

North Carolina Law Life

Talk is Cheap: Except When You Are Sued for Cellphone Usage

By: Donna Ray Chmura. *This was posted Tuesday, December 8th, 2009*

An Oklahoma woman is [suing](#) Samsung and Sprint because her mother was killed in an auto accident allegedly caused by a man talking on his cell phone who ran a red light. You can bet that if the man were making a business call at the time of the accident, his company would have been sued as well. While this suit most likely will be dismissed early on, it is important for businesses to consider cell phone usage policies to protect themselves from situations like this.

The cell phone policy should discuss how and when an employee may use a company-provided cell phone, the employee's use of a company-provided cell phone for personal calls and the employee's right to receive of personal calls throughout the workday, no matter who provides the phone.

The cell phone policy should be part of an overall technology policy (part of an employee handbook), including use of email, company computers, phones, PDAs, pagers, and company confidential information. The policy should integrate use of technology with the employee's right to privacy.

This is a tricky area. For example, if your company has a cell phone use policy, it must enforce it and enforce it equally. Our [employment attorneys](#) strongly believe a company that tries to limit its liability may actually increase its liability if it does not enforce its policies.

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