



Owner-Operator's Business
Association of Canada

Association professionnelle des
routiers autonomes du Canada

*...from the
director's chair*

Change is good...in the right direction

Going back to the days when I was the trucking industry analyst at Industry Canada, many of the calls and letters I received were from frustrated truckers who felt they were getting ripped off, and wanted to know what the government was going to do about it.

Mostly, the grumbling was about fuel prices and rates, but there were a lot of complaints, too, about contracts and business relationships that had soured.

I didn't believe then – still don't – that it's government's role to intervene in the business of trucking. And I'm a bit disheartened when I talk to truckers who don't believe it's their role either.

I spoke to several drivers who expressed a decided lack of optimism in response to last month's column about contracts (Clause for concern), and I'm that much closer to admitting that a considerable number of Canadian owner/operators may never improve their bargaining position with carriers. Those of you who insist that it can't be done are absolutely right. Nothing will ever change until someone takes that first step – like walking away from an unsatisfactory contract before signing it.

That said, the road ahead looks significantly different from what lies behind us. Change is in the wind as we emerge from this infernal recession, and what comes of that change will be what you make of it.

Your contract will become more important than ever, I think, in establishing obligations and responsibilities, and even liability and accountability.

Take CSA 2010 for example. It may not have the devastating impact on the supply of drivers that some are predicting, but you can bet carriers will become a lot more interested in protecting their profiles now that the Americans have an effective tool to weed out bad trucking companies. The smart ones will probably become pretty choosy about who they hire. And smart drivers should be equally choosy about who they work for.

Being a solid, professional driver may actually take on some significance under CSA 2010. While it will offer good carriers an advantage in recruiting, it will also give good drivers some bargaining power. If you're one of those better drivers, would you settle for the same rate the crummy drivers are getting? You shouldn't – and your contract can help make that distinction, if you push a little.

CSA 2010, as you know, will not directly affect carriers in Canada, but those who operate in the US are subject to all the same provisions as their American competitors. The reality of this indirect impact of CSA 2010 on Canadian trucking means we'll have to become equally vigilant about compliance to protect our privilege of operating in the US.

CSA 2010 won't directly affect Canadian drivers either, except that the record you accumulate in the US will follow you just as it will an American driver. Canadian carriers will be doing record searches on Canadian drivers in the US database, just as they now search CVOR or NSC records.

How can a contract make a difference in this context? You may have heard about the Safety Management Methodology document published by FMCSA. It contains some 61 pages of possible violations (17 or so per page) that will accrue points for drivers and carriers. Many, many of those are considered driver responsibility, such as this one: "393.75(a)(1); Tire – ply or belt material exposed."

That's an eight-point violation to a driver, but how much influence does a driver or owner/op have over a fleet's maintenance practices? Maybe the trailer was left in a drop yard with a bad tire; in any case, it's your problem now.

Does your contract speak to liability for defective or damaged equipment or the delays caused by operating it? Under CSA 2010 it probably should, because few fleets or drivers worth their salt would pull a trailer with bad tires if there were eight points hanging in the



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balance. I know I wouldn't. Nor would I be keen on accepting responsibility for the tire, or wasting several tightly controlled hours waiting for the tire guy – without compensation.

Situations like that will arise more frequently under CSA 2010, and forewarned is forearmed. Wouldn't you be better off with everything spelled out in advance rather than arguing about it after the fact?

Time and money aside, with CSA 2010, EOBRs, and fuel economy standards coming our way, it will be a whole new world out there in trucking when the wheels start moving in earnest again.

If you're longing for the good ol' days, it might seem like the end of the road. But if you think about it – especially with a shrinking pool of qualified drivers – the good ones still out there have just that much more leverage at the bargaining table.

Historically, drivers have taken what was handed to them, but I think we've never been in a better position to kiss that old paradigm good-bye.

The carrier who has the best drivers will win the day – they know that – and drivers have to believe it too. It might sound a bit like a T-shirt slogan, but don't give up your power by thinking you don't have any.

If the women who led the suffragette movement in the late 19th century had so little faith in themselves, I still might not have the right to cast a vote in this country – and I probably wouldn't be writing a column in a trucking magazine.