



Dear Container Trucking Commissioner,

I am writing to you today to express my concerns regarding the competitiveness of the container trucking industry in British Columbia. Specifically, OBCCTCs' jurisdictions on federally regulated companies, Overtime laws on owner operators who are paid by the trip, the rate increase of hourly drivers and owner operators for the second time in 1 year without any increase to trip rates, the affects on inflation, the study done by Cascadia.

How will your office regulate the overtime laws in to the federal regulation system? As it does not come under British Columbia regulations.

It is my understanding that trip rates for owner operators do not currently include overtime pay and the base trip rate for owner operators has not been increased for some time. This means that if a trip takes longer than expected, the owner operator may not be compensated fairly for their time. This is particularly concerning given the overtime law that requires time and a half to be paid after 9 hours or 45 hours for hourly drivers/owner ops. If trip rates do not include overtime pay, this could result in decreased competitiveness for the industry, both the employee and the employer.

If other industries with controlled hours are paying overtime after 40hrs a week will this industry be able to pay them after 45hrs due to uncontrolled hours at the ports? If we are going with the BC regulations, BC regulation also indicate the hourly rate to be \$22, and our industry hourly rates are \$28.88 and owner operator rate is \$64.93 (that is without FSC). Only our industry in all of Canada has these extremely high rates. In normal industries rates are increased in cents, but in our industry we are going up in dollars.

In addition, during the previous hourly rate increase it was advised that when the rates will be increased next, the owner operator trip rates will also increase. Furthermore, if owner operators paid by the trip do not have any overtime pay, it could lead to unfair rate increases that may be uncompetitive. I believe that if the overtime for owner operators paid by the trip was calculated into the base rate or added in some other way, the market could still stay competitive.

Licensed trucking companies have been asking the past commissioner, for hourly wait time rate increases in the port. As they currently do not match what we are paying by the hour to our owner operators, at one point the port waiting time rate was less than half of what we were paying to drivers. The port is paying \$50 after waiting 1.5hr for a one way move, the industry is paying \$64.93+FSC. IF there is 3 hrs of waiting at the port is paying \$75 and we are paying the owner op \$264.91 – company is losing \$189.9 + more for having a driver stuck at the port. They are not even covering half; this has been an issue for a long time but carriers have not received any support from the commissioners office for an increase in waiting time payouts at the ports. There will be a much bigger gap if our rates are increased and the waiting time rates at the port remain the same.

The document sent to the industry show the reason to increase the hourly rate is due to inflation. I believe that increasing the hourly rate to combat inflation is not a sustainable solution, as it could lead to further inflation and ultimately harm all Canadians.

Finally, I would like to address the study conducted by Cascadia. While it has been said that Cascadia contacted the drayage industry, none of the companies I know or individuals working in the industry have been contacted by them. As such, I question the validity of their findings and urge the Commissioner to thoroughly review all available data.

I would like to urge the Commissioner to take these concerns into consideration when making decisions about overtime laws and rates in the container trucking industry. It is important that we find a way to keep the industry competitive by making sure paid by trip owner operators also get overtime built into there rate and no one receives an advantage over another carrier. We need to make sure this industry stays competitive, and no monopolies are created.

Thank you for your time and attention to this matter.

Sincerely,

Paramvir Singh

Future Trucking LTD