

November 8th, 2016

Big Boss Transport Inc.  
23980 Thompson Gate  
Richmond, BC V6V 1C5

**Via email: [gurveen@bigbosstransport.ca](mailto:gurveen@bigbosstransport.ca)**  
**Original to follow via mail**

Attention: Gurinder Bath

**RE CTC Decision No. 18/2016 - Decision Notice**

Following receipt of a confidential complaint alleging that Big Boss Transport Inc. ("Big Boss") was not paying the required minimum rates of remuneration required under the *Act* to employee drivers the then Commissioner directed an auditor to audit Big Boss's records to determine if Big Boss was paying its directly employed drivers ("Company Drivers") in compliance with the minimum rates of pay required by the *Regulation*. The auditor was directed to audit the period from April 1, 2014 to May 31, 2015. (the "Initial Audit Period")

The auditor reviewed all information requested from and provided by Big Boss and concluded that during the Initial Audit Period Big Boss was not paying the minimum rates of remuneration required under the *Regulation* to its Company Drivers. Big Boss agreed to pay the adjustment amounts calculated to be owing to its Company Drivers and in April of 2016 issued adjustment cheques in the required amounts.

Upon receipt of the auditor's report covering the Initial Audit Period, which identified non-compliance, the Commissioner directed a further audit of Big Boss's Company Drivers covering the period following June 1<sup>st</sup>, 2015. (the "Subsequent Audit Period") The purpose of extending the audit period was to ensure that Big Boss had made the necessary payroll changes to bring itself into ongoing compliance with the minimum rates of pay required by the *Regulation*.

The auditor reviewed relevant Subsequent Audit Period payroll records and determined that some Company Drivers were not being paid the minimum rates of pay required by the *Regulation*. Big Boss paid the amounts calculated to be owing, and since March 31<sup>st</sup>, 2016 has been paying its Company Drivers the minimum hourly rates required by the *Regulation*.

In Commissioner's Decision No. 18/2016, I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 18 - 28. In that regard, I proposed to impose an administrative fine against Big Boss in the amount of \$1,500.00. Consistent with s. 34(2) of the *Act* I advised Big Boss that I would consider its written response to the proposed penalty if it was received within 7 days.

Big Boss has not provided a written response within the time specified in the notice.

In the result I hereby order Big Boss to pay an administrative fine in the amount of \$1,500.00. Section 35(2) of the *Container Trucking Act* requires that this fine be paid within 30 days of the issuance of this Notice. Payment should be made by delivering to the Office of the BC Container Trucking Commissioner

("OBCCTC") a cheque in the amount of \$1,500.00 payable to the Minister of Finance.

Finally, I note that Big Boss may request a reconsideration of the Commissioner's Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after Big Boss receipt of this Decision Notice. A Notice of Reconsideration must be:

- a. made in writing,
- b. identify the decision for which a reconsideration is requested,
- c. state why the decision should be changed,
- d. state the outcome requested,
- e. include the name, an address for delivery, and telephone number of the applicant and, if the applicant is represented by counsel, include the full name, address for delivery and telephone number of the applicant's counsel,
- f. signed by the applicant or the applicant's counsel.

Despite the filing of a Notice of Reconsideration, the above orders remain in effect until the reconsideration application is determined. This Order will be published on the Commissioner's website.

Yours truly,

**OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER**



Duncan MacPhail  
Commissioner