



June 25, 2023

Deputy Mayor McKelvie and Toronto City Council

Toronto City Hall

100 Queen Street West

Toronto, ON M5H 2N2

Re: Micro-mobility couriers

Dear Deputy Mayor McKelvie and members of City Council

HOOF&CYCLE is writing to express our concern with the motion to require micro-mobility couriers to bear a unique identifier (i.e., a license) while working. Attached is our detailed report on the history and experience of courier licensing issues in Toronto and other jurisdictions. This is a follow up to our first report on this issue from March 1997.

Over the years there have been many studies surrounding the behaviour of couriers and the perceived need for licensing or labelling with a unique identifier. Time and time again these studies show that while a few bike couriers ride outside of the law, in general, their behaviour is no different or no more dangerous than other road users and it is generally a perception and the high visibility of couriers that drives complaints.

We note that Councillor Saxe's motion does not refer to any data, only personal opinions of some Councillors and some of those who have complained about couriers. Council is a white majority Council in a white minority city that seeks to impose a system of bureaucracy that could seriously affect the livelihood, freedom and oppression of vulnerable racialized couriers. So where is the data that Council carefully considered before imposing this motion? Where is the reasonable unbiased justification?

As per the Toronto Police:

“From a policing perspective, licensing as a means to enhance enforcement is ineffectual. The requirement for cyclists to identify themselves under the Highway Traffic Act is sufficient for policing purposes.”

“From a policing and enforcement perspective, the same considerations applied to the general cycling population can be applied to couriers. Under the Highway Traffic Act, all cyclists are required to identify themselves, and it is not felt that the specific licensing of this group would result in a major shift in enforcement capability.”

We also draw attention to Digital Platform Workers' Rights Act which will entitle couriers to a minimum wage but only while working or “for each work assignment performed by a worker.” We point out that as a result of this provincial legislation, bicycle and micro-mobility couriers may now argue that under Ontario law they are ONLY working while in transit to pick up or deliver an order and therefore not required to display a license at all other times. These are the only times they are receiving compensation. Therefore, they are also the only times their vehicles are being **“used for commercial purposes on a public thoroughfare.”** This would mean that a police officer may have to prove a courier was in transit to, or with, an order and “working” before issuing a ticket for not displaying a unique identifier.

Regards

Joe Hendry

HOOF&CYCLE originally, was the only bike messenger organization in the world focused on the interests of both foot and bike messengers. The focus was on the work and sustainable transportation in which the bicycle is a tool. Our work focused on safety first, as well as efficiency and sustainability. We have moved toward an advocacy work involved in transportation and environmental issues but maintain a strong interest in our roots. We are not the voice for app-based delivery workers. [Gig Workers United](#) is that strong, effective voice today.

HOOF&CYCLE Co-founder Wayne Scott, was a former bicycle and foot courier, long-time member of the Toronto Pedestrian Committee, Toronto Cycling Ambassador and cycling and pedestrian advocate. He was also known for successfully championing the right for active transport couriers to deduct their extra food requirements as fuel for tax purposes. Scott passed away in 2021 and Toronto City Council came together to express their condolences for him.



## Potential Licensing (Unique Identifier) of Motor-assisted Micro-mobility Couriers

June 25, 2023

### 1. INTRODUCTION

On May 12, 2023 Toronto City Council requested the City Solicitor, in consultation with the General Manager, Municipal Licensing and Standards, the General Manager, Transportation Services and the General Managers of other City divisions as appropriate, to report back to the June 28, 2023 meeting of the Infrastructure and Environment Committee on options for requiring motor-assisted micro-mobility vehicles (except motorized wheelchairs) to bear a unique identifier (also known as a license) when being used for commercial purposes on a public thoroughfare.

Many concerned stakeholders and organizations with many years of experience studying our City's safety and transportation problems have submitted well-reasoned arguments in opposition to this motion. [Cycle Toronto](#), [Toronto Community Bikeways Coalition](#), [David Shellnutt](#), [The Biking Lawyer LLP](#), and [NRBI Hyper-Local Logistics](#) have all raised possible solutions to the problems of sidewalk cycling. Many Councillors stood up during the discussion of this motion and echoed these arguments and possible solutions including those who supported the motion. Quite clearly the most credible solutions include greatly improved infrastructure, education and bringing the basic minimum working and employment standards to the large international delivery app companies including the misclassification of employees.

Sidewalk cycling has been a concern for decades but licensing any type of cyclist has been rejected based on studies and extensive consultations with experts and affected community members. It's been looked at so often that the City has an entire section on its website discussing it.

According to the City of Toronto's own [website](#):

The City of Toronto has examined the idea of bicycle licensing on many occasions in response to concerns surrounding pedestrian safety, bike theft and compliance with the law.

Bicycle licensing has not been adopted as a solution to these issues. If the intention of licensing is to increase cyclists' compliance with traffic laws, and to reduce the number of conflicts with pedestrians and other road users, then licensing as an approach needs to be compared with other possible initiatives.

**Studies have also concluded that licensing is not worth the creation of a major bureaucracy to oversee this practice.**

The City of Toronto has investigated licensing cyclists on at least three occasions in the recent past:

1984: focus on bike theft

1992: focus on riding on sidewalks, traffic law compliance and couriers

1996: focus on riding on sidewalks, traffic law compliance and couriers

**Licensing in the 1990s was discussed in response to concerns for pedestrian safety on sidewalks and compliance with traffic laws, where it has been rejected each time as a solution.**

The major reasons why licensing has been rejected are:

The difficulty in maintaining a complete and current database.

The difficulty in licensing children

**Licensing does not change the behaviour of cyclists who are disobeying traffic laws.**

## 2. REPORTS AND STUDIES CONCLUDE LICENSING IS NOT WARRANTED

Bike and micro-mobility couriers are a highly visible, easily identifiable group. They are an easy target for those who are anti-cyclist. The majority of today's couriers are people of colour, international students and new immigrants which also targets them for bias from many people. Couriers who ride e-bikes to deliver are mandated to wear helmets. They often wear safety vests for visibility and carry large bags that also increase their visibility.

A [2013 study](#) found that drivers give cyclists who wear helmets much less space on the road. A new [study from 2023](#), "found that an alarming number of people do not see cyclists as human, with those riding bicycles while wearing helmets or safety vests seen as less human compared to those without." These kinds of biases contribute to a misalignment of perceptions and facts related to the behaviours of couriers and they demonstrate why the current infrastructure in Toronto fails everyone who is not in a motor vehicle.

Over the years there have been many studies surrounding the behaviour of couriers and the perceived need for licensing or labelling. Time and time again these studies show that while a few bike couriers ride outside of the law, in general, their behaviour is no different or no more dangerous than other road users.

A recent 2022, Australian study entitled "[Risky business: Comparing the riding behaviours of food delivery and private bicycle riders](#)", compared the characteristics and risky behaviours of bicycle food delivery riders (BFDRs) and private riders in Brisbane, Queensland, Australia. The study concluded that "despite media and public concern, the observations did not support a view that bicycle food delivery riders (BFDRs) engage in more risky riding behaviours than private riders.

A study on the Safety of Bicycle Couriers prepared by the Société de l'assurance automobile du Québec on February 13, 1992 (and revised on April 8, 1992), concluded "it is reasonable to assume that [couriers] behaviour draws attention mainly because their clothing and bag (often bearing the company name or courier service logo) make them more visible". In fact, couriers "have no more of a propensity for accidents per kilometre travelled than other bicycle riders; the difference in mishap rates between the two groups might well be statistically insignificant. **For that reason, caution is advised imputing accident risk to couriers in order to justify specific intervention targeting this type of road user.**"

When the city of Ottawa studied licensing couriers, it noted the above report in its decision not to proceed. They also addressed the problem of identification noting that "concerns respecting the promotion of safe cycling and compliance were addressed by the province on 1990 January 12 when the

Highway Traffic Act was amended to require any cyclist to provide personal identification at the request of a Police Officer. The Police may lay charges based on that identification for infractions under the H.T.A. or any municipal by-law regulating traffic.

The 1996 Toronto Board of Management Report that generated a discussion of enhancing bicycling safety noted that police should focus on enforcement of existing laws:

"Enforceable traffic regulations for cycling (including couriers) already exist in the Ontario Highway Traffic Act and the Toronto Municipal Code...both the Metropolitan Chief of Police and the Ontario Minister of Transportation advised that licensing cyclists would be very costly and would add little, if any value, for enforcement purposes...Police resources should be directed at enforcement of existing traffic laws rather than ensuring that cyclists have a license."

If licensing all cyclists would not add value for enforcement purposes, then why would licensing couriers be any different? In 1992, Toronto Chief of Police, William McCormack was asked for the police service's opinion surrounding the licensing of cyclists and couriers. After "extensive consultations" McCormack reported in a [letter to the City Clerk](#) that "it is felt that licensing would not have any discernable impact on riding behaviour [of cyclists.]" He went on to say:

**"From a policing perspective, licensing as a means to enhance enforcement is ineffectual. The requirement for cyclists to identify themselves under the Highway Traffic Act is sufficient for policing purposes."**

He also wrote specifically about the licensing of couriers:

"From a policing and enforcement perspective, the same considerations applied to the general cycling population can be applied to couriers. Under the Highway Traffic Act, all cyclists are required to identify themselves, and it is not felt that the specific licensing of this group would result in a major shift in enforcement capability."

### 3. LICENSING AND HARASSMENT

During the COVID-19 pandemic lockdowns, couriers risked their life and health so that the rest of us could stay home, be safe and limit the spread of a deadly virus. This resulted in a large increase in the online food delivery industry and led to much higher bicycle, e-bike and micro-mobility traffic in cities like Toronto. At the same time the use of recreational micro-mobility vehicles also grew quickly. As the pandemic declined and people returned to the streets, this increase in bicycle related traffic led to couriers as an easy scapegoat for the traffic dangers in these same cities. Similarly, to the rise of the use of bicycle couriers in the 1980's and 1990's, it was closely followed by an increase in complaints surrounding couriers and cities like Toronto are once again looking to a failed system of labeling and licensing as a solution not supported by data.

In the past, the type of licensing favoured as a solution by most cities was a miserable failure. It was both ineffective and costly. Most cities adopted a system of licensing that is better termed "labeling" whereby messengers were required to display a numbered sign on their bike and/or bag at all times. The thinking behind this type of system is that a visible label will act as a deterrent to unsafe riding, and it would make it much easier to identify those who violate traffic laws.

The reality is that none of those benefits were realized and in fact it led to harassment of both messengers and other cyclists who may look like messengers. It also led to a DECREASE in traffic enforcement as police focused on enforcing the bureaucratic requirements of the labeling laws rather than the original traffic laws. In fact, the labeling laws added nothing to the already existing traffic laws.

These types of labeling systems come from incorrect perceptions and misunderstandings about the bicycle courier and based industry. Many cities look at bicycle safety in response to symptoms of the real problems. They respond to complaints. Most of the complaints are as a result of near misses rather than accidents and most of these are blamed on the most visible riders - bike couriers.

New York City licensed and insured bike messengers for many years. It failed to provide any solutions. The failure of licensing to increase safety in New York led to the bike ban of 1987. New York passed a law banning bicycles from the financial district in Manhattan between the hours of 10:00 am and 4:00 pm. The law only lasted one hour before it was struck down. In 1992, messengers were again the target of a bill that was eventually defeated. It proposed the confiscation of commercial cyclists' bikes if they were **suspected** of any traffic violation.

In Washington D.C. bike messengers were required to register their bikes. Police often "raided" Dupont Circle - a messenger hangout. They showed up in paddy wagons, confiscated unregistered bikes and

tossed them in the paddy wagon. On June 12, 1992, the U.S. Park police conducted a confiscation raid against bike messengers spending time together AFTER work at Dupont Circle. The S.W.A.T. team used the registration law as a ruse to remove the couriers from the park. Police confiscated fifteen unregistered bikes. Although non-registration was a \$5 traffic offence, in this case it was treated as a criminal offence. The couriers had to pay \$25 fines. With media attention and support from the American Civil Liberties Union, the Superior Court returned the fines and dismissed the criminal charges.

In San Francisco, on March 18, 1993, police cracked down on messengers. In two hours, fifty-one messengers were cited for not having a license. Police gave the reason for the crackdown as complaints from the public regarding riding on the sidewalk and hanging on to cars. Couriers noted the coincidence to the previous day's events when an officer on a bicycle tried in vain to pull over a messenger for a traffic violation. After giving up the chase the officer went to two popular messenger hangouts to announce, "that something big was going to happen" and there would be "hell to pay" the following day.

In Vancouver B.C., messengers were required to always have license plates on their bikes, wear helmets, take a city run test and were specifically allowed to be arrested without a warrant. The couriers' clothes would get caught on the license plates and tear. Messengers bent the corners of the plates to stop the damage and were subsequently ticketed by police for doing so. With all these measures, complaints against bicycle couriers were still the number two complaint to the police. Licensing had no effect and police turned to harassment.

In Boston, messengers were required to wear special jerseys. In 1996 police began citing the messengers for obscuring the jerseys with their messenger bags. The couriers then cut up their jerseys and sewed them to their bag, so they were not obscured. Then the police ticketed them for not wearing their jerseys.

In Calgary, couriers were required to have licenses attached to the front and rear of their bikes while working. On June 1, 1998, a Monday night Critical Mass ride was put on by the Calgary Commuter Challenge and sponsored by the city of Calgary. All but seven of the cyclists were recreational cyclists, the other seven were off duty bicycle couriers participating AFTER work. The ride spread out and police claimed the cyclists were impeding motor vehicle traffic. The police reported the ride to the Deputy Chief License Inspector as a group of couriers and that most were not displaying their licenses. There were two reasons they were not displaying their licenses. The first is that most participants were not couriers and the second is that it was after work and couriers were not required to display their licenses when they were not working. This incident led the Deputy Chief License Inspector to contact all courier companies and threaten the couriers with increased harassment, fines and new laws. This incident took place seven years after the introduction of licensing in Calgary during which many supporters claimed



that "in six weeks, when those license plates are on those bikes, there probably will not be any wild driving." After seven years despite licensing, harassment and crackdowns the complaints still came in.

Bike messengers were harassed all over the world. Australia proposed a \$1000 bond for foreign couriers to offset any fines they may receive while there. In Sydney, Australia, off duty police officers were paid extremely well to ticket couriers with no effect on riding behaviour and no effect on the number of complaints.

New York City bike messenger Seth Agot in a letter to the New York Times, entitled, "For the Bicycle Messenger, No Roadbed of Roses" illustrates the messenger's dilemma:

"Like the Jews of medieval Europe, messengers make an objective contribution to the local economy, but are viewed as utterly foreign, existing tenuously on official tolerance punctuated by specific harassment. Some of us on the margins of traffic are from the margins of society as well, lacking tact and communication skills, and would not otherwise be in corporate midtown - or decently employed."

All of these cities devoted and wasted so many resources in response to complaints against bicycle couriers who were just trying to make a living in a profession that is dangerous but legal. NONE of these cities enforce licensing laws today.

At the May 12 meeting of Toronto Council, Councillor Saxe said, "a law that isn't enforced is worse than useless." History has quite clearly shown that courier licensing laws don't work and for that reason become unenforced and useless. Council should stop wasting more resources trying to pass a useless law.

#### 4. “WHILE WORKING” AND ENFORCEMENT PROBLEMS

Toronto City Council requested the City Solicitor to look at options for requiring motor-assisted micro-mobility vehicles (except motorized wheelchairs) to bear a unique identifier **when being used for commercial purposes on a public thoroughfare**. In essence this would require micro-mobility couriers to display a “license” while actively working. It would mean that couriers would not have to display their license when not working. But what does “while working” mean or when “is a vehicle being used for commercial purposes on a public thoroughfare?”

The Ontario provincial government recently introduced the Digital Platform Workers' Rights Act. It is a performative, ineffectual piece of legislation that serves the large international corporations like Uber rather than the workers. It does not even confirm that couriers are employees and fails to address their misclassification as independent contractors. It confirms no employment standards on couriers. It leaves bicycle couriers' protections virtually the same as they were in the 19<sup>th</sup> century.

The Act says that couriers are entitled to the minimum wage but only while actively working. The Act's wording is that “minimum wage shall be paid for each work assignment performed by a worker.” In other words when couriers are waiting for their next order they are not paid for that time.

Starting July 12 in New York City, app-based delivery workers will be paid at least \$17.96 (US) an hour not including tips. This is for every hour worked and includes the time waiting for orders. Couriers still cover all of their own expenses and do not receive employment standards protection. As part of the negotiation for this minimum wage it was estimated that couriers spend approximately 40% of their working day waiting for orders. The [City of Toronto came up with the same 40%](#) of their time that riders spent waiting for orders. That means that the Ontario minimum wage for bicycle couriers is 60% of \$15.50 or \$9.30 per hour (Canadian), much lower than every other job in the province. This is the kind of legislation that results from consulting with the large international corporations that have exploited couriers for over a hundred years.

One important consideration as a result of the provincial legislation is bicycle and micro-mobility couriers may now argue that under Ontario law they are ONLY working while in transit to pick up or deliver an order and therefore not required to display a license at all other times. These are the only times they are receiving compensation. Therefore, they are also the only times their vehicles are being **“used for commercial purposes on a public thoroughfare.”** This would mean that a police officer may have to prove a courier was in transit to, or with, an order and “working” before issuing a ticket for not displaying a unique identifier.

Toronto Police also raised concerns surrounding the enforcement, as to the uniformity and control of a licensing system. Would the loss of one's "courier license" due to numerous riding infractions restrict that individual's right to ride a bicycle while not acting in a courier capacity? This results in a considerably more complicated enforcement scenario."

There is a further concern over jurisdiction, and the application of such an initiative without agreement across the greater Toronto area. To be effective, any system should encompass all of the GTA. Without a regionally uniform approach, the issue of enforcement becomes inequitable. Will couriers crossing Steeles Ave from York Region be ticketed for riding in Toronto?

By singling out e-bike couriers for licensing, the city also puts recreational e-bike users at risk for harassment by police forced to judge whether an e-biker user is riding for commercial or recreation purposes.

## **5. CONFLICT OF DIVERSITY AND WHITENESS**

The city of Toronto often boasts of its diversity. It is one of the most multi-cultural cities in the world. In 2021, 57% of Torontonians were non-white yet the current City Council remains over 70% white. During discussion of this law at council, many councillors recognized that couriers are racialized, exploited and oppressed but also quickly dismissed those concerns. The result is this motion which specifically targets vulnerable, marginalized workers of colour. Studies show that racialized couriers' behaviour is no different or no more dangerous than other road users. A recreational e-bike rider on the sidewalk is every bit as dangerous as an exploited racialized courier trying to earn a living on dangerous roads. They are no different. Councillor Saxe states that "the primary problem is motorized vehicles because of their weight and their speed, yet her motion is strictly directed at racialized bike couriers and ignores recreational users.

There is, however, one key difference between commercial bike couriers and recreational e-bike users. Bike couriers are predominantly people of colour, immigrants and international students. In contrast a survey by National Institute for Transportation and Communities (NITC) found that 90% of e-bike owners in North America were white. Regardless of intentions, this motion will have real consequences for all people of colour who ride e-bikes. Police will pull them over because 90% of recreational e-bike owners

are white. Police will conclude that they are bike couriers riding without a license. In effect this motion could result in the return of carding for people of colour riding bikes in Toronto.

From Cycle Toronto's submission on this issue:

The Toronto Police Service has acknowledged they have engaged in racist practices and violence toward Black, Indigenous, and other racialized communities. This is a pattern, and prompting the TPS to more aggressively police users of micro-mobility vehicles would almost definitely result in further practices of discrimination.

In 2022 Toronto police released statistics that show Black people in the city faced a disproportionate amount of police enforcement and use of force in 2020 and were more likely to have an officer point a gun at them — whether perceived as armed or unarmed — than white people in the same situation.

From [Global News](#):

There were also racial differences in strip searches, with Indigenous, Black and white residents searched disproportionately compared with how many of them were arrested.

The numbers were the first to be released under the force's race-based data policy, which was adopted in 2019 after the provincial government passed legislation requiring several public sectors to collect such information. It also followed several reports on race and policing.

Toronto's interim police chief, James Ramer, apologized to the city's Black residents Wednesday as the statistics were published, saying the force needs to do better.

The City of Toronto proclaims to recognize that it must engage in processes to provide alternate service delivery to limit interaction between people of colour and the police, yet this law will mainly put vulnerable people of colour in more contact with police which history has shown will result in serious tragedies including death.

This is how whiteness fails the residents of Toronto. We have a majority white council in a minority white city that claims pride in its diversity and multi-cultural identity, yet that majority white council is proposing to impose systemic and structural laws that will target and further marginalize people of colour. In addition, the official website of our city details why this proposed law will not achieve the stated safety goals and has been looked at many times and it informs us that even the police have stated that this law will not affect behaviour.

When white people come into a new environment, they immediately adjust the environment to fit their needs. When Black people come into a new environment, they are forced to adjust their needs to the environment – Anti-racist activist Jane Elliot

“When you’re white in this country, you’re taught that everything belongs to you. You think you have a right to everything. ... You’re conditioned this way. It’s not because your hair is a texture, or your skin is light. It’s the fact that the laws and the culture tell you this. You have a right to go where you want to go, do what you want to do, be however — and people have just got to accommodate themselves to you.” – Author Ta-Nehisi Coates

This is the second time in a few months that the City of Toronto has targeted racialized e-bike couriers without consulting them or seeking their input. In response to complaints from recreational e-bike users about racialized couriers “hogging” bike share rental e-bikes, the city increased the rates in an attempt to make them too expensive for couriers to use for extended periods.

[Gig Workers United CUPW](#) is the union representing app-based delivery workers in Toronto and beyond. They responded to the City’s new rates noting that the City failed to consult the people most affected:

Gig Workers provide an essential service delivering food and necessities like groceries and medicine to people living and working in the city of Toronto. We are writing this letter to state unequivocally that the proposed new usage fees will have devastating impacts on precarious workers’ income. It must also be stated that there has been no public consultation on this important issue that impacts our ability to put food on the table for our families.

App employers are disrupting employment standards and profiting off the misclassification of gig workers as well as downloading responsibility on to Toronto’s local infrastructure. The implementation of the proposed \$0.10 per minute usage fee for e-bikes says to precarious workers; you’re being fired. The city of Toronto should look to New York which has been consulting with gig workers to end misclassification by putting the responsibility back onto app employers who are not paying their fair share.

In a graduate school dissertation for the City University of New York (CUNY) entitled [“Delivering Justice: Food Delivery Cyclists in New York City”](#), author Do J Lee writes:

“echo chambers of whiteness craft demonizing public narratives about immigrant delivery workers by excluding their voices. This exclusion signals a need to listen to delivery worker voices to characterize and name their conditions and experiences.”

At the recent Council meeting on this motion Councillor Saxe said she has been working on this for many months and has written to all the large delivery companies and meeting with them. She negotiated directly with Uber. At no time did Councillor Saxe or any Councillors meet with representatives of the workers themselves. At no time did they reach out to Gig Workers United. Instead, Council worked with the very companies whose exploitation, employment practices and misclassification of the workers is the root of the safety concerns. Why would Uber care? They are protected from responsibility, liability and obligations. Council excluded the voice and concerns of the racialized workers, and this oppressive motion is the unsurprising result.

## **6. WHERE IS THE DATA?**

In [1991-1992 Toronto City Council](#) asked the Cycling Committee to report back on questions surrounding the licensing of bicycle couriers. The Committee approached this task seriously and asked for data supporting the reasons for licensing. During the council meeting on the current motion, Councillor after Councillor stood up and prefaced their comments with the knowledge that bicycle and micro-mobility couriers are mainly people of colour, new immigrants and international students. Councillors also acknowledged that these active transport couriers bring benefits to the city including reduced car usage, reduced traffic congestion, increased safety, reduced emissions and air pollution. Councillors understood that these couriers are in a precarious profession with no employment standards and are misclassified as independent contractors.

All of this is important information. Council is a white majority Council in a white minority city that seeks to impose a system of bureaucracy that could seriously affect the livelihood, freedom and oppression of vulnerable racialized couriers. So where is the data that Council carefully considered before imposing this motion?

Before making any reasonable decision, Council should be able to answer the following questions with the data:

1. How many courier workers are there in Toronto?
2. How many of them are micro-mobility couriers?
3. How many companies employ micro-mobility couriers?
4. How many are at each company?
5. Are micro-mobility couriers employees of the company or classified as independent contactors?

6. Are micro-mobility couriers working for companies currently covered by any kind of insurance or benefits? (include information on third party liability, as well as personal health and workman's compensation insurance).
7. How many micro-mobility couriers have accidents with (a) cars, trucks, buses (b) pedestrians,(c) road hazards (eg. tracks)?
8. How do these numbers compare to recreational micro-mobility users?
9. What are the number of tickets issued to micro-mobility couriers for Highway Traffic Act infractions?
10. What are the number of tickets issued to micro-mobility recreational riders for Highway Traffic Act infractions?
11. What would be the impact of a bureaucratic system imposing a unique identifier on couriers? What would be the impact on the companies? And what would be the impact on the workers? (seek input from Gig Workers United)
12. What is the number of complaints regarding micro-mobility couriers that Toronto Police receive in a year?
13. What is the number of complaints regarding micro-mobility recreational riders that Toronto Police receive in a year?

Council cannot legislate based on feelings, opinions and perceptions. It must legislate based on the accumulation of credible data and facts.

## **7. HISTORY AND WORKING CONDITIONS**

Bicycle and micro-mobility couriers in Toronto boast a long and proud history while struggling for fair and equitable treatment under the law. One of the earliest documented bicycle messenger services in North America dates back to 1880. According to the National Archives of Canada Library, H.T. Baily advertised a bicycle livery and messenger service that was open all night and all day on the streets of Toronto in 1880. By the turn of the century Toronto was filled with telegraph and bike couriers who delivered almost anything. The average age of bike messengers was 15 years old.

For over a hundred years the City of Toronto, the provincial government and the federal government failed to provide basic working standards that the rest of Canadians take for granted. Like today's couriers they were not employees but misclassified as independent contractors. Bicycle couriers received no employment standards protections. No minimum wage, no vacation pay, no sick pay. They worked on commission well into the night. Today's gig economy is based upon the exploitation and working standards forced upon the bike couriers of the 19th and 20th and now 21st centuries.

As early as 1904 advocates such as Florence Kelly of New York were traveling to Toronto to call for boycotts of companies that used children as messengers. In the 1920's and 1930's robberies of bicycle messengers were so common they were referred to as an epidemic with several gangs preying on bicycle couriers. In the winter of 1937-38 over 100 bicycle messengers were robbed. At one point it was so dangerous that Toronto moved to ban all night deliveries but later reversed it. The robberies of messengers as young as ten years old continued into the 1960's with little or no action by governments.

The number of bicycle couriers in the 1930's rivaled the number of messengers today. In 1937, Tamblyn Drug Stores boasted that their stores alone "employed" at least 300 bicycle couriers in Toronto. During the 1930's a messenger was killed every year on the streets of Toronto. The danger of robbery, the threat of death and the endless work hours led Toronto messengers in 1937 to form their first bike messenger association. The Toronto Bicycle Messenger Boys Association was formed in 1937. Their main goal was to reduce their workweek from 80 hours to 60 hours. At the time adults were only required to work 40 hours. The couriers worked 12-, 14-, and 16-hour days, usually working until 2 am on Sunday morning. In addition, they were forced to eat their meals on the run and they were often exploited. Some couriers were only paid for half the time that they worked. Others were forced to share their paycheck with a brother who worked for the same company.

There have always been complaints about couriers. They were working class, wore uniforms and caps and looked different. They always stood out and drew attention.

The use of bike couriers declined with the rise of the automobile in the 1950's and 60's but they returned in the 1980's as a response to traffic congestion and illegal parking by motorists downtown. Like their predecessors these couriers were also misclassified as independent contractors receiving no employment standards protections.

The last Toronto bicycle courier to be killed in traffic while working was Mike Rankin, on November 7, 2012. He was killed by a taxi driver who was trying to beat a red light at University and Richmond. The police threw all of Rankin's belongings in the garbage while his body lay in the streets.

The standards, practices and demands on couriers are no different today. Gig workers are treated as poorly as the city's first couriers from the 19<sup>th</sup> century. If we sincerely want to improve road safety and address complaints about couriers, we will have to fix the labour standards, practices and misclassification of workers as independent contractors.

When the city of Washington DC was looking at the proper enforcement of bicycle laws and road safety, Shawn "Bega" Blumenfeld testified in front of the Committee on Public Works and the Environment. At the time Blumenfeld was the President of the District of Columbia Bicycle Couriers Association. He was



also the owner of a courier company and a serious safety advocate who was known to fire couriers for riding unsafely. Blumenfeld was killed last year by a distracted driver while Blumenfeld was out for an afternoon ride in perfect conditions. This is part of his testimony, and it remains relevant to the working standards of the gig economy today:

There is not a veteran bicycle courier on the street that wants to ride dangerously. There is no thrill in injury. This is a lesson learned quickly in this job. The faceless corporations who now control the bulk of bicycle deliveries in Washington couldn't care less if their bikers get hurt. They have been allowed to avoid responsibility for the system they have created that demands daredevil tactics from their riders. Veteran bicycle couriers who used to safely share the road with the rest of the city are more often forced to take death-defying chances just to make enough to feed themselves and their families. There is no question that the community of DC relies on the ability of bicycle couriers to quickly navigate downtown with their vital packages, and now new internet services are utilizing bicycle couriers to expand our industry beyond daytime deliveries of official documents to late night deliveries of food, videos and ice cream. But the courier companies have turned this honorable job into a no-holds-barred winner-take-all race for volume and easy dollars. The bicycle couriers have paid for this race with their blood and frankly we're tired of bleeding.

## **8. SOLUTIONS**

Everyone agrees that bicycles and micro-mobility vehicles don't belong on the sidewalk and not just couriers. Recreational and commuting cyclists don't belong on the sidewalk either. Couriers don't like riding on the sidewalk at all. The reason a courier will sometimes go on the sidewalk is lack of appropriate infrastructure, safety, education and unreasonable working standards and conditions.

Safety is closely linked to infrastructure, and planning. Most of the city consists of streets without separated bike lanes and cars parked along the side of the road or most often, in bike lanes. Main roads without separated bike lanes result in aggressive, impatient drivers and dangerous drivers. Sometimes these dangers will force a cyclist on to the sidewalk to preserve their safety. More safe infrastructure is important because it affects all cyclists and micro-mobility users not just couriers. If the Councillors are sincere in the concerns about sidewalk riding, they must prioritize bike lanes on every street and separated bike lines on all main streets.

Many Councillors have expressed concerns about the speed of micro-mobility couriers but in Ontario e-bikes speeds are limited to 32 km per hour. It is motor vehicle speeds that make roads less safe and as a

result sidewalks less safe too. We must continue to lower speed limits on all streets and require all residential streets to have a 30 km per hour limit.

It is universally recognized that couriers are misclassified as independent contractors instead of employees. They must be given the same employment standards and protection as everyone else. They pay for all of their own equipment, receive no sick pay, vacation pay, overtime pay, severance pay and now a much lower minimum wage than the rest of workers in Ontario. These are minimum employment standards that the people of Ontario agreed upon many, many years ago. The union representing these workers, [Gig Workers United](#), has prepared a [Gig Workers Bill of Rights](#) detailing minimum standards. The City of Toronto must work with the province to ensure these minimums.

Many of the same people who complain about couriers on the sidewalk are also part of the reason they are there. The food delivery apps often have unreasonable time pressures for couriers which result in some people taking chances. And when a delivery is late the customer doesn't care if it's because of safety and avoiding sidewalks. The customer may still give the courier a low rating or issue a complaint which can put the courier's job at risk. The entire industry's standards must be reviewed and audited for safety and minimum legal standards and requirements.

There is a lack of any training for delivery workers by the large international apps. In almost any other job an employee will receive some kind of training as to how to best do their job, fulfil their duties and be safe. Companies (not governments) should be educating and training new employees about equipment needed, how to safely interact with their apps and to give them an understanding of rules surrounding bike lanes, sidewalks and other road rules and best practices. There also needs to be more education for drivers about how to interact with vulnerable road users, responsibilities around bike lanes including illegal parking and stopping.

HOOF&CYCLE founding member Wayne Scott, who passed away in 2021, was a former bicycle courier and foot courier. He was also a longtime member of the Toronto Pedestrian Committee. One of his key reminders to all of us was that "we are all pedestrians." All of us are vulnerable road users at some point and we need to better protect all vulnerable road users. We must pass the [Vulnerable Road Users Act](#) to amend the Highway Traffic Act to make drivers face credible legal consequences of a collision that seriously injures or kills a pedestrian, a cyclist, a mobility device user, a roadway worker, an emergency responder outside their motor vehicle or another individual listed in the Bill.