

# FEDEX

## OWNER/OPERATORS (Contractors)

### QUESTION & ANSWER SHEET

**Q** Can my contract be terminated for signing a union card?

**A** The answer to this is **NO!!**

**Part I, Division I, Section 8(1)**

- *affords you the right to join a union.*

**Part I, Division VI, Section 94 (1) (a)**

- *prevents the employer from interfering in your right to join a union.*

**Part I, Division VI, Section 94 (3) (a) (i)**

- *protects your employment. No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ or suspend, transfer, layoff or otherwise discriminate against any person with respect to employment, pay or any other term or condition of employment or intimidate, threaten, or otherwise discipline any person, because the person (i) "is or proposes to become, or seeks to induce any person to become, a member, officer or representative of a trade union or participates in the promotion, formation or administration of a trade union".*

**Q** Can you explain the difference between a contractor and an employee, and what rights do I have under the Canada Labour Code as a contractor?

**A** Under the code you are considered a dependent contractor which means you are considered an employee.

**Part I, 3 (c) says**

- *"Employee" means any person employed by an employer and includes a dependent contractor and a private constable, but does not include a person who performs management functions or is employed in a confidential capacity in matters relating to industrial relations.*

**Part I, 3 (a)**

- *"dependent contractor" means (a) the owner, purchaser or lessee of a vehicle used for hauling, (other than on rails or tracks), livestock, liquids, goods, merchandise, or other materials, who is a party to a contract, oral or in writing, under the terms of which they are (i) required to provide the vehicle by means of which they perform the contract and to operate the vehicle in accordance with the contract, and (ii) entitled to retain for their own use from time to time any sum of money that remains after the cost of their performance of the contract is deducted from the amount they are paid, in accordance with the contract, for that performance.*

**Q** Can FedEx close the terminal down and have another company deliver the freight?

**A** No they can't, that would also fall under Part I, Division VI, Section 94 (3) (a) (i) of the code.

**Q** What rights and benefits will I gain from a union contract?

**A** Once certified a proposal meeting will be held. Everything from the grievance procedure, benefits, and compensation will be discussed. Anything and everything that the contractors feel is needed, will form the basis for negotiations and an eventual collective agreement.

**Q** How much will my union dues be and is it tax deductible?

**A** Every local has different rates for Owner/Operators (Contractors). The average is about \$50 per month and yes your union dues are tax deductible.