Merchants unhappy

Fishermen sell directly to trawlers

by Earle McCurdy

VIRGIN ARM, Nfld.—The scene in Friday Bay off the shores of this small northern Newfoundland fishing community was unusual to say the least.

About a dozen small, open boats were tied on at the side of a large Bulgarian freezer trawler waiting to unload their catch of squid while another similar factory ship was anchored only a few hundred yards away.

The same thing has been happening in other bays around the island, as an arrangement between the Newfoundland Fishermen, Food and Allied Workers (NFFAW) and the Bulgarian company Ribno Stopanstvo has been providing a market for millions of pounds of squid and mackerel caught by Newfoundland fishermen.

By mid-August, the Bulgarians had five ships, with a daily capacity ranging from about 100,000 to 150,000 pounds of fish per boat, anchored at various points around the island to buy squid and mackerel from local fishermen. And plans were afoot early in September to add a sixth boat to the venture.

Meanwhile, a similar arrangement has brought an enormous Russian factory trawler to Loon Bay, also in northern Newfoundland, to purchase up to 800,000 pounds a day of the same two species, which fishermen have had real problems selling in previous years.

Alongside the local fishing vessels which range from about 18 to 65 feet, the Russian trawler looks like Mount Everest amidst the Gaff Topsails. A 15,000 ton ship, it measures about 530 feet in length, and carries a crew of 258.

The Russian vessel is chartered by a Swedish company, which has entered into a contract with the NFFAW to purchase up to 10,000 metric tons each of squid and mackerel.

At a price to the fishermen of nine cents a pound for squid and six for mackerel, this agreement has the potential of putting more than $3 million in the pockets of fishermen in communities along Newfoundland's northeast coast, without endangering existing markets or adversely affecting shore-based labour.

The Bulgarians, meanwhile, have contracted to purchase 10,000 metric tons of mackerel and 1,500 of squid, for a total value to the fishermen of an additional $1.5 million.

There is a crucial distinction between these arrangements and joint ventures involving foreign fleets and fish processing companies in the Atlantic Provinces. Instead of profits going into the pockets of the merchants, the NFFAW plans to distribute surplus money to the fishermen.

The exact mechanism by which this will be done may not be decided till the union's convention this winter, but one suggestion that will be considered is to use the profit from these deals to set up a health and welfare fund for all bona fide fishermen in Newfoundland.

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UIC challenged

Paybacks contested by unemployed

A simple error by a computer programmer in Ottawa more than a year ago has sparked an unprecedented battle between the Unemployment Insurance Commission (UIC) and some of its Nova Scotia claimants.

The mistake, which allowed more than 5,000 people here to collect more benefits than they should have, has raised legal, moral and political questions about who should pay in such instances. In a province where high unemployment has become a way of life, where few if any people live comfortably if they live on UI benefits, should people who accept UI cheques in good faith be expected to return the money when UIC discovers they've made a mistake?

The question has enormous implications, for the UIC—because in a large, bureaucratic organization mistakes are common (some might even say inevitable)—and for present and future claimants. Should a UI claimant be stashing a few dollars a week in the proverbial sock-in-the mattress, anticipating the day UIC will discover they've been given too much and ask for repayment? Can a person who is living on $100 a week suddenly learn to live on $75, when UIC begins deducting the overpayment from her benefits?

Most people on UI benefits accept the fact that, if they make a mistake in filling out the forms, their benefits will be held up; if they wrongly report certain information, they might at some time be required to repay some of the money. But in this case, according to UIC, if UIC makes a mistake, the claimant also pays for it. The issue is not "fault", since UIC readily admitted the error was made by one of its computer programmers. The issue is whether one should pay for the error of the other.

The answer—which will be decided now by the Canadian Umpires Board—will be an important one. A CUB decision could have a bearing on the cases of more than 15,000 people across the country who were also affected by the error. It could establish a precedent for the question: who should pay when UIC makes a mistake.

The Background

Details of the case have been well-documented by the media, both locally and nationally, over the past few months. The mistake occurred between April and September 1977, when a computer programmer in Ottawa incorrectly coded the regional rate of unemployment at more than one per cent above the national rate, when the difference was one per cent exactly.

Under a section of the UIC Act (which has since been changed) the difference between regional and national unemployment rates determines in part the number of weeks for which a claimant is eligible to collect unemployment insurance benefits. The mistake allowed 15,385 Canadians in Montreal, Vancouver and Nova Scotia to collect an average of four weeks extra benefits.

The error was discovered during a routine audit of the UIC in Ottawa. Locally, UIC officials began notifying affected Nova Scotians in early July of this year. The Halifax Coalition for Full Employment began to receive telephone calls from people affected by the overpayment, and soon announced its willingness to represent such people in appealing the payback order.

The basic contention of the people opposing the demand for repayment was that they should not be held accountable for a mistake which wasn't their own; UIC was responsible for the error and should have to pay for it. A secondary, though not incidental, argument was that having to repay the money—as much in some cases as $700—would constitute hardship for those affected, many of whom are still unemployed but no longer eligible for UIC.

With help from Dalhousie Legal Aid, the Coalition prepared a 100-page brief which was read to UIC board of referees members George Findlay (chair), Sinclair Allen (labour representative—CLC) and Harold Curry (management representative—Twin Cities Dairy) in early September, on behalf of 19 people who were jointly appealing the payback order. (The board of referees is the first step of appeal under the UIC Act.)

In their brief, the Coalition argued that the UIC has no jurisdiction under the act to collect money paid out because of a computer error. UIC assumes it can collect the money on the basis of Section 57 of the act, which states "the Commission may at any time within 36 months after benefit has been paid or would have been payable **reconsider** any claim made in respect thereof and if the Commission decides that a person has received money by way of benefit thereunder for which he was not qualified or to which he was not **entitled**. The brief argues that, since under former Section 37 the benefit period is automatically extended when the national and regional rates of unemployment take on a certain relationship to each other, what the Commission wishes to redress is a purely administrative, clerical computer error, and not a decision at all. The brief cites a number of CUB decisions in which Umpires do not give jurisdiction where there is good faith on the part of the claimants, no new facts and no decision to change.

The brief also points out that Section 175 of the act allows UIC to write off the debt "where . . . the repayment of the sums would result in

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Workers rights

Government legislators, and editorialists across the country, tell us that there are some people who, because of the work they do, shouldn't be allowed to strike.

But more and more it seems that it really doesn't matter what work the employees do, but what matters is the employer. Nearly 25% of Canada's labour force is, in one way or another, employed by government (from municipal to federal levels including crown corporations. This group includes everyone from maintenance staff of government buildings, to laboratory workers.

In Ontario, even the employees of the provincial liquor control board have been declared "essential" and as such, denied the rights to withdraw their work from the employer in contract dispute. At the same time, while all of us have to eat, no restaurant or grocery store workers have been told they can't strike. Somehow our access to food supplies can be terminated, but our access to liquor is guaranteed as an essential service.

The truth is that there really aren't too many **essential** services that are only provided by the government workers. The government operates a varied group of services. Here in Nova Scotia they operate some hospitals, but there are a lot of other hospitals the government does not control. (See article page 8). Yet nurses in the government hospitals are denied the right to strike, while their counterparts at private hospitals are free to exercise that right.

The right to strike—to withdraw one's labour during a dispute—is the only real bargaining tool working people have, who neither own nor control what they produce. Denying working people this right is an extremely serious step with alarming implications.

Is the recent popularity of back-to-work legislation the next solution to "keeping working people in their places," now that the Anti-inflation Board has passed away? What are the real motives of governments who declare workers essential, when that is clearly not the case?

We would do well to look more closely at the real issues involved in each labour dispute, distinguishing our frustrations with interrupted services from a true understanding of what is at stake.

Our governments, both provincial and federal, seem intent on passing legislation that undermines the bargaining rights of workers but are unwilling to legislate protection for the thousands of people laid off each year by multinational corporations.

There are services that ought to be considered **essential** to a society: children, working and older people should be able to live with the guarantee that certain things will always be available to them. People need guarantees of housing, a healthy environment and schools where reading, writing and self expression prepare people to build a society, not to be its servants. People need legislation that guarantees safe and fullfilling employment at decent wages, not legislation that ties their hands.

Atlantic Issues

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Letters

To the Editors:

I'm impressed, having just read your Spring/Summer issue. Enclosed is a cheque for $10.00 as a contribution/subscription. Could you send back issues since January 1978, please? This would assist me in a research project on "people news" which I'm carrying out as a freelancer (after 25 years in the media).

Fraternally,

Grant Maxwell,
Ottawa, Ontario.

To the Editors:

On a recent trip to Nova Scotia, I picked up a copy of **Atlantic Issues.** I found it worthwhile reading, providing good commentary that showed concern for people and for the land.

Please put me on your mailing list. A small donation is enclosed to cover postage.

Best wishes,

Mieke van Geest
Toronto, Ontario

Three years later . . .

The daily newspapers in our region are controlled by individuals who have a vested interest in the existing economic structures—those same structures that have created high unemployment, run-away inflation, industrial disease, waste, crowded cities and the gross inequality of income. Only rarely do these newspapers take a look at regional issues from a perspective which does not take these structures for granted.

Atlantic Issues exists to provide Maritimers and Newfoundlanders with information and analysis which cannot easily be found in the regular newspapers of our region. The principal concern of **Atlantic Issues** is that the existing economic and social structures are not working to the advantage of the majority of Atlantic Canadians, that while the region is underdeveloped it is also the object of a type of development whose principal beneficiaries are the wealthy.

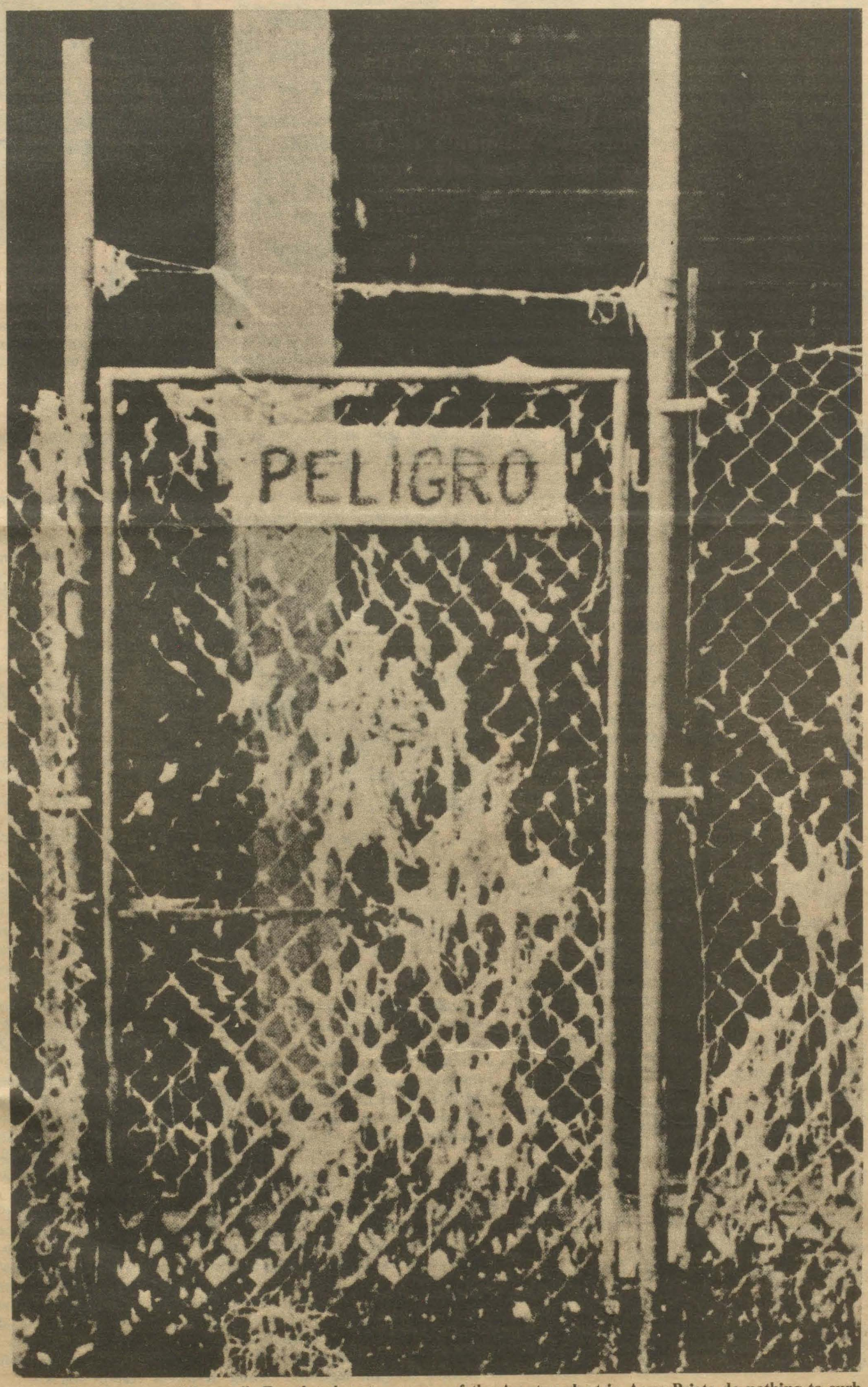
Now, going into our third year, we aim to continue this coverage. We intend to continue publishing critical views of many different aspects of life in Atlantic Canada.

In our first issue we said that occasionally we would publish articles concerning the problems of other countries and their relations to our own problems. This year we are planning to carry out this promise, with articles linking development in our region to the kind of development that mult-national companies are carrying out in other parts of the world. We will be able to see that the development in our country is linked to the underdevelopment in our region and other parts of the world.

Atlantic Issues welcomes comments from its readers on the articles in this issue, and we invite submissions from people who share our concerns.

Advocate Mines-Baie Verte

Profile of a multi-national at home and abroad



The sign says, "Danger". But the absentee owners of the Amatex plant in Agua Prieta do nothing to curb the flow of asbestos fibres that cling to the fences, the streets and the people of this northern Mexican town.

Asbestos, the people it kills and the multi-national corporations that ignore their responsibility are the topic of this feature written by Sandy Martland of St. John's, Newfoundland. The photographs and graphics (except for the Johns -Manville advertisement) are taken from NACLA's (North American Committee on Latin America) special publication "Dying for Work".

The health hazards posed by asbestos have been recognized since the days of the Greeks and Romans. Slaves who mined the precious mineral in those ancient times were provided with face masks as protection. In North America, insurance companies were refusing to hold policies for asbestos workers as early as 1918.

Yet in the town of Baie Verte, located on Newfoundland's northeast coast, it was only five years ago that the asbestos miners ascertained that their lives were being endangered by their work. And it was only this year that the miners' union, local 7713 of the United Steelworkers of America, demanded and won their rights for basic protection from the dust.

Martin Saunders, one of 510 unionized employees at Advocate Mines and president of the union local, recalls reading a magazine article several years ago about the hazards of asbestos. He asked managers of Advocate about the credibility of the article and was assured there were no health problems associated with asbestos mining. Today, Saunders is one of 50 men at Advocate whose lungs show scars which are an indication of the early stages of asbestosis.

Dr. Irving Selikoff, a New York specialist in industrial lung diseases, made the connection between asbestos and mesothilioma, a rare and inoperable cancer of the chest or abdominal membrane, as well as other cancers in the 1960s.

The Workmen's Compensation Board in Ontario has since accepted asbestos as a cause of some cancers, including gastro-intestinal cancers, but only after 20 years from the first exposure. This period is deemed to be the latency term for asbestos-related cancers.

It was Dr. Selikoff who tested the miners in Baie Verte and determined that 10 per cent of them had lung abnormalities—and Advocate has only been in operation for 15 years.

Outside of those 50 men, there are several former workers at Advocate who are disabled by chest conditions. However, it has not been proven conclusively that their problems are the direct result of the asbestos.

Gus Lewis, 58, worked at the mines for 13 years before he was forced to leave for health reasons. "They used to tell us that it wasn't going to hurt us . . . that it wasn't dangerous. So who'd wear masks? I guess it was years before I figured I was getting short breathed," he stated. Now, he is supporting his family of five children on Canada Pension and a war veterans' pension; he is suffering from cancer as well as a bad chest condition.

His brother-in-law, Tom Tobin, also has a bad chest and has to use a special inhaler because, as Lewis says, "He chokes every now and then." A father of three, the former Advocate worker receives only $285 a month in pension benefits.

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Baie Verte

Job safety ignored

—continued from page three

It was not until 1974 that company officials admitted to the workers that asbestos could ruin their health. And this warning, which did not disclose the full dangers of asbestos, was posted only a week before Dr. Robert Morgan of the University of Toronto was sent to Baie Verte to study suspected health problems at the mines. "The Baie Verte work force can almost certainly expect, over the next 15 years, to produce a number of cases of asbestosis, an excess (over expected) number of cases of lung cancer, and perhaps a few cases of mesothelioma," he concluded. Morgan sharply criticized Advocate Mines management for their apparent lack of concern and pointed to the role of Dr. Douglas Black, medical superintendent, as a defender of health practices at Advocate Mines. This same Dr. Black, interviewed by a local newspaper during the recent three-month strike in Baie Verte over health conditions, stated "It's actually hard to see what they're striking about."

The more comprehensive and technical report provided by Dr. Selikoff last year formed the basis on which the miners made their demands for improved health conditions. Selikoff had determined that 31 per cent of those Advocate employees with 15 years or more work in the mines had chest abnormalities associated with asbestos. He also warned of the hazard to the remainder of the 3,000 residents of Baie Verte from asbestos dust carried home in workclothes and cars and from dust blown into the town from the nearby tailings pile. This tailings pile is a mountain which hovers over the natural hilly countryside surrounding the town of Baie Verte. Selikoff recorded exceptionally high levels of asbestos dust in buildings and outdoor areas in and around Baie Verte. On the road to nearby Fleur de Lys, which is used to transport school children to and from classes, the level was 14,000 nanograms per cubic metre, believed to be the highest ever recorded in an area outside of an asbestos operation.

When last year's contract expired, the union demanded that health conditions be given priority in negotiations. They demanded that Advocate construct a "dry" which would enable miners to shower and change their clothes before going home to their families, a car wash to allow the workers to rid their cars of asbestos dust before entering the community, basic washroom facilities to assure that miners could wash their hands before eating lunch at the mine and dust-free lunchrooms.

The union demanded the right to monitor dust levels and post the results, and the right to temporarily close down any area where machine breakdowns resulted in higher dust levels. The tailings pile had to be better controlled, they insisted.

Advocate, controlled by the giant Johns-Manville Company, promised to clean up but would not put their intentions in writing. Based on past experience, the miners decided to force the issue by going on strike. On February 13, the 510 men walked off their jobs to begin a lengthy fight for health improvements.

Having made little progress after one month on strike, the union decided that residents of other parts of the province had to be made aware of the situation. Using "Harlan County U.S.A.," a hard-hitting film centering on health problems in the coal mining industry, local president Saunders and vice-president Gerald Dwyer toured six communities in Newfoundland and Labrador to show the film and talk about Baie Verte. The resulting public knowledge led to the involvement of many sectors of the population. The St. John's Oxfam Committee had been involved in the film tour and planned further action in terms of publicizing the plight of the miners; the Newfoundland New Democratic Party held successful fund-raising drives; the Human Rights Association of Newfoundland and Labrador came out in vocal support.

One of the most important activities involved the women of Baie Verte, who after seeing how great a role women played in the Harlan County strike, organized with the assistance of the Women's Institute, a broadly based organization which has membership in many rural communities.

After three weeks, the women in Baie Verte launched a mass demonstration through the town. More than 500 people from the Baie Verte Peninsula marched through the town, following a coffin which symbolized their concern over asbestos-related deaths. Local businesses shut their doors in support of the protest.

The march attracted national as well as local media attention and was responsible for bringing financial support for the union from out of the province.

The focus of both the union and the women was not only on the company but on the provincial government for its lack of action in the dispute and in the protection of the Baie Verte people.

Throughout the film tour, Saunders and Dwyer asked people to send letters to Mines Minister Brian Peckford to pressure government to enact a two fibre/cc dust limit at the mine site. Such a limit is already in effect in Great Britain, the United States and Ontario, but Newfoundland has only a recommended limit of five fibres/cc, a level which most experts agree is too high.

In fact, the National Institute for Occupational Safety and Health in the United States is now recommending a 0.1 fibre/cc limit in U.S. asbestos plants. Dr. Joseph Wagner of that institute has stated "Rather than misleading the public, we have to assume no safe level (for asbestos dust) exists. We have yet to see data which could stand up to scientific scrutiny of what a safe level is."

But Peckford insists that the average 2.5 fibre/cc of the Advocate mines in Baie Verte is "adequate." The miners respond that it is not the average they are concerned with; last year, there were monitorings showing levels as high as 19 fibres/cc in some parts of the operation.

Peckford's statement is consistent, however, with his stance on occupational health and safety in the mining industry. Last year in Quebec, the minister stated that Newfoundland must be careful not to legislate itself out of jobs.

Government has, however, introduced legislation which will take occupational health and safety in mining out of the hands of the mines department. The proposed legislation, which is scheduled to apply to the province's mines next year, enables workers to refuse to work in an area which they consider dangerous. Jurisdiction over this matter will lie within the department of manpower and industrial relations.

The major criticism of the act as it applies to Baie Verte is that it encompasses no dust limit for asbestos. And the question of who finally determines whether a workplace is unsafe, remains unanswered.

The union is still working to have the two-fibre limit included in the legislation and is negotiating an interim agreement to this effect with the mines department. The company, in late May, conceded to most of the union's demands in the area of health and safety and the workers returned to their jobs May 22.

Provisions of the two-year agreement included the following: creation of a five-man utility crew to monitor dust leakage from equipment and correct leaks at least on a temporary basis until full maintenance can be carried out; regular monitoring of dust, gas and noise levels by union members, with results posted monthly; a main dry with showers and changing rooms to be built by July, 1979; mobile lunchrooms equipped to minimize dust exposure to miners; car wash, construction of which is to begin two months after company and union have agreed to the design; provision of pressurized, air conditioned cabs for tractor operators; and installation of a sprinkler system to control dust at tailings dump.

Monetary provisions afford the workers a 37-cent raise in the first year and a 60-cent hike in the second year. This will bring wage rates to levels between $5.73 and $8.99 an hour, depending on classification.

But the fight is not over. The concessions won by workers forfeiting three months wages are only the basics in assuring some protection against the deadly asbestos dust. Historically dust limits for the mineral have been lowered in stages as what were considered "safe" levels prove to do little to prevent asbestosis and other asbestos-related diseases. With the United States pressuring for a 0.1 fibre/cc limit, the Baie Verte workers are still aiming to achieve a two fibre/cc limit. And there has been no provision yet to level off the tailings pile from which asbestos dust blows into the town.

Workers loading sacks of asbestos, and everyone for miles around the plant are endangered by the asbestos fibres that freely float through the air and settle on everything around the plant.

Asbestos workers protest health hazards at Johns-Manville plant in Long Beach, California 1976.

Johns-Manville: Keeping us warm?

In many ways, Newfoundland is a developing country. Its economy is based on the export of natural resources, most of them in an unfinished state. Unemployment in Newfoundland is the highest in the country—19.4 per cent officially in March, 1978. But Statistics Canada underestimates the unemployment rate, critics say; the People's Commission on Unemployment, for example, puts the rate closer to 34 per cent.

Newfoundland is also heavily in debt and its government is encouraging foreign investment.

However, in terms of asbestos mining, Newfoundland does have an advantage at present in that it belongs to a relatively developed country which produces 40 per cent of the world's asbestos. Quebec workers have already made two attempts to better their working conditions and, with the success of the Baie Verte workers, will likely fight this battle again.

Advocate Mines itself is quite a lucrative operation. Since opening in 1963, the company has mined more than $1.7 billion worth of asbestos and, with asbestos price increases, the annual value of production has tripled in the past 10 years. Reserves were estimated at the end of 1976 at 48.7 million tons, about one-third of the reserves at Canada's huge Thetford Mines in Quebec.

In the 1970-1976 period, net income for Advocate after operating expenses, interest, depreciation, amortization, exploration costs, taxes and extraordinary items totalled $11.9 million. The report of the Financial Post Corporation Service in March, 1978, stated "the company noted that medium and long term prospects remain good."

However, the jobs of the Baie Verte workers are not secure. While Mexico is the only undeveloped country in which Johns-Manville operates mines at present, according to a company official who is quoted in the magazine "The Elements", the company is looking "from the Sudan to South America and on to the Far East" in search of new asbestos deposits. Johns-Manville has already signed an agreement with the Gulf International Group of Kuwait and the government of Sudan to develop Sudanese deposits, the article states.

Johns-Manville is not the only multinational involved in Baie Verte. While it holds controlling interest (30.6 per cent), other major shareholders include Compagnie Financiere Eternit, a Belgian-based company which operates mines in South Africa, Colombia and Brazil, and Amet Corporation Inc., registered in Panama. Advocate Mines has one local director, according to the Financial Post Corporation Service report of June, 1977, and he is Andrew Crosbie of St. John's, one of Newfoundland's most wealthy businessmen, (brother to PC MP John Crosbie).

The mobility of multinationals is a well-known part of Newfoundland's history. The Aluminum Company of Canada (ALCAN) closed down Canada's only fluorspar mine last year, throwing close to 400 people in the Newfoundland town of St. Lawrence out of work. The workers had in recent years won concessions in the area of health and safety—previously, 117 had died from cancer as a result of the presence of radon in the mines—but ALCAN decided it was cheaper to buy fluorspar on the world market and closed down the St. Lawrence operation. Mexico is one of the countries from which ALCAN has imported fluorspar.

But as the union in Baie Verte demonstrated by their lengthy strike, Newfoundlanders are no longer willing to sacrifice their lives for the sake of a few jobs.

The strike by the Baie Verte asbestos miners is not the first time that workers have battled the asbestos industry over health conditions.

In Scarborough, Ontario, 34 former Johns-Manville employees have died and another 60 have been disabled by asbestos-related diseases. The workers endured a lengthy strike in 1975 to win concessions in the area of health and safety. They also succeeded in pressuring the Ontario government to impose a two fibre/cc limit on asbestos dust.

In Quebec, where 80 per cent of Canada's asbestos is produced, miners closed down the operations at Asbestos Corporation, Lake Asbestos of Quebec, National Asbestos, Bell Asbestos Mines and Carey-Canadian Mines for seven months in an attempt to win health provisions. However, the workers were forced to make a hasty wage settlement when Ottawa announced it was imposing wage controls in the fall of 1975.

In the United States, Johns-Manville led the battle against government legislation in 1972 to lower the legal exposure of asbestos dust in the industry to two fibres/cc. The company threatened that the legislation would result in the export of American jobs to the developing countries. As a Johns-Manville vice-president stated, "Attempting to achieve a standard of two fibres per cc will cost the American industry millions of dollars in increased operational costs and unfortunately cause a significant number of jobs to be shifted to foreign workers . . . we would simply be shifting the problems to other workers in the world solely because of unrealistic and unnecessary regulations."

The same company is now arguing against the 0.1 fibre/cc limit that has been recommended by the National Institute for Occupational Safety and Health on the ground that two fibres/cc will have "no adverse impact on morbidity or mortality." Company officials contend that no new medical evidence has arisen since 1972 to prove the need for the lower standard.

Johns-Manville's threat in the shift of jobs to less developed countries which have less stringent health standards is not without a basis. An official of the Occupational Safety and Health Administration stated, "The multinational implications of adhering to U.S. standards has in some cases already had the consequence of removing the dirty operations to Latin America and keeping the cleaner part of the production process here." A United Nations study also warned that "a trend might be set in motion to export pollution from the developed to the developing countries.

Why do these less developed countries accept and even encourage industries that pose hazards to the health of their people?

The North American Congress on Latin America, in its publication "Dying for Work," explains that in a country such as Mexico, where some asbestos operations have relocated, combined unemployment and unemployment rates are in the 60 per cent vicinity. Secondly, disease in Latin American countries is so widespread that occupational health and safety are often overlooked—nutrition and infectious diseases account for most deaths—and there is also a shortage of professional and technical people who have the training to recognize occupational health problems, the report states.

While Johns-Manville's advertisements claimed that they were "urging the government authorities to set tougher insulation standards for new homes . . . ", they continued to ignore government safety standards and threatened to pull out of Newfoundland and move to countries where they would find no talk of government health standards.

Health hazard

Doctors choose sides

A threat to the health of a specific sector of the population such as that posed by asbestos is an obvious concern for the medical profession. Yet experiences in Quebec, the United States and now Baie Verte indicate that certain doctors put the economic well-being of the corporation ahead of the physical health of the workers.

In the United States, for instance, a California asbestos worker successfully sued the company doctor for Johns-Manville for malpractice. Dr. Kent Wise, the doctor in question, is in turn suing the company on the basis that he had informed company officials upon his hiring of his lack of expertise in asbestos-related diseases and the company had told him "not to worry about it."

Company clinic personnel in Quebec have been proven to have given false information to workers about impairments caused by asbestos. As Robert Lessard, a former Thetford Mines worker, told the Globe and Mail, "I got an x-ray from a doctor in the first week of September. He gave me a class A (good health). A week later I went for an x-ray in Montreal at the Workmen's Compensation Board's industrial clinic and I was told I had asbestosis."

Dr. Paul Cartier, who served at the company clinic near Thetford Mines from 1940 to 1974, has openly admitted that he lied to the workers. "I figured it was in their best interests to stay at their jobs. Besides, they didn't want to be reported ill and transferred to lower paying jobs where they might have earned as much as $50 less a week . . . even if they had left their work completely and gone on to drive cabs, for instance, it might not have arrested the progressive effects of asbestosis."

But Lessard, now disabled, is unimpressed. "In all sincerity, is it right to let a man continue to work in asbestos if he's sick because the doctor is concerned about the man's family?" he queried. "Me, I think not. A doctor takes a Hippocratic Oath when he begins practice, not a hypocritical oath."

The different biases of medical groups show up in results of their studies. A McGill University study which is quoted often by company officials was financed by the industry. Its researchers discovered abnormalities in 18 per cent of Thetford workers. In comparison, Dr. Irving Selikoff and his Mount Sinai team from New York found abnormalities in 60 per cent.

Following criticisms of a union bias, Selikoff had his x-rays read by specialist Eugene Pendergrass of the University of Pennsylvania. Pendergrass did not know where the x-rays originated and yet he found abnormalities associated with asbestos in a higher percentage of workers than did Selikoff.

Mt. Sinai has offered to submit its x-rays along with those from McGill to an independent team in Great Britain but so far there have been no takers for the proposal.

Judge Rene Beaudry, who headed an inquiry into the Quebec asbestos industry, criticized companies for tending to "medicalize the problem of air quality" and noted that their approach was based on "medical compensation rather than the protection of the workers' health." Company doctors, he stated, contested asbestosis claims granted by the Workmen's Compensation Board while "all the necessary data exists to initiate the technological control of asbestos dust."

In Baie Verte, medical superintendent of the government-operated hospital Dr. Douglas Black was quoted in a 1974 report by Dr. Robert Morgan as stating that Advocate Mines is "a model operation, about as clean as you can get." He considers the health hazards to be distorted and magnified by irresponsible media persons, reported Morgan.

Workers in Baie Verte complained that the annual medical examinations performed at the hospital were "limited" to the point of being inadequate, Morgan continued. He pointed to two men he examined who had lung function tests recorded but repeatedly and vigorously denied previous testing. "The machine used is not that recommended by the provincial health officials who have offered funds to replace it."

Morgan also noted that "Dr. Black admits he is in the unfortunate position of having acted, over the years, as a defender of health practices at Advocate Mines."

When criticized by union officials for having a company bias, Black responded by refusing to conduct the government-funded miners' medicals. However, negotiations between Black, the union and government officials resulted in at least a temporary resumption of the examinations.

The Newfoundland Medical Association, which represents doctors throughout the province, has been predictably silent on the whole health issue related to asbestos and on the Baie Verte situation. Likewise, the Canadian Cancer Society's provincial branch has not commented publicly on the high exposure levels in Baie Verte to this well-known carcinogen.

Computer error

UIC challenged

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undue hardships." The brief argues that, because of the stark economic realities of the Nova Scotia economy, having to repay the money would indeed cause undue hardship, and the Commission should exercise its authority under Section 175 and write off the debt.

"This issue is not fault, since UIC readily admitted the error was made by one of its computer programmers. The issue is whether one should pay for the error of the other."

The Board of Referees Hearings

Normally, a UIC board of referees appeal is straight-forward. You go before the three-man board, present the facts as you see them, and they decide one way or the other. It's three against one.

Which is perhaps why the UIC was a bit nervous when all 19 people jointly appealing the payback order wanted to attend the hearing, along with representatives of the Coalition and Dal Legal Aid. They were afraid the event would turn into a "circus". Highly unusual, they thought, until a check with the Ottawa office turned up a hearing which was once attended by 100 people.

So all 19 were allowed to attend, and though the event didn't become a circus, the balance of power was definitely shifted in favour of the claimants. The board sat and listened for more than three hours, while Ginny Green and Gary Burrill of the Coalition and Bill Powroz and Andrew Pavey of Dal Legal Aid took turns reading from the brief.

Not only did they listen to the coalition's legal testimony about why the people shouldn't have to repay the money; they heard evidence about the problems the coalition and claimants had in getting information and relating generally to the commission, including charges by the coalition that the commission had attempted to intimidate and harrass the claimants.

They listened to an explanation of regional underdevelopment, how the Atlantic provinces have been deliberately maintained as producers of raw materials and importers of processed goods from Upper Canada, and the implications this has for unemployment and the unemployed in the Maritimes. And they accepted a statistical report, prepared by Richard Fuchs and Mark Shrimpton from the Peoples' Commission on Unemployment in Newfoundland and Labrador, which argued that the unemployment situation is actually much worse than that presented by Statistics Canada.

None of the information in the brief was disputed, and none of it was ruled out of order.

"In a province where high unemployment has become a way of life, should people who accept UI cheques in good faith be expected to return the money when UIC discovers they've made a mistake?"

Whether the board considered the information when making its decision, however, is obviously another matter.

After studying the hefty submission for a week, the board rejected the appeal and unanimously upheld UIC's right to collect the money. Recognizing the importance of the decision it was about to make, the Commission postponed appeals around the province pending the outcome of the joint Halifax appeal.

Coalition members think the board totally ignored the brief.

Green says: "The board did not respond to or challenge any of the legal or moral arguments presented in the brief; it merely reiterated the opinion of the Commission, that the UIC does in fact have the right to ask for the money."

So now the group moves on to the next level of appeal—the Canadian Umpires Board. Perhaps it was inevitable that the case would go to the Umpires, since this is where jurisdictional issues are normally decided. UIC's mistake last year was an expensive one—it cost $4.3 million across the country ($1.5 million in Nova Scotia). A favourable decision for the claimants could make it more difficult for the UIC to balance its budget this year.

But even more important, a favourable decision for the claimants could check the omnipotence of the UIC. Until now, as the UIC hath given, it hath also taken away according to its own apparently divinely-inspired rules. A CUB decision holding the UIC responsible for its own errors could have a drastic effect on the operations of the organization; it could also be a recognition of unemployment insurance as a right, and not a favour.

Fishery

—continued from page one

The fish processing companies in Newfoundland have reacted to this latest development like stuck pigs. They've called NFFAW president Richard Cashin and fisheries minister Romeo LeBlanc (whose blessing was needed before the purchase arrangements could go ahead) communists. They've complained that it will ruin their position in the squid markets of the world. And they've said it has led to uncertainty in the industry which makes future expansion questionable.

To call their reactions nonsense is probably being a bit charitable.

For several years now, fishermen in Notre Dame Bay (one of Newfoundland's major fishing bays) in particular and other areas as well have had to gnash their teeth and tie their boats to the wharf because there was no market for the squid and mackerel that was teeming in the waters, almost begging to be caught.

Last year, less than half a million pounds of mackerel was bought in Notre Dame Bay—the Russian vessel can buy that much in two days. And of the little mackerel that was landed in Newfoundland in 1977 (compared to the potential landings), about two-thirds was sold for fish meal at only one and a half cents a pound.

Fishermen could sell limited amounts of squid last year, but the local companies could buy only a fraction of the squid that could have been landed if the markets had existed. The squid the NFFAW is selling to the Bulgarians and Russians is surplus to the needs of the local plants, and the contract between the parties stipulates that this squid cannot be sold in traditional Japanese markets where it would compete with squid processed by Canadian companies.

Off the northern shore of Newfoundland, a huge Bulgarian trawler waits off shore for the small Newfoundland boats to bring their daily catch of squid and mackerel. This is the first year that the Newfoundland fishermen could find a market for the fish that was teeming in their waters—the domestic fish processing plants could never be interested in dealing with these species of fish. And, this year, because of an arrangement with the Newfoundland Fishermen, Food and Allied Workers Union, the profits are all going to the fishermen.

The local companies have also failed to point out that they are also involved in ventures with foreign concerns which will allow foreign vessels to catch about 20,000 tons of the Canadian squid quota with far less labor content for Newfoundlanders than is involved in the union arrangements.

They forget that before these deals were negotiated, the union had proposed a joint union-industry approach to such ventures, only to be turned down out of hand by the fish merchants.

What bothers the Newfoundland companies more than anything else about these ventures is the implications they have for the future.

For a long time, fishermen had only the local fish merchant to turn to to sell his catch. Now the spectre of union involvement in the marketing of fish products is haunting the companies, and they don't like it one bit.

The deals with the Bulgarian and Swedish companies are indeed important litmus tests. If they succeed, the pressure from fishermen on the federal government to permit similar ventures in future will be difficult to ignore.

Earle McCurdy, St. John's, is the editor of **Union Forum**, *the official monthly publication of the Newfoundland Fishermen Food and Allied Workers.*

Labrador

Land claims run aground

The following is the last in a series of articles by Adrian Tanner of Memorial University—St. John's, Nfld., on the Indians of Labrador. In previous articles Tanner examined the impact of industrial development on the Indians' lifestyle and concessions they have gained in the matter of hunting rights. In this third article he discusses the roles of the federal and provincial governments in the affairs of the Labrador Indians as well as political implications of their land claims.

No Indian Act in Labrador

Up to the time of Newfoundland's entry into Confederation in 1949 the main difference between Indians in Newfoundland and in Canada was that the former had no Indian Act. However, at the time this difference was not very great. In 1949 the Canadian Indian Act was a very different document than it is now, and Canadian Indians had few special services provided for them. The quality of the health, welfare, education and economic development services available for persons defined as Indians under the Indian Act was inferior to the equivalent services available to non-Indians.

"There is a basic inequity for Indians built into the Federal-Provincial agreement."

In 1948, when Newfoundland and Canada first negotiated the terms of entry into Confederation, the explicit aim of both sides was to have the federal government take over the financial responsibility for Indians. A preliminary agreement was made, making explicit those items the federal government would become responsible for; these would be the same as for status Indians in the rest of Canada.

But, despite this agreement, when the terms of entry were finally signed they contained no reference at all to Indians. The only public explanation given for this absence was that it would have been a retrograde step—presumably because Indians would have lost the vote.

However, soon after 1949 the budget of the federal Indian Affairs Branch began to increase steadily, and services to Indians were upgraded to bring them close to those provided by the provinces to non-Indians. At the same time discriminatory clauses witholding voting and liquor rights were removed. Thus the question must be asked, why did Newfoundland never hand over direct responsibility for Indians to the federal government?

The answer is that although this would have been in the interests of the Indians of the province of Newfoundland, it did not happen to suit the interests of either the provincial or the federal government. Instead, both governments negotiated the payment of an annual lump sum to Newfoundland, starting in 1954. This money, under the Federal-Provincial Agreement, was designated to be spent by the province in a specified list of so-called "native communities". The arrangement was in the interest of the federal government, being the forerunner of several subsequent agreements for turning over its constitutional obligation regarding Indians to the provinces. However, such moves by the federal government have always been fiercely opposed by the Indian organizations in all parts of Canada, who see them as part of a policy of ending recognition of the special rights of aboriginal people.

The Federal-Provincial Agreement also suits the interests of Newfoundland. It allows the province to reinterpret the meaning of the term "native community", using the local Labrador connotation of the term "native", which does not mean an aboriginal person, but rather any person born in Labrador. Newfoundland can then spend money designated for aboriginal people in all communities of northern Labrador, whether they have an Indian or Inuit population or not. Of course, it would be politically difficult for Newfoundland to spend this money only on Indians and Inuit, since the white communities of northern Labrador also have a chronic need for services. So the provinces uses this method to syphon money from the federal budget designated for Indians and Inuit, and to spend it on the general population. Naturally, since the money is also used to support a bureaucracy in St. John's, the province has no wish to turn over direct responsibility for aboriginal people to Ottawa.

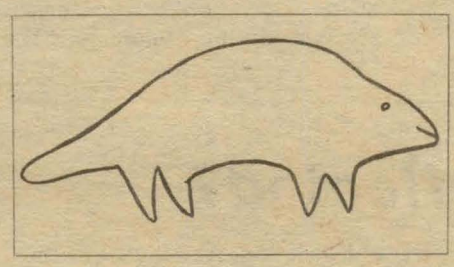
"The land claims process is not being treated by the federal government as a legal process, but instead as political negotiation."

Conflict of Interest

There is a basic inequity for Indians built into the Federal-Provincial Agreement. It becomes impossible to trace what money designated for Indians is spent on Indians. Moreover, the province has no programmes specifically designed for the special cultural needs of Indians. Labrador Indians are being short-changed. The province acts as an agent for the federal government, spending money designated for aboriginal people, but at the same time refusing to recognize the distinction between aboriginal persons and others, so that the money can be spent virtually wherever the government wants.

It is exactly because of this kind of situation that no provincial government is able to effectively administer the special programme needed by Indians, **as Indians**. On the specific questions of land title and rights over resources, a province would be in a situation of direct conflict of interest in negotiating such a claim, since these matters are under the jurisdiction of the province.

Since the Labrador Indians have a long outstanding title over land in Labrador, their rights must take precedence over rights that the provincial government has by virtue of the terms of Confederation. The B.N.A. Act, by specifying that both



Indians and Indian Land fall under federal jurisdiction, makes it clear that in 1867 there was an awareness of the inherent conflict of interest between the provincial control of resources and the special rights of Indians. This consideration now comes to the fore again, when the concept of aboriginal title, well recognized in 1867, but forgotten by 1949, has once again become relevant.

Land Claims Negotiations

The land claims process, despite the fact that it is concerned with aboriginal rights and formal claims for recognition of those rights, is not being treated by the federal government as a **legal** process, but instead as a **political** negotiation. Thus each Indian or Inuit group is asked to submit a claim without any formal guidelines as to what is the minimal proof of a claim. On the basis of the documents submitted by the native groups the government privately comes to a decision as to whether it will recognize the validity of the claim or not. Recognition of validity only implies an undertaking to begin negotiations, not to agree to all or any of the demands of the group making the claim.

In the past few months it has become clear that all groups who have started negotiations over their claims have found the government extremely reluctant to reach the kind of agreements acceptable to the native people. Thus, the fact that the federal government has now agreed to negotiate on the basis of aboriginal rights means almost nothing, since an agreement to negotiate is worthless unless there is also a willingness to agree to some of the changes native people see as necessary.

"Newfoundland's policy of denying the very existence of the Labrador Indians has now, with this land claim, come to haunt the province."

In the case of the Labrador Indian land claim, the federal government has not yet announced if it considers the claim valid or not. At the time the claim was presented, Ottawa was clearly put off by the aggressive language of the statement of claim, but the claim's validity is also based on the legal, historical and land use evidence presented in the supporting documentation. If the claim itself is not accepted, then the Indians will be forced to go to court; but if the claim is accepted, this will only be the start of long political negotiations.

Separatism

The problems faced by the Indian people of North West River and Davis Inlet result from the loss of incentives for community-scale economies based on local renewable resources. The province has followed a desperate policy of trying to attract large-scale industrialization in Labrador with resource give-aways to corporations who export both resources and profits. Concurrently, the effect of this policy is to clear the local people off the land. The effects of this process have been similar for the settlers as well as for the Indians, except that the Indian communities have suffered more, because of the deeper cultural attachment they have to the land and because they have been less able to adapt to the small amount of wage work that has been introduced.

The Indian land claim statement makes an attempt to forge a new alliance with the white settlers living within the Indian areas of Labrador, although not in the same generous terms as have been proposed in the recent Labrador Inuit land claim. For the Indians the creation of such an alliance faces many obstacles not faced by the Inuit, because of the lack of any substantial basis of trust built up over the years. On one point, however, the Indians share a real understanding with the settlers. They both have a deep mistrust of Newfoundland, and a dislike of the colonial relationship they have lived under with the government in St. John's. But is this shared sentiment sufficient to quiet the "white backlash" that can be expected to greet this land claim?

Newfoundland's policy of denying the very existence of the Labrador Indians has now, with this land claim, come to haunt the province, and it is taking a form that looks very much like Labrador separatism.

Leaders sell out

Trade union rights denied

by Ron Stockton

Before the early 1970's, Nova Scotia's provincial government employees deserved their traditional image, that of passive "Civil Servants". Until then they had accepted, with hardly a murmur, long-standing legal restrictions on some of their most basic rights, including the right to strike.

Their trade union, the Nova Scotia Government Employee's Association (NSGEA), had begun as a pure and simple company union. Founded under government tutelage in 1956, it soon adopted the slogan "Let's work it out"; its leaders, often supervisors who abhorred trade unionism, promoted servility.

In 1973 came the first winds of change, when the nurses at Halifax's Victoria General Hospital, still denied the right to strike, resigned to protest a government wage offer. Then early in 1975, Halifax's Medical Technicians staged a resignation / strike lasting six weeks. The wave of trade unionism sweeping Canada's public employee's organizations had reached Nova Scotia. Their old image was on its way out.

A new demand surfaced—full trade union rights for provincial employees. Despite weak NSGEA leadership, the pressure for new Civil Service legislation grew.

Eventually, in February 1978, the N.S. government had to deal with the issue, though they still couldn't face it squarely. Regan's Liberals came up with what some government workers properly called, "The Civil Slave Act."

NSGEA members outside Nova Scotia's Province House last spring. The sign says Kill the Bill.

Opposing the Legislation

It fell far short of granting the full trade union rights the workers had been looking for. The NSGEA's leadership called the new bill a "straight jacket," promising to fight it "with every available weapon." Trade union leaders across Canada called it the most regressive piece of labour legislation in the country. More than 500 NSGEA members came to Halifax and stormed around the legislature, chanting "Kill the Bill."

The Liberals withdrew the legislation "for amendments," but vowed to stick with the anti-labour slant of its basic provisions. The NSGEA's leaders replied that the bill was so bad it couldn't be amended. Scrap it, they said, and start again. Confrontation seemed certain.

But then, in a startling move which caught the NSGEA's members by surprise and undercut the growing protest, the association's leaders turned into accommodating diplomats. "We can live without the right to strike," they said, and they agreed to join the amending process they'd already said couldn't work.

The new act's legislative approval suddenly became anticlimactic. The bill, in its barely-amended form, was made law on May 5.

What the bill does to worker's rights

It saddles provincial government workers with an almost unreal list of restrictions, including:

•A new three-person Civil Service Employee Relations Board, which can rule on which employees are in the union, whether a collective agreement is in effect, and which items can be referred (and when) to an Arbitration Board. When the NSGEA and the government can't agree on an arbitrator, the Board will make the appointment. Even worse than the usual "neutral" boards which favour the employer, this one is **appointed by the employer**, the government of Nova Scotia.

•Other sections of the act let the Civil Service Commission, the formal employer and a government agency, make regulations changing the new law. If by some miracle the NSGEA finds favourable clauses in the act, the employer can simply move to have them changed, or thrown out.

•Arbitration, a procedure traditionally weighted against workers, is even more one-sided than usual. The Arbitration Board must take into account at least five restrictions when it makes its decisions, including undefined "interests of the public"—which is often a honeyed way of saying "interests of those in power." One other restriction is an Average Comparability of Total Compensation (ACTA) clause, similar to the one the Federal government's employees are being threatened with. (This new concept ties public service wage hikes to those in the private sector, and imposes bargaining by computer; this takes all decisions on contract conditions out of the union members' hands.)

•Strike action?? The act simply outlaws it, imposing heavy fines on anyone who encourages or takes part in a walkout. And, the definition of a strike is now broad enough to encompass mass resignations. In the law's usual evenhanded fashion, the bar on strikes is coupled with prohibitions on lockouts, though these are **later allowed, albeit** by another name. Even if the government is convicted of unfair labour practices as an employer, the act provides no penalty.

•The list of government employees excluded from the union is one of the longest in any of Canada's civil service laws. It includes even low level employees who spend "substantial" time in the supervision of others and (to triple the impact) persons confidential to them. The list of bargainable items is the shortest.

It is a bad, backward, repressive piece of labour legislation.

The association's activity since last May—a September rally taking the Regan government to task, and an expensive series of newspaper ads during the provincial election campaign—can't hide the NSGEA's leaders' part in slapping this law on the 7000-plus workers they are supposed to represent.

When the government demonstrates its wish to control public employees, to suppress any movement for change, the union has to demonstrate its willingness to fight back. You can't beat them if you won't fight, and in this battle, the union will have to rely on, and encourage, rank-and-file initiative.
to build membership militance, instead of knuckling under before the battle was joined, the outcome **could** have been full trade union coverage for Nova Scotia's government workers. Until trade union strength is used to the fullest, our labour movement—with public employees caught out in the front trenches—is going to lose more of the big battles than it wins.

[*Ron Stockton is a member of the Nova Scotia Labour Research and Support Centre.*]

Who is Affected?

The NSGEA members fall under two sets of legislation. About 10% of the members are organized under the Trade Union Act—they are employees of provincial boards and commissions.

The other 90% are Civil Servants—persons who are appointed under the Civil Service Act. These 7500 people are in a wide variety of occupations and are grouped into eight "components" for bargaining:

Services—bakers, butchers, porters and laundry workers in provincial operated institutions (nearly 500 people);

Health Services "A"—nurses and nursing assistants in the provincially operated hospitals and clinics, like the Victoria General Hospital or the Nova Scotia Hospital (nearly 1100 people);

Health Services "B"—medical laboratory technicians (most of whom are in the Pathology Institute), (nearly 350 people);

Clerical—stenographers, secretaries, clerks, keypunchers in government offices throughout the province (nearly 2200 people);

Education "A" and "B"—teachers at vocational schools, technical schools and professors at the agricultural and teachers colleges (nearly 500 people);

Maintenance and Operational Service—skilled tradespeople and janitors. This group includes operating engineers, carpenters and electricians as well as janitors in the government buildings;

Technical—most of whom have certificates, diplomas or degrees indicating their advanced academic training. The group includes draughtspeople, survey technicians, cartographers and various sorts of inspectors as well as bookkeepers and auditors (1450); and

Professionals—people who have "advanced" academic training including economists, social workers, engineers, accountants, statisticians, as well as a handful of top administrators.