FMCSA-ELDT-WHISTLEBLOWER-COERCION-FAQ01(2022-03-09)

**Question 1:** ELDT theory training for the Class A and Class B CDL includes a unit of instruction covering whistleblower and coercion protections for CMV drivers. Are drivers protected from retaliation for reporting sexual harassment, sexual assault and threats of assault or for refusing to drive a CMV that is unsafe?

**Guidance**: Yes. This unit of instruction requires that driver-trainees be informed about the right of employees to question the safety practices of an employer without risk of losing their job or being subjected to other forms of retaliation. These protections extend to an employee who has filed a complaint with an employer alleging a violation of a security standard and to a driver who refuses to operate a CMV due to a “reasonable apprehension of serious injury” due to “the vehicle’s hazardous safety or security condition” (49 U.S.C. 31105(a)(B)(i),(ii)).

If a CMV driver is subject to sexual harassment, threat of sexual assault, or sexual assault by the employer, another driver, or a training instructor employed by the employer, the employer has violated basic security standards for a safe working environment. Allegations of sexual assault and threat of sexual assault should be investigated as crimes and constitute “a hazardous security condition” that could impair the driver’s ability to safely operate a CMV. The FMCSA strongly recommends that ELDT training providers address the whistleblower and coercion protections available to drivers facing these issues.

**Contact Info:** FMCSA Information Line, 1-800-832-5660

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Note: This guidance document does not have the force and effect of law and is not meant to bind the public in any way. It is intended only to provide information and clarity regarding existing requirements under the law or agency policies.*

**Regulatory Topic: Entry-Level Driver Training - Whistleblower and Coercion Protections**

Effective Date: Wednesday, March 9, 2022

Issued Date: Wednesday, March 9, 2022