



Employer Liability Varies When Workers Using Cell Phones Cause Vehicle Crashes

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Grace Horoupian, a partner in the Irvine office, was quoted in the June 18 *Bloomberg BNA Human Resources Report* article "Employer Liability Varies When Workers Using Cell Phones Cause Vehicle Crashes." The article noted that, although a detailed cell phone policy can help protect employers from liability should an employee cause an accident by using an electronic communications device while driving, such policies do not provide organizations with absolute legal protection. Grace said there is no law that explicitly holds employers liable for moving violations committed by workers who become distracted while driving because they are using cell phones or other handheld devices. But under the doctrine of respondeat superior" employers have been held liable for the wrongful conduct of their employees if a court or jury finds that the conduct arose out of the regular course of the worker's employment duties. Thus, if employers are requiring employees to check in with their office, vendors, customers, etc., at all times and they happen to be on a call with someone related to work while driving, the employer will be held responsible for the act of its employees because the employee would have caused the accident while working."

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