

THE DRIVE

MAY 2020

ISSUE 11



Photo courtesy of GCT Global Container Terminals Inc.

IN THIS EDITION

During these unprecedented times, the Office of the BC Container Trucking Commissioner (OBCCTC) hopes that everyone is staying safe and healthy. Container trucking is recognized as an essential service during these times and critical to the transportation of goods and supplies to the health industry, as well as British Columbians and Canadians. Because everyone is still working, I would like to remind everyone to follow the BC Trucking Association's best practices to prevent the spread of COVID-19.

The 2020 CTS Licence process has been suspended until further notice in response to the pandemic. We continue to monitor the Government of British Columbia's emergency and essential services orders regarding COVID-19, and will be prepared to open the licensing application process once the emergency orders have been lifted. Current licences will be made valid beyond the June 30, 2020 expiry date if necessary.

I want to remind everyone that new trip rates came into effect on April 1, 2020. Information about the new trip rates, including an interactive map, can be found on the OBCCTC's website. You can also download a printable trip rate and zone map booklet to distribute.

We held an IAC Meeting at the beginning of March to follow up on the release of the licensing consultation report. Thank you to all those who attended and for providing your input and discussion. The meeting minutes are now up on the OBCCTC website.

I'd like to also take this time to remind everyone that audits will continue to occur, and that all stakeholders must meet audit deadlines. The Commissioner's rates continue to be enforced.

While the OBCCTC office is closed, we continue our operations during this time. All OBCCTC communications will continue to be posted on the website, but will not be printed and distributed by the office. Should you have any questions or concerns, please reach out to OBCCTC staff members.

Thank you to everyone for playing an important role during these critical times. I hope everyone continues to stay safe and healthy.

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**
bclaws.ca/civix/document/id/consol/28/consol28/14028_01
- **Container Trucking Regulation**
bclaws.ca/civix/document/id/complete/statreg/248_2014

DID YOU KNOW?

Off-Dock Container Trucking Services

Any driver at a licensed company who is paid by the hour and who is performing off-dock container trucking services as defined in the Regulation must be paid the required hourly rate. Licence holders must also use tagged trucks for all off-dock work.

In Pro West Trucking Ltd. (CTC Decision No. 06/2017), the Commissioner found that the application of **hourly rates for company drivers applies to off-dock container trucking services that include services that are directly related to, or ancillary to, the transportation of a container by a truck.** The decision provided examples which included:

- Pre and post trip inspections;
- The relocation or movement of empty chassis which have been used or will be used to move a “container” as defined in the Regulation;
- “Bob Tail” moves to or from marine terminals or container facilities in the lower mainland; and
- The movement of “containers” by truck within a yard or facility.

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.

RATE ZONE MAP & TRIP RATES

The zone definitions in the Commissioner’s Rate Order have been amended and new, corresponding zone rates (on and off-dock) have been introduced. Long distance trip rates have increased and are included in new zone rate tables.

The information, as well as an interactive zone map, is available on the OBCCTC website.

The changes are effective as of April 1, 2020, and stakeholders must implement the changes and adhere to the new zone definitions.

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!

CTS Licence Reform Consultation Report

A final consultation report that summarizes responses heard from stakeholders during consultation around proposed changes to the current licence and application process and the Tag Policy has been issued. Details regarding all the reforms and amendments are summarized in the consultation report.

Stakeholder input helped shape the reforms that will be part of the upcoming licensing application process.

Decisions made around licence reforms and tag policy amendments are intended to increase compliance, increase the overall efficiency and effectiveness of the Gateway and encourage professionalization.

Stakeholders are encouraged to review the consultation report prior to applying for a new licence.

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 Simard Westlink Inc. (CTC Decision No. 1/2020) the licensee failed to comply with the minimum remuneration requirements under the Container Trucking Act for I/Os and was trip splitting. An administrative fine of \$2,000.00 was assessed.

In Canada Drayage Inc. (CTC Decision No. 2/2020) the licensee failed to ensure that one IEO was paid the correct hourly rate and one IEO was not paid for all hours worked. Licensees should be aware that the onus is on the licensee to ensure that any IEO performing container trucking services on behalf of a sponsored I/O at their company is being paid correctly.

In AMK Carrier Inc. (CTC Decision No. 3/2020) the licensee failed to pay all monies found to be owing during a previous audit, and failed to pay its company drivers and I/Os in compliance with the legislation. They also did not provide information and records requested by the OBCCTC on a timely basis, and provided the OBCCTC with falsified records. A penalty of \$50,000.00 was assessed.

In Gur-ish Trucking Ltd. (CTC Decision No. 04/2020) the licensee failed to pay one driver for training, improperly deducted car insurance from one driver's pay, failed to pay drivers the correct hourly rate for hours of CTS work, and failed to supply records as required by section 25 of the Act and Appendix D to Schedule 1 of its Container Trucking Services Licence. An administrative fine of \$30,000.00 was assessed.

RATE CHANGES

Fuel Surcharge

Effective January 1, 2020, the fuel surcharge formula in the Commissioner's Rate Order was amended to account for an average monthly calculation of diesel prices in Vancouver. The amended Rate Order is posted on the OBCCTC website. The fuel surcharge is also posted on the first of each month of the OBCCTC website.

I/O Hourly Rate

The first phased increase to the base I/O hourly rate occurred on April 1, 2020. The new base I/O hourly rate is \$57.71 per hour if an I/O has performed less than, and \$59.03 per hour if an I/O has performed more than (or equal to), 2340 collective hours of container trucking services for any licensee or licensees (hourly rates are inclusive of benefits and exclusive of the fuel surcharge which is calculated monthly and added to the hourly rate).



OFFICE OF THE
BRITISH COLUMBIA CONTAINER
TRUCKING COMMISSIONER

1085 Cambie Street
Vancouver, BC
V6B 5L7

Phone: (604) 660-6051 Fax: (604) 660-6045

Web: obcctc.ca Email: info@obcctc.ca

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.