***Question 17:*** What protection is afforded a driver for refusing to violate the FMCSRs?

*Guidance:* Section 405 of the STAA (49 U.S.C. 31105) states, in part, that no person shall discharge, discipline, or in any manner discriminate against an employee with respect to the employee’s compensation, terms, conditions, or privileges of employment for refusing to operate a vehicle when such operation constitutes a violation of any Federal rule, regulation, standard, or order applicable to CMV safety. In such a case, a driver may submit a signed complaint to the Occupational Safety and Health Administration. Additionally, under 390.6, a driver may not be coerced to violate the FMCRs and under 390.36 may not be harassed using ELD information. Coercion and harassment complaints may be filed using the Agency’s complaint process described in 386.12.