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...from the
director's chair

Asleep at the ELD switch

Trucking has its own language, and I'm not talking about CB chatter or the unique jargon every industry develops. It's more about the way trucking uses certain words that have a completely different meaning in the minds of most non-trucking people.

After all these years I've learned the lingo, but it still drives me wild when people take two related words and use them interchangeably, as if they mean the same thing. Safety and compliance is one of my pet peeves. Yes, they are complementary, and yes, both are important components of a safety management system, but too often we hear about safety and compliance as a single notion. It's a discussion I've been involved in many times: is it possible for someone to be compliant, and still be unsafe?

This discussion often takes place in the context of hours-of-service. It's a common scenario: you might be perfectly rested, alert and safe, but can't get behind the wheel because you're out of hours. Compliance wins. Conversely, you can have lots of hours left, but are so drowsy your eyelids are fluttering, yet you have to keep going. Compliance wins again, but safety could be the big loser.

But wait. Can it be that Canada's recently published electronic logging device (ELD) rule will once and for all resolve the issue of driver fatigue? Transport Minister Marc Garneau's announcement, especially the made-in-Canada requirement for third-party device certification, was greeted with enthusiasm by many. The "let's get the cheaters off the road" theme ran in the background, but front and center in all the media coverage was the implication that the ELD mandate was primarily a fatigue-mitigation measure.

"Federal government takes steps to curb bus, truck driver fatigue in Canada," proclaimed one mainstream media outlet, while another announced

that Canada was making the devices mandatory in an effort to "combat driver fatigue and improve road safety."

While I often fault the mainstream media for missing the mark when reporting on trucking issues, in this case, they are only echoing industry leaders who describe ELDs as key in fighting fatigue, and indeed on what Garneau himself announced: that in mandating ELDs "we are looking to reduce truck and bus crashes due to fatigue."

And just to be clear, the ELD mandate addresses only the electronic monitoring and enforcement of our current HoS regime. The somewhat flawed, inflexible HoS rules themselves will not be changed; they'll simply have to be recorded using an electronic device.

Once again, Transport Canada has overlooked one of the most important pieces of research that includes a forthright discussion of fatigue and road safety – its own paper titled *Addressing Human Factors in the Motor Carrier Industry in Canada* published in 2011 by Pierre Thiffault, a senior research analyst with the department.

Thiffault stressed that while HoS regulations theoretically address important risk factors, they have significant limitations. While necessary, and perhaps enhanced by electronic enforcement, HoS regulations are not sufficient to address fatigue in the motor carrier industry.

Thiffault stressed the importance of making stakeholders understand this reality: HoS rules form the foundation of fatigue management, but they need to be complemented by various initiatives to generate a comprehensive and efficient fatigue management approach.

In theory, support of the North American Fatigue Management Program (NAFMP), which outlines an all-encompassing approach to dealing with the



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problem of driver fatigue, signals that our government is on top of the issue. As a reminder, NAFMP, a Canada-U.S. initiative, is comprised of educational components for drivers, dispatchers, company management, and family members – all available free to the industry – as well as a plethora of guidelines and tools with respect to obstructive sleep apnea, napping strategies, scheduling, fatigue monitoring technologies, and much more.

It is telling to note, though, that all of these interventions, which are central for fatigue management, are not part of the HoS regulations. This provides another example of how an approach solely based on complying with the rules falls short in terms of oversight, and most likely effectiveness.

In amending HoS to require ELDs, Transport Canada stressed that regulations exist to reduce fatigue-related crashes, injuries and fatalities. Why then, when given the opportunity, did federal regulators not address the greatest shortcoming of HoS rules – the failure to evolve along with our understanding of fatigue – and leave us with a prescriptive regime focused more on compliance than on fatigue management and mitigation? Asleep at the switch on that one.

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