



Owner-Operator's Business
Association of Canada

Association professionnelle des
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...from the
director's chair

At the table or on the menu?

When it comes to making regulations for trucking – or any other aspect of life in a modern democracy, frankly – the title of this column really says it all.

It's not always about who has the right ideas, or finding the best ways to achieve an objective; it often comes down to who participates in the deliberations and how effectively they can make their case. If you have a point of view and some territory to protect, you need to be at the table. You can rest assured others will be there protecting their interests – perhaps at your expense.

Take the National Safety Code (NSC), for example, a set of 16 standards, ranging from commercial driver licence requirements to carrier facility audits, and everything in between – like trip inspections, hours-of-service, and load security – that drivers deal with on a daily basis.

These aren't regulations; they're minimum performance standards, which the provincial, territorial and federal governments have agreed to use as guides in drafting their own transportation safety legislation. At the end of the day though, each jurisdiction makes its own regulations. They are guided, perhaps, by the spirit of the NSC, but the result is a hodgepodge of rules that differ from province to province and sometimes fall short of the intended goal to promote efficiency in trucking by having harmonized safety standards across Canada.

And while we may look wistfully at our neighbours to the south where the US federal government has distinct jurisdiction over interstate commerce (and hence more streamlined interstate travel), there's no point thinking our country is going to change the way trucking laws are made. Our federal government has constitutional authority over transportation safety, but has long since delegated the regulation of interprovincial and international highway traffic to the provinces. On the upside, industry is not alone in its increasing frustration with legislative fragmentation. While I wouldn't say that provincial governments are scurrying en-masse to unsnarl – dare I say harmonize – our regulatory Gordian knot, many regulators share our concerns, and there is a growing

realization that the system needs an overhaul.

Getting back to my point, input from the steering wheel crowd is vital to the process, and you can bet your bottom dollar we'll be at the table. Regulations affect everyone, but drivers are on the front line when it comes to compliance, and ultimately to enforcement. If we aren't there when the rules are crafted, they may not reflect our needs and concerns. Making and changing regulations is a complex and excruciatingly slow process, and sitting at the table with policy makers and regulators is not for the impatient or faint of heart.

The end of discriminatory age-based testing requirements for senior drivers in Ontario is a case in point. Although it took far too many years, the persistent lobbying – backed up by reasoned arguments – finally paid off, partly because OBAC, along with a steadfast cadre of “old-timers” patiently educated and re-educated an ever-changing roster of Ministers and bureaucrats, and simply wouldn't leave the table.

Many folks find it hard to believe – and I come to any table myself with a healthy dose of cynicism – that regulators welcome input from the real world, but I can tell you that many are genuinely grateful for feedback from experienced and knowledgeable drivers.

And it's not always the big stuff like NSC standards that are on the line. Something as innocuous as your CB radio can be at risk.

In the past few years, as human errors were identified as a major cause of crashes, all governments hastened to bring in legislation to counter distracted driving by banning the use of handheld “communication and entertainment devices.” While cell phones are a major target, each jurisdiction developed its own broad definition of “devices” to cover the amazing assortment of distracting things one can do besides hold the gadget up to your ear and talk. If the folks who use CB radios hadn't stepped up to the table, jurisdictions wouldn't have built exemptions into their laws, and commercial drivers, escort vehicle operators, and emergency and public transit drivers would have lost a useful tool.

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In fact, at any one time, there are dozens of bureaucrats in every province and in Ottawa discussing matters, raising concerns, and contemplating measures that could have a significant impact on every aspect of your job. As it stands, there's no shortage of regulation in trucking where the table tilts just a little too far one way for my comfort, but, without driver input, can we expect anything different?

And therein lies the problem. If you're out on the road, how do you even find out about these things, let alone take the time to do something about them? Taking a quick online survey is one thing, but how many of you are available for a meeting in the middle of the week at a downtown government office anywhere in the country? That's where OBAC comes in. As the authoritative national voice of small business trucking in Canada, we're there when you can't be.

Don't get me wrong; simply “showing up” at the table isn't what makes a difference. When we sit down with policy makers and regulators, we need to be well informed, have our facts and figures right, and our research done. And more than anything, we need the insight and vision that comes from years of experience and millions of miles of real-world trucking. Some significant rule changes are on the regulatory horizon as we move into 2014. OBAC will be at the table this time around, and your support is vital. For every issue on the table, we can add value to the debate with a driver's-eye-view. In many cases, we're not on a different side of the issue than others in the room, but we're always on a different side of the steering wheel – and that – my friends, makes all the difference. ●

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