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August 27, 2020

**Via email**  
[LBR.Minister@gov.bc.ca](mailto:LBR.Minister@gov.bc.ca)

Hon. Harry Bains, Minister of Labour  
Room 342 Parliament Buildings  
Victoria, BC V8V 1X4

Dear Minister Bains:

**Re: Enforcement of Container Trucking Act and Regulations**

As you are aware, Unifor represents the largest number of unionized container truckers operating in the Lower Mainland with certifications under both the *BC Labour Relations Code* and the *Canada Labour Code*.

We appreciate your government's progress toward regulatory stability at Port Metro Vancouver, but we have also been clear that more work needs to be done to maintain the integrity of the process. We have continued to engage with the Office of the Container Truck Commissioner and many other stakeholders in the industry to have these issues resolved, but unfortunately the situation worsens each day.

The intent of the *Joint Action Plan* signed in 2014 was to capture and regulate all on-dock and off-dock movements of containers within the Lower Mainland, whether by employee or owner operator, and we believe the provisions of the *Container Trucking Act and Regulation* make this clear.

One of the key concerns that we have raised consistently is the continued lack of enforcement action against trucking companies and individuals that move marine containers in the Lower Mainland without a license under the *Container Trucking Act*.

Companies and individuals moving marine containers off-dock without encountering a port location are evading the licensing regime and pay lower rates, which will lead to the collapse of regulated off-dock rates—a key part of the *Joint Action Plan*.

We have been working with the Office of the Container Truck Commissioner on a relicensing process that may impact the number of truck tags allotted. We have also made submissions to the review of off-dock moves underway now.

Although we believe that the fleet size should accurately reflect the work requirements, it is impossible to accurately gauge these requirements while a growing share of the work is being performed by non-licensed companies. Discussions and decisions about increasing or decreasing the fleet size are important, *but must not be based on incomplete data.*

From our perspective, the *Container Trucking Act and Regulation* clearly sets out the definition of container and the prescribed Lower Mainland area. If any person, including a company, wants to move a defined container within the prescribed area, they must become licensed and pay the scheduled rates. There are provisions making it an offence with fines as high as \$10,000 for those caught performing this work if they are not licensed.

The fact that this is not happening, whether or not this is due to budgetary issues, a lack of enforcement by the Commissioner that is in his discretion, or flaws and/or other procedural defects with the *Act* and/or *Regulation*, A growing unregulated market cannot stand and must be resolved without any further delay or we fear a collapse in industry rates and more unrest.

In the event that further legislative and/or regulatory changes are required because enforcement is not within the Office of the Container Trucking Commissioner's discretion, please review the following excerpt from Unifor's submission to the Commissioner from June 2018:

**We recommend that the *Container Trucking Act and Regulation* should be amended as required to stipulate that any company that provides container trucking services within the Lower Mainland, must be a *licensee* under the Act. Alternatively or in addition, the CTA should stipulate that all movements of a container within the Lower Mainland, are regulated under the CTA, that minimum standards applying to such work are enforceable through the Commissioner's complaint and audit processes, and that the Commissioner has the power to enforce violations of the CTA directly against companies providing container trucking services, regardless of whether they hold an authorization to provide such services in and out of a Port terminal.**

We are calling on your government to intervene to ensure that the problem of unlicensed off-dock moves within the Lower Mainland is resolved immediately and therefore also ask that the relicensing process underway be paused until we can properly measure the marine container workload to be serviced by licensed truckers.

We look forward to continuing a discussion on this issue and the many other serious issues facing container truckers.

Please contact us if you require any further information or have any questions or concerns.

Sincerely,



**Gavin McGarrigle**  
**Western Regional Director**

GM/ja:cope343

- cc. Claire Trevena, Minister of Transportation and Infrastructure - [Minister.Transportation@gov.bc.ca](mailto:Minister.Transportation@gov.bc.ca)  
Michael Crawford, BC Container Trucking Commissioner - [Michael.Crawford@obcctc.ca](mailto:Michael.Crawford@obcctc.ca)  
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