves in accordance with the standards established by this policy while undertaking business/work on behalf of the City.

EXEMPTIONS Mississauga Fire and Emergency Services employees are exempt from this policy while driving a Mississauga Fire and Emergency Services Response Vehicle on behalf of the City, and will be permitted to use hand-held wireless communication devices in the normal performance of their duties.

Employees are permitted by legislation to drive a Vehicle while pressing a button to talk when using Two-way Radios and Hand Microphones/Portable Radios in the following circumstances, and where the use of a Two-way Radio and/or Hand

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Microphones/Portable Radios is required for their position:

- the Two-way Radio is securely mounted to the Vehicle so that it does not move while the Vehicle is in motion and the driver can see it at quick glance and easily reach it without adjusting his/her driving position; or
- the device used to press and talk that is linked to a Two-way Radio or Hand Microphone/Portable Radio in order to transmit or receive voice communication is worn on the head, over/in the ear or is attached to the person's clothing.

Until January 1, 2013, Transit Operators operating City of Mississauga Transit buses may drive on a Roadway while holding or using a Two-way Radio during the performance of their duties.

Employees are permitted by legislation to use hand-held Mobile Technology in case of an emergency, i.e. to call police, an ambulance, or fire department emergency services.

The following employees, while engaged in the performance of their duties, are permitted by legislation to drive a Vehicle with a computer display screen visible to the driver or may drive a motor vehicle while holding or using a two-way radio:

- Municipal Law Enforcement Officers who have been appointed under section 15 of the *Police Services Act* (i.e. by-law enforcement officers, including: Animal Services; Compliance and Licensing; Mobile Licensing; and Parking Enforcement); and
- guards who have been appointed under the *Public Works Protection Act* (i.e. Corporate Security Officers, Transit Enforcement Officers)
- Fire Chiefs and Deputy Fire Chiefs

LEGISLATIVE REQUIREMENTS

This policy complies with the *Highway Traffic Act* (the Act), as amended by Bill 118, the *Countering Distracted Driving and Promoting Green Transportation Act, 2009*, and Ontario Regulation 366/09 (the Regulation) that prohibits the holding or

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use of hand-held devices and the viewing and/or use of prohibited display screens while driving. In the event of amendments to the Act which result in a conflict with this policy, the provisions of the legislation will be applied.

DEFINITIONS

For the purposes of this policy:

“Entertainment device” means any equipment used for playing or viewing media, such as games, music and movies, and includes, but is not limited to, MP3 players, portable DVD players, portable video game units, etc.

“Hand Microphone/Portable Radio” means a wireless voice communication device consisting of a hand-held unit that is both a receiver and microphone that is operated by a push-to-talk function that allows for the transmission and receipt of voice communication, but not at the same time.

“Mississauga Fire and Emergency Response Vehicle” is any City provided or personal Vehicle that is used by an employee when responding to or investigating an emergency situation on behalf of the City.

“Mobile Technology” includes any personal and/or City provided communication device that is capable of receiving or transmitting telephone communications, electronic data, mail or text messages, such as, but not limited to, cellular phones; pagers; personal digital equipment; notebooks; BlackBerry®; smart phones; Bluetooth devices; and hand-held GPS devices.

“Prohibited Display Screen” is the screen of a television, computer or other device in the Vehicle that is visible to the driver. This does not include a dash mounted GPS device or a dash mounted Mobile Data Terminal (MDT) unit.

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“Roadway” means any common and public highway, street, avenue, parkway, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles, including all roadways and parking lots located within a City park, City facility, municipal cemetery, golf course or marina.

“Two-way Radio” means a wireless voice communication device consisting of a main receiver unit and a separate hand-held microphone that is operated by a push-to-talk function that allows for the transmission and receipt of voice communication, but not at the same time.

“Vehicle” means any City provided or personal motor vehicle, trailer, transit vehicle, traction engine, or road building machine, as defined in the Act and any other non-plated Vehicle propelled or driven by an engine, such as, but not limited to, grass cutting equipment.

CITY EXPECTATIONS

Unless otherwise exempt or authorized by this policy, employees are prohibited from holding or using any form of hand-held Mobile Technology or Entertainment Device while driving a Vehicle during business hours or while conducting City business. This includes, but is not limited to, the following actions: texting, typing, e-mailing, dialling, talking and viewing display screens on devices not required for driving or operating the Vehicle, such as cell phones, laptops or DVD players. This restriction applies when the Vehicle is in motion on a Roadway and when stopped in compliance with traffic signs and signals or due to traffic congestion. Hand-held Mobile Technology may only be used when the Vehicle is off the Roadway and/or is lawfully parked on the Roadway without impeding traffic.

PROVISION OF HANDS-FREE TECHNOLOGY

The City will provide and install hands-free technology for those employees for whom talking while driving has been deemed

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necessary to carry out their duties. All requests for hands-free devices must be approved by the appropriate Director. The Director will review the request and, if in agreement, obtain approval from the Departmental Commissioner.

Employees who have been issued a hands-free device are not required to answer their Mobile Technology Device while driving if it is unsafe to do so.

Employees who use a personal or City provided Mobile Technology Device while conducting City business but have not been approved for the use of hands-free Mobile Technology (i.e. talking while driving has not been deemed necessary to carry out their duties) are discouraged from responding to any Mobile Technology Device using a personal hands-free device while driving.

SAFE DRIVING PRACTICES

In addition to the restriction on driving while holding or using hand-held Mobile Technology and Entertainment Devices, avoiding distraction and safely operating a Vehicle should be a priority at all times. All employees are required to adhere to the safe driving practices that follow.

When Using Hands-Free Technology

Employees who use hands-free Mobile Technology are advised to:

- utilize hands-free devices only when required;
- always use one-touch (pressing a button) or voice dialling when making or answering calls;
- never allow conversations, even when using hands-free devices, to become a distraction - pull over and park off the Roadway if a brief conversation is not possible;
- refrain from making or receiving calls using hands-free devices if road conditions are poor, including in heavy traffic;
- not stop on the shoulder of a major highway, but find a safe place to park before taking notes or looking up information;

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- understand how hands-free devices work prior to attempting to use while driving;
- program devices such as a Vehicle's GPS prior to driving;
- use the voice instructions on your Vehicle's GPS; and
- never use Mobile Technology devices when fuelling a Vehicle.

When Using Hand-held Technology

Employees who are provided with hand-held Mobile Technology are advised to:

- never make or accept calls or text messages while driving (unless otherwise exempt in this policy);
- turn off the phone or let either voice mail or a passenger retrieve calls;
- update voicemail or hand-held devices to let callers know you do not answer or return calls while driving;
- return calls when you are safely pulled off the Roadway, or when you reach your destination;
- not stop on the shoulder of a major highway, but find a safe place to park before taking notes or looking up information;
- use the voice instructions on your Vehicle's GPS; and
- never use Mobile Technology devices when fuelling a Vehicle.

RESPONSIBILITIES

Commissioners and Directors

Commissioners are responsible to:

- approve all requests for Mobile Technology in accordance with this policy; and
- ensure non-compliance with this policy is addressed and actioned.

Directors are responsible to:

- ensure authorized employees are provided with the appropriate Mobile Technology, such as but not limited to, voice mail or hands-free devices;

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- maintain a list of authorized employees, their job function, and the corresponding hands-free devices that they have been issued;
- forward all requests to the appropriate Commissioner for approval; and
- ensure non-compliance with this policy is addressed and actioned.

Supervisors/Managers

Supervisors/Managers are responsible to:

- ensure that hands-free Mobile Technology devices are only provided with appropriate approvals;
- ensure that each employee authorized to use hands-free Mobile Technology for City business reads and signs the Hands-Free Mobile Technology Authorization Form;
- ensure the Form is maintained in the employee's departmental HR file;
- ensure employees receive adequate training on the safe use of Mobile Technology, including hands-free devices; and
- ensure non-compliance with this policy is addressed and actioned.

Employees' Responsibilities

Employees are responsible to:

- adhere to the Safe Driving Practices outlined in this policy; and
- request clarification on the acceptable use of Mobile Technology as required.

COMPLIANCE

The City reserves the right to suspend or terminate an employee's access to City issued Mobile Technology if they are non-compliant with this policy. As well, any employee who violates this policy will be subject to the appropriate disciplinary action, in consultation with their departmental Human Resources, up to and including termination of employment. Union employees will be disciplined subject to any applicable provisions of their particular collective agreement.

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In addition, any employee operating a vehicle for City business, whether personal or City provided, who is charged or convicted under the *Highway Traffic Act* of holding and/or using a hand-held device and viewing and/or using a prohibited display screen while driving will be solely responsible for any defence costs, fines, demerit point and/or impacts on their insurance rates and record.

REFERENCE: GC- 0789-2009 – 2009 12 09

LAST REVIEW DATE:

CONTACT: For additional information please contact your departmental Health and Safety Specialist.