



October 11, 2016

Container Trucking Services Licence Prohibited Practices – Cash Back

The Office of the BC Container Trucking Commissioner (OBCCTC) is concerned that some licence holders may be requiring drivers to pay part of their compensation back to their employer. This is commonly referred to in the industry as “brown bag” payments.

This Bulletin is a reminder to all licence holders that under Section 24 of the *Container Trucking Act*:

A licensee must not solicit or receive, directly or indirectly, a financial set-off, commission or rate reduction or rebate from a trucker

Further, Appendix A to Schedule 1 (Prohibited Practices) of the Container Trucking Services Licence states:

A Licensee must not threaten, harass, coerce, or attempt to influence a Trucker in any way, either directly or indirectly, regarding a Trucker’s right to retain his or her Compensation.” This includes any requirement of a driver to pay a portion of their compensation back to a licence holder

At a January 13, 2016 Industry Advisory Committee meeting, Acting Deputy Commissioner Ready stated that the OBCCTC takes the issue of brown bag payments very seriously and warned that the cancellation of a licence was a potential course of action should the OBCCTC discover such activity occurring. We reaffirm Acting Deputy Commissioner Ready’s position and remind licence holders that Section 34 of the *Container Trucking Act* 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.

Sincerely,

OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER

Duncan MacPhail
Commissioner

Michael Crawford
Deputy Commissioner