

FILE NAME: Allied Signal Bendix (ASB)

DATE: 1980 May 19

DOC#: ASB023

DOCUMENT DESCRIPTION: Article - Maclean's Magazine - Occupational Death

From the front Tommy Dunn looks like any other young father. He sits in the easy chair in early April sipping beer, while across the room his nine-year-old daughter, Shannon, sprawls reading on the couch. It's only when he turns his head that you notice his hair has been falling out in strips.

This, in many ways, is the least of his worries, one of the lesser side effects of the chemotherapy treatment he has been undergoing since he found out several months ago he has inoperable cancer. "Metastatic anaplastic sarcoma," says the 34-year-old welder who until recently played hockey, chopped wood and didn't think much about health. But putting up the family Christmas tree last December he felt pains in his chest. A few weeks later his doctor delivered the devastating news: two cancerous tumors in his lung. Prognosis: bleak. But there was something else the doctor said that sent chills through Dunn's fellow workers at the Bendix Automotive plant in Windsor, Ontario. Inside Dunn's lymph nodes pathologists found particles of asbestos, the fibrous mineral that has killed thousands of workers in recent years and is used in the assembly of brake linings at Bendix.

Dunn's age makes his case particularly tragic, but he is certainly not alone. Despite a flurry of legislation that has led to improved conditions in many plants, workers exposed to dangerous substances on the job are still developing diseases at an appalling rate. Statistics are hard to come by, but Dr. Gordon Atherley, president of the Canadian Centre for Occupational Health and Safety, estimates there are some 10,000 workers across the country suffering from job-related cancer, asbestosis, silicosis and a host of other diseases. As the debate intensifies over



Dunn with family outdoors in background: his age makes his case particularly tragic

local Vice-President Stan Weiko. "After you've worked with some of these guys for 30 years..." His voice trails off. The Bendix workers were particularly incensed when they read a provincial government document showing the company was ordered to clean up its operation as early as 1966 but hadn't done so. "We cannot explain how this happened or excuse it," said company spokesman John O'Hare. In the Northern Ontario community of Elliot Lake, workers threatened to shut down the uranium mines to protest against high radiation levels. Despite staggering disease figures among the miners—more than 100 reported lung cancers and 500 cases of silicosis—the United Steelworkers local

has been unable to get the federal or provincial government to intervene. The steelworkers ran into similar red tape in Baie Verte, Newfoundland, where asbestos fibres literally coated the town with a flaky white powder, producing dust levels hundreds of times above the provincial safety guideline. It was only after a bitter 14-week strike in 1978 that the mine, partly owned by Johns-Manville of Denver, Colorado, agreed to the men's demands. The union now reports a dramatic decrease in dust levels.

While work's deadly consequences have been acknowledged in most union offices, anger over the day-to-day danger may be even stronger among the rank and file. In Labrador City, a local union president confesses he constantly has trouble keeping workers from walking off the job to protest against excessively high iron-ore dust levels. "It takes a lot of persuasion to keep them from picketing all the time," says Len Leyte. Recent x-rays of the miners' lungs show that about 60 of them already have changed cell patterns, a

OCCUPATIONAL DEATH

By Linda McQuaig

*Wages don't mean
a thing if you don't
live to spend them*

industrial health—or industrial death, as some call it—there is a more urgent militancy coming from labor. And it is being met by an aggressive counter-attack from industry.

Armed with a growing body of medical evidence linking disease to the workplace, labor leaders are pushing the issue hard. In Windsor, the United Auto Workers local at the Bendix plant has taken its case to the bargaining table, after it did a tally last year and found that 19 of its members had developed cancer—and 12 had already died of it. "We're pretty emotional about this," says

strong indication of early silicosis. After several years of frequent wildcat strikes, the union is now counting on a new government-backed plan to clean up the problem gradually. So far results have indeed been gradual. After more than a year of planning, the town is still covered in dust. "You can tell how many times it's snowed this year," comments Leyte, "because as it melts you can see a layer of dust in between each layer of snow."

1054
→ In Windsor, concern over industrial disease has prompted workers from several different factories to go outside the regular union channels and set up their own pressure group. Calling itself the Windsor Occupational Safety and Health Committee, the group is pulling together scientific data on dangerous chemicals, and its meetings—held at

members' homes over soft drinks after work—sound more like a conference of chemists than a gathering of machine operators. One 25-year-old, who works with a chemical tank for cleaning machine parts, passes a list of unpronounceable chemicals across the dining room table and asks a rock-salt miner if he knows anything about them. The miner looks through his voluminous files. Across the table a woman, who works with chemicals at a tool manufacturing plant, talks about the high rate of vomiting, blackouts and dizziness among her fellow workers.

Some of the most bitter worker-industry confrontations take place over compensation claims, with grisly debates about whether a dying man's cancer is or is not the result of his work. The outcome of these debates can have a significant effect on corporate balance sheets since it is industry that pays for compensation granted by provincial boards. In British Columbia, some employers recently have been trying to wriggle out of paying the high costs by suggesting that public funds cover the compensation board's debt, reported to be well over \$250 million. In Ontario,

industry's premiums to the board jumped from \$263 million in 1974 to \$539 million in 1978. James Findlay, ex-

A widow's crusade for claim No. D10064293

Up on the 21st floor of a Toronto office tower Odette Dodds faces three strangers who represent her last chance at fulfilling a heartbreaking promise. More than 18 months after the death of her husband—a former employee at the Johns-Manville asbestos plant in Metropolitan Toronto—Dodds is trying once again to win a pension from the Ontario Workmen's Compensation Board. The board has turned her down in the past and the two-man, one-woman panel of board commissioners she now faces is her last appeal. She must convince them before they make their final decision in June that her husband, John Dodds—or claim No. D10064293, as he's known to the board—died as a result of a work-related disease. And like thousands who encounter the bureaucratic maze of provincial boards each year in pursuit of compensation—the only legal recourse open to them—she has learned the board doesn't hand out money easily. Even though her husband suffered from severe asbestosis, for which he was receiving the equivalent of full compensation when he died, the board has steadfastly refused to grant Dodds a widow's pension. The \$410-monthly pension she seeks would certainly bolster the meagre \$135 a month from the Canada Pension Plan that she now scrapes by on. But she sees her fight with the board as more than a battle over money. For her it has become a crusade to prove that it was her husband's work—not bad luck—that killed him.

In November, 1974, after 22 years at Johns-Manville, Dodds was told by a company doctor that he had asbestosis—a painful, incurable lung disease associated with the inhalation of asbestos fibres.



Dodds took his wife aside that night while she was making dinner and broke the news. "John and I looked at one another and cried for a long time," recalls the 51-year-old widow and mother of two grown children. Within a week Dodds stopped working. His condition deteriorated rapidly and by December, 1975, his personal physician, Dr. Colin Syme, described him as "completely disabled." He was so short of breath he could hardly get around; walking up stairs he had to rest. Yet Dodds was unable to collect any compensation for more than six months after leaving his job. His only income consisted of small weekly contributions pulled together by union President Charlie Neilson from the funds of the Canadian Chemical Workers. In May, 1975, the board allowed Dodds a 25-per cent retroactive disability award, and several months later Johns-Manville followed with a \$66-a-month pension, but cut off his coverage under the Ontario Health Insurance Plan. Dodds's disability award increased to 40 per cent the next spring and, along with a temporary supplement paid out by the board, he was eventually re-

Dodds at top right in an old photograph with co-workers, half of them now dead; his widow, Odette (inset): her last appeal

ceiving the equivalent of full disability pay—or 75 per cent of his salary.

But asbestosis wasn't Dodds's only problem. In 1976 he developed thyroid cancer—a condition that the board doesn't consider to be asbestos-related. Surgery is the most effective means of dealing with the type of thyroid cancer he was diagnosed as having, but internal medicine specialist Dr. Firouz Khamsi decided that Dodds's severe asbestosis made the necessary operation too risky. After treatment with thyroid pills failed, he and another specialist opted for the next best method, radiotherapy, which in Dodds's case had unusually disastrous side effects, damaging his spinal cord and leaving most of his body paralyzed. By June, 1978, Dodds could hardly move his head and his wife had to spend most of her time feeding him, bathing him and pumping his chest. Confined to a special wheelchair/stretcher and barely able to breathe, Dodds

Executive vice-president of the business-sponsored Industrial Accident Prevention Association of Ontario (IAPA), calls the costs "obscene." In an effort to reduce them, industry recently has been fighting compensation claims even more vigorously than it did in the past. Paul Falkowski, health and safety coordinator for the United Steelworkers, points out that industry has begun to appeal disability awards even after they've gone through the regular appeal stage. "We never had any of these appeals before, and now we've had five in the past six months." Industry spokesman Findlay doesn't deny the charge. "Sure, companies have made appeals," he says. "Companies are getting sharper. That decreases costs."

Labor is watching nervously for signs of a further industry counter-offensive

died the next month at 58.

With her husband dead, the board immediately cut off the disability award, leaving Odette Dodds with nothing. Ironically, the pension would have been automatic had the board granted full disability status—which Dodds was entitled to, his doctors argued—in his lifetime. Instead, by paying only 40-per-cent disability and making up the difference with a "temporary" award, board officials left Odette Dodds with no choice but to start all over again in convincing them that asbestosis killed her husband. An autopsy confirmed that his asbestosis had been severe and extensive, but subsequent medical evidence gathered by the board indicated it was his thyroid cancer and the effects of the radiotherapy that actually killed him. But Dodds may not have been far from death anyway. His doctor, Syme, described him as a man "dying a slow death from asbestosis when other problems intervened." In fact, without asbestosis Dodds might well be alive today. Khamsi argued at the appeal hearing that it was only his lung condition that prevented doctors from operating on the cancerous thyroid. "I believe this man could have been cured with surgery," he said. The board has a stated policy of giving the worker the benefit of the doubt.

Sitting in a black dress across the table from the commissioners, Odette Dodds listens silently while doctors drag out more depressing details of her husband's final years. But she takes it stoically; she's heard it all before. In fact, she's thought of little else these past six years. A determined, energetic woman who speaks lovingly of her dead husband, she has compiled an extensive scrapbook of their married life—and a detailed chronicle of his death. Outside the hearing room she readily reels off particulars of doctors' reports, correspondence from the company, rejections from the board. "I made a promise to John before he died," she explains, "that whatever happened I would keep fighting against asbestos."

L. McQ.

BRAM WELER/MACLEANS

WOSH

against compensation. Unions were quick to react last fall when it was reported that an occupational health consultant had advised a group of employers meeting in Hamilton about how to frustrate compensation claims they

Johns-Manville worker (below); Windsor pressure-group members (from left) Bob McArthur, Jim Brophy, John West, Marg McArthur: turning to self-help tactics



BRIAN WILDER MACLEAN'S



felt were invalid. "Leave out the social insurance number; then it won't go into the computers," Jack Richman told the Canadian Society of Safety Engineering. Richman, who acts as a consultant to several major corporations, came under heavy fire from unions for his remarks. He now says he was only trying to improve communications between industry and the board, since leaving out information on the form makes it more likely board officials will phone the employer. This gives the company an opportunity—in addition to the space allotted on the form—to raise its objections to the claim. "Once compensation is started, it's too late to stop it," Richman told the conference.

The most ardently contested cases usually involve disease. Accidents, which make up the bulk of compensation claims, tend to be more clear-cut: either a machine cut off an arm or it didn't.

But the cause of an illness can be more difficult to pinpoint. Unless a worker's disease falls within the criteria set by the board, he can have a difficult time establishing his claim, says Craig Paterson, a Vancouver lawyer who represents workers at compensation hearings. Those seeking compensation often find their lifestyles under attack. "They'll accuse a guy of not exercising enough," says Charlie Neilson of the Canadian Chemical Workers in Toronto. "But if he's got asbestosis, he

Dust-filled cement plant: daily danger



can't really exercise; he gets too tired." Provincial boards supposedly are independent arbiters between labor and industry, but labor has long charged that the relationship between the boards and industry is a little too cosy. The Ontario Workmen's Compensation Board even operates out of the same Toronto office building as the powerful IAPA, which represents more than 53,000 companies. And relations between industry and the board worsened in British Columbia under the NDP government when the board started imposing more fines on companies violating provincial standards. This caused "some resentment" among companies punished, says Terence Ison, a law professor who served as chairman of the B.C. board at the time. But once the Social Credit regained power—and Ison



JULIEN LEBLANC

Routine worker scan for disease: appalling

departed—the board took steps toward easing restrictions on industry by proposing looser regulations and enforcement on certain toxic substances. "Now the board is doing the employers' work

for them; they have no reason to complain," says Cathy Walker, staff representative for health and safety at the Canadian Association of Industrial, Mechanical and Allied Workers.

But the real evidence of the boards' bias, according to labor, is the decisions they hand down. Certainly, in rejecting

INTERNATIONAL LABOUR OFFICE

claims on behalf of 10 Bendix workers last February—Tommy Dunn's case is still pending—the Ontario board seemed to agree with the company's advice. In a confidential submission to the board, Bendix specifically argued against compensation for five of the claims. One of those it opposed was filed on behalf of Nelson Masse, a 35-year Bendix veteran who died after developing a larynx cancer that forced doctors to remove his voice box. "He couldn't even talk his last year," recalls

treated the men for these symptoms. Decter is now trying to get the Manitoba board to compensate Canada's first case of chronic lead poisoning.

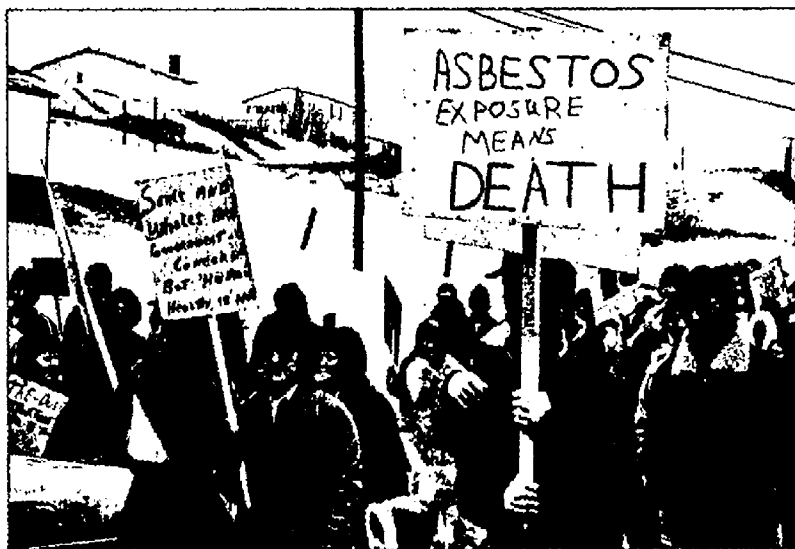
Industry's counter-attack isn't confined to compensation, though. Perhaps even more significant, in the long run, is its push for less government control over dangerous substances in the workplace. Industry lobbied Ontario hard for less provincial regulation when the province was drawing up its new health and safety bill, which came into effect

eration: workers producing Isordil, a drug used to treat angina, were reporting high incidences of vomiting and severe headache. "Who knows what kind of an epidemic we're sitting on," says Larry Gauthier, plant chairman of the Oil Chemical and Atomic Workers.

In the fight over regulation, industry holds a powerful card: plant closure. The fear of an employer pulling up stakes and moving on weighs heavily on the minds of both workers and civil servants. When the Ontario labor department is trying to decide whether to make a guideline on a hazardous substance tougher, it also assesses the impact of any plant shutdowns that may result. Certainly, the Bendix announcement last February that it was closing one of its two Windsor plants and moving operations south of the border has been a blow to the union's health and safety campaign. The move was first mentioned three years ago and Bendix denies that it was sparked by worker militancy. But, with unemployment running close to 20 per cent in the heavily industrialized city, many workers were drawing just one conclusion: insisting on safer conditions may jeopardize their jobs.

Amid the battle over regulation, depressing evidence is emerging that even the government-set safe levels aren't all that safe, at least when it comes to cancer. "What no one in authority likes to say is that there's not a shred of evidence to support the so-called safe levels," says Atherley of the federal health and safety centre. Owners of a polyvinyl chloride (PVC) plant in Fort Saskatchewan, Alberta, seemed to acknowledge this recently when they decided not to hire women capable of bearing children. The company, Diamond Shamrock Alberta Gas Ltd., was meeting provincial standards at the plant, but medical evidence suggests fetuses can be damaged by exposure to PVC even at these levels. The union now cynically believes that men at the plant are equally at risk.

Back at Tommy Dunn's house there's similar cynicism. Dunn, who's been off work since December on sick and accident benefits, is still hoping he'll be granted compensation. Early this year his friends and fellow workers threw a party for him that raised close to \$5,000 to help him with his mortgage payments. A huge poster from the party—with hundreds of signatures from well-wishers—is propped up on the living room table, next to a photograph of Dunn and his wife, Lucy, in happier days. And the company? Dunn shrugs. "You don't even get a get-well card from them." ☺



Bale Verte strike: more urgent militancy

his wife, Ivy. In ruling against a widow's pension, the board argued that it was not clear Masse's cancer was caused by his work since he'd spent *only six years* working near one of the most hazardous parts of the asbestos-grinding plant, although the open-concept design allowed dust to circulate freely throughout the plant (board rules stipulate a minimum of 10 years' "proven" exposure).

Meanwhile, Ontario boards closed down two Toronto-area schools in March to spare students and teachers several *days'* exposure to asbestos fibres falling from the ceiling. At Toronto's Johns-Manville plant—where the death toll now stands at 39—the union is appealing the board's decision to reject the claim of former employee John Dodds (see box, page 46). And in Winnipeg, a fight may be shaping up over the compensation of workers suffering long-term kidney damage after exposure to high levels of lead on the job. "Some of these guys are 25, 30 years old and, while they don't have kidney disorders yet, they have such bad stomach cramps, diarrhea and constipation they can't even go out in the evening," says Dr. Percy Decter, a surgeon who has

last year. In briefs to the government, both employers' associations and private firms argued against giving government inspectors too much power and replacing provincial "guidelines" with legally binding standards. In fact, by and large, industry would like a free hand to regulate itself.

But labor remains highly suspicious, charging that industry has a poor track record when it comes to initiating its own cleanups and, in fact, often has deliberately withheld information about dangers in the workplace. Workers say less government regulation would only leave them more vulnerable, especially to the thousands of new, little-known chemicals recently introduced into Canadian factories. At the Wyeth plant in Windsor, for instance, workers involved in the manufacture of birth control pills got a taste of possible future shock this year when they reported bizarre sexual side effects. Two men said they were growing breasts; others experienced a sharp decline in sex drive. As reporters flocked to pick up the details, less sensational stories were filtering out of another section of the Wyeth op-