

As prescribed by law public officials are required to maintain standards that promote public safety. In matters involving the reduction of highway fatality this is a reasonable expectation upheld by the Criminal Code of Canada;

217.1 Every one who undertakes, or has the authority, to direct how another person does work or performs a task is under a legal duty to take reasonable steps to prevent bodily harm to that person, or any other person, arising from that work or task.

219.1 Every one is criminally negligent who

(a) in doing anything, or

(b) in omitting to do anything that it is his duty to do, shows wanton or reckless disregard for the lives or safety of other persons.

Under this legal mandate, how is it therefore possible that federal officials are being allowed to vacate safety standards affecting public safety? Either these federal officials are operating with discretionary power or they are subject to a criminal investigation. When you and your family members are placed at a greater risk of being killed on our highways the matter is serious as well as personal. To appreciate the degree of omission involving bodily harm we need to recognize some of the legislation created on behalf of public safety.

In response to the death and injury on our roads from alcohol abuse it's a criminal offence to operate a motor vehicle while impaired. Drivers impaired by substance abuse of any kind are subject to criminal prosecution. Highway fatality involving drivers impaired by sleep deprivation is another risk factor claiming lives across our nation each year. To combat the carnage caused by sleep impaired drivers legislation has been created under various acts including the motor vehicle act. For example, drivers involved in the North American trucking industry are required to keep logbooks. Failure to maintain accurate daily entries with a mandatory sleep schedule will result in fines or suspension of driving privileges. These forms of legislation are designed to eliminate, as much as possible, death and injury from drivers impaired by sleep deprivation. The various legislation is supported by all motor vehicle insurance agents across Canada under their mandate to promote public safety.

Although the reduction of highway fatality is a matter of public safety there are federal officials who ignore the intent of the Criminal Code and legislation designed to protect the Canadian public. Here is what one federal employee states, "I drove into oncoming traffic twice on my way home from work." Other employees share similar events while many report being forced to pull into rest areas or the roadside to avoid driving into oncoming traffic. What makes these reports significant is that thousands of these federal employees are on our roads every week throughout the year. They are on our roads when you may be out driving and when children are being driven to school.

Here's how federal officials in Ottawa have created negligent risk factors. Up until about three years ago federal correctional officers dealing with shift work had a rotation of two 12-hour day shifts followed by two 12-hour morning shifts. It represents a national standard in compliance with medical authority. It's the standard utilized in 12-hour shift rotations because it minimizes the impairment caused by a disruption of the body's circadian rhythm. Whenever the normal sleep pattern is altered the resulting sleep deprivation causes impairment placing both drivers and the public at risk. This risk compounds with the degree of sleep deprivation the same as alcohol impairment. Increased alcohol consumption and prolonged sleep deprivation causes greater levels of impairment. To manage risk the morning shift always follows the day shift, which provides time for workers to recuperate. It's a safety issue in compliance with medical authority for the purpose of reducing death and injury on our roads.

About three years ago federal officials in Ottawa decided to ignore legal duty under the Criminal Code placing the lives of the public and correctional officers at unreasonable risk. The medically approved shift pattern was reversed requiring employees to work their day shifts after working the morning shifts. Without the required

time factor necessary for the body to readjust its circadian rhythm thousands of critically impaired federal employees were forced onto our roads. These employees get off their second morning shift around 7:15 A.M. driving home to sleep 3-4 hours. Typically getting up around noon they are hoping to be able to fall asleep a second time before midnight. Getting back to sleep 10-12 hours later never works successfully for anyone especially over time. While a reality for shift workers these things are confirmed by medical research around the world in dealing with highway fatality caused by sleep-impaired drivers. Research that is readily available on sites like - motor vehicle act sleep impairment.

Considering the fact that the rate of death and injury resulting from sleep impaired drivers directly parallels that of drivers impaired by alcohol there is the question of liability in relation to negligence. If a driver impaired by alcohol is denied coverage under the terms in the insurance policy, could a sleep-impaired driver causing death and injury forfeit coverage being found negligent? Challenged in a court of law this is a reasonable scenario involving federal employees driving into oncoming traffic. A Work Safe Bulletin from Alberta, March 2004, states in its title, Exhausted or Drunk - Behind the Wheel it Makes no Difference. When the correctional officer gets up at noon he or she is attempting to fall asleep 10-12 hours later before midnight if possible. As sleeping twice in one day is rarely successful the typical worker, often using sleeping pills, falls asleep sometime between 1 and 3 in the morning. Getting up between 5-6 to shower and get ready for work at 7 AM this worker has had a 3-4 hour drug induced sleep since noon the previous day. At the end of his or her 12-hour shift this worker has had 3-4 hours of questionable sleep in the past 30 plus hours. The above Work Safe Bulletin states, "After only 20 hours of sustained wakefulness, a person may be as functionally impaired as someone with a BAC of .10 percent." Factoring in the variables it's reasonable to calculate that these federal shift workers are operating at an impairment level exceeding twice the legal blood alcohol concentration of .08 percent. When factoring in various drugs consumed to induce sleep the level of impairment could be considerably greater.

Even in a best case scenario in which the employee managed to get 8 hours of sleep it is still counted as sleep for the previous day. Going back to that previous day, applying perfect conditions, the worker gets up at 5 PM reporting for work at 7 PM. At the end of his or her shift the employee has been awake for 14 hours. In the next 24 hours prior to the first day shift the employee gets 8 hours of sleep. By the end of the first day shift 12 hours later this employee has had 8 hours of sleep in a 50-hour period. Using this best-case scenario it's reasonable to predict that these workers will be driving into oncoming traffic at some point in their employment due to an impairment level easily 3-4 times the legal limit. Under normal conditions, however, these employees deal with things like insomnia due to shift work and stress associated with a prison environment. These factors guarantee that the level of impairment is consistently 3-4 times the legal limit if not greater. This is the level of impairment where you find drunks and federal employees passed out in rest areas.

Every week there are thousands of federal employees driving on our roads while acutely impaired. Despite the profound danger to public safety it defies comprehension that federal officials would actively promote conditions causing extreme endangerment. Under these conditions it would be reasonable to expect government agency and police agency to intervene as a required duty under the Criminal Code. Placing thousands of acutely impaired drivers on our roads every week is defined in the Criminal Code as the "...wanton or reckless disregard for the lives or safety of other persons." Exhausted or drunk, behind the wheel it makes no difference. Being killed by someone exhausted or drunk makes no difference. The difference occurs when public officials promote safety standards. Saving lives in Canada may require a criminal investigation to achieve this.

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