

Precarious Employment in the Federally- Regulated Private Sector: The Case of Trucking

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Research Focus & Background

- The federally regulated private sector (FRPS) is comprised of approximately 18,000 employers and 910,00 employees, 141,700 of whom are in road transportation (trucking).
- Part III of the Canada Labour Code (CLC) sets out labour standards for employees and employers in this sector.
- The trucking sector is integral to the economy as it employs over 300,000 full-time workers nationally.
- As many as 97,929 of these workers are covered by Part III of the CLC.
- The trucking industry is very complex as special rules govern its working conditions.

Methodology

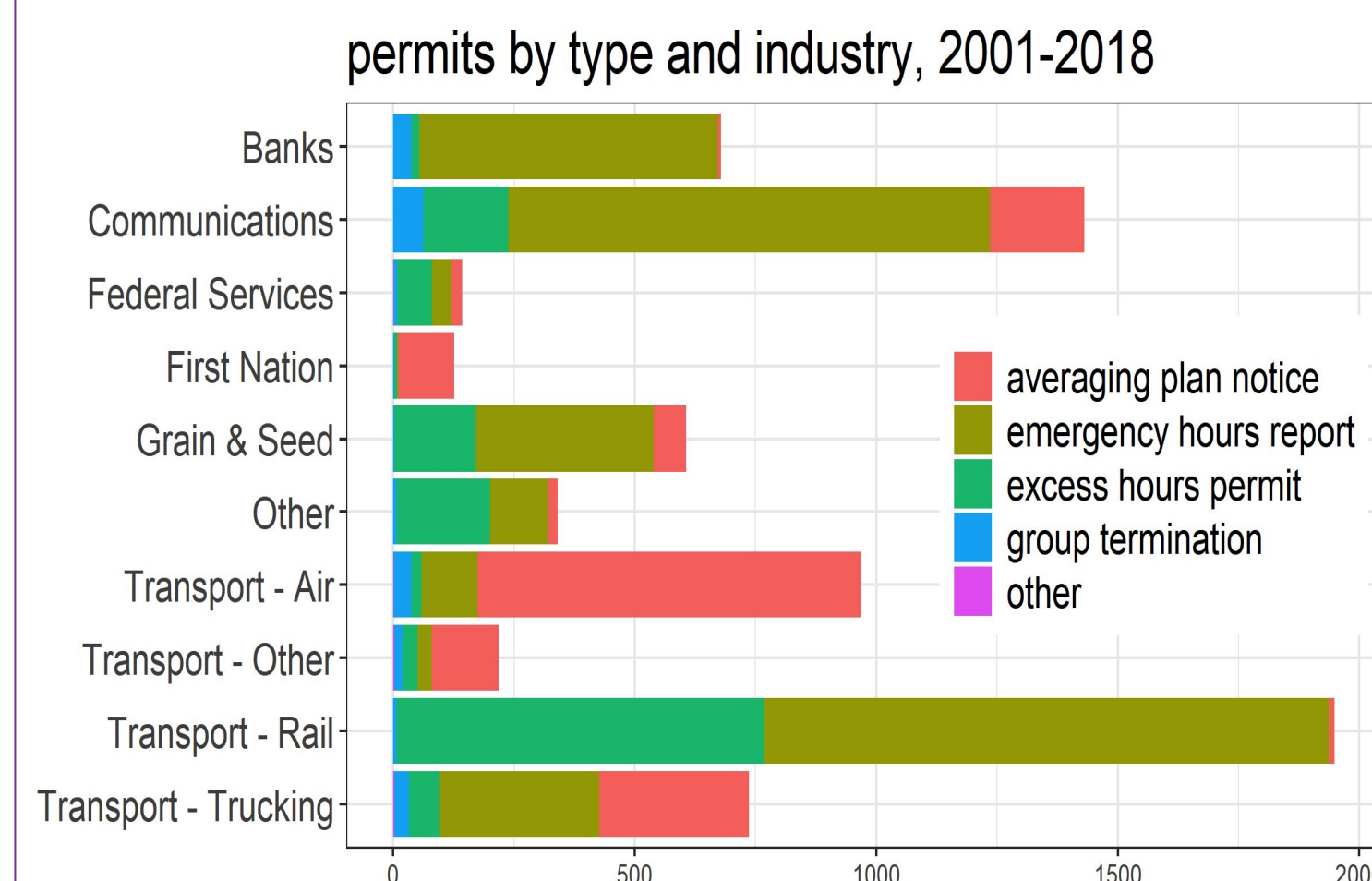
- A literature review was conducted on the FRPS, the CLC, and the federally and provincially regulated trucking sectors.
- The Canada Labour Code Data Analysis Infrastructure (CLC-DAI), directed by Professor Leah F. Vosko, is a harmonized database drawing on administrative data on labour standards enforcement.
- CLC-DAI transforms a large-scale administrative database into a research tool that allows researchers to develop new insights into labour standards compliance across Canada.

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Exemptions

- Exemptions are rules that exclude specified employee groups either partially or fully from legislative coverage.
- The transportation sector is subject to exemptions from normal rules and regulations governing labour standards.
- For a highway motor vehicle operator, for example, standard hours of work may exceed 40 hours a week but should not exceed 60 hours without a permit.
- Permits are a common form of exemption used in the trucking sector.

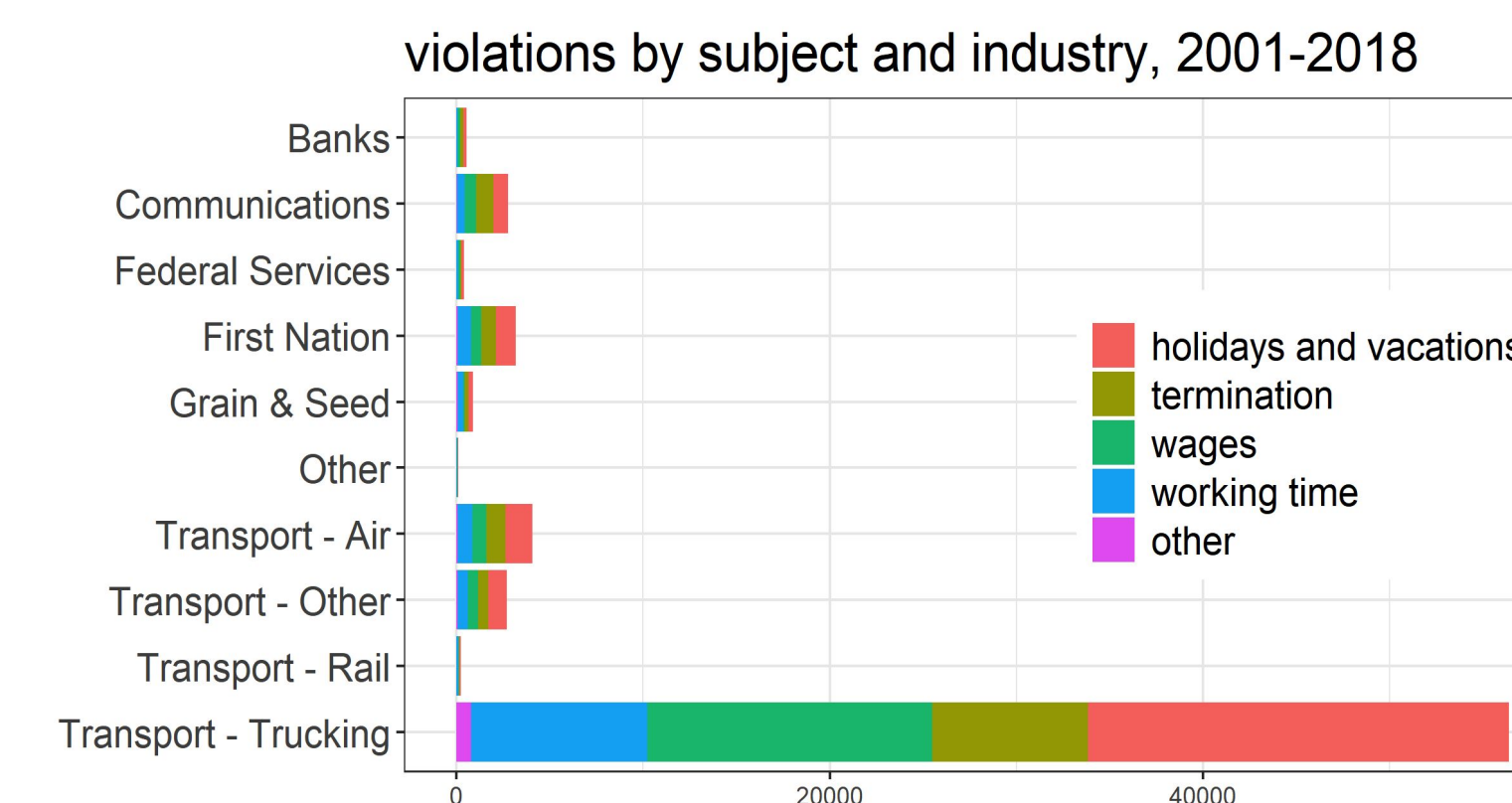
Permits



- Trucking has the 4th largest number of permits, almost all of which concern working time.
- This use of permits is disproportionate to the size of the sector as truckers make up only 16% of FRPS employees.

Complaints & Violations

- Payment of wages and unauthorized deductions is the largest category of complaints under the CLC.
- 77% of violations from 2001-2018 were in trucking even though truckers only make up 16% of FRPS employees.
- The Driver Survey indicates that two-thirds of driver complaints never reach the CLC complaint process (i.e., are deemed unfounded).
- This may translate into relatively higher degrees of precariousness in the trucking sector.



- Trucking is the industry with the vast majority of violations despite exemptions and permits.

Results

CLC-DAI

- The CLC-DAI aims to allow researchers to establish patterns of labour standards (non)compliance, to predict offenders and violation types, and to evaluate the impact of regulatory efforts.

Precariousness in the Trucking Sector

- Research thus far shows regulation in trucking is complex.
- Exemptions or special rules are granted which allow employers to bypass labour standards regulations.
- Workers are additionally misclassified as solo self-employed workers to avoid obligations under the CLC.
- Despite all of these exclusions and complexities, there is still an over-representation of complaints and violations in trucking.
- Revealing the multiple dimensions of precariousness in this sector, together with exemptions and special rules applicable to it, highlights the need to have employment laws which protect all employees in the FRPS equally and to improve enforcement more broadly.