

CREATION OF A FORUM OF STAKEHOLDERS IN THE GENERAL FREIGHT TRUCKING INDUSTRY

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Bill 135, tabled in the National Assembly on May 11 by Minister of Transport Guy Chevrette, and passed on June 16, adds a new division to the *Transport Act* to allow the creation of the **Forum of Stakeholders in the General Freight Trucking Industry**.

Freight movers and clients will now have a forum through which solutions can be found to their particular problems.

The forum is a new mechanism that will establish an on-going dialogue between freight movers and clients with a view to shedding light on problems and finding the appropriate solutions. Based on the grouping and collaboration of stakeholders, the mechanism intends to respond to the concerns of freight movers and to reduce their isolation.

Who are the freight movers contemplated by the Act?

The freight movers are, in whole or in part, the owners or long-term charterers of a single tractor truck registered in Québec, who usually use that one tractor truck and whose main activity, in the framework of their enterprise, is to drive the tractor truck.

Who are the clients contemplated by the Act?

The clients are those who enter into a contract with a freight mover for freight transport. They are operators of heavy vehicles, transport service intermediaries, and any person requesting or participating in the organization of transport, i.e. mainly shippers.

What transport activities are contemplated?

The activities contemplated concern the transport by heavy vehicle of general freight. However, goods and materials in one of the following categories are excluded:

1. dairy products, transported from the farm of a dairy producer to a dairy plant, when their transport is subject to the issuing of a permit;

2. sand, earth, gravel, stone, bituminous concrete, including planed asphalt and recyclable and non-recyclable asphalt, snow, and ice, ore that has not be processed in any way to increase its grade, farm, agricultural and fish products transported from the cutting, harvesting or extraction site to a first processing plant or to market, firewood and coal;
3. the timber contemplated in the *Regulation respecting forest transport contracts*, enacted by Order in Council 708-2000 of June 7, 2000, as well as any other timber contemplated by the *Act respecting the marketing of agricultural, food and fish products* (R.S.Q., c. M-35.1);
4. the goods or materials transported by a person registered in the bulk trucking register contemplated in subdivision 4.2 of the *Transport Act*.

Who will be the members of the Forum and what will it be used for?

The Forum will be composed of a chair, five representatives of clients and five representatives of freight movers.

Its primary mandate is to draft model contracts intended to establish the rights and obligations of the parties in a business transaction between a freight mover and a client. The members of the Forum will deal with considerations essential to the making of a contract, terms and conditions of payment, the determination of the distance travelled and the price variations of certain products and services. A consensus must be reached regarding these model contracts. Then, it is up to all the members of the Forum to promote their use.

The Forum's mandate also provides that effective dispute-settlement processes be set up for the purpose of rapidly resolving disputes that may arise between the parties.

Who will represent the freight movers?

The Act provides that no more than five groups may represent the freight movers and defend their interests in the Forum. However, these groups must account for at least 10% of the freight movers on the list established by the Commission des transports du Québec.

The mandate of the Commission is to establish a complete list of the freight movers contemplated by the Act. This is why, on the basis of the information in the register of owners and operators of heavy vehicles, the freight movers concerned will receive a notice from the Commission informing them that their name has been placed on the list of freight movers. The freight movers contemplated by the measures of exclusion from the list must notify the Commission des transports thereof.

The list of freight movers will be used by the various groups to invite freight movers to become members. All freight movers are entitled to be members of a group in order to be represented in the Forum.

In addition, the freight movers will eventually be invited to vote on whether a mandatory contribution must be paid to the groups representing them. If 50% or more of the freight movers vote in favour of a mandatory contribution, it will apply.

It is therefore important that each freight mover concerned by this Act be entered on the list, so as to be represented in the Forum and defend his interests through the group of his choice.

Who will represent the clients?

The Act also provides for the appointment of five members from various associations who will represent and defend the interests of clients within the Forum.

Interested clients can contact these representatives in order to defend their interests in the work of the Forum.