



# United Steelworkers

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,  
Allied Industrial and Service Workers International Union



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**TRUCKERS' HOURS OF WORK:**

**A UNITED STEELWORKERS' PROPOSAL**

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## **TRUCKERS' HOURS OF WORK: A UNITED STEELWORKERS' PROPOSAL**

There is overwhelming evidence that stress and fatigue are serious problems for truck drivers.

Although fatigue was once dismissed as a serious factor in human-error trucking accidents, today we know this is simply not true. Sleep researchers worldwide have concluded that sufficient rest is the only effective counter to fatigue and the resulting higher likelihood of accidents.

Recent research from Australia, for instance, indicates that fatigue is four times more likely than drugs or alcohol to contribute to workplace impairment. The Australian study concludes that between 20 and 30 percent of road accidents involve driver fatigue. Indeed, a report by the Centre for Sleep Research at the University of South Australia has clearly demonstrated that fatigue-related impairment is not dissimilar to the effects of moderate alcohol intoxication. It can lead to delayed response and reaction times, impaired reasoning, reduced vigilance and impaired hand-to-eye coordination. Drs. Jeffery Durmer and David Dinges of the Emory University School of Medicine, in a 2005 study of the effects of sleep deprivation, cite evidence that suggests that "as continuous daytime waking exceeds 16 hours, psychomotor performance deficits increase to levels equivalent to (blood alcohol rates) of 0.05 to 0.1 percent." Recent evidence cited by Truck Safe BC indicates that driving for 15 hours can lead to functional impairment equal to a blood-alcohol level of 0.05, while 18 hours of driving raises the impairment to a level equivalent to 0.1. Durmer and Dinges also found that similar levels of impairment can follow several days of little or no restorative rest.

Research has also shown that fatigue will generally result from long hours of work. A 2004 report by the US National Institute for Occupational Safety and Health concluded that long work hours appear to be associated with poorer health generally, increased injury rates, more illnesses and even increased mortality. In the short run, during a long working day, fatigue can lead to poorer neuropsychological performance, reduced work-time vigilance, reduced cognitive function, reduced overall job performance, slower work and significantly increased fatigue, particularly in the 9th to 12th hours of work. The study also related continued long work hours to unhealthy weight gain, increased use of alcohol and higher smoking rates, higher incidence of health complaints and more work-related injuries throughout a workers' career.

Among truck drivers, fatigue is likely the leading contributor to serious accidents and fatalities. The US Federal Motor Carrier Safety Administration notes that a third of accidents involving commercial trucks can be linked to driver fatigue, while in approximately 20 percent of fatal crashes involving commercial trucks, the driver had been behind the wheel for 13 hours or more. A 1995 study by the US National Transportation Safety Board indicates that fatigue was a contributing factor in 30 to 40

percent of all large truck crashes and 58 percent of single-vehicle truck crashes. In a 1990 study, the NTSB found that fatigue was a significant factor in 31 percent of crashes where the truck driver was killed. The danger of accidents is heightened when drivers work at night, especially when compounded with long hours: a US study indicates that driving between 8 p.m. and 7 a.m. was associated with 1.9 times as many crashes as driving in daytime hours, while driving 11 hours or more increased the relative risk associated with night-driving to 2.4 times. Night-time crashes were on average more severe and more likely to result in serious injury or death.

Unfortunately, however, long hours on the job are not unusual for truck drivers. Nearly 56 percent of drivers surveyed by the University of Michigan, for instance, say they actually worked more hours than they actually logged in the previous 30 days. Various US studies cited by NIOSH show non-compliance with hours-of-service regulations ranging from 38 to 73 percent. By paying workers by the trip or miles driven, methods of payment that are actually forbidden in Sweden, France and other European Union countries, companies often increase workers' incentive to violate the reporting rules. So it's likely not an "accident" that the US Department of Transport also found that 28 percent of commercial drivers they surveyed reported falling asleep at the wheel at least once during the preceding month. In an Australian survey of 960 truckers, many reported that they don't comply with hours of service rules because they would fail to meet stipulated deadlines – in other words, the deadlines are set in violation of those rules. As well, US studies have found that when workers are not paid for time spent securing their loads or performing routine maintenance and repairs, they are more likely not to perform routine safety inspections or repair damage to their vehicles.

Low pay is clearly a factor in the rising number of trucking accidents. Michael Belzer of the University of Michigan cites the increasing number of independent truckers in North America today, even though growing numbers of them are caught in a desperate "race to the bottom," undercutting each other in a bid to obtain and keep jobs and routes. The increased competition, he suggests, undermines their profits, their own safety and that of the public. Conversely, however, there is evidence that raising workers' pay actually improves safety. J.B. Hunt Transport Services, an Arkansas-based trucking firm, hiked pay by 40 percent in 1997 and consequently attracted more experienced drivers and cut its accident rate by 50 percent in one year.

At its most basic level, fatigue is the consequence of inadequate restorative sleep and rest. We know, for instance, that 90 percent of the population needs between 7.5 and 8.5 hours of sleep per night; anything less will lead to cumulative sleep debt. "As mundane as it sounds," Dr. David Posen wrote in the *Canadian Journal of Continuing Medical Education* in 1995, "sleep is an important way of reducing stress." Chronically-stressed patients "almost all suffer from fatigue" and "people who are tired do not cope well with stressful situations," he adds. Dr. Posen concluded that unfortunately, compared to 20 years before he wrote, the average North American is likely working what amounts to an

*extra month* every year. The resulting loss in rest-time compounds stress and contributes to sleep debt. The seriousness of even a small sleep debt on performance can be significant, leading to:

- . Impaired reaction time;
- . Difficulty processing information;
- . Decreased general performance, vigilance and motivation;
- . Increased moodiness and aggression.

In other words, the longer a person drives or works generally without restorative rest or sleep, the greater the risk. This is one of the reasons that according to NIOSH, only 10 percent of US workers worked more than a 12-hour shift during 1997. FMCSA, cited in testimony before the US Appeals Court prior to a 2004 judgement, “freely concedes that ‘studies show that performance begins to degrade after the 8th hour on duty and increases geometrically during the 10th and 11th hours’ on duty.” The risk of accident *doubles* between the 9th and 11th hours of consecutive driving and actually doubles from the 10th to the 11th hours alone, while increased weekly work is also associated with greater fatigue.

A similar New Zealand study found that driving over eight hours results in a 2.6 times increase in the likelihood of a large truck crash. A 1999 study for AAA Foundation for Traffic Safety in the US found that working more than 60 hours a week increased the odds of a sleep related crash by 40 percent. Elisa Braver of the American Trucking Association’s Research Institute found in a joint study with the US Federal Highway Administration that: “Driving longer than 10 hours in one shift or longer than 70 hours within 8 days is a reasonable indicator of fatigue.” She urged the raising of the mandatory rest period between shifts to 12 or 14 hours rather than the current eight. “Mandated 12-14 hour rest periods wouldn’t guarantee drivers would sleep for eight hours,” notes Braver “but it would allow them to make this choice. Eight-hour rest periods guarantee drivers don’t sleep enough.” Several studies have also shown that repeated long working days and long workweeks also contribute to a variety of other health problems, including chronic sleep disorder; myocardial infarcts; cardiovascular disease and age-related chronic disorders such as diabetes and hypertension.

According to a collaborative study by the Johns Hopkins Bayview Medical Centre and the Walter Reed Army Hospital’s Division of Neuropsychiatry, “inadequate daily sleep, rather than the complete absence of sleep, probably accounts for most drowsiness among (commercial motor vehicle) drivers, as well as in other workers.” Long-haul drivers who get most of their sleep in their sleeper-berth “spend a significant portion of the work shift in a state of partial sleep deprivation until the opportunity to obtain recovery sleep presents itself.” The study found that the work performance of a group that enjoyed only seven hours of sleep “was measurably poorer” than that of drivers who were given nine-hours to sleep, leading the researchers to conclude that “individuals were not able to adapt to or compensate for even mild reductions in total sleep time.” Among a control

group given only three hours off between driving stints, “recovery of performance was not complete after consecutive nights of recovery sleep (with eight hours spent in bed on each night.)” Sadly, we believe that many log-haulers in BC today regularly enjoy as little as three hours of sleep after completing their 18-hour shifts.

In a February 2002 submission to the Canadian House of Commons Standing Committee on Transportation and Government Operations, Bob Evans of Canadians for Responsible Highways Safety notes that the “reset” which truck drivers take after 70 hours working over a five-day period “is the closest thing a trucker gets to a weekend.” However, he adds that:

The problem with a 36-hour reset is that a night driver will get only one night for sleep each week. Fatigue experts say that the single night for sleep after the permissible five consecutive nights of driving is not enough for recovery from accumulated sleep deprivation.

Evans notes that a panel of Canadian sleep experts suggests that night drivers should have at least two consecutive nights for sleep each week.

In British Columbia’s forest sector, another danger results from the compression of the working year. Stumpage rates are set in such a way as to encourage the concentration of production at periods when timber prices are low. This leads to congested logging roads, over-crowded cutting areas and long strenuous days with extended hauling hours. The current mountain pine beetle infestation has contributed significantly to this situation, as firms scramble to get wood out before it deteriorates on the stump. The BC Forest Safety Task Force recommended in 2004 that consideration be given to smoothing stumpage rates to remove the incentive to concentrate production in low-stumpage periods.

As well, it is important to understand the contribution that time-of-day makes to fatigue. Human beings exhibit what is called circadian rhythms. These are 24-hour cycles that depend, at least in part, on sunlight and temperature. Disruption of these rhythms in the short term can cause fatigue, disorientation and insomnia, for instance the condition known as jet lag among travelers. *Extended* disruption of circadian rhythms can have much more serious consequences, including severe sleep disorders. Although individual workers’ circadian rhythms differ, everyone’s cycle has two distinct dips and peaks. The largest cycle is at night, with the time of our lowest alertness in the hours just before dawn from 3 to 5 a.m. The other dip occurs in mid-afternoon, from 3 to 5 p.m. Many log haulers are, of course, on the road during both these periods, that is at the times at which most people are at their least alert.

## **FEDERAL REGULATIONS: ARE THEY ENOUGH?**

The stated goal of the federal government's recent regulatory changes to truckers' hours of work is to reduce fatigue by providing drivers with the opportunity to gain the additional rest they need. As an objective, this is laudable. However, the federal rules obviously fall far short of the rest requirements that experts in the field recommend.

The new regulations reduce the maximum driving time by 19 percent from 16 to 13 hours in a 24-hour period; and increase the maximum off-duty time by 25 percent from eight to 10 hours and reduce the daily on-duty time by 12 percent from 16 to 14 hours. Obviously this does not go far enough to provide the necessary rest or to sufficiently safeguard against fatigue. The federal rules put us still well within the range that the research cited above shows will substantially raise the danger of fatigue-related accidents and which fails to allow workers sufficient rest.

In addition, we should note again that these regulations do not adequately take into account time-of-day factors. They are almost certain to put most logging-truck drivers on the road at the moments when most people are at their least alertness, frequently after having *already* driven long hours with insufficient rest.

In addition, the federal regulations fail to take into account the need to service one's truck. Routine repairs to a truck can take anywhere from 15 minutes to four hours. Most of this work must be done when the trucker has just completed an already-long day of driving.

## **CONCLUSION**

To truly achieve the goal of not harming workers' health or safety – as well as the safety of other logging-road and highway users – we suggest that fatigue must be managed in the very same way that government has dealt with drinking and driving: fatigue impairment must be made socially unacceptable.

If, for instance, a trucker is forced by economic circumstances or his or her employer's dictate to start work at 3.00 a.m., that driver is probably getting only four or five hours of sleep, particularly when we factor in travel, eating, social time, in addition to driving, repair and on-duty time. That worker is clearly *not* getting enough rest to restore his or her health or to avoid fatigue. That driver therefore becomes a danger to himself and others.

It is up to government agencies to ensure that workers are not working dangerous shifts or workweeks. It is up to government agencies to ensure that they are not forced to undermine their own health just to make a living. It is up to government agencies that these same workers are not forced to put the traveling public at risk. Fatigue impairment, therefore must be considered morally and legally unacceptable. *Neither* workers nor their employers should be *allowed* to work or set working hours in such a way as way as to almost *guarantee* fatigue.

Therefore we propose that:

- Truckers' hours be established at no more than 12 hours per day, five days per week;
- Truckers be mandated by law to have no less than 12 hours off between driving shifts;
- All hours of work including driving time, maintenance time and on-duty time should be counted as part of a standard 12 hours;
- When workers are required to work at night, hours of work should be reduced to a maximum of 10 hours;
- Drivers must have a minimum of 48 consecutive hours of rest once a week;
- Truckers should be paid by the hour, not by the trip, volume or other means;
- The hauling season be expanded to 10 months out of the year and steps taken to comply with the Forest Safety Task Force recommendation on smoothing stumpage rates and tenure management;
- Regulations affecting log-haulers' hours of work should be included in a full-scale, independent review of the legislation, regulations and policies that affect worker health and safety and recent fatal and serious accidents in the BC forest sector.

Remarkably, the benefits of these measures would not be limited to worker health and well-being. A 2004 study reported in the journal *Aviation, Space and Environmental Medicine* notes that a US study with trucking firms determined that the number and severity of accidents could be reduced by changes to workers' daily and weekly shift patterns. Through adjustments to work start and end times, reduction in the number of consecutive shifts and provision of rest breaks allowing two or more consecutive nights of sleep, firms reduced the number of accidents by 23 percent and the average cost per accident by 65.8 percent. The number and cost of severe accidents (those costing over \$20,000 each) fell as well by 65 percent and 66.7 percent, respectively.

We should note in conclusion that the US Department of Transport estimates that in an average year, driver fatigue plays a role in 755 fatalities and 19,705 injuries in that country. As David Leonhardt of the Canadian Auto Association in Ontario told a public consultation on truck-driver workload in Toronto in 2000: "CAA Ontario members know that nobody driving 14 hours a day, day after day, is alert enough to drive 'safely'." A

former truck driver told the same hearing that the *only* person who would advocate longer hours for truck drivers is someone who doesn't himself or herself drive for a living.

*The United Steelworkers represents some 850,000 workers throughout North America, including more than 250,000 in Canada. We represent thousands of truck drivers, from Grand & Toy delivery drivers to logging truck drivers. In British Columbia, we represent log-haulers throughout the province, including the 600 members of the Prince George Trucking Association in northern BC and other groups of log-haulers in both the Interior and Coastal regions.*

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