

The long road to justice and equality for RSMCs

Our post office has a history of discriminating against RSMCs.

1956: The Post Office Act requires that rural route contracts over \$10,000 be publicly tendered. Rural and suburban mail couriers get to keep their routes as long as their contracts do not exceed \$10,000.

1975-1980: After two decades, many rural and suburban mail couriers can't pay their work-related expenses and live on contracts worth \$10,000. They are forced to take less than \$10,000 or see their contracts go to public tender.

1975-1980: During debates on the Canada Post Corporation Act (CPC Act), the Postmaster General argues for a section to prevent rural and suburban mail couriers from being employees or dependent contractors. He says this is necessary for financial reasons. He also promises to protect rural and suburban mail couriers and substantially increase the amount they're allowed to make before their contracts go to tender.

1981: The federal government passes the CPC Act. Section 13 (5) prevents rural and suburban mail couriers from being considered employees with collective bargaining rights and other rights under the Canada Labour Code. There is no provision ensuring that rural and suburban mail couriers get to keep routes under \$10,000—just the Postmaster General's earlier promises.

1986: The Association of Rural Route Mail Carriers (ARRMC) applies for standing at Canada Labour Relations Board (CLRB) hearings on bargaining units at Canada Post. The Association argues its members should be part of the Letter Carriers Union of Canada.

1987: The CLRB finds that rural and suburban mail couriers are employees under the Canada Labour Code, with associated rights to unionize and bargain.

1987: During the CLRB hearings, Canada Post announces all contracts will be opened for bidding.

1987: The Federal Court of Appeal (FC) overturns the CLRB decision on the grounds that the Board did not have jurisdiction to override Parliament. It says that Parliament specifically included Section 13 (5) in the CPC Act to prevent rural and suburban mail couriers from being considered as employees. The court notes that the CLRB did not look at whether the CPC Act violates the Charter of Rights and Freedoms and says that this issue will "have to be urged in another forum."

1989: The court grants the Attorney General of Canada's motion to dismiss a Charter challenge by rural and suburban mail couriers. The motion says that employment status is not a prohibited ground of discrimination under the Charter.

1990: The court grants another government motion to dismiss a Charter challenge by the mail couriers: that the CPC Act is discriminatory on the basis of sex and rural residency. The court says that the residency argument is just a disguised attempt to raise the issue of occupational status. It also rules there is no evidence to ground a sex discrimination claim. The cards are stacked against the rural postal workers. They don't have the data to prove sex discrimination, and they are unable to appeal the decision because they have no money.

1996-1997: The Organization of Rural Route Mail Couriers (ORRMC) takes over where the ARRCM left off. The ORRMC wants basic bargaining rights, not just better contracts that can be changed at the whim of the government or Canada Post. The group calls for the elimination of Section 13 (5) of the CPC Act. CUPW agrees to help the ORRMC.

1998: The ORRMC launches a political and community campaign to eliminate Section 13 (5) of the CPC Act and improve their conditions of work. They have no rights, no benefits and inhumane working conditions. Canada Post frequently tells them, if they don't like it, they can quit.

2000: Members of Parliament from all parties support a private member's bill calling for the repeal of Section 13 (5). The bill almost passes second reading in the House of Commons. The vote is 114 to 110.

2002-2004: Section 13 (5) of the CPC Act remains, preventing rural and suburban mail carriers from being considered employees. CUPW signs up rural and suburban mail carriers as members and negotiates the contracting in of carriers as employees as of January 2004. The union also negotiates an eight-year collective agreement for RSMCs in order to get Canada Post to finally bring in RSMCs as employees with rights under a contract. The collective agreement provides for "re-openers" every two years, allowing Canada Post and CUPW to negotiate improvements based on a financial formula providing for a net increase in labour costs of \$652 million during the eight years. As unionized workers, RSMCs have basic rights and a contract that provides clear rules and improved wages.

2004-2011: While RSMCs have basic rights and improved conditions of work, they are still not treated fairly or with respect by Canada Post. The corporation refuses to pay them for all the hours they work and systematically violates their collective agreement. As well, it is difficult to get Canada Post to seriously negotiate during "re-openers" without the right to strike.

2011: Prior to the expiry of the eight-year agreement, CUPW serves notice to bargain and presents Canada Post with RSMC contract demands. The demands include equal pay and the same benefits and working conditions as urban postal workers.

2012: RSMCs finally get the right to strike, if necessary, to obtain a just collective agreement. They are concerned the Conservative government may side with Canada Post, as it did during urban postal negotiations, by removing this right and thus their ability to negotiate in any meaningful way.

2015: CUPW enters negotiations with Canada Post intent to achieve equality for RSMCs.

2016: Negotiated gains include increases in pay, increases in activity values, benefits improvements, seniority improvements and transfer rights, to name but a few. CUPW and Canada Post also reach a separate agreement for a *Joint Pay Equity Committee* to deal with pay equity. In an effort to prevent a repeat of other lengthy pay equity cases, the memorandum of understanding provides a 19-month timeframe to agree upon the pay equity terms and then negotiate them or arbitrate disputes.

February 14, 2018: CUPW heads to arbitration to settle the pay equity dispute.

RSMCs are tired of being treated like second class citizens. It is time to stop discriminating against RSMCs.