



Industry Advisory Committee (IAC)

Notes of Discussion

Wednesday, February 10, 2016

8:00 am to 10:00 am

1066 W. Hastings Street, Suite 600

Labour Relations Board Meeting Room

In Attendance:

John Bourbonniere	Harbour Link Container Services
Chris Locher	Locher Evers International
Matthew May	Pro West (BST Transportation)
Robert Neild	Loblaw
Greg Rogge	Port Metro Vancouver
Bindy Sangara	Pro West (BST Transportation)
Larry Sargeant	Teamsters
Gagan Singh	United Truckers Association
Eric Waltz	GCT Terminals
Corinn Bell	OBCCTC; Chair
Vince Ready	OBCCTC; Vice Chair
Elena Miller	OBCCTC
Mike Crawford	Province of BC
Jonathan Ross	OBCCTC
Dawn Major	OBCCTC
Karm Jauhal	OBCCTC

Regrets:

Jess Ketchum	Ketchum Communications
Kellie Kopeck	Damco Distribution
Maksim Mihic	DP World
Balaji Salem	Maersk Lines
Rex D'Souza	Prudential
Dave Lucas	Coast 2000 (Western Stevedoring)
Gavin McGarrigle	Unifor
Robert Meredith	Canadian Tire
Mark Thomson	West
Fraser Forest Products	

The meeting was called to order at 8:07 am

1. Commissioner's Update

The Acting Commissioner provided an update of what the Office of the BC Container Trucking Commissioner (the "OBCCTC") has been working on, and what is newsworthy, since the last meeting:

A New Commissioner will be appointed soon, making this the last IAC meeting that Ms. Bell and Mr. Ready will participate in. The OBCCTC will issue an industry-wide memo as soon as information becomes available.

The first edition of the OBCCTC's newsletter "The Drive" was distributed by staff at four different terminals. The response to the presence of the OBCCTC was positive, and the newsletter was well received by the drivers.

Brown Bagging – The OBCCTC continues to receive complaints regarding this practice, where drivers are being forced to return their wages to companies through a number of different schemes. The OBCCTC is aggressively targeting these activities, which are immoral, corrupt, and completely illegal. There is still a lot of fear amongst drivers to come forward as whistleblowers, which is a problem that the industry must collectively assist with.

Compliance List – The idea of a list of companies in compliance is something the OBCCTC continues to receive inquiries about so that shippers and others can consciously choose to do business only with those companies in compliance. It is an idea that the OBCCTC must give more thought to.

National Safety Code regulations are not being followed by the industry, as for example, inspections should take place on trucks and trailers with each pick-up/drop-off. Commercial Vehicle Safety and Enforcement (CVSE) does conduct inspections on location at the terminals, and 50% of the trucks fail. CVSE also can be invited onto a company's site to voluntarily initiate truck inspections as well as to educate staff and drivers about proper procedures.

A Supreme Court Petition challenging retroactivity has been filed by 10 companies named as petitioners and the filing documentation can be found online.

Appendix D Audits – 12 Appendix D audits were received on time before the first deadline of February 1; one company did not respond. The OBCCTC is currently contemplating penalties for that one company. Spot audits to confirm the findings of the 12 companies that did submit will help to assess whether each approved Chartered Professional Accountant (CPA) has an understanding of the Regulations and the Act.

<ul style="list-style-type: none">• ACTION ITEM: OBCCTC to issue an industry wide memo upon appointment of new Commissioner
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2. 2016 Licensing Application update

Dawn Major and Michael Crawford along with Lucent, held 3 consultation sessions with the following groups:

- Drivers through their various representative organizations
- Licence holders (selected randomly)
- Shippers

During the consultations, the 2 key themes for discussion were:

1. Rates & Compliance
2. Tags/Movement of Tags/Sponsorship

Some of the relevant points that emerged from the rates and compliance discussions are:

- There are still a lot of complaints from all groups about companies who are still not paying the legislated rates;
- There is widespread support for continuing to include a statutory declaration in the licensing application package;
- The idea of dispute resolution conducted through the OBCCTC did come up, potentially allowing for quicker resolution for certain issues;
- It is understood that in spite of the anonymity offered by the ConfidenceLine, drivers are still very reluctant to come forward on current issues, and so there would be greater fear involved with face-to-face hearings, which could lead to future targeting;
- Unionized drivers already have forms of dispute resolution available to them, making those that are not unionized possibly unfamiliar with the process and therefore possibly wary of whether it offers any benefits to their situation.

Some of the relevant points that emerged from the tags/tag movement/sponsorship discussions are:

- Greater flexibility is needed for licence holders with regards to their tag allotment so that the ebb and flow of volume can be better managed;
- 30-days for an I/O to move a tag that the OBCCTC has ruled he retains might be too little time;
- If an I/O wanted to take a leave of absence to do other trucking during slower periods, the OBCCTC should consider allowing that as there are too many I/Os already clinging to spots without enough work;
- It was pointed out that employee drivers have all the ability to move freely between companies if they so choose, while I/Os can only drive under the sponsorship of one company (which is an agreement that cannot be broken easily).
- 10 per cent of tags could always remain with the Commissioner to always be able to accommodate additional tag requests during volume spikes.

3. Other Business

Port Transportation Ltd has filed for bankruptcy and the OBCCTC sent a letter on February 2 to the company as well as Unifor releasing all drivers to find new sponsorship agreements within 30 days.

4. Next Meeting – Date and Time

The date, time and location of the next meeting will be determined by the new Commissioner. Ms. Bell and Mr. Ready thanked everyone for their support and participation on the Advisory Committee.

Meeting adjourned at 10:03 am