



Owner-Operator's Business
Association of Canada
Association professionnelle des
routiers autonomes du Canada

...from the
director's chair

Who's watching who's watching you?

I wish this tale was just the product of someone's over-active imagination, but sadly, it's true. Names have been changed to protect everyone involved, because there's more than a little blame to be laid on several heads.

Here's the gist of it: a 38-year veteran driver, Mr. Smith, very nearly had his reputation ruined by a small fly-by-night carrier (Carrier A), who had fabricated a false and unflattering employment review.

Smith discovered the problem when he applied to a company where he had previously worked (Carrier B). Fortunately for Smith, Carrier B allowed him a chance to clear his name if he could prove the allegations were false. Smith had been working in the oil patch, but decided to come back to Ontario when things slowed down. He posted his name on an electronic board for drivers looking for work, and was contacted by Carrier A. He sized up Carrier A saying, "He was a young person with a trucking background who was starting out on his own. He seemed to know the industry and have a good head for business."

The first trip took Smith to a US city where he was asked to pick up a load bound for another US city. Carrier A assured Smith that this particular move was legal, so he went ahead with it. En route, Smith had some mechanical trouble, and was promised it would be taken care of when he returned.

His second trip, in a different truck, turned out to be much like the first, but this time Smith refused to make the interstate movement. There were problems with the second truck as well, including brake issues, trailer problems, and cosmetic damage to the body. Back at the yard, the carrier promised to put the truck in the shop and have everything fixed, but when Smith showed up for the third load, he found the repairs hadn't been done.

Between the second and third trip, Smith had checked the carrier's CSA SMS scores and found they weren't that great, but decided he'd give it one more chance. But when he found the truck hadn't moved an inch since he

dropped it, he walked away, concluding Carrier A wasn't the kind of outfit he wanted to be associated with.

Around the same time, Smith got a call from Carrier B, a large reputable outfit and a previous employer. Following the pre-employment formalities, Carrier B informed Smith he may not be hired because Carrier A had accused him of quitting without notice and for wrecking one trailer and damaging another.

Fortunately for Smith, Carrier B was skeptical, and gave him an opportunity to clear his name. Smith's investigation revealed that he hadn't even been listed on Carrier A's insurance policy, but the insurance company did confirm there were no damaged trailers recently reported by Carrier A.

Getting the information he needed from an insurance company, by the way, was a remarkable feat in itself.

With his reputation cleared, Smith was hired and continues to work for Carrier B. He was lucky; a carrier that didn't know him might not have hired Smith, and he may never have known why.

There are a few questions that need to be asked here, and a few lessons to be learned.

First, why did Smith allow himself to work for a carrier that holds the law in such low esteem?

With a shortage of qualified drivers that's reaching GDP-limiting proportions, surely drivers like Smith with 38 years of experience and clean records (really) should have their pick of the available jobs.

Smith told me he should have known better, but he was anxious to get working. At the time, he didn't have ready access to a computer to check out the carrier, and he really wasn't certain how to go about doing a full and proper search of the carrier's record.

Another question that's front and centre is how do such carriers manage to stay in business? For all the bluster and bravado from FMCSA and various Canadian provinces, who claim to be coming down hard on these disreputable carriers, the bottom feeders seem to be



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doing a good job of staying under the radar. I'd call that a classic fail on enforcement's part.

Another question that really needs to be addressed is how do drivers deal with bogus employment reports? Canada has privacy laws to in place to safeguard the collection and disclosing of personal information, but between federal and provincial statutes and the subtlety of legal definitions, we may not be as protected as we think we are.

There's a company based in Chestermere, Alta. called Professional Drivers Bureau (PDB) that claims to hold Canada's only national database of drivers. They maintain records for several hundred carriers and store over 310,000 driver profiles. For a small fee, drivers can ask for a report of the details on their file.

That company ran into legal problems in 2013, when it allegedly violated the province's privacy law by collecting and selling a truck driver's work history to prospective employers without the driver's consent. PDB was ordered by Alberta's privacy watchdog to expunge all the records it collected on that driver, who had complained about the firm's practices after being unable to secure new work.

So who knows? PDB may have files on you that you never consented to allow it to retain.

If you're not sure, I suggest that you check and if there is a file, at least make sure it's accurate. I'm not aware of any other Canadian company that does similar work.

Today there's no reason good drivers should have to resort to working for low-life carriers, and there's no reason you shouldn't be completely aware of every bit of information carriers, insurance companies, and others have on you.

Canada's privacy laws are in place to protect you. Take advantage of them before you're "unhired" again because of an inaccurate employment history.