



CANADIAN TRUCKING ALLIANCE

Call to Action:

Help the Trucking Industry Finalize Key Scheduling and Shift
Notice Exemptions



Canadian Trucking Alliance

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BACKGROUND

Following industry efforts led by the Canadian Trucking Alliance (CTA), Employment and Social Development Canada (ESDC) issued their Interpretations, Policies and Guidelines (or 'IPGs') for recent Labour Code changes that deal with scheduling and shift requirements. In those IPGs, as a continuous operations industry that needs to remain flexible to customer and supply chain demands, the trucking industry was granted temporary exemptions.

IPGs are intended to ensure that legislation is interpreted consistently by enforcement officials and that programs are delivered effectively across the country by Labour Program employees. However, IPGs are not regulation and are therefore only a temporary stop gap. In September 2019, IPGs were used as there was not enough time to initiate a regulatory process before the fall federal election. Now that the election is over, ESDC is considering whether or not to grant the trucking industry regulatory exemptions for certain key job-classes.

In CTA's final submission to ESDC, the trucking industry is requesting limited exemptions for the following job-classes:

- Highway Driver
- City Driver
- Warehouse/ Dock Workers
- Shippers and Receivers
- Dispatchers
- Mechanics

Without exemptions for all of the job-classes noted, it will be difficult for a carrier to make any changes to an employee's 'schedule' – including truck drivers, dispatchers, mechanics, material handlers, shippers and receivers – with less than 96 hours' written notice and it would be completely impossible to make any changes with less than 24 hours written notice.

In practice, this would mean shippers would no longer be able to arrange for the carriage of goods with less than 96 hours' notice to a trucking company. After that notice, shippers would then no longer be able to make any adjustments to loads or service schedules with less than 24 hours' notice to that carrier. In some cases, there is also the potential for conflict with the commercial vehicle hours of service regulations which is also a concern to the industry.

It should be noted that the trucking industry is not the only mode to raise these types of concerns. All of the major freight modes including air, rail, and marine have expressed significant concerns over these new labour provisions and have asked for similar exemptions.

On behalf of the trucking industry, CTA has prepared another request for exemptions to these provisions. We encourage all concerned organizations within the supply chain to get involved and show their support for the trucking industry.

- *Below is a sample email that can be cut and pasted and sent to the email addresses provided. This letter can be sent by shippers, carriers, or any other concerned organization. ESDC has asked the industry to demonstrate that it does in fact support this final push to have these exemptions finalized. By sending the below (or a slightly edited version if you'd like) you will be helping CTA and the trucking industry finally put this issue to rest.*
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Sample email to be sent

March XX, 2020.

Honourable
Minister of Labour
Filomena.Tassi@parl.gc.ca

Honourable Marc Garneau
Minister of Transport
Mintc@tc.gc.ca

ESDC Labour Program - EDSC.DMT.ConsultationNTModernes-ConsultationModernLS.WD.ESDC@labour-travail.gc.ca

CC: pm@pm.gc.ca; CTA Public Affairs publicaffairs@cantruck.ca

Re: Calling on ESDC to finalize key exemptions for the trucking industry

Numerous changes to the Canada Labour Code have been introduced over the past year with many more expected to come into place over the next few years. While we agree that modern labour standards are needed and that maintaining a work-life balance is important, at this time, there are three recent changes to the Labour Code that are of serious concern.

1. The requirement for 96-hours written notice of schedules;
2. The requirement for 24-hours' written notice of any shift changes; and
3. The provisions related to rest and breaks which could potentially conflict with Transport Canada's Hours of Service Regulations.

Before the last election, ESDC granted key job classes in the trucking industry exemptions from these provisions through the issuance of **IPG-101**. Now that the election is over, the trucking industry and the Canadian supply chain are calling on the federal government to finalize these exemptions in regulation. The trucking industry is asking for special consideration for the following job class: highway driver, city driver, dispatcher, material handler, shipper-receiver, and mechanics.

If these exemptions are not solidified or are reversed, these provisions would make it extremely difficult to make any changes when dispatching trucks on a timeline less than 96-hours and virtually impossible on a timeline that is less than 24-hours. The trucking industry is also concerned that these regulations have the potential to conflict with the commercial vehicle hours of service regulations which govern rest and breaks in the industry.

In practice, this means that the shipping community will lose the ability to make adjustments to loads with less than 24 hours' notice to the carrier and will ostensibly force all shippers to adjust their supply chains to work on a timeline that sees loads booked or amended with no less than 96-hours notice.

I can tell you this is not the type of timeline shippers in all sectors of the economy are used to working on and forcing changes in this area could have disastrous consequences for countless businesses. The government undoubtedly knows there has been rapid changes occurring in all freight sectors and the economy itself. Rapid changes that demand flexibility. Key operational trends like just-in-time inventory, 24-hour package delivery, and variable production amongst a host of other trends cannot be disregarded by government policy.

The Canadian Trucking Alliance (CTA), on behalf of the trucking industry, has provided all the necessary technical details and has formally requested that limited exemptions be put into regulation for the trucking industry. We support this request and implore you to allow the Canadian trucking industry to continue to meet the needs of the modern Canadian economy.

Sincerely,
