



December 11, 2015

TLS Community:

We write this as a final bulletin to the drayage sector respecting the issue of retroactive pay. Since our appointment as Acting Commissioners, our message has been transparent: the CTC Office will be enforcing the rates of pay for truck drivers as prescribed in the legislation. We have issued industry bulletins requesting voluntary industry compliance. The Office has also issued five recent decisions, all posted on the CTC website, which address compliance issues.

On the issue of retroactive pay, we once again ask for immediate voluntary compliance of that legislation. While we have not yet exercised our discretion as Commissioners to impose penalties for non-compliance for retroactive pay to date, we are putting the industry on notice that the Office expects all retroactive pay owing to drivers can be fully paid by license holders prior to Friday, January 22, 2016 at the very latest. Companies that come into compliance between now and January 22, 2016 may still be subject to penalties pursuant to the *Act*. Each case will be assessed on a case by case basis and the reasons for non-compliance will be assessed on that basis. It will not be acceptable for a TLS license holder to simply wait until January 21, 2016 to come into compliance.

It is expected that all companies pay the retroactive pay owing to drivers immediately, and that the industry will be in full compliance of retroactive pay owing by January 22, 2016 at the latest. After January 22, 2016, the imposition of a penalty pursuant to s. 34 of the *Act* will be highly likely for any company found in non-compliance with the retroactive provisions of the legislation. Further, it will not be accepted by the CTC Office for a TLS licensed company to suggest that it simply could not calculate the retroactive pay owing and therefore did not pay truck drivers. Please carefully review the legislation. Please also review the bulletins and the decisions issued by the CTC Office for guidance. Finally, it is incumbent on companies to consult legal and financial advisors for professional assistance, if required, in order to pay monies owed to drivers.

On a final note, there are now over twenty companies that have been randomly chosen to provide evidence of compliance pursuant to Appendix D of the TLS license. Please be advised that more TLS license holders will be asked to provide similar compliance letters in the coming weeks and months. All TLS license holders will also be subject to spot audits and/or investigations pursuant to s. 31 of the *Container Trucking Act*.

Sincerely,

Corinn Bell
Acting Commissioner

Vince Ready
Acting Deputy Commissioner