

The Historical Origins of an Industrial Disaster: Occupational Health and Labour Relations at the Fluorspar Mines, St. Lawrence, Newfoundland, 1933-1945

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Introduction

IN THE CEMETERIES OF ST. LAWRENCE and several neighbouring towns on the remote south coast of Newfoundland lie the remains of some 200 workers killed by industrial diseases. Silicosis and lung cancer, contracted in the fluorspar mines that operated in the area from the 1930s to the 1970s, exacted a deadly price among the region's workers. Official confirmation of the nature and extent of the St. Lawrence disaster emerged through a long and sometimes acrimonious process during the 1950s, 1960s, and 1970s, and the impact of work-related diseases ultimately became one of the most widely recognized cases of its kind in Canada.

This essay explores the historical origins of this industrial disaster by examining developments from the start of mining in 1933 to the end of World War II. This account focuses on an important but little known aspect of the St. Lawrence catastrophe: the extent to which St. Lawrence miners suspected long before official confirmation that their work was destroying their health, the ways in which they fought to have workplace health hazards recognized and addressed, and the corporate and government response to those efforts. Special attention is paid to the pivotal period from 1939 to 1942, when St. Lawrence miners formed their first union and engaged in a series of lobbying efforts and labour disputes aimed at bringing about action on workplace health hazards. This struggle touched on a wide range of concerns,

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including unsafe drinking water, dust, inadequate ventilation, the lack of local medical facilities, and the inadequacy of workers' compensation coverage, and culminated in a strike that shut down production in the fall of 1941 and forced the intervention of the state by way of a Trade Dispute Board.

Adding to our knowledge of the forces that shaped the St. Lawrence disaster, this account also contributes to an understanding of a neglected aspect of Canadian labour and working-class history. Worker resistance, collective bargaining, and the interaction among unions, employers, and the state are common features of occupational health and safety struggles, yet it is not a prominent theme in Canadian literature. This is so even with respect to the notoriously hazardous mining industry, which has long exacted a heavy toll through accidents and illness,¹ and where workers' efforts to alleviate workplace hazards are as old as the industry itself.² While the labour movement within the mining industry has attracted considerable attention,³ and health and safety has received some study within this treatment, we

¹Mining consistently led all industries in fatal accidents throughout the 20th century in Canada: Charles E. Reasons, Lois L. Ross, and Craig Patterson, *Assault on the Worker: Occupational Health and Safety in Canada* (Toronto 1981), 18, and from 1967 to 1976 alone, 1,670 miners died from work-related injuries and illnesses in Canada: Doug Smith, *Consulted to Death: How Canada's Workplace Health and Safety System Fails Workers* (Winnipeg 2000), 30. The more notorious cases include the Alberta coal mines, where more than 1,200 miners were killed on the job between 1904 and 1963 (Reasons, Ross and Patterson, *Assault on the Worker*, 20) and the British Columbia coal mines, where about 800 miners died in the 3 decades from 1890 to 1920. See Jack Scott, *Sweat and Struggle: Working Class Struggles in Canada*, Volume 1, 1789-1899 (Vancouver 1974), 151.

²For example, on health and safety struggles in British Columbia coal mines in 1850s, see Jack Scott, *Sweat and Struggle*, 149-84; on copper miners in British Columbia during World War I, see Stanley Scott, "A Profusion of Issues: Immigrant Labour, the World War, and the Cominco Strike of 1917," *Labour/Le Travailleur*, 2 (1977), 54-78; on silver miners in Northern Ontario in the early 20th century, see Doug Baldwin, "A Study in Social Control: The Life of the Silver Miner in Northern Ontario," *Labour/Le Travailleur*, 2 (1977), 79-107; on coal miners in Nova Scotia in the late 19th and early 20th centuries, see David Frank, "Class Conflict in the Coal Industry, Cape Breton, 1922," in Gregory S. Kealey and Peter Warrian, eds., *Essays in Canadian Working Class History* (Toronto 1976), 164-6; on coal miners in Saskatchewan in 1931, see S.D. Hanson, "Estevan 1931," in Irving Abella, ed., *On Strike: Six Key Labour Struggles in Canada, 1919-1949* (Toronto 1974), 33-78; and on asbestos miners in Quebec in the 1940s, see Jacques Rouillard, *Histoire de la CSN, 1921-1981* (Montréal 1981), 132-3.

³In addition to the works cited in the preceding footnote, a partial list of works on labour in the Canadian mining industry includes: Pierre Elliott Trudeau, *The Asbestos Strike*, translated by James Boake (Toronto 1974); Paul MacEwan, *Miners and Steelworkers: Labour in Cape Breton* (Toronto 1976); Wallace Clement, *Hard Rock Mining: Industrial Relations and Technological Changes at INCO* (Toronto 1981); Laurel Sefton MacDowell, "Remember Kirkland Lake": *The History and Effects of the Kirkland Lake Gold Miners' Strike, 1941-42* (Toronto 1983); Mike Solski and John Smaller, *Mine Mill: The History of the Inter-*

have little in-depth knowledge of the historical circumstances that have given rise to health and safety hazards, the struggles by workers and their unions to combat those hazards, and the response of employers and the state to those efforts.

As Alan Derickson has noted, one of the effects of our lack of knowledge in this area is a common impression of those injured and killed by workplace health hazards as simply the victims of forces beyond their comprehension and control. Derickson argues that while such people are no doubt victims, the image of them as hapless and unknowing may be rooted more in insufficient appreciation of the history of worker resistance to health hazards than in historical reality.⁴ By highlighting labour's resistance in the St. Lawrence case, this study aims to enrich our understanding of the role that agency and struggle play in attempting to prevent such disasters.

Examination of the events at St. Lawrence is instructive because it draws attention to the many forces that influence the handling of occupational health as a labour relations issue. A central theme in this analysis is the way in which a variety of factors, most notably changes in the economic and industrial environment, altered the balance of power among labour, employers, and the state and in turn determined the ability of workers to mount a collective challenge to the status quo.⁵ It will be demonstrated that while developments during the early years of World War II put workers in an unprecedented position of strength from which to mount collective resistance, their efforts were undermined by corporate and government interests

national Union of Mine, Mill and Smelter Workers in Canada Since 1895 (Ottawa 1984); Allen Seager, "Socialists and Workers: The Western Canadian Coal Miners, 1900-21," *Labour/Le Travail*, 16 (Fall 1985), 23-59; Michael Earle, "'Down with Hitler and Silby Barrett': The Cape Breton Miners' Slowdown Strike of 1941," *Acadiensis*, 1 (Autumn 1988), 3-26; Michael Earle, "The Coalminers and their 'Red' Union: The Amalgamated Mine Workers of Nova Scotia, 1932-1936," *Labour/Le Travail*, 22 (Fall 1988), 99-137; Michael Earle and H. Gamberg, "The United Mineworkers and the Coming of the CCF to Cape Breton," *Acadiensis*, 1 (Autumn 1989), 56-90; Mercedes Stedman, Peter Suschnigg and Dieter K. Buse, eds., *Hard Lessons: The Mine Mill Union and the Canadian Labour Movement* (Toronto 1995); and David Frank, *J.B. McLachlan: An Autobiography* (Toronto 1999).

⁴Alan Derickson, *Workers' Health, Workers' Democracy: The Western Miners' Struggle, 1891-1925* (Ithaca 1988), xii-xiii. The history of labour's role in addressing one such hazard is central to Derickson's *Black Lung: Anatomy of a Public Health Disaster* (Ithaca 1998).

⁵For discussions of how these factors influence health and safety struggles, see Robert Sass, "The Underdevelopment of Occupational Health and Safety in Canada," in William Leiss, ed., *Ecology Versus Politics in Canada* (Toronto 1979), 74-5; Morley Gunderson and Katherine Swinton, "Collective Bargaining and Asbestos Dangers in the Workplace," prepared for the Royal Commission on Matters of Health and Safety Arising from the Use of Asbestos in Ontario (December 1981), 5.1-5.4; and Robert Storey and Wayne Lewchuk, "From Dust to DUST: Asbestos and the Struggle for Worker Health and Safety at Bendix Automotive," *Labour/Le Travail*, 45 (Spring 2000), 103-40.

that persistently downplayed health concerns and pushed them to the margins of the labour relations agenda.

An important element in how this process unfolded was the nature of the hazard in question. This account underscores the important distinction between occupational health and occupational safety, and how that distinction can affect how hazards are recognized and addressed. Among these distinguishing traits are the difficulty in drawing a definitive link between diseases and workplace conditions, and the time that usually elapses between exposure and illness. Because such factors mean that the effects of health hazards are often neither apparent nor immediate, concerns about those hazards can be downplayed or ignored, or the responsibility of dealing with the effects can be deferred to some indeterminate time in the future. This can reduce the pressure felt by employers and the state — and perhaps even workers in some cases — to confront and address such hazards.⁶ In the case of St. Lawrence, these factors were compounded by the absence of medical services, which added to the difficulty in determining the existence and extent of the health problem and thus to the inability of miners to draw attention to their plight.

This study also accents the role of the state in addressing workplace hazards through adoption and enforcement of protective measures, and to those factors that influence the state's willingness to do so. During the period under consideration, the government made some desultory moves toward strengthening protective measures, but overall it maintained a non-interventionist position, essentially leaving the matter in the hands of employers. It is doubtful, in any case, that a more forceful protective regime would have addressed the concerns of St. Lawrence workers in any meaningful way, since such a regime would almost certainly have adhered to the view that characterized health and safety regulation in North America and Europe up to the 1960s, which was to focus on safety to the almost total exclusion of health.⁷ This tendency is evident in the few inspections that were carried out at the St. Lawrence mines during this period.

The factors that distinguish occupational health from occupational safety also draw attention to a significant methodological issue. Industrial disease is a notoriously difficult area of historical inquiry, owing largely to a lack of reliable information about the actual incidence of various diseases. Most information about the incidence of work-related illnesses comes from workers' compensation records, which provide limited data since they record only those compensable cases where a causal relationship between an occupation and an illness has been established. Such

⁶Gunderson and Swinton, "Collective Bargaining and Asbestos Dangers in the Workplace," 4.9-4.10.

⁷Increasing awareness about the environmental impacts of industrial contaminants has been cited as the major force behind the change in focus at this time. See Robert Paehlke, "Occupational Health Policy in Canada," in Leiss, *Ecology Versus Politics in Canada*, 97-8; and N. Ashford, *Crisis in the Workplace: Occupational Disease and Injury* (Cambridge 1976), 3-4.

figures may thus represent only “the tip of the submerged mass of illness.”⁸ Workforce migration, especially in resource industries such as mining, has also been cited as inhibiting our appreciation of the full extent of industrial diseases, as it adds to the difficulty of linking diseases with specific workplaces.⁹ Such factors have likely contributed to the fact that much of the attention historians have paid to disasters in the mining industry has focussed on sudden and dramatic events, such as major accidents involving multiple fatalities, rather than on industrial diseases and the efforts of workers to combat more surreptitious hazards.¹⁰

Several features of the St. Lawrence case help to overcome some of these difficulties associated with an historical exploration of occupational health. The existence of a substantial set of government and union records allows for a fairly complete reconstruction of the historical events under consideration here. The character of the community itself also plays a role. Unlike many resource towns, St. Lawrence was an established locale with a substantial population when the mining industry was introduced there. Most of the workforce was drawn from the immediate area and stayed there all their lives. This is an important component in the ability to assess not only the long term impacts of workplace health hazards, but more particularly the repercussions of the outcome of workers’ struggles.¹¹ This account

⁸Paul Weindling, “Linking Self Help and Medical Science: The Social History of Occupational Health,” in Paul Weindling, ed., *The Social History of Occupational Health* (London 1985), 11. On this issue in the Canadian context, see, G.B. Reschenthaler, *Occupational Health and Safety in Canada: The Economics and Three Case Studies* (Montréal 1979), 2; and Terence Ison, *The Dimensions of Industrial Disease*, Research and Current Issues Series, No. 35 (Kingston 1978), 2.

⁹See Gill Burke, “Disease, Labour Migration and Technological Change: The Case of the Cornish Miners,” in Weindling, ed., *The Social History of Occupational Health*, 78-88; and Alan Derickson, “Industrial Refugees: The Migration of Silicotics From the Mines of North America and South Africa in the Early 20th Century,” *Labor History*, 29 (1998), 66-89.

¹⁰Doug Baldwin raises this point with respect to industrial disease among Northern Ontario silver miners in the early 20th century: “A Study in Social Control,” 94. Accounts of major mining accidents include: Roger David, *Blood on the Coal: The Story of the Springhill Mining Disasters* (Hantsport 1976); David Jay Bercuson, “Tragedy at Bellevue: Anatomy of a Mine Disaster,” *Labour/Le Travailleur*, 3 (1978), 221-32; Ian McKay, “Springhill 1958,” *New Maritimes*, 2 (December 1983/January 1984), 4-16; Bryan D. Palmer and Robert Lunn, “The Big Sleep: The Malartic Mine Fire of 1947,” *Labour Le Travail*, 39 (Spring 1997), 225-40; and Christopher McCormick, ed., *The Westray Chronicles: A Case Study in Corporate Crime* (Halifax 1992).

¹¹The importance of this became evident in 1965 when a resident was able to produce figures he had recorded over the years of workers who had died from various ailments — figures that were greatly at odds with those in the Workers’ Compensation Board files: H.A. Winter, “Report of the Review Committee Appointed to Review, Consider, Report Upon, and Make Recommendations Respecting the Workmen’s Compensation Act,” 1966, unpublished document, Center for Newfoundland Studies (CNS), Memorial University of Newfoundland, 42-3.

thus represents a rare, detailed analysis of one chapter in a deadly disaster involving occupational health and industrial disease.

*The Historical Background:
Industry, Labour, and Health and Safety During the 1930s*

Mining began at St. Lawrence in 1933, when New York entrepreneur Walter Seibert proposed to the people of the community that they help establish an industry to mine the veins of fluorspar buried in the surrounding hills.¹² To understand how the people of the community — which had a population of around 900 at that time — greeted this prospect, as well as developments during subsequent years, the economic and political circumstances need to be outlined briefly.

The staple of the Newfoundland economy was the production and export of dried, salted cod. By the early 1930s, however, that industry had been devastated by years of decline in both price and markets for Newfoundland exports. The onset of the Great Depression was therefore the nadir of an economic decline that had been ongoing throughout the interwar period.¹³ A British Royal Commission (popularly known as the “Amulree Commission”) reported in 1933 that a large segment of the population was dependent upon the country’s inadequate public relief system, the country was mired in debt, and the political situation had been rendered unmanageable by years of negligence.¹⁴

Based on one of that commission’s recommendations, in 1934 the Newfoundland government decided to suspend the system of Responsible Government that had been in place since 1855 in favour of an un-elected Commission of Government. The Commission of Government, which took office in February 1934, consisted of six departments headed by appointed commissioners, three from Great

¹²Fluorspar is used in the manufacture of several products, including steel, aluminum, ceramics, and freon, a refrigerant. While the St. Lawrence deposits were known about since 1870, they attracted attention for their commercial value in the 1920s when world demand for the mineral increased: Carl M. Fellman, “The Mining of Fluorspar and its Uses,” *Proceedings of the Lake Superior Mining Institute*, 25 (1926), 197-211; and C.K. Howse and R.P. Fischer, “Newfoundland Ships Fluorspar: Production from St. Lawrence Region, Began in 1932, has Increased Steadily,” *Engineering and Mining Journal*, 140 (1939), no pagination.

¹³On the deteriorating economic situation and the onset of the Great Depression, see David Alexander, “Newfoundland’s Traditional Economy and Development to 1934,” *Acadiensis*, 2 (Spring 1976), 56-78; David Alexander, “The Collapse of the Saltfish Trade and Newfoundland’s Integration into the North American Economy,” *Canadian Historical Association Papers* (1976), 229-48; and Peter Neary, *Newfoundland in the North Atlantic World, 1929-1949* (Kingston 1988), 12-43.

¹⁴Lord Amulree, *Newfoundland Royal Commission, 1933, Report* (London 1934), 132-42, 187-94, 227-37.

Britain and three from Newfoundland, along with a Governor. The country had thus effectively reverted to the status of a British colony.¹⁵

The economic climate and the policies of the Commission of Government would have a profound impact on developments at the St. Lawrence mines. Like most Newfoundland communities, St. Lawrence was devastated by the collapse of the cod fishery and the economic downturn of the 1930s. Given the economic situation in St. Lawrence and throughout Newfoundland, it is not surprising that Seibert found willing participants for his proposal to start a mine. After selling a shipment of fluorspar to the Dominion Steel and Coal Corporation (DOSCO) for use in its steel plant in Sydney, Nova Scotia, Seibert established the St. Lawrence Corporation of Newfoundland and hired a number of former fishermen to mine fluorspar at a number of sites.

The opening of the St. Lawrence mines brought to three the number of mining operations in Newfoundland. In 1895 the Nova Scotia Steel Company had begun mining iron ore on Bell Island, near the capital city of St. John's, to supply its Nova Scotia steel mills. After changing ownership several times during the first few decades of the 20th century, by 1930 the mines were owned by Nova Scotia's Dominion Steel and Coal Company.¹⁶ By that time, however, the Depression had all but eradicated demand, and the workforce was drastically reduced from the more than 1000 employed at the turn of the century. The Bell Island mines would eventually recover from this slump with the build-up to World War II. The other major Newfoundland mine at the time was at Buchans, in the island's interior, where copper, lead, and zinc mines opened by the American Smelting and Refining Company in 1927 employed about 400 workers.¹⁷

Little is known about working conditions and labour relations at these other sites during the 1930s.¹⁸ It is nevertheless clear that at St. Lawrence these were shaped largely by the absence of any other employment options and by government policies in a number of key areas. One of these areas was public relief. From its inception, the Commission of Government focussed considerable effort on reducing public relief expenditure. This included forcing the able-bodied to accept whatever

¹⁵On the establishment and structure of the Commission of Government, see Neary, *Newfoundland in the North Atlantic World*, 44-52; S.J. R. Noel, *Politics in Newfoundland* (Toronto 1971), 202-43.

¹⁶See Gail Weir, *The Miners of Wabana: The Story of the Iron Ore Miners of Bell Island* (St. John's 1989); and Wendy Martin, *Once Upon a Mine: Story of Pre-Confederation Mines on the Island of Newfoundland* (Montréal 1983), 52-65.

¹⁷See Martin, *Once Upon a Mine*, 74-7; and Derek Yetman, *Riches of the Earth: The Story of Buchans* (St. John's 1986).

¹⁸For a summary of the major developments at Bell Island and Buchans during the 1930s, see Richard Rennie, "'And there's nothing goes wrong': Industry, Labour and Health and Safety at the Fluorspar Mines, St. Lawrence, Newfoundland, 1933-1978," PhD Thesis, Memorial University of Newfoundland, 2001, 25-32.

paying work was offered lest they be cut off relief, a system the St. Lawrence Corporation used to quash potential unrest. For instance, in 1936 the District Magistrate reported that when St. Lawrence Corporation employees had refused to work for a certain wage, the company offered the work to unemployed men in receipt of public relief, who could not refuse employment.¹⁹ One former worker recounted an incident in which he and a group of others went to the mine manager (an American named Kelleher who had been brought in by Seibert) to ask for a raise in 1937, only to be told that if they did not return to work immediately they and any of their family members employed by the company would be fired. "We had to go back and go to work," this man recalled, "No choice."²⁰

The degree of dependence experienced by workers at St. Lawrence was paralleled and reinforced by the government's reliance on foreign developers. This relation, hardly unique to the Commission of Government era, was borne largely of the failure to achieve a level of development and diversification sufficient to absorb the surplus labour that accompanied an increasing population during the late 19th and early 20th centuries, and to help mitigate the effects of fluctuations in the fishery.²¹ The Commission of Government continued the practice of previous regimes by responding to this problem partly with attempts to attract and appease foreign developers.²² As Valerie Summers' analysis of the history of underdevelopment in

¹⁹Provincial Archives of Newfoundland and Labrador (hereafter PANL), Records of the Newfoundland Commission of Government (hereafter GN38), S2-1-11, File 1, Magistrate's Report to the Department of Natural Resources, 25 March 1936. The governments of Canada and Great Britain pursued similar policies. See James Struthers, *No Fault of their Own: Unemployment and the Canadian Welfare State, 1914-1941* (Toronto 1983), 6-7; W.R. Garside, *British Unemployment, 1919-1939: A Study in Public Policy* (Cambridge 1990), 32-65; and Noel Whiteside, *Bad Times: Unemployment in British Social and Political History* (London 1991), 83.

²⁰Interview with Mike O'Leary, St. Lawrence, Newfoundland, conducted by the author, 26 October 1997. In keeping with the Tri-Council Guidelines regarding SSHRC-funded research involving human subjects, interviewees' real names have been changed to pseudonyms.

²¹Many explanations have been offered for this failure. For example, David Alexander attributed the problem to neglect of the fisheries, Gerald Sider to the merchant class's interest in perpetuating its economic and political hegemony, and Sean Cadigan to climate and resource endowment. David Alexander, "Development and Dependence in Newfoundland, 1880-1970," *Acadiensis*, 1 (Autumn 1974), 3-31; David Alexander, "Newfoundland's Traditional Economy and Development to 1934," *Acadiensis*, 2 (Spring 1976), 56-78; Gerald Sider, *Cultural Class in Anthropology and History: A Newfoundland Illustration* (Cambridge 1986); and Sean Cadigan, *Hope and Deception in Conception Bay: Merchant-Settler Relations in Newfoundland, 1785-1855* (Toronto 1995), vii-xii.

²²Another notable effort undertaken by the Commission of Government was diversification through agriculture. See Gordon Handcock, "The Commission of Government's Land Settlement Scheme in Newfoundland," in James Hiller and Peter Neary, eds., *Twentieth-Century Newfoundland: Explorations* (St. John's 1994), 123-52.

Newfoundland shows, this approach had a major influence on the Commission of Government's position regarding the development of mineral resources.²³

While Summers' analysis focuses on such issues as land concessions, royalties, and contractual arrangements, it is clear that the desire to attract and appease foreign capital also influenced the Commission of Government's attitude to the question of health and safety in mines. At St. Lawrence, ore was initially mined in open pits more than a hundred feet deep in some cases and accessed by a series of ladders. Workers toiled in these settings without proper tools or safety equipment.²⁴ When local government officials occasionally raised the issue of substandard equipment and methods, the company usually responded that it did not have the capital to make improvements. On one of these occasions, an official noted that in the absence of information on the company's finances, this claim could be neither verified nor denied. Nonetheless, the Department of Natural Resources suggested that the government secure a loan for the company, to be used in expanding operations to increase employment and production.²⁵ While nothing concrete came of this suggestion, it is indicative of the government's tendency to give priority to resource development over the welfare of workers.

The lack of regard for health and safety was also reflected in the Commission of Government's refusal to strengthen protective legislation. Enactments governing health and safety in Newfoundland mines had been introduced in 1908, largely in response to the high accident rate at the iron ore mines opened at Bell Island.²⁶ The 1908 Act established standards in such areas as ventilation and explosives, but these were seldom enforced as there was no mines inspectorate and interventions by the Government Engineer were required only after a fatal or serious accident.²⁷

The Commission of Government refused to overhaul the system despite being urged to do so by, among others, an inspector it brought in from Ontario in 1936 to conduct the first ever general inspection of Newfoundland mines.²⁸ The inspector

²³Valerie Summers, *Regime Change in a Resource Economy: The Politics of Underdevelopment in Newfoundland Since 1825* (St. John's 1994). The analysis of the Commission of Government era focuses almost exclusively on attempts to establish arrangements with Canadian firms to develop mineral resources in Labrador (139-48).

²⁴PANL, GN38, S2-1-11, File 1, Magistrate's Report to the Department of Natural Resources, 25 March 1936.

²⁵PANL, GN 38, S2-1-11, File 1, Memorandum submitted by Commissioner for Natural Resources for Consideration of Commission of Government, 16 April 1936.

²⁶On accidents at the Bell Island mines, see Weir, *The Miners of Wabana*, 94.

²⁷Newfoundland, An Act Respecting the Regulation of Mines, in *Acts of the General Assembly of Newfoundland* (St. John's 1909).

²⁸Archival Collection of the Newfoundland and Labrador Department of Mines and Energy, (hereafter DME), Report on Mines Inspection of Newfoundland, 6 November 1936. By comparison, in Britain regulation and inspection of coal mines had begun in 1842, and in 1872 those measures were extended to govern non-coal mines. Canadian legislation tended to follow the British pattern, and many Canadian provinces had legislation and inspection

described methods at the three mines operating at St. Lawrence as “primitive,” and noted the potential for cave-ins and flooding as well as the absence of toilet facilities and clean drinking water. He also suggested that the government hire a qualified inspector to carry out regular inspections, and that it require mining companies to submit mine plans and details of all fatalities and injuries, which was routine in jurisdictions across Canada.²⁹

The reasons for the government’s refusal to act on the recommendations were not made explicit, though in 1936 the Commissioner for Natural Resources remarked that the current system seemed adequate since there had been “only” five fatal accidents in Newfoundland mines during the preceding year.³⁰ Another possible motivation — perhaps the overriding one — was reluctance on the part of the government to take any measures it thought might entail investments operators would be unwilling or unable to make, and thus threaten much-needed employment. For instance, a 1937 report noted that at St. Lawrence the mines were “absorbing practically all the able-bodied labor available” and any curtailment of employment would result in “large demands on us for public relief.”³¹

Hazards at the St. Lawrence mines increased in both number and gravity during the late 1930s as open-pit mining became impractical at various sites and operations were moved underground. Shafts were sunk to depths of several hundred feet and horizontal tunnels known as “drifts” drilled and blasted at various levels along the shaft. Workers were now exposed to additional health hazards associated with the complete absence of ventilation and the thick dust generated by drilling and blasting operations.³² Without employment options or state protection, workers had little choice but to tolerate such conditions, even when they believed that their health was being damaged. One former miner who started working underground in

services in place by the 1890s. On Great Britain, see P.W.J.Bartrip and S.B. Burman, *The Wounded Soldiers of Industry: Industrial Compensation Policy, 1833-1897* (Oxford 1983), 83-96. On Canada, see Eric Tucker, *Administering Danger in the Workplace: The Law and Politics of Occupational Health and Safety Regulation in Ontario, 1850-1914* (Toronto 1990), 223-7.

²⁹DME, Report on Mines Inspection of Newfoundland, 6 November 1936.

³⁰PANL, GN 38, S1-1-12, File 8, Proposal that the operator of the diamond drill should be competent to inspect mines and also the matter of financial provision therefor, 26 May 1936. The memo does not specify in which mines the men were killed, but Buchans was obviously involved, since the memo states that, “In the case of Buchans the survivors were compelled to leave the place.”

³¹PANL, GN38, S6-1-2, File 4A, Report on the relief situation on the Burin Peninsula and the south coast, August, 1937. A similar approach was apparently taken to the situation at Buchans. There, when workers occasionally demanded improvements in working and living conditions, the government tended to point out that the need for jobs outweighed such considerations. Martin, *Once Upon a Mine*, 78-80; and Yetman, *Riches of the Earth*, 15-25.

³²Rennie Slaney, *More Incredible Than Fiction: The True Story of the Indomitable Men and Women of St. Lawrence from the Time of Settlement to 1965* (Montréal 1975), 15.

1938 stated that, “Everyone knew there was something, but you had no other choice.”³³

Union Formation and the Launch of Collective Action, 1939-40

This pattern of dependence and powerlessness began to show signs of breaking in the summer of 1939, in part because of increasing evidence about the impact of health hazards in the mines. That summer, nearly all of the St. Lawrence Corporation’s 100 workers were suffering from stomach ailments, which the Department of Public Health and Welfare later attributed to “a high state of pollution” found in water samples taken in the underground.³⁴

In the midst of this outbreak of illness, workers formed the St. Lawrence Miners and Labourers Protective Union (SLMLPU) under the leadership of a local merchant named Patrick Aylward.³⁵ By December 1939, the SLMLPU had issued several demands to the Corporation for improvements in working conditions, particularly with respect to drinking water and sanitation.³⁶ To this the management responded with paternalism or intransigence. At Christmas, for instance, the company announced a 10 per cent wage increase, described as a “Xmas box,” for all employees. One observer applauded this move on the grounds that it was “voluntary” and thus contributed to “the happy relations so much to be desired between capital and labour.”³⁷ Others were less impressed: an anonymous letter-writer (possibly Aylward) argued that the raise was a response to the formation of the union and an attempt on the employer’s part to put a good public face on a bad situation.³⁸

The pay raise also did nothing to address ongoing health concerns. In what marked the first instance of a specific industrial disease being mentioned as a possibility among St. Lawrence miners, in January 1940 the Department of Public Health and Welfare expressed its fear that that possible cases of lung diseases, such

³³O’Leary interview.

³⁴PANL, GN38, S-6-1-2, File 12, Memorandum respecting the report by Dr. J. St. P. Knight, 4 December 1939.

³⁵PANL, GN38, S5-4-1, File 5, Report made by Magistrate Short on the subject of a dispute between the St. Lawrence Corporation of Newfoundland Ltd., and the St. Lawrence Miners and Labourers Protective Union, 23 May 1940. Aylward later claimed that he had been approached by several miners during the summer of 1939 and asked to help form a union. It is unclear why Aylward was chosen for this task, as he seems to have had no experience with either mining or unionism. One possible explanation is that, given the absence of local government in rural areas, business leaders often emerged as community leaders. As former fishermen in a community where there had never been a union of any kind and where waged work itself was a recent development, the miners likely simply turned to a local person whom they regarded as a leader and perceived as capable of assisting them in the task.

³⁶PANL, GN38, S6-1-2, File 40, Ranger V.P. Duff’s Report on Conditions at the Fluorspar Mine, St. Lawrence, 5 December 1939.

³⁷*Evening Telegram* (St. John’s), 5 January 1940.

³⁸*Evening Telegram*, 1 February 1940. The letter was signed “*Courage Sans Peur.*”

as silicosis, were beginning to surface in the copper mines at Buchans and that it was possible that similar problems existed at St. Lawrence.³⁹

Whether it was aware of the fact or not, the Department of Public Health and Welfare had good grounds for this suspicion, as the St. Lawrence mines were an ideal environment for silicosis to take hold. Silicosis is caused by the inhalation of fine dust created by the drilling of hard rock, such as the granite that surrounded the St. Lawrence fluorspar veins.⁴⁰ At St. Lawrence, the potential for the disease to arise was increased by the use of “dry drills,” which had been among what one industry observer described as the “second-hand junk” that Seibert shipped to St. Lawrence at the start of mining.⁴¹ Dry drills were so called to distinguish them from the more modern type available at the time, the “axial-fed” or “wet” drill, which supplied a flow of water to the drill bit to suppress dust. Because of their propensity to induce dust-related diseases such as silicosis, dry drills were known as “widow-makers” among miners in Northern Ontario and in some parts of the United States in the early 20th century.⁴² A 1914 amendment to the Ontario Mines Act outlawed dry drills, and axial-fed drills were reportedly standard equipment in most South African mines by 1900 (largely as a result of worker agitation), and in the fluorspar mines of Kentucky and Illinois by the 1920s.⁴³ The fact that dry drills had been outlawed in many jurisdictions by the 1930s might explain why Seibert had apparently

³⁹PANL, GN38, S6-1-2, File 40, Department of Public Health and Welfare to Department of Natural Resources, 15 January 1940. The Buchans mines ceased operation in 1984, and the possibility of industrial disease among Buchans miners has not been investigated.

⁴⁰On the cause and effects of silicosis, see I. Webster, “The Pathology of Silicosis,” in John M. Rogan, ed., *Medicine in the Mining Industries* (London 1972), 20-38. For accounts of the silicosis problem and workers’ struggles related to it in other places, see Derickson, *Workers’ Health, Workers’ Democracy*, 180-1; David Rosner, *Deadly Dust: Silicosis and the Politics of Occupational Disease in Twentieth Century America* (New Jersey 1992); Alan Derickson, “Federal Intervention in the Joplin Silicosis Epidemic, 1911-1916,” *Bulletin of the History of Medicine*, 62 (1988), 236-51; Edgar L. Collis and Major Greenwood, *The Health of the Industrial Worker* (New York 1977), 144, 300-1; N.F. Parkinson, “Silicosis in Canada,” *American Medical Association Archives of Industrial Health* (12 July 1955), 55-62; Graham H. Gibbs and Paul Pintus, *Health and Safety in the Canadian Mining Industry* (Kingston 1978), 84, 95-9; and Marcus James, “The Struggle Against Silicosis in the Australian Mining Industry: The Role of the Commonwealth Government, 1920-1950,” *Labour History*, 65 (November 1993), 75-95.

⁴¹Archival Collection of the Hagley Museum and Library, Wilmington, Delaware, C. Wilbur Miller, Dupont Chemicals, to Lamont Dupont, 11 February 1937.

⁴²Baldwin, “A Study in Social Control,” 92. Derickson, *Workers’ Health, Workers’ Democracy*, 42-4.

⁴³Baldwin, “A Study in Social Control,” 92; Gill Burke, “Disease, Migration, and Technological Change: The Case of the Cornish Miners,” in Weindling, *The Social History of Occupational Health*, 78-88; Fellman, “The Mining of Fluorspar,” 206; Rosner, *Deadly Dust*, 135-54; and Anonymous, “The Water Drill as a Preventive of Miners’ Phthisis,” *Iron Age*, 74 (August 1904).

been able to purchase a number of well-used ones to ship to St. Lawrence. This issue also highlights the fact that health and safety is more often a matter of financial investment than available technology.⁴⁴

The Department of Public Health and Welfare's concerns regarding silicosis, and its fear that "the unsanitary surroundings and unhealthy water supplies are likely to cause an outbreak of typhoid or other communicable disease at any time"⁴⁵ were compounded by the fact that there was no hospital or doctor in St. Lawrence. The 1933 Amulree Commission noted the lack of medical services in the country, pointing out that there were just four hospitals outside the capital, St. John's, and just 62 physicians to serve some 1,300 settlements scattered around the coast.⁴⁶ In an attempt to address this problem, in 1934 the Commission of Government introduced a program to construct and staff hospitals around the island. Of the thirteen new facilities established under this initiative by the end of World War II, the nearest to St. Lawrence was opened in the late 1930s at Burin, the commercial and administrative center of the area.⁴⁷ Though Burin was just 30 kilometres from St. Lawrence, there was no road connecting the 2 communities. The trip could be made by boat, but regardless of the method was difficult and time-consuming. There was another hospital at Grand Bank, about 150 kilometers away, but that journey was difficult at best, given the condition of the road and the scarcity of automobiles, and impossible during winter. According to the Department of Public Health and Welfare, the St. Lawrence Corporation had been approached for assistance in establishing medical facilities at St. Lawrence, but had been "absolutely non-cooperative."⁴⁸

The Department of Public Health and Welfare pointed out that in the absence of effective legislation the government could do little but hope that the companies involved would look after such matters out of concern for the health and safety of their workers. Apparently not convinced that mine operators would voluntarily show such concern, the Department urged the Department of Justice to amend the Public Health and Welfare Act to govern sanitation at mines and other industrial sites, since as it stood the legislation applied only to logging camps.⁴⁹

While discussions among various government agencies over health hazards and medical services continued during the early part of 1940, and while the union

⁴⁴Ronald Bayer, "Introduction," in Ronald Bayer, ed., *The Health and Safety of Workers: Case Studies in the Politics of Professional Responsibility* (Oxford 1988), 8.

⁴⁵PANL, GN38, S6-1-2, File 40, Department of Public Health and Welfare to Department of Natural Resources, 15 January 1940.

⁴⁶Lord Amulree, *Newfoundland Royal Commission*, 592-3.

⁴⁷R.A. MacKay, *Newfoundland: Economic, Diplomatic and Strategic Studies* (Toronto 1946), 178-9.

⁴⁸PANL, GN38, S6-1-2, File 40, Department of Public Health and Welfare to Department of Natural Resources, 15 January 1940.

⁴⁹PANL, GN38, S6-2-1, File 12, Department of Public Health and Welfare to Department of Justice, 15 December 1939.

attempted to get the St. Lawrence Corporation to respond to its demands, developments were taking place within the industry that would have important implications for the labour relations environment. While the ore produced at the St. Lawrence Corporation mines was used in steel manufacturing (in 1940 its main customer was still DOSCO), fluorspar was also used in smelting aluminium. Throughout the late 1930s, demand for aluminum in such places as the United States, Great Britain, and Canada increased dramatically, prompting Canada's chief producer, the Aluminum Company of Canada (Alcan), to expand its smelting facilities and seek out new sources of raw material.⁵⁰ In 1939, Alcan became interested in St. Lawrence fluorspar as a source of material for its smelter at Arvida, Québec. In December, 1939, Alcan acquired mineral claims in the St. Lawrence area and formed a subsidiary, Newfoundland Fluorspar Limited, or "Newfluor."⁵¹ By the spring of 1940, Newfluor had hired 50 men to undertake work at a large deposit known as the "Director" vein, with the intention of going into production by the summer of that year.⁵²

The establishment of Newfluor and a recent expansion of operations at the St. Lawrence Corporation increased total union membership to about 240 by April 1940, when St. Lawrence Corporation workers walked off the job in an effort to force action on long-standing grievances. Of the 240 members, 150 were regular employees of the St. Lawrence Corporation, 50 were Newfluor employees, and the remainder were those who found periodic work and retained their union memberships.⁵³

The District Magistrate was ordered to undertake an inquiry into the walkout, which underscores the state of the legislative environment with respect to labour relations at the time. The Commission of Government, like previous Newfoundland governments, had no department or staff specifically dedicated to labour issues. Given the economic situation at the time it took office, the Commission of Govern-

⁵⁰On Alcan's operations throughout this period, see Isaiah A. Litvak and Christopher J. Maule, *Royal Commission on Corporate Concentration, Study No. 13: Alcan Aluminum Limited* (Ottawa 1977), 27-54; Luc Côté, *Les Enjeux du Travail à l'Alcan, 1901-1951* (Hull 1990), 82-93; Duncan Campbell, *Mission Mondiale: Histoire d'Alcan* (Toronto 1985), Volume 1, 333-4; and Sterling Brubaker, *Trends in the World Aluminum Industry* (Baltimore 1967), 101-23.

⁵¹Alcan purchased these claims from the Philadelphia-based firm E.J. Lavino and Company, which had acquired them in 1937 but had carried out only limited exploratory work on the properties: Archival Collection of the Aluminum Company of Canada, Montréal (hereafter AA), Resume of negotiations for Newfoundland fluorspar properties, 31 July 1940.

⁵²AA, E.J. Lavino, E.J. Lavino and Company, to Warren Smith, Manager, American-Newfoundland Fluorspar, St. Lawrence, 28 March 1939; and AA, "Resume of negotiations for Newfoundland fluorspar properties," 31 July 1940.

⁵³PANL, GN38, S5-4-1, File 5, Report made by Magistrate Short on the subject of a dispute between the St. Lawrence Corporation of Newfoundland Ltd., and the St. Lawrence Miners and Labourers Protective Union, 23 May 1940.

ment likely believed it had little cause to fear labour unrest, and labour issues had simply been subsumed under the Department of Public Utilities. By the mid-1930s, however, workers in some sectors had begun to rebel against the harsh working conditions and exploitation engendered by the Great Depression.⁵⁴ A key element in making this revival into a mass movement was the 1936 formation of the Newfoundland Trades and Labour Council (NTLC). From 1936 to 1939, total union membership in Newfoundland tripled, largely as a result of the NTLC's efforts, and on the eve of World War II Newfoundland had one of the highest rates of unionization in all of North America.⁵⁵

The Commission of Government had been, as one historian put it, "caught by surprise" by this sudden burst of union organizing: "It had no labour department and knew nothing about the size, history or character of the Newfoundland labour movement."⁵⁶ The issue had become more urgent when Newfoundland was drawn into World War II alongside Great Britain in the fall of 1939, as the need to maintain production in vital industries coupled with an increased demand for labour threatened to generate further labour unrest.

At the outbreak of war, the Commission of Government had passed legislation granting itself sweeping powers over social and economic life of the colony, including the Act for the Defence of Newfoundland and the Newfoundland Defence Regulations.⁵⁷ While the government could have used this legislation to adopt measures allowing it to intervene in labour disputes, it initially chose instead to pursue a piecemeal approach based on a combination of damage control and *ad hoc* measures.

At one point, after having to appoint a committee to settle a strike by St. John's longshoremen in January 1940, the Commission of Government did consider adopting legislation modeled on the Canadian Industrial Disputes Investigation Act (IDIA) of 1907, which included provisions for compulsory investigation of labour disputes by a government-appointed third party and prohibition of work stop-

⁵⁴For example, in 1934, Newfoundland loggers, who for years had endured some of the worst living and working conditions on the island, organized under the Newfoundland Loggers' Association and were soon engaged in a series of strikes and protests. See Dufferin Sutherland, "Newfoundland Loggers Respond to the Great Depression," *Labour/Le Travail*, 29 (Spring 1992), 81-116. Also in 1934, Buchans miners formed the Buchans Workers Protective Union (BWPU) with an initial membership of 400. See, William Gillespie, *A Class Act: An Illustrated History of the Newfoundland Labour Movement* (St. John's 1986), 63-4.

⁵⁵Gregory S. Kealey, "The History and Structure of the Newfoundland Labour Movement: Background Report Prepared for Royal Commission on Employment and Unemployment, Newfoundland and Labrador," 1986, unpublished document, CNS, 113, 16.

⁵⁶Gillespie, *A Class Act*, 75.

⁵⁷Neary, *Newfoundland in the North Atlantic World*, 113-5.

pages pending such investigation.⁵⁸ The Commission of Government, however, soon abandoned this route and reverted to its piecemeal approach. This included having District Magistrates conduct inquiries into labour disputes as part of the wide range of functions they had taken on under the Commission of Government's strategy to compensate for the inadequacy of the state apparatus and the lack of local government in rural areas.

At the Magistrate's inquiry into the April 1940 walkout at St. Lawrence, union president Aylward testified that in the past only the "dread of poverty" had kept workers from complaining more openly about working conditions at the mines. The problems he listed included a lack of sanitation facilities and clean drinking water, inadequate mine ventilation, which had caused "suffocation" in many cases, dangerously sub-standard hoisting equipment, and a common practice of working a man so hard that he soon became disabled and was simply replaced by another miner.

The employees who gave testimony at the inquiry substantiated Aylward's claims. One miner testified that the hoisting system at the "Black Duck" mine was very dangerous and that his only source of drinking water was from a hose that supplied water to cool the air compressors. Another man testified that in the "Iron Springs" shaft the only source of ventilation was the hoses that supplied compressed air to the machinery: workers would remove a hose from a piece of equipment and breathe air from it. This man recalled a recent incident in which a worker had to be revived with air from a hose when he passed out underground. Asked whose responsibility it was to monitor ventilation and other health and safety matters at the mines, he replied that he did not know. Another miner stated that, "We have no ventilation in our mine," and reported that two men had recently fainted underground for lack of air.

Others testified that the manager, Donald Poynter (an American who had been brought in by Seibert to replace Kelleher), had threatened to fire them if they complained about working conditions. One worker recalled complaining to his foreman that his task was too much for one man, only to be told that if he could not do the work he could easily be replaced. Another testified that he was fired because he had complained to the union about working conditions, and that he was later told by the manager that, "Well, you had a bad back and you're getting old.... [You are] no good for the mine any more."⁵⁹

Not surprisingly, Poynter presented a very different description of the situation. He denied the allegations regarding the company's treatment of its employees,

⁵⁸Neary, *Newfoundland in the North Atlantic World*, 169. The Canadian government attempted, mostly unsuccessfully, to use the provisions of the IDIA to suppress a wave of strike activity during the early years of World War II. See Gregory S. Kealey, "The Canadian State's Attempt to Manage Class Conflict," in Gregory S. Kealey, *Workers and Canadian History* (Montréal and Kingston 1995), 433-4.

⁵⁹PANL, GN38, S5-4-1, File 5, Report by Magistrate Short, 23 May 1940.

including the charge that it had threatened or taken disciplinary action against men who had complained of working conditions.⁶⁰ Poynter did not dispute the claims regarding sanitary conditions, but attempted to deflect criticism away from the company by denigrating miners' homes, stating that, "Sanitary arrangements, drinking water arrangements, and conditions under which men work are in my opinion equal to, if not better than they have in their own homes. When the time comes when St. Lawrence will take an interest in its own sanitation and drinking water and show evidence of this interest in their own homes, this Company will gladly give them the equal in their working conditions."⁶¹ Regarding the issue of ventilation in the mines, Poynter stated that it was "more than adequate" and added a vague assurance that, "The entire ventilation scheme of this mine is following a definite plan that was conceived by a trained engineer."⁶²

The Magistrate's inquiry also revealed much about the discussions that had gone on between the union and the company over the matter of union recognition. Poynter denied that the St. Lawrence Corporation opposed the formation of the union, but correspondence produced at the inquiry revealed that the St. Lawrence Corporation had steadfastly refused to recognize the union as a bargaining agent for its employees. For instance, in response to a union request in October 1939 that official communications be established between the two parties, Poynter stated that he would discuss company-employee relations only with individual workers.⁶³ Several months later, Aylward made the same request to Seibert, and received no reply.⁶⁴

Union recognition was a vexing issue, for while the union's ability to make any progress on its concerns through negotiation depended largely upon whether the company would recognize it as the workers' legitimate representative, there was nothing compelling the company to do so. Newfoundland's Trade Union Act, passed in 1910, protected the right of workers to unionize but did not compel employers to recognize the union. Canadian unions faced a similar problem during World War II, since the IDIA also contained no obligation for employers to recognize unions. In Canada, as one historian put it, legislation such as the IDIA failed to account for the fact that recognition is unlike other collective bargaining issues since "the very existence of one of the parties was not an issue for which there was a middle ground."⁶⁵

⁶⁰PANL, GN38, S5-4-1, File 5, Report by Magistrate Short, 23 May 1940.

⁶¹PANL, GN38, S5-4-1, File 5, Report by Magistrate Short, 23 May 1940.

⁶²PANL, GN38, S5-4-1, File 5, Report by Magistrate Short, 23 May 1940.

⁶³PANL, GN38, S5-4-1, File 5, Report by Magistrate Short, 23 May 1940.

⁶⁴PANL, GN38, S5-4-1, File 5, Report by Magistrate Short, 23 May 1940.

⁶⁵Laurel Sefton MacDowell, "The Formation of the Canadian Industrial Relations System During World War Two," *Labour/Le Travailleur*, 3 (1978), 179. In Canada, this situation held until the introduction of the Wartime Labour Relations Regulation (commonly called "PC 1003") in 1944, which included a requirement for compulsory collective bargaining and

In any event, the April 1940 walkout and the ensuing inquiry did little to advance SLMLPU's cause. The Magistrate's report to government failed to mention any of the specific issues raised by Aylward and the workers, including complaints about ventilation, sanitation, and other health and safety issues. The report focused instead on the actions of the union, concluding that it had been confrontational in its approach and had thus created an antagonistic labour relations environment.⁶⁶

Nor was there much indication that the situation would be improved through changes in the health and safety legislation. In June 1940, two months after the magistrate's inquiry, A.E. Cave of the Ontario Department of Mines, who had also conducted the 1936 inspection, toured the mines of Newfoundland for a second time. At the time of Cave's visit, both the Iron Springs and the Black Duck shafts were down to about 200 feet, while Newflour's Director shaft was down to 150 feet. Most of Cave's recommendations regarding the St. Lawrence mines focused on safety hazards, including hoisting practices, explosives, rockfalls, and escape routes, but he also pointed to the need for clean drinking water and toilet facilities. Cave also reiterated his 1936 observations about the inadequacy of the Newfoundland regulations and repeated his suggestion that the government establish a regular inspection service.⁶⁷ Again, however, the government took no action on these recommendations.

The Disputes of 1941 and the Demand for State Intervention

Having made no progress on its demands under the SLMLPU and its leadership, in January 1941 the membership ousted Aylward and dissolved the union. Aylward was replaced by union treasurer Aloysius Turpin who, unlike Aylward, was a rank and file worker, having worked as a miner and a carpenter for the St. Lawrence Corporation. The membership also reconstituted the union as the St. Lawrence Workers Protective Union (SLWPU). As an indication of the climate of fear that marked the labour relations environment at the time, Turpin recalled that workers had waited until Poynter went to New York before calling the meeting at which these changes were made.⁶⁸

Among the goals set out in the constitution of the SLWPU were the improvement of men "morally, socially and physically" and the securing of compensation for "injuries received at work where the employers may be liable."⁶⁹ The aim of se-

reduced the need for disputes over recognition. See Kealey, "The Canadian State's Attempt to Manage Class Conflict," 436.

⁶⁶"Report by Magistrate Short," 23 May 1940.

⁶⁷DME, Inspection Report on the Mining Operations in Newfoundland, 1940.

⁶⁸Memorial University of Newfoundland Folklore and Language Archive (hereafter MUNFLA), Collection 84-224, Tapes C7239, 7240, 7241, Interview with Aloysius Turpin, Montréal, 24 June 1967.

⁶⁹Archival Collection of the St. Lawrence Memorial Miners' Museum (hereafter SLMMM), Constitution of the St. Lawrence Workers Protective Union, February 1939.

curing financial support for injured workers points to the inadequacy of the workers' compensation system in Newfoundland at that time. In other places, such as Great Britain and Canada, the evolution of workers' compensation had been marked by a gradual transition from the common law to the kind of compulsory, collective system in place today. Under the common law, which had been the norm until the late 19th century, workers' compensation claims were administered through such channels as master-servant acts, which required proof of negligence on the part of the employer. As part of its response to growing demands from trade unions and others for better coverage, in 1880 Great Britain introduced an Employers' Liability Act which, while a moderate improvement on the common law system, still placed the onus on the claimant to prove negligence on the part of the employer, and required that claims be pursued either in the courts or through a private arrangement between employee and employer. The Canadian provinces followed suit, and soon introduced legislation modelled on Britain's Liability Act.⁷⁰

In 1906, again because of pressure for better coverage, Great Britain passed a Workmen's Compensation Act that made the system collective and compulsory: employers were required to pay premiums into a collective fund, which was then used to pay claims. Between 1902 and 1911, most provinces of Canada passed acts based loosely on Britain's 1897 Act, but these provincial Acts were not compulsory and were limited to certain industries. Under increasing demands from trade unions and other parties to make the system more compulsory and universal,⁷¹ in 1910 the Ontario government established the Meredith Commission, which recommended compulsory compensation and the creation of a central government body to collect fees from employers and administer benefits.⁷² In 1915, Ontario passed a Workmen's Compensation Act based on the Meredith Commission's recommendations, and the rest of the provinces eventually followed suit — Nova Scotia in 1915, Manitoba and British Columbia in 1917, Alberta in 1918, New Brunswick in 1919, Saskatchewan in 1929, Quebec in 1931, and Prince Edward Island in 1949. As in Great Britain, in Canada many employers supported the legislation because they believed such a system would ultimately result in lower costs to them, and because it removed the right of claimants to sue an employer.⁷³

Newfoundland relied on the common law for much of the 19th century, and then on an Employers' Liability Act, passed in 1880, the same year as Great Britain's. In 1908, Newfoundland passed a Workmen's Compensation Act that required employers to pay compensation directly to injured workers (or in the case of death, their dependents) once claimants had either come to a private arrangement

⁷⁰Reasons, Ross, and Patterson, *Assault on the Worker*, 161-2.

⁷¹Harold Logan, *Trade Unions in Canada: Their Development and Functioning* (Toronto 1948), 501.

⁷²Michael Piva, "The Workers' Compensation Movement in Ontario," *Ontario History*, 67 (1975), 39-56.

⁷³Reasons, Ross, and Patterson, *Assault on the Worker*, 163-4.

with the employer or had the claim settled in court.⁷⁴ Newfoundland did not make the transition to a collective, compulsory system, however, until after confederation with Canada in 1949. According to a committee later appointed to study the workers' compensation system in Newfoundland, the very few claims ever made under the pre-Confederation system were "settled by compromise [private arrangement] usually to the detriment of the worker."⁷⁵

The differences in the historical development of workers' compensation legislation in Newfoundland compared to other places may be attributable to the fact that historically the economy was based primarily on a fishery in which small units of production and the absence of wages were standard features. By World War II, however, industrial development had clearly outpaced social policy development in the area of workers' compensation. In 1941, there were some 3,000 workers employed in the mining industry alone.⁷⁶ While it is questionable whether a more adequate compensation system would have been of much immediate benefit to workers at St. Lawrence, in the absence of any other legislative or moral compulsion, it might have provided some inducement for the employer to provide a safer and healthier workplace, if only to reduce future workers' compensation premiums.

As matters stood, St. Lawrence workers were left to fight for such protections on their own, and they wasted little time in continuing that struggle after forming the new union. On 17 March 1941, just two days after the union was registered, workers at both the St. Lawrence Corporation and Newfluor walked off the job in a dispute ostensibly about whether or not St. Patrick's Day would be observed as a holiday.⁷⁷ While this issue was of some significance to the mostly Catholic workforce, it soon became clear that it was a flashpoint for other, more substantial grievances, for while the St. Patrick's Day walkout lasted just two days, it touched off a series of disputes that would continue for the remainder of the year, and into which the Commission of Government would be reluctantly drawn.

One of the issues the St. Patrick's Day dispute brought to the fore yet again was union recognition. About one month after the walkout, Newfluor Manager Warren Smith informed the union in writing that Newfluor agreed to recognize the SLMPU as the sole bargaining agent for its employees and to meet with a union delegation to

⁷⁴Newfoundland, "An Act with Respect to Compensation to Workmen for Injuries Suffered in the Course of their Employment," in *Acts of the General Assembly of Newfoundland* (St. John's 1909).

⁷⁵Irving Fogwill, "Report of the Workmen's Compensation Committee of Newfoundland on the Organization and Administration of a Workmen's Compensation Board for Newfoundland," 1950, 2-3, unpublished document, CNS.

⁷⁶Neary, *Newfoundland in the North Atlantic World*, 164-5. Of these, about 1,800 worked at the Bell Island iron mines.

⁷⁷MUNFLA, Interview with Aloysius Turpin.

discuss any areas of concern.⁷⁸ The St. Lawrence Corporation, however, remained steadfast in its refusal to recognize or negotiate with the union.

In another effort to force the hand of the St. Lawrence Corporation, workers there walked off the job again in April 1941, over union recognition, the presence of non-union workers, alleged anti-union intimidation, wages, and working conditions.⁷⁹ After about a week off the job, the men agreed to return to work on the condition that the St. Lawrence Corporation recognize the union.⁸⁰ Poynter would agree only to recognize the union as “the bargaining agent of members who are our employees,” which did not satisfy the union as it excluded several workers who had not yet joined the union.⁸¹

Once the men had returned to work, the union drafted a collective agreement calling for employment of union members only (with the standard exceptions of staff members, foremen, and office staff), a six-day week, eight-hour shifts, overtime pay of time-and-a-half, compensation, and sick benefits. The draft agreement also demanded that “the present unhealthy form of equipment namely the Dry Jack Hammer” be abolished and replaced by “proper wet drifters.”⁸² The union also requested the establishment of a Safety Committee with an equal number of union and company representatives, with the power to investigate working conditions and make recommendations to management, as well as a provision to have an outside authority decide on any health and safety matter on which this committee could not reach agreement.⁸³

The proposed agreement was forwarded to the Public Utilities Commissioner, along with a request for the appointment of a “Board of Enquiry.” The union agreed to continue production pending the appointment of such an inquiry.⁸⁴ Woods’ response to the SLWPU’s request for a government inquiry was in keeping with the government’s desultory approach to labour relations matters to date: he proposed a meeting among representatives of the union, the St. Lawrence Corporation, and the government the next time Seibert visited from New York.⁸⁵

When the SLWPU made this request for an inquiry, the Commission of Government was still grappling with the issue of how best to respond to labour unrest, a concern that had become more pressing in the fall of 1940. Not only was there a general labour shortage caused by wartime enlistment, a deal had been struck to al-

⁷⁸SLMMM, W.S Smith, Manager, Newfoundland Fluorspar Limited, to Aloysius Turpin, President, SLWPU, 24 April 1941.

⁷⁹SLMMM, Turpin to Donald Poynter, Manager, St. Lawrence Corporation of Newfoundland, 5 May 1941.

⁸⁰SLMMM, Poynter to Turpin, 5 May 1941.

⁸¹SLMMM, Poynter to Turpin, 5 May 1941.

⁸²A “drifter” is a type of drill.

⁸³PANL, GN38, S5-4-1, File 6, P.J. Lewis (legal counsel to SLWPU) to Wilfrid Woods, Commissioner of Public Utilities, 27 May 1941.

⁸⁴PANL, GN38, S5-4-1, File 6, Lewis to Woods, 27 May 1941.

⁸⁵SLMMM, Lewis to Turpin, 27 May 1941.

low for the establishment of American and Canadian military bases at several sites around the island. In January 1941, the first legions of American servicemen began to arrive, and soon an estimated 20,000 Newfoundland civilians were employed in the construction of military bases. Along with the wartime revival of many other industries (such as shipping, mining, and forestry), the so-called “base-building boom” created an unprecedented demand for labour and potentially serious labour problems for the government. It now had to deal with the combined threat of a revitalized labour movement and the spectre of two foreign governments importing their standards of work practices and remuneration to Newfoundland. Public Utilities Commissioner Wilfrid Woods described the situation as a “golden opportunity” for the growth and spread of trade unions and for increased labour militancy.⁸⁶

Woods was soon proven right, as during the early part of 1941 workers both on and off the bases used a variety of channels to demand improvements in working conditions and wages. Woods responded by proposing a number of *ad hoc* solutions, including a request to base employers to keep wages in line with Newfoundland rates and a suggestion that the government provide protection for strike-breakers should base workers persist in their demands and go on strike.⁸⁷

In response to escalating unrest, in June 1941 — shortly after denying the SLWPU’s request for an inquiry — the Commission of Government adopted measures that specifically included the power to intervene in labour disputes.⁸⁸ Passed under authority of the 1940 Defence Act, the Defence (Avoidance of Strikes and Lockouts) Regulations gave the government several options in the event of an actual or a threatened strike or lockout, including the establishment of a tribunal, the outright prohibition of a strike or lockout, the imposition of terms and conditions of work upon employers, and the power to change any rule or accepted practice with respect to conditions of employment.⁸⁹

⁸⁶PANL, GN38, S4-2-5, File 2, Memorandum for the Commission of Government from Sir Wilfrid Woods, 17 January 1941.

⁸⁷For instance, in February 1941 a group of St. John’s unions drafted a number of resolutions condemning working conditions for civilian employees at the Quidi Vidi base construction site (near St. John’s) and demanded that wages be increased to 40 cents an hour. In March, civilian workers at the Argentia base formed the Argentia Labour Union and also began to demand increased wages and improved working conditions, and in April a group of labour leaders from various sectors around the island began pressing for wage parity with base workers for all construction workers in Newfoundland, PANL, GN38, Box S6-5-2, File 3, Minutes of meeting of City unions sent to Puddester (Public Health and Welfare), 18 February 1941; and Neary, *Newfoundland in the North Atlantic World*, 157-8.

⁸⁸During 1941 there were a total of 10 major strikes in Newfoundland, involving 4,400 workers, Kealey, “The History and Structure of the Newfoundland Labour Movement,” 112.

⁸⁹Newfoundland, “Regulations for Avoidance of Strikes and Lockouts,” 27 June 1941, in *Acts of the Honourable Commission of Government of Newfoundland* (St. John’s 1941). The “Emergency Powers (Defence) Act” had been passed in September 1940, to coincide with the conclusion of the military base deal. It gave the Governor the authority, on the advice of

In mid-July, about two weeks after passing the Strikes and Lockout Regulations, the government received yet another request for an inquiry from the SLWPU. Having refused the earlier invitation to participate in a meeting with Seibert, union president Turpin now informed Woods that while he had managed to keep the men working to this point, the membership vowed that nothing short of an official government inquiry would now satisfy them. He listed the main issues the union wanted addressed by such an inquiry: health and safety and union recognition.⁹⁰

Woods, however, continued to delay formal government intervention and wanted, “in the interests of all concerned,” to meet with Seibert before taking any further action.⁹¹ Turpin remained adamant, warning Woods that the men would not work much longer under current conditions, and insisting that they were asking only to be “treated as human beings.”⁹² Woods ignored this warning and held a meeting with Seibert, at which Seibert agreed to raise St. Lawrence Corporation wages to the level being paid at Newfluor. However, Seibert refused the union’s demand to force the few non-union men still on the payroll to join the union or be dismissed from their jobs.⁹³ On the issue of health and safety, Seibert promised to “do our best to comply with the spirit and letter of all laws and regulations,” and to do “everything within reason to better the health and working conditions of our employees.”⁹⁴

What the St. Lawrence Corporation considered “within reason” had given cause for doubt in the past, but Woods seemed satisfied with Seibert’s promise to raise wages and agreed with his position regarding the non-union men. Furthermore, he stated, he and Seibert had discussed the possibility of an inquiry, but Seibert had several objections to it, “into the merits of which I do not propose to enter now.”⁹⁵ Refusing to conduct an inquiry because Seibert objected to it constituted a flagrant neglect of duty on Woods’ part. Furthermore, the fact that Woods apparently believed that the important matters had been settled by Seibert’s response to the issues of wages and the employment of non-union workers signalled his intention to push health and safety concerns off the labour relations agenda and simply let the company dictate matters in that area.

the Commission, to make “such regulations as appear to him to be necessary or expedient for securing the public safety, the defence of the realm, the maintenance of public order and the efficient prosecution of any war in which His Majesty may be engaged, and for maintaining supplies and services essential to the life of the community.”

⁹⁰PANL, GN38, S5-4-1, File 6, Woods to Lewis, 30 May 1941; and SLMMM, Lewis to Woods, 14 July 1941.

⁹¹PANL, GN38, S5-4-1, File 6, Woods to Lewis, 15 July 1941.

⁹²PANL, GN 38, S5-4-1, File 6, Turpin to Woods, and Lewis to Woods, 17 July 1941.

⁹³PANL, GN 38, S5-4-1, File 6, Walter Seibert, President, St. Lawrence Corporation of Newfoundland, to Woods, 22 July 1941.

⁹⁴PANL, GN 38, S5-4-1, File 6, Seibert to Woods, 22 July 1941.

⁹⁵PANL, GN38, S5-4-1, File 6, Woods to Lewis, 24 July 1941.

While the union was not satisfied with Woods' most recent response to its demands, the men stayed on the job throughout the summer. In late August, however, their antagonism and their resolve were hardened by the government's response to a labour dispute at Buchans, where earlier that month about 700 members of the Buchans Workers Protective Union (formed in 1934) had walked off the job over issues of wages and working conditions. Though the Strikes and Lockouts Regulations provided a legislative channel to deal with such disputes, the Commission of Government initially responded to the Buchans strike in typical fashion. First, though the strike showed no signs of becoming violent, the government sent 80 police officers to the scene. Then, Woods himself went to Buchans to try and persuade the men to return to work. In mid-August, Woods finally gave in and appointed a government tribunal under the Strikes and Lockouts Regulations, whereupon the men returned to work. The Tribunal awarded the workers a cost-of-living wage increase, but made few concrete recommendations regarding health and safety concerns. Complaints about dust and chemicals in the processing mill, for example, led to little: the Tribunal had simply recommended that "a few respirators" be made available and that efforts be made to alleviate such hazards. "Apart from that," the Tribunal had concluded, "we can only leave the matter to such mine inspections as may be possible from time to time."⁹⁶

Shortly after learning of the Buchans settlement, the SLWPU issued an ultimatum to Woods: guarantee appointment of an inquiry by 15 September or the men would go on strike.⁹⁷ Woods' response to this ultimatum was telling. First, he described difficulties at St. Lawrence as having arisen from two concerns: wage rates at the Corporation and the employment of non-union labour, both of which he was satisfied had been resolved.⁹⁸ Second, Woods stated that, "If this sort of thing is encouraged, there will have to be a Board appointed for every wage dispute and the Government will be burdened with the cost of a very considerable staff to form some sort of Labour Department,"⁹⁹ revealing yet another motivation for the government's continuing reluctance to become involved in labour relations in any systematic fashion.

On 15 October, a month after the expiry of the deadline presented in the ultimatum, St. Lawrence Corporation workers again walked off the job, protesting "unsatisfactory wage rates plus unhealthy and unsafe working conditions." The union also repeated its demands for recognition as the sole bargaining unit for employees

⁹⁶Newfoundland, *Report of the Tribunal in the Matter of the Strike at Buchans Mine, Newfoundland, August 1st to 14th, 1941* (St. John's 1941), 12-3.

⁹⁷SLMMM, Lewis to Turpin, 20 August 1941; and PANL, GN38, S5-4-1, File 6, Lewis to Woods, 4 September 1941.

⁹⁸PANL, GN38, S5-4-1, File 6, Memorandum from Sir Wilfrid Woods for the Commission of Government, 5 September 1941.

⁹⁹PANL, GN38, S5-4-1, File 6, Memorandum from Sir Wilfrid Woods for the Commission of Government, 5 September 1941.

of St. Lawrence Corporation.¹⁰⁰ At this point, a standoff ensued. St. Lawrence Corporation manager Poynter blamed the crisis on the union executive, which he claimed was motivated by “personal antagonism” rather than concern for the workers. He called upon the government to “step in and restrain these men,” so that employees could return to work “unhampered by membership in this local union.” Poynter also expressed confusion about the union’s actions, since the St. Lawrence Corporation was now paying the same wage as Newfluor and “the question of safety is one that is covered by law.”¹⁰¹ Once again, health and safety concerns were being downplayed and the mere existence of legislation being conflated with enforcement. The union, meanwhile, claimed that past dealings with the company had convinced workers that the only solution to the crisis was third-party intervention, and vowed that the men would not return to work until an inquiry was established.¹⁰²

The government continued to avoid intervening in the St. Lawrence situation, while at the same time bolstering its legislative power to do so. To help settle a strike by the Longshoremen’s Protective Union (LSPU) in St. John’s, which threatened to withhold supplies to the American naval base in nearby Argentia, the government promised that in the future it would appoint tribunals to settle disputes between the LSPU and waterfront employers.¹⁰³ On 23 October, the government passed the Defence (Control and Conditions of Employment and Disputes Settlement) Regulations, which gave the Commissioner for Public Utilities the power to appoint a “Trade Dispute Board” to settle labour disputes which could not be otherwise resolved, “in cases where it appears to be necessary to do so in the interests of the defence of Newfoundland or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community...” Similar to the provisions of the Canadian IDIA, the Employment and Disputes Regulations required that any dispute or impending dispute be reported to the Commissioner for Public Utilities by either party when the dispute had begun or was imminent, and that if in the Commissioner’s view the dispute came under the mandate of the regulations and all other channels had been exhausted, the Commissioner could refer the matter to a Trade Dispute Board. Once a Trade Dispute Board had been appointed, any strike or lockout had to be suspended and work resumed pending the Board’s rulings. A Board’s decisions were to be binding upon both parties and to

¹⁰⁰PANL, GN38, S5-4-1, File 5, Memorandum from Sir Wilfrid Woods for the Commission of Government, 25 October 1941. The information on the events immediately surrounding the October walk-out is contained in two messages sent to Woods: a telegram from St. Lawrence merchant A.A. Giovaninni sent around 20 September, and a letter from P.J. Lewis which Woods received on 23 October. Lewis had been to St. Lawrence and seen the situation firsthand.

¹⁰¹PANL, GN38, S5-6-1, File 5, Poynter to Woods, 28 October 1941.

¹⁰²PANL, GN38, S5-6-1, File 5, Lewis to Woods, 1 November 1941.

¹⁰³Neary, *Newfoundland in the North Atlantic World*, 170.

have the status of a contract, staying in effect “until varied by a subsequent agreement, decision or award.”¹⁰⁴ While the new regulations had the potential to undermine the standard collective bargaining process, they also constituted a form of compulsory arbitration and could be used to facilitate third-party assessment of labour relations issues. In situations such as that which existed at St. Lawrence, the regulations could thus be of benefit to the union.

Though now armed with ample legislative powers to do so, Woods still refused to appoint an inquiry into the St. Lawrence dispute. Further developments, however, brought increased pressure to bear. Because of its importance to the steel and aluminum industries, fluorspar was crucial to the war effort, and the St. Lawrence mines were the main supplier of fluorspar to Canadian consumers. On 3 November 1941, Woods was informed that the Secretary of State for External Affairs in Ottawa was concerned about the implications of the dispute at St. Lawrence for the fluorspar supply, and wanted the union-employer imbroglio resolved.¹⁰⁵

Adding to the urgency of the situation, on 4 November workers at Newfluor, who had stayed on the job since the brief walkout in March 1941, struck to demand a wage increase and to support their fellow members employed by the St. Lawrence Corporation.¹⁰⁶ One of the consequences of this complete shutdown of operations was that conditions were far from normal when A.E. Cave conducted yet another inspection of St. Lawrence mines shortly thereafter. At that time, many areas of both companies’ mines were flooded and inaccessible. While Cave could say little about specific hazards, he reiterated the recommendations made in 1936 and again in 1940 that the government adopt and enforce an adequate set of regulations and an inspection service, recommendations that were again ignored.¹⁰⁷

More importantly, the work stoppage at Newfluor posed a further threat to the fluorspar supply, and placed Woods under increased pressure from government and corporate officials to resolve the St. Lawrence dispute. The Canadian High Commissioner in St. John’s, for instance, informed Woods that in the opinion of the Canadian Secretary of State St. Lawrence fluorspar was vital since there was no Canadian source of fluorspar and that “continued supplies of Fluorspar from Newfoundland are of utmost importance for Canadian steel and aluminum industries.”¹⁰⁸ Woods was also contacted by the president of DOSCO, the Corporation’s main customer, who stated that he had advised the Canadian government that to

¹⁰⁴“Defence (Control and Conditions of Employment and Disputes Settlement) Regulations,” 23 October 1941 (St. John’s 1941).

¹⁰⁵PANL, GN38, S5-4-1, File 5, C.J. Burchell, High Commissioner for Canada in St. John’s, to Woods, containing a telegram from Burchell to Secretary of State for External Affairs, Ottawa, 3 November 1941.

¹⁰⁶*Evening Telegram*, 7 November 1941.

¹⁰⁷DME, Mining Operations in Newfoundland, 1941: Inspection Report, 1941.

¹⁰⁸PANL, GN38, S5-4-1, File 5, Burchell to Woods, containing a copy of a telegram from the Secretary of State for External Affairs, Ottawa, 8 November 1941.

maintain steel production throughout the winter, it was “absolutely essential” that the fluorspar supply be maintained.¹⁰⁹ When the union learned of DOSCO’s concerns, it reminded Woods that the workers were aware of the importance of fluorspar to the war effort and of the far-reaching implications of the labour dispute.¹¹⁰

Under these circumstances, Woods had little choice but to concede to the union’s demands for an inquiry, and on 10 November he informed the union that the government would establish a Trade Dispute Board to settle the St. Lawrence dispute. In compliance with the Employment and Disputes Regulations, the union called the men back to work.¹¹¹

The Trade Dispute Board Settlement

The Trade Dispute Board arrived in St. Lawrence on 17 January 1942. The composition of the Board may have had something to do with the eventual outcome, as the government-appointed union representative, W.J. Walsh, was himself a former Minister of Agriculture and Mines in the last pre-Commission administration. Thomas J. Lefevre, a businessman and former politician from the St. Lawrence area, represented the employers, while Professor A.M. Fraser of Memorial University College was designated the third, impartial member. The Board’s official Terms of Reference were the employment of non-union men, union recognition, and wages. Over the course of the inquiry, the Board would examine 65 written submissions and hear 21 witnesses, including Turpin, Poynter, and 12 workers.¹¹² Poynter’s testimony regarding his company’s financial situation was taken “in private at the Manager’s office.”¹¹³ While not officially subject to the Board’s inquiry, Newflour had agreed to abide by the Board’s rulings.

The Board gave qualified support to the union’s demand for recognition. It ruled that since there were just eight non-union men on the payroll, the St. Lawrence Corporation should recognize the SLWPU as the sole bargaining agent for its employees, but that any non-union employee on the payroll as of 1 December 1941 should not be required to join the union.¹¹⁴

¹⁰⁹PANL, GN 38 S5-4-1, File 5, A. Cross, President, Dominion Steel and Coal Corporation, Montréal, to Woods, 7 December 1941.

¹¹⁰PANL, GN 38, S5-6-1, File 5, Lewis to Woods, 1 November 1941.

¹¹¹PANL, GN38, S5-4-1, File 5, Lewis to Woods, 10 November 1941; PANL, GN38, S5-4-1, File 5, Woods to Lewis, 10 November 1941; and SLMMM, Lewis to Turpin, 17 November 1941.

¹¹²*Evening Telegram*, 6 December 1941.

¹¹³Newfoundland, *Settlement of Trade Dispute Board Appointed for the Settlement of a Dispute between the St. Lawrence Corporation of Newfoundland and the St. Lawrence Workers’ Protective Union* (St. John’s 1942), 3-4, 10.

¹¹⁴Newfoundland, *Settlement of Trade Dispute Board*, 30.

The Board also ruled favourably on the union's demand for a wage increase to keep pace with wartime inflation. It used the Canadian system then in effect, under which the pre-war wage was taken as a benchmark and wages adjusted according to fluctuations in the cost of living. Concluding that the St. Lawrence Corporation's average pre-war wage of 23.3 cents an hour was "entirely unsatisfactory" as a benchmark, the Board took the average wage as of August 1941, 32.6 cents per hour, and ordered the St. Lawrence Corporation to pay this rate plus 13 cents per hour cost-of-living increase as of 15 March 1942.¹¹⁵

Despite the fact that it was not included in the official terms of reference, workers and the union president insisted on bringing concerns over health hazards to the Board's attention. These included "foul air," inadequate ventilation, and the dust created by dry-drilling, which workers believed was "injurious to the eyes and lungs." Discussion of these issues was relegated to a section entitled "Miscellaneous Matters" in the Board's final report.

The report downplayed complaints of foul air, stating that "in the most efficiently operated mines in the world, there is certain to be foul air at times."¹¹⁶ The report also pointed out that on a recent tour of one St. Lawrence Corporation mine, Board members had not noticed foul air. What the report did not point out was that during the tour many sections of this mine were still flooded and inaccessible because of the recent work stoppage, while the St. Lawrence Corporation's other two main mines were completely flooded and could not be entered at all.¹¹⁷ This tour was thus far from sufficient to convey an accurate sense of normal working conditions. As for the use of dry drills, Poynter denied to the Board that the dry drill was used in the St. Lawrence Corporation mines, but the Board reported that it was in fact employed and urged that "this type of hammer be no longer used except in those parts of the mine where ground water renders it innocuous."¹¹⁸

Turpin and the workers also complained of the lack of medical services. A doctor had come to St. Lawrence in March 1941, with both mining companies and the employees each paying a portion of the expenses (the employees paid 50 cents monthly), but had left in December of that year. The men of the community donated labour to the partial construction of a rough building that might be used as a hospital, but there was no money for finishing or equipping it.¹¹⁹ Several workers

¹¹⁵Newfoundland, *Settlement of Trade Dispute Board*, 30-40.

¹¹⁶Newfoundland, *Settlement of Trade Dispute Board*, 48.

¹¹⁷Newfoundland, *Settlement of Trade Dispute Board*, 6-7.

¹¹⁸Newfoundland, *Settlement of Trade Dispute Board*, 48-9.

¹¹⁹Faced with a situation similar to that which existed at St. Lawrence, in 1917 coal miners at Nanaimo, BC, used their own funds to purchase an x-ray machine for the local hospital, Reasons, Ross, and Patterson, *Assault on the Worker*, 225. In fact, it was common in some parts of North America for miners' unions to plan and build hospitals where neither employers nor the state would do so. Between 1890 and 1910, miners in the western United States and Canada, many of them members of the United Mineworkers of America, built more than twenty hospitals in mining communities: Alan Derickson, "'To be His Own Benefactor': The

and the union president expressed concern about the lack of medical facilities since they wanted some way of testing their belief that dust and inadequate ventilation was damaging workers' health and that "due to the conditions they would die eventually with lung trouble."¹²⁰ The union urged the Board to make some provision to conduct chest x-rays on St. Lawrence miners until a more permanent arrangement could be established.¹²¹

The Board's report conceded that the community was sorely lacking in medical services and urged the companies and the union to cooperate in approaching the Department of Public Health and Welfare for advice in trying to obtain a doctor for the community. There was no suggestion, however, that the government provide anything other than advice.¹²² On the specific request for chest x-rays, the Board concluded that, "We are not competent to pronounce as to the necessity for such an examination, but we desire to place the Union's wishes on record, as they were expressed very strongly."¹²³

The intervention of the Trade Dispute Board represented the third party scrutiny the union had been seeking, but the settlement brought mixed results. Workers did indeed make some progress on the issues of wages and union recognition. Health concerns, however, were all but ignored. The settlement was therefore in keeping with the inaction that the government and the employer had displayed during events leading up to the Board's intervention; health concerns were routinely marginalized and grievances more easily addressed were the focus of concern by the non-union parties. That the settlement provided a relatively simple solution to the short-term problem of how to ensure continued production and industry expansion while ignoring the more complex, longer-term issue of workers' health is perhaps not surprising given that the decision to intervene in the dispute had come about not out of concern for the plight of workers but because of pressure from Canadian corporate and political interests.

*Aftermath of the Trade Dispute Board Settlement:
Occupational Health and Labour Relations, 1942-45*

The Trade Dispute Board clearly counteracted the union's efforts to keep occupational health at the centre of the labour relations agenda. There is little evidence of workers' response to the specific terms of the settlement. There were no further work stoppages in the immediate aftermath of the settlement, though the union persisted in its lobbying efforts. For instance, in August, 1942, about six months after

Founding of the Coeur d'Alene Miners' Union Hospital, 1891," in David Rosner and Gerald Markowitz, *Dying for Work: Workers' Safety and Health in Twentieth-Century America* (Bloomington 1987), 3.

¹²⁰MUNFLA, Interview with Aloysius Turpin.

¹²¹Newfoundland, *Settlement of Trade Dispute Board*, 50.

¹²²Newfoundland, *Settlement of Trade Dispute Board*, 49-51.

¹²³Newfoundland, *Settlement of Trade Dispute Board*, 51.

the Trade Dispute Board settlement, the union again complained to the government about inadequate ventilation and heavy dust in the mines. Significantly, these complaints included Newflour's Director mine, which recently moved from the developmental phase to production. The complaints were again dismissed, with the Governor remarking that there was "no reason for apprehension."¹²⁴

While continuing to disregard health concerns at St. Lawrence, the government did periodically bring in mine inspectors from Ontario. An October, 1943, inspection noted that many shafts at St. Lawrence were now up to 400 feet deep, with over 1,000 feet of drifting carried out in some places. Such changes had no doubt increased the need for ventilation, as workers at the far end of a drift were now up to 1,400 feet from the nearest source of air. The inspection report, however, noted only that the absence of openings from the underground to the surface, other than the main shafts, constituted a safety hazard in the event of a fire or flood.¹²⁵ The report did reiterate the need to overhaul the legislation and upgrade the inspection service, noting that even the outdated provisions of the 1908 act were not being complied with or enforced. It was suggested that in adopting a new code the government follow the process which had been used in Ontario regulations and give industry and labour the opportunity to contribute.¹²⁶ Significantly, Woods suggested that a draft code could be circulated to the management of Newfoundland's mines, but not to the unions as had been recommended. Woods also observed, prophetically, that drafting new regulations might shield the government from possible criticism "if circumstances leading to the disaster are shown even faintly to have been such that lack of control by the State has any bearing in the case."¹²⁷ Not even such pragmatic considerations were sufficient to invoke action, however, and no legislative changes were forthcoming.

While the government maintained the status quo with respect to its role in addressing health and safety concerns, a notable change was taking place in the sphere of labour relations: the inclusion of health and safety provisions in collective agreements the SLWPU eventually signed with both companies to supplant the Trade Dispute Board settlement. In October, 1942, the SLWPU and Newflour entered into a collective agreement that essentially embodied the same terms as the settlement. The union renegotiated the agreement with Newflour in May, 1944, and at the same time signed its first agreement with the St. Lawrence Corporation. In addition to some moderate wage increases, both agreements contained clauses dealing with

¹²⁴PANL, GN38, S5-4-1, File 5, Governor Humphrey Walwyn to Clement B. Atlee, Secretary of State for Dominion Affairs, 25 August 1942. (The Governor was required to forward Trade Dispute Board reports to the Dominion's Office.)

¹²⁵PANL, GN38, S5-1-3 (PU 17-44), Report of Dr. D.G. Sinclair, Assistant Deputy Minister of Mines for Ontario on Mining Operations in Newfoundland, circulated 29 January 1944.

¹²⁶PANL, GN38, S5-1-3 (PU 17-44), D.G. Sinclair to Claude K. Howse, 27 October 1943.

¹²⁷PANL, GN38, S5-1-3 (PU 17-44), Memorandum from Sir Wilfrid Woods, circulated to the Commission of Government, 29 January 1944.

health and safety and with medical services. They called for the appointment of one or more employees, chosen by the company on the basis of their competence, to be “responsible at all times that the mines were safe for the men to work.” Both companies also agreed “in principle” with the need for a qualified doctor in the community and pledged to cooperate in securing one on a permanent, stable basis.¹²⁸ Two physicians came to St. Lawrence under this arrangement, but neither stayed more than a few months, and health facilities remained woefully inadequate.

That the union’s efforts with respect to health and safety did not reach the level of intensity that marked the early war years may be attributable to a number of factors. It is possible that rising wages had temporarily offset concerns over health risks somewhat, though there is no direct evidence of that.¹²⁹ It is also possible that, ironically, the evolution of a modern industrial relations system, typified by the establishment of collective agreements, had in fact undercut workers’ power to protest by shifting the issue of occupational health to an arena defined by strict rules regarding what is a legitimate subject of collective bargaining and under what conditions a job action is sanctioned. This has been cited as one of the reasons that, while occupational health is often an important concern for workers and an important labour relations matter, it seldom emerges as an explicit issue in such forums as collective bargaining and sanctioned strikes.¹³⁰

Perhaps the main contributor to the union’s inability or unwillingness to continue and intensify the battle, however, was industry decline and its effect on labour relations. Both mining companies had expanded operations considerably following the 1941 dispute, as demand for fluorspar continued to grow. By 1943, the mines had a combined workforce of about 700. Early in 1944, however, a decline in pro-

¹²⁸SLMMM, Agreement between St. Lawrence Corporation of Newfoundland Limited and St. Lawrence Workers’ Protective Union, 10 May 1944; and SLMMM; and Agreement between Newfoundland Fluorspar Limited and St. Lawrence Workers’ Protective Union, 12 May 1944. The companies agreed to contribute to the financial maintenance of a doctor to an amount not exceeding 75 cents per month for each employee on the payroll, provided that “the balance of the amount necessary is secured,” meaning that neither company would be required to contribute its share if not enough money had been contributed from other sources to make up the full amount.

¹²⁹The relationship between health and safety and workers’ other priorities is a highly complex one, as it points to the basic question of why workers perform jobs they suspect or know to be dangerous. See Peter Dorman, *Markets and Mortality: Economics, Dangerous Work and the Value of Human Life* (Cambridge 1996), 11-31.

¹³⁰Reasons, Ross, and Patterson, *Assault on the Worker*, 239-42, for example, notes that nearly all recorded disputes over workplace health are short in duration and take the form of wildcats and other unofficial job actions. While this issue has not been explored in detail, a fuller exposition of the point can be found in Terence G. Ison, *Occupational Health and Wildcat Strikes*, Research and Current Issues Series, No. 45 (Kingston 1979).

duction at the Arvida plant led to reduced demand for fluorspar.¹³¹ Newflour began laying off workers and by March 1944, its workforce was down to less than 200, compared to a peak of 350 at one point in 1943.¹³² By January 1945, Newflour employed just 80 workers, and by the end of the war operations had ceased entirely.¹³³ The St. Lawrence Corporation, meanwhile, had secured markets in the United States and maintained a high level of production until 1944, absorbing some of the displaced workers from Newflour.¹³⁴ In the fall of 1944, however, that company also began curtailing production, shutting down two of its four mines.¹³⁵ The decline continued through 1945, and by the end of that year the St. Lawrence Corporation employed just 150 men.¹³⁶

The effect of this industry decline on labour relations was not lost on one observer, who remarked in 1944 that “the fact that jobs are not so plentiful as they were last year, is one of the main reasons why there is not likely to be so much trouble from now on....”¹³⁷ In fact, by the end of the war the union was already making concessions on the few gains it had won, including a 10 per cent reduction in wages.¹³⁸

¹³¹ After reaching a record \$290 million in 1943, aluminum sales decreased to \$259 million in 1944, and were projected to decrease further in 1945, Litvak and Maule, *Alcan Aluminum Limited*, 45, and after producing nearly 35,000 tons of aluminum in 1943, the Arvida plant produced just over 30,000 in 1944, and about half that in 1945: Cote, *Les Enjeux*, 81.

¹³² SLMMM, List of men on Newflour payroll, 1943 and 1944.

¹³³ PANL, GN38, S2-5-2, Report of the Ranger, St. Lawrence Detachment, for July to December 1945.

¹³⁴ The company had entered into an agreement with the War Production Board of the US Department of National Defence, to supply fluorspar in exchange for financial assistance to expand the St. Lawrence operation. Walter M. Hiley, Miscellaneous Minerals Division, War Production Board, US Department of National Defence, “Fluorspar Policies of the War Production Board and Predecessor Agencies, May 1940 to June 1945,” 5-13, unpublished document in the possession of the author.

¹³⁵ PANL, GN38, S2-5-2, Report of the Ranger, St. Lawrence Detachment, for September 1944; and PANL, GN38, S2-5-2, Report of the Ranger, St. Lawrence Detachment, for October 1944.

¹³⁶ PANL, GN38, S2-5-2, Report of the Ranger, St. Lawrence Detachment, for July to December 1945.

¹³⁷ PANL, GN38, S2-5-2, Report of the Ranger, St. Lawrence Detachment, for January to June 1944. The situation at St. Lawrence contrasted sharply with that across the island at this time. Following a period of relative peace in 1942 and '43, in 1944 there was another wave of strikes which saw over 2,000 workers out for nearly 12,000 person-days (ten times as many as the previous year). Kealey, “The History and Structure of the Newfoundland Labour Movement,” 112.

¹³⁸ PANL, GN38, S2-5-2, Report of the Ranger, St. Lawrence Detachment, for July to December, 1945.

The Legacy of Neglect

The lack of reliable records — a factor compounded by absence of medical facilities — makes it difficult to determine the exact impact of health hazards during this period, yet there are indications that just a few years after the Trade Dispute Board settlement workers' fears were beginning to be borne out. For instance, regarding unemployed miners seeking relief during the industry decline near the end of the war, the local Relieving Officer made the suggestive but unexplained remark that, "In some cases it is questionable that some applicants are really able-bodied but there is no way for them to secure medical certificates."¹³⁹ Oral evidence indicates that by the late 1940s it was clear that something was killing miners, but unclear exactly what.¹⁴⁰

In 1953 came the first official confirmation that a St. Lawrence miner had died of silicosis.¹⁴¹ The opening of a hospital in the community in 1955 helped confirm further such cases.¹⁴² Official acknowledgement of the presence of silicosis spurred a period of intense union lobbying, corporate manoeuvring and government procrastination, much of it centred on the question of workers' compensation coverage. While a new Act had been established once Newfoundland joined the Canadian confederation in 1949, it only extended to disabilities or deaths occurring after the introduction of the Act.

When a systematic study of dust concentrations was finally undertaken in 1957, it revealed dangerously high levels of dust at the Director mine, owing largely to substandard mining practices, inadequate ventilation, and the intense speed of production.¹⁴³ The mines of the St. Lawrence Corporation were all but shut down by this time due to the loss of its American market. They would close for good in 1962, but there is little reason to believe conditions would not have been as bad or worse there.

While dust levels explained the presence of silicosis, it did not explain an apparently high incidence of lung and other respiratory cancers that began to surface during the 1950s. Tests carried out in 1959 confirmed that radon gas, apparently from an adjacent uranium deposit, had been entering the mines through groundwa-

¹³⁹PANL, GN38, S2-5-2, Report of the Ranger, St. Lawrence Detachment, for July to December, 1945.

¹⁴⁰As one former miner put it, during the 1940s "we knew people were dying but we didn't know what they were dying from." Interview with Ed Ryan, St. Lawrence, Newfoundland, 7 February 2000, conducted by the author.

¹⁴¹Newfoundland, Department of Mines and Resources, *Annual Report for the Year Ended 31 March 1954* (St. John's 1955).

¹⁴²This hospital was a gift from the government of the United States to the people of St. Lawrence and the nearby community of Lawn, in gratitude for their efforts in rescuing American sailors shipwrecked in the area in 1942.

¹⁴³J. P. Windish and H.P. Sanderson, *Dust Hazards in the Mines of Newfoundland: I. Newfoundland Fluorspar Limited, St. Lawrence, Newfoundland* (Ottawa 1958).

ter (the same water miners had been drinking for years), leading to the build-up of radiation in the underground, a hazard rendered especially lethal by the almost complete absence of ventilation.¹⁴⁴ In addition to explaining the causes of the diseases that had been ravaging miners over the years, these dust and radiation studies revealed the ineffectiveness of the new mine safety legislation and inspection service that had been established after confederation — measures that were useless because they were simply not enforced.

Investigations begun in 1960 indicate a tragic history of negligence: up to 1960 there were 22 confirmed deaths from silicosis. Of these, ten were from the pre-1950 period, an indication of the effects of dry-drilling and other hazards in the early years of mining. In addition, 26 miners died from lung cancer and cancers of other parts of the respiratory system, such as the trachea. The rate of death from lung cancer among St. Lawrence miners was nearly 29 times the provincial average, and the average age of death for lung cancer victims was 46 years old.¹⁴⁵

Improvements in ventilation and other measures alleviated hazards somewhat from the early 1960s onward. Earlier exposures nevertheless continued to take a toll. A Royal Commission established to investigate industrial disease and workers' compensation at St. Lawrence in 1967 noted that up to that time 25 miners had died from silicosis and 51 from respiratory cancers. The report of the Royal Commission also pointed out that 21 miners had died from cancer of the stomach and other parts of the digestive system, and that the average age of death from these diseases among St. Lawrence miners was considerably lower than the provincial average, suggesting "an as yet unrecognized aspect of occupational exposure."¹⁴⁶ A pathological connection was never definitively established. It nonetheless seems plausible that the incidence of digestive cancers was related to years of consumption of radon-contaminated water. By 1988, a decade after Newfluor shut down operations and left town, the official figures were 28 deaths from silicosis and other respiratory diseases and 189 from lung and other types of cancer.¹⁴⁷

¹⁴⁴J.P. Windish, *Health Hazards in the Mines of Newfoundland: III. Radiation Levels in the Workings of Newfoundland Fluorspar Limited, St. Lawrence, Newfoundland* (Ottawa 1960). The few portions of the St. Lawrence Corporation mines still accessible at this time were also tested and found to contain dangerously high levels of radiation: SLMMM, James McGrath, Minister of Health, Government of Newfoundland, to Turpin, 4 March 1960; and "Cancer Tragedy Deadly Mystery in Newfoundland," 12 March 1960, 41.

¹⁴⁵A.J. de Villiers and J.P. Windish, "Lung Cancer in a Fluorspar Mining Community: Radiation, Dust and Mortality Experience, *British Journal of Industrial Medicine*, 21 (1964), 94-109.

¹⁴⁶Fintan Aylward, *Report of the Royal Commission Respecting Radiation, Compensation and Safety at the Fluorspar Mines, St. Lawrence, Newfoundland* (St. John's 1969), 136-7.

¹⁴⁷H. Morrison, *The Mortality Experience of a Group of Newfoundland Fluorspar Miners Exposed to the Rn Progeny* (Ottawa 1988) 45, 52. H. Morrison, *The Mortality Experience of a Group of Newfoundland Fluorspar Miners Exposed to the Rn Progeny* (Ottawa 1988), 45, 52. It should be noted that the actual number of deaths may be higher, as others might have



Photo of the St. Lawrence cemetery with Memorial Miners' Museum in the background, Richard Rennie. The light on the replica miner's hat atop the museum shines into the cemetery at night

Conclusion

An analysis of the period from 1933 to 1945 demonstrates that well before confirmation of the fact, workers at St. Lawrence believed conditions in the mines were having a serious impact on their health, and fought to have those fears acknowledged and addressed. The period from 1939 to 1942 emerges as a pivotal one in this struggle. Throughout this period, including in their testimony regarding the reasons for the work stoppage in 1940, in their lobbying efforts and job actions during 1941, and in their insistence that occupational health concerns be addressed by the Trade Dispute Board, workers repeatedly demanded action on their health concerns. In all instances, however, those concerns were ignored or downplayed by government and corporate interests who sought to push them off the labour relations agenda. The actions of the Trade Dispute Board stand out as an especially striking instance

been misdiagnosed or their conditions not officially linked to their occupations, especially during the first few decades of mining. In addition, a British-based company known as Minworth reopened one shaft in 1983 and operated in a small-scale, haphazard fashion before declaring bankruptcy and leaving town in 1991, and little is known at this point about the health impact of that enterprise.

among a series of neglected opportunities to curtail somewhat the impending disaster.

Developments during this period also illustrate the many forces that determine the ability of workers to confront and reduce those hazards, and the response of employers and the state to that challenge. During the 1930s, complete dependence on the employer combined with government policy in a number of areas left workers powerless to resist the status quo on any workplace issue. With the outbreak of war, however, changes in the economic and industrial climate empowered workers to mount a collective challenge. During the last few years of the war the balance of power apparently shifted once again, and workers were left clinging to the few concessions they had managed to gain. The response to workers' actions over this period was also shaped largely by economic and industrial change. During the 1930s, the employer and state were under no compulsion to respond to workers' demands, but came under increasing pressure to do so throughout the early years of the war with increasing market demand for a vital product combined with mounting labour unrest. With industry decline during 1943-44, this pressure was once again relieved.

Ultimately, the success of efforts by St. Lawrence workers to have their health concerns addressed was limited by a number of factors, including the overriding focus on short-term goals such as maintaining production, an inability or unwillingness to determine the exact nature of the hazard in question, and the state's *laissez-faire* attitude to occupational health and safety. Nonetheless, this highlights the importance of viewing occupational health and safety struggles within the wider economic, political, and social context. It also underscores those aspects of occupational health that make it a distinctly complex and problematic labour relations issue. Perhaps most importantly, a study of the origins of this industrial disaster demonstrates that while workers at St. Lawrence were victims, they were neither passive nor unknowing. Rather, their knowledge was ignored and devalued and their actions undermined by corporate and political interests whose goals were widely divergent from and even contradictory to those of the workers.

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