

Women of Trucking Advisory Board
Task 22-1: Crime Prevention for Women Commercial Motor Vehicle Drivers
Discussion Notes from November 9, 2022, and May 16, 2023, WOTAB Meetings

Task 22-1: FMCSA asks that the Women of Trucking Advisory Board (WOTAB) provide feedback 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. The survey referred to rape/sexual assault as being “touched inappropriately.” Equating rape to being touched inappropriately is offensive.
2. The survey’s demographic choices were women, minority men, and non-minority men. Minority men were specified but minority women were not.
3. FMCSA did not name the organizations with which it coordinated to solicit responses on the presentation slides. The choice of these organizations may have skewed the survey results.
4. The survey limited the number of respondents and duration of time to respond to the survey. 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 number of survey respondents may have been low because women feel there is no point in reporting sexual harassment or assault.
6. The survey does not account for responses from the LGBTQIA+ community.

B. Data collection recommendations.

1. When publishing survey data, identify the groups that FMCSA used to help distribute the survey.
2. Issue a subsequent survey that reflects what is accurately occurring in the industry regarding harassment.
 - a. Include the question, “Has anyone perpetrated any act of sexual violence on you?” Note: Certain respondents may not want to go into detail about their experiences.
 - b. Improve the structure of the survey. Teamsters offered to assist with building a survey that is truly representative and detailed.
 - i. The next Teamsters Women’s Conference is happening in September 2023.
 - ii. This event could be a good opportunity to get input about the survey.
3. Develop and engage a smaller focus group composed of WOTAB members, advocacy groups, and others to help inform and develop the survey questions.
 - a. Include smaller industry associations in the focus group.
4. Engage industry associations to inform the survey and to market the survey to respondents on a grass-roots level.

- a. African-American Women in Trucking Association members have never been included in a survey of this kind; minority associations need to be included in the process.
 - b. Involving smaller organizations in the survey announcement process helps to disseminate information to more individuals. This can boost participation and show members of smaller organizations that they have a voice in government.
5. Utilize the FMCSA Outreach team and existing FMCSA resources to ensure broad coverage and to encourage more respondents.
- a. Develop and execute a marketing campaign for drivers to advertise the survey and to help less tech-savvy drivers prepare to respond to the survey.
 - b. Offer drivers registered in the Clearinghouse the opportunity to participate in the survey.
 - c. FMCSA should leverage the driver contact information available in the Clearinghouse to help procure the maximum number of survey respondents.
6. The S.H.E. Trucking Foundation would like to be part of FMCSA's data collection process for the next survey.

II. Task 22-1 Discussion

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

1. Harassment falls into two distinct areas:
 - a. Culture
 - i. The targeted person, not the perpetrator, should define harassment.
 - ii. Carriers are led mostly by men.
 - iii. Victims share a huge concern of how to report harassment without fear of retaliation. The trucking and motorcoach industry's at-will labor structure makes reporting difficult. We should shape employment so that the reporters of such harassment and/or violence can protect their jobs.
 - iv. The government and carrier management must lead by example. The Federal Aviation Administration (FAA) has done a good job of changing the culture of the aviation industry from the top down.
 - (a) The conversation should start with improving carrier safety culture, beginning with a "zero tolerance" policy that establishes that no range of harassment is acceptable.
 - v. FMCSA forcing carrier management to take actions to mitigate harassment will be effective in terms of changing culture.
 - vi. Racism causes a lack of opportunities for women drivers to get into management, among other issues. There should be a program for advancement into management.

- vii. Women who are 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 with the help that they need to process the harassment or assault?
 - viii. As long as mega carriers are influencing policy, the profit motive will continue to conflict with the need to support and nurture women drivers.
- b. Training
- i. The CMV sector is not enforcing Title III of the Civil Rights Act.
 - (a) Does FMCSA have the authority to require employers to comply with the Civil Rights Act that protects employees from harassment?
 - (b) How can FMCSA protect women drivers from other parties who are harassing women drivers?
 - ii. While the mixed-gender training environment has been the industry standard, there are other ways to train. For example, women drivers should be allowed to choose to complete training with women trainers, if they wish. Unfortunately, cost remains a concern for carriers.
 - (a) Many drivers have raised concerns about mixed-gender CDL training and driver onboarding.
 - (b) FMCSA should consider the national impact of mixed-gender training.
 - (c) Highlight carriers that have best practices in this area, as well as those who are negligent.
2. Most drivers are 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 harassment 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 filer's identity.
 - c. Complaint reporting mechanisms should exist outside of the company structure.
 - d. Carriers should investigate reports immediately and provide continued support for victims.
 - e. Truck stops could post a hotline address/number 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 be no chain of reporting harassment claims. 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 the perpetrator's credentials).

3. We need a comprehensive approach to harassment that addresses the following areas:
 - a. Entry-level driver training (ELDT) requirements.
 - b. Mandatory harassment training for management.
 - c. Defensive mechanisms in trucks.
 - d. The development of 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 workforce safety.
1. Training/Testing:
 - a. Modify ELDT regulations to require addressing workplace harassment. Such training should be required for managers.
 - b. Train staff at service stations to identify harassment/assault and understand how to 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. Often, weigh stations have security cameras, making them safer for parking than truck stops. Kentucky and Florida use weigh stations to allow drivers to park, use the bathroom, and obtain adequate hygiene.
 - c. Staff a "women 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' places of business.
 - e. Mandate that carriers 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 hold its customers to the same harassment training standards as carriers and drivers.
 - c. Link sexual convictions to motor vehicle records, flagging problematic drivers. [Note: this would not apply to independent owner-operators who operate as a one-person operation.]
 - d. Develop a centralized online portal for carriers and drivers to find all information relating to harassment prevention.

- e. Require everyone who obtains a USDOT number to receive training and notification of requirements and best practices related to harassment.
 - f. A Canadian regulation addressing workplace violence and harassment in trucking and logistics includes a mechanism to report harassment and violence. Does FMCSA have a similar regulation? If not, FMCSA should consider developing one.
 - i. Under the Canadian regulation, a designated person who is trained to deal with private health and sensitive information must receive these reports. With this data, the government can be aware of aggregate report numbers.
 - ii. The regulation requires employers to establish a mechanism of reporting that does not require a supervisor to become aware of the report.
 - iii. This approach to reporting relies on employer compliance, which largely does not exist for drivers who are independent owner-operators.
4. Vehicle safety equipment:
 - a. Install a safety system in trucks and motorcoaches, such as one that allows a driver to spray mace within 8 feet of the truck.
 - b. Install a panic button in trucks and motorcoaches.
 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 repeatedly violated safety standards, such as committing harassment.
 - c. Include an educational component in ELDT or elsewhere so that new drivers (and potential new drivers) understand the impact of their behavior on their careers. This is especially important as we lower the minimum age of entry for drivers 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 anti-harassment 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 state Better Business Bureaus to discover complaints about 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. Develop a ratings system for carriers to help would-be drivers who are in financially vulnerable situations to quickly identify bad actors and avoid taking unsafe jobs.
- f. One aspect of the ratings system could be to highlight the carriers that are actively demonstrating their commitment to upholding anti-harassment standards.

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; individual 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 among carriers.
- 6. Establish a certificate program for driver trainers and trainers of driver trainers to provide a baseline level of safety and harassment training. Consider holding a graduation ceremony and/or creating a uniform or patches to demonstrate a trainer’s status.
- 7. Have trainer contractors who travel to provide training.
- 8. Participate in “Denim Day,” a sexual assault awareness campaign 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 motorcoach 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 helping their customers become "shippers of choice." 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 through a marketing initiative to show how they can feel supported in the trucking industry.

III. Key Recommendations

- A. Examine this issue as a workplace environment issue with the Department of Labor.
 1. Provide regulations or standard protocols for working environment and fair compensation.
 2. Hold carriers accountable for following training regulations.
- B. Set standards and best practices for trainers and for creating materials for trainers and trainees:
 1. Define how trainers must represent themselves and the company in the classroom.
 2. Define how trainers must treat trainees in classroom and behind the wheel.
 3. Standardize expectations for all trainers across industry.
 4. Add these new standards to the existing ELDT requirements for all registered training providers to follow.
 5. Increase incentives for training providers, especially women training providers, to bring professional standards back to the industry.
 6. Develop mechanisms to report discrimination or harassment related to enrollment at a training center and establish penalties/repercussions for the training provider.
- C. Keyed Entry for Trucks.

1. Carriers should move to electronic technology so individuals have private keys to trucks.
 2. Private keyed entry benefits both carriers and individuals and contributes to safety by deterring unwanted actions by disgruntled drivers (removing their electronic key access to the truck), which protects carrier equipment and protects drivers from harm.
- D. Develop a code of ethics for physical environment and vehicle safety for all associations and carriers to adopt.
1. Standardize allowable practices, publish information about which carriers have agreed to those standards, and highlight companies who are upholding those standards well.
 - a. Create a public database for people to access the best practices for different carriers.
 - b. This public database should allow the public to see what standards carriers have committed to uphold so that the industry can hold those carriers accountable.
 2. Add emergency call boxes to truck stops to report harassment and assault.
 - a. Develop a positive “Safe Zone Initiative” to entice truck stops/locations to add call boxes.
 3. Encourage carriers to have women liaisons to help handle harassment reports and keep the individual who made the report informed of process and outcomes.
 - a. Women liaisons would handle all reports, whether the incident happens in-person or on social media.
- E. Develop an FMCSA Hotline for individuals to report harassment information without fear of retaliation and allow the reporter to understand the chain of outcomes.
1. Reports should be attached to the perpetrating individual’s record to avoid future incidents.
 2. Provide protection for the individual making the report so they are not a victim of retaliation.
 3. Develop repercussions for harassment and retaliation to keep carriers accountable.
 4. Utilize WOTAB members as a network to help inform how to make the Hotline a safe and effective resource.
 5. Develop and execute a public awareness campaign to promote the Hotline so that individuals are aware of the resource and so that it deters bad actors and addresses safety issues.
 - a. Promote balanced messaging on FMCSA’s safety mission to encourage women to join the industry rather than highlighting only negative aspects.
 - b. Frame the messaging to show that FMCSA is raising the bar while keeping people safe.
 6. Examples of existing Hotlines:
 - a. Human Trafficking Hotline is not a good example of an effective Hotline; too much redirecting of individuals and the urgency of the report is lost.

- F. Develop a process for how Hotline-reported incidents are stored and communicated to prevent continued problematic incidents and improve safety.
- G. FMCSA needs to understand the experiences of trans women in order to improve safety for women in trucking.
- H. FMCSA should require accountability from carriers and carriers' customers regarding harassment.
- I. FMCSA should provide resources and guidance to carriers to help carriers support harassment reporting and provide counseling to victims of harassment.
- J. FMCSA should consider incorporating sexual harassment under the Surface Transportation Assistance Act (STAA) (49 U.S.C. 3110), the existing mechanism for whistleblower protection.
 - 1. FMCSA should clarify the STAA whistleblower protections. There is no regulation that addresses harassment, but there is a mechanism to report whistleblower activities.
- K. FMCSA should establish a harassment policy and publish it in the Federal Motor Carrier Safety Regulation Handbook, a.k.a. the "Green Book."

IV. Information Requests to Support Future WOTAB Discussions

- A. When FMCSA says seven percent of truckers are women, does this include trans women?
- B. Can FMCSA invite representatives from the Commercial Vehicle Safety Alliance and/or the National Association of Truck Stop Operators to speak about truck stop standards?
- C. Life on the Road Recruiting and Transportation Services collects data on sexual harassment and assault in the trucking industry. Can they share information for a future WOTAB meeting?
- D. Could FMCSA invite representatives to speak about Canadian regulations at a future WOTAB meeting?