

## Equality for RSMCs

Canada Post has a history of discriminating against Rural and Suburban Mail Carriers (RSMCs) (See Appendix A: 'The long road to justice and equality'). There have been many serious problems and a very significant one remains. For decades, RSMCs have performed work that is almost identical to the work of letter carriers, but they have not received the same compensation or treatment because of their gender.

Currently, 8,450 RSMCs deliver mail for Canada Post in rural and suburban areas. About 70% of them are women. In contrast, 22,147 letter carriers deliver mail for Canada Post in urban and suburban settings. Approximately 68% of them are men. In spite of doing virtually identical work, RSMCs, who are predominantly female, receive wages that are 28% lower than letter carriers, who are largely male. They also receive vastly inferior benefits.

This is unjust and unacceptable for RSMCs who do the same work as letter carriers during a typical workday. For example, both classifications deliver mail to community mailboxes (CMBs). Of five million CMB points of call, about two-thirds are delivered by RSMCs and one-third by letter carriers. Often the RSMCs and letter carriers work side-by-side in the same facility before they deliver to CMBs that are located in the same communities, sometimes on opposite sides of the same streets.

Federal employers like Canada Post are responsible for ensuring that no gender-based wage discrimination exists in the workplace. They are also expected to periodically review their compensations systems to determine if there are unjustifiable gender-based pay differences. Canada Post has acknowledged that since RSMCs were recognized as employees in 2004, it has not conducted a pay equity review or study nor does it have plans to do one.

It is time to rectify what is possibly the worst case of gender discrimination in Canada's federal public service. In our recent settlement with Canada Post, the parties agreed to a 19 month process designed to resolve the issue of pay equity for RSMCs.

**Recommendation:** That the government instruct Canada Post to participate in the pay equity process agreed to with CUPW in good faith and honour the timeframes contained within the agreement.

## **Appendix A**

### **The long road to justice and equality**

**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.

**1980:** During debates on the Canada Post Corporation (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 are allowed to make before their contracts go to tender.

**1981:** The federal government passes the Canada Post Corporation 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 ARRMCM 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 these workers and negotiates the contracting in of carriers as employees as of January 2004. The union also negotiates an eight-year collective agreement for RSMC 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 \$632 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.

**2011 to 2012:** During negotiations, RSMCs demand equal pay and the same benefits as letter carriers. They get some improvements but nothing close to full equality with letter carriers.

**2015 to 2016:** RSMCS once again demand equality.