

The Standby

THE TORONTO COURIER WORKER CENTRE NEWSLETTER

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I Got Results with CUPW's Support

Standing up for my rights paid off, despite the boss's complaints

by Steve Boutillier

2010 began as a very tumultuous year for me, both personally and financially. However it ended on a very positive note, thanks to the Toronto Courier Local and the Courier Worker Centre.

The year began amid troubled times at Rapid Transit, the company I was working for. I had seen some of my colleagues get laid off, usually without notice, and usually not until they had arrived at work for that particular day. They were promptly told that they were laid off, handed in their radios, and were sent home.

I was not a big fan of this treatment and readied myself should I be next. Sure enough, that day arrived in February. Again, no notice was given, which is illegal. I

had no chance to seek other employment or prepare myself financially for the lay-off.

The first thing I did was to apply for Employment Insurance. Rapid Transit claimed that I was a contractor, not an employee, and refused to forward my record of earnings. So I had to prove that I was indeed an employee. I pointed out that I was salaried—not on commission, and that the clients were Rapid Transit's—not mine.

They supplied the radios. They supplied the dispatcher. They told me when to start, when to finish, where to go and when to go there. This was enough to compel Revenue Canada to allow my claim for Employment Insurance. I needed it badly, as my job hunting was not



Steve Boutillier: "The Labour Board basically told me that I had no chance."

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The Toronto Courier Local continues to organize bike, car and walker couriers with the Canadian Union of Postal Workers (CUPW). If you want to join the union, get in touch!

We welcome your feedback and ideas. Contact us at:

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CONGRES 2011 CONVENTION Jobs Equality Justice

CUPW National Convention in Toronto
October 24-28, 2011
Courier caucus meets
Monday October 21 at
6:30 - 8:00 p.m. – please
contact the Courier
Worker Centre for more
information.

Monthly Courier Local Meeting

We meet at the Courier Worker Centre on the **last Wednesday** of each month from **6 p.m.** onward. It's a chance to discuss the organizing campaign, and your union and other issues. Latecomers welcome.



Swearing-in of Local 104 first-ever executive, from left: Beau Bomberry, Josh Teneycke and Kevin Barnhorst.

Local 104 elections

We made more CUPW history on September 1, 2011. Local 104 has its first executive! At a general meeting August 30, 2011, Kevin Barnhorst was acclaimed President, along with Vice-president Josh Teneycke and Beau Bomberry as Secretary-Treasurer.

Once a local has its own executive it has a certain autonomy. The local will develop its own constitution and bylaws, and begin organizing activities and doing advocacy work for couriers in Toronto. Watch future issues of the Standby for actions and communications from the new executive.

Courier Worker Centre on Facebook.
We want to be friends!



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going very well in these troubled economic times.

Currently, Rapid Transit is fighting the original decision to give me EI. Their last avenue is through the Tax Court Of Canada and their prospects are not good.

The second thing I worked on was taking on Rapid Transit legally (with the help of the Toronto Courier Local), through either the Labour Board of Ontario, or on the federal level.

To be honest, I did not have a lot of faith in the provincial process because Mike Harris did all he could to dismantle the labour laws of this province and that damage has not been repaired by the subsequent Liberal government. When the Labour Board contacted me, the conversation was not very encouraging. They basically told me that I had no chance. They said I could "bring along my scraps of paper", but I should not expect very much. I remained determined to go ahead. You see, even if I failed, I still knew that my chances were

better at the federal level. So I made an application there as well.

After that disappointing call from the Labour Board, it was time for a hearing of my case.

I arrived at the hearing to find a representative of the Toronto Courier Local waiting for me. His job was basically to let me make our case, to jump in, if needed, and also to provide the support that has been lacking for so many couriers in the same situation. The very fact that he was there bolstered me in a way I truly cannot explain. I became more determined than ever.

We did the hearing. I made my points. Rapid Transit made theirs. The Labour Board arbitrator allowed us to all have our say in an amicable manner. He then withdrew saying he'd be back in a few moments with his decision.

While we waited for this decision, the Rapid Transit representatives said many things to me. Suffice it to say that they were not friendly. But I had the union in the room to support me and we hung in there.

Decision time came. The Labour Board representative came back and informed Rapid Transit that I was indeed an employee. I was awarded a sum to be paid within a definite time period, or they would be charged a penalty. He then took a copy of a Rapid Transit cheque. This was to ensure that if they did not comply and pay me, the matter would be referred to a credit agency.

Rapid protested at the time that it was not going to pay me. However, I'm glad to report that, since then, they have! They know that further appeal would be fruitless.

Our union is trying to put things right that should have been fixed long ago. As couriers, we do have rights, despite the lies that our employers tell us. I want you all to know how well it worked out for me and that you can help make your workplace a safer, more righteous environment by supporting our union.

Getting Somewhere With Dynamex

TransForce buyout may change dynamics, but bargaining continues

CUPW keeps rolling up the rough road of private-sector same-day courier organizing. We now have five certifications with the employer Dynamex, a courier and logistics company. This accounts for about 300 members in locations across Canada.

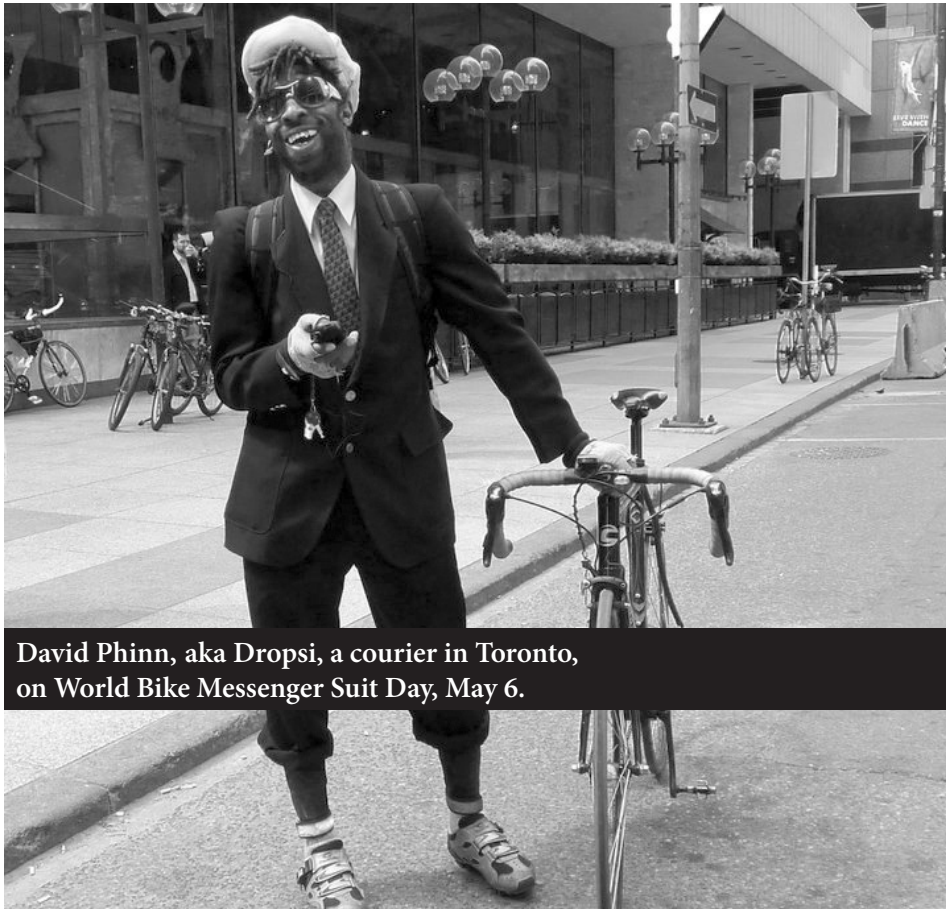
In Red Deer, negotiators believe we are close to a new collective agreement. We presented our demands to the employer in 2008. Bargaining has carried on through this year's summer months.

Recently, Dynamex representatives warned CUPW negotiators that we're now negotiating with a different entity since they were bought out in February 2011 by Transforce.

Transforce has expanded recently by acquiring Dynamex, as well as the domestic assets of DHL (in June). John McMaster, CUPW Union Representative and Chief Negotiator, suggests that they may try to back up tougher bargaining positions with their deeper pockets and larger market share.

Dynamex has already been tough at the bargaining table, in part because they were the first private courier company where workers certified with CUPW (Winnipeg). Things have moved slowly at times, and the employer has changed their demands, based on changes in their business from an on-demand economic model to the dedicated service model.

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David Phinn, aka Dropsi, a courier in Toronto, on World Bike Messenger Suit Day, May 6.

photo: www.thelearningcurve.ca

Strange Cargo

Um. Well, We Did Ask

In the last issue we invited people to tell us about the strangest things that they have delivered as a courier. The results are all over the place.

We hit paydirt on the medical front: couriers have picked up and delivered sperm samples; cancerous polyps; bone marrow samples; human fat samples—from the hospital to the LCBO; and, probably the best, “pieces of people’s black mouth cancer in see-through jars. The most disturbing part was that they were always an overnight.”



One courier picked up two different dildos in the same week, and someone else delivered handcuffs to the King Edward (yes, the high-end hotel) on an emergency call.

Back to animal tissue, there was a poodle delivered from spouse to spouse, and another courier transported a cremated pet’s remains.

Oh, the things people entrust to us: There was a single pen the client had left behind, and a desktop computer that the courier had to deliver, set up and also boot up. Someone delivered twenty kilos of gumballs. An eight-foot Homer Simpson doll was probably fun though physically awkward,

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but imagine what goes through your head while delivering a bit of scraggly string to a Wiccan group.

We thought that a dry-cleaned bikini sounded a little weird until some else mentioned carrying “soiled undies.”

There’s no predicting people’s urgent needs: one courier delivered a late VHS tape back to the store, another was sent to Toronto Island to deliver sunglasses to an unfaithful spouse who was panicking about getting caught.

There was mention of a brick, a belt and more than one sail. But our favorite was “a person’s last worldly possessions including a WW2 German officer’s pistol.”

Dynamex has also tried to treat the workers as independent contractors, rather than as employees. This will be familiar to other same-day couriers. In time, the union will overcome this objection.

In spite of the difficulties, we are close to achieving a collective agreement (CA) in Red Deer, and we’re negotiating first CAs in Kelowna and Ottawa, a 4th CA in Winnipeg

and a 3rd CA in Saskatoon.

Our demands include a pension plan with employer contributions, higher minimum daily guarantees, short-term disability benefits, and a greater share of the fuel surcharge that Dynamex charges to customers.

You can see more updates at www.cupw.ca > Private Sector Bargaining Units

Help out a PhD Candidate

David Lavin is volunteering with us while working on his PhD dissertation. He’s studying working conditions in the courier industry and our organizing drive. He needs couriers to do interviews with. The interviews take between thirty and forty-five minutes and he can compensate you ten dollars for your time. Interviews remain confidential and nobody other than David will have access to what you say to him. If you are interested doing an interview, contact David by text or voice at (343) 363-1039 or email lavind@yorku.ca. You can also find him on the Courier Worker Centre Facebook profile as a friend.

We offer a space in downtown Toronto where couriers can come and relax in safety, five days a week. At the Courier Worker Centre, you can talk about couriering in an environment where it won’t annoy your partners, friends, relatives or pets who have already heard enough about dispatchers, packages and receptionists, dammit!

We are also helping couriers go after employers who have ripped them off, fired them without cause or otherwise treated them in a manner you won’t see at a McDonalds but that happens every day at courier companies. So, if in the last twelve months you’ve been fired without cause, had your pay withheld, been

discriminated against in the workplace or been injured on the job, come see us. We may be able to help you get some compensation. Think about it: no one should have to put up with this crap alone.

The Courier Worker Centre is the home of Toronto Courier Local 104. Couriers are organizing into a union right now

so that they can work together to make bad pay and workplace abuses a distant memory. There are thousands of us couriers and only a handful of company owners. Strength in numbers can overcome even the most obstinate cheapskates.

Call us, email us, drop by, but, whatever you do, organize your company!!

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