



# Industry Advisory Committee (IAC)

## Notes of Discussion

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**Wednesday, January 13, 2016**

**8:00 am to 10:00 am**

**1066 W. Hastings Street, Suite 600**

**Labour Relations Board Meeting Room**

### **In Attendance:**

Rex D'Souza	Prudential
Chris 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
Greg Rogge	Port Metro Vancouver
Bindy Sangara	Pro West (BST Transportation)
Larry Sargeant	Teamsters
Mark Thomson	West Fraser Forest Products
Eric Waltz	GCT Terminals
Corinn Bell	OBCCTC; Chair
Vince Ready	OBCCTC; Vice Chair
Elena Miller	OBCCTC
Jonathan Ross	OBCCTC
Mike Crawford	Province of British Columbia
Dawn Major	OBCCTC
Tiffany MacKinnon	OBCCTC (via conference call)
Neil Haggquist	OBCCTC (via conference call)
Karm Jauhal	OBCCTC

### **Regrets:**

John Bourbonniere	Harbour Link Container Services
Jess Ketchum	Ketchum Communications
Kellie Kopeck	Damco Distribution
Maksim Mihic	DP World
Balaji Salem	Maersk Lines
Gagan Singh	United Truckers Association

The meeting was called to order at 8:03 am

## 1. Commissioner's Update

There Office of the BC Container Trucking Commissioner ("OBCCTC") has 19 Audits & Investigations underway, 25 Appendix D Audits in progress and 5 Decisions that have been issued to date.

Following January 22, the OBCCTC will be looking into orders and penalties pursuant to Section 34 of the Container Trucking Act for anyone still not in compliance.

Jonathan Ross is finalizing the first issue of the OBCCTC newsletter called "The Drive", which will be printed and distributed electronically as well as in person at the various terminals by OBCCTC staff.

Re-Licensing – Michael Crawford from the Province is here to help Dawn Major with the process. A questionnaire was sent out to a wide cross-section of industry stakeholders last night (January 12, 2016).

MOTI is still actively recruiting a permanent BC-CTC Commissioner and Deputy Commissioner. As more information becomes available, the OBCCTC we report out to the industry.

## 2. Streamline Audit/ Investigation Process

Comments were made about the audits are taking a long time, and that there have been no penalties and/or sanctions in the decisions issued to date. The Commissioner pointed out that this is an agenda item precisely to receive input from the IAC on how to speed up the process.

The Commissioner also pointed out that new OBCCTC investigator Tiffany MacKinnon has been appointed and that her first investigation commenced and concluded very quickly, and prompted immediate action on retroactive back pay. Companies are given 3 weeks to get the records requested together before an audit is begun.

The Commissioner indicated that there will be a shift in the way that decisions are issued after January 22. Companies that voluntarily offer an amount that is outstanding will still have OBCCTC staff perform spot audits to confirm that the figure is accurate.

The idea of public lists being released publicly for companies that were in compliance was floated, so that potential customers could make their decisions based on compliance. Companies requirements with regards to the CRA (Canada Revenue Agency) were also suggested as a platform that the OBCCTC can take advantage of through monthly reporting of pay to employees and Independent Operators (I/Os).

"Brown bag" payments being received back from drivers is still a practice that is believed to be occurring. The OBCCTC takes such behaviour very seriously, and mentioned having a licence cancelled completely as a potential course of action if such activity is discovered.

## 3. Overtime Query

What happens if drivers are not being paid overtime?

- This is an Employment Standards Branch issue;

- Currently, if a complaint comes to the Office that is outside our jurisdiction, the OBCCTC does direct drivers to other organizations where we do not have jurisdiction (e.g. for safety violations, we will direct them to WorkSafe BC, etc);
- Information about overtime can be found online at the Employment Standards Branch website, which has materials in several languages;
- Comment was made that it is important to educate drivers about the role of the OBCCTC.

#### 4. Tag Management Update

Jonathan Ross and Matthew May provided an update on the key themes that emerged from the 2 meetings of the Tag Management Sub-Committee:

- **Too many trucks & Independent Operators (I/Os) in the marketplace** – Need to be a reduction of I/Os in the TLS, and that new companies should not be allowed into the upcoming TLS application process;
- **Data should be used to adjust total TLS population** – Data needs to be used to better assess how companies are using their trucks, which should feed into the way that applicants are assessed in the upcoming licence renewal process;
- **More freedom needed for both licensees and I/Os** – Licensees should be able to adjust their fleet based on the ebb and flow of volume, and I/Os should be able to seamlessly move between companies based on where the work is;
- **Terminals have great influence in impacting OBCCTC policy and industry behaviour** – There is great desire to have increased communications and interaction with terminals
- **Improper tag allotment currently leading to bad business practices** – Too many tags allow companies to badly manage their fleet, instead of concentrating the work they have on a smaller amount of drivers;
- **Floating pool of additional tags should be available throughout the year** – These extra tags can be constantly adjusted based on data, and it will allow companies to seamlessly access more tags when there are spikes in volume.

**ACTION ITEM: Tag Management Sub-Committee to provide the themes to the Industry Advisory Committee members.**

#### 5. 2016 Licensing Application Update

The OBCCTC will have in-person consultations the week of January 25<sup>th</sup>, 2016 with companies, drivers (encompassing all major labour organizations) and shippers.

The rough outline for a timeline for this process is:

- Mid-February – Consultations complete and report back to Commissioner;
- Early March – Distribute criteria and application packages;
- April/May – Application assessment phase;
- May – Issue licences to successful applicants.

**6. Next Meeting – Date and Time**

Next meeting will be February 10, 2016 at 8:00 am. We will meet at this location again (1066 W. Hastings Street).

Chair thanked everyone for coming.

Meeting adjourned at 10:00 am