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*...from the  
director's chair*

# You gotta go, but Customs says no

I'd call it an abuse of their power and authority, and utterly disrespectful to a Canadian citizen who was just doing his job. I'll grant that the Canadian Border Services Agency (CBSA) officers who caused an OBAC member – let's call him Buddy – a great deal of embarrassment and humiliation last month were just doing their jobs too, but the way they went about it was completely uncalled for.

Buddy arrived at the Landsdowne, Ontario, Customs facility (about 20 miles east of Kingston) mid-afternoon and was sent in for a secondary inspection. After backing to the dock as instructed, he went inside and asked to use the restroom because, as he says, "You know how it is, once you stop driving and stand up, you have to go." CBSA officers refused his request to use the facilities, saying that as long as they were inspecting the truck, the driver must be in attendance. This is apparently the way it works at Landsdowne – "standard practice," Buddy tells me.

He held off as long as he could, asking twice more over a period of almost an hour and a half. At that point, he says, "I told them that they could arrest me if they wanted to, but I was either going to the restroom or I would relieve myself off their dock."

It took a supervisor to grant the okay, but Buddy had to empty his pockets, and he was escorted to the washroom, and back to the inspection area, although he wasn't observed while he used the toilet.

This unfortunate circumstance repeated itself later that day when, according to Buddy, an American driver who had been refused access to the washroom for over four hours wet himself.

All this took place after an initial inspection of Buddy's cab and a fruitless search of personal and financial files on his laptop computer; a suspect of some

nefarious activity just because you drive a truck and carry a laptop?

There appears to be some kind of guilt-by-occupation thing going on here. I cross the border dozens of time a year and my computer files have never been searched, and despite the interminable lineups for Customs at airports and land crossings, I've never been refused access to a washroom. So why does this happen to truckers?

I contacted CBSA for information on the processes and procedures employed by border officers and was initially stonewalled: I would have to get the driver in question to send CBSA a letter of authorization before they could comment. Right. I stressed that I wasn't after specifics on this case, I just wanted general information about what goes on in the secondary inspection area: what are CBSA's policies? Who calls the shots? After bouncing back and forth with several phone calls and e-mails, I finally got a response from Andree Chevrier, executive assistant in the office of the Executive VP for CBSA.

Her letter begins, "The Canada Border Services Agency (CBSA) is proud of the professionalism and respect demonstrated by our officers on a daily basis. We do recognize that there are instances where circumstances may not be perceived as such." No kidding.

She went on to say that Border Services officers exercise some discretion based on the "unique circumstances and potential risks of the particular situation." The concern being that in allowing a traveller to leave the inspection area to use the washroom, the traveller would have the opportunity to dispose of any contraband and/or evidence.

Surely if there was a concern about a driver porting some illicit article across the border, they could deal with



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that expeditiously, and then get on with the cargo inspection?

Apparently not, says the letter.

"Additionally, during secondary examination travellers exhibit verbal and nonverbal cues that serve as indicators as to whether a more intensive search is required. Officers watch for these and other indicators during the examination process, particularly those that lead to the belief that evidence or goods may be secreted on the traveller's person."

So they leave you hanging for a couple of hours to see if any "verbal and non-verbal cues" present themselves? This leaves me wondering why – since the CBSA officers are so astute at detecting the nervous fidgeting of criminal intent – they're incapable of realizing (or just don't care) when someone is in genuine biological distress.

That drivers are subject to this sort of treatment by Canadian government officials is deeply disturbing. Yes, I grant that Customs has a job to do in protecting Canadians from gun- and drug-toting miscreants, and I can see the need to conduct visual inspections of cargo and vehicles from time to time, but there's no need humiliate people, or to subject them to that kind of emotional and physical stress.

One more way to torment truckers? There's no justifiable reason to prevent a law-abiding person from exercising one of the more basic – and demanding – of all personal needs.

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