

# THE DRIVE



NOVEMBER 2023

ISSUE 23

## IN THIS EDITION

The Office of the British Columbia Container Trucking Commissioner ("OBCCTC") recently introduced its own Truck Tag ("OBCCTC Tag"). The OBCCTC Tags will assist the OBCCTC with some of its unique objectives as it continues to meet the mandate of providing stability to the drayage sector for both on-dock and off-dock CTS work. Currently, these tags are being affixed to the existing TLS Tagged Trucks (both company trucks and I/O trucks).

I have recently issued administrative penalties to those licensees who have engaged in untagged off-dock work and we remain committed to prioritizing enforcements. As a part of that commitment, the OBCCTC has hired a new Auditor/Investigator who started in October, 2023.

We are also continuing our efforts to match laid off drivers with available work opportunities and we issued some more provisional tags this quarter. We are not increasing the number of truck tags but want to work with licensees and drivers to maximize the use of existing tags.

As we approach the end of the year, the OBCCTC will be reviewing its policies, processes and documents in preparation for licence applications in 2024 and reaching out to the drayage sector for feedback.

Sincerely,

Glen MacInnes  
Container Trucking Commissioner

## LICENSEE & DRIVER RESOURCES

Office of the BC Container  
Trucking Commissioner  
604-660-6051  
[obcctc.ca](http://obcctc.ca)

Confidential Drayage Complaint  
Line (Confidence Line)  
1-877-713-5109  
[www.drayage.confidenceline.net](http://www.drayage.confidenceline.net)

Vancouver Fraser Port Authority  
TLS Administrator  
604-665-9333

OBCCTC Rate Order  
[obcctc.ca/rate-order](http://obcctc.ca/rate-order)

OBCCTC Decisions  
[obcctc.ca/decisions](http://obcctc.ca/decisions)

OBCCTC Policies  
[obcctc.ca/policies](http://obcctc.ca/policies)

OBCCTC Industry Communications  
[obcctc.ca/industry-communications](http://obcctc.ca/industry-communications)

*Container Trucking Act*  
[obcctc.ca/act](http://obcctc.ca/act)

*Container Trucking Regulation*  
[obcctc.ca/regulation](http://obcctc.ca/regulation)

# WHAT'S NEW

## Provisional Tags

Many drivers have been reaching out to the OBCCTC informing us that they have been laid off. In our efforts to match laid off drivers with relevant work, we reached out to licensees who advised us they had some short term work available and issued another round of provisional tags this quarter. Again, OBCCTC was able to temporarily match the drivers with meaningful work and provide licensees with drivers to perform that work.

[Read the bulletin here](#)

## Redistribution of Underperforming Tags

As part of our efforts to encourage to move drivers to more high performing licensees as stated in the OBCCTC Truck Tag policy, we have completed a performance review of the lowest performing licensees and withdrew truck tags. High performing licensees have indicated they have additional work and licensees have been invited to apply, allowing the OBCCTC to redistribute the tags revoked. These are not new tags, but rather tags that were not being fully utilized. This is part of our continuing effort to match available drivers with available and meaningful work.

[Read the bulletin here](#)

## The OBCCTC Tag

Compliance with the *Container Trucking Act*, *Container Trucking Regulation* and CTS Licence is of utmost importance for the OBCCTC, and we have been consistently working to enhance off-dock enforcement. In order to achieve that, we have introduced the OBCCTC Tag, which will be affixed on every approved company and I/O truck that performs CTS work, in addition to the existing TLS decal. We believe it would greatly benefit OBCCTC's enforcement initiatives, such as better visibility etc.

[Learn more about the OBCCTC Tag here](#)



# OBCCTC COMPLIANCE UPDATE



\$5M returned to drivers

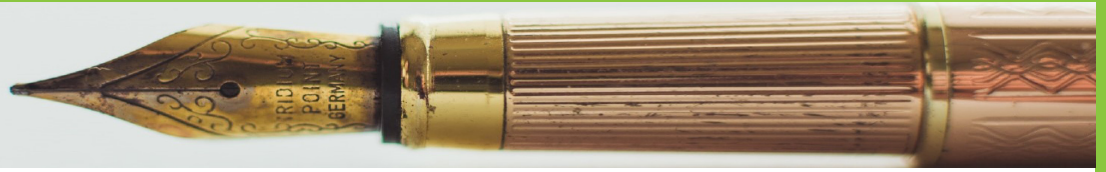


Audits are ongoing



\$1.48M in penalties assessed





# RECENT DECISIONS

## **Pro West Trucking Ltd. (CTC Decision No 08/2023) – \$50,000 Fine & Four-week Licence Suspension**

Pro West Trucking Ltd. failed to comply with the Commissioner's Order and failed to pay its directly employed operators ("Company Drivers") and Independent Operators ("I/Os") in accordance with the *Act*. It was also found that Pro West had improperly deducted business costs from certain I/Os' wages in violation of the *Act* and the Container Trucking Services licence ("CTS Licence").

## **Gulzar Transport Inc. and Jet Speed Transport Ltd. v. OBCCTC**

Gulzar Transport Inc. and Jet Speed Transport Ltd. sought a judicial review of a decision of the British Columbia Container Trucking Commissioner dated March 19, 2021, CTC Decision No. 02/2021 (the "Second Reconsideration Decision"). In the Second Reconsideration Decision, the Commissioner imposed the maximum \$500,000 administrative penalty on the Companies for under-paying its truck drivers contrary to legislated minimum rates, and then trying to cover-up the underpayments during an audit conducted by the Commissioner's office. The Companies argued the Second Reconsideration Decision was procedurally unfair and patently unreasonable, and ought to be set aside. The companies' petition for judicial review of the Commissioner's Second Reconsideration Decision was dismissed by the Supreme Court of BC.

## **Supersonic Trucking Ltd. (CTC Decision No 11/2023) – Fined \$6,000 Super Star Trucking Ltd. (CTC Decision No 14/2023) – Fined \$6,000**

Both companies failed to provide the auditor with payroll records identifying the daily hours worked by each driver during the Audit period, failing to maintain electronic payroll records in accordance with the 2022 CTS Licence.

## **Simard Westlink Inc. (CTC Decision No 09/2023) – Fined \$12,000**

Simard Westlink Inc. failed to comply with the *Container Trucking Act* and the CTS Licence, by using untagged trucks to move containers between facilities in the Lower Mainland, paying two drivers less than the regulated rates, and using the services of an I/O not on the I/O List.

## **Jete's Lumber Company Ltd. (CTC Decision No 12/2023)**

Jete's Lumber Company Ltd.'s Sponsorship Agreements with MTB were found to be in violation of the *Act* and Jete's CTS Licence after it was found that MTB hired IEOs full time to operate the trucks under the Sponsorship Agreements. The Commissioner found the Sponsorship Agreements were invalid.

## **Gantry Trucking Ltd. and TSD Holding Inc. (CTC Decision No 13/2023) – Fined \$5,000 each**

The Companies were the subject of a joint audit given the integration of their drivers and equipment. They were unable to provide payroll records documenting daily hours of work performed by their drivers at many instances during audit period.

## **Safeway Trucking Ltd. and Coast Pacific Carrier Inc. – Commissioner's Order**

The OBCCTC received complaints from drivers that they had not been paid both companies. Following an investigation that included an opportunity for both companies to provide documents and a submission about the allegations, and based on evidence available, the Commissioner issued an Order that the Complainants be paid outstanding wages.

[View all OBCCTC Decisions here](#)

# DID YOU KNOW?

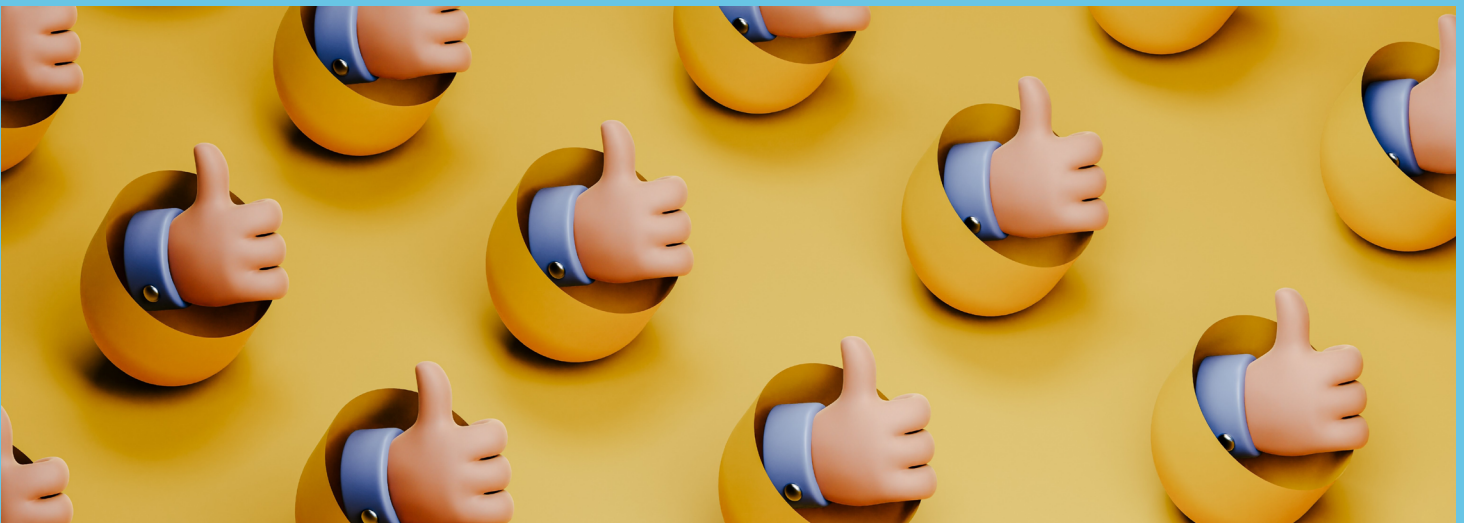
## OBCCTC's ConfidenceLine

If you have any concerns and want to report workplace misconduct, please use the OBCCTC's ConfidenceLine to file a complaint. The ConfidenceLine provides a secure mechanism for you to report any unethical conduct including fraud, bullying, undercutting and harassment. It is important to note that when using the ConfidenceLine your identity is always protected and kept confidential. The service can be availed by calling 1-877-713-5109. The service is available in English and Punjabi 24 hours a day, 7 days a week. Ensure you include all relevant information and details to substantiate your complaint. Once you have submitted a complaint, refrain from resubmitting it multiple times to avoid duplication.

[Click here for more information](#)

## Taking a break?

It is every I/O's responsibility to inform the OBCCTC when taking a leave (vacation, medical or extended). Doing so will protect your status on the Commissioner's I/O List. Please remember to give us a heads-up before you hit the road for some well-deserved holiday or if you are taking time off for health reasons, by emailing us at [registrar@obcctc.ca](mailto:registrar@obcctc.ca).



## 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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