

THE DRIVE

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Photo by Sid Plested

IN THIS EDITION

The new year is shaping up to be a busy one full of changes for the OBCCTC. We welcomed Sheryl Kozyniak, our new Deputy Commissioner, in January. Sheryl will be responsible for many things including the truck tag performance reviews and the introduction of a publicly available OBCCTC policy and procedure manual. I expect the government will be issuing a response to the OBCCTC's review of the *Container Trucking Act* and *Regulation* and the Tag Management Policy will be amended following the conclusion of the OBCCTC's consultation process.

Truck tags continue to be a focus of discussion in the industry. The OBCCTC has been reporting in its monthly updates on the number of new tags issued and removed over the past months. Drivers may be concerned that the OBCCTC is issuing a large amount of new tags and that the number of tags currently exceeds the number of tags that were in the system when the OBCCTC was created in 2015. This is not the case. In 2015, there were 1739 tags. After licencing in 2018 there were 1746 tags.

This is not to say that the OBCCTC's Tag Management Policy cannot be changed for the better. For example, I/Os are not moving to companies that offer a reasonable amount of work at compliant rates. I'm interested in exploring ways to facilitate greater I/O movement and, as always, driver feedback on this and any aspect of the Tag Management Policy is welcome.

An important Bulletin about driver pay for moving more than one container at once is highlighted in this issue as are some recent decisions which should serve as important reminders to licence holders about their responsibilities under the legislation and the Licence.

I hope the OBCCTC's increased focus on driver communication is welcomed and I look forward to ongoing engagement with as many of you as possible this year.

Sincerely,
Michael Crawford
Commissioner

LICENSEE & DRIVER RESOURCES

- **Office of the BC Container Trucking Commissioner ("OBCCTC")**
604-660-6051
obcctc.ca
- **Confidential Drayage Complaint Line (Confidence Line)**
1-877-713-5109
drayage.confidenceline.net
- **PMV TLS Administrator**
604-665-9333
- **BC Trucking Association**
604-888-5319
- **Pay Rate Summary**
obcctc.ca/rate-summary
- **On-Dock Rate Schedule**
obcctc.ca/on-dock
- **Off-Dock Rate Schedule**
obcctc.ca/off-dock
- **OBCCTC Decisions**
obcctc.ca/decisions
- **OBCCTC Policies**
obcctc.ca/policies
- **OBCCTC Industry Memos**
obcctc.ca/industry-memos
- **Container Trucking Act**
bclaws.ca/civix/document/id/consol/28/consol28/14028_01
- **Container Trucking Regulation**
bclaws.ca/civix/document/id/complete/statreg/248_2014

Tag Management Policy Review

On December 20, 2018, the OBCCTC extended its deadline for receiving submissions to its review of the Tag Management Policy. The OBCCTC has received some input from driver and trucking company representatives but has had very little engagement with I/Os on this issue.

Feedback indicates that I/Os continue to want a tag system that gives them the flexibility to choose the amount and type of work they receive. Licence holders have provided feedback focused in large part on the Commissioner's I/O list and its impact on licensee hiring.

The closing date for stakeholder submissions was February 1, 2019. The OBCCTC will next issue proposed policy amendments for stakeholder input before introducing a new/amended policy. Submissions can still be sent to the OBCCTC at the following email address:

Registrar@obcctc.ca

DID YOU KNOW?

Licensee's threatening truckers about their pay

The Container Trucking Services Licence states that licence holders must not threaten, harass, coerce, or attempt to influence a trucker in any way, whether directly or indirectly, regarding a trucker's right to retain his or her compensation.

Mistreating truckers because of a complaint, inspection or investigation

Section 28 of the *Act* states that a licensee must not do any of the following to a trucker because of a complaint, OBCCTC inspection or investigation:

- refuse to employ or retain or refuse to continue to employ or retain a trucker;
- threaten a trucker;
- discriminate against or threaten to discriminate against a trucker with respect to container trucking services; and
- intimidate or coerce or impose a monetary or other penalty on a trucker.

Keep your own records

Drivers can help OBCCTC auditors by keeping their own records of trips taken and hours worked in a day. If you keep your own records please also note when you were performing container trucking services as some drivers do mixed work. This will greatly assist OBCCTC auditors when reviewing company records.

OBCCTC COMPLIANCE UPDATE

Help us help you! If you have concerns about your pay and the number of hours worked or trips undertaken, keep a record. Your input will help the OBCCTC auditors confirm compliance.



Companies are either selected for audit randomly or as a result of a complaint.

WHAT'S NEW!

Deputy Commissioner Appointed

On January 8, 2019, the OBCCTC issued a Bulletin (found on the OBCCTC website) announcing the appointment of Sheryl Kozyniak as Deputy Commissioner. Sheryl brings over 20 years of public sector experience to the position, having held senior positions in various regulatory, service delivery and program development focused provincial departments and agencies.

I/O, Off-Dock Trip Rate When Moving Two Containers

In a recent OBCCTC Bulletin (found on the OBCCTC website) the Commissioner advised all stakeholders that I/Os (under section 12(3)(b) of the *Regulation*) should receive 1.5X the off-dock trip rate when two loaded or empty containers are being moved in one trip on more than one chassis. When two empty containers are moved on one chassis in one trip, only the off-dock trip rate applies.

CTS Licence Tag Management Policy – I/O List

The OBCCTC issued a Bulletin (found on the OBCCTC website) advising stakeholders that there are no Eligible I/Os on the I/O List and that a large number of vacant I/O tags exist which cannot be filled. I/Os continue to decline the opportunity to move companies and fill the vacant tags. Unless some of the vacant tags are filled, the OBCCTC will add some new Eligible I/Os to the I/O List.

Recent Decisions

In Sandhar Trucking Ltd., CTC Decision No. 28/2018 (Application for Reconsideration of CTC Decision No. 18/2018) a penalty was issued for a breach of section 24 of the Act and section 1(h) of Appendix A to Schedule 1 of the Container Trucking Services Licence. It was found that section 24 is breached even where voluntary and licence holders are not at liberty to retrieve, or claw back, compensation found to be owing to drivers under the *Act*.

In Hutchison Cargo Terminal Inc. (CTC Decision No. 27/2018) a penalty was assessed because Hutchison did not pay compliant rates and violated its record keeping requirements under section 25 of the *Act* and Appendix D to Schedule 1 of its Container Trucking Services Licence when it was unable to provide records for each trucker who performed container trucking services on its behalf. The penalty was intended to send a message to licence holders that failure to produce records is not a strategy to be used to mitigate against the amount of money which may be found to be owing under an audit.

New Pilot Program to Test Alternative Fuel Container Trucks

The Vancouver Fraser Port Authority, in collaboration with the Province of B.C. and TransLink, is proposing a new initiative to test alternative fuel source container trucks.

The pilot program is expected to be ready by mid-2019, at which time TLS local drivers will be offered the opportunity to test new alternative fuel Class 8 on-road trucks, and provide feedback on their experiences, which will help guide future infrastructure requirements needed for the trucking industry's continued growth. There will be no cost to trucking companies or drivers to participate, and participation will be voluntary.

The proposed Clean Trucking Pilot Program is still in development. On December 17, 2018, a request for expressions of interest was issued to transportation energy companies who are needed to help develop the program and related infrastructure.

Further details will be communicated as soon as they are available, and questions can be directed to cleantrucking@portvancouver.com.



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Please contact us for more information. Staff are available between the hours of 9:00 am – 5:00 pm, Monday to Friday, closed weekends and all statutory holidays.