

Straddling the World of Traditional and Precarious Employment

A Case Study of the Courier Industry in Winnipeg

A Study Conducted By The Courier Research Project

ISBN -0-88627-444-3

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Acknowledgements

This study was a participatory effort that depended on many same-day and overnight couriers, who volunteered their time and knowledge of the industry. Many of these couriers work more than one job in excess of 12-16 hours a day. Therefore a big thank-you must go out to those couriers who agreed to spend their free time discussing the nature of the courier industry in Winnipeg.

This study also would not have been possible without the assistance of the Courier Research Project (CRP) Steering Group: Rosemary Warskett, Associate Professor, Department of Law, Carleton University; Geoff Bickerton, Director of Research, Canadian Union of Postal Workers; John McMaster, Courier, Dynamex; John Friesen, Education and Organization Officer, Canadian Union of Postal Workers, Prairie Region; Julie Guard, Coordinator, Labour and Workplace Studies, University of Manitoba; George Floresco, 3rd National Vice-President, Canadian Union of Postal Workers; and Gord Fischer, Grievance Officer, Canadian Union of Postal Workers, Prairie Region.

The CRP group provided valuable assistance in identifying research questions, suggesting ways to collect data, and providing feedback on draft versions of the report.

Social Sciences and Humanities Research Council of Canada Grant 538-2002-1010 - INE Research Alliance - Awarded 2002.



**Social Sciences and Humanities
Research Council of Canada**



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Report Summary

There has been a growing interest in the ‘new-economy’ and the nature of employment within that economy. It is almost a cliché to state that the days of secure well-paid employment are being replaced with precarious, poor employment. New-economy employment is characterized by atypical employment contracts, fuelled by a growth in part-time and contract work; the need to support one’s self through multiple job holdings; and the rise of so-called self-employment. Workers in these new types of employment often lack access to labour protections and the social wage; they have little job security and tenure; they receive lower wages and incomes; and experience unique health risks not experienced in traditional employment (Vosko 2003, 1).

This report focuses on the realities of new economy employment in the courier industry in Winnipeg. This industry straddles the old world of ‘traditional employment,’ characterized by relatively high incomes, benefits, and labour protections, with the new world of ‘precarious employment,’ with its low incomes and limited labour market protections. ‘Good jobs’ are found

in the overnight courier market with companies like United Parcel Service (UPS), Canada Post, and Purolator. This market is organized rationally and efficiently. There, couriers make between 15-25 deliveries per hour along efficiently designed routes. On the other hand ‘bad jobs’ are found in the same-day segment of the industry. Here couriers may only make 15-20 deliveries in a day that are spread out over the entire city. This costs the courier in time and money since the courier covers the costs of doing business.

While there are market differences between both industry segments that help explain different conditions of employment, many of the differences are compounded by a lack of regulation in the same-day market. Of particular concern is the fact that couriers are characterized as self-employed, meaning they are exempt from many labour protections. The market is oversupplied with labour, meaning growing numbers of couriers share a piece of the delivery pie that is not growing at the same rate. As a result, couriers struggle to achieve adequate price and volume levels to maintain decent employment.

Many advocates of self-employment argue that

workers in the new economy willingly trade security for greater autonomy and flexibility. In reality, same-day couriers accept less security and income and have limited autonomy or control over the labour process. Couriers are no more than ‘disguised employees.’ They are dependent on one employer for access to work, controlled by that employer, and disciplined if they step out of line. The average same-day courier is treated no differently than any employee, except that they do not receive access to employment standards protection, Employment Insurance (EI), or employer contributions to the Canada Pension Plan (CPP). On top of this, they cover the costs of doing business.

Using innovative approaches, the Canadian Union of Postal Workers (CUPW) has overcome a multitude of barriers to unionize the largest same-day company in Winnipeg. The majority of the industry remains unorganized and in the face of a lack of industry regulation, unions find it difficult to negotiate fundamentally better monetary terms and conditions of their employment.

Governments need to address the legality of new economy employment contracts that have allowed courier companies to thrive on the backs of couriers and to introduce regulations that ensure couriers are treated with respect and have the opportunity to earn a decent living.

A tale of two delivery workers

It is mid-afternoon and a Winnipeg courier/messenger stops at a convenience store on the east side of the city to use the restroom. Over the past few hours she has raced across the city in a beat-up car, delivering letters and packages. The last delivery was a batch of hair products she collected from a supplier to deliver to a self-employed hairdresser across town. When she arrives, the hairdresser breathes a sigh of relief, she will be able to finish the perm she scheduled later in the

day. This hairdresser works out of her home and has no space for inventory. The courier industry acts as the needed link between small businesses and their suppliers.

On the way to the restroom, the courier/messenger stops to respond to a page on her radio. Her biological needs will have to take a backseat to a letter that must be picked up downtown and rushed to the western outskirts. While inconvenienced, the courier is happy to have a consistent flow of deliveries. Some days she may have as many as 25 deliveries and other days as few as 7. As a piece-rate worker, she gets paid a percentage of the fee her customers are charged. The average price delivery is \$5.10, meaning those deliveries that require nearly 40 minutes will earn her \$3.10.

Out of that she needs to pay for gas, maintain her vehicle, and rent the radio keeping her connected to dispatch. As an “independent contractor” she is not eligible for Employment Insurance and must pay both sides of her Canada Pension Plan. Many couriers hold multiple jobs to support their family. Another courier at her company works nights, delivering pizza and chicken, to supplement his income.

As she leaves the convenience store, she passes a Canada Post letter carrier. Mid-afternoon signals the end of his shift. A unionized employee, he earns more than \$20.00 an hour, regardless of how quick he is or how much he delivers. He also does not pay for business or operating expenses. In addition to this wage, he is entitled to benefits including employer contributions to the Canada Pension Plan. He is working a little longer today as there are some carriers who have not made it into work. He does not mind the longer day because he will be paid an overtime premium. The letter carrier is also looking forward to the following week when he will begin taking the first of seven weeks holidays negotiated by his union.

This vignette contrasts the working conditions faced by workers in precarious self-employment and those in traditional employment. Both are in the same industry, doing very similar work. Nonetheless, one is considered an employee while the other a contractor, a distinction that makes all the difference in how an individual is treated in their employment. Not only has this industry grown by factors associated to a new economy, including the just-in-time demands of society, liberalized global markets, and technology that links, with one prompt of a computer, the supply chain and the demands of consumers. As study shows, the labour market and process have also been organized to support this industry.

Methodology

More than 40 in-depth interviews were carried out with couriers, union officials, industry suppliers, courier accounting firms and government sources as a part of this study. To protect the identity of individual couriers, who were fearful of being denied deliveries by the courier companies they work with, many of the interviews are cited as anonymous.

In addition to interviews, a number of primary and secondary documents were analyzed, including reports from Industry and Statistics Canada, courier industry legal decisions, employment standards complaints, collective agreements, and individual 'owner-operator' agreements between courier companies and couriers. The Canadian Union of Postal Workers provided contact information for unionized same-day couriers in Winnipeg. The Workers' Organizing Resource Centre (WORC), an advocacy group that has represented many couriers over the past five years, provided a significant proportion of the data on non-union couriers. Therefore sincere thanks must go to WORC. Without its assistance, it would have been difficult to locate

information and contacts for non-union couriers. Casework and contacts provided by the WORC supplemented the in-depth interviews, providing a great deal of the price-and-earnings data, as well as the non-union sources used in the study.

The Canadian Courier Industry

Overview of Industry

The Canadian courier industry is estimated to be worth \$5.4-billion in sales, and is expected to grow at 2.6 per cent in volume and 5.9 per cent in revenue between 2004 and 2006. In addition to employment at Canada Post, the industry is made up of 2,400 courier companies, employing over 45,000 people (Canadian Courier & Messenger Association 2004). The industry can be divided into two components: courier companies, with their main focus being national and international overnight or later deliveries, and local messenger companies, whose main focus is to provide same-day deliveries in smaller well-defined geographical areas. The national courier companies that provide overnight service generate 85 per cent of the industry revenue and control 80 per cent of its volume, constituting what economists refer to as the industry core (Transport Canada 2003, 3). The local same-day messenger services make up the industry's periphery.

The Industry's Core

The core companies include big players such as Canada Post, UPS, Purolator, and Federal Express. The need for large distribution networks and high levels of technology to compete in this sector creates significant entry barriers for new businesses.

While some firms make use of a limited number of owner-operators, most overnight couriers are paid by the hour, creating economic incentives for companies to hire the least amount of labour possible. This creates an economic incentive to

organize the labour process in a highly efficient and rationalized manner. There is low employee turnover and an abundance of quality workers wanting to get into and remain in the industry.

Couriers usually bid on runs, routes, or specific jobs according to seniority provisions in their collective agreement. Large volumes on each of those runs keep the courier extremely busy, delivering anywhere from 60-to-100 packages over the 8-to-10 hour workday. Rationalization of deliveries according to geographical routes minimizes employer costs.

The Industry's Periphery

In the industry periphery, a diverse range of individuals and companies provide same-day service. This segment of the market finds everything from individual owner-operators and "mom and pop" operations employing 1-to-5 messengers to large multinationals. Dynamex, the largest provider of same-day local market services in Canada, employs more than 100 couriers in Winnipeg. The majority of company fleets consist of automobiles (52 per cent), cube or step vans (31 per cent), and larger trucks (17 per cent) (Statistics Canada, "Couriers and Local Messengers Industry" from, *The Daily Wednesday* July 14, 2004).

Since there is no need for large distribution networks and expensive technology, there are limited barriers of entry to the market. Essentially anyone who can walk, has a bike or has access to a vehicle can participate. This has flooded the market with an abundance of messengers, many of whom must compete on cost alone. Not surprisingly labour turnover is very high.

Because owner-operator agreements carry no fixed labour costs for the courier company, there are no economic incentives for courier companies to place caps on hiring. The same-day owner-operator contracts provide an incentive for

companies to hire as many couriers as they can recruit. The company deductions for insurance, radio rental, company decal rental and uniform rental can, in fact, create a revenue stream for employers. An industry with limited volume, an oversupply of courier companies and labour, and no fixed costs of labour is a recipe for inefficient and non-rationalized operations. Couriers in the periphery drive from one end of the city to the other, wasting time and gas on a few deliveries. The costs of these inefficiencies are borne directly by the courier, who incurs the major operating costs in the industry.

The Courier Industry in Winnipeg

There are approximately 60 courier companies in Winnipeg; 18 operating in the core overnight market and 42 in the same-day periphery. Approximately 2,800 employees or owner-operators are employed in the industry in Winnipeg. If one includes all of Canada Post's services, the core of the industry employs 2,100 individuals, almost exclusively classified as employees. The periphery employs 700 owner-operators, almost exclusively classified as self-employed. Excluding Canada Post's mail handling services, the industry is divided evenly with 700 employed in the core and 700 employed in the periphery. According to Statistics Canada, the number of couriers in the City of Winnipeg has increased by 37 per cent between 1997 and 2001. Almost all of this growth occurred in the periphery (Statistics Canada 2004; Statistics Canada 2001b. An average was taken based on these two sources. The census reports 2,760 couriers and messengers and the Surface & Marine Report shows 2,893 couriers based on estimates made from data on courier establishments in Manitoba.). Since the industry is growing by less than 3 per cent in volume, there are far more couriers sharing a smaller portion of deliveries.

The demographic information provided in

the 2001 census shows that 76 per cent of the industry, both in Winnipeg and nationally are male. Couriers in Winnipeg have lower levels of education, 64 per cent high school or less, compared to 56 per cent Nationally. The median age of same-day couriers in Winnipeg is 37.1, lower than the national average age of 39.8. The census reports that only 2 per cent of the industry in Winnipeg is made of visible minorities, much lower than the national level of 15 per cent. In Winnipeg the level of visible minorities increases to 13 per cent for the labour force in the unionized company (Statistics Canada 2001a).

The Nature of Employment in the Courier Industry

The following section looks at the terms and conditions of courier employment contracts in both the core and the periphery. The core market reflects features of the traditional employment contract, while the periphery reflects a precariousness arising from the legal ambiguity surrounding contracts for service and so-called self-employment. The evidence suggests the terms and conditions of employment for a self-employed courier are no different than that of a vulnerable worker. The section concludes by discussing the legality of entering into contracts for service if the facts point to employment relationships.

Traditional and Precarious Contracts of Employment

Some argue that new types of new economy employment are driven by “pull” factors: that is, workers themselves choose self-employment because it gives them desired outcomes. Most notably greater independence and flexibility is supposed to give workers for more autonomy and control over the labour process (Human Resources Development Canada 1998). Others argue the reality of the new economy is disguised employment not significantly different from

traditional employment, with the exception that workers’ situation is far more precarious (Fudge, Tucker, and Vosko 2002).

Precarious employment is employment possessing some form of the following: atypical employment contracts, including part-time, contract work, multiple job holding, and self-employment; lack of access to labour law protections and the social wage; job insecurity; low job tenure; low wages or income; and different and unique health risks (Vosko 2003, 1).

Overnight Couriers & Traditional Employment

Core companies such as UPS, Purolator, Canada Post Corporation, and Federal Express account for the majority of those couriers employed in the overnight/late market. Approximately 89 per cent of all couriers in this market segment are employed under traditional contracts of service and are treated as employees. Employee classification gives couriers access to labour protections and the social wage, including employer contributions to both CPP and EI. In addition, their unions have negotiated additional protections: unionized employees at UPS and Purolator get 2-to-6 weeks of vacation; 10 paid holidays per year; paid parking tickets; and full benefit plans.¹

Relatively higher incomes are the result of both guaranteed hourly rates of pay with union wage premiums and minimum daily earnings and routes. The average wage in the core is \$18.50 an hour.²

Core companies have sought flexible labour processes: particularly an increased use of part-time employees and owner-operators. However, these contractors are covered by the conditions of the various collective agreements. For example, owner-operators with Greyhound Express and DHL Express are entitled to daily minimum benchmark earnings, grievance systems, and rationalized routes.

Same-day Couriers and Precarious Employment

Couriers in the periphery work for companies including Direct Express, Sierra Courier, and Internet Courier. The conditions of this employment typify precarious employment. This section analyzes levels of that precariousness by:

- determining what employment contracts in the industry mean for labour and social protections
- examining the levels of job insecurity in the industry
- looking at the wage and income levels of couriers
- discussing the health risks facing couriers.

EMPLOYMENT CONTRACTS AND LABOUR/SOCIAL WAGE PROTECTIONS

The fundamental issue leading to precariousness for same-day couriers is the legal form of their employment contract. Couriers in the periphery are exclusively organized under contracts for service. This legal relationship means that rather than being considered employees, couriers are “owner-operators,” “independent contractors,” or “self-employed entrepreneurs.” As a result, same-day couriers are not covered by employment standards legislation, they do not have access to Employment Insurance coverage, and their employer is not required to make contributions on their behalf towards the Canada Pension Plan. The historic rationale for this exclusion is that the self-employed are assumed to earn a living through the rigors of competition using their specialized skills and entrepreneurial drive (Fudge, Tucker, and Vosko n.d.). Labour protections and the social wage do not apply because they were designed to assist dependent and vulnerable workers, not entrepreneurs.

JOB INSECURITY

Job security in the same-day courier industry has little to do with the ability to find employment. It is easy for anyone to find courier employment in the same-day market. The real issue has to do with income security: no courier is guaranteed a set number of deliveries, and no matter how many deliveries a courier is willing to make, there is no guarantee that the work will be there or that the company will allow the courier to make those deliveries. In one case, a respondent explained that the last courier company he worked for provided some couriers with multiple good-paying deliveries, while others were not given any. He sent a letter to the company requesting they implement a policy regarding a fair system for distributing deliveries. The courier believed this could be accomplished by limiting the number of couriers hired. Shortly after this, the company terminated him, explaining there are no guarantees that individual couriers will have access to a set number of deliveries.³ The reality of the non-union industry is that couriers are not in control of their daily piecework, and, as a result, their income is insecure.

LOW WAGES/INCOMES

Incomes in the periphery same-day market are extremely low, often below minimum wage after expenses and hours worked are taken into account. The average gross income of a car-driving courier in this study was \$24,211.20 (Income levels were determined through a variety of methods: couriers interviewed were asked to report on their own income; and reports from the Workers’ Organizing Resource Centre, an advocacy group representing couriers in labour standards cases identified income levels for 17 same-day couriers. While not a random sample these medians are estimated to be accurate. An accounting firm reported that the majority of their 50 courier clients earn a net income of \$10,000-\$15,000).

The 2001 Census reported that the average same-day courier in Winnipeg earned \$22, 475 per year (Statistics Canada 2001a). A breakdown of the total gross income of same-day couriers is provided in Table A.

The median earnings of walker and bike couriers in the non-union sector is \$11,200 a year or \$4.79 an hour. Walkers and bikers do not have the same costs as other couriers because they do not have to maintain a vehicle. Nonetheless, they also have the lower priced deliveries.

The median net income of car couriers was \$15,149 or \$6.47 per hour. Car couriers are responsible for expenses, including vehicle purchase, maintenance of vehicles, insurance, fuel, renting of dispatch equipment, etc. There were only a few van/truck drivers interviewed in the non-union sector. Based on these figures it is estimated that the median net income is \$33,900

per year or \$14.49 per hour. Incomes reported in the unionized same-day courier company in Winnipeg were higher than the counterparts in the non-union sector. Car couriers reported median net incomes of \$25,218 or \$10.77 an hour while larger vehicles reported a median net income of \$50,000 or \$20.57 an hour.⁴

The low incomes in the same-day market are largely a result of two factors: The price levels charged to customers that have not kept up with inflation, and low volumes. These factors exist because of an extremely competitive market with an oversupplied non-rationalized labour process.

One of the biggest concerns of respondents is that prices have not kept up with inflation since the late 1980s. During the course of the research a courier who has kept extensive records of prices over the past 14 years was identified. During this

Table A: Total Gross Income of Same-Day Couriers*

	Bike / Walker	Car / Van	Truck
< \$10,000	2	0	0
\$10,001 - \$15,000	2	0	0
\$15,001 - \$20,000	1	1	0
\$20,001 - \$30,000	1	8	0
\$30,001 - \$40,000	0	5	0
\$40,001 - \$50,000	0	1	2
>\$50,000	0	0	0
N/A	0	1	1
Median Gross Income	\$13,000	\$24,211	\$46,900

*This represents the courier’s gross income. It is important to note that a courier’s net pay is variable because they incur all costs associated with doing business. Additionally couriers cover the employer’s portion of CPP and have deductions taken off for rental of uniforms, insurance and equipment. These expenses cost the average courier in the study \$9000.00 per year. Therefore the average net income of a car courier after taxes in the study is \$13,346.67.

period of time the courier maintained records showing prices for more than 1,700 individual regular deliveries to a variety of customers. Regular deliveries refer to those packages that are picked-up by a car and delivered within 3 to 4 hours. As shown in Table B, prices for this courier have not kept up with inflation. Between 1988 and 2002 inflation increased by 35.54 per cent while prices in the courier industry increased by only 24 per cent. Essentially on average a courier's commissions are worth 11.54 per cent less than they were in 1988.

Delivery volumes are also inconsistent and extremely low ranging from 5 to 60 deliveries per day. As shown in Table C the average car courier

makes between 16 and 20 deliveries in a day. At an average price of \$5.10 per delivery, of which the courier receives 65 per cent, many couriers are earning a daily gross income of \$56-\$60 per day before expenses.

There exists a common belief that individuals in the courier industry are there for "pin-money" to supplement the income of their spouse or couriers are retirees looking for a few extra dollars to supplement their pension.⁵ While a certain percentage of couriers do not depend on courier income, the majority of couriers are there to earn an income and put food on the table. According to the 2001 census of 515 couriers employed in Winnipeg, 83 per cent worked full-time and

Table B: Courier Price Levels & Inflation

Anonymous, Personal data of long term same-day courier analysed, 5 August 2004

Year	Average Delivery Price	Range	Per cent Increase in Price	Per Cent Increase in Inflation
1988	\$4.10	(\$1.90-\$7.00)		
1990	\$4.20	(\$1.90-\$7.50)	2.5 per cent	9.92 per cent
1994	\$4.25	(\$2.50-\$8.50)	1 per cent	9.13 per cent
1997	\$4.45	(\$2.55-\$10.50)	6 per cent	6 per cent
2002	\$5.10	(\$3.50-\$10.50)	14.5 per cent	10.49 per cent
Total			24.0 per cent	35.54 per cent

Table C: Average Daily Deliveries per Courier

Daily Deliveries	Couriers	Per cent
5-10	2	8 per cent
11-15	3	12 per cent
16-20	8	32 per cent
21-25	4	16 per cent
>25	4	16 per cent
N/A	4	16 per cent
Total	25	100 per cent

only 17 per cent worked part-time. Of those working full time, 54 per cent were working more than 45 hours a week. It is hard to believe that someone who only needed a little extra pin money would work so many hours. As noted earlier, some couriers must take on additional work to supplement their courier income.

UNIQUE HEALTH CARE RISKS

Finally, same-day couriers experience health risks not associated with traditional employment. The courier's inability to control access to future work leads to employment uncertainty. In the same-day courier industry, market conditions and the employer-controlled labour process play a significant role in determining the volume of daily deliveries. The fact that couriers do not know from one day to the next how many deliveries they will make is constantly in the back of their minds. Not knowing what they will earn daily creates additional stress. To make matters worse, couriers do not have access to many of the stress relievers afforded to traditional employees, including sick leave or vacations and holidays. While couriers have recently gained entitlement to workers compensation, benefits based on piece-rates are so low that couriers continue to work through injuries. As one courier angrily commented:

I can't afford to be sick! I can't afford to take a vacation! I work when I am injured. I have regular payments to make on my truck and only get paid when I work, so I am always at work!⁶

Cost/Benefits of Employee Couriers and Independent Contractors

Courier companies argue that owner-operator run their own businesses and enjoy significant autonomy and self-direction over the labour process and tax benefits. Therefore one might assume that a courier willingly accepts the costs of precarious employment in return for this

freedom. In order to determine if this is true, it is necessary to determine the economic cost and benefit of being an independent contractor and then compare those benefits to what would be received if the courier were an employee.

Under a contract of employment, the law provides numerous obligations and rights. These include minimum employment standards, employer contributions to the Canada Pension Plan, as well as the implied obligation under traditional employment that the employer covers operating costs of doing business. The independent contractor status however functions as a legal loophole through which many of the benefits of being an employee are transformed into costs that are borne the independent contractor.

Generally the only economic benefit an independent contractor receives is the income for performing a job or task. In the courier industry, this is based on piecework rates for deliveries. While incomes vary, the median gross income for a car courier in this study was \$24,211.20. In order to earn this income, couriers generally work between 9 and 12 hours a day for 52 weeks a year. The courier's expenses costs can be categorized as out-of-pocket expenses and opportunity costs.

OUT-OF-POCKET EXPENSES

There are generally three types of costs that a courier in the same-day market incurs that not experienced by workers in traditional employment contracts: costs of doing business; at-source deductions for the rental or leasing of equipment; and social-wage costs.

There are no laws stating that the employer must cover the costs of doing business if workers authorize these costs. Nonetheless, it has traditionally been accepted that employers pay for expenses relating to running the business. In the new economy, however, many of these costs are passed on to workers. In the same-day industry,

the courier covers such costs as vehicle purchase and maintenance, insurance, fuel, etc. These can amount to between \$7,000-to- \$10,000 per year for the average car-driving courier.

Couriers also provide a valuable revenue stream for same-day courier companies. Common source deductions include cargo insurance, radio rentals, and company uniform and decal rental. While items such as insurance are supposed to cover the costs of lost or damaged packages, couriers in the study argued that when a package is lost or damaged, the company explains that the insurance will not cover it and the courier is forced to pay. An interview with a long-term service provider of radio equipment indicated that courier companies are generally charged \$350 every year for the rental and servicing of a unit. The average cost charged to a courier is \$720 every year for the unit.⁷

Finally, couriers pay additional expenses relating to EI and CPP. A few couriers in the study explained that they are glad not to have to pay into Employment Insurance because they are never laid-off. Nonetheless, all Canadians have to pay into CPP and as a result of their independent contractor status, couriers have to pay both sides of CPP contributions. This costs the courier \$888.13 per year that would be paid by the employer in a traditional contract of employment.

OPPORTUNITY COSTS

In addition to these costs, couriers incur economic opportunity costs. Essentially the same-day courier forgoes all protections and economic benefits afforded to workers under employment standards legislation. An employee courier is entitled to overtime pay, vacation pay, and holiday pay. These benefits would put an additional \$5,459.52 into the courier’s pocket had they been classified as an employee.

TOTAL COSTS

The total cost of a courier accepting independent

contractor status in the new economy as opposed to employee status is \$14,567.65. For those hesitant to include opportunity costs in the analysis it should be noted that the out of pocket costs of being an independent contractor still amount to \$9,108.13 per year. As one courier mentioned:

I came into the industry with rose-coloured glasses. I was excited with the money I was making. After a few months however I noticed the huge costs associated with being an owner-operator. I was eventually trapped by the huge expenses and had to leave the industry claiming bankruptcy.⁸

These costs are not traditionally borne by workers and are largely covered by the employer in the overnight market. Table D provides a breakdown of these costs.

Table D: Costs/Benefits of Independent Contractor Status

Gross Benefit (Income)	\$24,211.20
Out of Pocket Costs	
1. Cost of Doing Business	-\$7,000.00
2. Canada Pension Plan	-\$888.13
3. Cargo Insurance	-\$500.00
4. Radio Rental	-\$720.00
Subtotal Costs	-\$9,108.13
Opportunity Costs	
1. Holiday Pay	-\$651.42
2. Vacation Pay	-\$930.60
3. Overtime Pay	-\$3,877.50
Subtotal Costs	-\$5,459.52
Total Benefit	\$24,211.20
Total Cost	-\$14,567.65
Net Benefit	\$9,643.55

Further analysis shows a striking contrast when the benefits of being an independent contractor in the same-day market are compared to the benefit enjoyed by couriers employed in the overnight market. Couriers working in the same-day and overnight markets earn significantly different incomes. The following comparison ensures that only new economy variables are analyzed by controlling for union and market differences that exist in each market segment. Setting variables at the same-day average controls for income levels for different market types. The independent contractor's net benefits are substantially lower than the employed courier's. The total net benefit of an employed courier is \$26,102.46. This is derived from adding delivery revenue, employment standards benefits, and social wage benefits. The independent contractor courier collects a net benefit of \$13,346.67. This is derived by subtracting the costs incurred in doing business and the requirement for the courier to pay their own CPP contributions from delivery revenue. Tax paid on earnings has been deducted for both couriers.

There are no legal requirements preventing an employer from requiring their workers to cover costs of doing business, if the worker agrees. Therefore one should not assume that employee status for same-day couriers would eliminate vehicle costs, insurance costs and radio rentals. Nonetheless, an employed courier would receive more than \$6,000 in additional benefits as a result of employment standards coverage and their employer paying portions of CPP contributions. The results of the comparison are shown in the following Table E on page 12.

ARE THERE BENEFITS IN TAXATION FOR THE SELF-EMPLOYED COURIER?

Throughout the study both couriers and union respondents said that independent contractor couriers perceive that self-employed status provides them with many income tax benefits.

Therefore, the self-employed courier may be willing to forego employee status for the sake of these tax benefits.

All indications suggest that the tax benefit is overblown: in reality, the ability to make significant deductions would remain intact under employee status. In a meeting with the Delivery Drivers Association of Manitoba (DDAM), Canada Customs and Revenue Agency (CCRA) officials explained that couriers would generally be able to make all of the same deductions that they do as self-employed with the exception of certain deductions for tools and uniforms.⁹ Instead of making business deductions on self-employed expenses, the courier would make employment-expense deductions as a commission-based employee.

Couriers earning a commission are allowed to deduct expenses on all major costs incurred in doing business. They can deduct for allowable motor-vehicle costs including the capital-cost allowance; accounting and legal fees; insurance premiums; and leased equipment including radios. While self-employed individuals are given free rein to deduct any legitimate cost incurred in earning an income, employed couriers would still have the right to deduct almost all of the expenses they currently deduct (Canada Customs and Revenue Agency n.d.). A simulation conducted by an accounting firm showed if the average courier were employed under a contract of service, that is as an employee, the courier would pay less than \$856.00 more in taxes than a self-employed courier. The higher taxes would result largely from the fact that the courier would also be earning a higher income as a result of vacation pay, holiday pay, and overtime. When this slight increase in taxes is balanced with the more than \$6,000.00 an employee would receive per year in employer-paid CPP contributions, vacation pay, holiday pay, and overtime, it becomes clear that the benefits of taxation freedom are in reality no benefit at all.

Table E: Comparison of net benefits for independent contractors and employed couriers

	Employee	Independent Contractor
Benefit from Delivery Revenue	\$23,265.00	\$24,211.20
Employment Standards Benefits**		
1.Overtime Pay	\$3,877.50	\$0.00
2.Holiday Pay	\$651.42	\$0.00
3.Vacation Pay	\$930.60	\$0.00
Social Wage Benefits		
1. Employer Paid CPP*	\$1151.61	\$0.00
2. Employee Paid CPP	-\$1151.61	-\$888.13
Costs of Doing Business		
1.Vehicle Costs	\$0.00	-\$7,000.00
2.Cargo Insurance	\$0.00	-\$500.00
3.Radio Rental	\$0.00	-\$720.00
Taxes Owning***	-\$2622.06	-\$1756.40
Total Benefit	\$26,102.46	\$13,346.67

*CPP Contributions for self-employed individuals are based on net taxable income. For many couriers this is approximately \$12,000 a year less the \$3,500 basic exemption and multiplied by 9.9 per cent

**Calculations are based on gross income earned if courier were an employee. This would be based on a 50-week per year and 8 hour per day work week for a gross income of \$23,265. O/T is calculated at 1.5 X the average hourly wage for all hours worked beyond 8-hour day or 40 hour week. Vacation pay is 4 per cent of gross income not including O/T. Holiday pay is based on 7 statutory holidays multiplied by average daily earnings.

*** Based on tax simulation done by local accounting firm. Average courier earnings and expense deductions were done according to taxation rules for employees earning commissions and independent contractors. Both employee couriers and self-employed couriers can reduce their taxable income significantly.

THE SELF-EMPLOYED COURIER: MYTH OR REALITY

Self-employed status then comes at a significant cost to couriers, approximately between \$6,000 and \$14,000 a year. Why would couriers be willing to pay this price? An obvious explanation is that many couriers accept the costs of self-employment because they have no other labour market opportunities and agree to the employer's terms and conditions of employment out of necessity. Nonetheless, proponents of self-employment offer a more optimistic reason, arguing that individuals accept a trade off of monetary benefits and security in traditional employment for higher levels of autonomy and control over the labour process. The more entrepreneurial they become, the more successful they will be. The self-employed may have opportunities to earn high levels of income if they are able to make many deliveries through their hard work and entrepreneurial spirit.

Some respondents entered the industry out of the belief that as an independent contractor they would have the ability to earn high levels of income based on their independence and initiative. Eleven respondents explained that the industry attracted them because of the money to be made or the working conditions that accompany self-employment. As expressed in two interviews:

I got into the business for the big money. Any courier who gains specialized knowledge of the city, as I have, can be successful and make the income they want as long as they are willing to put in long hours. Based on my skills I am able to do in 20 minutes what it takes other couriers 1 hour to do. Couriers who know what they are doing are rewarded with incomes well over \$50,000.¹⁰

The courier industry is beneficial to

those of us who dislike the constant supervision of a boss. I love the fact that I don't have some supervisor hanging over my head all day long.¹¹

These comments suggest couriers are self-employed contractors who have the potential to earn high incomes through their entrepreneurial drive. Research suggests the promise of autonomy, control over production, and the ability to earn high levels of income from entrepreneurial drive, are not consistent with the work experience of many in the growing class of self-employed. With the rise in self-employment, it is important to realize that the self-employed do not consist of one homogenous entity. The self-employed range from "disguised" employees and franchisees through skilled craftspeople and independent professionals to the owners of incorporated businesses (Fudge, Tucker, and Vasco 2002, 9).

When couriers were asked to describe the best parts of the industry, many framed their responses as benefits that they believe exist because they are independent contractors and would not exist had they been in traditional employment. Twenty per cent explained the ability to be mobile and not stuck in an office was the best part; 20 per cent enjoyed the fact that a supervisor was not physically present to direct work; 20 per cent were satisfied with an opportunity to earn an income while riding a bike; and 12 per cent believed earnings were in their control and that this would not exist in a traditional employment contract.

While these results indicate that some couriers believe they are self-employed, or believe the best parts of the industry are derived from self-employed status, historical definitions of self-employment are not met when the labour process is organized differently than in a factory or office where the worker is closely supervised. The real issue rests with who owns and controls the labour process and directs the work. There are

many types of workers that enjoy the 'freedom' of working outdoors away from physical contact with a supervisor and are still considered to be employees. Indeed, this is the case of employees in the overnight courier industry.

Self-employment exists if an individual has true power through an entrepreneurial drive to earn significant income, can exercise significant control over the labour process, and have autonomy (meaning they are not dependent on others during the labour process).

Earning an Income

There are three factors determining a courier's income: the commission or piece-rate earned on every delivery; the price charged to the customer; and finally the volume or number of daily deliveries handled by a courier. Interviews show couriers do not have any more control over these three factors than they would experience had they been in traditional employment relationships. The result is that control over this factor rests with the employer, the courier company.

Couriers earn income based on commissions paid to them by the courier company for every delivery. The commission rate varies in the industry from 60 per cent to 79 per cent of the price charged to the customer. The standard commission rate is 65 per cent.¹² The final say on rates rests with the courier company. These rates are based on dynamics consistent with any employment relationship, including arbitrary allocation and favouritism by management, skill levels and years of service by the courier, and union negotiated rates.

Secondly, and arguably the most important factor in determining a courier's income, is the price charged to the customer.

In industries where independent contractors have true control and power, they are able to

adjust their prices according to their skills and inflationary pressures. Couriers have no such power. Regardless of an increase in vehicle costs, maintenance or fuel, the courier is dependent on the price established between the courier company and the customer. Couriers know they are never to negotiate or discuss price with customers.

In one case a courier began to negotiate directly with a law firm that appreciated the dependable professional nature of his service and wanted to compensate him accordingly. The courier was dismissed after being told he was to simply deliver the package and the sales department would with all discussions on price.¹³

Most independent contractors would argue that it is their business to know the price charged for their services. In the courier industry however couriers have to wait until payday to know how much they are going to be paid for a delivery. One courier interviewed was terminated when he requested a copy of each waybill so he could ensure the courier company was paying him 65 per cent of what they were charging the customer.

The final factor in determining income is the daily volume of deliveries handled by the courier. Market share or the customer base held by each courier company determines volume. Because the larger same-day companies are seen as more dependable by many customers, they hold a larger market share.

The courier company determines the daily volume handled by the courier in two ways:

- 1) dedicated deliveries that are done on a regular and daily basis. These regular routes are awarded to couriers according to the same factors that work is awarded to employees in any business. Management allocates work according to arbitrary treatment and favouritism, as well as skill and years of

service of the courier.

- 2) 'off-the-board' deliveries that are not regular and arise on a just-in-time basis. These deliveries are awarded to drivers by the company-controlled dispatch. Even the highest earning courier interviewed in the study, earning more than \$60,000 a year, explained that volume is distributed arbitrarily by dispatch and is often based on favouritism.¹⁴ Couriers who receive a larger proportion of direct regular deliveries, as well as many 'off-the-board' deliveries are said to get the 'gravy.' The allocation of work is one of the fundamental factors in questioning the extent of entrepreneurship in the industry. Couriers explain that it does not matter how efficient they are or how many deliveries they want to make, entrepreneurial drive does not determine how many deliveries are assigned.

As shown, a courier's income is determined no differently than the determination of income in a traditional employment relationship. While some couriers do earn high incomes, this is dependent on being rewarded the 'gravy' jobs that are owned and controlled by the courier company. This privilege is granted to them by the courier company and is not a result of their own entrepreneurial initiative or being self-employed.

Autonomy, Self-directed Work and Discipline

Autonomy and control over the labour process are privileges granted to couriers by the company. If they extend too far into the realm of managerial control, the company exerts its legal right to run the workplace as it sees fit and utilizes disciplinary mechanisms. The overnight courier, considered an employee of the company, and the same-day courier, considered an owner-operator, experience the same levels of autonomy and control. The core tasks of both jobs are the same—the delivery of letters, packages, and parcels for customers of the courier company.

A true independent contractor is hired to perform specialized tasks or jobs that are not integral to the client's business. For example, a client that owns a pet store may need a contractor to install a new bathroom. The building of this bathroom has nothing to do with the selling of pet food. The contractor completes the installation of a bathroom and then leaves. The pet store has no control over the contractor, who is the specialist in installing bathrooms. The contractor has nothing to do with the core business of selling pet food and will not interact with that core business purpose.

In contrast, the courier is integral to the core business of the courier company. The courier company enters into agreements with customers needing letters and packages delivered. Couriers are hired as the labour component of that relationship without any input or discretion over the agreement between the customer and company. The control and autonomy granted to the courier will always rest with the courier company because the customer is in a legal relationship with the courier company. If the customer is not satisfied with deliveries, the courier company has to exert control over the courier and in order to exert that control uses discipline.

According to a respondent, the industry used to be organized under an open dispatch structure. Under this structure, the company would announce a delivery that would be openly available to all couriers. The couriers would then compete amongst themselves for that delivery. Couriers would exercise individual control and discretion by refusing to deliver the lowest priced calls. Such a refusal is consistent with an independent contractor relationship. However, the courier companies could not allow couriers to maintain discretion over acceptance or refusal of deliveries.¹⁵

Today's courier industry controls and directs all

couriers by directly dispatching deliveries to the individual courier. The company now knows the courier assigned to a delivery and will discipline the courier if work is refused. When asked if she ever turns down lower priced deliveries, a part-time courier looked bewildered that someone would ask that question:

What kind of stupid question is that? Have you ever worked for a company? It is not insubordination to refuse an order from your boss! If I refused to deliver a low-priced package the company would refuse to give me anymore work!¹⁶

As this comment suggests, independent contractor couriers face discipline if they attempt to exercise discretion. Couriers refer to the discipline system as one by which they are “starved out”. Rather than firing a worker, the company reduces the workload to the point where the courier is forced to quit.¹⁷ In addition to starving couriers out, courier companies control the courier through their control of information regarding the nature of the delivery. When one courier requested this information, he was price was not his concern since he was there to delivery the packages, “not to run the business.”¹⁸

The following is a sample from more than eight different contracts representing couriers in five same-day courier companies:

Hours of operation are 07:30 to 17:30 – drivers are to be ready to work the above hours with full fuel in their vehicles

The company has the right to suspend the use of any vehicle, bike, or driver, at any time, for any reason - If the owner-operator wishes time off from service they must notify the company 2 weeks prior to taking the vehicle out

of service

The owner-operator can not provide courier services within the boundaries of the City of Winnipeg for three years following the termination of this agreement

If a customer asks you to take a delivery, in addition to the delivery you were sent there for, it must be cleared with dispatch before putting it into your vehicle

The owner-operator is not an employee of the company and must make it known to the public or third parties that the owner-operator is an independent contractor.

Dispatch has final say as to what and how things are to be done – failure to comply with the above policies will constitute immediate dismissal.¹⁹

Couriers work in a culture of subordination and dependency, where personal relationships with dispatch and managers determine their success. This is different from true entrepreneurship where a contractor can increase business by working harder, faster, and more efficiently.

If many owner-operator couriers experience working conditions that resemble a traditional employment relationship it is appropriate to question whether they are true independent contractors. The next section analyzes how the law addresses the questionable contracts of courier owner-operators who appear to be employees.

The Legality of the Independent Contractor Courier

The law is clear that individual couriers and courier companies are not permitted to enter into independent-contractor relationships if the reality of the relationship is one of employers and employees. Generally speaking an employee-employer relationship is governed by legislative protections.

In order to determine if an employee-employer relationship exists, jurisdictions use tests that examine the nature of control in the relationship; who owns and controls the tools needed in production; who has a chance of profit and a risk of loss in the business; and whether or not the work performed by the contractor is integrated into the employer's business.

There have been some legislative modifications on the need to show full-fledged employee status before providing statutory protections to workers. In Manitoba, for example, the labour board has the discretion to grant collective bargaining rights if it believes it is appropriate, regardless of whether the individuals are independent contractors or employees. Additionally, adjudicators have often used statutory-purpose tests that make use of remedial or liberal interpretations of the legislation. In many cases, the degree of economic dependence in the relationship is given significant weight in determining whether an individual is an employee for the purposes of minimum employment protections.²⁰

The purpose of each statute differs and these variations play a part in making the employee-independent contractor distinction. For example, the policy goals of the *Income Tax Act* are different from labour standards legislation: and as a result, it might make sense to hold a particular worker to be an employee for the purposes of one but not the other. The ambiguity of holding employee

status in one situation and not in another creates confusion for couriers. A number of couriers reported that they are able to earn subsistence income levels because they pay low levels of tax and they are afraid of losing this freedom in taxation.²¹ Therefore individual couriers may be afraid of seeking employee status for purposes of labour standards, EI and CPP because they do not want to be considered an employee for purposes of taxation. This presents a dilemma for couriers and their representatives who want couriers to receive the protections afforded to vulnerable workers, but do not want to alienate couriers by raising a red flag with the CCRA.

Historically labour standards administrators have either not considered couriers as being entitled to labour rights protection or at best have been inconsistent in the application of the law for couriers. For example, a source with Human Resources Development Canada (HRDC) acknowledged that a 1987 memo sent by a deputy minister denied courier operators or leased operators the ability to file a wage-recovery complaint. This policy remained in place until 1993 when new wage-recovery legislation provided officers with extended power.²²

The Delivery Drivers Association of Manitoba (DDAM) explains that it has only been since 1998 that provincial Employment Standards officials began accepting courier complaints on a consistent basis. Roger Fontaine of DDAM explains:

It was only through the advocacy of DDAM, the Workers' Organizing Resource Centre and the Canadian Union of Postal Workers in meeting with the Deputy Minister of Labour and Employment Standards that the government began the consistent application of legal tests to determine if couriers were employees. For the most

part prior to this advocacy couriers were told to get lost because they were owner-operators and not entitled to labour protections.²³

The most recognized case dealing with the independent contractor/employee issue in the courier industry is *Dynamex v. Mamona*, which granted couriers at Dynamex in Winnipeg employee status. The Supreme Court of Canada recently reaffirmed the original HRDC decision in this case.²⁴ This groundbreaking decision rejected the myth that a courier, who pays most of the expenses incurred in doing business and owns their own vehicle to make deliveries, is automatically considered an independent contractor and not entitled to labour protections.

However, employee status is only granted on a case-by-case basis. Depending on the facts of each case, certain couriers may be considered employees and others independent contractors. Individual cashiers in a supermarket do not have to prove on a case-by-case basis that they are employees and entitled to labour protections. Unfortunately blanket coverage has not been provided to couriers, regardless of the fact that a string of decisions have determined same-day bike, car and truck couriers to be employees.

A lack of pro-active and educational resources within the Department of Labour denies many workers employed under disguised employment in new economy industries the appropriate level of workplace protection. As a result, new economy workers develop a mindset that justifies the denial of their right to protection. There needs to be educational campaigns and pro-active industry investigations to ensure the law is upheld and couriers are not working at terms and conditions below minimum standards. Sources in both provincial and federal labour rights divisions explain they do not have enough resources to deal effectively with complaints filed, and therefore

they do not have resources offering educational campaigns or enforcement of rights.

The Labour Movement and the Courier Industry

Unionization rates in the courier industry vary according to the overnight and same-day markets. When all of Canada Post is included, 93 per cent of the overnight industry is unionized, if Canada Post is excluded, 71 per cent is unionized. Unionized companies include Canada Post Corporation, represented by the Canadian Union of Postal Workers, United Parcel Service and Purolator, represented by the Teamsters, DHL Express, represented by the Canadian Autoworkers (CAW), Greyhound Express, represented by the Amalgamated Transit Union (ATU), and Canpar, represented by the United Steelworkers of America (USWA).

In contrast, only 16 per cent of the couriers in the same-day segment are unionized. Dynamex, the largest same-day company, is the only unionized company in Winnipeg. The labour relations structure is not highly evolved. The Canadian Union of Postal Workers was certified in 1998 and only recently entered into their second collective agreement. CUPW has only focused on one other same-day company. So far that organizing attempt has been unsuccessful.

Barriers to Organizing the Same-Day Courier Industry

There are generally three micro-level factors that determine a union's success in organizing a group of workers: (1) Workers have to have a predisposition towards joining a union. In other words, the majority of the workforce has to recognize that a problem exists; (2) Workers must believe that a union is a logical vehicle to address their common problems; (3) The union organizing process must be conducive to unionization (Godard 1994, 203). The labour

movement faces barriers on all of these factors in the same-day courier industry.

COURIER PREDISPOSITIONS TO UNIONIZATION

Courier companies in Winnipeg have been unionized as a result of “hot” workplace issues. For example, immediately prior to Christmas owner-operators at a one courier company had their rates cut. Angry and outraged, the workers formed a union.²⁵ The same-day courier company workers unionized after the company successively cut the rates of couriers working on an expedited mail contract for Canada Post.²⁶

Most couriers, whether they earned \$16,000 a year or \$50,000 a year, had common concerns and causes of discontent. These concerns were divided into three categories: (1) 45 per cent of respondents explained it is too difficult to earn an adequate living as a result of low prices, low volumes, and cut-throat competition in the industry; (2) 29 per cent expressed concerns with health and safety and stress resulting from driving conditions and worries over whether a courier will earn enough to cover expenses; (3) 24 per cent were upset with fairness and arbitrary treatment in work distribution.

While almost all couriers reported similar feelings of discontent when it came to the first two categories, there were significant differences of opinion on the third. It is also important to note that anger on the first two categories is often directed at the industry as a whole, while anger on the third is directed at the individual courier company. This latter fact is significant since approximately 31 per cent of all respondents stated nothing could be done to correct the types of problems found in the courier industry.

While the issue of arbitrary treatment in the distribution of work alone could provide the needed spark for a union drive, there is a vocal group within each company which defends the

status quo. One courier mentioned that the problem with unions is that they would reward “lazy” couriers at the expense of “hard-working” couriers. He is upset at the thought of daily minimum earnings benchmarks because they force the company to distribute work more equitably (Short 2004). Another courier explained that a high-earning co-worker of his is extremely upset with couriers who fight for employment standards, arguing that if he were forced to take breaks he would lose a lot of his volume to other couriers.²⁷

According to most respondents, the well-treated couriers in each company are in the minority and should not pose a problem for organizing. If the majority of couriers in each internal labour market are struggling and angry at arbitrary dispatch policies, there should be many reasons for those couriers to organize in favour of rules and procedures for work distribution.

Many respondents suggest that while couriers may be discontented, they are satisfied to have any type of employment. Many couriers in the same-day market are in the industry because it is their last resort. Fired or downsized from other jobs, all they need is a car to find employment in the courier industry. They feel that the courier industry is better than welfare, so they don't rock the boat or complain.²⁸

Unions as Logical Vehicle of Discontent

In order for workers to seek unionization they must believe a union is a logical vehicle to address their common concerns (Godard 1994, 203; Weikle 1998). Eighty-four per cent of respondents said unionization is not a viable option. A breakdown of the reasons unions are not considered is shown in Table F on page 20.

Fear was the top reason a courier would be hesitant to stick her or his neck out and unionize. The fear of job loss, strikes and management retaliation

has been well documented as a major obstacle to union organizing (Cohen and Hurd 1998). In an industry where one's daily earnings are variable and dependent on good working relationships with management, it is logical for individual couriers to shy away from unionization if their perception is that unionized environments are full of conflict.

Secondly, many couriers are unaware of their legal right to unionize. A few respondents were puzzled with the question about couriers unionizing. As the following respondent expressed:

I don't understand your question, how can you unionize if you are not a worker?²⁹

Table F: Is Unionization an Option for the Industry?

	#	per cent
No- Couriers Too Scared to Unionize	6	24 per cent
No- Owner-Operators Cannot Unionize	5	20 per cent
No- Conditions not Conducive to Unionize	5	20 per cent
No- Unions Would Hurt Industry	3	12 per cent
No - Company Treats Couriers Fair	2	8 per cent
Yes- Union has Improved our Conditions	4	16 per cent
Total	25	100 per cent

I think our warehouse guys are in a union, but they are employees, as owner-operators we cannot organize.³⁰

It seems that a lack of knowledge on the right of same-day couriers to organize may be widespread.

While most respondents may agree that the industry deprives them of equitable pay, dignity, and fairness, unions are not perceived as a vehicle to deal with this discontent. While many respondents did not see unions as a way to improve industry conditions, they said that one courier company in Winnipeg, which organized as a workers' co-operative, ensured work was distributed equitably among members. Others said that price-and-supply regulation, similar to that in the taxi industry, is needed. These improvements can be made through a labour movement committed to organizing the courier industry.

This does not suggest,

Table G. Ways to Improve Conditions in the Courier Industry?

	#	per cent
Share Work / Equitable Distribution	2	6 per cent
Provide Labour Standards	2	6 per cent
Regulate Prices / Rates	4	12 per cent
Reduce Supply / Competition	4	12 per cent
Improve Relations with Dispatch	1	3 per cent
Form Workers Co-op	3	9 per cent
Cannot Improve / Nature of Industry	4	12 per cent
No Need to Improve / Industry is Fine	3	9 per cent
Not Sure / Do not Know	6	19 per cent
Unionize	1	3 per cent
N/A	3	9 per cent
Total	33	100 per cent

however, that union solutions are not consistent with the ways couriers think the industry may be improved. As shown in Table G, respondents suggest a number of ways forward that could be carried out by the labour movement.

Union Organizing Process

In order for individuals to decide to participate in collective action, a collective identity has to emerge within a group that allows them to see themselves as sharing common grievances. Research suggests that the more homogenous the group, the more intense and frequent the interactions within the group, and the denser the group members' social networks, the more likely it will be that collective action will emerge (Foley 2003). The nature of the courier industry is not conducive to such cohesion. As one courier mentioned:

The industry is such that we are all spread out and scattered. Except for a few conversations I have with other workers, I never talk with others about my problems and I never hear from most of the other guys.³¹

The technology in the industry ensures couriers are insulated from each other. Courier companies use dispatch equipment, including Blackberrys and microphones, that allow for two-way communication between couriers and dispatch and cuts down or eliminates communication between couriers.

This lack of community among drivers quickly became apparent at the outset of this study. The original plan was to identify 'industry experts' from within many courier companies and have them provide basic information on the company. However, only the employees of the unionized company could provide accurate data. Even individuals who had been with the same courier company for more than 10 years could not answer

basic statistical questions about their company. One courier who has been with one of the larger companies for 15 years had no idea how many drivers worked there.³² Another respondent from the same company thought there may be anywhere from 50 to 150 couriers but explained there was no way he would know for sure. A third respondent, working for a smaller company, was told there are 15 drivers at the company, however he has only met a few of them. He explained that he had been embarrassed a few months earlier when he and another courier bumped into each other downtown and asked each other the company each worked for. Amazingly they were both employed with the same company.³³

The transient nature of the workforce reinforces this isolation. One courier mentioned that it is difficult to build relationships with other couriers because not long after someone is hired, they leave the industry or go to another company.³⁴ Couriers who are the most vulnerable and who would be expected to raise the biggest issue with their treatment do not last long in the courier industry or with a specific courier company. It is estimated that this turnover is anywhere from 20 per cent after 4 months in the industry to 80 per cent after a year.³⁵

Moving Beyond Barriers: CUPW/DDAM and Community Organizing

The Canadian Union of Postal Workers was the only union that has attempted to provide a collective response to the concerns of same-day couriers in Winnipeg. Its successful organization of workers at Dynamex, the largest same-day courier company, occurred largely because the union's organizing model included a community organizing approach, the creation of a community unionism centre, and alliances with other organizations seeking to improve the lives of couriers.

CUPW ORGANIZING MODEL

John Friesen, the Prairie Region Education and Organization Officer with CUPW, explains that the union organizing model was developed largely through the inspiration of research conducted by Kate Bronfenbrenner and Tom Juravich, as well as Mary Cornish and Lynn Spink. Conventional industrial relations wisdom is that union tactics do not matter in the union organizing process. Bronfenbrenner and Juravich counter this, arguing that union tactics play a significant role, if not the most important role, in determining union election outcomes (Bronfenbrenner and Juravich 1996; Cornish and Spink 1994).

The Dynamex campaign began in 1997 when 55 couriers working on a postal contract had their rates cut. A core group of workers approached CUPW with the initial intent of creating a union solely for the workers involved in the postal contract. The members of this group sorted their deliveries at a common hub and were able to discuss common grievances. When they applied for certification, the Canadian Industrial Relations Board (CIRB) ruled that the appropriate bargaining unit included more than 100 other couriers. To win certification, the union would have to win the support of a majority of all the members of the bargaining unit.

The expansion of the bargaining unit made the prospect of union success much more difficult. Rather than abandon the campaign, CUPW chose to apply the research of Bronfenbrenner, Juravich, Cornish, and Spink and take a comprehensive grass roots approach to organizing.

A core organizing committee met regularly and used one-on-one contacts and social meetings to maintain group momentum. CUPW chose to represent the workers as if a local had been certified. Members were surveyed and a union newsletter publicized common grievances. The union used small claims court to challenge the employer on

the legality of at-source insurance deductions and other issues relating to contract law. It also brought in federal investigators to conduct a health and safety audit. A union lawyer helped end the myth that couriers were independent contractors not covered by labour legislation.

This grassroots strategy allowed the union to sign-up over 50 per cent of the Dynamex couriers and in May 1998 a certification vote was held over 2 days which the Union won, the Canada Industrial Relations Board (CIRB) certified CUPW as their bargaining agent. While the company appealed this landmark ruling it was later confirmed by the courts. The message was clear if they wanted to, same-day couriers could form a union and exercise their rights to collective bargaining.

The union's campaign for worker rights culminated in the HRDC decision in *Dynamex v. Mamona*, which found that couriers are employees for purposes of labour legislation and entitled to vacation and holiday pay. The Supreme Court of Canada recently affirmed this decision granting many rights to couriers dating back prior to their formal union representation.

Rank-and-file union members from the CUPW Winnipeg Local, established a women's committee and addressed issues of dignity and fairness in the courier industry. When two couriers were terminated early in the drive, the union was worried couriers would think twice about supporting the union. However, other CUPW members contributed to a campaign to support the laid off workers and showed up to protest at the company offices. Eventually, the union was able to win the workers back their jobs. The fact the ground-breaking *Dynamex v. Mamona* decision and the successful campaign to win these workers reinstatement took place prior to the certification of the union sent a powerful message to all couriers of the power that comes from being in a union.

WORKERS' ORGANIZING RESOURCE CENTRE (WORC)

Because the union felt it was important to harness the expertise developed in this organizing drive, it established the Workers' Organizing Resource Centre (WORC) in 1998. WORC operated according to a three-prong mandate: to help establish, maintain, and facilitate community organizing that represents and enforces people's rights within the community; to advocate on behalf of workers who do not have access to a union; and to organize the unorganized.

WORC assisted in the organizing drive by providing a common place for couriers to meet and maintain their sense of community during the period after the initial CIRB decision expanded the size of the bargaining unit.

In addition to the formal organizing drives, WORC provided representation for other couriers. This countered the myth that couriers have no rights because they are 'independent contractors.' CUPW has educated and represented couriers in claims for employment standards, human rights, civil court, and at workers compensation hearings. Thanks to WORC, more than 20 couriers from 11 of the same-day companies, people who were once told by their company that they are owner-operators and not entitled to benefits, have received more than \$24,000 in overtime wages, vacation pay, and holiday pay.³⁶ Most of these couriers were assisted by WORC after they had been terminated or quit, meaning that while they are grateful to WORC and CUPW, they are of little immediate help in any organizing campaign. There is, however, the potential that these educated couriers will act as leadership in future organizing drives and will know about WORC, using it as a focal point for couriers accessing their rights.

DELIVERY DRIVERS' ASSOCIATION OF MANITOBA (DDAM)

The Delivery Drivers' Association of Manitoba

(DDAM) emerged in 1997 to educate and advocate on behalf of all Manitoba delivery drivers. The organization provides a network for delivery drivers to address common concerns. DDAM President Roger Fontaine said that the organization is broader than a union because it represents all delivery drivers, and more focused than WORC, because it concentrates specifically on the concerns of delivery drivers. One courier suggested that DDAM is a logical way for couriers to improve their conditions because it carries none of the stigma or bureaucracy of a union.³⁷

DDAM has improved the lives of delivery drivers on a number of fronts. For example, it negotiated with Manitoba Public Insurance on behalf of delivery drivers when MPI brought in common-carrier insurance for delivery drivers. As a result, drivers received dashboard decals that provide greater flexibility when parking in loading zones, no parking areas, and free meter parking when a laneway is not provided. DDAM and WORC jointly lobbied the Employment Standards Branch to ensure couriers had access to legal tests determining employee status and protections under the Employment Standards Code.³⁸

CUPW has shaken the landscape of the courier industry in Winnipeg to the core. Prior to CUPW's involvement there was no unionization in the same-day market in Winnipeg; and there was virtually no argument that couriers were anything but independent contractors who had no access to labour protections including collective bargaining rights. Over the past seven years CUPW, with the help of WORC and DDAM, turned that myth on its head. Not only has CUPW won bargaining rights for the largest same-day company, it pushed the legal envelope, providing legal employment rights to couriers.

Collective Bargaining in the Industry

In negotiations with Dynamex, CUPW has sought to address its members' non-monetary

and monetary priorities. The non-monetary priorities involve a fair distribution of work and an end to arbitrary discipline. These goals can be achieved at relatively little cost to the company, while at the same time providing huge benefits to couriers. Improved monetary benefits, however, create fixed costs for the company. In a market as competitive as the same-day courier industry, these priorities are difficult for unions to achieve, and their achievement may require the union giving up other benefits.

NON-MONETARY PRIORITIES

One of the biggest problems couriers have with the industry is with the arbitrary distribution of work. The union has struggled to show the company that there is something inherently wrong in an industry where a few couriers are given routes worth \$70,000, while others find it hard to be assigned 10 deliveries in a day. Establishing rules around the distribution of work has been a top bargaining priority for CUPW.³⁹ According to the union the company is starting to see the benefit in guaranteeing a certain amount of work to couriers since this will reduce the turnover of truck driving owner-operators.

The work can be fairly distributed by allowing workers to bid on new or vacant routes based on seniority. The union has managed to establish daily minimum benchmarks—if a courier falls below the benchmark the company has to top-up the income to that level. This provides the company with an incentive to distribute work equitably so couriers remain above the daily minimums.⁴⁰

The contract also provides more fairness in disciplinary action since the company can only discipline for just cause. Furthermore, unionized couriers have a grievance procedure to deal with deviations from the collective agreement. Such rules and ways of distributing work and disciplining couriers are not in place for non-

union couriers. As unionized couriers interviewed expressed:

Thanks to the courage of the drivers to support the union we have finally been able to redress some of the past injustices in the industry and begun a more and equitable distribution of wealth! (Short 2004)

MONETARY PRIORITIES

The union has been able to deal with many monetary priorities because Dynamax is one of the Cadillacs of the same-day market. Many of its customers will accept slight price increases without using another courier company because they value Dynamax's service. For example, the company raised rates by 5 per cent without a significant loss of business.⁴¹

CUPW also negotiated its members the benefits provided by labour standards legislation including holiday and vacation pay that have never been part of the industry. This represents an average benefit of approximately \$170.00 per year for the average car-driving courier. A few respondents were hesitant to applaud these benefits explaining they were a significant cost for the company that had to come from somewhere. One courier explained:

We have no real negotiated benefits! Our pay was cut to fund the vacation and holiday pay. (Short 2004)

The union acknowledges that a 4 per cent rollback in commissions was taken to negotiate the benefit, however it points out that the benefit was a part of a broader bargaining strategy that raised average incomes by significantly more than 4 per cent. The company itself boasts of the improvements to incomes:

Overall, average driver incomes have increased in excess of 10 per cent for

the first year of the collective agreement. This has been accomplished through efficiencies, new accounts, and using fewer drivers to service our client base.⁴²

Even an industry Cadillac is vulnerable to price competition. As one courier working for one of the larger same-day companies explained:

Couriers are all aware that we recently lost one of our out bigger customers to another company that undercut us. Our company cannot help pay for our expenses or raise rates because the industry is too competitive.⁴³

As long as companies compete on the basis of how much they pay their drivers, many concerns regarding expenses and increased wages and benefits can only be partially addressed.

On the whole, the presence of collective bargaining has benefited couriers dramatically. A comparison of the non-union owner-operator agreement and the unionized collective agreement is provided in Table H page 26.

Conclusions and Ways Forward

The opening vignette in this study compared a same-day courier with her counterpart in the overnight segment of the market. The differences between those couriers in the same-day and overnight markets may never be eliminated completely. There are real differences between the two markets that create a divergence in the terms and conditions of employment.

Overnight companies operate in large markets with high volumes and, as a result, collect higher revenues for the services they provide. The labour process is organized efficiently, allowing couriers to make up to ten times more deliveries in a day

than same-day couriers. Couriers in the overnight market are compensated accordingly. While it is never assumed that workers will receive good pay and benefits corresponding to the market they work within, high levels of unionization in the overnight market have ensured workers' enjoy the benefits of the market through collective bargaining. These workers take their employee status for granted. They receive overtime for long hours, receive paid holidays and vacations, are entitled to EI and employer contributions to CPP, and they do not incur any of the major costs in doing business.

In contrast, the same-day market is characterized by lower volumes and revenue, higher degrees of competition, and a low rate of unionization. The labour process is remarkably inefficient. Couriers are required to drive from one end of the city to the other to make 15-20 deliveries in a day. While classified as independent contractors, couriers do not have the power to rationalize the labour process. The owner-operator distinction means they have no guarantees and are not entitled to a minimum floor of rights. They do not receive pay for overtime, paid time-off for vacations or holidays, or and must make both employee and employer contributions to EI or CPP. Recent legal challenges have reaffirmed the fact that same-day couriers are not truly self-employed and that they are employees. Unfortunately, a lack of government enforcement and education has left couriers uninformed as to their rights.

A progressive response by couriers, governments, and the labour movement is required to fully expose the myth of the self-employed same-day courier. Society needs to see couriers for what they are: vulnerable workers who have a right to protection under our labour laws and ought to be able earn a meaningful livelihood within the industry.

Public policy should recognize that the courier

Table H: Comparisons of Non-Union & Union Contracts of Employment

	Non-Union	Union 1st Agreement	Union 2nd Agreement
Non-Monetary Benefits			
1. Disciplinary Action	Management Discretion	Only for Just Cause	Only for Just Cause
2. Fairness at Work			
Grievance Procedure	Not Available	Right to Representation	Right to Representation
3. Distribution of Work			
Dispatching Work	Arbitrary	Drivers Bid on New Work	Drivers Bid on New Work
Distribution Benchmarks	Not Available	\$75 Car = \$8.33/hour gross	\$95 Car = \$10.55 hour gross
Monetary Benefits			
1. Revenue / Income			
	Not kept up with inflation	Increase of 10 per cent for most couriers after 1 st year	
2. Labour Protections			
General Holidays	No Paid Holidays	9 days= \$432.00	10 days = \$480.00
Annual Leave*	No Paid Leave	Time off & < 5 years = \$1300.00	Time off & < 5 years = \$1300.00
		Time Off & > 5 years = \$2000.00	Time off & > 5 years = \$2000.00
Special Leave	Management Discretion	Granted for sickness etc	Granted for sickness etc
3. Expenses			
Communication Units	Expenses Increasing	Reduced \$144.00 per year	Reduced \$120.00 per year
Uniforms	Expenses Increasing	Reduced \$33.00 per year	Reduced \$50.00 per year
Cargo Insurance/Bonding	Expenses Increasing	Eliminated	Eliminated
4. Price/Commission Rates			
Rate Committee	No Courier Involvement	Union Representation	Union Representation

* Based on average gross income of couriers at the unionized company

industry has reached the limits of its growth. There is no reason why couriers should continue to be drawn into an industry through recruitment myths promising secure incomes based on entrepreneurial will, only to find out that the industry does not provide those opportunities.

Many couriers identified in the study that have worked the city for years and know the streets inside out. Anyone who works eight hours a day as a courier and then six hours a night delivering pizza and chicken has the “drive” to do well. The reality is that he or she cannot make it in the industry because dispatch arbitrarily decides who gets good paying deliveries; the labour process is controlled by management and organized inefficiently, costing couriers in fuel and wear and tear on vehicles; and, since there are 40 companies competing for limited market share, each company can provide only limited volume.

Unionization has provided a way forward for couriers in the largest same-day company in Winnipeg. There remain significant barriers to further organization. CUPW has attempted to deal with these barriers through innovative community organizing approaches to representation. Through the development and support of the Workers’ Organizing Resource Centre, and linkages with advocacy groups such as the Delivery Drivers Association of Manitoba, the union has made significant gains. Couriers, historically told by companies and the government that they are not entitled to labour law protections, are beginning to understand their rights, use those rights, and have allies to depend on if they choose to unionize.

The difficulty in exploring further use of innovative attempts challenging the self-employed courier myth is that they do not provide instant gratification of certification for unions. Nonetheless, the need for certification in the industry does not take into account the early stages

needed in developing a workers consciousness among individuals who do not think of themselves in this way. It is obvious that an institution such the Workers’ Organizing Resource Centre and the commitment of the Canadian Union of Postal Workers has effectively begun to alter the self-employed courier myth. Without the presence of WORC and CUPW there would be no unionization in the same-day market and therefore no collective agreement, which has made significant improvements to the lives of unionized couriers. More than 20 non-union workers would have never realized that they had and or gained access to their employment standards rights without the assistance of WORC advocates and union representatives. Arguably the provincial and federal labour standards divisions would today be turning away couriers and explaining that owner-operators have no rights. Finally, there would have been no ground breaking Supreme Court decision granting employee status to same-day couriers in Winnipeg.

There is currently no will within the broader labour movement to organize couriers. WORC is the brainchild of one union and has yet to receive support from other unions, labour councils, labour federations, or labour congresses. The unorganized are left relying on an uncoordinated attempt with limited resources to improve their lives. WORC continues to assist the unorganized on shoestring budgets without full-time staff or strategic plans on ways to improve the lives of workers.

In addition to collective responses to the conditions of the new economy, it must be acknowledged the current organizing environment has limits. The unionization of isolated companies into single bargaining units does not allow for wages to be taken out of competition. The task of organizing the majority of the industry, which is needed for coordinated bargaining, faces barriers that may be too great to overcome. As one union representative

explained:

I would love to organize the entire same-day market, however we cannot find a core group of four couriers within any same-day company committed to assisting in an internal organizing committee...couriers have a self-employed mind set and we have limited resources to challenge that mind set.⁴⁴

One solution potential solution to this issue would be the development of some form of sectoral bargaining, such as in Quebec where the benefits of bargaining are extended to unrepresented workers in sectors where collective agreements have become dominant, might be appropriate

It seems improbable in the current political economy that an entire private sector industry would find regulation. It should be noted that the regulation of an industry does not require the creation of new government bureaucracies or laws limiting supply, and price. The government has current structures in place that regulate industries. For example, employment standards divisions, workers compensation boards, and health and safety departments act as watchdogs on industry. These government bodies establish fixed costs of business for companies. Nor is the concept of an industry-specific minimum wage unusual. Manitoba has had one in the construction industry for almost a century. It was introduced following the scandal surrounding the construction of the Manitoba legislature, when it was discovered that companies were diverting money intended for labour into their profits. For many years, in those sectors in which there was significant unionization, the construction industry wages board pegged the construction industry minimum wage to the unionized labour rate. This meant that construction firms essentially competed on the basis of quality and efficiency,

not labour costs. When this policy of keeping pace with the unionized wage was abandoned under the previous provincial administration it led to a collapse of industry wages. Not surprisingly this was also accompanied by the growth of so-called labour-only contractors in the construction industry with many of the same problems that have been identified in this paper.

If governments simply enforced existing employment standards legislation it would be a positive step forward for couriers. Companies would be forced to dramatically decrease the number of couriers and to organize their labour process more efficiently. Only those courier companies that could support the fixed costs of couriers would remain in business. A reduction in the number of courier companies would make it easier to raise prices and pass them on to customers.

Unfortunately, employment standards laws in both the provincial and federal sectors are not enforced because of the lack of industry-specific education campaigns and proactive workplace investigations. The business community realizes this and continues to convert traditional employment into precarious employment. Until governments and the labour movement realize that the future and quality of our economy rests in improving the conditions of these types of jobs, the economy will continue to be characterized by a race to the bottom. Unfortunately the cost of this race is borne by the terms and conditions of employment for workers, as shown in the same-day courier industry.

Footnotes

¹ Negotech: Collective Agreement between United Parcel Service Canada & Canadian Council of Teamsters 2000-2004. Downloaded 4 August 2004 at <http://206.191.16.138/negotech/downloads/0366906a.pdf>; Negotech: Collective Agreement between Purolator & Canadian Council of Teamsters exp 2007. Downloaded 4 August 2004 at <http://206.191.16.138/negotech/downloads/1034403a.pdf>).

² Anonymous, Personal Interview with union representative of 2 core companies, Winnipeg, 31 May 2004; Anonymous, Personal Interview with union representative, Winnipeg, 16 June 2004; Anonymous, Anonymous, Personal Interview held at union representative's office, Winnipeg, 7 June 2004.

³ Anonymous, Personal Interview with courier at WORC, Winnipeg, 04 June 2004

⁴ Anonymous, Personal Interview with courier at WORC, 29 June 2004; Anonymous, Personal Interview with courier, 08 June 2004; Anonymous, Personal Interview with courier, 21 June 2004; Anonymous, Personal Interview with union rep, 02 July 2004; Anonymous, Personal Interview with courier over phone, 31 May 2004.

⁵ Anonymous, Personal Interview with Federal Government source, 22 June 2004.

⁶ Anonymous, Personal Interview with courier over phone, 14 June 2004.

⁷ Anonymous, Personal Interview with industry service provider, over phone, 27 May 2004.

⁸ Anonymous, Personal Interview with ex-courier, 13 July 2004.

⁹ Minutes, DDAM General Membership

Meeting, 26 November 2003.

¹⁰ Anonymous, Personal Interview over phone, 31 May 2004.

¹¹ Anonymous, Personal Interview with courier over phone, 14 June 2004.

¹² Anonymous, Personal Interview, 12 June 2004.

¹³ Anonymous, Personal Interview, 12 June 2004

¹⁴ Anonymous, Personal Interview over phone, 31 May 2004.

¹⁵ Anonymous, Personal Interview, 12 June 2004.

¹⁶ Anonymous, Personal Interview 8 June 2004.

¹⁷ Anonymous, Personal Interview with courier at WORC, 21 June 2004.

¹⁸ Anonymous, Personal Interview with courier at WORC, Winnipeg, 04 June 2004.

¹⁹ Anonymous, Review of owner-operator contract for service provided by 8 couriers.

²⁰ Majestic Maintenance Services, Ltd (1974) Ontario Workplace Tribunal Library; Boss Carpet World Inc (2000) B.C.E.S.T.D. No 299; Imperial Taxi Brandon (1983) M.L.B.D. No. 6.

²¹ Anonymous, Personal Interview with courier on phone, 02 June 2004; Anonymous, Personal Interview with courier at WORC, 21 June 2004.

²² Anonymous, Personal Interview with Federal Government source, 22 June 2004.

²³ Roger Fontaine, Personal Interview with Courier/DDAM president held at Union

Centre, Winnipeg, 24 June 2004.

²⁴ *Dynamex Canada v. Mamona (2003) S.S.S.A. No 383*

²⁵ Anonymous, Personal Interview held at union representative's office, Winnipeg, 7 June 2004.

²⁶ Anonymous, Personal Interview with courier held at Workers' Organizing Resource Centre, Winnipeg, 22 June 2004.

²⁷ Anonymous, Personal Interview with courier at WORC, Winnipeg, 04 June 2004

²⁸ Anonymous, Personal Interview with courier held at Workers' Organizing Resource Centre, Winnipeg, 22 June 2004; Anonymous, Personal Interview with courier at WORC, Winnipeg, 04 June 2004.

²⁹ Anonymous, Personal Interview with courier at WORC, Winnipeg, 04 June 2004.

³⁰ Anonymous, Personal Interview with courier over phone, 14 June 2004.

³¹ Anonymous, Personal Interview 8 June 2004.

³² Anonymous, Personal Interview with courier over phone, 14 June 2004.

³³ Anonymous, Personal Interview, 12 June 2004.

³⁴ Anonymous, Personal Interview with courier at WORC, 21 June 2004.

³⁵ Anonymous, Personal Interview with courier held at Workers' Organizing Resource Centre, Winnipeg, 22 June 2004; Anonymous *Supra* note 33

³⁶ WORC, aggregate total of all awards from WORC courier cases

³⁷ Anonymous, Personal Interview 8 June 2004.

³⁸ Roger Fontaine, Personal Interview with Courier/DDAM president held at Union Centre, Winnipeg, 24 June 2004.

³⁹ Anonymous, Personal Interview with union representative, 02 July 2004; Anonymous, Personal Interview with union representative by phone, British Columbia, 30 June 2004.

⁴⁰ CUPW, Collective Agreement between CUPW Red River Local & Dynamex Canada (Expiry Jan 2006).

⁴¹ Anonymous, Personal Interview 8 June 2004; Anonymous, Personal Interview with courier held at Workers' Organizing Resource Centre, Winnipeg, 22 June 2004.

⁴² Company Memo to Couriers, 14 March 2001.

⁴³ Anonymous, Personal Interview 8 June 2004.

⁴⁴ Anonymous, Personal Interview with union representative by phone, British Columbia, 30 June 2004.

Bibliography

- Bronfenbrenner, K. and T. Juravich. 1996. "It Takes More Than House Calls: Organizing to Win with a Comprehensive Union-Building Strategy" in *Organizing to Win: New Research on Union Strategies* Ithaca: ILR Press Kate Bronfenbrenner (Editor), Sheldon Friedman (Editor), Richard W. Hurd (Editor), Rudolph A. Oswald (Editor), Ronald L. Seeber (Editor).
- Canada Customs and Revenue Agency, Employment Expenses Guide T4044, <http://www.cra-arc.gc.ca/E/pub/tg/t4044/t4044-e.pdf>
- Canadian Courier & Messenger Association. 2004. Industry Overview, March.
- Canadian Union of Postal Workers. n.d. *CUPW Organizing Model* CUPW Worker-Organizer Course Facilitator Binder.
- Cohen L. and R. Hurd, "Fear, Conflict, and Union Organizing" in *Organizing to Win: New Research on Union Strategies* Ithaca: IRL Press. Kate Bronfenbrenner (Editor), Sheldon Friedman (Editor), Richard W. Hurd (Editor), Rudolph A. Oswald (Editor), Ronald L. Seeber (Editor).
- Condron, F. 2000. *Couriers Continue to Benefit from E-Economy*. Truck News. Vol. 20 No. 7 July.
- Cornish, Mary and Lynn Spink. 1994. *Organizing Unions*. Toronto: Second Story Press.
- Cranford, C. and D. Ladd, 2003. *Community Unionism: Organizing for Fair Employment in Canada*. Just Labour. Vol. 3 (Fall)
- Delage, B. 2002. *A Portrait of the Self-Employed*. The Work Life Report. Vol. 14. No. 1.
- Foley, J. 2003. "Mobilization and Change in a Trade Union Setting: Environment, Structures, and Action," from *Work, Employment, and Society* 2003 17: 227-246.
- Fudge J., E. Tucker, and L. Vosko. 2002. "The Legal Concept of Employment: Marginalizing Workers," Oct. <http://www.lcc.gc.ca/en/themes/er/tvw/fudge/chap02.asp>
- Fudge, J. E. Tucker, and L. Vosko. "Changing Boundaries in Employment: Developing a New Platform for Labour Law" in *Canadian Labour and Employment Law Journal* (10) 2. 2003
- Godard, J. 2003. *Labour Unions, Workplace Rights and Canadian Public Policy*. Canadian Public Policy Vol. 29 No. 4.
- Godard, J. 1994. *Industrial Relations, The Economy, and Society*. Toronto: McGraw-Hill Ryerson.
- Hendley, N. 2004. *Bike Couriers Want a Better Ride. Union Would Change Dynamics of Industry*. The Gazette 3.4
- Hickling, J.F. 1989. Management Consultants. *Postal Service Review Committee Competitive Conditions in Selected Postal Markets*.
- Human Resources Development Canada: Lessons Learned on Own Account Self-Employment in Canada, Prepared by Ekos Research Associates, 1998. downloaded 23 August 2004 from <http://www11.hrdc-drhc.gc/pls/edd/OASECTR1.1html>
- Short, J. 2004. "Predictors of Union Decertification: A Study of Unionized Couriers. Unpublished.
- Statistics Canada, 2001a. Census Winnipeg & Canada (422A) 1997 North American Industry Classification System. Downloaded 20 July 2004 at <http://www12.statcan.ca/english/census01/products/standard/themes/RetrieveProductTable.cfm?Temporal=2001&PID=60930&METH=1&APATH=3&PTYPE=55496&THEME=46&FREE=0&AID=0&FOCUS=0&VID=0&GC=0&GK=0&SC=1&CPP=99&SR=1&RL=0&RPP=9999&D1=267&D2=0&D3=0&D4=0&D5=0&D6=0&GID=431515>
- Statistics Canada, 2001b. Census Winnipeg, "Mail and Message Distribution Occupations."
- Statistics Canada, 2003. *The Daily Couriers and Local Messengers Industry*. 18 July
- Statistics Canada, *Supra* note 10;
- Statistics Canada, Surface and Marine Transport Division Bulletin [YEAR?] *Couriers and Local Messengers Industry*. Vol. 11. No. 3.
- Statistics Canada, Surface and Marine Transport Divi-

- sion Bulletin [YEAR?] *Couriers and Local Messengers Industry* Vol. 20. No.4.
- Statistics Canada. 2004. "Couriers and Local Messengers Industry" from, *The Daily* Wednesday July 14.
- Transport Canada. 2003. Surface Transportation Policy, "Canadian Courier Market Size, Structure and Fleet Analysis Study". Ottawa: Transport Canada.
- Vosko, L. 2003. "Precarious Employment in Canada: Taking Stock, Taking Action" in *Just Labour* Vol. 3, 1.
- Weikle, R., H.N. Wheeler, and J. McClendon. 1998. "A Comparative Case Study of Union Organizing Success and Failure: Implications for Practical Strategy." in *Organizing to Win: New Research on Union Strategies*. Ithaca: IRL Press. Kate Bronfenbrenner (Editor), Sheldon Friedman (Editor), Richard W. Hurd (Editor), Rudolph A. Oswald (Editor), Ronald L. Seeber (Editor).