

# ORGANIZING LOCAL MESSENGERS: WORKING CONDITIONS AND BARRIERS TO UNIONIZATION

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*Abstract.* As a result of concerns around declining memberships and the growth of precarious employment in recent years, unions have sought to expand their jurisdictions and organize groups of workers who have typically resisted collective bargaining. Research on union renewal has examined working conditions and workplace structures that may give rise to successful organizing campaigns. In this paper we examine working conditions amongst non-unionized same-day messengers working in Toronto, Canada. The research team conducted 143 semi-structured interviews with bikers, drivers and walkers who work primarily for local courier companies. We find that although same-day couriers are typically treated as 'independent contractors', they are dependent on brokers, and precariously employed, with unpredictable income and hours of work. Though this group would benefit substantially from unionization, especially organized on a sector-wide basis, their attitudes and culture combined with the structure of the local industry create substantial impediments to organizing.

**Keywords:** Local messengers, same-day messengers, couriers, organizing, unionization

*Résumé.* Résultant des préoccupations autour du déclin de l'adhésion de membres et de la croissance précaire d'emploi durant les dernières années, les syndicats ont cherché à accroître leurs juridictions et organiser des groupes de travailleurs qui ont typiquement résisté aux conventions collectives. Une recherche sur le renouvellement du syndicat a examiné les conditions de travail et les structures de l'environnement de travail qui pourraient rapporter une hausse à l'organisation des campagnes. Dans cet article nous examinons les conditions de travail des messagers du jour même non syndiqués travaillant à Toronto, Canada. L'équipe de recherche a mené 143 entrevues semi-structurées avec des messagers à vélo, des chauffeurs et des marcheurs qui travaillent essentiellement pour des compagnies de messagerie locale. Nous avons trouvé que bien que les coursiers ont typiquement le statut de travailleur autonome, ils sont dépendant des courtiers, et sont employés de façon précaire, avec des revenus et des heures de travail impré-

visibles. Bien que ce groupe pourrait bénéficier considérablement de faire partie du syndicat, particulièrement organisé basé sur une large étendue du secteur, leurs attitudes ainsi que leur culture combinés avec la structure de l'industrie locale crée des obstacles considérables à organiser.

**Mots clés:** Messagers locaux, messagers du jour même, coursiers, organisation et syndicalisation.

## INTRODUCTION

**W**ithin the past decade there has been remarkable growth within courier, delivery and messenger services, particularly in and around large metropolitan areas.<sup>1</sup> In the period from 1997 to 2008, there was a 71 percent increase in the number of courier and local messenger companies operating in Canada (Statistics Canada 1999; 2010). However, there is wide variation within the industry, especially between overnight couriers and same-day delivery services. The overnight courier industry is dominated by national and international corporations and is characterized by relatively stable, and sometimes unionized working conditions. In contrast, the same-day courier industry is dominated by local and regional companies, is primarily non-unionized, and is characterized by precarious and highly variable working conditions. 'Local messengers' typically deliver letters, documents and small parcels within a single urban area, by bicycle, on foot, or by car, providing 'just-in-time' deliveries on non-standardized routes. Local messengers comprise 90 percent of the total number of courier and messenger establishments (17,559 companies in 2008),<sup>2</sup> but generate only 18 percent of the industry's operating revenue (\$1.6 billion in 2008) and account for approximately 20

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1. This research was initiated by representatives from the Canadian Union of Postal Workers (CUPW) concerned about the working conditions of messengers and their lack of union representation within the Toronto area. After successful drives in Montreal, Ottawa, Edmonton, Saskatoon, Red Deer and Winnipeg and one unsuccessful attempt at organizing in Toronto a few years ago, the union returned to study the industry and working conditions in Toronto, home to the largest number of same-day courier operations in the country. This project is a result of collaboration between CUPW researchers and members and the authors.

2. This number is somewhat misleading, as Statistics Canada counts each independent contractor as a unique 'establishment'. This number includes 323 large businesses with an annual revenue of \$25 million or more, 308 medium-sized businesses, with an annual revenue of \$1-25 million, and 18,915 small-businesses with an annual revenue of less than \$1 million. The small business category overwhelmingly consists of independent contractors, and has an average operating margin of \$14,000 per year (Statistics Canada 2010).

percent of the volume within the industry (Short 2004; Statistics Canada 2010).

This paper examines the working conditions and prospects for unionization among same-day local messengers within Toronto and the surrounding metropolitan area. With the growth of precarious employment and pressures on workers in various services to accept positions as contractors, this research contributes to our understanding of the difficulty of organizing ‘at the margins.’ Most same-day messengers are classified as ‘independent contractors’ and, as a result, must absorb the costs of employment, including vehicle purchase, maintenance, fuel and insurance. Yet they appear to have little control over their income and other working conditions, since the companies to which they contract their services set the delivery rates, structure their working day, and control schedules and access to vacations.

This lack of autonomy calls into question whether messengers are truly ‘independent’ in their work relationships (Short 2004). When the Canadian Union of Postal Workers (CUPW) recently brought this question to the Labour Board, the Board recognized couriers as employees or dependent contractors (CUPW 2012; HRDC 2000). In this study, we develop a detailed understanding of the messengers’ everyday working conditions and the contractual parameters under which they provide their services, as well as those areas that might be improved through collective bargaining. Ultimately, we question why local messengers, who would undoubtedly reap substantial benefit from unionization, are as a group not amenable to it. We question whether messengers’ disinterest in unionization is a result of the structure of their work, their preference for ‘independence’, the union’s organizing campaigns, or other factors.

### **ORGANIZING LOCAL MESSENGERS: CONDITIONS AND CONSTRAINTS**

Social analysts considering the ‘new economy’ often focus on the complex network of relationships between organizations entailing flexible workplace practices and transforming relations on a number of levels (Adkins 2005). It is now well established that within the ‘new economy’ workers are experiencing deeper levels of insecurity, particularly within the service sector, as precarious employment has become the defining characteristic of the condition of work (Vosko 2007; Pupo and Thomas 2010). The emphasis on flexibility and shifting employment practices has meant the loss of security afforded by a long-term attachment to a particular workplace or type of work. Instead workers in the tertiary sec-

tor today will spend their working years meandering through the maze of low-wage, precarious jobs in search of arrangements offering them only the *possibility* of work. Particularly for those who are young, who have relatively few years of work experience, who are recent immigrants, or who are socially marginalized, their outlook for economic security is rather grim, and as a result many workers embrace the prospect of even very precarious forms of work providing only a modicum of security (Greenhouse 2009; Standing 2011; Pupo, Glenday and Duffy 2011).

Under these conditions union activists have been concerned about deteriorating conditions of work, declines in union membership, growing anti-union sentiments, and regulations licensing employers to subcontract to 'independent contractors', thereby maximizing flexibility within their establishments while eliminating costs associated with permanent workforces. The shifting conditions of work have left growing numbers of workers outside of the traditional standard employment relationship, without benefits, regular hours of work, access to union membership, and other measures of economic security. This includes workers who are on limited term contracts, working part-time, seasonally, or without guaranteed hours of work, who are holding multiple jobs, are classified as 'independent contractors', or who may otherwise face working arrangements that contribute to their precariousness.

For the labour movement, growing numbers of precariously employed workers present a conundrum. Studies of union organizing in the United States, Canada, Great Britain, and Australia (Milkman 2000; Milkman and Voss 2004; Cranford et al. 2005; Gall 2005, 2012; Peetz 2006; Bronfenbrenner et al. 1998; Gall 2012; Kumar and Schenk 2006; Clawson 2003) indicate that non-standard employment is not necessarily a barrier to unionization. Unions have initiated successful organizing drives among janitors, hotel staff, garment workers, cleaners, and immigrant agricultural workers, among others. A number of factors and structural conditions together may facilitate or impede unionization. Union organizers may approach potential members by zeroing in on the mitigating factors impeding unionization within each campaign and developing the most effective strategies to counteract these factors. Working with hard-to-reach workers, immersing themselves in the work culture, and understanding the nuances and specifics of the particular workplace and industry may be key to organizing those working in non-standard arrangements.

Recent literature on organizing workers who are precariously employed considers various strategies to appeal to these workers. In his research on UNITE/HERE, Getman (2010) has shown that legal barriers may be worked around by innovative corporate campaigns publi-

cizing employer violations. With regard to hotel workers, unions such as UNITE/HERE have run campaigns against the corporations and eventually leveraged a multinational hotel chain into a voluntary recognition agreement (Getman 2010; Tufts 2006). In some communities, working-class immigrants have exceptionally strong social networks that aid in organizing immigrant workers – a factor that is absent within mixed and native-born groups (Milkman 2000). Further research indicates the importance of accounting for gender, ethnicity, employment conditions, community and sector in designing organizing strategies (Bronfenbrenner 1998; Milkman and Voss 2004). In the case of same-day couriers, the Canadian Union of Postal Workers (CUPW) ran a successful campaign in Winnipeg by taking the case to the labour board and challenging the company's categorization of the workers as independent contractors (Short 2004; Bickerton and Warskett 2005). Yet, this strategy was not foolproof as a similar campaign in Ontario failed to produce equivalent results.

Restructured workplaces and transformed labour processes are complexly interconnected to economic globalization, advancements in communication and information technologies, and new ways of moving goods and delivering services. On the ground, the experience of work within the context of a neoliberal, globalized labour regime has meant intensified labour processes and the unrelenting threat of unemployment and other forms of insecurity. For employers, particularly those primarily located in local economies, as in the case of same-day operators, pressures to remain competitive are forcing them to keep their workforces lean, and hence many firms operate with a twofold structure — an administrative core of (more or less) permanent employees and a team of independent contractors who are the company's public face, delivering the goods and services in the community. This structure maximizes the company's need for flexibility, allowing the number of contracts to ebb and flow with the level of work without the obligations of guaranteed hours of work, benefits, and other provisions offered in traditional structures of employment. As independent contractors, workers are governed by just-in-time practices designed to sustain a smooth flow of work for the company while reducing the costs associated with maintaining a conventional labour force (Kidder 2011).

These new work arrangements raise numerous questions around regulatory practices, rights and protections for workers, health, safety and security issues, and impacts on the social and economic welfare of local communities. Accounts defending these new work arrangements claim that flexibility and the free movement of work and workers raises productive capacities and eliminates the distinct hierarchical relation-

ships that characterize wage labour under traditional employment structures (Adkins 2005; Harms and Knapp 2003). Many social analysts tout flexibility as an ideal for workers, providing an array of opportunities for multi-skilling, training, retraining, mobility, enhanced incomes, and time for other pursuits. Moreover, they argue that flexible work arrangements encourage workers to remain adaptable to changing economic conditions (Rubin 2005). As one courier company owner interviewed in this study suggests, the flexible structure he provides to his messengers opens the door of possibilities for them to pursue other interests and enjoy family life.

Along with transformations in workplace practices, labour market policies have been redefined with a neoliberal agenda, effectively altering regulatory frameworks and replacing the welfare state and commitment to the social good with a free market approach to public services and industries (Peck 2001; Jessop 1993). Under this agenda, a wide range of flexibility initiatives, including revised labour market policies, employment standards, labour rights legislation, and health and social welfare policies, along with reductions in the public sector through privatization and outsourcing, have been instituted as measures to maintain competitiveness within a global economy.

In the same-day messenger industry, the effects of the re-organization of work are starkly evident in the classification of messengers as 'independent contractors'. Though most messengers are affiliated with a larger company, they are treated as independent brokers, who work on a commission system. (The level of commission is typically around 60 percent.) However, both the amount of work a messenger gets, as well as the rate that a customer is charged, are usually controlled by the larger messenger companies. In this way, these 'independent contractors' have little control over their actual or potential earnings.

Critics of neoliberalism suggest that workplace flexibility has increased employer control over work, intensified conditions of work, and elevated levels of insecurity for workers. Clearly under these conditions, a wide range of (blue and white-collar) workers have experienced declining working conditions (Beck 2000; Branch, McBrier and Wilson 2004; Scott 2004; Sennett 1998). In other words, not only are workers experiencing new levels of insecurity with the new employment relationships, but the proliferation of non-standard forms of employment with an increased emphasis on time efficiencies, including flexibility initiatives, have effectively cut working life short, decreasing job tenure and permanency in the labour market, and often leaving the worker alone to fend for him/herself (Doogan 2005, 67; Koeber 2002; Huws 2006). In this scenario, marginalized workers — women, young workers, racialized

workers, migrants and undocumented workers — hold a disproportionate number of the lowest-wage and most precarious jobs (Hudson 2007; Gall 2005; Perrons 2005).

While these work arrangements and labour market policies promise to increase economic prosperity by decreasing government expenditures, in reality these policies lower labour standards, reduce access to social benefits, and promote employers' resistance to unionization (Boyer 1988; Kalleberg 2001; Ladipo and Wilkinson 2002). By dismantling the social safety net and the infrastructure that provides a base of support to workers, there has been an increasing expectation that individual workers should carry the burden of insecurity, and thereby absorb the costs of capital. Workers caught within this neoliberal agenda are often sold on the idea of their newly acquired independence, believing that their entrepreneurial status provides them with a degree of freedom that has usually been absent from their work experience. For the labour movement, the new work regime has forced unions back to basics, to negotiating for health and social benefits once guaranteed by social legislation, thereby stalling their more progressive agendas. At the same time, these new work arrangements and forms of work have forced unionists to re-think methods of organizing, to raise discussions regarding sectoral and pattern bargaining, and to engage in workers' rights and social justice campaigns starting at local levels.

## STUDY METHODOLOGY

This study was developed by a team of researchers from the Canadian Union of Postal Workers (CUPW) and York University's (former) Centre for Research on Work and Society. The perspectives of same-day messengers in the Toronto area were solicited using semi-structured interviews. One hundred and forty-three interviews ( $n = 143$ ) with messengers were conducted. Of those interviews, eighty-seven were with car/truck messengers, forty-seven were with bicycle messengers and ten were with walking/transit messengers (one person worked as both a bicycle messenger and a walking messenger). In addition, two messenger company owners were interviewed, along with two dispatchers.

At the beginning of the project, CUPW members and graduate students working on the project attended a training session that included a section on interviewing techniques and note-taking skills. Most of the CUPW member-researchers were mail carriers or inside workers for Canada Post. The messenger interviews were conducted in teams of two,

with the CUPW member-researcher conducting the interview, while the graduate student recorded notes.

Interviewers were given a schedule of six main questions about working conditions, pay and benefits, and perceptions of the job. Each main question was associated with a series of additional prompts so that the interview length was flexible, depending on how much time a messenger had available to talk. Interview teams were sent to locations where messengers congregate during the working day, such as building delivery areas, post office drop-boxes and popular coffee shops. At the end of each interview, messengers were asked what other locations in the city would be good places to intercept others to interview. These reports were used to determine where interviewers were sent in the future. The interview teams were coordinated and debriefed by a project coordinator hired by CUPW specifically for this project.

Each messenger was initially approached by an interview team, given a pamphlet explaining the purpose of the study, CUPW's role as the project's funder, and their rights as participants. The messengers were then asked whether they were willing to be interviewed. Where it was appropriate (such as when interviewing in coffee shops), interviewers offered to purchase messengers a coffee in exchange for their time. In general, messengers were interviewed during break times between calls during the working day, and so interview teams were instructed to be sensitive to people's need to leave abruptly. A call-back number was established for people who wanted to complete an interrupted interview or who wanted to be interviewed but did not have time to do so when they were approached. No interviewing was done on Friday, since this tends to be the busiest day of the week for messengers. Interviews were conducted in November and December of 2008. Most interviews lasted between five and fifteen minutes. Several times, two messengers were interviewed at once. In one instance, an interview team encountered a group of messengers who had congregated during a slow period, and the interview evolved into a wide-ranging group conversation that lasted almost two hours. The recorders transcribed all of the interview notes, and the interview transcripts were then coded for themes using a qualitative data analysis program (Weft QDA).

In general, interview teams reported that messengers were happy to talk to them. Relatively few people refused to participate in an interview once they were approached; it is more likely that messengers who did not want to participate in the research simply avoided the interview teams. By the second week of interviewing, teams reported that some of the people whom they approached had already heard about the project and were expecting to be interviewed. In at least one case, a messenger



seemed to deliberately seek out the interview team in order to participate in the research.

### **TORONTO'S LOCAL MESSENGER INDUSTRY: THE COMPANIES AND THE WORKERS**

The local messenger industry in Toronto is a complex web of over 180 companies of various sizes. A review of Yellow Pages advertisements shows listings for more than 220 companies,<sup>3</sup> but a closer inspection reveals that many listings share the same address or telephone numbers. These interconnections between companies were also reported by the messengers whom we spoke with, who reported working for more than one company name under a single dispatcher, carrying waybills with multiple company names, or receiving cheques with a company name other than that of their dispatching company.

Some companies are well-established enterprises, with thirty or more years of operation, employing a team of dispatchers and contracting to 200 or more brokers, while others are newly established, run by an owner who doubles as the dispatcher and contracts to a small number of messengers. Most messengers we spoke with reported that their companies had a fleet of drivers and a smaller number of cyclists, though there were some exceptions, in terms of companies with only drivers, only cyclists or only walker/transit messengers. Some companies operate exclusively in the downtown core or in a single building complex. Other companies have a remotely located office and operate with a fleet of truck and car drivers, paired with a few walkers and bikers in the downtown core to take hand-offs from drivers who then are able to avoid traffic slow-downs and high parking fees (or tickets). The Toronto market also includes a few companies that do not follow the traditional business model for this industry. These include at least one co-operatively owned business as well as at least two establishments with a mandate to employ people who typically have difficulty finding employment — Turnaround Couriers employs young people who have had contact with the criminal justice system and A-way Couriers employs people with mental health issues.

In such a highly competitive and saturated market, however, companies 'come and go' and many owners complain that 'fly-by-night' operators undercut prices in the city. For the most part, company owners and

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3. This number does not include advertisements for well known, national and international courier services. Review conducted in January 2009.

messengers distance themselves from one another. One of the owners described his business as providing a service to brokers, and clearly established that the industry does not operate on the basis of traditional employment relationships. While he acknowledged that he occasionally hosts social events, such as Christmas parties, very few, if any, of the messengers attend. Many messengers admit that they have not been to their company's headquarters in years. Some have never visited the company site and are not even sure exactly where the company is located.

Drivers, bikers and walkers in the same-day sector refer to themselves as messengers, arguing that 'courier' is a title reserved for the 'big players', those involved in the international companies. One of the interviewees explained the difference between 'structured courier services' and 'unstructured, unorganized independent couriers', as he understood it. He explained that there is a 'courier hierarchy', and those employed by 'structured courier services' rank high on security, education, training, social competence, and personal hygiene, while 'unstructured independents are generally low on these things.' On a similar note, some messengers refer to themselves as professionals who take pride in their uniform and general appearance and who contract their services to professionally-run companies, while others prefer to disassociate themselves from marks of status.

Overall, Toronto's local messengers appear to be a heterogeneous group of individuals with few clearly defining characteristics. The local messenger industry is clearly dominated by men. Only seven of the 143 messengers interviewed were women, and all but one of these were bicycle messengers. Bikers and walkers ranged in age from nineteen to sixty; most are between twenty-five and thirty-five years of age. Drivers tended to be older, ranging in age from twenty-five to over sixty-five, with the majority between the ages of forty and fifty. Among the car/truck messengers who were interviewed, almost half were non-white. Many of the messengers also indicated that they were immigrants to Canada, or that English was not their first language. Messengers held widely varying educational credentials. Two of those we interviewed hold Master's degrees and a number of others have Canadian or foreign Bachelor's degrees or college diplomas. Other messengers volunteered that they were 'uneducated' or 'without education' and others said they did not finish high school.

The characteristics of our study interviewees can be compared to characteristics of Toronto local messengers who responded to the 2006

Census.<sup>4</sup> Census results confirm the male-dominance of the messenger industry; 97 percent of Toronto local messengers were male. The average age was forty-four. More than half of messengers (53 percent) reported having a non-English mother tongue. More than half of messengers reported that they were visible minorities; the largest visible minority groups were South Asians (18 percent), Blacks (11 percent) and Chinese (8 percent). About two-thirds of messengers who responded to the census (68 percent) reported that they were immigrants to Canada. The average length of time since immigrating to Canada was eighteen years. This supports the perception of messengers (particularly messenger drivers) as immigrants, though they are not necessarily recent immigrants. Only about one in ten (11 percent) messengers had been in Canada for less than five years. Census data show that 20 percent of local messengers had less than a high school diploma, and an additional 36 percent of messengers reported that a high school diploma was their highest level of education. The remaining messengers reported having higher levels of education, including 18 percent who reported having a university degree.

Most messengers we interviewed were legally married (60 percent) and 40 percent report having children under eighteen living in their household. A relatively small number of messengers live alone (10 percent) or are living with their parents (14 percent). More than three out of five messengers (63 percent) report that they are the primary maintainer of their household (the person who contributes the most toward the rent/mortgage, utilities and taxes for the dwelling). Of these primary maintainers, more than half (39 percent of the population overall) are the sole maintainer in their household, while 21 percent are one of two household maintainers. For these workers, the need for consistent wages is key, since household costs remain relatively constant.

Most messengers we spoke with worked full-time hours (or more), year-round, but reported that income from their work as independent contractors was relatively low. Unlike other forms of service work that primarily offer part-time hours, these workers do not conceptually differentiate between full-time and part-time work. There are several reasons for this. As a male-dominated sphere, it may be that there is an underlying assumption that work, by definition covers full-time, full-

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4. These results report on those people who engaged in paid work in the census reference week, and whose NAICS occupation is listed as 'Local Messengers and Local Delivery' and whose NOC occupation is listed as 'Couriers/messengers and door-to-door distributors' (21%), 'Truck drivers' (3%) or 'Delivery and courier services drivers' (76%). Only people who work in the Toronto Census Metropolitan Area or who have no fixed place of work and live in the Toronto CMA are included in this analysis. Rounded unweighted n = 335, rounded weighted n = 1655.

year hours. Secondly, as ‘independent contractors’ many couriers identify with an entrepreneurial spirit and are driven to hustle and earn as much as possible. Finally, since messengers are relatively poorly paid, it is only by committing to long hours that they can continue in this line of work. These results were consistent with the reports of local messengers in the 2006 Census, who worked an average of forty-two hours a week in all jobs, corresponding to full-time employment. Sixteen percent of local messengers report that they worked fifty-five hours a week or more in the census reference week. There is no way to determine whether all of these hours were spent doing messenger work. For those messengers who worked full-time in 2005, the average annual wage/self-employment income reported in the 2006 Census was approximately \$32,500. Half of the messengers reported making \$30,000 or less, in yearly wage/self-employment income.<sup>5</sup>

Many of the messengers we interviewed entered into the business after being referred by friends or relatives, by learning about the industry through their communities, or by stumbling upon an ad for messengers in a local paper. Some interviewees simply ‘drifted’ into the business — some straight from school because no other opportunities existed. The bikers often discuss their love of cycling, the importance of remaining physically fit and active, and the physical aspect of the job as the drawing cards, declaring, “... it’s like I’m at the gym and at work [simultaneously].” Some wanted to “get away from the computer and the desk job” or from bosses and more traditional workplaces. Prior to becoming a messenger, some reported holding various other jobs, working in factories, construction, business, accounting, and teaching, or as chefs, musicians, or taxi drivers. Some drivers commented on the turnover rate for the industry. If messengers get through the first year, then it is quite likely that they will commit for a considerable period of time, as they become more invested in both the culture within the industry and their equipment. A number of messengers referred to the difficulties of the job and the steep learning curve in such a complex city. For messengers whose first language is not English, the stakes were even higher: “I felt like I really worked hard because I didn’t know too many roads, but now it’s become easy for me. The first three years were the toughest of my life.”

While most messengers expressed a degree of uncertainty about their future in delivery, most are resigned to the fact that few other opportunities are readily open to them. Most of the messengers we talked to have been in this business for well over five years and some have been

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5. Caution should be used when interpreting this result since the 2005 occupation is not recorded on the census, and so this may reflect income from other types of work.

messengers for over twenty-five years. Some have targeted a particular birthday or other milestone, such as when their young children are in school full-time, to move on to another job. Several messengers have treated this job as their ‘fallback’, something they have left and returned to a number of times when other types of work were unavailable or undesirable.

### WORKING CONDITIONS AND PROSPECTS FOR UNIONIZATION

Local messenger work usually involves navigating throughout the city, picking up and dropping off letters and packages. Most messengers begin their day by ‘booking on’ with their dispatcher via radio or cell phone. Dispatchers then relay information about where to pick up and drop off packages. With regard to skill, most messengers do not have standardized routes; their route is determined by the pick-ups and drop-offs that they have to make, which messengers must plan based on the priority of the deliveries. They are given some help from the dispatchers, but they know the details of the traffic patterns, road conditions, and how to deliver most efficiently. There is a considerable amount of knowledge required to be able to plan routes throughout the city and adjust them with each new pick-up, based on how fast each delivery is required and knowledge of current and expected traffic. Some interviewees spoke about the initial challenge of learning to navigate roads, loading docks and building entrances.

Messengers tend to work long hours — typically 8 to 10 per day — though the speed of work is uneven. Some days are characterized by long periods without any work, while on other days messengers are not able to take any breaks, even for meals. In this way, the work is similar to ‘on call’ jobs. On average, drivers cover about 200 - 300 km with 20 - 35 drops each day and bikers cover 30 - 70 km with 20 - 40 drops each day. Messengers raised a range of issues related to their working conditions that they were interested in changing, and when prompted a number agreed that changes may be achieved through collective bargaining. The most prominent issues were related to the distribution of work, scheduling, additional costs of employment, rates of pay, and access to benefits.

It is clear that a key aspect of messenger work is building and maintaining a good relationship with the dispatcher, since dispatchers effectively control messengers’ income by determining how many and what type of calls each messenger gets. As one cyclist said, “dispatcher[s] won’t feed you” if you turn off your radio or if you don’t get along well with them. Many commented on dispatchers showing favouritism

toward some of the messengers. Some of this was due to messengers providing the dispatcher with 'kickbacks', like cases of beer. Others indirectly referred to some dispatchers as being unskilled, not knowing the routes or the city well enough and then sending messengers backtracking on their pick-ups and drops. One messenger characterized the dispatcher-messenger relationship, saying: "... basically he's your Jedi-Master and you're just the Padawans." As one driver said, "I follow the dispatcher. I follow the calls and they give me more as I go. If I am not available, I lose a job. I cannot refuse a job; I can ask for a better call, but from 9 to 5, I cannot refuse it." These results echo the findings of Short (2004) in his study of the Winnipeg courier industry, where messengers also relied on dispatchers to ensure they had enough work, and feared reprisals for refusing deliveries. If the car or bicycle breaks down, or if the messenger is issued a ticket, "the company has nothing to do with it. If you don't do the job, you don't get paid." If the messenger is late too often with deliveries or refuses jobs, then s/he is not fired, "but just stops getting work. So the job is over."

Messengers' status as 'independent contractors' means that they bear a wide range of costs associated with their work. Both bicycle and car/truck messengers report paying radio or phone fees to their companies that range from \$20 - \$160 a month; typically bicycle messengers' fees are lower than those of car messengers. For car/truck messengers, gas and insurance costs are substantial expenses. Drivers report that gas can cost from \$20 - \$50 a day. Although some companies levy a 'fuel surcharge' on their deliveries, many drivers report that they only receive a portion of this income, or in some cases, none at all, and so higher gas prices directly reduce the amount of money that messengers make. Both bicycle and car/truck messengers also absorb the costs of vehicle maintenance and parking tickets. These tend to be unpredictable, ongoing costs, and are typically lower for bicycle messengers than for drivers. Drivers report getting two to three \$60 tickets each month. Some companies will cover these costs, or give drivers a letter to use in court in order to appeal the ticket, though in the case of the court challenge, drivers must take time off work to appear, and in many cases it is not worth the lost revenue to do so. Most messengers insist that they must break some traffic rules in order to effectively do their work, and so tickets are a routine element of their work. Many see the contradiction in their 'independent status' and long to be an 'employee', noting hidden costs such as subway passes, gear, equipment, radios, and car maintenance. A number of messengers suggest that being 'independent contractors' means "we have to pay for everything." Messengers are able to claim some of these extra costs as business expenses on their income tax, which

helps to increase their take-home revenue. Some messengers, especially bicycle messengers and messengers with uncertain legal status, report that they do not file income tax returns and so these extra costs directly reduce their take-home pay.

Messengers are typically paid on a commission basis, commonly 60 percent, but some messengers report commissions as low as 55 percent and as high as 75 percent. Though the percentage of commission is an important component of messengers' pay, so are the base rates that are set by the larger company,<sup>6</sup> and the amount of work available to each courier. For instance, one bicycle messenger explains he works on a 75 percent commission, but with three-dollar (\$3) runs, "75 percent of nothing sucks." Bicycle messengers report earning about \$100 a day before expenses, although on good days bikers can make as much as \$270 and on bad days they can make as little as \$40. Car/truck messengers seem to make substantially more money each workday, although their expenses are also higher. Most car/truck messengers report making \$200 - \$250 each day, before expenses, though on bad days, some drivers can make less than the minimum hourly wage. When business is slow, messengers are especially dependent on the dispatcher for a reasonable income. "I wish the pay would be better. They cheat you on what you make on commission. And it's the dispatcher who basically decides what you make." Some companies also seem to hire more messengers than they can 'feed', resulting in lower incomes for each individual, and increased competitiveness among messengers. Companies routinely seem to find ways to expand their share of the usual 60/40 split in commissions. One driver elaborated on the methods used. "They have different methods. When they are found out they switch to another." He provided the scenario he had experienced:

"First, they offer you a commission of 60 percent but shave the top off the pick up charge. I know of someone who found them doing this, and they fixed his pay. Then they switched to paying by the day. If you take an out of town delivery, which pays very well, they will certainly shave the top off that. Secondly, when they charge the customer a gasoline surcharge, they do not pass that down to the driver. They charged 20 percent and now 10 percent. On a \$2 surcharge, we get paid 30 cents. And finally, when they charge an insurance premium for expensive orders, they don't pass

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6. Under the Canada Post Act, private services are legally bound to charge three times the rates of Canada Post. Yet, this regulation is not policed and thus many companies undercut prices to remain competitive. One of the difficulties of enforcing this regulation is that Canada Post charges by the size of the parcel and the delivery area (postal code) whereas the messenger companies simply charge a flat rate, and therefore it becomes almost impossible to determine whether the Act is being followed.

that along to the driver either.”

The driver summed up the scenario, saying: “It’s crooked and everyone knows it. I feel like I’m in the film, *Casablanca*, and he’s playing at Rick’s roulette table when it stops three times on black 22.” Another messenger explains that overnight deliveries, in particular, are “a scam.” In these instances, messengers get \$1 or \$2 to pick up a package and deliver it to central hub while the company charges \$30 to \$40 for the services. In these cases, the commission for the messenger is clearly less than the usual fee. In describing how his employer treated him, one messenger admitted that he was “kinda resigned to the way it is. I’m used to abuse.” Two other drivers elaborated on the chain of ill treatment within the industry, declaring that they were not treated very well “by the company they work for, the people they deliver to and by people in general,” a scenario that is paralleled in the lower levels of the service sector.

A few bikers report that they have a minimum daily guarantee of \$100 - \$120 from their companies, and likewise a few drivers report that they get a flat daily rate or work on hourly wages. Many messengers report that they have difficulty keeping track of what is delivered during the day and what the total day’s earnings should be. This problem is compounded by the fact that many messengers do not have access to the actual cost to the customer for each package. Most charges are calculated on the basis of priority, where faster deliveries cost more. But, messengers also note that companies regularly “give deals” to their best customers — a practice that undermines the messengers by cutting into their income. Clients are invoiced by the company and pay the company directly. The messenger is never directly paid and therefore does not receive tips, even during holiday season or for carrying heavy and awkward items (which pose a particular challenge and safety concern for bicycle messengers). Few messengers are convinced that they are paid adequately, and many describe their pay as merely allowing them to get by.

One of the main concerns for messengers is around the dangers of their work and the lack of benefits or protection if they are injured or ill. As one messenger confirms, “There are no benefit packages on the job. I would love to get some benefits. Right now it’s basically like doing piece work in a factory during the 1920s.” Concerns about work-related injuries are particularly salient for bicycle messengers, who talk about being run off the road (especially in rush hour), being deliberately hit, ignored, or violated in some way by drivers cutting them off, failing to stop behind them, or ignoring rules regarding bike lanes. As one bicycle messenger puts it, “... sometimes my life is on the line. People are dan-



gerous when driving. There's outside variables everywhere, and if I were to stop paying attention for one second, I could get hit. That means no work. It needs to change." Though it did not use a probability sample, a recent occupational health study of 113 bicycle couriers in Boston found that 90 percent of couriers had been injured on the job, 70 percent of couriers had been injured severely enough to miss a day of work, 55 percent had sustained an injury for which they sought medical attention and 27 percent reported visiting a hospital for an injury they sustained while working as a courier (Dennerlein and Meeker 2003). Accidents are a major concern, primarily because messengers are not given any paid sick time. A day off work is pay that is lost and never recovered. With the lack of benefits, getting into an accident or getting injured places workers in the midst of a conundrum. One suggests that if s/he is hurt on the job, then s/he may apply for funds from the Workers' Safety Insurance Board. However, the "problem is if I get hurt on the job and go to WSIB, that's a black stain on the company, when really it's a problem with the industry. They prefer I don't go to WSIB; they cut me a cheque under the table, instead."

The lack of coverage for health care and accident claims is one of the most critical issues for local messengers. Messengers are concerned that their dangerous conditions of work are not seriously taken into account. One of the bicycle messengers says he would prefer to be treated like an employee with an hourly wage and have access to "danger pay" since now there's no coverage and we pay it all out of pocket." Accidents and sickness are not covered and as one driver said, even after fifteen years in the business, "you can't get sick, you can't take time off, you can't get paid ... like everyone else, for a stat holiday." The greatest strain for many messengers is working through unbearable conditions or sickness and the general lack of security. As one driver says, "If you're sick, you lose money. It stresses me that nothing is secure. If the car breaks down, if it's snowy for 2 - 3 days, you make less and spend more." As a result of their classification as 'independent contractors', some messengers also expressed confusion about whether they have access to social benefits such as the Canada Pension Plan and Employment Insurance.

Overall, the poor working conditions of messengers suggest that substantial gains could be made through collective negotiation with regard to the distribution of work, commissions and rates, allowable expenses and costs, and access to group health and disability insurance. Collective bargaining might lead to more consistent income for messengers, potentially through the widespread adoption of a minimum hourly or daily guarantee, as well as better reporting of package costs and commissions. Given the highly competitive nature of the messenger industry in To-

ronto, the culture of independence, and the complexity of the industry, it is unlikely that messengers will successfully negotiate gains in these areas without collective action.

### **BARRIERS TO UNIONIZATION: A CULTURE OF INDEPENDENCE AND DIVISIVENESS**

With many local messengers barely ‘getting by’, we must consider why these workers do not readily embrace the notion of unionization. One of the key barriers to organizing local messengers appears to be the ethos that surrounds messenger work and that promotes a ‘culture of individuality’. Research on bicycle messengers in the United States and the United Kingdom emphasizes that working as a courier often includes an emotional and cultural attachment to the job; working as a local messenger can become a central component of one’s identity (Kidder 2011; Fincham 2007). Key components of this cultural ethos are an emphasis on the importance of freedom, independence, the ability to rely solely on oneself, and also a sense of competition with and distrust of other workers.

By far, the messengers report that the most positive aspect of the job is the ‘sense of freedom’ and the independence that they enjoy in both the physical conditions of their work and the organization of their time. Bike messengers rush through congested urban streets carrying heavy loads and dodging car, truck, and bus traffic. Their work is fast-paced and physically demanding and bikers extract a measure of pride in their fitness levels and biking skills (Kidder 2011). Some bike messengers are challenged by the game — pushing themselves to better their own records or vying with a select few other topnotch performers in the industry. As one messenger comments, “Once you’ve done this for a while, you just can’t go back behind four walls. I’d feel claustrophobic. I couldn’t do that. I’d just want to break through the doors, like you’re in a jail and want to break through to freedom! With this job you don’t have to see your boss.” For the drivers, the independence of being a local messenger affords them the opportunity to work on their own terms, with some balancing personal responsibilities with their delivery schedules and others pushing as hard as they can to raise their incomes and pay their expenses.

Messengers are typically proud of their contractor status. Despite their reliance on dispatchers, almost all messengers report that they like the fact that they can ‘structure their day’ in their own way. One bicycle messenger elaborates, “I love minimal interactions with people, and thrive on the danger aspect. At the end of a difficult day, I feel like

I've accomplished something, conquered something." It's the freedom of it, or the semblance of freedom, that is most enticing about the job. This sense of freedom from traditional work structures and a love for cycling are also prominent components of bicycle messenger culture in the United Kingdom (Fincham 2007). Yet, these workers endure difficult and demanding conditions that limit their earnings and maintain their level of precariousness.

Accentuating this culture of independence, messengers from the same company often have little contact with each other. When messengers meet at common 'pick-up' and 'drop-off' spots, they are often under substantial time pressure, and thus, do not have more than minimal interactions with each other. In Toronto, the ethos of independence and individuality may be reinforced by the lack of central and open meeting places for all messengers. As a result, many messengers have adopted the negative stereotypes of those in their line of work, routinely referring to their peers in derogatory terms, such as "lazy and shiftless", "dirt-bags", "scummy", "yahoos who drink beer at 11AM", "untrustworthy thieves", "crack heads", "slackers", "screw-ups", and "transients". One described messengers as "f\*\*\*\*\* stupid" and as "operat[ing] on different frequencies" compared to most folks. "It's a fringe job and you attract fringe individuals who want minimal interference." Another explained that this is a labour force of social misfits. Implying that other messengers are stupid, one messenger went on to say, "If you want to explain something, use small words [since] a lot of them are just not educated or socialized, that's just the reality of it." Many are convinced that messengers are in the business simply because they are incapable of doing anything else. One bicycle messenger stated that there are two types of bike couriers in the field — those who want to work hard and earn respect and those who "don't care, don't do a lot of work and are drunks and irresponsible." Many messengers are wary of other messengers, or hold a very low opinion of their peers, which may make calls for solidarity fall flat. It may be difficult to convince messengers of the value of working together with their peers; though ironically, throughout the course of this research, the vast majority of those we interviewed asserted that they were personally responsible and conscientious workers, and it was 'other' messengers who were the problem.

Some interviewees were explicitly asked about the prospect of unionization, while others volunteered their opinions about unions when hearing that CUPW sponsored the research. As expected, the responses were quite varied. For many messengers, the lack of regulation in the industry is seen as an illustration that unions would be ineffective. Others felt that unionization would only be an effective strategy if it occurred

in conjunction with increased government regulation. For instance, one messenger argued that unionizing would have to happen at the same time as the regulation of the industry. If it happened “one and then the other”, it wouldn’t work, because companies “would just fold”. It has to happen in conjunction with regulation of the industry. Others argued quite adamantly against a union, saying that unionization would be “extremely bad” and that “what the industry needs [instead] is regulations.” Another messenger argues that unionization will not solve the problems of the industry because “unions don’t do anything” and besides, “the industry needs to be regulated first.”

A significant percentage of workers in the same-day courier industry are socially marginalized and many have few other employment options. Many messengers are immigrants, but their social networks do not seem to provide an impetus for engaging in collective action. Some prefer to maintain anonymity as independent contractors. Some are excluded by a collective bargaining system that does not adequately address the conditions and experience of employment within the framework of the service economy. Others are discouraged by the appearance of systems of collective bargaining and collective representation that do not adequately account for social location. As Cranford, Fudge, Tucker and Vosko (2005) argue, class, immigrant status, race, ethnicity, sexual orientation, and gender condition the strategies of workers, including their commitment to unionization and collective action.

For some messengers, both regulation and unionization represent a threat, because they would introduce legal requirements around reporting income. Several messengers implied that many people either do not file income taxes or only partially report their messenger incomes. One messenger was concerned about having to pay deductions (such as Workers’ Compensation or Employment Insurance) at source, which would erode his already low income. Others worried that unionization or increased government regulation might lead to job losses in the industry — a sentiment that is particularly prominent for workers who already feel insecure or marginalized. Several messengers told stories about union organizing drives that resulted in firings. This fear was also echoed by someone who helped to organize a messenger union in another city, and where the result of unionizing was that many small companies went out of business.

Some messengers — particularly bicycle messengers — are more enthusiastic about the prospect of unionization. Many see unionization as a tool for ensuring consistent income and getting more benefits. They felt that a union would help them to stop companies from ‘getting away’ with things. Others emphasized that the benefits of unionization would need to be clear, saying, “... we’ll take a union but it has to benefit us.”

Many of the messengers who generally support unionization, though, highlighted the difficulty of trying to organize local messengers in Toronto — across a large city and across a complex of interconnected and/or competitive companies. One messenger noted that unionization would be particularly difficult because of “the diversity of companies involved. There are about fifty or sixty companies to bargain with.” Another felt that bicycle messengers’ opinions would be mixed if there were another drive to unionize. He said that it would “change the nature of the industry.” Others were skeptical about whether it would be possible to unionize an industry with such a high turnover rate.

Any efforts towards unionization must be able to incorporate the fact that, for many messengers, the key benefit of their job is the freedom and independence that it provides. Unionization efforts must also work to create a sense of collective consciousness — both in order to overcome messengers’ distrust of each other, and to enable the potential for bargaining across companies, on a sector-wide basis. Unionization campaigns would also need to be sensitive to the fact that the industry is poorly regulated. Organizers would need to develop strategies that would minimize job losses and company closures as a result of unionization.

## CONCLUSIONS

In many ways, same-day messengers share similar work experiences and conditions with many others working in the service sector. These workers are low paid, enjoy few, if any, benefits, face stressful and often dangerous working conditions, and find themselves in precarious employment relationships. Increasing numbers of workers today face escalating debts and strain brought by the insecurities of an eroded social safety net under the neo-liberal agenda.

When considering unionization, a key concern among messengers is the issue of control. For the drivers it is a matter of choice and control over hours and pace of work. They worry that unions will wash away their input over working conditions and remove their freedom to take a day off or to design schedules suited to their own personal needs. Bikers agonize over maintaining their status within a performance hierarchy — an important element of the job that requires them to maintain control.

What messengers value most in their jobs is “the freedom”, the freedom of working “outside the system” and “freedom, to not be part of mainstream culture”. Yet, the structure of their work, their relationship to the company and the dispatcher, and their work arrangements chal-

lence their sense of independence and to a certain extent replicate aspects of the traditional employment relationship. Many have pointed to the contradictions between their self-employment and ‘independence’ on the one hand, and their dependency and employee-like relationship with the companies, on the other hand. The outstanding question is how these messengers might address these contradictions and work toward improving their working conditions overall. One potential route forward might be creating avenues for collective representation that maintain the illusion of messengers’ entrepreneurial status and freedom, similar to the emerging structures of representation for freelance workers.

The desire to maintain independence is particularly intense for drivers who are largely recent immigrants. They see their independent contractor status as a victory they achieved in their search for work upon their arrival in Canada. They immigrated either with very little capital and few marketable skills or as highly skilled professionals whose foreign credentials are not recognized. Maintaining a sense of independence keeps them holding on to their dreams of self-sufficiency and satisfies their desire for personal input, control and decision-making over their employment. While immigrant cultures sometimes facilitate solidarity and entice workers to embrace unionization, as in the case of hotel workers and janitors, the messengers we talked to were not involved in such networks.

The structure of the industry requiring workers to be “on the go”, the lack of dedicated space for meetings and casual interaction, an unforgiving city where messengers and other working-class service providers are rendered invisible, a highly fractured industry, lax regulations and definitions of “independent contractor status”, together combine with a strong preference for independence and fierce competition for dispatchers’ attention to drive messengers away from collective action. These roadblocks to unionization are not insurmountable. However, a successful campaign will require resources, labour’s long-term commitment to address the issue of precarious work and the structures that facilitate and maintain marginalization, a comprehensive strategy to engage messengers from marginalized social locations, and community-based support.

Generally, the profile of same-day messengers highlights the need for further research in this area. A direct comparison of the working conditions in core companies within the industry, as well as in Canada Post, would generate a better understanding of the advantages and disadvantages of work arrangements within the same-day sector. In addition, research exploring more fully the differences in characteristics and cultural contexts of drivers as compared to bikers or walkers would be helpful in shedding light on the relative importance of the self-employed

status and whether some sub-groups of messengers might consider becoming employees in exchange for a measure of security. Following the concerns voiced by many of the messengers we interviewed, particularly with regard to the conditions of work, it would be worthwhile to investigate whether the “costs” of the “independent contractor” status outweigh the benefits. Finally, it is important to question whether or not unions may play a role in transforming conditions of work, impacting the ruthlessness of the companies, and providing measures of security to a marginalized labour force.

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