BOPX

September 9, 1944

Mr. A. S. Johnson
Johnson's Company
Thetford Mines, Que.

Mr. A. L. Penhale
Asbestos Corporation Ltd.
Thetford Mines, Que.

Mr. H. K. Sherry
Canadian Johns-Manville Co.
Asbestos, Que.

Syndicate

Gentlemen:

For your information we are pleased to enclose herewith copy of this Company's memorandum to the National War Labour Board, dated August 30th, also copy of rebuttal brief by the Union of Canadian Asbestos Workers, Local No. 5, dated July 28th.

Yours very truly

BELL ASBESTOS MINES LTD.

O.C.S.

Enclosures
OCS/gsb

BE-1

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TRANSLATION

National War Labour Board
OTTAWA, Ontario

SUBJECT: Union of Canadian Asbestos Workers.
Local No. 5, -and- Bell Asbestos
Mines Limited. Thetford Mines, Que.

The Company, in the first place, denies the allegations of our Union concerning the effect of asbestos dust on the health of the workers and, further affirms that your Board should not take this question into consideration when adjusting wages.

On the contrary, as outlined in our memorandum (brief), the accident hazard and menace to the health of the employees should be taken into consideration when fixing wages.

Generally, the wages are almost the sole resources of the workman. Illness habitually causes him to lose much time. (To compensate for this loss insurance covers a portion of the wages. But, at Thetford Mines, as we have already mentioned, the Companies do not wish to insure their employees under group insurance plans, precisely because of the too great risk involved).

At Thetford, the sickness incidences are greater and the danger from accident hazard increased because of the nature of the enterprise. Consequently, the employees' resources are threatened all the more. It would, therefore, be necessary to compensate the worker proportionally when he does work for this risk. Two weeks ago, a workman lost his life and another suffered a fracture of the leg and contusions following a landslide 850 feet underground at the King Mine, property of the Asbestos Corporation, at Thetford Mines.

Even if adequate legislation be adopted for the protection of workmen against diseases contracted in the course of their work and for the protection of their families in case of death, earnings are not sufficient to permit a workman to support his family comfortably. If he has not saved a few dollars when misfortune strikes him, what will happen to him?

The fact that during the past two years only thirty claims have been made to the Workmen's Compensation Commission and that only five were accepted does not prove that we are mistaken, but far from that, confirms our claim that the danger really exists.

Further, to confirm our case, we would bring to your attention the fact that since the presentation of our brief, twenty-eight workers from the mines (of which eighteen were employees of the Johnson's Company and ten of the Bell Asbestos Mines Limited) have been forced to discontinue their work because their health was so greatly impaired.

Concerning the proposed distinction between the disease known under the name of "silicosis" and that of "asbestosis", we have a very interesting point to introduce relative to the Workmen's Compensation Act. "Silicosis" was included in the list of industrial diseases. During the absence of a representative for the County of Megantic (for one year) at the Legislative Assembly at Quebec, the Companies succeeded in having "silicosis" removed from the list of industrial diseases. As soon as a

BE-1

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representative was elected, this disease was reinstated on the list. Seeing this, the Companies have again succeeded in withdrawing their employees from the protection accorded to them through this Act by means of changing the name of the disease to that presently used of "asbestosis". Thus this latter is not recognised as an industrial disease. The employees are by this same fact deprived of governmental protection should they contract this disease. At the present time considerable effort is being made to have "asbestosis" considered as an industrial disease and, on their side, the Companies are attempting to find another name in order to deprive their employees of this protection.

Concerning the subject of the danger from asbestos dust, we are enclosing herewith an extract from the minutes of a meeting (conference) with Dr. Alexandre Sirois of Thetford Mines (at a meeting of the Senior Chamber of Commerce) and which was published in the periodical "Le Mégantic", issue of the 1st of June 1944.

Mr. Sirois affirms that "asbestosis" is an industrial disease due to the inhalation of asbestos dust which affects the lungs. We would refer you to the interview with Dr. Sirois to emphasize the gravity of the existence of asbestos dust in the respiratory systems or lungs of a worker.

The competence of Mr. Sirois in this matter is indisputable, since he is a physician for the anti-tuberculosis League (which position he has held for twenty years) and he is also sanitary engineer for the County of Megantic. He merits this post because of his knowledge and his studies on tuberculosis.

This evidence contradicts the affirmations of the Company in the first paragraph of the second page of the brief prepared by its legal advisors, and confirms our statements re. the number of young people from the Thetford region who have been refused by the armed forces because of pulmonary troubles. This information from authorised sources shows that our affirmations are well founded.

While the consideration of the possible results from asbestos dust on the health of workers may not come under the jurisdiction of the Wages Control Board, it is only a matter of simple justice and equity towards the workmen and their dependents that this matter be considered in fixing wages.

The Company raises the point that the Union request has not been certified by the Employees Relations Commission, as negotiating agent for the employees. The Union has been recognised as such by a vote of syndicate representatives held under the supervision of a representative from the Federal Department of Labour in conformity with the Industrial Disputes Act. Order in Council P.C. 1003, which is a continuation of this law provides that certification may be accorded following certification of members of the Union with the Company's pay list or following a vote, should there be any doubt. As the Union was recognised as negotiating agent by vote, there is no reason why the Union should not be authorised to speak in the name of the employees of the Bell Asbestos Mines Limited, pending the official certification by the Wartime Labour Relations Board.

BE-1

WAGES

We maintain that the increase of 15¢ per hour requested in the application is not exorbitant but, on the contrary, is perfectly justified and should be granted.

The wages are really too low if we bear in mind all the considerations contained in our first brief and concerning which the Company has not made a categorical contradiction, and more particularly the daily profits of the Company compared with the wages of the worker. While the Company maintains that even though our statements be true this point should not be considered in establishing the wages, we maintain that on the contrary the ability of a company to pay the wages demanded by its employees, in as much as these are reasonable, should be one of the first factors taken into consideration by your Board in rendering its decision, in order not commit a flagrant injustice towards the employees, who constitute the essential element in the production which permits the accumulation of profits. If we have mentioned the financial state of the Company it is because the latter at the time of negotiations pretended to be unable to bear the cost of a general wage increase of 15¢ per hour. Later they declared they were ready to grant the same as accorded to the Johns-Manville Co., Johnson's Company and Asbestos Corporation by your Board. Four cents per hour was granted, consequently, the Company now states that it wishes to pay four cents per hour.

But for reasons already submitted to your Board in our first brief or in the present one, we consider that 4 cents per hour would not give justice to the employees and we reiterate our initial demand for an increase of 15 cents per hour.

We had agreed with the Company to submit our case to your Board and to be governed by your decision. This is why we did not agree to submit a joint request for four cents per hour and also why negotiations have been suspended. They will be resumed when we receive a decision from your Board concerning the wages.

The fact that these workers may not be covered by group insurances for their protection in case of sickness or accidents is another very serious consideration. Even though there does exist in the Province of Quebec a Workmen's Compensation Act (for accidents while at work), we know that the amounts granted as compensation by this Act are not sufficient to permit the head of a family to support his dependents amply, when he is obliged to cease work because of an accident or industrial disease.

Thetford Mines and Asbestos are almost the only two localities in Canada where asbestos is mined. All the asbestos companies in Quebec pay about the same wages, in accordance with a mutual agreement, as outlined in the Company's brief. We cannot class ourselves with these companies to establish our comparison. It would therefore seem that the only comparable enterprises are the mines in Northern Ontario and those of the other provinces where wages are at least 15¢ per hour higher. Your Board has just granted an increase of from 20¢ to 40¢ to the miners in Nova Scotia and in April, it granted to those in Abitibi an increase of 11 cents per hour. Why must this difference continue to exist? Are the Quebec miners less competent?

BE-1

Concerning the comparison of operations in the asbestos mines and those of other mines in the country, it is rather difficult to reply by means of categoric statements. We admit that there may be some difference between certain operations but the principle of the work which is to extract mineral from the ground which furnishes the primary substance for the production of asbestos or the other products can not vary much. Where there may be a marked difference, it is in the refining of the crude products (raw material).

In any case, it would be rather difficult to insist that a labour movement analyse scientifically the operations in such a manner as to permit it to demonstrate the similarity of some to others. Your Board which has at its disposition inspectors and which can also obtain the services of technicians could, if it were deemed necessary, have such an investigation made in order to be certain that there was no injustice made in rendering a decision on the request for an increase in wages.

In order to be just the wage should be a "family" one, that is to say it should be high enough to support a family of average size, since the normal state of man is that of head of the household. The abnormally large family cannot perhaps be adequately cared for on a wage based on these terms but the average family should not in all justice be ignored. Your Board has already affirmed, in this connection, that an income of $32.00 per week should be recognized as the amount necessary to enable an average family to live comfortably. And at Thetford, not a single one receives this wage.

Gentlemen of the Board, if we refer to the decision which you have rendered in the case of Johnson's etc. we declare that your Board has admitted that the wages in the region were low and that 4¢ per hour was granted because you wished to assist these workers, pending the opportunity for reconsidering the situation which exists in the region and the receipt of new facts justifying a larger increase.

Respectfully submitted,

UNION OF CANADIAN ASBESTOS WORKERS, LOCAL NO. 9

(Signed) Owen Gormley, PRESIDENT

(Signed) Henri Jacob, SECRETARY.

Thetford Mines, July 28, 1944.

BE-1

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NATIONAL WAR LABOUR BOARD

IN RE: Union of Canadian Asbestos Workers, Local No. 5, and Bell Asbestos Mines Limited

Memorandum on behalf of Bell Asbestos Mines Limited in reply to the Union's Answer to the Company's Brief.

The answer under date July 28, 1944, filed by the Union to the Brief of the Company is in large part a reiteration of its original statement requesting an increase in wage rates and again the matter is dealt with under two headings, dealing respectively with the supposed adverse effect of their occupation on the health of the workers as a justification for higher wages, and discussion of wage rates themselves.

With regard to the occupational hazard, the Company reaffirms the statements made in its Answer to the effect, firstly, that the presence of asbestos dust in the operation of this industry does not constitute an occupational hazard to any appreciable degree and certainly not to the extent which the statements of the Union would lead one to believe, and, secondly, that in any event, under existing wage control orders the Board may not take such a matter into consideration in an application of this kind.

Without desiring to prolong the discussion on this question, the Company must, however, deny the statements made in the last paragraph on Page 2 of the Answer on respect of the difference between Silicosis and Asbestosis in relation to the Workmen's Compensation Law.

In the final portion of the paragraph mentioned, it is alleged that the Companies succeeded in withdrawing their employees from the protection granted by the law by changing the name of the disease to Asbestosis and that, as a consequence, the latter is not recognized as an occupational sickness and the workers are thus deprived of Governmental protection in case they are affected by this malady. The statement goes on to say that today considerable work is being done to have Asbestosis accepted as an industrial disease, but that the companies, on their side, are endeavouring to find another name for it in order to deprive the employees of the protection.

The foregoing appears to be a flagrant mis-statement of the facts inasmuch as it will be noted by reference to the Statutes of Quebec, 7 George VI, 1943, Ch. 27, that Asbestosis is definitely considered as an industrial disease when the worker has been exposed to the inhalation of the dust in the course of his employment in the Province during periods, the total duration whereof amounts to at least five years.

The Company also believes to be entirely unfounded the statement that since the time of the Union's application to this Board ten of the Company's employees were forced to discontinue their work because their health had been gravely affected by asbestos dust, the Company definitely denies the same.

BE-1

AS TO WAGES

Again under this head the Union's Answer to the Company's Brief is practically a reiteration of what is set out in the Union's original application and the Union again stresses the difference between the daily profits of the Company in comparison with the wages of the workers. The Company believes this can have no bearing on the matter and it does not desire to add anything to the remarks in its previous statement on this subject.

It may be appropriate to draw the attention of the Board to the fact that from the producer's point of view the asbestos industry is a very hazardous one involving a constantly wasting asset and, while the Company does not propose to base its resistance to the present demand on the ground of its inability to pay higher wages, it is necessary from the economic point of view to remember that ceiling prices exist upon its product and that the grade of ore in the mines of some producers is definitely inferior to that of others, making their operations considerably more costly than the operations of those who may be producing, possibly temporarily only, a superior grade of ore.

Under these circumstances, the necessity for practical uniformity in the wages paid by the industry generally is imperative if the industry is to survive.

The Company submits that no attempt whatever has been made to show any gross injustice or inequality in wage rates generally prevalent in the industry on the basis of the Finding and Direction of this Board to which reference has already been made and the Company respectfully requests that the application be dismissed.

MONTREAL, August 30th, 1944.

BELL ASBESTOS MINES LIMITED

(Sgd.) MONTGOMERY, McMICHAEL, COMMON HOWARD, FORSYTH & KER

Legal Counsel.

TRUE COPY.

Montgomery, McMichael, Common, Howard, Forsyth & Ker.

Legal Counsel.

BE-1