

CTA Call to Action: Carrier Examples of Labour Code Disruption

This summer, ESDC began hearings for various industries regarding exemptions to new Labour Code provisions. The trucking hearing took place on August 1 and was open to all members of the industry. Specifically, the Canadian Trucking Alliance delegation asked for an industry exemption to the three provisions set to come into force on September 1, 2019. The three specific provisions in question are:

- The requirement to provide employees (in writing) a copy of their full schedule at least 96 hours in advance of the start of the work week.
- The requirement to provide at minimum 24 hours written notice of any shift changes.
- The right to refuse overtime for certain personal responsibilities. (This last point may be less of an issue once further clarification is received from ESDC regarding "certain personal responsibilities")

In separate correspondences, CTA is asking carriers to educate the Minister and their customers on this matter. In this particular memo CTA is asking you to write/educate ESDC officials with examples of how the 96 hours/24-hour scheduling changes impacts your ability to service your customers. CTA has included an example below to give you a sense of what would be helpful or the type of scenario to present to ESDC. It is important that you mention which sector of the economy this would impact to provide officials with a sense of all sectors which will be affected. If you have multiple scenarios impacting multiple customers please send them all.

Supply Chain Example to be Sent to ESDC

Friday

Weekend dispatch planning is completed. All loads are scheduled to be at their destination for Monday a.m. delivery. Drivers who did not want to be dispatched on the weekend are asked to call in on Monday for work assignment because we will not know what is available until Monday. **Question:** Under the new ESDC rules, when would the 96 hours start? We would assume Monday at 8 a.m. and would have to tell all drivers there is no work available for next 96 hours.

Saturday/Sunday/Monday (long-weekend)

We had a good weekend regarding no truck breakdowns. If we did have a breakdown, we would have put in place an "emergency dispatch" to still make the Monday morning deliveries in the US. **Question:** Under the new rules, if there is a truck breakdown, would we have to give a 24 hour notice of a schedule change to dispatch the replacement driver? If so, the load would now be delivered very late, and depending on the customer (auto sector), it would cause a plant shut-down.

Tuesday (After long weekend)

In the early a.m. we receive ten loads from regular a customer that needed to be moved that day to go into the US - ten loads that we did not know about until we received them that morning. **Question:** Under the new rules how do these loads move? This type of scenario occurs very frequently when I serve the auto and oil and gas sector.

ESDC Contact

Based on above information/examples, please send all your own examples to the following ESDC contact:
mary.donaghy@labour-travail.gc.ca

When you send these examples to ESDC please copy jonathan.blackham@ontruck.org