



Advisory Committee Notes of Discussion

CONFIDENTIAL

Wednesday, November 4, 2015

1:00 pm to 3:38 pm

1085 Cambie Street, Vancouver, BC

In Attendance:

John Bourbonniere	Harbour Link Container Services
Rex D'Souza	Prudential
Kellie Kopeck	Damco Distribution
Chris Locher	Locher Evers International
Dave Lucas	Coast 2000 (Western Stevedoring)
Matthew May	Pro West (BST Transportation)
Gavin McGarrigle	Unifor
Robert Meredith	Canadian Tire
Robert Neild	Loblaw
Balaji Salem	Maersk Lines
Bindy Sangara	Pro West (BST Transportation)
Larry Sargent	Teamsters
Gagan Singh	United Truckers Association
Eric Waltz	GCT Terminals
Corinn Bell	OBCCTC; Acting Commissioner
Vince Ready	OBCCTC; Acting Deputy Commissioner
Elena Miller	OBCCTC
Jonathan Ross	OBCCTC
Dawn Major	OBCCTC
Karm Jauhal	OBCCTC

Regrets:

Jess Ketchum	Ketchum Communications
Maksim Mihic	DP World
Mark Thomson	West Fraser Forest Products

The meeting was called to order at 1:03 pm. The meeting was chaired by the Acting Commissioner and Acting Deputy Commissioner.

1. Welcome & Introductions

The Commissioner welcomed everyone and asked them to introduce themselves.

2. Role and Composition of the Advisory Committee

The Commissioner discussed the vision, mandate and composition of the committee. The vision is that the Committee is to represent a cross section of industry with a view to addressing systemic issues in the Gateway. In particular, the Committee is mandated to canvass solutions, and the individuals appointed are expected to come to the meetings representing perspectives in the industry not self-interests.

Port Metro Vancouver was identified as a missing perspective and a representative of PMV will be invited to join the Committee.

Assigning an alternate to attend in case a committee member is not able to attend was discussed. There were concerns raised about the difficulties that alternate attendees would have in keeping informed and up to date on issues canvassed. It was suggested that the concept of alternates could be eliminated as a concept. The Commissioners advised that the composition and alternates would be further considered and if alternates were to be included, it would be the responsibility of the committee member to make sure the alternate attendee is informed before the meeting.

ACTION ITEM: An invitation is to be extended to Greg Rogge of Port Metro Vancouver to join the Advisory Committee.

3. BC Container Trucking Commissioner's office update

- Corinn Bell and Vince Ready are Acting Commissioner and Acting Deputy Commissioner, respectively, for a fixed term until permanent Commissioners are appointed.
- Elena Miller is the legal advisor in the office and is here on a part-time secondment from the Labour Board. She has an expertise in administrative law and she will be here as her schedule allows.
- Jonathan Ross will be looking after communications and tag management.
- Dawn Major will be working on the re-licensing project. She has a background in licensing and will be at the office on a part-time basis.
- Karm Jauhal will look after all admin/ office needs.

4. Retroactivity & Audits

(i) Retroactivity

The Acting Commissioners noted that the issue of retroactive wages owing under the legislation has been a focus of discussions in the industry and it is one that must be addressed sooner rather than later so that the industry can move forward and address other important issues.

They further noted that all licensees are bound by legislation. Therefore, retroactive amounts owing must be paid. The Acting Commissioners will be sending out a bulletin reminding licensees of their statutory obligations and asking for voluntary compliance. It is important to send the message that if there is voluntary compliance, employers will less likely accrue

penalties. The Acting Commissioners advised that the law is very clear. The Commissioners highlighted the following provisions from the legislation:

“Under Section 9 of the *Container Trucking Act*, if a licensee fails to comply with any provision of the *Act*, the Regulations or their licence, the Commissioner may order the licensee to comply with those requirements. These requirements include paying the rates and fuel surcharges established by the *Container Trucking Regulation*.

Section 31 states that the Commissioner may conduct an audit or investigation to ensure compliance with the *Act*, the Regulation and the licence, “whether or not the commissioner has received a complaint”. Accordingly, the Commissioner is not dependent on receiving a complaint in order to conduct an audit or investigation to ensure compliance.

Section 34 sets out the penalties that the Commissioner can impose for failure to comply, which include suspending or cancelling licenses and imposing administrative penalties on the non-compliant licensee.

Section 28 of the Regulation provides that an administrative fine can be imposed of up to \$500,000 for a contravention relating to the payment of remuneration, wait time remuneration or fuel surcharge.”

The Commissioners were asked about the timeline for compliance, such as a two-week deadline for compliance. They indicated prompt compliance was expected, but a specific date by which compliance must occur would not be given in the bulletin going out November 5, 2015.

(ii) Audits

The Commissioners indicated a number of audits have been completed and decisions would be made with respect to them shortly. Some of the licensees under audit have already paid the amounts found owing. It was anticipated that the bulletin going out the next day asking for a voluntary compliance would help expedite the audit process.

There are two auditors, and the audits are more complex with the passing of the *Act* and Regulations. The Acting Commissioners want to explore how to make the audit process more efficient. Committee members were asked to provide their input. The ideas of spot audits or statistical samplings were put forward. Companies could also be asked to provide confirmation of compliance by Certified Professional Accountants pursuant to Appendix D of the license agreement.

The issue of penalties was raised, and it was noted that companies which do not comply with the legislation can be fined up to \$500,000 or have their licences suspended or cancelled.

ACTION ITEM: Streamline the Audit Process to be discussed and is to be on the agenda for the next Advisory Committee meeting.

5. Communications

The Acting Commissioners will be sending written communications to the industry more frequently. A summary of the Advisory Committee meeting discussions will be made available on the CTC website. The Commissioners will be sending quarterly newsletters, commencing January 2016. Decisions will be posted on the website when they are issued.

6. Re-Licensing Application Process

The re-licensing process will be a focus of the Office in the coming months.

ACTION ITEM: Re-Licensing Application Process is to be on the Advisory Committee agenda every month.

7. Tag Management Process

Jonathan will be looking at the tag management process and how this should work. If the current approach is not working for companies and drivers, the Office can take a fresh look at the issue.

The Acting Commissioners want to get the Advisory Committee's input and feedback into the process of tag management. The Office values the Committee's thoughts and viewpoints respecting the issue of tag management. The Office is prepared to look at the current problems respecting tag management and come up with solutions.

ACTION ITEM: John Bourbonniere and Matthew May to work with Jonathan Ross in the process of tag management policy development. They will consult others on the Advisory Committee and bring recommendations reflecting a range of perspectives to the Advisory Committee for the first meeting in 2016.

8. Next Meeting – Date and Time

Next meeting will be the week of December 2-4, 2015 and will be a morning meeting due to the conflicting schedules of the Commissioners.

The first meeting in 2016 will be second week of January after the holidays.

Meeting adjourned at 3:38 pm.