

A BRIEF ON SAFETY IN THE MINING INDUSTRY  
OF THE NORTHWEST TERRITORIES

TO

THE COMMISSIONER & EXECUTIVE COMMITTEE  
OF THE GOVERNMENT OF THE NORTHWEST TERRITORIES

PRESENTED JOINTLY

BY

NORTHWEST TERRITORIES FEDERATION OF LABOUR

&

NORTHWEST TERRITORIES AREA COUNCIL OF THE  
UNITED STEELWORKERS OF AMERICA

JANUARY 7, 1981

YELLOWKNIFE, N.W.T.

INTRODUCTION:

This brief will attempt to summarize the efforts of the Labour movement to win a safe environment for their members in the mining industry. We draw upon files, news clippings and contracts, however the major source of the movements struggle cannot be cited in footnotes or photo-copies. — the unwritten story.

The struggle for mine safety has been waged on the job by workers whose efforts have seldom been acknowledged. These workers have always been concerned about safety, mainly from a sense of self-preservation. However, they have had to balance their instincts to stay alive against company demands for production and their own need for wages.

The concerns of miners and their unions for health and safety have usually been ignored by management and government. The result has been a sense of frustration and for many a sense of fatalism. Sometimes this frustration manifests itself in direct action.

When workers are forced to take such drastic actions, they aren't simply acting for their own safety, they are taking on companies over established management rights. Companies have fought hard to maintain total control of their employees (they are acting on a common-law tradition that can be traced to the historical master-slave relationship). <sup>1</sup>

Workers have made sacrifices and taken risks to challenge this management right. Indeed the formation of unions and the establishment of union safety committees was and still is today an attempt to democratize the workplace. This contribution is difficult to measure in hours or days. A work stoppage over safety might require every workers' commitment for a week. Testimony at an inquest may mean only 15 minutes from one worker with the courage to speak out. Miners who are known as safety activists may pay for their effort by being denied promotions and by being assigned the

dirtiest or less desirable jobs. It is impossible to calculate or quantify the labour movement's contribution in Occupational Health in mere time and money. The movement's existence testifies loudly to our commitment to safe working environments.

Far too often we find that companies are prepared to set out safety programs and give out safety awards, but when it comes to the actual cost of safety, then they begin to hesitate in implementing their own program.

For workers in North America, the primary means of improving their life and achieving some influence in the working conditions is through the collective bargaining system. By maintaining the right to strike, workers can bargain with management on a more equal basis. Whatever progress has been made in working conditions and benefits has resulted from collective bargaining between unions and employers. Bargaining is a creative process that has served the interests of this Country and its workers. That is why unions strive to enhance and protect free collective bargaining.

But bargaining involves compromise, and in the field of health and safety it seems wrong that workers should be forced to settle for less than the necessary protection. This situation arises because the attitudes of powerful companies do not consider a safe workplace to be a worker's right. Governments have not seen fit to challenge this area of "management's rights". Only the labour movement is doing so. It's time for government to act.

#### BACKGROUND:

Fredric Le Play, a distinguished French Sociologist and Inspector General of the Mines in France in the nineteenth century, said the most

As a result of our action a meeting was held between our representatives, the mine inspection branch, officials of the Territorial Government, representatives of the mining companies and representatives of the Legislative Committee.

In every case, almost without exception, opposition was voiced to every proposal by almost everyone else in attendance. It is significant to note that not one suggestion was adopted by the Territorial Council. Some of the highlights of our proposals were:

- (A) The right to refuse to work in unsafe conditions without fear of reprisals;
- (B) The duties of owners, managers, supervisors and employees to be properly and explicitly spelled out;
- (C) The right to accompany the mines inspector on his inspections;
- (D) That maximum threshold limit values be set and enforced;
- (E) That the Ordinance and Regulations be strictly enforced.

We fail to see how any reasoned person could not agree with the preceeding proposals.

THE PROBLEM:

In North America, mining fatalities and serious injuries have been increasing at an alarming rate. In Ontario and Quebec, the fatality rate has doubled this year.

important thing to come out of the mine is the miner.

We share his conviction and add to it that the miner must come out of it in as good health both mentally and physically as when he went into it.

In 1967, a delegation from the Northwest Territories Area Council of the United Steelworkers of America appeared before the Territorial Council on the matter of the Mine Safety Ordinance and the Rules and Regulations made thereunder. Some of the suggestions made by them were incorporated into the Ordinance. However, it took almost five years to finish discussions and amend the Rules and Regulations.

We believed that if it took five years to draft Rules and Regulations then either those responsible were complacent of their need or it was a very good example of indifference to a very important matter. Frankly, we believed that both factors were involved.. We do not see much to change our mind, that the same situation doesn't exist today.

There have been only two changes to the present Ordinance in the last 13 years. One of these changes made provision for a Mine Safety Committee and the other made provision for the metric conversion. Hardly what one would call earth-shattering changes.

We take this opportunity to point out that we have made several representations over the past 13 years to try and impress upon you, the need for substantive changes to ensure the health and safety of workers in the mines.

Besides presenting several briefs to the Executive Committee of the Northwest Territories Government, we even went as far as to present to the Legislative Committee, the mine inspection branch, and the mining companies a complete and comprehensive draft of what we believed the Ordinance should contain.

We note that in the period of 1950 to 1964 a total of 11 persons were killed in the N.W.T. Mines. During the next two years a total of 12 persons were killed and this prompted the Territorial Council to make much needed amendments to the Mine Safety Ordinance. During the period 1967 to 1974, a further 13 persons were killed. From March 1975 to September 1977 12 persons were killed in mining or related activities. In 1979 a further 2 persons were killed and so far in 1980, another 3 persons have been killed.

What this means is that since 1950 to present day a total of 53 persons have been killed in mining or related activities. Hardly a record that the industry can take pride in.

The past has seen some concern about the direct physical hazards of working in the mines, but little attention has been paid to the medical and environmental hazards involved.

Generations of dead or dying miners, their lungs damaged beyond repair by inhaled dust and fibers, have been the price of neglect.

Whatever the reasons for the deaths and serious injuries, the lingering tragedies of men afflicted by silicosis, asbestosis, lung cancers, and other respiratory ailments of their trade, it is a price that can no longer be paid.

#### PHYSICAL HAZARDS:

There is no question that there are a number of physical hazards involved in the modern mining process.

One of the first and probably most noticable is noise. Noise so loud that if miners don't wear ear muffs they will go deaf. Noise so loud that the warning sounds of an imminent cave-in are impossible to hear. This is one of the realities of modern mining.

The modern mining process starts with the drilling of at least one and as many as forty holes. Sticks of dynamite or powdered explosives are then placed in the holes. The blasting area is cleared and the charges detonated. This is the second danger point in the mining sequence. Danger from the blast, the dust and the smoke.

And then there is the darkness, another danger. Although miners learn to adapt to the lack of light, their eyes must strain to see and sight is the most important human sense a miner uses.

Heavy equipment is a must in modern mining. Scooptrams, locomotives, and slushers are used to muck out stopes, carry ore and change the face of the environment. These powerful machines can and have been deadly in the hands of inexperienced operators.

The dangers below the surface are ever present. There are many of them and they are increased by the fact that each time a miner blasts and mucks out he re-shapes the world he works in.

One of the most significant things about the mining industry is that you are constantly working in a changing environment. If you work on an assembly line you find that you go there every day and the stool is in the same place, your tool chest is in the same place. The whole job in mining is to change the environment. You go to work, you drill and you blast. That obviously changes the work environment that you are in. You are constantly facing new hazards and new conditions.

believe a little of all is involved.

Regardless, the bonus system can't be scrapped as it won't be accepted by the companies or the miners themselves. The companies need it as the carrot before the nose or the temptation to drive the miner. The miners want it retained, because they earn more money and they always dream of making the really big money.

Inexperience is another problem. New workers must be taught on the job. New miners make mistakes. We must remember that the majority of people entering the industry have grown up on the push-button T.V.'s and radios. They walk into the plant and it's a hostile environment, going back 10, 15 or 20 years. A lot of the younger people have no concept of that hostile environment. Life changes for them.

Training is a necessity, and that training must be learned from fully skilled and qualified teachers. If you learn how to do something from someone with poor work habits, you pick up the same bad habits.

Many a miner will tell you that when they went underground they put him on a jackleg and told him one lever was the air for the leg and one lever was the air for the machine. The hole was usually collared and he was told to drill the rest. The person started drilling and after about 5 minutes he was told, "You're qualified".

#### MINES INSPECTION:

The underlying basis of Mine Safety, and indeed any safety program, is reasonable safety laws, rules and regulations, maintenance of established procedures and their strict enforcement. A lackadasical or indifferent attitude in this regard undermines completely any safety program. Safety



On surface workers face many of the same hazards such as moving machinery, large pieces of heavy equipment, areas of extreme high noise, areas of dust exposure and the ever present fumes, gases and toxic chemicals and compounds, such as arsenic, lead and radiation.

It is our understanding that approximately 1000 new chemicals are introduced into the work place each year and almost none are ever tested to determine their effect upon the human body prior to their introduction.

#### CONTRIBUTING FACTORS:

The entire motivation of the mining industry is to make money, that's what mining companies are interested in. They're not interested in making sure that safety takes precedence over production. The motivation is production. The companies always say they are doing all they can. However, ask any miner and he will reply, "I think that supervision has to listen to the men a lot more" or "They ask us for an opinion and they don't do anything".

Some people say that the incentive or bonus system causes injuries and deaths. The system works something like this. Miners normally make about \$20,000. a year. If they are skilled and work in an incentive program they are paid in proportion to the amount and quality of ore they get to the surface. Put simply, if a miner can get a lot of ore mined during his regular eight hour shift, he can make as much as \$30,000. or more depending on his output.

Critics of the bonus system argue that the price to make the incentive sometimes causes miners to take short cuts, and that safety doesn't always remain a priority. Others say that the people who make the bonus are more dexterous or are better at planning their schedules. Quite frankly, we

education and the whole approach to safety. The common reaction on the part of miners when this takes place is expressed in the phrase "we will only have safety if it doesn't cost money".

We believe that the present setup of the mines safety enforcement is out of step with reality. While the present Ordinance has allowed the Commissioner to appoint persons as mine inspectors since 1967, the Commissioner has appointed the present federal inspectors instead of persons who would be under the direct control of the Territorial Administration. Under the present system the actual administrative responsibility is in the hands of the Chief Mines Inspector of the Department of Indian Affairs and Northern Development resident in Ottawa and to say the least somewhat insulated from events in the N.W.T. Consequently, we welcome the recent announcement from your government that you are finally going to exercise your option under the Ordinance and appoint inspectors who will be Territorial Government employees and come under the full scope of the Territorial Administration.

While we don't like to rehash old news, we could not leave this very important area without commenting on the quality of the present inspection service.

An examination of the circumstances surrounding the death of Alfred Daina, who died of carbon monoxide poisoning while working in the #9 raise of the third level at Giant Mine, could only lead one to believe that a mine can get away with murder. The story that unravelled from the many witnesses shocked people including the jury, as to the procedures that were and in some cases weren't being followed by Giant Mine management and so-called experienced mine rescuers. Mel Brown, mining inspector for the Federal Government testified that the ventilation system was sufficient but he was "not satisfied that it was working at anytime". Brown also testified that all raises constructed at any angle of over 50 degrees was to be compartmentalized and must have more than one air line for ventilation

purposes. The mine supervisor readily admitted that the raise Daina died in was at an angle of 55 degrees, it was not compartmentalized and it had only one air line.

During the rescue operation two separate teams of men had to turn back because they had difficulty breathing with the equipment. None apparently knew how to use the equipment. The man was eventually reached by a shiftboss who tried to administer air but found that both bottles were empty. At this time the man to be rescued still had a pulse. By the time he was rescued, the man was dead.<sup>2</sup>

In this particular case, we had a situation arise where an additional six men could have been lost during the rescue. In addition we have a clear admission on behalf of the mining inspector that he wasn't sure the ventilation system was working, yet he did nothing to stop work there. The Jury at the inquest found that "numerous existing mining rules under the N.W.T. Mining Ordinance have been neglected". No one was ever charged for breaking the law.

On September 28, 1975 Thomas Hare died from suffocation in an ore bin in the mill at Echo Bay Mines. Evidence at the inquest showed that not only was Hare working alone in the bin, a clear violation of the rules made under the Mine Safety Ordinance, he did not have a life line on as required. The evidence showed that it was standard procedure at this mine to work without life lines.

You would think that following the investigation, the mines inspector would have laid charges. This did not happen. Following several meetings between the Crown Prosecutor and officials of the Steelworkers Union, the Crown finally charged the mine. For the first and only time a Northwest Territories mine was found guilty of contravening the Mining Safety Ordinance. They were fined \$200.00, hardly a deterrent to other companies that cut corners on safety.

modern era. We believe that basic rights should be spelled out such as the right to refuse to work in unsafe conditions without fear of reprisals, that hazardous substances are labelled, and monitored, that the duties and responsibilities of managers, supervisors and employees are explicitly spelled out and that the maximum threshold limit values be established. We also believe that a Mining Safety & Health Board, made up from equal representation from the workers and the companies be established to monitor and give direction where needed.

We believe that this review should take place immediately and consequently, we have already prepared a draft submission for your consideration. We will be prepared to discuss our proposals with you as soon as a meeting can be arranged.

However, we want to impress upon you that we feel very strongly that this Ordinance should be substantially amended prior to your government taking over full responsibility for enforcement. This should not be taken to mean that we agree to delay the transfer until after the Ordinance is amended. Even the present inadequate Ordinance, if strictly and properly enforced would be a vast improvement.

2. We believe that there should be a major overhaul to the present Rules and Regulations in order to bring them into line with modern day technology. We have been working on this for some time now and we will

As far as we know this is the only time that a company has ever been charged under the N.W.T. Ordinance.

Finally, what can you say about a mining inspector who has publically stated that he doesn't think the transfer of inspection should take place because it is politically motivated. He has publically stated that it would have little effect on the quality of mine safety in the N.W.T. and he has publically attacked the unions because they are not concerned with safety because accidents do not cost them anything. He has even gone so far as to state that he is the representative of the workers on safety, because he was appointed to the job. <sup>3</sup>

We in turn subscribe to the position of your Director of Public Services who is reported to be in favour of hiring a professional engineer to head up the mining inspection department. We not only agree with that statement we also agree with his statement that once this is done he would beef up the department with additional inspectors. We believe that these additional inspectors should come from the ranks of qualified and experienced workers.

Let the professional engineer do the paper work and the general planning, and let the experienced worker do the inspections.

#### THE SOLUTION:

While the problem is diverse and in some cases fairly complicated, the solution is fairly simple. A number of things can and should take place in order that we achieve a safer workplace.

1. There should be a complete revision of the present Ordinance with a view to bringing it into the

be prepared to present to you, our views on all the existing rules very early in the New Year.

We would point out that under the present Ordinance the Commissioner can make rules for the purpose of ensuring the safe operation of mines by all persons employed in or about a mine. In other words if the Commissioner believes that a rule is necessary, he has the legal authority to implement it. He does not have to get it passed by the Legislative Assembly. There is no reason why appropriate rule changes cannot be implemented almost immediately.

We would be prepared to discuss our suggested changes almost immediately after presentation with a view to have them implemented as soon as possible.

3. There should be no further delays in the so-called transfer of the inspection services. The Government should hire a young, professional engineer to head up the inspection branch and contact worker representatives to suggest candidates who would be considered for inspectors. We would suggest that a person familiar with underground operations, a person familiar with heavy duty equipment and a person familiar with milling operations be hired to fill out the inspection branch.

We believe that with the number of new mines being brought on stream next year and the possibility that several more will be developed in the next few years, that mines inspection will become more and more important.

4. The power of the unions to deal with health and safety issues is determined by the effectiveness of its health and safety committees, and the strength of the various locals in collective bargaining. Our mining locals have had safety committees for years and they will continue to push the companies to improve safety procedures. But what a safety committee can accomplish depends on more than an agreement on paper. The economic conditions in a community or industry can affect safety and can determine how much progress unions can make in bargaining. The attitudes of managements differ from mine to mine.

Our member unions will continue to publicize and in general try to educate their members to observe all safety rules and to report unsafe conditions. They will continue to use whatever means at their disposal to correct unsafe conditions and in general protect their members from unsafe conditions.

Over the years the labour movement has learned the importance of communicating with the public. Often the labour movement provides the only voice that can offset the company's domination of public opinion. We have learned that if the feelings of the average citizen can be motivated on issues such as health and safety, the chances of legislative reform are increased.

1. G.R.C. Atherley et. al. "Workers' Involvement in Occupational Health and Safety in Britain" International Law Review, Volume III, Number 6 June 1975 Page 475.
2. News Story - The Yellowknifer, Thursday, November 28, 1974 - Page 10 & 11.
3. News of the North - Friday, July 25, 1980 - Page A 3.



We will continue to be vigilant and we shall do all in our power to awaken the public conscience.

5. There must be strict enforcement of the Ordinance and the rules and regulations made thereunder. It should be self-evident that the best and most progressive piece of legislation will be only another piece of paper if it is not enforced.

CONCLUSION:

We believe that we are doing our part to bring about a safe operation in the mines of the N.W.T.

We believe that it's about time that the government did their part by passing appropriate legislation and by providing adequate enforcement.

Today is not too soon to act.