

THE DRIVE

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IN THIS EDITION

Truck Tags were first introduced in 2015. At the same time independent operators (“I/Os”) were required to become sponsored by licence holders and were no longer granted permits from the Vancouver Fraser Port Authority to access terminals.

Since that time, truck tag policy has generated a lot of debate. Much of the discussion around truck tags has focused on truck tags assigned to I/O trucks and the question of who “owns” the truck tags. Because a truck tag is one requirement to access a marine terminal, it would seem that the truck tags assigned to I/O trucks have replaced terminal access permits in driver’s minds. This misconception has led to a number of problems including illegal truck tag sales, transfers and concerns about I/O movement between companies and the “conversion” of I/O to company truck tags.

The Office of the BC Container Trucking Commissioner (“OBCCTC”) has introduced policies, and will continue to introduce policies, focused on addressing these issues. However, it needs to be made clear that truck tags are not owned by I/Os. They are issued by the Commissioner to licence holders who then assigns those truck tags to trucks through a sponsorship agreement.

OBCCTC investigators will visit a licence holder’s place of business to seize records if I have reason to believe that a contravention of the *Container Trucking Act* has occurred and specifically if I believe that records have been withheld following an audit/record request. This has, unfortunately, occurred in the past and it’s often been assistance from drivers, and the copies of records they have provided, that have led me to send investigators to places of business. While non-compliant activity is not to be celebrated, I am pleased that some drivers feel comfortable approaching the OBCCTC with their concerns and know that we will protect their identity when requested.

To that end, the driver engagement activities I mentioned in the last Newsletter have begun and the OBCCTC will be hosting several driver information sessions this fall. The Deputy Commissioner and I will be at the sessions and look forward to answering any questions drivers have and discussing current issues affecting the container trucking industry.

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
- **PoV or VFPA 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**
https://www.leg.bc.ca/pages/bclass-legacy.aspx#/content/legacy/web/40th3rd/1st_read/gov05-1.htm
- **Container Trucking Regulation**
bclaws.ca/civix/document/id/complete/statreg/248_2014

TRUCK TAGS

The OBCCTC issued a CTS Licence Tag Management Policy Bulletin on September 27, 2019. In the Bulletin, the OBCCTC recognized that a slowdown in container trucking activity in the Lower Mainland generally has resulted in a loss of work for some drivers.

At the same time, some licence holders have increased their trucking activity and, as a result, require additional truck tags and drivers. In response, the OBCCTC reinstated an amended Policy.

The OBCCTC:

- Removed all unfilled truck tags on November 4, 2019;
- Began accepting additional truck tag applications; and
- Completed its July I/O List lottery and committed to allowing company drivers to apply for future openings on the List.

A fully revised draft Policy was included in the Reform Consultation Package released by the OBCCTC this month (on website for review and comment) with the expectation that a new Policy would be issued in conjunction with the new Licence in June 2020.

DID YOU KNOW?

Truck Tags

Independent Operators do not own truck tags. Truck Tags are assigned to licences and do not move.

Payment for Driver Training

Licencees are required to pay all drivers for training. The mandatory minimum rates apply to employees, independent operators and indirectly employed operators while they are training.

Trip Splitting

Trip splitting is not allowed. Each movement of a container should be treated as a separate trip and consequently each movement requires payment of the minimum "per trip" rate.

Off-Dock Rate Payments & Use of Tagged Trucks

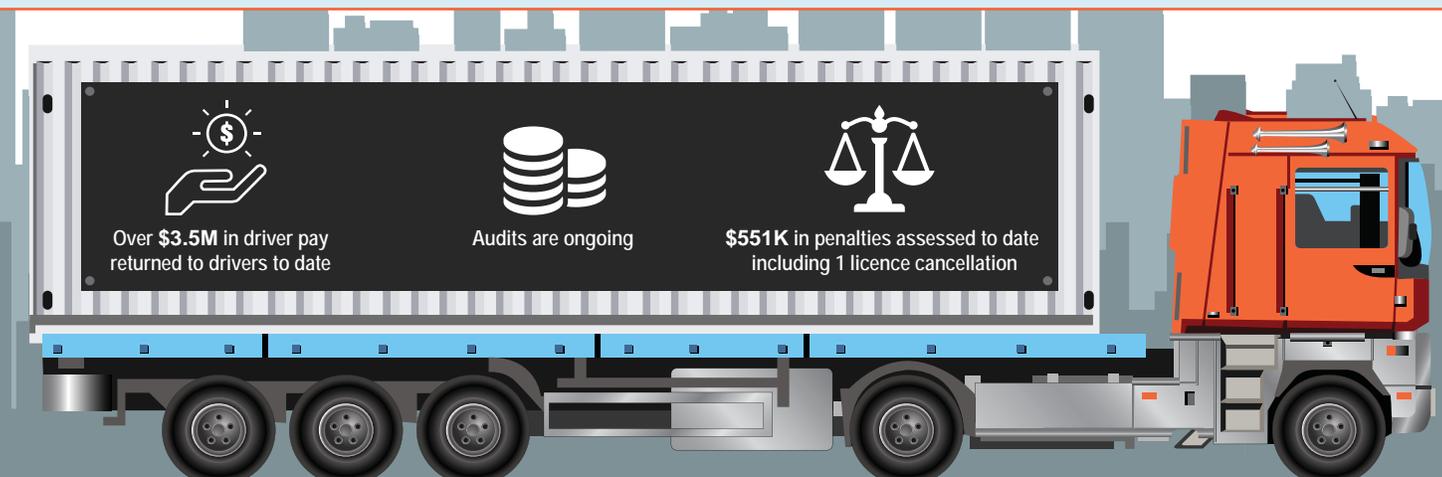
The off-dock movement of containers attracts a regulated off-dock rate which must be paid by all licence holders. Licence holders must also use tagged trucks for all on & off-dock work.

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!

Licence and Truck Tag Policy Consultation

A Reform Consultation Package has been released by the OBCCTC that outlines proposed Licence and Truck Tag Policy changes to be implemented in June 2020. The issuance of off-dock (CTC Truck Tags), compliance-based scoring for truck tag applications, the removal of joint licences and the ability for any interested company to apply for a Licence are just some of the proposed changes in the document. All stakeholders are encouraged to read the package and provide comment by making a written submission to registrar@obcctc.ca or by registering for an upcoming driver information session.

Newsletter Distribution

Please email the Registrar if you would like your email to be added to our Newsletter distribution list or if your email address has changed: registrar@obcctc.ca

Recent Decisions

In Dayal Transport Systems Inc. (CTC Decision No. 08/2019 – Decision Notice) the decision to impose an administrative fine of \$20,000 for not complying with the established rate and record-keeping requirements and transferring truck tags was upheld.

In Inter Canadian Trucking Ltd. (CTC Decision No. 06/2019) the licensee was found to have made 13 violations of the Act, Regulation and Licence and owed drivers adjustments totalling \$17,363.00. The licensee was penalized \$20,000 despite the licensee already cancelling its licence. The OBCCTC subsequently called upon the licensee's bond to reclaim the money for the drivers.

In A-Can Transport Ltd. and MDW Express Transport Ltd. (CTC Decision No. 07/2019) it was found that the companies paid compliant rates but had transferred truck tags between the two companies, kept poor records, improperly deducted money from a driver's pay, failed to pay a driver for training and withheld a driver's pay cheque for a period of time after the driver quit. The companies were penalized a combined amount of \$25,000.

On October 24, 2019, **Pro Line Trucking Corp.**'s CTS Licence was cancelled following advice from the Vancouver Fraser Port Authority that Pro Line Trucking Corp.'s Access Agreement had been cancelled.

Gulzar Transport Inc. & Jet Speed Transport Inc. have been ordered to comply with the *Container Trucking Act* after the Commissioner ruled that:

- The companies could not use logbooks rather than timesheets to determine hours worked because the log books were not found to be a reliable source of information. There are duplicate sets of logbooks with conflicting information.
- The companies' calculations include overtime pay which is then used to demonstrate that the drivers are paid the regulated rates when overtime pay/rates should be calculated over and above the regulated hourly rate.

REDUCE EMISSIONS THROUGH NEW CLEANBC HEAVY-DUTY VEHICLE EFFICIENCY PROGRAM

The BC Trucking Association (BCTA), in partnership with the BC Ministry of Transportation and Infrastructure, have launched the CleanBC Heavy-duty Vehicle Efficiency Program Course, with sessions scheduled in Langley and Kamloops for November and December 2019, and additional dates coming for Langley and Prince George in the new year. These sessions are pre-requisites for the CleanBC Heavy-duty Vehicle Efficiency Program Incentives, which will distribute \$1.4 million towards fuel-efficiency equipment and technology to reduce greenhouse gas emissions from heavy commercial vehicles in BC. BCTA is administering the program on behalf of the Province.

To be eligible to participate, companies must have one or more heavy-duty commercial vehicles in their fleet (a vehicle with a gross vehicle weight greater than 11,794 kg) that is licensed and insured to operate in British Columbia, conducts business in British Columbia, and has a terminal located in British Columbia.

Visit bctrucking.com to register for the free, one-day course to learn how to develop a Fuel Management Program and qualify for rebates on fuel efficiency equipment.

WAIT TIME PAYMENT NOTIFICATION

The Vancouver Fraser Port Authority distributed wait time payments totaling \$422,875.00 to 83 companies on October 9, 2019. The payments corresponded to wait times incurred by drivers between April 1– June 30, 2019 at Deltaport, Vanterm and Centerm and between March 1 – June 30, 2019 at Fraser Surrey Docks.

The OBCCTC issued a Bulletin to licence holders reminding them of their obligation to remit the wait time payouts in full to every trucker who is, or has been, paid by the licensee on a per trip basis. The OBCCTC will continue to conduct wait time payment spot audits to ensure compliance.

DRIVER INFORMATION SESSIONS

The Office of the BC Container Trucking Commissioner (OBCCTC) will be conducting four driver information sessions this fall. The Commissioner and staff of the OBCCTC will be available to answer questions and discuss current issues affecting all drivers.

Attendance at these sessions will be limited to 10 drivers to encourage dialogue and open discussion amongst a small group of motivated participants. The sessions will be held at the OBCCTC offices at 1085 Cambie Street on the following dates and times:

November 25, 2019	4:30pm – 5:30pm
November 27, 2019	8:30am – 9:30am
December 2, 2019	4:30pm – 5:30pm
December 4, 2019	8:30am – 9:30am

Drivers interested in participating in a session can register by contacting the Registrar at 604-660-6051 or via email at: Registrar@obcctc.ca

BC Trucking Information Officers - helping you get the information you need!

Have you met Harp and Harmeet?

The legislation and regulations that set the rules for container trucking can be complicated to understand – but Harp and Harmeet are here to help you find the right information and to understand your rights and responsibilities. If you haven't encountered them yet, Harp Dhaliwal and Harmeet Dhillon have been out meeting with container truck drivers at events and truck parking/staging areas handing out information resources and gathering concerns and questions from drivers about the industry.

Need information or have a question? Harp or Harmeet will help point you in the right direction to get the answers you need.

Have a concern or complaint? They can help you know who to talk to confidentially.



OFFICE OF THE
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TRUCKING COMMISSIONER

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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.