



PORT METRO
vancouver



OFFICE OF THE
BRITISH COLUMBIA CONTAINER
TRUCKING COMMISSIONER

TLS NOTICE DRIVER CLASSIFICATION

April 4, 2015

To all TLS Participants:

The BC Container Trucking Commissioner ("CTC") and the Vancouver Fraser Port Authority ("VFPA") have been made aware of the possibility that some drivers approved in TLS may not be correctly classified; specifically, drivers listed as employees in TLS may in fact be independent operators.

The CTC and VFPA have mutually agreed to provide a short Amnesty Period permitting such drivers to be re-classified to ensure that TLS reflects their actual status as Sponsored Independent Operators. The Amnesty Period will allow for eligible local TLS drayage companies who intend to apply for a 2016 BC Container Trucking Services Licence and VFPA Access Agreement (the "TLS Program") to submit completed and signed Licence Sponsorship and Access Agreement Joinder Applications to tls@portmetrovancover.com for all drivers formerly classified as employees who have been, in fact, treated and remunerated by the applicant company as Independent Operators. To receive final approval, you may be required to prove to the satisfaction of the CTC that the reclassified drivers have been properly remunerated in accordance with the *Container Trucking Act* and Regulations (the "Legislation") as Independent Operators.

Licensees who choose to reclassify drivers should be aware that they, like all Licensees, are subject to the audit provisions of the Legislation.

During the Amnesty Period, provided a driver formerly identified as an employee driver is successfully re-classified as a Sponsored Independent Operator, and provided the truck in question is compliant with the [TLS Environmental Program Requirements](#) as outlined on the VFPA website, these trucks will not be considered by the VFPA to be "new additions" to the applicant's fleet.

The Amnesty Period is in effect ONLY during the local TLS Program's application period and will close with the closure of the application period, on April 20, 2016. Any driver not re-classified during the Amnesty Period will form a permanent part of the applicant company's employee group and any identification of a truck as a company truck during the TLS Program application period will be irrevocable.

Thank you for your attention to this important matter.

Greg Rogge
Director, Land Operations
VANCOUVER FRASER PORT AUTHORITY

Duncan MacPhail
Commissioner
BC CONTAINER TRUCKING COMMISSION