

No Other Choice:
Industrial Disease and the St. Lawrence Fluorspar Mines, 1933-2011

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“Everyone knew there was something, but you had no other choice.”

-St. Lawrence miner 1997

Newfoundland has always enjoyed bountiful natural resources – iron ore and hydro-electric power in Labrador; fishing, mining, forestry on the Island; and more recently, petroleum off the coast. But resource development in the province has often been marred by corporate self-interest, government economic preoccupation, neglect of worker health and safety, and tragedy. The bodies of hundreds of fishermen lie in the depths of the North Atlantic, hundreds more have lost their lives in sealing, mining and forestry, and one has to only mention the 1982 *Ocean Ranger* disaster or the crash of *Cougar Flight 491* to recall the dangers of offshore oil exploration. Incidents do happen, especially when operating in a harsh and unpredictable environment such as is found in Newfoundland and Labrador, but often economic considerations compete with accident prevention, and worker health and safety. A prime example of this reality is The St. Lawrence Fluorspar Miners Disaster. Right from when the first fluorspar, used in the manufacture of steel and aluminum, was mined at St. Lawrence in 1933, worker health and safety took second place to economics, and a whole community suffered for it. Not only did the companies involved fail to develop and/or implement Health and Safety protocols but the Government of the day turned a blind eye in the name of industrial development. When the miners of St. Lawrence pressed the issues of working conditions and safety, and compensation for those miners disabled as a result of an unsafe working environment, they met corporate denial and government obfuscation. But the people of St. Lawrence persevered and through civil disobedience, strikes, protests, letters, submissions, interviews, and media coverage, bit by bit they highlighted the impact and repercussions of industrial disease on not just the mine workers themselves but the

community and the province as a whole. As a result, their efforts improved our understanding of the symbiotic relationship between occupational health (environmental issues) and safety (accident prevention) and codified the recognition of Occupational Diseases in Health and Safety Regulations and Workers Compensation.

Fluorspar was originally discovered at St. Lawrence on the Burin Peninsula during the 19th Century but serious prospecting did not start until the 1920s. The first mine, the Black Duck shaft, was opened in 1933 by New York businessman Walter E Seibert under the name of The St. Lawrence Corporation of Newfoundland Ltd.(SLCN) At the time, the people of St. Lawrence were suffering terrible financial hardships. A tidal wave had hit the area in 1929 destroying not only fishing boats and gear, but the fishing grounds themselves¹. Even more so, the Great Depression started with the bank crash of October 1929 and, by 1933, most residents were on “the dole” as people called the \$1.80/month assistance they received from the Newfoundland Government. So, when the St. Lawrence Corporation started looking for workers to operate its mine, most viewed it as a godsend, no matter what the discomfort or danger inherent in any form of mining. Operations started at Black Duck in the summer of 1934. Over the next several years, further veins were discovered and mined but by 1941 only two, the Blue Beach and Iron Springs mines, were in operation. However, after the American entry into the Second World War, the demand for fluorspar increased dramatically. To ensure a steady supply, the United States Government financed the construction of a new mill for the Iron

¹ For an in-depth discussion of the 1929 tsunami and its impact on the Burin Peninsula see Maura Hanrahan, “Report on the Newfoundland Tsunami of 1929” (*Provincial Historic Commemorations Program*, Dept of Tourism, Culture and Recreation, Government of Newfoundland and Labrador, September, 2009). Accessed 3 August 2014 at <http://www.seethesites.ca/media/47476/1929%20tsunami.pdf>.

Springs mine and SLCN concentrated on providing acid-grade fluorspar through a US subsidiary in Delaware, USA.²

Meanwhile another company, Newfoundland Fluorspar Ltd. or Newfluor, a subsidiary of the Aluminum Company of Canada (ALCAN), set up shop at St. Lawrence in 1940 and developed the Director mine adjacent to SLCN holdings. This guaranteed a steady supply of fluorspar for ALCAN's smelter in Arvida, Quebec.³ The two companies provided steady work during the Second World War, but SLCN's fortunes faltered as the war ended and the US scaled back its war industries. Nevertheless, the Corporation still looked to the United States for markets, and in 1952, at the height of the Korean War, SLCN signed a 4-year contract with the US Government to provide 150,000 tons of acid-grade fluorspar. However, while this guaranteed steady demand for most of the 1950s, there was another threat in the offing. Mexican fluorspar was both cheaper and of higher quality than the St. Lawrence ore and was competing for Canadian markets. As more of this product entered Canada, prices fell and SLCN saw its profits decrease throughout the decade. In June 1957, St. Lawrence Corporation's principle, Walter Seibert, suspended operations and sought tariff protection from the Canadian Government. His request backfired somewhat when, during the course of its investigation, the Government tariff board discovered that Seibert was playing both ends against the middle. The board found

² Wendy Martin, "Once Upon a Mine: The Story of Pre-Confederation Mines on the Island of Newfoundland," *The Canadian Institute of Mining and Metallurgy*, Special Volume 26 (St. Anne de Bellevue, PQ: Harpell's Press Cooperative, 1983), reprinted (Westmount, PQ: ANLON Inc., 1998). 65-68. Also available at <http://www.heritage.nf.ca/environment/mine/ch6p1.html>. For an in-depth discussion of the early history of the St. Lawrence mines and associated health issues see also Rick Rennie, "The Historical Origins of an Industrial Disaster: Occupational Health and Labour Relations at the Fluorspar Mines, St. Lawrence, Newfoundland, 1933-1945," *Labour/Le Travail*, 55 (Spring 2005), 119. Accessed 20 July 2014 at <http://www.litjournal.ca/index/php/lit/article/view/5367/6236>.

³ In December 1939, Newfluor bought the assets of the American Newfoundland Fluorspar Company which had opened a mine in June 1937. Martin, "Once Upon a Mine," 68, 70-71 and Rick Rennie, *The Dirt: Industrial Disease and Conflict at St. Lawrence, Newfoundland* (Halifax & Winnipeg: Fernwood Publishing, 2008), 32.

that he actually owned a Mexican fluorspar facility and was soliciting business for it while at the same time downplaying the marketing for St. Lawrence fluorspar in Canada. The board concluded that Seibert was apparently trying to corner the Canadian market and would abandon it again for the higher-priced American acid-grade market once that improved. Little wonder the Canadian Government rejected his appeal for tariff protection. This spelled the Corporation's demise and by 1961, it was bankrupt. Shortly thereafter, Seibert died at the age of 59 and SLCN's mining operation was put up for sale. Four years later, with the mine being idle in the interim, Newfluor bought up SLCN's material assets.⁴ St. Lawrence was now a one company town.

The late 1940s and 1950s with their boom and post-war bust times were also difficult for Newfluor and its mines actually lay idle between 1945 and 1948. For the most part, the Company relied on its parent company ALCAN to keep it going with both financing and orders for its Quebec plant. Things started to look up during the mid-1960s after Newfluor acquired Seibert's St. Lawrence Corporation assets, reopened one mine and sank new shafts on two more. While fluorspar prices started to rise in 1969, labour disputes in 1971 and 1975-6 forced ALCAN to explore more reliable sources in Mexico. As this was ultimately cheaper, ALCAN decided to build a new smelter in Grande-Baie, PQ in July 1977 and import Mexican ore, and notified the Government of Newfoundland that its mining activities in St. Lawrence would cease on 1 February 1978.⁵

The Newfoundland Government did everything it could to dissuade ALCAN from closing the mine including requesting Ottawa impose a tariff on imported fluorspar. Unfortunately, ALCAN held more sway in the nation's capital than Newfoundland and

⁴ Martin, "Once Upon a Mine," 69-70. See also John R Martin, *The Fluorspar Mines of Newfoundland* (Montreal and Kingston: McGill-Queen's University Press, 2012), 54-63.

⁵ Martin, "Once Upon a Mine," 70-72.

the federal government refused to instigate the import tax. This left much bitterness in Newfoundland, especially at St. Lawrence.⁶ Ultimately, an American company bought up Newfluor's on-site assets and removed them, and St. Lawrence was left with nothing more than a ruined landscape and a lot of casualties.

Worker health and safety were a problem right from the start of mining at St. Lawrence. The first mine was an open pit and thus the men had little shelter from the elements. There was no safety equipment issued and on rainy days, workers were soaked to the skin, and in the winter they were exposed to the cold, sleet and snow. There were no washrooms or changing facilities, and if workers got wet, the men had to stay that way for the five kilometre walk home. It was not long before workers started wearing their sou'westers and oilskins to work as they afforded some protection against the weather. Ironically, workplace standards were in place in Newfoundland under the 1908 Act Respecting the Regulation of Mines, but as there was no mines inspectorate within the Commission of Government's Department of Natural Resources, and intervention by a Government engineer was only required after a serious or fatal accident, the provisions of the Act were seldom enforced.⁷

Flooding of the mine was also a serious and consistent problem. Initially, Seibert used pumps but they could not keep up with the 2000 gallons per minute flow and he finally tried digging a trench around the mine to divert ground water away from the excavation. This failed and in 1936, operations moved underground. Nevertheless,

⁶ One MHA is quoted as saying, "If St. Lawrence is so cheap to Ottawa, that it can be sold in favour of one large company, then our membership in the Canadian confederation is indeed expensive." Martin, "Once Upon a Mine," 70-72.

⁷ Martin, "Once Upon a Mine," 67-8. Rennie, *The Dirt*, 43-44 . See also Martin, *The Fluorspar Mines of Newfoundland*, 7 and Rennie, "The Historical Origins of an Industrial Disaster," 115-119. An inspector brought in from Ontario by the Newfoundland Government to inspect the three mines in Newfoundland found the mines at St. Lawrence to be "primitive" and lacking in toilet facilities and clean drinking water. Rennie, "The Historical Origins of an Industrial Disaster," 115-116.

recurrent water seepage continued to add to the discomfort and dangers, and there was at least one near-drowning. But there had been “only five” fatal accidents in Newfoundland mines during the preceding year, so the Commissioner for Natural Resources Sir Wilfrid Woods felt the current system was adequate. The move underground also presented a new set of difficulties as the smoke and dust from the dry-drill jackhammers used to mine the fluorspar permeated the mineshafts and clogged makeshift cheesecloth masks.⁸ However, workers had very little leverage with the SLCN, and as the Commission of Government was more concerned with employment than worker health and safety, miners simply had to grin and bear it.⁹ This changed somewhat in 1939, with the start of the Second World War, and the arrival of the Newfoundland Fluorspar Company.

The war increased demand for fluorspar, as aluminum was an important element in aircraft production, and the superior working conditions and pay offered at the Newfluor mines prompted the dissolution of the generally ineffective St. Lawrence Miners and Labourers Association formed in 1937. A new union was formed, the St. Lawrence Workers Protective Union in 1941 and there were several work stoppages during the war years. While wages were the main issue, working conditions were also on the table during these strikes and conditions did improve somewhat with the introduction of wet drills (also called axial-fed drills) which produced less dust and had been in use in South African mines since 1900 and fluorspar mines in Kentucky and Illinois by the 1920s. However, the Commission of Government, despite union pressure and a number

⁸ Such dry drills, nicknamed “widowmakers” were actually prohibited by a 1914 amendment to the Ontario Mines Act and had been outlawed in most other jurisdictions by the 1930s. Rennie, *The Dirt*, 26. See also Rennie, “The Historical Origins of an Industrial Disaster,” 115-119.

⁹ Martin, “Once Upon a Mine,” 67-8 and Rennie, “The Historical Origins of an Industrial Disaster,” 113-119, 122-123. The Commission of Government went so far as to instruct local relief officers to decline government assistance to any miners who refused to work in the mines because of poor wages or working conditions. Cadigan, *Newfoundland and Labrador: A History*, 213-214, 228.

of fact finding missions, refused to bring in more stringent health and safety regulations or even enforce those that were in place.¹⁰ By this time, it was becoming apparent that many miners' health was suffering and in the mid-1940s, Rennie Slaney¹¹, a miner himself, started recording the abnormally high number of miners suffering from tuberculosis. Many would return from the Sanatorium in St. John's only to die shortly thereafter.¹²

Meanwhile Dr. Cyril Walsh, a local physician, noticed the same phenomenon and both men wrote to the Newfoundland Department of Health asking for an investigation into the matter. Silicosis had long been suspected as being at the root of the miners' lung problems and the original St. Lawrence Miners and Labourers Association had pressed for chest x-rays for workers without success. With Newfoundland's confederation with Canada in 1949, Dr. JJ Pepper, another local physician, wrote to the National Health and Welfare Department in Ottawa asking that they investigate the health conditions at the mine, including chest x-rays for miners. The Federal Government replied it could only intervene if invited by the Provincial Department of Health. This was not forthcoming, and the first confirmed case of Silicosis in St. Lawrence was not diagnosed until 1952. This discovery along with Dr. Pepper's persistence, finally prompted an investigation of not only silicosis, but also the prevalence of tuberculosis amongst the miners. Dr. AT

¹⁰ Rennie, "The Historical Origins of an Industrial Disaster," 115-119.

¹¹ To read Mr. Slaney's firsthand account of the conditions at the St. Lawrence mines see Rennie Slaney, *More Incredible Than Fiction: The True Story of the Indomitable Men and Women of St. Lawrence, Newfoundland From The Time of Settlement to 1965: History of Fluorspar Mining at St. Lawrence, Newfoundland/As Told by One of the Miners 1972* (Montreal, PQ: Confederation of National Trade Unions, 1975). For additional firsthand accounts see also Elliott Leyton, *Dying Hard: The Ravages of Industrial Carnage* (Toronto: McClelland and Stewart, 1975); reprinted as *Dying Hard; Industrial Carnage at St. Lawrence Newfoundland* (Portugal Cove-St. Philips, NL: Boulder Publications Ltd., 2004).

¹² Martin, "Once Upon a Mine," 71, see also Rick Rennie, "The Historical Origins of an Industrial Disaster", 124-139 and Rick Rennie, "Industrial Disease and the St. Lawrence Mines" *Newfoundland and Labrador Heritage Website* (St. John's, NL: Memorial University of Newfoundland, 1998). Accessed 9 July 2014 at http://www.heritage.nf.ca/society/industrial_disease.html. There is some confusion as to when Slaney actually started his records. Martin says mid-1940s but Rennie says mid-1950s.

deVilliers, a consultant at the Occupational Health Division of National Health and Welfare, traveled to St. Lawrence in December 1956 and met with Dr. Walsh. Walsh told him that in the previous two years alone, there had been six deaths from lung cancer among the miners. deVilliers passed this on to Dr. F deN Brent, Chief Medical Officer with ALCAN. While ALCAN was reluctant to open this can of worms, Brent still wrote to the Deputy Minister of Health with the Newfoundland Government, Dr. Leonard Miller, requesting that Miller ask National Health and Welfare to investigate the outbreak of lung cancer amongst St. Lawrence miners. National Health obliged and in November 1959, a number of surveys revealed radon gas in the mine's atmosphere greatly exceeded permissible levels.¹³ At the same time, deVilliers completed his own medical study and confirmed that the mortality rate for lung cancer amongst St. Lawrence miners was some 29 times that of the rest of Newfoundland with some victims as young as 33 years old.¹⁴

ALCAN immediately went into damage control and installed a forced ventilation system but many of the workers had been employed at the mines for years and new ventilation would not help them. By 1964, the Workmen's Compensation Board (WCB) was providing assistance to eighty-three former miners and ninety-nine widows. With such numbers growing, the Winter Commission, headed by Judge HA Winter and appointed to review the operations of the WCB, recommended that the Newfoundland Government totally re-examine the history of fluorspar mining in St. Lawrence. The Government resisted calls for a Royal Commission of Inquiry as Premier JR Smallwood viewed the lung cancer epidemic at St. Lawrence as "passé, out of date, outmoded, and

¹³ Martin, "Once Upon a Mine," 71 and Martin, *The Fluorspar Mines of Newfoundland*, 17, 22, 32-38.

¹⁴ AJ deVilliers and JP Windsor, "Lung Cancer in a Fluorspar Mining Community: I. Radiation, Dust and Mortality Experience," *British Journal of Industrial Medicine*, 21, 2 (1964), 94, 101. Accessed on 2 July 2014 at <http://www.oem.bmj.com/content/21/2/94.full.pdf.html>.

past history”¹⁵. The area’s MHA Justice Minister T Alec Hickman took up the cause and also pressed for a Public Inquiry. In addition, the media started to grasp the magnitude of the disaster. The St. John’s *Evening Telegram* accused the Provincial Government of not only ignoring the plight of St. Lawrence miners but also denying sick and dying miners and their dependents WCB benefits. A 1967 *Maclean’s* article entitled “The Forgotten Miners” brought the issue to national attention with the stark declaration, “this man is dying – silently, stoically, as have more than 100 others in the small Newfoundland town of St. Lawrence.” Faced with mounting pressure from both within and without, Smallwood announced the appointment of a Royal Commission in April 1967.¹⁶

The Royal Commission to Inquire into All Aspects of the Radiation Hazard and Compensation at St. Lawrence headed by Fintan J Aylward, a lawyer and St. Lawrence native, but more controversially, past president of the ruling Liberal Party of Newfoundland committed itself to a busy schedule. Various experts were consulted and the commissioners went to St. Lawrence to confer with town officials, Dr. Brian Holywood of the United States Memorial Hospital, and the president of the SLWPU. It also held open hearings where the Town of St. Lawrence and the union, both of whom placed the blame equally on Company parsimony and Government inaction, presented

¹⁵ One has to remember that the Smallwood government had crushed the International Woodworkers of America (IWA) loggers’ strike, disavowed the Canadian Labour Congress and Newfoundland Federation of Labour, and brought in what can only be described as draconian anti-union legislation ten years before and was clearly seen as anti-labour, Paul W Collins, “Not a Strike but a Civil War: The International Woodworkers of America (IWA) Loggers’ Strike and The Badger Riot, 10 March 1959” (unpublished paper, *Provincial Historic Commemorations Program*, Dept of Tourism, Culture and Recreation, Government of Newfoundland and Labrador, 2014). See also Sean T. Cadigan, *Newfoundland and Labrador: A History* (Toronto: University of Toronto Press, 2009), 243-4. For an overview of the labour movement in Newfoundland to the mid-1980s, see Bill Gillespie, *A Class Act: An Illustrated History of the Labour Movement in Newfoundland and Labrador* (St. John’s, NL: Creative Printers and Publishers Ltd., 1988).

¹⁶ Martin, *The Fluorspar Mines of Newfoundland*, 52-3 and Evan K Burt, “St. Lawrence Fluorspar Mines: The Politics of Injustice” (Unpublished Honours Thesis, Dept. of Political Science, *Memorial University of Newfoundland*, April 2008), 12.

briefs, as did Newfluor and several private individuals, including Rennie Slaney. All known WCB claimants were contacted and also invited to submit their cases. In July 1969, the Commission presented its report to the Legislature with sixty-nine conclusions and recommendations.¹⁷

If Premier Smallwood expected a whitewash, he was sadly mistaken.¹⁸ The Commission concluded that dust particles created while drilling were the main cause of the silicosis, tuberculosis, and lung cancer prevalent in St. Lawrence miners. It pointed the finger at Newfluor for not providing adequate ventilation in the mines and the Government for not monitoring and enforcing health and safety regulations. It also found that above-ground workers were just as affected by the dust disturbed during loading, milling, and transporting the ore. The Commission further addressed the radon gas issue. Having consulted experts, the Commission concluded that the high levels of this gas contaminated not only the groundwater seeping into the mineshafts but also the artesian wells used by the miners for hydration. As inhaling the dust and drinking the contaminated water introduced the gas directly into the body, the radon promoted the aggressive development of cancer in the nose, mouth, throat and internal organs. Thus, both underground and surface workers were equally at risk of contracting several forms of respiratory illnesses and cancers. The Commission also criticized the Newfoundland Government's reaction to the crisis, especially the Workmen's Compensation Board. It recommended re-evaluation of at least 52 rejected claims and that those that had been approved should also be reviewed. It observed that even when benefits were awarded, they were inadequate to support a family and thus "widows receiving compensation

¹⁷ Martin, *The Fluorspar Mines of Newfoundland*, 64-5, and Burt, "St. Lawrence Fluorspar Mines," 11-15.

¹⁸ Burt, "St. Lawrence Fluorspar Mines," 12, 15.

benefits...were in many cases worse off financially than those on [social] assistance.” The Royal Commission report seemed to vindicate the St. Lawrence miners. The health difficulties experienced by miners were not “mainly psychological” as Premier Smallwood had claimed in the *Maclean’s* article but entirely real.¹⁹ Now, the residents of St. Lawrence waited to see what the Newfoundland Government was going to do about it.

The people of St. Lawrence naturally thought that a Royal Commission would finally address the issues the miners had championed over the previous 36 years. Unfortunately, this did not happen. The Government took ten months to respond to the Commission Report and then rejected most of its recommendations. Instead of accepting responsibility for monitoring radon levels at the mines, it downloaded that duty to Newflor. As the Company already demonstrated it could not be trusted to do so, this decision left many people scratching their heads. The Government also went against the Commission’s recommendation that any miner suffering from lung cancer or silicosis should receive compensation, limiting it to only those who had worked at the mines after 1951. It said it would investigate setting up a “Special Fund” for the pre-1951 cases. The Government also rejected the finding that other chronic diseases and cancers, in addition to lung cancer, were also the result of working in the mines.²⁰

The Smallwood Government’s response made it clear it had no intention of improving working conditions at the St. Lawrence mines or changing the way the WCB judged miners’ claims. In reaction, the area’s MHA T Alec Hickman crossed the floor to the Progressive Conservatives under Frank Moores, who attacked the Government’s response in the House of Assembly, and the Chairman of the Royal Commission wrote

¹⁹ Burt, “St. Lawrence Fluorspar Mines,” 12, 14-15. For a detailed discussions of the Royal Commission’s report see Martin, *The Fluorspar Mines of Newfoundland*, 64-84 and Rennie, *The Dirt*, 98-105.

²⁰ Burt, “St. Lawrence Fluorspar Mines,” 16-17 and Rennie, *The Dirt*, 108-9.

Smallwood in November 1970 accusing the Newfoundland Government of ignoring the Commission's report.²¹ Unfortunately, even this made little difference.

Faced with Smallwood's intransigence, the people of St. Lawrence resorted to civil disobedience. In April 1971, 30-40 local women, carrying signs declaring that "We Support Our Husbands," picketed the dock at St. Lawrence for two days, thus preventing ore carriers alongside being loaded. This protest was notable for two reasons. Firstly, these women were dealing first-hand with the repercussions of the industrial diseases at the mines and the lack of response by both the Company and the Government. They were the ones tending sick and dying husbands, fathers, sons and/or brothers while at the same time trying to hold their families together on WCB benefits which the Royal Commission had considered totally inadequate.²² Newspaper articles at the time highlighted the social catastrophe taking place in St. Lawrence. One *Evening Telegram* report exposed the rampant drug problem among the youth of the community. It suggested that the abnormally high number of fatherless households due to mining deaths were to blame. Another pointed to the difficulty mining widows encountered in trying to raise families when faced with depression and poverty.²³ These women had had enough.

To this end, the protest also reflected the social and political upheaval taking place provincially. By 1971, the Smallwood Government had been in power for 22 years and people were disillusioned with the Government's failures and scandals, and

²¹ Burt, "St. Lawrence Fluorspar Mines," 16-17 and Rennie, *The Dirt*, 108-9.

²²Rennie, *The Dirt*, 110-111 and Burt, "St. Lawrence Fluorspar Mines," 18-19. See also Cadigan, *Newfoundland and Labrador*, 257.

²³ "Drug Problem Developing in St. Lawrence," (St. John's) *Evening Telegram*, 30 June 1971, 6 and "The Widows of St. Lawrence: Won't Somebody Out There Help Us," (St. John's) *The Evening Telegram*, 6 July 1971, 8-12 as cited in Burt, "St. Lawrence Fluorspar Mines," 19.

Smallwood's dictatorial style.²⁴ During that year, there were twenty-nine strikes in the Province involving nearly 6,000 workers. While women had participated in labour action before, the St. Lawrence protest was indicative of women emerging from their traditional roles as wives and mothers and taking a much more active and confrontational stance in society.²⁵

Smallwood tried to mitigate the bad publicity by visiting St. Lawrence in August 1971 and announcing the "Special Fund" proposed by the Royal Commission two years before. Newflour and the Government would pool \$500,000 for those miners and their dependants ineligible for WCB benefits or otherwise in need. While happy to receive this funding, most viewed it as just a cynical attempt to shore up votes in the area.²⁶ Unfortunately for Smallwood's Liberal Government, it was too little too late.

In September, Smallwood called a provincial election and was narrowly defeated by the Moores Progressive Conservatives the following month. Smallwood resigned in January 1972 after a tumultuous couple of months and Moores called another general election which the PCs handily won. Now the St. Lawrence issue was Premier Frank Moores' responsibility. Having blasted the Smallwood Government for its response to the Royal Commission, the Moores Government brought in an amendment to the WCB Act adding those who had worked at the mine between 1951 and 1960 and who had been disabled or died due to any chronic obstructive pulmonary disease. Further, all those noted in the Royal Commission as being entitled to compensation were granted benefits

²⁴ While Smallwood had wide public support in his dispute with the IWA in 1959, he isolated his previously loyal labour vote, and the remainder of his Premiership was marred by dissention, defections, protests, leadership challenges, and failed industrial developments, including the notorious CFLCo/ Hydro Quebec Churchill Falls hydro-electric deal. Collins, "Not a Strike but a Civil War," 13-14.

²⁵ Rennie, *The Dirt*, 111.

²⁶ Burt, "St. Lawrence Fluorspar Mines," 18-19 and Rennie, *The Dirt*, 114. See also Cadigan, *Newfoundland and Labrador*, 257.

from the Disaster Fund per the Commission's recommendations. However, while these amendments were a step in the right direction, they did not address all of the issues. Benefits commenced September 1, 1969 and were not retroactive to when a worker was affected, and miners who had become disabled or died before 1951 were still not included.²⁷

Under pressure from the St. Lawrence Workers Protective Union and the media²⁸, the Government addressed these issues the following year with a further amendment to the Act which not only included those that had worked at the mines before 1951 but also those who had been employed above ground. These changes seemed to cover all outstanding issues but as time passed, medical advances showed that any number of industrial diseases could be linked to mining fluorspar. The Government dealt with this in 1983 by adding non-lung related silicosis and cancer to the coverage. However, a printing error at the Queen's Printer excluded aboveground workers from the final draft of the amendment²⁹. It took two years for the Brian Peckford Government to remedy this flaw³⁰ but the new amendment also added a January 1, 1984 cutoff. The minister explained that this was necessary so that future operators of the mine, which had closed in 1978, would not have to pay WCB premiums based on ALCAN's operational history and would presumably operate within the tighter health and safety guidelines that had been enacted

²⁷ Burt, "St. Lawrence Fluorspar Mines," 20-22 and Rennie, *The Dirt*, 116.

²⁸ Also at this time, Memorial University Anthropologist Dr. Elliott Leyton published his social history *Dying Hard* whereby he interviewed dying miners and their survivors. The book and Leyton's subsequent book tour garnered national and international attention which also put tremendous pressure on the Moore's Gov't to live up to its rhetoric while in Opposition. See Leyton, *Dying Hard*.

²⁹ The 1973 amendment included all workmen who had worked "...in fluorspar extraction or handling, or both, at St. Lawrence." Unfortunately, when the 1983 amendment was printed the "or handling" had been left out so that it read "...in fluorspar extraction, or both, at St. Lawrence." See *Workers Compensation Act (Amendment) Act, 1973, Section 9* as quoted in Burt, "St. Lawrence Fluorspar Mines," 23-26.

³⁰ The 1985 amendment eliminated the "or both" so that it read "in fluorspar extraction at St. Lawrence" which one would read as including all workers involved in the extraction of the ore including the aboveground personnel as named in the 1973 amendment. See Burt, "St. Lawrence Fluorspar Mines," 25-26.

over the years. It had taken 216 deaths from cancer, silicosis and other various obstructive lung diseases but the battle for compensation appeared to be over.³¹

By 1990, cancer deaths amongst miners had reached 142 and their widows, and the families of other disabled miners, were continually confronted with what they considered an overly bureaucratic and arbitrary WCB. Compensation was still inadequate, with many recipients living in substandard housing on insufficient incomes. Often, widows had their benefits discontinued upon their husband's death for reasons they either did not understand or with which they did not agree. In addition, WCB were still interpreting the 1985 legislation, meant to correct the 1983 typographical error, as disqualifying aboveground workers from benefits.³²

By 2001, the death toll had risen to 191 from lung cancer, 28 from stomach cancer, 11 from bladder cancer and 64 from silicosis and other respiratory conditions for a total of over 300 individuals.³³ Nevertheless, in May of that year, the newly-titled Workplace Health and Safety Compensation Commission (WHSCC) changed its policy such that only claimants who had been diagnosed with *terminal* cancer would be covered for Permanent Functional Impairment benefits as it deemed cancer curable unless determined otherwise. Many in the community considered the change a "Total Crime Committed Against Sick Miners" and in an article in the St. John's *Evening Telegram*, the Mayor of St. Lawrence Wade Rowsell accused the WHSCC of not following its own policies.³⁴

³¹ Burt, "St. Lawrence Fluorspar Mines," 24-25 and Rennie, *The Dirt*, 128.

³² Rennie, *The Dirt*, 129-130.

³³ Rennie, *The Dirt*, 130.

³⁴ Deana Sullivan, "Total Crime Committed Against Sick Miners: Son," (St. John's) *The Evening Telegram*, 2 November 2002 and Wade Rowsell, "Victims of an Intolerant System," (St. John's) *The Evening Telegram*, 22 July 2006 as cited in Burt, "St. Lawrence Fluorspar Mines," 30.

He repeated the accusation in a submission to the 2006 Statutory Review Committee on the Workplace Health Safety and Compensation Act, arguing that the change in criteria for Permanent Functional Impairment status was causing hardship amongst those affected. At the same time, he further claimed that there was also a higher than normal rate of heart and circulatory illnesses amongst former miners.³⁵ The committee was receptive to the mayor's submission and its report was critical of the WHSCC and the whole workers compensation system. It made several recommendations, including "revising and amending the current regulatory framework" and "establish[ing] a protocol for policy and adjudication."³⁶

Still, WHSCC continued to deny claims submitted by aboveground workers. WHSCC's interpretation of the 1985 amendment appeared to ignore the history and/or intent of the previous two amendments (1973, 1983) as a reading of the 1973 amendment would have made clear that aboveground workers were included. This point was finally clarified in February 2011 when the Government of Newfoundland and Labrador announced that it would amend the WHSCC Act to include ALL former St. Lawrence miners including those that worked aboveground.³⁷

Several conclusions can be drawn from the events at the St. Lawrence Fluorspar mines. Firstly, the Newfoundland Commission of Government chose short term economic considerations over the health and safety of St. Lawrence Miners. While this

³⁵ Burt, "St. Lawrence Fluorspar Mines," 30-31 and Rennie, *The Dirt*, 130.

³⁶ *Finding the Balance: the Report of the 2006 Statutory Review Committee on the Workplace Health And Safety Compensation Act* (St. John's, NL: Statutory Review Committee on the Workplace Health, Safety and Compensation Act, 2006), 29 as cited in Burt, "St. Lawrence Fluorspar Mines," 31.

³⁷ Mark Quinn, "N.L. to compensate more St. Lawrence miners," (*CBC News*, February 16, 2001). Accessed 29 July 2014 at <http://www.cbc.ca/news/canada/newfoundland-labrador/n-l-to-compensate-more-st-lawrence-miners-1.1093612>. The author states that the 1983 amendment was quietly changed to disenfranchise aboveground workers, but a reading of the corresponding sections in the 1973 and 1983 amendments clearly indicates a typographical mistake. See footnotes 29-30.

may have seemed expedient at the time, given the failure of the fishery in the area and the challenges posed by the Great Depression, it proved to be ultimately more expensive to future Newfoundland governments in the form of prolonged workers' medical care, compensation benefits, and political and social repercussions. Further, while the miners of St. Lawrence and their families were certainly victims of circumstances for which they were not responsible, they did not simply accept the situation as unchangeable but used every opportunity to bring it to the attention of employers and the regulating authorities. When union membership, collective bargaining and appeals to Government failed to bring about significant changes and/or enforcement of health and safety measures, nor proper compensation for those already debilitated, the people of St. Lawrence as a whole banded together to publicize the ravages of industrial disease on their small community. It is probably this latter aspect where the St. Lawrence Miners' Disaster had its greatest impact on the whole concept of worker health and safety in the Province, and indeed across the country. As the St. Lawrence story was unfolding publicly during the 1960s and 1970s, similar stories were appearing in other jurisdictions, notably asbestos mining in Quebec and the Sydney tar ponds in Cape Breton. That worker health and safety could be jeopardized not only by accidents but the workplace environment itself was somewhat new although the relationship between certain ailments and specific industries dated back many centuries. But it was the preponderance of modern, substantially documented cases such as that of the St. Lawrence Fluorspar mines that eventually provided the historic and scientific evidence required for the widespread acceptance of the concept of Occupational Diseases. As a result, Provincial Health and Safety regulations across the country now recognize Occupational Health on an equal footing with Occupational Safety. With

economic development increasing in this Province, no doubt these regulations will continue to be strengthened as new challenges in the workplace appear.

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