

IN THE MATTER OF FACILITATION
AND
IN THE MATTER OF A DISPUTE

BETWEEN:

CONTAINER TRUCKING COMPANIES

AND:

VANCOUVER CONTAINER TRUCKERS' ASSOCIATION

**REPORT OF THE FACILITATOR
VINCENT L. READY
TO
THE HONOURABLE JOE FONTANA,
MINISTER OF LABOUR FOR CANADA
AND
THE HONOURABLE MICHAEL de JONG,
MINISTER OF LABOUR FOR BRITISH COLUMBIA**

JULY 29, 2005

You appointed me on June 30, 2005 as the facilitator in the dispute between the parties. In the time since then, I have had numerous meetings with them, jointly and separately, as well as meetings with other parties affected by the dispute. Throughout these proceedings I have been greatly assisted by Mr. Peter Cameron.

The parties have been able to resolve many issues, but not all of their differences. Moreover, there are other issues that cannot be settled by the truckers and the companies alone, because the potential solutions involve other parties.

With respect to the issues that can be resolved between the companies and the VCTA, today I recommended to the parties terms of settlement, in the form of a Memorandum of Agreement. I am urging them to strongly recommend the Memorandum to their respective principals for ratification.

There are other matters affecting the remuneration of truckers and their conditions of work that the parties cannot solve without the participation of others. The most obvious and visible of these is the problem of waiting times at the ports. There is something fundamentally wrong when truckers must wait for hours to get access to the containers. Waiting times increase costs for both the truckers and companies, and diminish their earnings.

In addition, for various structural reasons there is a continuing pressure to reduce payment and working conditions for truckers beneath sustainability. If this circumstance is not addressed, this pressure will inevitably lead to destabilization and future conflicts at our ports.

For these reasons, I recommend (upon return to work by the truckers) the joint appointment by the Provincial and Federal Governments of a Task Force, with a broad mandate to enquire into problems in the container transportation industry insofar as they affect the compensation and working conditions of drivers and the viability of the trucking companies, and the unit costs or reliability of container transportation. Without limitation, these matters should include:

- Logistical and other operational problems (especially, but not limited to, waiting times and dispatch procedures);
- Circumstances where the organization of port activities imposes costs on truckers or companies without corresponding compensation;
- The enforceability (by way of permits and/or another effective mechanism) of any standards for remuneration and working conditions, including the application of standards to companies

who have not agreed to be bound by the recommendations; and the potential impact of new entrants, the increased use of company trucks, and corporate re-structuring; and

- Representational issues for truckers, and issues related to the renewal or amendment of truckers' standards of remuneration and working conditions.

I recommend that the persons appointed to the Task Force collectively have the range of skills and competencies necessary for this challenging assignment, and that each of them should have stature in the community such that their recommendations will be accepted and acted on by the parties who need to act in order to make the necessary changes.

Some items may need more study than others, and there is urgency to address some matters in the Task Force's mandate. In particular, recommendations with respect to enforceability should be made (and implemented) on an expedited basis. For that reason, the Task Force should expect to report some recommendations before it is ready to make others. In other words, it will probably be necessary for the Task Force to report in "installments".

It is probable that the Task Force will make recommendations for regulatory or statutory changes, within either or both constitutional spheres of jurisdiction. (It is understood that any such recommendations would focus specifically on problems raised by this dispute and within the mandate of the Task Force, not on the truck transportation industry generally). I respectfully urge the appropriate level of government to give the most serious and expedited consideration to those recommendations.

Thank you for appointing me to the important challenge of facilitating a resolution of the truckers' dispute. I believe that the Memorandum recommended to the direct parties and the above recommendations can provide the basis for both short-term and long-term solutions to problems in the container trucking industry. These solutions will help ensure that our great transportation system will provides domestic and international customers, and the Canadian public, with timely, reliable and exemplary service.

Respectfully submitted,

Vincent L. Ready

Vincent L. Ready,
Facilitator