Employees in disguise
the struggle for employment standards in the courier industry
Paper sections

• Overview of the sector
• Working conditions
• Uneven coverage by employment standards
• Possibilities for accessing protections
Overview of the sector

• Overnight courier segment
  – Largely unionized with good wages and benefits
  – Large companies with extensive networks
  – Generates majority of operating revenue

• Same-day courier segment
  – Small to mid-sized local and regional companies
  – Working conditions are poor
  – Routes are inefficient
  – Profit margins are low
Working conditions

• Remuneration
  – Per piece on a commission rate of 55-75%
  – Extremely difficult to make a living
  – Couriers provide income for companies

• Health and safety
  – Dangerous work for bike messengers
  – Lack of benefits + sick leave
  – Stress related to precarious work
Independent contractor status

- Most couriers are considered contractors
  - Companies & associations in the industry work hard to maintain this status
- Couriers lack access to statutory protections
- Various tests to determine employment status
- Many couriers are successful in challenging this status but process is onerous and results uneven
- CUPW helps couriers challenge this status
- most unions bargain “all inclusive” contracts
Case study: Winnipeg

- Community unionism
  - Work with Workers Organizing Resource Centre and Delivery Driver’s Association of Manitoba

- Employment standards complaints
  - Dynamex Canada v. Mamona went to the Supreme Court of Canada, which affirmed the employee status of the couriers
Case study: Toronto

• Difficulties over jurisdiction
  – CUPW has always received federal certifications for units in the courier sector
  – Employers challenged jurisdiction

• QMS now certified provincially
  – CUPW filed employment standards complaint
  – Company refusing to negotiate employment related provisions
  – Stalemate between the parties
Case study: Ottawa

- CUPW filed complaints for couriers with HRSDC
- Dynamex refused to negotiate employment related provisions & included a clause to resolve payment claims with a cash settlement
- Company dumped contracts and told workers they were shutting down
- Workers pressured CUPW to put final offer to a vote - contract accepted
- HRSDC Inspector refused to pull the complaints
- Referee upheld the contract language
The struggle for couriers’ rights

1. Challenging independent contractor model
2. Sectoral investigations
3. Sectoral licensing system
4. Strategic use of complaints
5. Modify complaints processes
6. Community organizing
Thank you