



Industry Advisory Committee (IAC) Notes of Discussion

Wednesday, June 15th, 2016
8:30 am to 10:30 am
North Delta Recreation Centre
11415 84th Avenue, Delta, BC

In Attendance:

John Bourbonniere	Harbour Link Container Services
Kellie Kopeck	Damco Distribution (arrived at 8:45)
Chris Locher	Locher Evers International
Dave Lucas	Coast 2000 (Western Stevedoring)
Matthew May	Pro West (BST Transportation)
Robert Meredith	Canadian Tire
Robert Neild	Loblaw
Greg Rogge	Port Metro Vancouver
Larry Sargeant	Teamsters
Gagan Singh	United Truckers Association (arrived at 8:35)
Mark Thomson	West Fraser Forest Products
Duncan MacPhail	OBCCTC; Chair
Michael Crawford	OBCCTC; Vice Chair
Karm Jauhal	OBCCTC

Regrets:

Rex D'Souza	Prudential
Maksim Mihic	DP World
Gavin McGarrigle	Unifor
Eric Waltz	GCT Terminals

The meeting was called to order at 8:31 am

The agenda was discussed out of order.

1. Commissioner's Update

The Commissioner provided a brief update on what the Office has been working on since the last meeting:

- Licensing:
 - We have successfully finished the Licensing process. 93 companies have applied for Licenses in 2016. We had 4 companies that did not re-apply. There are 1715 tags with 11 vacant tags right now. The Port of Vancouver staff worked very hard to assist the Commissioner's office to complete the Licensing process
 - The licence is for a 1 year term and the Access Agreements are for 2 or 4 year term. Over the coming year, we will work to streamline the process, taking the lessons learned in this round of licence and make the improvements. We will evaluate at what worked and what didn't.

4. Tag Policy/ Management

- We will also be looking at the Tag Management process as a whole as it ties in with the license. We will look at the many scenarios that have presented themselves before our office of the last year or so. Taking into consideration the fluctuations of the industry to find the right balance, we may not find the perfect balance. On June 2nd, the brainstorming process began in the office and we will be asking for the stakeholders to assist.
- A member pointed out that the Independent Owner Operators ("I/O's") feel trapped as they can't move amongst the industry, whereas company drivers can quit and go work for any other company as an employee and companies won't lay off the I/O's because they are afraid they will lose the tag.
- The process as it is right now has very specific rules. If we let the I/O's loose, the companies will be knocking the doors down at the office because the license gives them an X number of tags. We can't go back to the way it was, because that obviously didn't work and led to a work stoppage and 2000 tags with 200+ companies.
- The Commissioner pointed out that we understand the hurdles; we just need to find the right balance to the solution.
- We will need to evaluate if there is only work for 1000 folks and we have 1700 folks, what do we do with the extra 700.
- We are also looking at what happens if a company loses a contract and another company picks up that contract and therefore company A is now slow, but company B is busy because of the work shifting over.
- A member also mentioned that the sponsorship agreement was designed to protect the I/O's in the industry. The sponsorship agreement isn't perfect now, but was at the time.
- The Commissioner's office and the Port of Vancouver is working to find a solution and make amendments as needed.
- The discussion continued and the situation at other ports in North America were also discussed to see if we could find a solution for how some of them operate, keeping in mind that in some cities it's a race to the bottom and we need some sort of economic balance. We don't want companies undercutting again. We need to get drivers having multiple trips per day.
- A member asked what had happened to the Tag Management Sub Committee that was put together and get back to the mandate as put forth by the Minister. Deputy

Commissioner advised that we are hoping to hear your views, ideas and suggestions, but we need to move forward from discussions and start to build.

2. SOLAS Container Weight Requirements

The SOLAS Container Weight rules come into effect on July 1st and a Committee member advised that based on his conversations with Transport Canada (who will be enforcing the rules) was that companies are still unsure of how this is going to affect them. Don't know what the impact will be and how it's all going to work. Transport Canada has made several amendments to the original documents they released to announce the new rule.

Further discussion continued amongst the group regarding what the margin of error or tolerance level will be based on the size of the container. A discussion occurred regarding whether the companies need to have the container weighted before going to the port which could result in additional stop and members were still unsure as it is unclear as to how the program will work, but Transport Canada is recommending that all companies due their diligence as they should already be doing so as this is an international requirement and may be relaxed compliance until everyone understand how this is going to work. Transport Canada will be collecting the data and will review and make amendments as needed after the six month mark.

Some ocean carriers will be charging fees to input the data manually, whereas others are requesting that they have the weight before the container reaches the port. A member stated that forklift or hydraulic scales will not be accepted. It is still unclear how spot checks are going to be conducted, but bottom line is that all containers leaving Vancouver have to be weight and have the VGM documented.

The Office of the BC Container Trucking Commissioner will need to research this topic further before any communication; fees or structure can be announced/ enforced. As the discussion continued, it was discussed that if any communication is published before July 1st it may hinder the process and cause undo confusion as it is not the trucking companies issued unless we make it.

Another member questions whether the weight is required before the container reaches the terminal and if Port of Vancouver will have any flexibility on reservation times (if a container has a reservation and is delayed at a scale, will they be given any grace period). The onus is on the shipper to provide the weight and it is not required until the container is put onto a ship. There will be no flexibility on reservations.

A member requested if a list of scales in the Lower Mainland can be distributed. Mr. John Bourbonniere, Mr. Chris Locher and Mr. Mark Thomson are to work together to gather the information and provide a list to the OBCCTC. Before this list or any other information should only be distributed by a body that has responsibility, so is that the OBCCTC or is that the BCTA?

ACTION ITEM: John Bourbonniere, Mark Thomson and Chris Locher to provide the list of scales in the Lower Mainland to the Office of the BC Container Trucking Commissioner.

5. IAC Membership

The Commissioner advised that we will continue to review the membership of the Industry Advisory Committee. Currently we have 2 resignations (Mr. Bindy Sangara from Pro West and Mr. Balaji Salem from Maersk) and 1 defactor resignation (Mr. Jess Ketchum from Ketchum Communications).

There are 2 potential additions:

First, the BCTA (Louis Yako) Conversations with Ms. Yako have taken place and she is willing to have a rep on this committee, but not herself. The representative would be elected by the BCTA Membership and would attend the Committee meetings. The rep would also have input into this committee and report back to the BCTA. It was noted that Mr. John Bourbonniere and Mr. Matthew May are currently both directors with the BCTA. There are 23 licensees that are members out of the 93 licensees.

The second is the BCDA (BC Drayage Association). The BCDA has made an application to the IAC to be on the committee. The Commissioner advised that if this is a real association, do they have a proper constitution, regulations and have members that pay dues etc. The Commissioner would be happy to welcome the association, but the question is that are they real? Do they have a fair representation of the industry? Mr. Matthew May is on their list of members, but was not aware.

A member of the Committee suggested that we also have a grain representative to bring another perspective to the table. The suggestion was someone from Columbia Containers is added to the Committee.

ACTION ITEM: Commissioner to discuss the BCTA representation with Ms. Yako before proceeding further.
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3. Hold Back Bulletin

The Hold Back Bulletin was issued as it has come to the attention of the OBCCTC that companies are holding “business costs” from Independent Operators for various reasons (i.e.: insurance costs etc.) after the I/O had left the company. The regulations state that you cannot hold back business costs after 30 days from last day of employment.

A member pointed out that hold back accounts held in accrual and is funded during the employment of the I/O with the company is a standard practice in the industry. The Commissioner pointed that the Regulations and the Trucking Act trumps any Collective Agreement.

6. Next Meeting – Date and Time

The Commissioner advised that we will break for the summer and we will meet in September. We will meet the third week of the month.

Next meeting will be September 20, 2016 at 8:30 am.

Meeting adjourned at 10:26 am