



# INDUSTRIAL WORKERS OF THE WORLD

VANCOUVER GENERAL MEMBERSHIP BRANCH

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## Truck Drivers

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*This Employment Standards Factsheet is also available in a [printable pdf format](#)*

There are special Employment Standards rules in British Columbia for truck drivers. These rules apply to truck drivers who are employees of companies operating solely within British Columbia. Drivers who haul across provincial boundaries operate under federal jurisdiction.

**The rules in this factsheet are effective Nov. 30, 2002.**

### Definitions

*Long-haul truck drivers:* truck drivers who usually operate outside a radius of 160 km from their home terminal.

*Short-haul truck drivers:* truck drivers who usually operate inside a radius of 160 km of their home terminal.

*Usually:* means a majority of hours worked.

*160 kilometres:* is determined by the location of the home terminal.

### Overtime for truck drivers

There are different overtime rules for short-haul truck drivers and long-haul truck drivers. Short-haul drivers are paid time-and-a-half after nine hours worked in a day and 45 hours in a week.

Only the first nine hours count toward weekly overtime. For example, a short haul truck driver who works six 10-hour days in a week would be paid for six hours of daily overtime and nine hours of weekly overtime.

Long-haul truck drivers are paid time-and-a-half after working 60 hours in a week. There is no daily overtime entitlement for long-haul truck drivers.

For the purposes of overtime calculation, a 'week' runs from Sunday to Saturday.

Truck drivers who are paid on a commission or incentive basis are also entitled to overtime. (See below)

A truck driver does not have to be paid overtime if the truck has a mechanical breakdown or is immobilized because of road conditions more than 160 km from home, unless:

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

## Calculating overtime rates when pay is other than "by the hour"

One way to calculate a truck driver's overtime pay when pay is based on commission or piece rates is as follows:

1. Divide total regular earnings for the week by the number of hours worked to convert earnings to an hourly rate.
2. Multiply this hourly rate by the number of overtime hours.
3. Subtract earnings during overtime hours from gross pay.
4. Multiply overtime earnings by 1.5 (the overtime rate).
5. On the employee's pay stub, show regular earnings, the number of overtime hours worked and the overtime rate.

### *Example:*

A short-haul truck driver is paid by the delivery and works six 10-hour days (60 hours) in one week. The driver earns \$1,000 that week. The driver had 15 overtime hours.

1. The driver's "regular rate" is \$16.67 per hour (\$1000 divided by 60 hours).
2. The driver earned \$250.05 while working overtime ( $\$16.67 \times 15$  hours).
3. The driver's base earnings for the week is \$749.95 ( $\$1,000 - \$250.05$ ).
4. The driver's overtime earnings for the week are \$375 ( $\$250.05 \times 1.5$ ).
5. Total pay for the week is \$1,125.01. The driver's pay stub will show 15 hours of overtime at an overtime rate of \$24.99 per hour.

## Questions & Answers

**Q:** *Each day I report to work at a warehouse in Port Coquitlam and I am dispatched to deliver on a daily basis to 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 160 km. beyond your base, you are 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 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:** *On Monday, Tuesday, Wednesday and Friday I deliver goods locally around Kamloops. Every Thursday I drive throughout the Okanagan to deliver goods. 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.