



Owner-Operator's Business
Association of Canada

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...from the
director's chair

No good deed goes unpunished

DoT should reward – not punish – drivers who report carriers that refuse to fix mechanical issues

When I was a kid, I was a bit of a do-gooder. More than once, my “good deeds” would backfire and I’d come home wailing because things hadn’t worked out the way I planned. My mother would often quip that “no good deed goes unpunished,” a humorous, if somewhat ironic observation that life is not always fair, and people can do good things and still end up in a lot of trouble.

She was truly prophetic. But we’re not talking about my mother here, rather about countless drivers I’ve heard from over the years who are at their wits’ end with obstinate carriers, and find themselves punished for trying to do the right thing.

The conversation usually goes something like this: “I’ve been after (carrier name) to fix (component or system) but they won’t do it. I finally got fed up one day and pulled into a scale to see if I could get the DoT (generic term substituted for the actual agency) to write the truck up, forcing the company to fix it. Well, they wrote the truck up alright, and I got a \$390 ticket too!”

Drivers, who don’t own the equipment they drive, can find themselves in a difficult position when trying to honour their legal and sometimes moral obligations to keep their trucks in safe operating condition. Owner/operators, who may own the truck but not the trailer, are caught in the same dilemma.

They have little say in how this equipment is maintained, yet they are responsible for inspecting the truck or trailer every day and essentially certifying that it is in proper mechanical condition. They sign the inspection form and away they go.

By the way, a word of praise here for the ‘new’ trip inspection regs; at least they provide guidelines so drivers can distinguish between major and minor defects, and they even permit

the operation of the truck with certain minor deficiencies. Drivers no longer have to fear noting a defect on an inspection sheet.

But I digress. When a more serious defect is discovered, the driver has two choices: have the problem fixed so they can continue the trip, or park the truck. If they’re on the road, a call to report the problem is often met by “Do you think you can get the truck back to the shop so we can fix it here?” After delivering the load, of course, is taken as a given.

If the driver “refuses” to drive the faulty equipment, he or she has two more choices: if they’re on the road, they can come home on the bus, or if the truck is still in the yard, they can clean it out and go home. It’s shameful for a carrier to put a driver in this situation, but it happens all too often. Some drivers, trusting souls that they are, decide to turn to the officials for help, but there’s little sympathy to be had at a scale, it seems, or with the various ministries of labour.

I’ve heard more than a few tales of drivers presenting themselves at a scale with defects that have gone unrepaired for too long. The enforcement folks are only too happy to have a look at the truck, but in the course of the inspection, the driver winds up with a ticket too, despite the fact that he or she was trying to make the industry a little safer by applying some pressure to a recalcitrant carrier.

And if the disgruntled carrier fires the driver for taking the truck to a scale for an inspection, the driver is now out of a job and they’re still on the hook for a \$390 ticket.

It’s not likely the driver will get any satisfaction from a labour board if they lodge a complaint about their dismissal under these circumstances. When such cases go to ad-



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judication, the authorities take the position that the driver should not have driven the truck with the defect – as per National Safety Code Standard 13, Part 1 (13) which says that “no motor carrier shall permit a person and no person shall drive a commercial vehicle on a highway when a major defect is present on the vehicle.”

And if the driver decides to operate the faulty equipment, but tries to report a threat to their own (and others’) health and safety to the labour folks? Forget it. These agencies won’t even return the phone call unless a termination has occurred or there has been some violation of the labour regulations. While employment standards at all levels of government purport to encourage a fair and safe work environment, the workplace of hundreds of thousands of truck drivers – the open road – doesn’t seem to warrant the same consideration as the office cubicle or the factory floor.

And it’s oh-so-frustrating that DoT inspectors – who should be allies with drivers when it comes to taking slipshod carriers to task – can’t see the driver’s point of view in these situations. To them, a defect is a defect, and they’re just doing their job. To be sure, they can hide behind the letter of the law, and insist that by driving the truck to the scale the driver has violated trip inspection regulations, but are they making the roads safer in the grand scheme of things?

So maybe it’s time to re-think the National Safety Code – Standard 13 and others – and create a process whereby drivers can report a carrier’s negligence without fear of reprisal, even if they have to get behind the wheel to drive the evidence to a scale.