



May 23, 2023

Embassy Transportation Inc.
2651 No. 5 Road
Richmond, BC V6X 2S8

Embassy Transportation Inc. (CTC Decision No 04/2023) – Decision Notice

In January 2022, the Commissioner directed an auditor to audit Embassy Transportation Inc. (“Embassy”) records to determine if its directly employed (company drivers), indirectly employed operators (“IEOs”) and independent owner operators (“I/Os”) were being paid the required minimum rates and paid pursuant to section 24 of the *Container Trucking Regulation* (the “*Regulation*”). The auditor was directed to audit months of August 2018, October 2019, October 2020, and November 2021 (together, the “Audit Period”).

The auditor determined that Embassy owed 9 drivers \$11,691.55 during the Audit Period. The amounts owing to the drivers were primarily the result of missed trip payments, incorrect fuel surcharge calculations, incorrect payroll deductions and less than the minimum regulated hourly rates.

In Embassy Transportation Inc. (CTC Decision No. 04,2023), I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 26-27. I proposed to impose an administrative fine against Embassy in the amount of \$6,000.00. Consistent with s. 34(2) of the Container Trucking Act, I advised Embassy that I would consider its written response to the proposed penalty if it was received within 7 days.

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

In the result, I hereby order Embassy to pay an administrative fine in the amount of \$6,000.00. 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 \$6,000.00 payable to the Minister of Finance.

In *Embassy Transportation Inc.* (CTC Decision No. 04,2023), I also ordered Embassy to do the following:

- a. to pay the drivers the amount identified in this decision within 7 days; and
- b. to review its payroll records from the date of this decision back to May 8, 2019 in order to make the necessary adjustments and resulting payments to drivers to bring itself into compliance within three months of this decision.

Finally, I note that Embassy may request a reconsideration of the Commissioner’s Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after Embassy’s 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.

Dated at Vancouver, B.C. this 23 day of May, 2023



Glen MacInnes
Commissioner