



# Industry Advisory Committee (IAC)

## Notes of Discussion

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**Tuesday, March 12, 2019**

**9:30 am to 11:18 am**

**North Delta Rec Centre**

**11415 84<sup>th</sup> Avenue, Delta, BC**

**In Attendance:**

John Bourbonniere	Harbourlink Container Services Inc.
Rex D'Souza	Prudential Transportation Ltd.
Jagpaul Dhaliwal	Sahir Trucking Ltd.
Raj Dhillon	United Coastal Logistics Ltd.
Ricardo Forrester	Smart Choice Transport Ltd.
Kevin Hankenson	Canada Drayage Inc.
Dave Hewlett	Loblaws (Alt)
Sheliza Jiwa	Ray-Mont Logistics Vancouver Inc.
Kellie Kopeck	Damco Distribution
Laurie Kravski	West Fraser Forest Products
Chris Locher	LEI Cartage Ltd.
Matthew May	Coast 2000
Gavin McGarrigle	Unifor
Frederic Moussette	Canadian Tire
Larry Sargeant	Teamsters
Gagan Singh	United Truckers Association
Michael Crawford	OBCCTC; Chair
Sheryl Kozyniak	OBCCTC; Vice Chair
Karm Jauhal	OBCCTC

**Regrets:**

Jaskaran Grewal	Quality Forest Products
Kulwinder Lally	Lally Bros. Holdings Ltd.
Maksim Mihic	DP World
Robert Neild	Loblaws
Greg Rogge	Vancouver Fraser Port Authority
Manjit Sandhu	Rideway Transport Ltd.
Eric Waltz	GCT Terminals

The meeting was called to order at 9:30 am

### Commissioner's Update

- Deputy Commissioner introduced
- All companies have been audited at least once for compliance with regulated rates of pay.
- Continue to audit for payment rate compliance and focus on other issues including but not limited to:
  - Section 28 *Container Trucking Act* violations (driver mistreatment and harassment)
  - Dead runs and pre-pulls (Bulletin issued October 22, 2108)
  - Split Trips
  - Other violations such as hours of service – (Licence requirement to be compliant with all applicable rules/laws)

### Audits/ Investigations

- The Commissioner provided an overview of recent decisions rendered by the OBCCTC:
  - Sandhar
    - Violation of Section 24 of the Act. (section 24 was read to the committee)
    - Cannot solicit or receive, directly or indirectly a financial set off, commission, rate deduction or rebate from a trucker
  - Hutchinson
    - Record keeping, previous management had destroyed records and new management is still responsible.
    - I/Os are being paid hourly as company drivers when they should be paid the trip rate.
  - Roadstar
    - first cancellation of a licence
    - Section 24 violation of the Regulation
      - Repeat offender of late payroll to drivers
    - Section 6.17 and 6.18 of Licence
      - Sale of Companies, change of control, tag sales
  - CNTL
    - Not a simple audit, very different payroll structure
    - Collective Agreements do not trump the Act, Regulation or Legislation
    - All factors were reviewed (CNTL's base rate, with other payments i.e.: fuel, wait time, bob-tail and empty chassis), they were found to meet or exceed regulated rates
    - Received communications that all drivers are happy at CNTL and company is supported by the drivers
- The following positions/recommendations were made following the Commissioner's report:
  - All collective agreements should be provided to the OBCCTC.
  - The Aheer decision set a precedent for Section 28 violations (driver harassment).
  - All Licensees must adhere to all law, including the hours of services
  - Jurisdictional issues are complex and it was acknowledged that the OBCCTC could work collaboratively with other agencies toward a mutual goal of compliance (i.e. require National Safety Code knowledge at licence renewal, onboard GPS data, E-log data-when implemented etc.)

**Tag Policy**

- A draft Tag Policy was distributed and discussed.
- The Policy will be posted on the OBCCTC website for review and comment.
- The Commissioner highlighted key amendments to the Policy including:
  - Creation of Class A (on-dock) and Class B (off-dock only) tags to ensure all trucks performing container trucking services are tagged.
  - Class B Tags will be included in the Licensee tag count and could increase the security (bond) a company is required to have.
  - Licence fees will remain the same.
  - All trucks will need to be tagged if they are moving a container from one facility to another without accessing the port.
  - Class B tagged trucks will not require a GPS unit and will work in tandem with Class A tagged trucks.
  - The logistics involved in implementing the Class B tag are to be determined.
- The following points were raised in response to the draft Policy:
  - The more pressing issue is unlicensed companies doing off dock work – the Commissioner advised addressing this issue would require a legislative/regulatory change to expand the OBCCTC’s jurisdiction.
  - The implications of creating a new tag class may increase the number of trucks on the road that don’t meet VFPA truck age requirements, I/Os choosing off-dock work only and complexity in dispatch processes.
  - Companies and unions noted the difficulty in being limited to selecting I/Os on the eligible I/O list in that issues such as seniority provisions in collective agreements were impacting their ability to fill vacant tags.
  - The Commissioner stated that the I/O list was intended to prevent company drivers from being coerced by a licensee into purchasing a truck as a condition of employment, control the entry of long haul drivers into the drayage sector and eliminate the potential for “tag sales” by imposing conditions/criteria on how tags are granted.
  - The OBCCTC is mindful of the number of tags being issued and the need to avoid having too many drivers competing for limited work. Therefore, the number of A and B tags issued will be carefully monitored and vacant tags will be revoked if not filled by a prescribed deadline.
  - Compliance may be impacted if enforcement efforts are not implemented and consistently applied.
  - It was recommended that the OBCCTC could look at Transport Canada rules in which container owners are required to specify the content and origin of containers and that this data can be used to better track off-dock movement.
- The consensus was the Class B tag proposal could create more problems than it solves.
- The Commissioner stated he was open to ideas about how to improve tag management and encouraged stakeholders to provide comment on the draft policy once it was posted on the website.
- He was also willing to consider opening the I/O list using the provisions of the existing tag management policy if companies continued to experience difficulty in filling vacant tags.

**IAC Membership**

- All licensees have had the opportunity to attend one of the meetings.
- The future structure of the Committee will be reviewed and stakeholders will be advised of any changes.
- The OBCCTC will be out meeting with folks one on one in the Spring and Summer months.

**Final Comments**

- The Commissioner reminded everyone that the Truck Tag Policy will be published on the OBCCTC website and to submit comments/ recommendations/ submissions in before the deadline.
- Attendees were also reminded that under the new, proposed tag policy, tags vacant for more than 90 days will be revoked by the OBCCTC.

**Rate Review**

- The Commissioner reported that the Rate Review was complete and government had been actively soliciting stakeholder feedback concerning the recommendations.
- A specific date has not been identified when the report and/or any direction from government concerning the recommendations will be announced.

**Next Meeting – Date and Time - Next meeting date for IAC - TBA**

Meeting adjourned at 11:18 am