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Star Investigation

Wage theft. Deportation threats. Defamation suits. Inside Brampton truckers' fight against a 'billion dollar scam'

Long-haul truckers have filed thousands of complaints over unpaid wages and other abuses. How drivers in Brampton are mobilizing against a mounting crisis.



By [Sara Mojtchedzadeh](#) Work and Wealth Reporter

Sun., Dec. 12, 2021 17 min. read

It has racked up almost a million views on TikTok, a brief exchange filmed on a sunny Brampton day.

The video shows a group of young truck drivers clustered at the foot of a driveway. A man in a white button-down shirt emerges from his suburban home and is presented with a letter: some 16 workers are owed money, a driver says, and are fed up with delays and unreturned phone calls. They are ready to protest if necessary, they tell the

“Whoever comes here to protest won't end up leaving,” the man, who is not identified in the video, responds in Punjabi.

The clip is one of several encounters between truck drivers and companies caught on camera by members of the Naujawan Support Network, a group of Brampton-area workers who say they are mobilizing against a mounting crisis: wage theft.

In trucking, critics call it a pattern of systemic abuse — one that risks livelihoods and safety, according to court records, data analysis and interviews with almost 20 drivers, lawyers and trucking experts.

Over the past three years, long-haul truckers have lodged more than 4,800 complaints to Employment and Social Development Canada for unpaid wages and other employment abuses. That is more than 12 times the number filed in any other federally regulated sector, though truckers make up less than a fifth of that workforce.

But since introducing a new penalties regime this year, the federal labour department hasn't issued a single fine to trucking companies for such violations, data shows.



Exploitation is one consequence of what industry experts describe as a “billion dollar scam” left to fester in the trucking sector. It's known as “Driver Inc.”: the misclassification of workers as self-employed to cut costs by evading basic labour protections, payroll taxes and other legal obligations.

In the GTA alone, data shows “self-employment” in trucking has increased by 172 per cent over the past decade, reaching levels critics say cannot possibly be legitimate.

The model is being adopted by companies “across Canada, to create the benefits of the underground economy to them as owners,” said Canadian Trucking Alliance and Ontario Trucking Association president Steve Laskowski. Meanwhile, the practice makes it harder for workers to claim overtime, holiday pay and even minimum wage or injury compensation in the event of a road accident.

Seeing the odds stacked against them in courts and the complaints system, some drivers are turning to public protest to recover wages they say they're owed. The strategy has yielded results, with some companies — like the one in the TikTok video — paying up in the face of public campaigns.

It is also generating blowback: drivers at the centre of wage disputes are now facing a slew of court cases from former employers, from defamation suits to criminal harassment charges, court records obtained by the Star show.

Trucking companies say the legal wrangling is an effort to defend their professional reputation from unfair allegations. But to Naujawan Support Network member and driver Arshdeep Singh, it is an effort to quell public scrutiny and intimidate workers who, in Peel Region, often share vulnerabilities that are leveraged against them —

Singh says he is undeterred. The scale of the issue, he adds, demands action.

"We do not feel scared," he said. "We have to raise our voice."



"Hello brother, please get my cheques ready today," the text dated Jan. 7 begins, the first in a series of messages to Brampton-based Cargo Transport.

Driver Paras Manocha is owed more than \$10,000 from a trucking job he found on Kijiji. But getting it, he says, has been a protracted nightmare.

For weeks, Manocha's texts continue, polite but insistent: he needs to send 100,000 rupees (\$1,700 CAD) home. He needs to pay off a driving ticket. He knows Cargo Transport is "facing issues," but he still badly needs his earnings.

"Brother, please get the cheque made," he writes in mid-February. "Someone, please call me back."

The exchanges are part of evidence submitted to a successful complaint under the Canada Labour Code, which ruled this spring that Cargo Transport failed to pay Manocha his wages and vacation pay.

It's one of almost 1,000 payment orders issued to trucking companies by federal authorities over the past three years — 28 times the number issued to the next largest violator, air transport.

But six months after winning his claim, Manocha says he still hasn't received any money. Instead, he's been served with a \$50,000 defamation suit by a former director of Cargo Transport after protesters gathered outside his home demanding payment. The company did not respond to numerous requests for comment.

Since arriving in Canada four years ago as an international student from India, Arshdeep Singh says he has repeatedly witnessed wage theft's corrosive [effect](#) on friends in Peel, where truck drivers help move \$1.8 billion in goods daily along the region's dense network of highways.

Some 72 per cent of the trucking workforce in the GTA are immigrants to Canada. Many take out loans to move here as students or temporary foreign workers; missing a paycheque can be financially catastrophic, said Singh.

He himself is owed more than \$3,000 by Brampton-based Gill World Logistics, he says — a role he also found on Kijiji after being laid off from an office job during the pandemic. Like Manocha, he says the saga began with a delayed cheque, and then a bounced one. After weeks of "excuses" and unreturned phone calls, Singh quit. Gill World did not respond to multiple requests for comment.

"I didn't have money to pay my rent, my car insurance, my groceries," said Singh.

Sometimes, the fallout is worse, said Singh. A driver at a different company recently confided in him that he considered taking his own life after selling all his furniture to pay rent amid a wage dispute.

The Naujawan Support Network was born in part out of these pressures, founded on the idea that coming together can be a potent antidote to the isolation and stress caused by poor working conditions.

By joining forces to directly ask — and sometimes shame — their employers into paying up, the network's members believe they are leveraging their best resource: power in numbers.

In doing so, they are also scratching the surface of what some describe as a rampant "shell game" plaguing the industry — a critique workers say some employers are deploying significant resources to silence.



Arshdeep Singh never owned his own 18-wheeler, he says, nor did he have any control over his working conditions at Gill World. But after getting hired, he “incorporated” and existed on the books as a numbered company.

This, said Parkdale Community Legal Services lawyer John No, is one of the hallmarks of misclassification.

Typically, self-incorporated drivers are promised higher pay rates since there are no source deductions — making it, to some, an attractive option. But misclassification is illegal, and comes with risks: it means workers do not receive basic entitlements like overtime, holiday pay, paid sick days, and severance.

It also means employers aren’t fully paying into the social insurance system, and can falsely lower workers’ compensation and truck insurance premiums, said Ontario Trucking Association president Laskowski.

The self-incorporation model is what the association refers to as “Driver Inc.” The organization believes it now accounts for an estimated 20 per cent of the industry, allowing companies to pocket roughly \$15,000 in “savings” per worker.

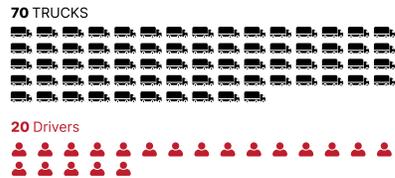
Multiply that by the number of trucking companies nationwide and you have a “\$1 billion scam,” said Laskowski.

“Some of the biggest fleets in Canada are Driver Inc.,” he said. “It’s a shell game.”

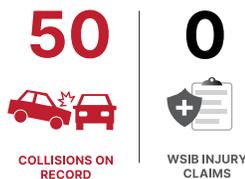
What does Driver Inc. look like?

Driver Inc. is what trucking industry experts call the practice of misclassifying workers as self-employed. Critics say it enables companies to cut costs by evading basic labour protections, payroll taxes and other legal obligations. This illustration shows what a typical Driver Inc. setup looks like.

Trucking company X registers 70 trucks with the transportation ministry. But it declares fewer than 20 employees at the Workplace Safety and Insurance Board.



The company has 50 collisions on record, but no accepted injury claims at the WSIB in the past decade.



These discrepancies indicate possible misclassification. The practice can result in workers struggling to access overtime, minimum wage, and injury compensation.



STAR GRAPHIC

It is also relatively easy to spot. Trucking companies must register their fleet sizes with the provincial transportation ministry and declare their number of employees with the workers' compensation board. Where there are significant discrepancies, misclassification may be a problem.

In other words, truck ownership serves as a kind of 40-tonne red flag. The Star spoke with four of the country's leading trucking companies, who said only about a fifth of the drivers they work with typically own their own 18-wheeler. But in the GTA alone, data shows 54 per cent of drivers are currently classified as self-employed — a figure Laskowski says defies belief.

"Here we have a system that's allowed to flourish," he said. "And it is built on the principle of abusing people."

When Gurnam Gill found work as a driver with a local trucking firm in 2018, he says he was initially hired as an independent contractor. But soon after, Gill, who spent three decades behind the wheel in Canada, asked to be treated as an employee with the associated overtime and vacation entitlements.

Three years later, the 70-year-old grandfather is still locked in a dispute with the company over retroactive pay. But most drivers, said lawyer No, are not even aware of what a true independent contractor is, or the risks of operating as one.

"A lot of people are desperate to find some kind of employment," said No. "It's not that hard to convince them."

As the trucking sector struggles to fill vacancies, Laskowski has repeatedly urged the authorities to act on "Driver Inc.," warning that the model threatens good jobs, fair competition — and may have darker consequences.

"This is a scam," he said. "If you cheat or you break the rules in one area, you tend to not limit your behaviour."



Arshdeep Singh's problems began somewhere in Arizona: an unexpected leak in his air ride suspension system that, if left unattended, could ultimately cause brake failure.

"We are in danger," he recalls thinking. "All other people on the road are in danger."

Singh pulled into the first service centre he found and paid \$250 to rectify the issue. But when he told his employer of the expense, he says he was chastised for costing the company money.

If "Driver Inc." endangers workers' wages, data suggests it may also be associated with shoddy safety practices critics say put everyone at risk.

Over the past three years, Ontario's workers' compensation board has audited more than 150 trucking companies for compliance with provincial reporting requirements. The audits, obtained by the Star through a Freedom of Information request, found around one-fifth of companies significantly under-reported worker earnings — a key indicator of employee misclassification.

According to an analysis conducted by the Ontario Trucking Association, 90 per cent of those companies were also subject to Ministry of Transportation intervention for poor safety performance. Over a fifth also had other "significant indicators of non-compliance," including disproportionately high collision rates and convictions for safety violations.

Annual trucking collisions in Ontario

There have been 117,762 commercial vehicle accidents since 2015



Seven of the 10 drivers who spoke to the Star about wage-theft claims said they “incorporated” even though they did not own their own truck. The Star analyzed data associated with 10 Brampton-based trucking companies that allegedly owe these drivers and others more than \$200,000 in unpaid entitlements. Collectively, the companies had an average overall violations rate of 35 — some six times higher than the average Ontario trucking establishment. (Overall violations rates are a metric used by the transportation ministry to capture safety standards.)

Despite scores of recorded collisions, the companies had almost no accepted injury claims at the Workplace Safety and Insurance Board between 2012 and 2020.

To the Ontario Trucking Association, the data shows a clear link between misclassification and [safety](#) — and suggests misclassified drivers may not be receiving injury coverage after accidents. Singh believes there is another factor at play, too: the sector’s growing reliance on vulnerable workers.

“Immigrant people and international students are less aware of their rights,” he said. “And employers take advantage of their lack of knowledge.”

Even where drivers are not misclassified, these dynamics can compromise safety.

The Star reviewed one application for an open work permit available to vulnerable workers who can prove abuse, submitted by a former employee of Roadway Transport, a trucking company registered to Hardeep and Amanpreet Gill at an Alberta address. In response to questions from the Star, the company said it had “no knowledge” of the allegations contained in the application.

The driver, who asked not to be named for fear of reprisal, said he came to Canada as a temporary foreign worker from India. Upon arrival, his application says he was dismayed by the age and condition of Roadway’s fleet. While truck drivers must abide by legal limits on how long they are on the road without a break, text exchanges show someone saved on the driver’s phone as “Hardeep Roadway” urging him to violate those rules — including by falsifying entries into electronic log books that track hours.

“Use other name,” says one text to the driver. “Lots (of) options you can make.”

Five months into the job, the driver said he racked up tens of thousands of dollars in unpaid wages, all while being “forced to work in unsafe conditions” and pay for truck repairs on his own credit card, his application says. In one text sent to “Hardeep Roadway,” he sends a screenshot of his bank statement. The remaining credit availability is \$5.

When the driver complained, his application says, he was threatened with deportation.

Applications for temporary foreign worker positions, 2020-2021

Excluding agriculture, the trucking sector is one of the biggest recruiters of temporary foreign workers

| | |
|---------------------------|-------|
| Truckers | 5,879 |
| Home child-care providers | 4,808 |

Since arriving in Canada in 2009, Rachhpal Gill says he has worked his way up from a minimum-wage construction labourer to the proprietor of R Gill Corporation — a company that has swiftly grown from one truck to 50.

He believes his story is one of hard work and success. But recently he has become the subject of numerous public complaints, including negative Google reviews of his company and a TikTok account dedicated to mocking him.

The videos, he says, are part of a series of libelous social media posts by disgruntled former drivers claiming unpaid money. Over the past year, Gill has launched defamation lawsuits against two of them.

In an interview with the Star, he said he never unfairly withheld drivers’ money unless they damaged freight or his trucks; holding them financially accountable is necessary to eliminate “bad drivers” from his fleet, Gill said.

“Most” of his drivers are classified as independent contractors even though most do not own their own trucks, Gill told the Star. He said this arrangement is not illegal because the Canada Revenue Agency has never raised any issues with his setup, and drivers agreed to or even asked to be self-employed. (Companies are required to comply with labour and employment laws, including those around misclassification, regardless of whether a driver is willing to circumvent them.)

To Gill, the defamation suits, whose allegations have not been proven in court, are a response to an unfair public crusade against his business. To drivers, they exemplify how the courts and complaints systems don’t just fail vulnerable workers — but are weaponized against them.

Former R Gill driver Lavi Mangat told the Star he filed a small claims court case against the company in early 2020 over a \$7,100 pay dispute (the case does not involve misclassification concerns.)

Not long after, Mangat was slapped with a \$125,000 defamation suit, claiming he left “negative” comments on Facebook and Google Review about R Gill Corporation and physically threatened Gill’s brother at a garage, according to court documents obtained by the Star. Mangat says the defamation claims are bogus and aimed purely at tying him up in the legal system rather than paying up.

Almost two years after it was filed, his small claims case has yet to be heard because of COVID-related delays, he said.

“I need that (money) because I have a small baby,” he said.

In a counterclaim to another recent defamation suit, a former R Gill driver says he was only sued after he made a labour code complaint over employee misclassification and unauthorized pay deductions — a claim the driver ultimately won.

“Gill is a chronic litigant that engages in litigation to harass, strong arm and financially distress truck drivers,” the driver’s counterclaim says.

At least two other Brampton-area trucking companies have also recently filed defamation suits after former drivers filed wage-theft complaints and protested publicly about unpaid wages. They include Flowboy Haulage and Cargo County — one of the fastest growing trucking companies in the country.

This video clip of a former driver calling Flowboy Haulage was presented as evidence in a recent labour ministry complaint, which found the driver was misclassified as an independent contractor and owed \$5,000 in unpaid wages. Flowboy says the worker was paid cash "in full" and calls the ministry decision "wrong." The company says Flowboy was not given a copy of the phone call evidence to review, contributing to the "unfairness of the process." Meanwhile, a protest over the issue was organized this summer outside the home of the company's proprietor. Flowboy has now filed a \$250,000 libel suit against the former driver for "maliciously perpetuating false and defamatory allegations."

In October, the latter launched a suit seeking \$17 million from four drivers for "harassment" and "intentional infliction of emotional distress." One driver held a sign that said "thief" in Punjabi, with a photo of one of Cargo County's owners, the lawsuit claims. Cargo County's Google Review page was also "littered with one-star reviews."

Two of the defendants named in the lawsuit are owed a total of over \$35,000 in unpaid wages following complaints dating back to 2019, according to two labour code decisions issued this spring and obtained by the Star. Cargo County was given two weeks to pay.

But neither of the drivers have received their money because the company appealed the rulings. (Last week, the federal labour board rejected one of Cargo County's appeals, affirming its former driver was misclassified and owed \$11,700, according to a decision seen by the Star.)

The company's lawyer Andrew Kania said Cargo County hires some drivers as employees and others as independent contractors. Those hired as contractors who later file labour code claims are "attempting to become overcompensated" because they are paid at a higher rate than employees, the company said. Cargo County is "exercising its right under the law to dispute" federal labour officers' findings, and believes drivers should not "litigate ... complaints through social media."

"To the best of Cargo County's knowledge, they are in full compliance with all governmental requirements," said Kania.

In some cases, the legal battles have turned uglier.

This summer, the former Roadway driver who said he was threatened with deportation, received his open work permit from the federal government. But around the same time, the driver — who says he is owed \$35,000 in unpaid wages and has filed a labour code complaint seeking payment — was charged with criminal harassment.

According to the charge sheet obtained by the Star, the driver "repeatedly" contacted his former employers, Hardeep Gill and Amanpreet Gill, causing them to "fear for their safety." At least one other former Roadway driver claiming unpaid wages has also been charged with the same alleged offence. A court appearance is scheduled for late December.

A legal representative for Roadway, William Tackaberry, said the company could not comment on federal payment orders "for privacy reasons," but said \$35,000 in outstanding wages was "impossible to comprehend."

"Why would anyone continue being employed by someone who hasn't paid them \$35,000 in unpaid wages and entitlements," said Tackaberry.

As for the criminal charges, Tackaberry said they are "serious" and involve active restraining orders against five former employees who he said are forbidden from "contacting directly or indirectly Mr. and Mrs. Gill." He said the charges are "absolutely not" connected to wage complaints.

But to Naujawan Support Network member Parmbir Gill, it's all part of a concerted strategy deployed by employers at the centre of wage disputes: to intimidate and silence workers who complain.

"So far," he said, "It just hasn't worked."



□

For many workers, the formal channels to recover unpaid wages are often daunting and sometimes maddening, said lawyer No

First, drivers must individually file a claim with Employment and Social Development Canada within six months, a process that requires the “resources and the comfort level” to put together a case, said No. Then comes the wait for a decision, possible appeals, and — in some cases — court orders to force employers to comply with labour officials’ final decision. In total, the ordeal can take years.

“What we really want is to prevent this kind of exploitation from happening in the first place,” said No.

In the meantime, the Naujawan Support Network says workers bear the cost. Before publicly protesting, the group privately sends employers a standard letter asking for payment, which notes that many drivers have “dealt with these issues for years, and are suffering financially, emotionally and psychologically as a result.”

“Many are depressed and some have even died by [suicide](#) to escape the pain,” the letter reads.

Recently, the federal government brought in some changes to address issues [plaguing](#) the trucking sector, including new laws expressly prohibiting employee misclassification and placing the onus on employers to prove that a worker doesn’t meet the legal definition of an employee.

Over the past three years, ESDC says it has issued 986 payment orders to trucking companies for wage violations. But it refused to provide data on how much of workers’ money has actually been recovered because the amounts owing are “subject to change” upon appeal. (Data on wage recovery is routinely made available by provincial authorities in Ontario.)

And despite persistent patterns of non-compliance, Ottawa has conducted fewer than a 100 inspections of federally regulated trucking companies for wage violations since 2019. It hasn’t issued a single fine after implementing its new penalties system this January, data requested by the Star shows.

How the trucking industry is regulated

| Type of Driver | Labour laws | Vehicle safety inspections | |
|--|-------------|----------------------------|---|
| Crosses provincial or national borders | Federal | Provincial | F |

“At this time, Labour Program officials have used other enforcement actions to ensure compliance,” a spokesperson said, referring to department staff who deal with workplace standards.

When companies simply don't comply, the government can file a court order to recover workers' wages. The Star analyzed 53 of these orders issued over the past three years, which are listed publicly. Some 80 per cent of them were against trucking companies, the Star found.

One such company is Roadway Transport, the same business that allegedly threatened the temporary foreign worker with deportation, according to the open work permit application reviewed by the Star. Legal records show Roadway was issued a court order earlier this year after ignoring an order to pay \$5,860 owed to a former driver dating back to 2019, and was also served with a writ of seizure and sale of its directors' property in Ontario after failing to pay another driver in accordance with a federal payment order issued last year.

The driver, according to his lawyer, still has not received his money.

Meanwhile, in the past two years, Brampton has weathered the worst of the pandemic, a health emergency that highlighted some of the country's deepest fissures. At least 2,000 truckers in the region have been [infected](#) with [COVID-19](#) since last year, all while moving the [essential](#) goods that kept the province afloat.

Singh believes what he's witnessed in that time deserves to be in the public eye.

"We have to let people know that these companies are not paying their employees on time, stealing their wages, and will force them to work under unfavourable conditions."



[Sara Mojtchedzadeh](#) is a Toronto-based reporter covering labour issues for the Star. Follow her on Twitter: [@saramojtchedz](#)

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