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BELL ASBESTOS MINES LTD.

THETFORD MINES, QUEBEC
CANADA

CABLE ADDRESS:
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BENTLEY'S SECOND
A B C 6TH EDITION

April 26th. 1940.

Mr. C.S.Bell,
Kingston Corse House,
Kingston Corse,
near Littlehampton,
Sussex, England.

Dear Mr. Bell:-

Reference was made in our last Board minutes to a meeting of the Producers with the Minister of Labor and the Workmen's Compensation Commission in Quebec, relative to occupational disease Legislation.

In this connection, and as a matter of interest, I enclose herewith copy of Memorandum prepared by Mr. Vandiver Brown, who heads Johns-Manville's legal department in New York.

Yours very truly,

BELL ASBESTOS MINES LTD.

O. C. Smith

Enclosure
OCS/CSB
CC. Mr. W.W.F.Shepherd with enc.

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MEMORANDUM 4/15/40

QUEBEC OCCUPATIONAL DISEASE LEGISLATION

Meetings were held in the Chateau Frontenac Hotel in Quebec City on Thursday evening and Friday morning, at which the following were present:

Mr. Smith, of Bell Mines
Mr. McCallum of Asbestos Corporation
Mr. McCammon of Johnson's Mines
Mr. H.K.Sherry, Dr. R.H.Stevenson
and Mr. Vandiver Brown of Canadian
Johns-Manville.

The meetings were held as a preliminary to a meeting on Friday at noon with Mr. Rochette, Minister of Labour and Mines under the recently-elected Godbout administration.

The meeting with the Minister of Labor and Mines was brief but productive of the following information:

1. Amendment of the Workmen's Compensation Act so far as it relates to industrial diseases is definitely on the program for the current session of the Legislative Assembly.

2. The exact nature of the changes which will be enacted is not yet known, as the Cabinet has not found time to consider the question due to the pressure of other and more important business.

3. Minister Rochette stated he anticipated Cabinet consideration of the amendments during the week of April 22nd. and stated that, once the Administration had agreed upon the form the amendments should take, they would be put through promptly. The only contingency which might defeat action at the current session was the possibility of a sudden adjournment to Thwart the Duplessis opposition in a possible effort to prolong the session for political reasons.

Mr. Rochette referred us to Commissioner O.E.Sharpe of the Workmen's Compensation Commission for details as to the nature of the proposed changes to be submitted to the Cabinet for its consideration. The Minister personally arranged an appointment with Mr. Sharpe for 3.30 o'clock in the afternoon.

The group representing the asbestos miners received the following information from Commissioner Sharpe:

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1. The present law will be changed by either (a) adopting the Ontario law and schedules in toto or (b) by enacting a law substantially similar to the New York law relating to Silicosis.

2. In either case the definition appearing in the present law which treats lung fibrosis resulting from asbestos dust as a form of silicosis will be eliminated. The Commissioner assured us that the only dust disease to be covered by the new law was silicosis; that asbestosis would definitely not be covered but that if the asbestos miners desired it to be covered he would be glad to have it included.

Commissioner Sharpe was advised the asbestos miners preferred that asbestosis not be covered or otherwise referred to in the Act. Their interest was in seeing that if it were included it be separately listed.

The decision of the asbestos mining group was based upon the following considerations:

(a) There having been no cases of disability or death resulting from asbestosis, there is no necessity from the employees' point of view of having the disease made compensable;

(b) No "racket" having developed in connection with Common Law actions, there is no need from the employers' point of view in having the disease made compensable; and

(c) The listing of the disease by name would point so definitely in the direction of the asbestos mining industry as to render it probable many groundless claims would be filed.

Commissioner Sharpe himself suggested that from the Industry's point of view it would be preferable to watch the operation of the new silicosis law for a year or two and then decide whether it was desirable asbestosis be similarly covered.

Contrary to the impressions previously entertained by the Legal Department, the only diseases which are compensable are those which are listed in the schedule. The Commissioner himself so stated and I read the opinion of a prominent Montreal law firm which was to the same effect. As a matter of fact, it is of interest to note that the agitation for amendment comes from the gold mining group which was dissatisfied because only "infectious silicosis" (that is, silicosis accompanied by tuberculosis) is compensable under the present law. This left them open to common law actions in cases where tuberculosis was not present.

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Mr. Sherry, who acted as Chairman of the Committee which met with Mr. Rochette and Commissioner Sharpe, is to be provided with a copy of the proposed bill as promptly as possible after it becomes available for distribution and ceases to be a confidential matter.

Vandiver Brown