

**WOTAB Task 22-1: Crime Prevention for Women Commercial Motor Vehicle Drivers
Discussion Notes from November 9, 2022, WOTAB Meeting**

Task 22-1: FMCSA asks that the Women of Trucking Advisory Board (WOTAB) provide feedback to the Agency regarding the dangers of sexual assault and sexual violence against women, particularly drivers of commercial motor vehicles (CMV), and suggest actions and initiatives to prevent and ultimately eliminate such violence.

I. Crime Prevention for Truckers Survey Results

A. Issues identified with the survey:

1. Because of design limitations to the survey, rape/sexual assault was referred to as being “touched inappropriately.” Equating rape to being touched inappropriately is offensive.
2. The demographic choices were women, minority men, and non-minority men. Minority men are specified, but minority women are not.
3. The organizations with which FMCSA coordinated to solicit responses were not named on the presentation slides. The choice of these organizations may have slanted the survey results.
4. Due to the survey’s cost, the number of respondents and duration of time to respond to the survey were limited. Seven percent of the nation’s 3.5 million truck drivers are women; only 200 women responded to the survey. This is not a representative number of women in the trucking industry.
5. The survey data lacked insight into the demographics.
6. The numbers may be low because women feel there is no point to reporting sexual harassment or assault.
7. The survey does not account for responses from the LGBTQIA+ community.

B. Action items:

1. Share the survey data with the WOTAB committee. FMCSA posted slides on the WOTAB website.
2. Include which groups FMCSA used to distribute the survey when publishing the data so that truckers can evaluate who disseminated the information out and to whom.
3. Issue a subsequent survey that reflects what is accurately occurring in the industry regarding harassment.
 - a. Include the question “Have you had any sexual violence perpetrated on you?” Note: Certain respondents did not want to go into detail about their experiences.
 - b. Improve structure of survey. Enjoli DeGrasse (Teamsters) offered to assist with building a survey that is truly representative and detailed.
 - c. How do we get more respondents?
4. Clarify Surface Transportation Assistance Act (STAA) whistleblower protections. There is no regulation that addresses harassment, but there is a mechanism to report whistleblower activities.
5. Establish a harassment policy and publish it in the ‘Green Book’ (Federal Motor Carrier Safety Regulation Handbook).

C. Other comments:

1. The SHE Trucking Foundation would like to be a part of FMCSA's data collection process.
2. The conversation should start with improving carrier safety culture—a "zero tolerance" policy that establishes that no range of harassment is acceptable.
3. A huge concern of victims is how to report harassment without fear of retaliation. The at-will labor structure of this industry makes reporting difficult. How can we shape how employment is done so that the reporter's job will be protected?
4. Mixed-gender CDL training and driver onboarding
 - a. What does this look like on a national basis?
 - b. How do we highlight carriers that have best practices?
 - c. How do we highlight carriers who are negligent in this area?
5. A Canadian regulation addressing workplace violence and harassment in trucking and logistics includes a mechanism to report. Under the regulation, a designated person trained to deal with private health and sensitive information must receive these reports. With this data, the government can be aware of aggregate numbers. The regulation requires employers to establish a mechanism of reporting that does not require a supervisor to become aware of the report. However, that approach relies on employer compliance, and this does not exist for drivers who are independent owner-operators.
 - a. FMCSA will invite representatives to speak about this at the next WOTAB meeting.
6. Life on the Road Recruiting and Transportation Services collects data on sexual harassment and assault in the trucking industry. Jerri Banks (LOTR Recruiting & Transportation Services) would like to provide a white paper on it.

II. Deliberations on Task 22-1

A. Gender-based violence and sexual harassment in the trucking industry:

1. The problem of harassment falls into two different areas:
 - a. Culture
 - i. Harassment should be defined by the targeted person, not the perpetrator.
 - ii. Carriers are mostly led by men.
 - iii. The government and carrier management must lead by example. FAA has done a good job of changing the culture from the top down.
 - (A) FMCSA forcing carrier management to take certain actions will be effective in terms of changing culture.
 - iv. Racism causes a lack of opportunities for female drivers (e.g., to get into management). There should be a program for advancement into management.
 - v. Individuals training to be drivers do not necessarily come from the best circumstances and may be hesitant to report harassment or assault. How can we connect victims to the help that they need to process the harassment?

- vi. As long as mega carriers are influencing policy, the motive of profit will continue to conflict with the need to support and nurture female truckers.
- b. Training
 - i. Title III of the Civil Rights Act is not being enforced in the commercial motor vehicle sector.
 - ii. While the mixed-gender training environment has been the industry standard, there are other ways to train but cost remains a concern for carriers.
- 2. Most drivers are considered to be at-will independent contractors. Any driver who files a complaint can be fired. If this cannot change, it will be hard to change the harassment culture.
 - a. FMCSA should institute a limited period after a complaint is filed during which a carrier cannot dismiss a driver or reduce their hours.
 - b. The reporting process should permit anonymity and prevent disclosure of the identity of the individual filing the complaint.
 - c. Complaint reporting mechanisms should be outside of the company structure.
 - d. Reporting should be investigated immediately and carriers should provide continued support for the victim.
 - e. A hotline address/number could be posted at truck stops for anyone to report harassment (i.e., “See Something, Say Something”).
 - f. A public awareness campaign regarding harassment reporting would allow drivers to feel protected and let perpetrators know they are being watched.
 - g. There should not be a chain of reporting; meaning, the reporter should not have to speak directly to the person who is causing the harm. Consider making reports of harassment part of the public record or other drastic actions that ensure accountability (e.g., potential loss of credentials).
- 3. The approach to harassment needs to be comprehensive, addressing entry-level driver training (ELDT) requirements; mandatory training for management; defensive mechanisms in trucks; and infrastructure to require checking for harassment flags.
- B. Actions for employers, unions, government agencies, lawmakers, apprenticeship program sponsors, shippers, receivers, truck stop operators, and others to consider to improve safety in the workforce:
 - 1. Training/Testing:
 - a. Modify ELDT regulations to require addressing harassment in the workplace. Such training should also be required for managers.
 - b. Train staff at service stations to identify harassment/assault and understand how they can report it if they see it.
 - c. Keep backing maneuvers in ELDT requirements.
 - d. Tailor physical testing requirements to women’s body types.
 - e. Help drivers find autonomous truck training.
 - 2. Physical Environment:

- a. Require carriers to provide safe parking.
 - b. Allow drivers to park at weigh stations when they are closed. They are safer than truck stops because they often have security cameras. Kentucky and Florida use weigh stations to allow drivers to park, use the bathroom, and obtain adequate hygiene.
 - c. Staff a “female liaison” at each carrier whom drivers may contact 24/7.
 - d. Post a decal/icon related to sexual harassment training awareness at carriers and shippers/receivers.
 - e. Mandate that carriers must ensure that drivers can use the bathroom privately and safely while they are working.
3. Systemic Change:
- a. Build a national registry of carriers and entry-level trainers with a standard, in partnership with the U.S. Department of Labor, including their commitment to best practices related to mixed-gender training, personal safety training for drivers, providing safe equipment, and emergency response.
 - b. Require carriers to have standards for customers.
 - c. Flag problematic drivers by linking sexual convictions to motor vehicle records. Note: this would not apply to independent owner-operators.
 - d. Develop a centralized portal for carriers and drivers to find all information relating to harassment prevention.
 - e. Require everyone obtaining a USDOT number to receive training and notification of requirements and best practices related to harassment.
4. Vehicle safety equipment:
- a. Install a safety system into trucks, such as one that allows a driver to spray mace within 8 feet of the truck.
 - b. Install a panic button in trucks.
5. FMCSA Drug and Alcohol Clearinghouse:
- a. Use the Clearinghouse to remove drivers for sexual harassment and assault.
 - b. Flag a driver or company as an “imminent hazard” when they have done something repeatedly against safety standards, such as harassment.
 - c. Include an educational component in ELDT or elsewhere so that new drivers (and potential new drivers) understand the potential impacts of their behaviors on their careers. This is especially important as we lower the minimum driver age of entry into the industry.
 - d. Consider excluding violations that took place before the driver held a commercial driver’s license (CDL).
6. Look into how the Teamsters structures its policies. Those protections do not exist without a union. Non-union drivers could have similar language they could use when they are negotiating their contracts.
7. Spotlight companies/organizations that fail to comply with requirements relating to harassment.

8. Create an easily accessible FMCSA app and hotline that explains how to stay safe, explains what harassment is, and allows drivers to report it there.
 9. Develop social media harassment policies and create an awareness campaign regarding online harassment.
 10. Develop a rating system for carriers:
 - a. Go to states' Better Business Bureaus to discover any complaints on a carrier.
 - b. Carriers could be rated based on their demonstrated commitment to implementing best practices.
 - c. Drivers could provide feedback into that third-party arena on whether companies are following these practices.
 - d. Similarly, the moving industry has a certificate called ProMover that any customer can check to see whether a business has it; the certificate is issued when a business is in good standing and passes a background check.
 - e. These options may not be helpful for would-be drivers who are in financially vulnerable situations.
- C. Best practices for preventing and responding to gender-based violence and harassment in ways that are survivor-centered and trauma-informed:
1. No sharing of sleeping cab between trainee and trainer during over-the-road training; hotel rooms should be purchased for one or both of the parties.
 2. Trainers and trainees should have the same rights. They should have the option to choose the gender of the person they would like to train them.
 - a. Trans drivers should have the option of choosing a trans trainer, if possible.
 - b. Both trainers and trainees should have the right to remove themselves from threatening situations in a training environment.
 3. A trainer should always be on duty when the trainee is on duty. Otherwise, there is no training/supervision when the trainer is off duty. This prioritizes moving freight over the training of the drivers.
 4. Trainer and trainee should establish mutual expectations and guidelines before agreeing on vehicle training (i.e., what is appropriate behavior and how the training will proceed). Establish a neutral party that either party can contact to resolve any issues.
 5. Maintain a record of accusations of harassment against a trainer that can be shared between carriers.
 6. Have a certificate program for driver trainers and trainers of driver trainers that would provide a baseline level of safety and harassment training. Also, consider a graduation ceremony and/or uniform or patches to demonstrate trainer status.
 7. Have trainer contractors who travel to provide training.
 8. Participate in "Denim Day," an awareness campaign for sexual assault in the trucking industry.
- D. Best practices for creating a safe workplace environment that supports the recruitment and retention of women drivers:
1. Enhance the appeal for women to become trainers.

2. Provide incentive for women to enter into a driver training role or financial support for women-run training centers.
3. Share reports of bad behavior across carriers so that they do not hire a driver who has engaged in problematic behavior at another carrier.
 - a. Consider establishing a minimum threshold of number of accusations/reports of trainer harassment or bullying above which would flag them in a system for other carriers.
 - b. Record all complaints of harassment in a trainer's record.
 - c. Thresholds may differ for different accusations. For example, the minimum number of accusations of bullying could be higher than the minimum for sexual assault.
4. Toolkit for Recruitment and Retention:
 - a. This has proven successful in the bus industry.
 - b. Small operators do not have the internal resources to acquire and distribute this information.
5. Provide guidance for women drivers on what to ask when they are considering working for a carrier.
6. Ensure that tractors are not permitted to be keyed with the same keys.
7. Mandate that truck stops have adequate security cameras, strong lighting, and law enforcement call boxes (as on college campuses).
8. Carriers should commit to building shippers of choice with the customers. A shipper of choice is a customer that provides a time-efficient and safe place to conduct their business (including adequate hygiene facilities).
9. Electronic logging devices could serve as a mechanism for secure reporting or requesting help.
10. Recruitment – connect with potential women drivers in high school via marketing initiative of how they can feel supported in the trucking industry.

III. Information Requests to Support Future WOTAB Discussions

- A. When FMCSA says seven percent of truckers are women, does this include trans women? The experiences of trans women are necessary to understand in order to improve safety for women in trucking.
- B. Does FMCSA have the authority to require employers to comply with the Civil Rights Act that protects from harassment? How can FMCSA protect women drivers from other parties who may direct harassment toward female drivers?
- C. What can FMCSA require of carriers in terms of accountability for harassment?
- D. What can FMCSA require of carrier customers in terms of accountability for harassment?
- E. Can FMCSA provide resources to support reporting of driver harassment and counseling of driver victims of harassment?
- F. Can FMCSA incorporate sexual harassment under the STAA, 49 U.S.C. 3110's existing mechanism for whistleblower protection?
- G. Can FMCSA invite representatives from the Commercial Vehicle Safety Alliance (CVSA) and/or the National Association of Truck Stop Operators to speak regarding truck stop standards?