

How the UFCW worked with Uber Canada and the Ontario government to deny workers basic rights

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The United Food and Commercial Workers (UFCW) union concluded an agreement with Uber Canada last year that committed it to lobbying provincial governments to ensure workers employed in the ruthlessly exploitative gig economy are denied the basic rights and minimum protections accorded all non-agricultural workers.

Shortly thereafter, Ontario's hard-right Doug Ford-led Conservative government passed its "Working for Workers Act, 2022" (Bill 88). In the name of outlining "digital platform workers' rights," Bill 88 effectively places the province's Uber drivers and other gig-platform workers in a separate category—akin to the already existing "dependent contractor" designation—thereby denying them even the bare-bones rights of worker/"employees."

The supposedly "non-traditional" "representation" agreement that the UFCW struck with Uber in January 2022 sheds important light on the corrupt and incestuous relations that prevail between the trade union bureaucracy, corporate executives, and government ministers throughout North America.

Under the agreement, Uber gave its approval for the UFCW, which with 1.3 million members in Canada and the US is one of North America's largest unions, to represent its drivers in certain disputes with management. The agreement specifically committed the union to work with the global ride and delivery company to bring about governmental reforms that would provide "drivers and delivery people new benefits" while preserving "flexibility"—that is, that would ensure gig workers were denied basic workers' rights.

Andrew Macdonald, Senior Vice President of Uber, released a statement on the agreement that declared, "In a quintessentially Canadian manner, we've come together to find common ground ... Through this agreement, we're prioritizing what drivers and delivery people tell us they want: enhancing their flexibility to work if, when, and where they want with a stronger voice and new benefits and protections."

The reference to "flexibility" is a euphemism for the ratcheting up of Uber's already notorious conditions of ruthless exploitation, and the blather about stronger worker rights and protections is hogwash. The sole beneficiaries are Uber, which has secured the UFCW's support in lobbying for corporate-friendly legislation, and the UFCW bureaucracy. The latter has gained privileged access to Uber drivers, which it hopes to use, with the company's all but open support, to produce new members and increased revenues via an expanded dues base.

Under the agreement, the UFCW is supposed to have ongoing discussions with the company about work-related issues, but there is no union-Uber contract, and workers are not provided the "rights" traditionally associated with union representation. Rather the agreement allows drivers to choose to have the UFCW legally represent them in disputes with the company over a limited number of issues pertaining to

their Uber-App account, including deactivation (i.e., the temporary or permanent suspension of their right to pick up rides or deliveries.) In such cases, Uber will assume the costs of providing the driver with the union's services. In other words, the relationship between Uber and the UFCW is that of a plaintiff bankrolling the defendants' legal team in a court case.

In a previous period, the unionization of workplaces was associated with bitter working-class struggles. In the 1930s, the CIO industrial unions were built in a mass North America-wide upsurge in the teeth of bitter corporate resistance and organized state violence. Federal government workers in Canada only got the right to unionize following a militant, nationwide wildcat strike by postal workers in 1965.

Those days have long since passed into history, and the unions have emerged over the past four decades as appendages of big business and the state. This is exemplified by the Uber/UFCW deal, which was finalized after the UFCW abandoned efforts to win the legal right to represent drivers by signing up union members. The agreement was instead proposed by Uber management, cooked up behind the backs of Uber workers and forced through without so much as a vote. The backroom negotiation between the corporate leadership of Uber and the well-paid UFCW bureaucracy had more the character of a business hiring a security firm to police the activities of its employees than an initiative aimed at improving working conditions.

Rather than protecting gig economy workers or expanding their rights to include full time regular benefits, the agreement cements the role of "contractors"—in reality poorly-paid, super-vulnerable employees—in delivery services. By defining their workers as contractors, gig employers, with the political establishment's connivance, have been able to escape any legal obligation to provide regular schedules of work, proper benefits, or regular negotiations over workers' pay and other terms of employment. Gig platform companies also use app work to minimize workers' contact with each other, so as to facilitate their isolation and atomisation, and frustrate workers' efforts to organize resistance. The trade unions are fully prepared to adapt to these new conditions and benefit from this new class of exploited contract workers.

Included in the Uber/UFCW deal are several basic provisions about occupational accident coverage and notices of termination. The agreement also included a paltry commitment to earnings of at least 120 percent of the provincial minimum wage, which is currently \$15.50 an hour in Ontario. However, several restrictions make this provision all but meaningless. Firstly, the "wage" is only paid when drivers are driving, not waiting for bookings, which means they will only be compensated for a fraction of the time they actually work. Moreover, the driver still has to pay for gas and maintenance of their own vehicle.

An unseemly squabble has erupted between the UFCW and other unions over the deal, with the Canadian Union of Postal Workers (CUPW) taking

strongest exception to it. CUPW's criticisms are not made from the standpoint of developing a genuine struggle against the miserable working conditions of Uber drivers. Rather it is angered that the UFCW was given preference by Uber in cutting a potentially lucrative deal for the bureaucracy. While CUPW is challenging the agreement in the courts, it has done nothing to alert delivery workers and the working class more broadly about the dangerous corporatist implications of the Uber/UFCW deal. This is because, like the UFCW and the entire union bureaucracy, they are terrified of the emergence of mass working-class opposition to exploitation and war. This is summed up in both unions' fulsome support for the Justin Trudeau-led federal Liberal government and the NDP deal to keep it in office till June 2025.

That said, CUPW has revealed further information pointing to just how anti-democratic and rigged is the Uber/UFCW agreement. Uber reportedly used its app to encourage workers to support the agreement.

Gig Workers United, a CUPW-backed group, also expressed anger at how the agreement was reached without any democratic process. Uber drivers were not consulted about the deal and were completely bypassed, with no vote on ratification being held. Brice Sopher, a courier and leading representative of Gig Workers United, stated, "This is the illusion of a union. This is the illusion of workers' representation, but it is not." The agreement, he continued, was made to "give Uber the protection, the veneer of being progressive, while they will continue probably to push for the regressive rolling back of workers' rights."

In fact, far from being an "illusion of a union," the UFCW's pact with Uber merely expresses in particularly grotesque form what the actual relationship between the union bureaucracy and rank-and-file workers has become over the past 40 years. In every economic sector, the unions function as little more than corporate syndicates, collecting dues from workers, sitting on joint corporate-government consultation bodies, and paying top bureaucrats huge salaries comparable to those of senior management. In the US auto sector, several former presidents of the United Autoworkers have been indicted for taking bribes from the auto corporations and rampant corruption. Jerry Dias, the former head of Canada's largest private-sector union Unifor and close ally of Liberal Prime Minister Justin Trudeau, was felled last year in a corruption scandal involving his acceptance of a \$50,000 payment to act as a sales representative for a mask manufacturer. These organizations no longer have anything to do with protecting the rights of workers, but cater to the privileged middle-class layers who populate their upper echelons. Their key task for the ruling elite is to suppress the class struggle.

In contrast to the factions of the union bureaucracy skirmishing over who gets to secure the dues and affiliation of Uber drivers, there has been pushback to the deal from Uber workers themselves. Driver David Heller, represented by Samara Belitzky, has been engaged since 2017 with Uber in a class action lawsuit over the status of gig workers and their right to receive vacation pay and benefits. When asked for comment on the UFCW agreement, Belitzky stated, "On paper, it looks like it may be giving some very limited additional rights or benefits to the drivers, but practically speaking, it doesn't give them very much."

Ontario's Conservative government used the Uber/UFCW agreement to justify speedy passage of its Bill 88, which was given royal assent in April 2022. It codified a handful of limited protections for gig economy workers—protections that many gig companies were already providing their workers to retain staff.

In the run-up to Bill 88's adoption, Uber was heavily involved in lobbying the federal and Ontario governments. They were determined to prevent gig workers being defined as "employees," since the fiction that they are "contractors" and Uber a mere app—not a mega company that is employing hundreds of thousands of workers worldwide—has allowed Uber to trample on workers' rights and reap huge profits. Ontario's public lobbying registry reported that on October 25, 2021, Uber lobbyist

Laryssa Hetmanczuk, moved to "help inform the government about best practices of app-based work, as the government moves forward with legislation to support workers in Ontario." Hetmanczuk was previously an aide to Rod Phillips, who was Ford's finance minister till he had to resign in disgrace after taking a holiday to the Caribbean amid a COVID-19 lockdown.

At all levels of government, there is an incestuous marriage of corporate lobbyists, government technocrats, and union bureaucrats. In the early months of the pandemic, Hassan Yussuf, the president of the Canadian Labour Congress, summed this up when he called for a "collaborative front" between government, corporations and unions, and "a national task force on how best to reboot the economy" based on union, corporate and government cooperation.

A year later in 2021, the UFCW supported the reopening of the Oylmel meat packing plant in Alberta, where COVID was running rampant and had killed three workers and infected at least 515. The UFCW explicitly rejected the right of the workers to strike against the dangerous working conditions, citing the collective bargaining process' prohibition on strikes when contracts are in force. But when it came to securing a lucrative corrupt deal with Uber management, the "collective bargaining rights" of Uber drivers were of just as little concern to the UFCW bureaucrats as were the meatpackers' lives at the height of the pandemic.

The 2022 Uber/UFCW agreement continues the process of the unions' conniving in the erosion of workers' rights. With the codification of the gig economy and the proliferation of independent contract work, another layer of economic security is being stripped from the working class.

It is impossible for workers at Uber or any other company to oppose this process through the nationalist, pro-capitalist unions. The experience of the Uber/UFCW agreement underscores once again the necessity of workers building new forms of organization, rank-and-file committees, to unify their struggles internationally and wage a political fight against the capitalist profit system. We encourage all gig workers who agree with this perspective to contact us and support the building of the International Workers Alliance of Rank-and-File Committees.



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