

# The Standby

The Toronto Courier Worker Centre Newsletter

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## Turnaround Couriers Keep Their Union: *Employer's Appeal Dismissed*

As couriers continue to organize in Toronto, some employers are unsuccessfully trying to stop them. On October 18th, couriers won another victory when the Canada Industrial Relations Board refused to let the Turn-Around Couriers Inc. company appeal the couriers' union certification.

Earlier this year, on June 8th, 2010, the Board recognized the Canadian Union of Postal Workers as the bargaining agent for the couriers at TurnAround. They became the second group to join Local 104, the CUPW courier local in Toronto and start bargaining for a better deal. Scheduled dates for bargaining are set for November 24th and December 8th, 2010.

TurnAround Couriers Inc. got a lawyer to try to challenge the Board's decision, even though the 21-day time limit for any appeal had already passed. The company argued that it was under provincial, not federal jurisdiction, so the Board agreed to grant the boss an extension and to consider this challenge. After considering all the arguments and precedents, however, the Board found that, since TurnAround was providing postal services by legal definition, it was indeed under federal jurisdiction.



1 Front Street West, home of the Canada Industrial Relations Board

Therefore, the union application was upheld and the employer's appeal was overturned.

This decision sends a strong message to other courier companies that might consider trying similar legal tricks. We wish the TurnAround couriers every success in their negotiations.

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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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# Human Rights and Couriers

## December 10<sup>th</sup> is International Human Rights Day.

On this day in 1948, the United Nations General Assembly proclaimed the Universal Declaration of Human Rights.

Human rights issues arise in the workplace in different ways. Sometimes it's not clear that a human rights issue exists. At other times, even if the issue itself is clear, the solution to the issue is not. Here's some information about human rights, how couriers in particular might be affected, and what remedies are available for those experiencing discrimination in the workplace.

Human rights legislation is about trying to ensure fair and equal treatment for everybody, creating a level ground on which to live and work. It recognizes that people can be discriminated against due to bigotry, sexism, and other prejudices, and it acts to end such discriminations.

The Canadian *Human Rights Act* protects us from being discriminated against on the basis of the following 11 grounds: sex, race, national or ethnic origin, colour, religion, age, sexual orientation, marital status, family status, physical or mental disability or pardoned criminal conviction. People who are being discriminated against on one of these grounds can seek recourse through

Human Rights Commissions.

The federal Human Rights Commission investigates complaints of discrimination in employment and in the provision of services under federal jurisdiction. Provincial commissions do this at the provincial level.

## Human Rights for Couriers

Because couriers are misclassified as "independent contractors," they do not enjoy equal rights with other workers. Their bosses ignore employment standards such as maximum hours of work; overtime, vacation pay, holidays, and termination or severance pay. They skip contributing their share of Employment Insurance (EI), Canada Pension Plan (CPP) and Workers Compensation premiums.

Decisions by courts and Human Rights tribunals make it clear that couriers have protection under human rights legislation. Although this legislation protects our human rights, individual workers may feel too vulnerable when it comes to challenging their employer on a violation. Because couriers have so little job security, it is tough to confront the boss, particularly if they are already discriminating or harassing you. Registering a formal complaint with a Human Rights Commission also takes time and energy. In a precarious job with an uncertain future, it's

tempting to "just take it." But nobody should have to do that.

Some couriers recently encountered discrimination when they asked for time to observe their religion. They were threatened with discipline and job loss. While bosses are not legally obliged to pay for time taken to observe religious events, it is illegal to discriminate against somebody on the basis of religion. Employers have to find ways to accommodate religious observances to the point of undue hardship, exploring all avenues to do so.

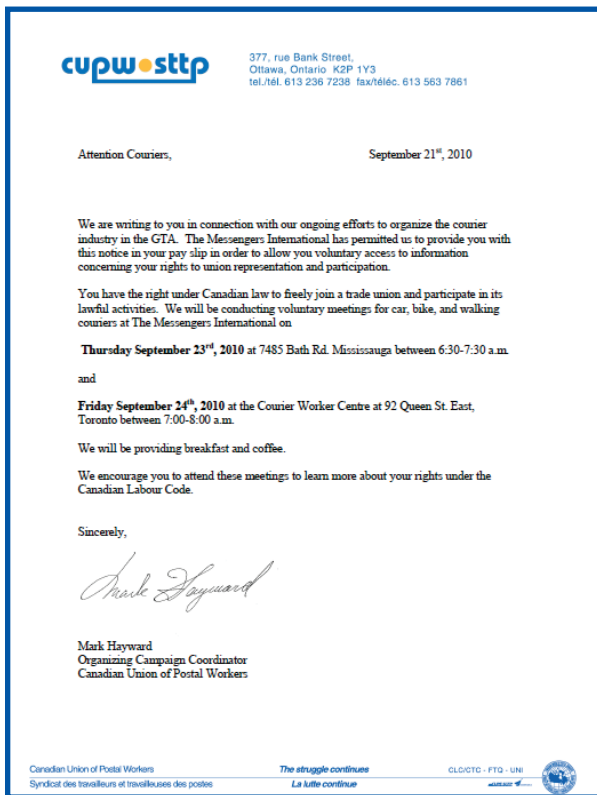
## We can help

A union collective agreement enshrines human rights. By law, they are considered a part of every collective agreement, whether or not they are spelled out in it. Unionized workers can address and resolve human rights complaints through a grievance procedure that clearly outlines what the steps are. They also have recourse to the relevant Human Rights Commissions if this doesn't work.

Where there is no union in place to protect couriers, they can contact the Human Rights Commission for a dispute resolution process.

The Courier Worker Centre has already helped non-unionized couriers go to the Commission. If you are experiencing any violation of your human rights, you can contact us at any time.

# Cheque It Out: *The Messengers* Agrees to Circulate Union Information



Couriers working at the Messengers International received the above notices with their paycheques on September 21, 2010.

Frank D'Angelo of The Messengers International was trying to prevent the couriers at his company from forming a union, but employers are not legally allowed to interfere with the forming of a trade union in Canada. Because of Mr. D'Angelo's actions, the Canadian Union of Postal Workers filed two unfair labour practice claims with the Canada Industrial Relations Board (CIRB). These unfair labour practice claims went into mediation. A number of good things came out of that mediation between the union and the company, including some factual information about the union drive for the couriers which Mr. D'Angelo agreed to circulate.

The couriers at the Messengers International have not formed a Union – yet. However, the Canadian Union of Postal Workers will continue to support their struggle for a better workplace and the legal right to do so without interference from management. When the couriers at Messengers International form their union, they will get much more than just information with their paycheques.

## You Delivered What Now?!

by Mark Hayward

This week I was reading the manual for new employees at a Toronto courier company and I found a list of things that they would not carry. Among the more obvious ones, such as firearms and corpses (other than ashes) were:

- Tobacco
- Live Animals
- Pornography
- Antiques

This list leads me to think about the strange things I have carried and delivered. I have taken a fly swatter to a photo shoot as a priority call. The next day, my friend working at the same company couriered it back on a sameday.

A company once sent me to pick up jewellery and then I delivered it



to a limo driver whose ID I had to check. The client did not care about filling out waybills.

One customer had a regular call where she would hand me an envelope and tell me, "There is a lot of cash in this envelope." To this day, I don't know what she was

thinking.

I have delivered a single business card (again a priority call), a file box with a small purse in it, methadone prescriptions to shelters and, yes, pornography. The customer in this case accidentally sent a personal disk of pornography to his client and needed us to get it back!

**This made me wonder what other couriers have delivered that was out of the ordinary.**

So I invite you to mail, email, drop by the Courier Worker Centre or phone in your stories about the weirdest things you have delivered as a courier. We will put together a list and put it in the next issue of *The Standby*. Naming names isn't necessary and your anonymity will be protected at all times.

# About the Courier Worker Centre

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!!**

Join us for the  
**CUPW Toronto Courier Local/Toronto Bike Messenger  
Holiday Dinner\***

**Saturday December 18th, 2010, 6pm**  
**25 Cecil St.**

**\*this event is family friendly**

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