



Employment Standards Branch FACTSHEET



This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Employment Standards Act* and Regulation for purposes of interpretation and application of the law.

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Truck Drivers

Specific Employment Standards regulations apply to truck drivers in British Columbia who are employees of companies operating within the province. Drivers who haul across provincial boundaries may operate under federal jurisdiction.

Definitions

Long-haul truck drivers usually drive for a distance outside a radius of 160 km from their home terminal.

Short-haul truck drivers usually drive for a distance inside a radius of 160 km of their home terminal.

Usually means a majority of hours worked.

160 km radius means “as the crow flies” in any direction from the home terminal, not distance on a highway.

Week: for the purposes of calculating overtime, a “week” runs from Sunday to Saturday.

Overtime

Short-haul truck drivers are paid time-and-a-half after working nine hours in a day and 45 hours in a week. Only the first nine hours in a day count toward the 45 weekly hours.

	Mon	Tues	Wed	Thurs	Fri	Sat	Total
Hours	11	11	12	9	9	4	56
Regular	9	9	9	9	9		45
1 ½ x	2	2	3			4	11

Long-haul truck drivers are paid time-and-a-half after working 60 hours in a week. They are not entitled to

daily overtime.

Truck drivers who are paid on a day rate, trip rate, commission or other incentive basis are also entitled to overtime.

A truck driver does not have to be paid overtime if the truck has a mechanical breakdown, or is immobilized while more than 160 km from home because of road or weather conditions or another cause completely beyond the employer’s control, unless:

- The breakdown resulted from the employer’s negligence; or
- The truck driver was actively engaged in repairing the truck.

Calculating overtime when paid other than hourly
In order to calculate overtime it is necessary to convert day or trip rates to an hourly rate as follows:

1. Divide total regular earnings for the week by the total number of hours worked to establish the hourly rate. The resulting hourly rate may change each week.
2. Pay the number of regular hours worked by the hourly rate.
3. Multiply the hourly rate by 1.5 to calculate the overtime rate.
4. Pay the number of overtime hours worked by the overtime rate.
5. Show the regular and overtime rates and the number of hours worked at each rate on the employee’s pay stub.



Example:

A short-haul truck driver is paid by the delivery. One week he works six 10-hour days and is paid \$1,200. Since short-haul truck drivers are entitled to overtime after 45 hours per week, the driver has 15 hours for which he is entitled to be paid at overtime rates. The driver's piece rate must be converted to an hourly rate which can then be used to calculate overtime as follows:

- Divide the \$1,200 earned by the 60 hours worked to get the driver's "regular rate" of \$20 per hour for that week;
- The first 45 hours are calculated at the regular rate of \$20 for a total of \$900;
- The additional 15 hours are calculated at one and a half times the regular rate, or \$30/hour, for a total of \$450;
- Total earnings that week are $\$900 + \$450 = \$1,350$.

Questions & Answers

Q: *Each day I report to work at a warehouse in Port Coquitlam. From there I am dispatched throughout the day to make deliveries in New Westminster, Langley and Chilliwack. Some days I cover 250-300 kilometres. What overtime am I entitled to?*

A: As you do not normally travel to destinations outside a radius of 160 km from your base you are a short haul truck driver, entitled to overtime after working nine hours in a day or 45 hours in a week.

Q: *I drive from Vancouver to Kamloops 3 days per week and drive within the Lower Mainland 2 days a week. The Kamloops return trip takes 10 hours. Am I entitled to overtime?*

A: You are considered a long-haul trucker as the majority of your work time is spent driving to destinations outside of a 160 km radius from your home base. You are entitled to time-and-a-half after 60 hours worked in a week.

Q: *Four days a week I deliver goods locally around Prince George. Every Thursday I drive to Dawson Creek and back. When am I entitled to overtime?*

A: You do not usually drive over 160 km from your base; therefore you are considered a short-haul truck driver and are entitled to overtime after working nine hours in a day or 45 hours in a week.