

THE DRIVE



MAY 2023

ISSUE 21

IN THIS EDITION

In September 2022, I was appointed as the new Container Trucking Commissioner, along with Karm Jauhal's appointment as the Deputy Commissioner. We are committed to continuing to provide oversight of Metro Vancouver's drayage industry and for resolving issues within the sector.

On December 1, 2022, the OBCCTC renewed the CTS Licences for a term of two years. Amended licences were issued with a new expiry date of November 30, 2024.

Recently, we have taken steps to make improvements to our enforcement activities. This includes:

1. removal of Independent Operators from the I/O List who are not performing container trucking services or in compliance with the sponsorship agreement or truck tag policy;
2. removed 19 truck tags from licensees after our review noted they were underutilizing the tags;
3. reintroduced the provisional tag policy to assist licensees experiencing temporary shortage of work and finding drivers who have been laid off with other licensees who have temporary work;
4. conducting joint effort enforcement initiatives together with other agencies including the CVSE.

I was pleased to recently announce a rate increase for company drivers, indirectly employed operators and independent operators following the analysis provided by Cascadia Partners and consultation with the drayage sector.

On May 1, 2023, I amended the rate order to include overtime for company drivers – a first for the OBCCTC. I anticipate a similar announcement for the I/Os following feedback on their overtime formulae. We have also streamlined our audit process to expedite it and ensure drivers receive the money they are owed in a faster timeline.

I met with the Industry Advisory Committee in January this year and discussed topics like enforcement, audits and rate review, taking inputs from the committee and sharing my vision and plan as the Commissioner for the Lower Mainland Drayage sector.

As we continue with the year, the OBCCTC will be reviewing our processes and documents in preparation for license applications in 2024.

Sincerely,
Glen MacInnes
Container Trucking Commissioner

LICENSEE & DRIVER RESOURCES

Office of the BC Container Trucking Commissioner
604-660-6051
obcctc.ca

Confidential Drayage Complain Line (Confidence Line)
1-877-713-5109
www.drayage.confidenceline.net

PoV or VFPA TLS Administrator
604-665-9333

BC Trucking Association
504-888-5319
bc trucking.com

OBCCTC Rate Order
obcctc.ca/rate-order

OBCCTC Decisions
obcctc.ca/decisions

OBCCTC Policies
obcctc.ca/policies

OBCCTC Industry Communications
obcctc.ca/industry-communications

Container Trucking Act
obcctc.ca/act

Container Trucking Regulation
obcctc.ca/regulation

WHAT'S NEW

Wait time payments

As advised by the Vancouver Fraser Port Authority, wait time payments have been distributed to companies for all four quarters of 2022. The amount for the whole year, totalling up to \$1,745,650. The payments correspond to wait times incurred by drivers between January 1, 2022 – December 31, 2022, at Deltaport, Vanterm, Centerm and Fraser Surrey Docks.

[Click here for the bulletins](#)

Rate Review

An independent third party (Cascadia Partners) was engaged in 2022 to examine the question of future rate increases and they produced a Trucking Compensation Study. The Commissioner consulted with Industry Stakeholders and published a Rate Review Recommendation Report on February 2, 2023, making suggestions and asking for feedback. Based on the submissions received and the reasons set out in the Recommendation Report, a Consultation Report was released in April, 2023 whereby the Commissioner decided to adopt some proposals as is, while making amendments to others. For the first time ever, Overtime rates were introduced for Company Drivers as well as Indirectly Employed Employees in the Consultation Report. Given the complexity of overtime rate calculation for Independent Operators, an Addendum was published to the Consultation Report with suggestions to these calculations, asking for consultation for it.

[Learn more about Commissioner's rate review consultations here](#)

Enforcements

The OBCCTC has been focusing on the enforcement in the past few months to ensure compliance with regulations. For that we have joined forces with Commercial Vehicle Safety Enforcement (CVSE) and have been carrying out joint enforcement initiatives. So far, we have done it thrice and have been successful in identifying trucks carrying out untagged off-dock work. The OBCCTC has followed up to confirm the rate of pay paid to these drivers and provided an opportunity to make a submission before a decision is rendered.

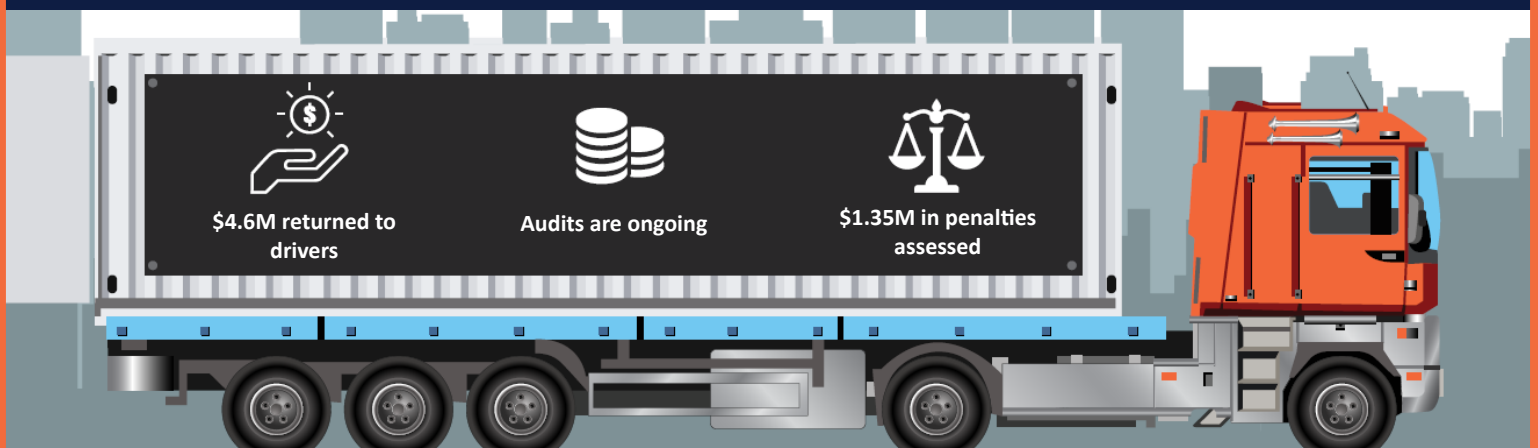
[Check out the photos from our latest enforcement initiative on our Facebook page](#)

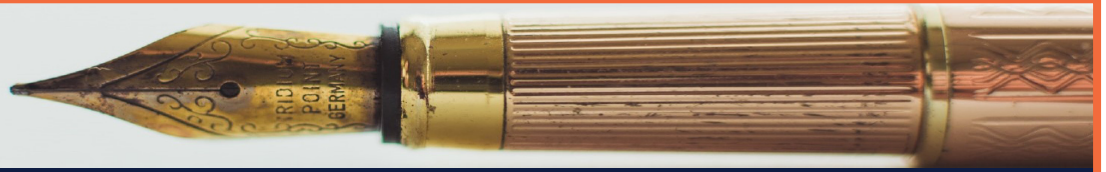
Helping laid off Independent Operators find work

In the past few months, some I/Os reached out to the OBCCTC informing us that they had been laid off. We reached out to licensees who advised us they had some short term work available. Thus, in an effort to match drivers with meaningful work and provide licensees with drivers to perform that work, OBCCTC was able to temporarily match the drivers with the work.

[Read the bulletin here](#)

OBCCTC COMPLIANCE UPDATE





RECENT DECISIONS

Safeway Trucking Ltd. and Coast Pacific Carrier Inc. v. OBCCTC – Cancelled License

The licensee was found to have sold company owned trucks to four drivers and deducted the cost of the trucks from drivers' pay. The licensee was also found to have violated an order from the Commissioner, retaliated against and coerced the complainants, withheld pay, paid incorrect rates and failed to cooperate with auditors. A licence cancellation was proposed and imposed in a subsequent Decision Notice. Safeway Trucking Ltd. and Coast Pacific Carrier Inc. sought a reconsideration of the decision, seeking to have the cancellation set aside. But by the order of the court, the petition was dismissed.

Jete's Lumber Company Ltd. (CTC Decision No 02/2023) – Breach

The licensee's payroll records were audited to determine if its Company drivers, IEOs and I/Os were paid at least the regulated minimum rates. The audit process disclosed that Jete's paid its drivers consistent with the regulation, but also that Jete's paid a hybrid rate to one I/O inconsistent with CTS license.

United Coastal Logistics Ltd. (CTC Decision No. 01/2023) – Fined \$7000.00

UCL was found violating the Act, the Regulation, and its license by paying its company drivers and I/Os non-compliant rates. UCL was imposed with a penalty of \$7,000. The company eventually paid the amounts owing to its drivers and brought itself into compliance.

Ferndale Transport Ltd. (CTC Decision No. 05/2022) – Fined \$25,000.00

Ferndale was found to have violated the Act, the Regulation, and its license by failing to maintain and make available proper records, paying its company drivers non-compliant rates and failing to pay company drivers for all hours worked. Ferndale was imposed with a penalty of \$25,000. The company eventually paid the amounts owing to its drivers and brought itself into compliance.

Simard Westlink Inc. (CTC Decision No.5/2023) – Order to Pay Driver

Simard was found to have violated the Regulation when it failed to pay its driver the proper fuel surcharge amount. Simard was ordered to pay the driver \$884.83.

Safeway Trucking Ltd. – Commissioner's Order to pay Drivers

Three drivers were not paid for work performed between February and March 2023. An order was issued for payment totaling more than \$35,000.

Pro West Trucking Ltd. – Commissioner's Order

Pro West was ordered to provide any additional submissions to the Commissioner following the January 10, 2022 Audit Report and Pro West's decision not to comply with a previous order.

OBCCTC's Decisions now searchable on CanLII database

All Commissioner Decisions, Decision Notices and Reconsiderations issued by the Office of the BC Container Trucking Commissioner (OBCCTC) can now be found on CanLII's (Canadian Legal Information Institute) website. In addition to OBCCTC's website, stakeholders can now search OBCCTC decisions on this public searchable database here: www.canlii.org

[View all OBCCTC Decisions here](#)

DID YOU KNOW?

Truck tags are not assigned to I/Os

Truck tags cannot be bought, sold or transferred. They are assigned to companies. Drivers do not own tags and thus cannot move them from one company to another. If I/Os want to work for another company, they must find a company that has vacant truck tags available.

We love to hear from you

Have any questions or require more information on Lower Vancouver drayage sector? Feel free to contact us directly at info@obcctc.ca. Do leave your name, contact number, and details of your query.

Getting sponsored as an Independent Operator (I/O)

An I/O must be on the Commissioner's I/O List in order to be sponsored by a CTS Licensee. If you are an I/O on the Commissioners I/O List and have questions about your status on the I/O List, please contact OBCCTC directly at info@obcctc.ca

OBCCTC and Vancouver Fraser Port Authority (VFPA)

Although OBCCTC and VFPA work together to ensure efficient I/O sponsorships, wait time payments etc., these are two separate entities. For inquiries related to VFPA, please reach out to their TLS team directly at 604-665-9333.



DON'T FORGET TO FOLLOW US ON FACEBOOK

Join our Facebook Community to be in the know about container trucking industry. We are constantly posting updates regarding OBCCTC activities and important information for industry stakeholders.

Follow us at [obcctc.ca/facebook](https://www.obcctc.ca/facebook)



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