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Case Study: Guiding Students and Employees to Recognize the Employer Risks of Employee Video Zoom while Driving

51 Rutgers L. Rec. 13 (2023) | WestLaw | LexisNexis | PDF **I. INTRODUCTION**

?Police caught an idiot driver in the middle of a Zoom video call while behind the wheel as he made his way to work yesterday.?1 That is an inflammatory statement, but many might feel the same way. ?It beggars belief that a driver could think it's safe to have a Zoom call while being in control of a car,? commented RAC road safety spokesman Simon Williams.2 Police officers spotted the car and pulled it over, finding that the driver had only a provisional license and no insurance.3 While this story led only to head-shaking, it could have been so much worse.4 The leading cause of injury and death in the workplace, according to the National Safety Council, is motor vehicle collisions.5 Employers need to have policies in place prohibiting employee participation in video Zoom6 calls while driving or employers could end up liable for the resulting crash.7

1 Luke May, Virtual Insanity! Police Catch Idiot Driver Holding a ZOOM Video Call at the Wheel on his Way to Work, DAILY MAIL (Feb. 10, 2021), https://www.dailymail.co.uk/news/article-9244903/Driver-holds-ZOOM-video-call-driving-work.html.

2 Id. RAC is the UK motoring organization, similar to the AAA in the United States.

3 Id.

4 Id.

5 Frankenmuth Ins., Commercial Fleet and Delivery Drivers: 5 Tips to Prevent Distracted Driving, FMIN, (July 9, 2020), https://www.dailymail.co.uk/news/article-9244903/Driver-holds-ZOOM-video-call-driving-work.html.

6 While this article focuses on Zoom, the same applies to FaceTime, Skype, WebEx, Teams, or any similar platform. For example, on June 7, 2021, Apple announced new features for its FaceTime app to allow enhanced video calls, appearing to make it more competitive with Zoom. Press Release, Apple Inc., iOs15 brings new ways to stay connected and powerful features that help users focus, explore, and do more with on-device intelligence (June 7, 2021), available at https:/www.apple.com/newsroom/2021/06/ios-15-brings-powerful-new-features-to-stay-connected-focus-explore-and-more/ No such new features should be used while driving.

7 See Lisa Nagele-Piazza, Employers Can Be Liable For Distracted Driving, SHRM, (Oct. 29, 2018), https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/employers-can-be-liable-for-distracted-driving.aspx.

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