

Stamping Out Contingent Workers at Canada Post

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Cet article rapporte les efforts des postiers ruraux et des banlieues qui sont au 2/3 des femmes syndiquées sous la bannière du Syndicat des postiers du Canada. Après une lutte de 20 ans, ils/elles sont sortis de la dépendance du milieu et ont fait des gains appréciables en sécurité d'emploi, en augmentations de salaire trop longtemps attendues ainsi que d'importants bénéfices marginaux.

On January 1, 2004 the sound of over 6,000 workers leaving the contingent workforce to become employees of Canada Post should have been heard in almost every corner of rural Canada. Instead, this historic moment passed with barely any notice. This is worrisome, as the struggle for rural and suburban mail couriers to become employees of Canada Post provides important lessons on how workers and their unions can improve the lives of people in the contingent workforce.

Rural and suburban mail couriers deliver the mail in rural and suburban areas. They work in areas from Saltspring Island B.C. to Boudreau New Brunswick. Almost 66 per cent of mail couriers in these areas are women. Because they live in mostly rural communities, this kind of work is one of the few long-term jobs available to women. This particular job allows women to work around their childcare responsibilities and to gain some independence. Until January

1, 2004 most worked under individual contract with Canada Post.

These workers had significant responsibilities, very little rights and very few benefits. Their work is almost identical to that of letter carriers, who have been unionized for over a hundred years. Rural and suburban mail couriers deliver mail on foot and by vehicles. Their wages and working conditions lagged far behind letter carriers. Most earned low wages, had no standard work rules, had to pay for some of their most basic work supplies, and worked in an atmosphere of fear and intimidation.

Rural and suburban mail couriers were contracted workers. Every couple of years they were required to re-tender for their jobs. This meant that they had no job security, and frequently had to under-bid themselves in order to maintain their employment. They fall into the definition of contingent work as "lower waged forms of non permanent work arrangements which include: contracting employment through a temporary agency, sequential short term, employment, multiple job holding, non permanent part-time work, and self-employment where the worker does not hire anyone else" (de Wolff 2).

The struggle to transform rural and suburban mail couriers from contingent workers to employees has been a very long one. In the early

1980s, they formed the Association of Rural Route Mail Couriers to lobby to gain basic rights. They argued that they should be treated as employees and should be members of the Letter Carriers Union of Canada. Surprisingly, the Canada Labour Relations Board (CLRB) found that rural and suburban mail couriers were employees under the Canada Labour Code with associated rights to unionize and collectively bargain.

This decision was not acceptable either to Canada Post or the federal government. They appealed to the federal court of appeal. After hearing argument the court overturned the CLRB decision on the grounds that the Labour Relations Board did not have the jurisdiction to override parliament. The court also said that the parliament specifically included section 13.5 in the *Canada Post Act* to prevent rural and suburban mail couriers from being considered as employees (CUPW).

In 1989 the court granted a motion by the attorney general of Canada to dismiss a Charter challenge by the rural and suburban mail couriers. The motion says that employment status is not a prohibited ground of discrimination under the Canadian *Charter of Rights and Freedoms*.

This was a major setback for the rural and suburban mail couriers. It also was an important lesson about the limitations of the court process to

improve the status of contingent workers.

In the mid-1990s, the Canadian Union of Postal Workers (CUPW) began taking an interest into the plight of rural and suburban mail couriers. CUPW was integral in the formation of a new group—the Organization of Rural Route Mail Couriers (ORRMC). While the CUPW provided financial, moral, and organiza-

Canada Post.

Nevertheless the ORRMC persisted. They intensively lobbied members of parliament to call for the repeal of Section 13.5 of the *Canada Post Act*. Here we have mainly women, with very little history in formal politics explaining their situation to MPs and pressuring them to support change. In 1998 this lobbying resulted in the introduction of a private

cal support, any campaign to improve the rights of contingent workers must in large part be driven by the contingent workers themselves.

At the same time, the Canadian Union of Postal Workers was actively working with their members and local leaderships to educate them about rural routers and to encourage them to support justice and dignity. The CUPW took the position that

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tional support to the ORRMC, this was an autonomous organization.

The decisions of how to run their organization, how to contact rural routers, and what items to prioritize were solely the decision of the executive of the ORRMC. The CUPW believed that rural and suburban routers had the capacity, intelligence, and understanding to determine their own direction. It serves as an important reminder that decisions concerning the fate of contingent workers are best made by the contingent workers themselves.

The aims of the ORRMC were clear. They were to obtain employee status with Canada Post, obtain basic rights, gain the right to bargain collectively, and negotiate a collective agreement for couriers.

From 1998 to 2002, the Organization of Rural Route Mail Couriers, with the active support of CUPW, worked on these goals. They embarked on a campaign to recruit rural and suburban mail couriers to their organization. This was a difficult task as the couriers were isolated, had very little experience with formal organizations, and often worked in a climate of fear and intimidation. Many of the couriers felt that joining the organization would lead to their losing their contracts with

members bill into the house of parliament calling for the repeal of this odious section of the *Canada Post Act*. The bill failed by a margin of four votes. The vote was 114 to 110.

This did not deter the members of the Organization of the Rural Route Mail Couriers. They set up a series of meeting with the executive officers of the Canada Post Corporation to press their demands. There were a number of meetings between these two parties. These meetings required poise, analysis, and strategic thinking. While the leadership of the Canadian Union of Postal Workers participated in these meetings and assisted the rural routers, these meetings are a testament to the determination of the ORRMC members.

Coalition work was an integral part of the ORRMC campaign. They worked with numerous social justice, women's, church, and rural groups. They explained their situation, asked for support in lobbying MPs, and worked to create greater awareness.

The actions of the ORRMC during this period need to be studied and analyzed as an example of empowering contingent workers, and of beginning the process of breaking the bonds of oppression. It is clear that while contingent workers need active organizational, financial, and politi-

this was not only a question of justice and dignity, but was also in the interests of traditional postal workers. CUPW national president sister Deborah Bourque stated, "If rural and suburban mail couriers win the right to bargain, other postal workers will also benefit" (CUPW 1).

The CUPW distributed videos and other media to its members to educate them about the plight of rural routers. Members of the ORRMC were invited and encouraged to participate in educational seminars, and were often guest speakers at regional and national conferences. These were critical steps. In order for the campaign to succeed the active support of the members of the Canadian Union of Postal Workers was needed.

These campaigns were successful. In 2002 the delegates to ORRMC annual general meeting unanimously passed a resolution to strongly encourage all rural and suburban mail couriers to sign up as members of CUPW. Delegates to the 2002 CUPW national convention adopted an action plan calling for a campaign to sign up rural and suburban mail couriers.

In the late summer and early fall of 2002 teams of rural routers and CUPW members began signing up rural and suburban routers. Given

the fact that unionization of workers in rural areas is low, and that many women in rural areas have virtually no experience with unionization, this campaign was both risky and historic. The organizers had to deal with fear, and had to confront head on myths about unions in general and CUPW in particular.

However, the work that had been done in the past paid off. In a short period of time, CUPW was able to sign up a majority of rural and suburban routers to the Union. CUPW now saw itself as the proper and legitimate representative for rural and suburban routers.

The union applied to the Canada Industrial Relations Board to have these workers recognized as employees and given full collective bargaining rights. The union also began the process of making the issues of rural and suburban routers front and center in its upcoming round of negotiations with Canada Post. CUPW was not only going to bargain for its traditional members, but they were also working to obtain a collective agreement covering rural and suburban routers.

This was a difficult process. Canada Post initially strongly resisted the move to give employee status and basic rights to rural and suburban workers, and many traditional CUPW members were worried about the impact this would have on them. However, the work that both CUPW and the ORRMC had done in the past number of years paid off, and the Canada Post Corporation agreed to begin negotiations on a separate collective agreement to cover rural and suburban mail couriers.

In July 2003, CUPW announced that it had achieved two collective agreements. One covered the traditional membership, and the other covered rural and suburban mail couriers. The members ratified both collective agreements.

The collective agreement covering rural and suburban mail couriers lasts for eight years. It is hoped that at the end of this period rural and suburban

routers will be in the same economic position and have the same rights as letter carriers. Gains included paid vacation leave, a wage increase, paid bereavement leave, health and safety protections, and guaranteed funding for improvements. The most important improvement is that these workers are no longer contract workers who have to bid for their jobs every few years. They are employees of Canada Post. They are no longer contingent workers. The collective agreement came into full force and effect on January 1, 2004.

This is an important struggle as women make up the vast majority of contingent workers, and are often in positions where unionization seems impossible or extremely difficult. Since unionization is one of the primary ways for women to improve their wages and working conditions, it is imperative that we look at new ways of organizing women workers, as the old methods aren't appropriate for contingent workers.

In her groundbreaking book, *Temporary Work: The Gendered Rise of a Precarious Employment Relationship*, Leah Vosko points out that the shift away from traditional employment relationships and the rise of the temporary employment reflects the feminization of employment. This certainly is true in regards to the rural and suburban routers. Most are women, and all were increasingly treated as commodities by Canada Post. In short, the work experience of the rural and suburban mail carriers reflected the growing realities of women workers, particularly in rural areas.

This is why the campaign of these workers to emerge from the shadows of contingent employment is important. It provides a real life example of how contingent work and contingent workers can be transformed into much more standardized types of work and how the exploitation and commodification of contingent workers can be reduced. It is an important example on improving the rights of women workers.

Marion Pollack has been employed by Canada Post, as a mail sorter for 30 years. She is an active and proud member of the Canadian Union of Postal Workers.

References

- Canadian Union of Postal Workers (CUPW). "This Is the Year For Justice For Rural and Suburban Mail Couriers." Canadian Union of Postal Workers Bargaining Backgrounder, September 2003.
- de Wolff, Alice. *Breaking the Myth of Flexible Work: Contingent Work in Toronto*. Toronto Organizing for Fair Employment, September 2000.
- Vosko, Leah. *Temporary Work: The Gendered Rise of A precarious Employment Relationship*. Toronto: University of Toronto Press, 2000.

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