FMCSA-HOS-ELD-395-FAQ66(2017-04-06)-CORR1

Question: What are the differences between harassment and coercion?

**Answer:** As defined in 49 CFR [390.36](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-390/subpart-B/section-390.36), a motor carrier can only be found to have committed harassment if the driver commits a specified underlying hours of service violation based on the carrier’s actions and there is a connection to the electronic logging device (ELD). Adverse action against the driver is not required, because the driver complied with the carrier’s instructions.

In contrast, coercion, as defined in § [390.5T](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-390/subpart-A/section-390.5T), is much broader in terms of entities covered, and addresses the threat to withhold work from or take adverse employment action against a driver in order to induce the driver to violate a broader range of regulatory provisions or to take adverse action to punish a driver for the driver’s refusal to operate a commercial motor vehicle (CMV) in violation of the specified regulations. Unlike harassment, coercion does not have to result in the driver being in violation of the regulations and does not have to involve the use of an ELD.

**Contact Info:** FMCSA ELD Information, 1-800-832-5660 or ELD@dot.gov.

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*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: ELD Guidance**

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