

## Negligent Hiring?

Awhile back I heard an insurance person come out with the term "negligent hiring" and it is going to be something that as fleet owners or safety people you should be concerned with. At this time I did not give it too much thought until I came across some notes from that meeting in my office.

I sat back and thought about some of the driver in cab evaluations that I have done over the years and wonder what the drivers that failed an in cab evaluation are doing today.

I have seen some pretty bad evaluations and not all drivers are up for an evaluation because they are a nervous person. I like to think that I can get a person past the nervous state and be comfortable in cab demonstrating their driving skills.

Unfortunately I have had companies that have hired drivers that have failed some major safety items on the in cab evaluation. Now if you have that driver involved in a fatality as a carrier you have to prove that you have a competent driver. What is the best way to prove a driver is competent? Have a documented in cab evaluation upon hiring and subsequent evaluations over the years of employment. Now an evaluation that shows the driver failed the evaluation or suggested to hire with training and there was no training provided you have some problems.

Keep your employee training files up to date. Have all drivers sign in to any safety talk that you have. The sign in sheet should include the topics of discussion, the date of the meeting and any material that was handed out.

From time to time we tend to get caught up in the negative of the day to day things that are going on. Make an effort to look for the positive and document them. If a customer phones to tell you that a driver did a good job ask for it in writing. Make sure you tell the driver about it and place a copy in the driver file.

Your hiring process and the driver file are your due diligence to protect your company from a Negligent Hiring lawsuit. If you would like we can come in and look over your driver files and offer some suggestions to protect you from Negligent Hiring lawsuit.

*Check out our website [www.transportationsafetycs.ca](http://www.transportationsafetycs.ca) for past issues on the Safety Lane as well as many other interesting articles.*

*I have not failed.  
I've just found  
10,000 ways that  
won't work.*

*Thomas Edison*

***There are still  
dates available  
to book your  
drivers Fall  
Safety Talk***

***TS&CS is your  
formula for safety  
519+748+4420***

### 2012 Open Courses

**Defensive Driving for the Professional Driver**

Saturday September 22<sup>nd</sup>

**Experienced Lift Truck**

Saturday December 15<sup>th</sup>

Check out website for details regarding these session and others offered by TS&CS

In December of 2012 expect to see the 2013 list of open courses posted at

[www.transportationsafetycs.ca](http://www.transportationsafetycs.ca)

## Green Lights - What Do They Mean?

All drivers in Ontario are familiar with the emergency red flashing lights and sirens on police cars, ambulances and fire trucks, and know that they are required by law to pull to the right and stop when they see or hear them coming. But not everyone is aware of the Volunteer Firefighter's Green Flashing Light.

In a large city, emergency vehicles are manned by full-time personnel, who use the red lights and sirens to get through traffic to the scene of an emergency in a hurry. Seconds count in a fire or rescue situation, and time lost from traffic congestion can make a difference. For those of us in rural and smaller urban areas, we receive our fire protection from volunteers, who often respond to emergencies in their own private vehicles. These vehicles are not equipped with red lights or sirens that make them stand out from any other vehicle on the road.

When the call for help comes in, our personnel may be at their regular job, at the beach with the family or sleeping in the middle of the night. They drop what they are doing and immediately respond to the fire hall to drive the fire trucks to the emergency scene. Once the trucks have responded, firefighters and first responders that did not make it to the hall will continue to the emergency in their personal vehicle.

The Green Light gives the firefighters no special privileges when responding to an emergency. It is used only as an identifier to the drivers of other vehicles so that they may give up their right-of-way and allow the firefighter to get to the emergency unimpeded. The use of the light is controlled by the Fire Chief, who has the authority to allow or terminate the firefighter's use of the light.

The problem previously existed that regular traffic did not know that an emergency exists and unknowingly held up firefighters hurrying to the call or to the hall to get the fire trucks on the way. To help the public identify these firefighters responding in their own vehicles, the Ministry of Transportation amended the Highway Traffic Act to allow volunteer firefighters responding to emergencies to use a light that flashed green.

*The Ontario Highway Traffic Act states: 62.(16) A firefighter, within the meaning of subsection 1 (1) of the Fire Protection and Prevention Act, 1997, may carry on or in his or her vehicle a lamp that produces intermittent flashes of green light and may operate the light if the motor vehicle is proceeding to a fire or other emergency. 1997, c. 4, s. 81. Likewise, the Act has this to say about others using the Green Light: 62. (16.1) No person other than a person described in subsection (16) shall operate a lamp that produces intermittent flashes of green light. 1994, c. 35, s. 1.*

If you see a vehicle with the tell-tale flashing green light activated, you now know it's one of us, on our way to help one of our neighbours. Remember, the home we're rushing to save or life we're going to rescue could be yours, or that of a close friend's. Please let us by!

Article from the website of Municipality of Oliver Paipoonge  
<http://www.oliverpaipoonge.ca/green-lights-what-do-they-mean>

I was road testing a driver this summer who was a volunteer firefighter and as a vehicle approached with the green flashing light he slowed and pulled to the shoulder. However the vehicles ahead of the driver with the green flashing lights continued along their way totally oblivious to the flashing light.

Once safely stopped the driver I was road testing commented that he is not surprised that he was the only one that pulled over he sees this all the time.

Please share this with the people at your workplace.

## Road Check 2012 Results Information from [www.cvsa.org](http://www.cvsa.org)

Roadcheck is the largest targeted enforcement program on commercial vehicles in the world, with approximately 14 trucks or buses being inspected, on average, every minute from Canada to Mexico during a 72-hour period in early June. Each year, approximately 10,000 CVSA-certified local, state, provincial and federal inspectors at 1,500 locations across North America perform the truck and bus inspections. CVSA sponsors Roadcheck with participation by the Federal Motor Carrier Safety Administration, Pipeline and Hazardous Materials Safety Administration, Canadian Council of Motor Transport Administrators, Transport Canada, and the Secretariat of Communications and Transportation (Mexico). Roadcheck is one of a series of activities that occur year round whereby CVSA-certified inspectors conduct compliance, enforcement and educational initiatives targeted at various elements of motor carrier, vehicle, driver and cargo safety and security.

Since its inception in 1988, the roadside inspections conducted during Roadcheck have numbered over 1 Million, resulting in more than 220 lives saved and 4,045 injuries avoided. It has also provided for the distribution of countless pieces of educational literature and safety events to educate industry and the general public about the importance of safe commercial vehicle operations and the roadside inspection program.

### Driver In Cab Evaluations

In the past I have had articles in Safety Lanes about in cab driver evaluations. I cannot stress the importance of this investment into your fleet and driver resources.

## Movember



I am planning to get involved this year with Movember to raise funds for Prostrate Cancer.

More details will be available on my website [www.transportationsafetycs.ca](http://www.transportationsafetycs.ca) in the near future on how you can get involved or pledge to support.

If a family member, friend or co worker has been struck by Prostrate Cancer please think of getting involved to save others the pain and suffering.

Mike Kroetsch

Transportation Safety & Compliance Solutions

## Preventing Dangerous and Deadly Truck Rollaways

August 13, 2012 LinkedIn John Taratuta

*Use a "Cockpit Exit Routine" when parking a truck.*

### Rollaway truck kills motorcyclist

*"A 30-year-old man riding his motorcycle was struck and killed by an unsecured and unmanned truck rolling down a hill. . . the truck's driver told deputies he had set the parking brake, but an inspection showed the brake had not been set. Deputies cited the truck driver for negligent driving and lack of control."*

Every day dozens of trucks roll away after being positioned and/or parked by the driver. Some harmlessly roll a few inches. Others have rolled across parking lots or into intersections and major highways causing major property damage or fatalities. Sometimes the driver attempts to physically stop the truck or attempts to climb back into the moving cab, and becomes pinned against the truck or under the truck's wheels.

### What can be done?

In many of these rollaways, the driver simply became distracted and failed to set the parking brake. The driver simply made an error and the truck, if parked on a slight incline, will begin to roll away.

### One possible Solution . . .

Ask your driver to work with you to develop a cockpit "exit routine." What is an exit routine?

An "exit routine" is a systematic cockpit check inside of the cab before exiting the vehicle. I have taught the following "exit routine" to hundreds of drivers.

### Cockpit Exit Routine

- (1) Set the brakes. To set air brakes, pull the yellow knob on the dash. This will also automatically deploy the trailer air brakes.
- (2) Ensure the ignition key is in the "off" position. On average, a truck key is left in the "on-position" at least once a year, resulting in a drained battery.
- (3) Check the turn signal or emergency (4-ways) lights are off.
- (4) Check a second time that the air brakes have been set by pulling on the yellow knob again.
- (5) Once outside, glance at the truck making sure no lights have been left on.

Another step is writing up the post-trip vehicle inspection report or DRIV.

Each time the driver exits or parks the vehicle, he should get in the habit of following the steps of the cockpit exit routine. Doing so will ensure that the key is in the "off position," the vehicle's lights are off and, most importantly, the air brakes have been set, preventing a dangerous truck rollaway.

Having the driver put together the cockpit exit routine procedures increases the probability he will continue to follow the steps until they become a habit. Drivers should use wheels chocks when appropriate and should never physically attempt to stop a moving truck or to "jump back into the cab" of a vehicle in motion.

**Do your drivers have a set cockpit exit routine that they follow?**