

REAL Drivers, REAL Issues



a 501 (c)(6) truck driver organization

Mission: To deliver highway safety through leadership, mentorship, education, and advocacy

Agency Information Collection Activities; Proposals, Submissions, and Approvals: Crime Prevention for Truckers

RE: FMCSA-2018-0278-0001

To Whom It May Concern:

Our organization REAL Women in Trucking has been receiving distress calls related to sexual misconduct related to entry-level driver training fleets for over 10 years. We are a truck driver organization formed by working female truck drivers.

Many of the women who are our members have firsthand experience with different levels of sexual misconduct at a trucking company, including myself.

Since we have been the “go to” organization for a decade for women who have experienced this conduct in trucking, we would like to be heard on this topic and see some long overdue accountability for the literally thousands of women who have been affected. Furthermore, our organization’s paying members and partners in other women’s truck driver groups, including myself are available for any research collection.

Let me provide some background on how I began speaking out on this topic.

I personally experienced sexual misconduct and several potentially violent situations during my truck driver training from 2007-2008 at the Entry-Level Driver Training Fleet Covenant Transport based in Chattanooga, TN. My student truck driver story became the basis of four Dan Rather Investigative Reports in trucking that included being badgered to discuss sex with a co-driver, attempts to intimidate me, a violent altercation in which bleach was thrown at my face and my wrist was injured while I was trying to send an SOS message on the Qualcomm as it was being yanked from my arms. I was left in New Mexico for several days while the individual who threw the bleach at me was permitted to continue driving the tractor-trailer that very night even though he was highly intoxicated from drinking five (5) Long Island Ice Teas. When I reported the incident to the human resources department, they told me they would investigate what happened. They never did, although the incident occurred at a location with security cameras everywhere and I had a police report, they never investigated anything but instead turned their attention to me as a troublemaker.

The story of my truck driver training experience led me to write about it on the internet in 2008 and within a few months it became the 1st of 4 installments of investigative reports by Dan Rather into trucking. My

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[My 1st interview with Dan Rather](#) was called "Queen of the Road" and aired in October 2009. The program is now on my you tube channel. It caused quite a stir at Covenant Transport at first but unfortunately, 10 years later, I still get distress calls from new women drivers who are in their training program.

Retaliation for speaking out against sexual misconduct is real! I've received calls just this week related to retaliation for reporting sexual misconduct at CRST even though they are currently in litigation for several sexual harassment cases. It seems nothing there has changed.

Back in 2008, I joined the newly formed WIT organization seeking help for my situation. Instead of being helped, I was stalked online. Calls were made to Covenant Transport's Human Resource department threatening to sue for slander after I began writing on my blog about CRST and how they were a sponsor of WIT. Way before the #MeToo and #TimesUp movement I was exposing the WIT organization as an enabler to the carriers where sexual misconduct was happening and CRST was a big one. The business model of Covenant Transport has similarities. In 2010, my membership was revoked by the organization "Women in Trucking" personally by President Ellen Voie. I still have the letter she wrote and the check to refund my membership dues. The reason stated in the letter said I didn't support the WIT mission which I thought was to support women in the industry to overcome obstacles, like sexual misconduct.

This is what led to the formation of the REAL Women in Trucking, Inc. organization which today has its own 501 (c)(6) designation. We do what WIT would not do and still does not do. We assist women who have been raped, assaulted, harassed, and abandoned by their carrier during truck driver training. Women who experience retaliation upon reporting the incidents.

We refer women who have been affected to law firms and to the EEOC. We listen to these women and we learn about the carriers where these incidents occur most frequently. We note that the HR departments often do not investigate properly to protect women which is what I experienced at Covenant Transport. We also have noted in 2018 that WIT gave awards to some of the very same HR Department personnel that are in current litigation and where we receive the most complaints from which in just the past six months included a rape where the woman was sodomized and threatened with a gun by her trainer.

It makes no sense to me that this is just now getting minor attention by the FMCSA.

Example: This regulation docket cites a 2006 abstract article by Debra Kay Andersen from the University of Kentucky. This individual has been difficult to reach by RWIT when asked to share her findings. A more recent dissertation by Valerie Keathley also from Univ. of Kentucky is not cited, nor are the volumes or articles by credible journalists like Mary

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Pilon and Anna Merlan about CRST, or the unsealed court documents from the CRST case our organization has made available after winning a Motion to Intervene in the case.

The USA Today article is series that gained a great deal of attention nationwide for the Port Drivers in California, but it really has little to do with the specific problem associated with violence and sexual violence in trucking. It appears this request for information has deliberately avoided citing current relevant and prevalent allegations of ongoing rape, assault, and harassment happening at the following carriers: Prime (New Prime, Inc.) based in Springfield, MO, CRST Van Expedited based in Cedar Rapids, Iowa, CR England based in Salt Lake City , Utah, Covenant Transport based in Chattanooga, TN and a few other that have the same type of business model that uses student truck drivers to perform team driving.

Some of these same fleets receive a CLP exemption from the FMCSA. These carriers should be held to a higher standard not a lower standard. They should be put on a tight leash not given free reign by the government regulatory agency that is supposed to oversee safety.

For over a decade, this issue has been ignored by the WIT organization at the very same time they have been in Washington DC "networking" at the FMCSA. Let me be crystal clear. Somewhere a woman with very little means was being harassed, attacked or assaulted or perhaps rape at a training fleet that is likely one of the WIT sponsors who portrays themselves as advocates for women truck drivers. This conflict of interest makes the WIT organization unsuitable to be part of any research on this topic. We must not permit another paper tiger FMCSA inquiry that appears to buy time and hope people forget on this important issue.

CRST alone has literally hundreds perhaps thousands of allegations against them collectively from 2 class action cases and 2 high profile settlements. One that was for \$1.5 million dollars just for one woman alone when a jury heard her story. Distress calls to our organization have increased in the past year and I personally take these calls from women who have no one else to turn to.

Safety: In 2015, I was asked to create a presentation on the topic of sexual misconduct for an informational webinar on how these incidents unfold and why much of the problem stems from a lack of education and accountability. The presentation I created was accepted and I was told it was "perfect". As soon as the webinar began being promoted by the firm that specializes in training films for trucking companies, it was abruptly cancelled. Let me be clear. This company Vertical Alliance whose bread and butter is making transportation industry training films suddenly informed me that it was not in their "long term marketing interests" to present my sexual harassment webinar. This is a company that I can show tried to contact me since 2012 to do something with them.

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I have since made that presentation public on SlideShare, Twitter pinned to the top of two handles with a combined following of about 30,000 and on LinkedIn.

The PowerPoint presentation is called "[Sexual Misconduct Impacts Trucking Safety](#)", something the FMCSA should indeed pay attention to, and I've noticed some of the content from my slides have been plagiarized by the WIT organization in slides on their website. This is not the first time myself, or others have noted plagiarized material being used by WIT. Unfortunately, what we are seeing is monetization of the #MeToo #TimesUp movement by this organization rather than doing something meaningful like dumping sponsors that having ongoing rape and sexual misconduct lawsuits against them and perhaps refraining from giving awards to HR representatives that are employed by these carriers either.

The ease of identifying the source of the problem of sexual misconduct in the trucking industry takes very little effort. It is not about separating genders and violating The Civil Rights Act of 1964 as the EEOC found New Prime, Inc was doing in 2016. All men are not rapists and to insist that women training only women is a solution without addressing the rapist and harasser problem in certain carriers is lazy, irresponsible and criminal in my opinion. Which is why you have a carrier like New Prime, Inc. sued for

Discrimination and then for Sexual Harassment just a few years later in the 2018 EEOC v New Prime, Inc. case that is ongoing. **Education and accountability are what is sorely lacking in these fleets.**

Solutions: Sexual Harassment training in major corporations outside of trucking is a major training event that includes situational videos, discussion and comprehension tests. Education on how to properly report sexual harassment has been shown to decrease incidents of sexual harassment according to a June 2016 Report of the Co-chairs of the Select Task Force on the Study of Harassment in the Workplace which is available on the EEOC website.

Education on this topic simply does not exist in truck driver training fleets. Weak to non-existent sexual harassment training is often too short in length to be meaningful or consists of a broad statement of "we have a zero tolerance for sexual harassment" which means nothing to someone who has no idea that their conduct is illegal and a liability to the company.

Many new drivers have never heard of a human resource department. They do not know how to document an incident properly are not taught how to do so before such incidents occur. The sheer lack of education on this topic from the executive suite to truck mechanics is grossly under par.

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Overview:

Since RWIT has been receiving 10 years of distress calls on an informal basis we have been able to determine some common threads that have emerged. These same common threads we hear about in lawsuits that make their way to the public we find are not isolated events at these carriers, they are common. They are also not limited to the three carriers that we get the most complaints about, but the common traits are notable where rape and violence occur in trucking.

- A. **Over-recruiting:** Carrier should not be allowed to hire new student truck drivers when they cannot provide enough safe, qualified trainers of any gender.
- B. **Team driving students:** Use of new student truck drivers as a cheap form of labor in team driving operations. Carriers that do this and require team driving as a phase of training are frequently reported as a place where sexual misconduct of the trainer or co-driver has created a hostile workplace, where rape, assault and harassment is often reported.
- C. **Lease Trucks:** Training fleets that introduce the “lease truck” programs to new student truck drivers are frequently a place where sexual misconduct is reported. This is because getting a lease truck is seen as an escape from “team driving” with a stranger but eventually the model is set up so that over time as the debt becomes so burdensome, the lease truck operator is coaxed and coerced into becoming trainer themselves in order to make the money they need to keep their lease truck. In these situations, the trainer sometimes feels resentment toward the student and the truck becomes a hostile workplace. Furthermore, these trainers are often unqualified to train and only have a few months of truck driving experience themselves despite claims to the contrary by carriers. In practice, the carriers do not stick by their own policies on how long a student must drive before they can start training others. Therefore, it is often the blind leading the blind which is unsafe.

Solutions:

- 1. **Limit Recruiting:** A cap on how many new student truck drivers that can be recruited each week by “mega-fleets” should not exceed how many qualified safe trainers the company can provide.
- 2. **Training the Trainer:** Qualified trainers must have ELDT requirements and extensive conduct training with annual retraining that covers sexual harassment, discrimination, retaliation education and severe swift consequences for infractions.
- 3. **Student Bill of Rights:** New truck driver students have a right to safe training on equipment and to protect their personal safety. They should not be assigned to trainers with a history of violence and/or complaints against

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them. Student truck drivers have a right to know who they will be living with in the truck for their own personal safety. Rape is grossly underreported everywhere, and no amount of precaution can protect everyone. There are still many things a company can do eliminate a toxic culture that allows predators to thrive in the way they do at the fleets mentioned above and those like them.

4. **Education:** Everyone from the top-level executives down in the trucking industry should be required to take annual retraining on how to recognize and report sexual misconduct and be held accountable. Currently such training is non-existent or so poorly implemented and maintained that it is not taken seriously. Numerous resources already exist to implement training. The trucking industry doesn't have to recreate the wheel, but they do need to act immediately to stop enabling bad fleets where predators thrive
5. **Train them, NO sleeping trainers or lease trucks!** New truck drivers who sign on to "finishing school" fleets have a reasonable expectation that they will be provided a safe training experience. Team driving is not safe and since mega-fleets are self-insured the public has little awareness of frequently these types of team trucks crash. Trainers should be training, not sleeping and the FMCSA should not be giving a CLP exception to some of the top worst fleets that allow them to abuse the system. Student truck drivers should be supervised when they are driving and the truck should not be dispatched on team miles. Furthermore, student truck drivers should not be coerced and badgered in lease truck programs that essentially place them in misclassified worker situations.
6. **Strip Funding:** The FMCSA and all other Federal and State agencies that provide grant programs must stop enabling "mega-fleet" Entry-Level Driver Training carriers where ongoing rape and violence has been occurring for decades. Tax incentives, Grants and Subsidies should be stripped from any fleet that has ongoing lawsuits, high turnover related to sexual misconduct and assault in their programs. Exit interviews should be conducted to learn why the turnover rate in training fleets is nearly double what the industry cites as its turnover rate of about 97%. The correlation to the nearly 200% turnover rate in training fleets, the increased recruiting of women but lack of retention of them has a story that must be revealed.

The WIT organization has testified against women truck drivers in the New Prime, Inc. discrimination case and has continued a campaign to argue the answer to this problem is simply more women trainers which was found to violate Title VII of the Civil Rights Act of 1964 in EEOC v. New Prime, Inc.

This approach does not solve the sexual misconduct problem since we have received many same gender violence and sexual harassment reports at the same training fleets I've mentioned above. Women harass women and Men harass Men. An exemption for the trucking industry to Title VII of the Civil Rights Act of 1964 is a lazy irresponsible way to deal with essentially sex offenders and serial harassers. Discrimination of genders does not solve sexual misconduct or violence in the workplace

Currently, the standard operating procedure for dealing with a serious rape or assault allegation that cannot be covered up easily by the company is to fire them and allow them to vanish back into the population to harm someone else. To

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allow them to receive a verification of employment to work elsewhere in trucking, as with the CR England rape case that was recently in the news in 2019 is completely irresponsible. A violent offender, a potential rapist should not have easy access to another victim. We have found repeat offenders like in the CR England case will seek employment at another truck driver training fleet or team driving carrier where they will have access to more student drivers who are vulnerable. This practice of shuffling the problem back into the population must stop.

In closing, I urge the industry to become pro-active and fix this issue by breaking from the herd of enablers. You do not need a government study to act on something as serious as this issue. Show some leadership and initiative. RWIT is available to help those who would like more details and information on this topic.

Sincerely,

Desiree Wood

President and actual truck driver

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