

ARTICLES

Commercial Driving and Opioids, Are Your Drivers at Risk?

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In today's transportation industry, it's not easy to ensure that managers have a chance to observe drivers before they start their shifts. But if you don't, do you open yourself up to chance – and liability for negligent supervision?

Impaired driving isn't just a consumer-driven issue, commercial vehicle impaired driving is on the rise, including Opioid use. In fact, opioid abuse is on the rise and it CAN take down your drivers and damage your business.



At the very least, consider requiring a brief conversation by phone if not in person to try and gauge drivers' state of mind. How about coming up with a daily tongue twister and having a response plan in place in case a driver struggles?

Better than catching intoxicated drivers before they begin driving is to have those drivers take themselves off-duty. Creating an environment where drivers feel less fearful about confessing to not being in proper shape to drive is challenging, but can save lives.

Consider carefully how to respond and follow up on repeated episodes. Giving drivers a way to seek counseling anonymously might play a constructive role. Of course, the safety of the public and the driver need to come first, and professional advice should be sought out in developing your approach.

Here's an actual claim / injury accident scenario resulting from alleged opioid use, all names have been altered to protect the accused and victims.

It's nearly miraculous that the results weren't much worse. A Dallas client's driver in an International 4000 lurched into the left lane as Ted Blunt, an elderly gentleman, passed by in his car. The impact pushed Ted's vehicle into the road's center dividing wall. Ted felt a pain in his chest where his seat belt dug in on impact. At least he was wearing a seat belt!

Our client's driver pulled away and fled the scene, pursued by the injured Ted in his damaged vehicle. Soon Ted realized he wasn't the only one in pursuit. It turns out our client's driver had swiped at least one other vehicle before he hit Ted. Witnesses who saw he was driving erratically were following to try to get him to stop. Finally, the tailing cars were able to get Dave to pull over.

When the alleged hit and run driver got out of the truck, he promptly fell down. He wasn't injured. He told

Ted that he was “all piled up”. The suspect was arrested at the scene and wound up pleading guilty to being under the influence.

Ted sustained injuries to his chest and back, including the shifting of his pacemaker. His vehicle was totaled. The driver and passenger of a second car got away with minor injuries. The delivery company’s insurer paid out approximately \$125,000. And again, it could have easily turned out much worse.

One way or the other, more and more transportation and logistics companies are going to feel the effects of this opioid crisis. As with its victims, the sooner you seek your own counseling and take action to minimize risks, the less likely you will wind up paying the price for years to come.

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