

6.0 Driver Profile Record Keeping

Manitoba operators must keep and maintain driver qualification files.

Each file must contain:

- Driver record (abstract)
- Annual review of driver fitness
- Accident and conviction disclosures
- Records of all corrective and/or disciplinary action taken
- Copies of dangerous goods training materials and certificates

Each of these records are outlined in more detail below. The operator must determine on the basis of this information whether or not the driver is and continues to be fit to drive.

To assist the operator in maintaining driver qualification files, a checklist of required and recommended items may be attached to the cover of each file. A sample checklist and sample forms are provided in **Appendix E** in this guide.

Driver Record (Abstract)

Driver Record (Abstract)	
<p>A driver record (abstract) is available through Manitoba Public Insurance (MPI). It contains a record of the driver's at-fault accidents, convictions, suspensions, qualifications, personal information and more.</p> <p>NOTE: There are two different abstracts: the "Driver Abstract" and the "Commercial Driver Abstract". The Manitoba Commercial Driver Abstract includes convictions in Manitoba for non-moving violations related to the operation of a regulated vehicle (ex: Hours of Service and Transportation of Dangerous Goods breaches.) Some violations from other jurisdictions may be included.</p> <p>Unless the Commercial Driver Abstract is specified, the regular Driver Abstract will be provided by Manitoba Public Insurance (MPI). Both cost the same to obtain. The regular Driver Abstract is legally acceptable under <i>The Highway Traffic Act (HTA)</i> Section 318.6 However, operators may specifically request that drivers provide a Commercial Driver Abstract, and are encouraged to do so.</p>	
<p>Operator Requirements:</p> <ul style="list-style-type: none"> • Initial driver record - Before engaging a person to drive a regulated vehicle, the operator must obtain a driver record current to a date no earlier than 30 days before it is obtained • Review the driving record to determine if the driver is fit to drive • Annual driver record – During each 12 month period, the operator must obtain a driver record current to a date no earlier than 30 days before it is obtained • Review the driving record to determine if the driver continues to be fit to drive • The operator must maintain the driver record for a minimum of two years 	<p>Driver Requirements:</p> <ul style="list-style-type: none"> • At the time of hiring, the driver must provide a current driver record to the operator, or the driver may sign a waiver allowing the operator to obtain the abstract from MPI

Review of Driving Record

Review of Driving Record

The driving record (abstract) must be obtained, and reviewed within 30 days of the abstract date.

Every 12 months, the operator must review the driving record (abstract) and determine the safety performance of each driver, disclosures of accidents and convictions, daily trip inspection reports and adherence to the hours of service regulations. The review may be a formal employee appraisal interview or a dated and signed statement at the bottom of the driver record.

The review **must include** the **date** of review and **signature** of the person who conducted the review.

Operator Requirements:

- **Initial driver record** - Before engaging a person to drive a regulated vehicle, the operator must obtain a driver record current to a date no earlier than 30 days before it is obtained
- **Review** the driving record to determine if the driver is fit to drive
- **Annual driver record** – During each 12 month period, the operator must obtain a driver record current to a date no earlier than 30 days before it is obtained
- **Review** the driving record to determine if the driver continues to be fit to drive
- The operator must maintain the driver record for a minimum of two years

Driver Requirements:

- Ensure the operator is kept up-to-date of any changes in the driver’s status related to the operation of a regulated vehicle.

Accident Disclosure

Accident Disclosure

Records of all accidents involving commercial vehicles registered to the operator, and causing property damage of over \$1000 or any injury or fatality, are maintained in the Carrier Profile. However, only those accidents in which the commercial driver was at fault are assigned points.

The points are assigned as follows:

- Property damage (2 points),
- Injury (4 points), and
- fatality (6 points)

Operator Requirements:

- The operator must maintain a record of the driver’s accident disclosures in the driver qualification file
- The operator must maintain accident disclosure for a minimum of two years

Driver Requirements:

- The driver must, without delay disclose in writing to the operator particulars of at-fault accidents
- This includes accidents occurring in **both** personal vehicles and the operator’s vehicles

Recommended Practice

- The operator should keep accident records separate from the notations on the driver’s profile
- The operator should have a policy regarding corrective actions/discipline or preventative measures
- The operator should review all accident reports for possible trends and/or preventative measures

To assist the operator in maintaining accident disclosure, a sample “driver disclosure of convictions and at-fault accidents” form is provided in **Appendix E** in this guide.

Conviction Disclosure

Conviction Disclosure	
<p>Convictions are a finding by a court that a driver is guilty of a violation of law or regulation relating to the operation of a motor vehicle.</p>	
<p>Operator Requirements:</p> <ul style="list-style-type: none"> The operator must maintain a record of the driver's conviction disclosures in the driver qualification file The operator must maintain conviction disclosure for a minimum of two years 	<p>Driver Requirement:</p> <ul style="list-style-type: none"> The driver must, without delay disclose in writing to the operator particulars of convictions This includes convictions occurring in both personal vehicles and the operator's vehicles

Recommended Practices

- The operator should keep conviction records separate from the notations on the driver's profile
- The operator should have a policy regarding corrective actions/discipline or preventative measures
- The operator should review all accident reports for possible trends and/or preventative measures

To assist the operator in maintaining accident disclosure, a sample "driver disclosure of convictions and at-fault accidents" form is provided in **Appendix E** in this guide.

Transportation of Dangerous Goods

Transportation of Dangerous Goods	
<p>The Transportation of Dangerous Goods Act and Regulations set standards for the movement of harmful chemicals to protect the handlers, drivers, and the public. The regulations require training for those who handle, offer, or transport dangerous goods.</p> <p>Employers must ensure employees receive training appropriate for their level of assignment, and issue them a training certificate. Alternatively, employees may perform dangerous goods duties in the presence and under the direct supervision of a trained person.</p>	
<p>Operator Requirements:</p> <ul style="list-style-type: none"> Every operator who issues a Certificate of Training must retain a copy of the certificate for two years after the expiry date The operator must maintain copies of all shipping documents and manifests prepared under the Dangerous Goods Regulations for a period of two years The operator must keep a record of the training provided (ex: exam and training materials) 	<p>Driver Requirements:</p> <ul style="list-style-type: none"> Every driver who transports dangerous goods must be able to produce a valid Certificate of Training in the handling and transportation of dangerous goods, issued by the operator In Canada, the Certificate of Training is valid for three years

Recommended Practice

- The operator should maintain a written record of all accidental release of dangerous goods involving a carrier's commercial vehicle
- The operator should maintain a written record of dangerous goods tank trucks/trailers removed or introduced into service
- The operator should ensure drivers, and other employees are familiar with Dangerous Goods legislation and requirements
- Compliance with Dangerous Goods legislation should be part of the trip inspection report

Progressive Discipline

Progressive Discipline Policy

It is recommended to effectively demonstrate due diligence, the operator should establish a program of progressive discipline. The program must be consistent with applicable federal and provincial legislation. The operator should outline the policy and procedure of discipline, including the stages up to and including termination. (For example, a four-step policy could include: a verbal warning, written warning, suspension, and termination.)

The operator should ensure each step of the policy is known and understood by the employee. As each step is implemented, the employees should be notified in writing of the next steps in non-compliance is not corrected. The policy must be enforced in a consistent manner.

The operator must document all disciplinary actions taken, including verbal and written warnings, and retain them in the driver qualification file for two years.

Recommended Additional Documentation

Recommended Additional Documentation

It is recommended that the operator keep a separate personnel file for each driver.

In addition to the above legislated requirements it is recommended that the driver qualification file contain the following information:

- Employment application
- Reference check(s)
- Written test(s)
- Road test(s)
- Special qualifications/training and the expiry date of those qualifications and/or training
- A record of all significant incidents between the operator and the driver
(ex: awards, records of driver development, and disciplinary actions taken)
- Corrective action/discipline system for drivers with excessive accidents or driving offences
- Monthly review of the Carrier Profile

NOTE: Operators whose drivers drive in the United States should ensure they are in compliance with all the U.S. requirements (refer to Section 9.0: United States General Information, for more information).