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Are Commercial Drivers Being Coerced Into Dangerous Driving Practices?

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Industries all over the U.S. rely on trucking carriers to transport and deliver goods. Drivers are under a lot of pressure to deliver the goods by deadlines that are set by the companies that are receiving them. Some carriers threaten negative job actions against truck drivers in order to coerce them into breaking federal laws so that they can deliver their loads on time. This coercion is illegal, and a regulation called the coercion rule was put into place in order to protect truck drivers from threats and to make it easier for them to report shippers, carriers, brokers and others who try to coerce them into breaking the law.

How economic pressure on truck drivers negatively impacts safety

Truck drivers work long hours in order to get their cargos to their destinations on time. The government has hours of service rules in place for drivers that limit them to working no more than a set number of hours each day while also placing mandates for break periods and limits on workweeks.

There is tremendous pressure within the trucking industry to get loads to their destinations by set times, and if truck drivers don’t meet their deadlines, their employers receive less for the delivery than they otherwise would. Drivers are also paid by the mile instead of by the hour, meaning that they are already under pressure to continue driving for long periods in order to meet their deadlines and to make certain that they get paid. This places pressure on the drivers to ignore safety and hours-of-service rules so that they can reach their delivery destinations on time so that they can get paid.

The hours-of-service rules are in place to help reduce the risk of truck drivers driving while they are fatigued. Drivers are expected to drive around 500 miles per day, but some types of deliveries, such as live unloads and loads, may take hours while the drivers are not paid for their time spent waiting. This may lead the drivers to break the federal regulations and laws that are in place to increase safety on the roads, and the drivers may then drive while they are drowsy and place everyone on the roadways around them at risk of accident involvement.

How truck drivers are coerced

Trucking companies may engage in several job actions that might coerce truck drivers into breaking the law in order to get paid. These coercive acts are illegal and include the following:

- Requesting drivers to do things that would result in their violating laws and regulations
- Threatening negative job actions when drivers tell their employers that doing the requested activity would result in violations of safety regulations
- Threatening terminations
- Not giving future loads to drivers when they have refused to violate the rules in order to meet deadlines
- Giving drivers unfavorable routes if they do not violate the rules
- Making drivers drive unfavorable schedules, such as on holidays, in retaliation for their refusal to ignore hours-of-service rules

What the coercion rule is

Passed in 2015 and made effective on Jan. 29, 2016, the Coercion Rule is a regulation that makes it easier for truck drivers to report employers who try to coerce them into breaking federal safety laws. Coercion was made illegal by Congress under a part of the Surface Transportation Assistance Act, or STAA. That law directed the Department of Transportation to promulgate regulations to enforce it, and the DOT responded with the coercion rule. The rule does three main things in order to reduce coercion and to aid in identifying companies that engage in it, including:

- Establishes a system for drivers to help them with reporting attempts to coerce them into violating federal safety laws
- Outlines the actions that the Federal Motor Carrier Safety Administration should take when it receives a coercion report
- Establishes penalties against companies when driver coercion is found

The aim of the law is to reduce coercion against truck drivers so that they comply with federal laws and do not feel pressured to break the law in order to get paid.

The likely effect of the coercion rule

When the proposed rule was first published, shippers, receivers, motor carriers and transportation intermediaries complained that the coercion rule could cause a disruption in the supply chain. They also complained that brokers could be held to be vicariously liable for truck drivers who violated the hours-of-service rules even though the brokers do not employ them. Some carriers complained that drivers may file unfounded coercion complaints. However, in order for the coercion rule to come into play, drivers must first explicitly say that doing what they are asked to do would result in them breaking the safety laws and regulations.

The likely result of the coercion rule is that drivers may be less likely to feel as if they have to ignore safety regulations in order to comply with tight deadlines. The stiff fines for bad actors that engage in coercion may also result in fewer companies engaging in coercive behaviors against drivers. This may help drivers to adhere to the laws so that they are less likely to engage in drowsy or fatigued driving, resulting in fewer accidents, injuries and fatalities.

Safety regulations and laws are in place for the trucking industry because of the risks of catastrophic injuries or deaths to people who are involved in truck accidents. Truck drivers are under a significant amount of pressure to deliver their loads on time so that they can get paid. When a driver violates the hours-of-service rules, he or she risk causing an accident because of drowsiness and fatigue.

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