



KEEP FIGHTING FOR WORKERS' RIGHTS

March 5, 2020

Foodsters United and the Canadian Union of Postal Workers won a major victory at the Ontario Labour Relations Board on February 25th: Foodora couriers are now legally recognized as dependent contractors, which means they can unionize under Ontario's Labour Relations Act.

Until the Foodsters took their challenge to the OLRB, the employer has been misclassifying them as independent contractors. The OLRB's ruling says doing business through a digital APP is still business – and it relies on employment relationships. In the gig economy, corporations might try to use 'creative' methods to shirk their responsibilities, but unions and workers will fight for respect and fair treatment.

Corporations like Foodora and Uber are dragging us down a pathway that protects their enormous wealth at the expense of decent work and job security. They have created "fissured workplaces" through contracting, outsourcing, franchising and other "innovative" ownership models. On that path, corporations take advantage of globalization, technological change and the racialization of poverty to weaken the bargaining power of many of us, including new and younger Canadians.

But there is a higher road: one that values and respects workers, and which rebalances power to ensure workers get a fair deal. Our government has a choice to make: stand on the sidelines as big corporations wield even more power in our economy, or side with working people and shift the balance to protect the majority of working Ontarians. That was the goal of our province-wide Make It Fair campaign that helped inform the Changing Workplace Review and win Bill 148 in 2017.

The Labour Council is proud to stand with CUPW and UFCW as they work to organize vulnerable gig economy workers. We celebrate the establishment of this important legal precedent which gives promise of fairer treatment, and call for it to be broadly applied to precarious workers in all sectors of the economy. But we cannot stop there. There are many other "fissured workplaces", and the labour movement needs to increase its commitment to winning back the reforms that were stripped away by the Ford Conservatives in Bill 47 both on labour relations and the employment standards.

There should be tighter laws and effective penalties for employers who misclassify employees under both the Labour Relations Act and the Employment Standards Act as a first step to support the right of precarious workers. But a crucial next step is to demand the broader based sectoral bargaining legislation that was never fully secured in Bill 148, but would give Foodora workers and others the legal framework in which to raise standards for all.

On March 5, the Labour Council resolved to:

1. Congratulate CUPW and Foodsters United for the important legal victory;
2. Support the ongoing organizing of workers across the gig economy;
3. Work with affiliates and community allies to continue the struggle to improve workers' rights, including the \$15 and Fairness campaign;
4. Demand legislation and a government crackdown on systemic use of temp agencies to drive down wages, safety standards and working conditions;
5. Continue to engage newcomer communities in the struggle for collective rights and a union voice at work.