



November 5, 2015

We write to remind all licence holders that an important aspect of the role of the Commissioner is ensuring compliance by licensees (licence holders) with requirements of the *Act*, the Regulation and their licence.

At our Advisory Committee meeting on November 4, 2015 we advised the participants that an issue requiring immediate attention in the industry is the issue of retroactive pay. Our office continues to receive complaints on the non-payment of wages.

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* (see Sections 22 and 23).

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.

It is therefore in the interests of all licence holders to ensure that, consistent with the statutory declaration they signed for the purpose of obtaining their licence, they are in full compliance with the *Act*, the Regulation and their licence, including payment of retroactive pay back to April 3, 2014.

Licence holders who voluntarily bring themselves into compliance in a timely way to the satisfaction of the Commissioner are far less likely to incur penalties for non-compliance than those who fail to do so. Licence holders who do not voluntarily bring themselves into compliance are far more likely to incur penalties for non-compliance, consistent with the language and purpose of the *Act*.

The office will be publishing decisions regarding audits in the near future.

If you have any questions about the information contained in this letter, please feel free to contact the Office of the Commissioner at info@bc-ctc.ca.

Yours truly,

Corinn Bell
Acting Commissioner

Vince Ready
Acting Deputy Commissioner