



November 16, 2015

Further to our message on November 5, 2015, we write for two reasons.

First, we would like to thank those in the industry who have already voluntarily paid the retroactive fee owing to drivers in their organizations. We would also like to acknowledge those who have contacted the Office since November 5, 2015 to advise that they intend to voluntarily pay what is owing to drivers in the very near future. For those who have contacted the Office to request that the retroactive pay be waived or that alternate solutions be canvassed to off-set the retroactive payments, please be advised that the Office has been audited to the *Container Trucking Act* and Regulation as written and, in fairness to those in the industry who have complied with the retroactive payment, will continue to do so in the future. As previously stated, license holders who voluntarily bring themselves into compliance in a timely way to the satisfaction of the Commissioner are far less likely to incur penalties for non-compliance than those who fail to do so. Please see section 34 of the *Act*, which sets out the penalties that can be imposed for the failure to comply.

Second, we write to advise that the Office will continue to perform audits. As part of the audit process, the Office will be directing a number of firms pursuant to s. 31 of the *Act* to provide a compliance letter for employee drivers from a Certified Professional Accountant pursuant to Appendix D to Schedule 1 of the Container Trucking Services License. In the coming weeks and months, a number of companies will be asked to retain a Certified Professional Accountant from an established accounting firm to provide a compliance letter confirming that companies have:

- (a) duly made all source deductions and WCB submissions respecting a Trucker who is an Employee of the Licensee within the meaning of the meaning of the Employment Standards Act, RSBC, chapter 113;
- (b) not set off or deducted Business Costs from Wait Time Remuneration or Compensation owed to a Trucker pursuant to the Container Trucking Legislation;
- (c) not received, directly or indirectly, a financial set-off, commission or rate deduction or rebate from a Trucker employed or retained by the Licensee; and,
- (d) paid all Truckers employed or retained by the Licensee in accordance with the covenants in this Licence and the Container Trucking Legislation

Please note that the auditors will continue to conduct audits in conjunction with the above and will be performing spot checks to verify the information contained in the compliance letters provided. Failure to comply with the direction to provide such compliance letters, will result in penalties pursuant to the *Act*.

Sincerely,

Corinn Bell  
Acting Commissioner

Vince Ready  
Acting Deputy Commissioner