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From Dust to *DUST* to Dust: Asbestos & The Struggle for Worker Health and Safety at Bendix Automotive

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On the morning of June 20, 1980, members of the executive of Local 195, United Automobile Workers of America, representing workers at Bendix Automotive in Windsor, Ontario, were called to a surprise meeting with management officials. A few months earlier, the company had closed its oldest facility on Argyle Road and there were rumours that it was planning to do the same with its remaining plant on Prince Road. These rumours were based in a heated controversy that had swirled around Bendix's Windsor operations since the mid-1970s when questions regarding the health and safety hazards associated with working with asbestos began being raised. The initial unease some Bendix workers felt about asbestos turned into fear and anger when in January of 1980 a young Bendix worker, Tommy Dunn, was diagnosed with mesothelioma - a rare, and fatal form of cancer associated with exposure to asbestos. Suddenly, asbestos at Bendix was a potentially deadly issue.

Bendix responded to workers initial health concerns by instituting new procedures and processes aimed at restricting the production and the circulation of asbestos dust. They agreed, reluctantly, to the presence of a part-time, union-appointed, health and safety representative whose task it was to inspect the production processes and make recommendations for changes. However, Dunn's serious illness, and increasing local and national media attention placed new pressures on the company. As members of the union seated themselves at the table that morning, they had misgivings about what might transpire. Management officials lost little time informing the union delegates that the Prince Road plant was being shut down. In fact, the company spokesman stated, it was being closed at that very moment. Workers at the plant were being told that they had ten minutes to clean out their lockers and vacate the building. Closing the plant was unfortunate, the Bendix official concluded, but a thorough examination of its operations had convinced management that it was no longer economically viable. With that, the meeting was adjourned.

This paper will analyze how asbestos "dust" came to be recognized by workers as a life threatening health hazard and the developments that led up to the closure of Bendix's operations in Windsor. It will be argued that the closure was not a straightforward market decision based on short run profit performance. Rather, the decision by Bendix management to vacate its base in Windsor was intricately tied to the controversy surrounding the use of asbestos in the manufacture of brakes. After nearly five years of worker/union mobilization around the issue of asbestos, and with the prospect of more employees being diagnosed with asbestos-related disease or illness, Bendix management decided that its operations in Windsor were no longer economically, socially and politically tenable.

The closure of Bendix's plants in Windsor illustrates the relative freedom of large corporations to make decisions with little regard for workers and workers' health and safety. It highlights the limited choices and avenues of protest open to workers and unions in the context of superior corporate power - particularly in the area of health and safety.¹ For their part, the workers gradually came face-to-face with having to decide between their demands for a healthy work environment and maintaining their jobs. The Bendix closures also point to the contradictory pressures unions face under capitalism. As the asbestos crisis at Bendix deepened, union officials, activists and members of the Bendix negotiating committee were placed in the position of reconciling widely differing demands. For reasons to be explored in more detail in what follows, some workers argued against union efforts to push management on the asbestos issue while others demanded that their workplace be made safe from the hazards of this known carcinogen. Union officials and negotiators were placed in the position of attempting to balance a range of health and safety demands against the overall interest of workers in keeping their jobs not only at Bendix, but also at similar workplaces should Bendix set a precedent. Here the "choice" was also between health and safety and jobs but made more complex by the need of union officials to assess the impact of their choices on the overall ability of the union to continue defending its members' short-run and long-run interests.

Finally, there is the role of the state which faces the contradictory task of providing an economic climate conducive to investor confidence and profit making while simultaneously addressing the demands of subordinate groups such as workers and unions.² With regard to health and safety, this has entailed the state passing legislation that sought to answer the concerns of workers and unions for safe and healthy workplaces, while minimizing the costs imposed on employers.³ In short, the state has the task of fashioning a solution to the contradiction between capital's drive to

¹ Robert Sass, "The Limits of Workplace Health and Safety Reform in Liberal Economies," *New Solutions*, 3, 1 (1992): 31-40.

² The literature on the capitalist state is voluminous. For three discussions, see Martin Carnoy, *The State and Political Theory*, (Princeton 1984); Bob Jessop, *State Theory: Putting Capitalist States in their Place*, (University Park 1990); and, the collection of essays in Sophie Watson, eds., *Playing the State: Australian Feminist Interventions*, (London 1990). For a recent analysis of the state in Canada, see Stephen McBride and John Shields, *Dismantling a Nation: The Transition to Corporate Rule in Canada*, (Halifax 1997). For more global analyses, see David Held, *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*, ((Stanfor 1995), and David Korten, *When Corporations Rule the World*, (West Hartford 1995).

³ For an historical discussion of this relationship in Canada and Australia respectively, see Eric Tucker, *Administering Danger in the Workplace: The Law and Politics of Occupational Health and Safety Regulation in Ontario, 1850-1914*, (Toronto 1990), and, W.G. Carson, "The Conventionalization of Early Factory Crime," *International Journal For The Sociology of Law*, 7 (1979): 37-60. For a contemporary discussion of the United States, see Charles Noble, *Liberalism at Work: The Rise and Fall of OSHA*, (Philadelphia 1986). For the United Kingdom, see Theo Nichols, *The Sociology of Industrial Injury*,

maximize profits in the short run - which leads to little concern for the health and safety of workers - and the workers' need to replenish their labour power and enjoy a pleasurable quality of life.

In this instance, none of the local, provincial or federal governmental arms of the state acted in ways that satisfactorily addressed the needs of Bendix workers. After years of pressure from workers, unions and other interested organizations, especially the New Democratic Party under Stephen Lewis, the Ontario Progressive Conservative government of William Davis in 1979 enacted an occupational health and safety act that enshrined, in statutory law, workers' rights to know, participate and refuse unsafe work. In the end, legislative protection offered to Bendix workers via the new act was too little and too late in that it did not speak to the dynamics and consequences of plant closures or who was responsible for the long-term health and safety needs of workers.

Bendix is an important and complex story that speaks to many of the issues that confront workers on a daily and generational basis. What are their "choices" under capitalist relations of production? What are the options and avenues for action of their collective organization - the union? And, what is the role of the state in issues involving safety and health versus capital accumulation? The following sections of this paper will address each of these issues.

WORKING AT BENDIX

Bendix opened its doors in Windsor in 1929 when they acquired the Argyle Road operations of Eclipse Machine of Canada, a subsidiary of a parent plant in Elmira Heights, New York. Until the purchase, Eclipse's sole product was starter drives for Ford. After the change in ownership, the new company, Bendix Automotive, added coaster and automotive brakes, wheel cylinders, master cylinders and bicycle brakes to its product menu - manufactured and assembled by a small, yet relatively stable workforce of approximately 100 men and a few women. Drum brake assembly was added in 1937 and in 1940 the "company purchased drilling, grinding, and riveting equipment to manufacture its own lined brake shoes..."⁴ Asbestos was first used in 1940. In 1963, strong domestic and Commonwealth markets led the company to purchase a second manufacturing facility on Prince Road in 1963. Two years later the company posted sales of nine million dollars and employed 400 workers. The economic fortunes of the company continued to improve with the introduction of the Canada-United States Auto Pact in 1965. By 1977, Bendix employed almost 800 workers and posted 73 million dollars in sales. Almost 98 percent of its output was exported to the

(London 1997).

⁴M. Finkelstein, "Mortality Among Employees of the Bendix Automotive Corporation, Windsor, Ontario," Ontario Ministry of Labour (August 1988):8.

United States.⁵ Until the major expansion of the early 1970s Bendix operated as a relatively small jobbing shop that met its production targets with aging machinery and an older, experienced workforce. In many ways it was like dozens of other small Windsor job shops serving the city's automobile giants, Ford, Chrysler and General Motors.

The Argyle Road plant began its life not as a manufacturing facility but a horse barn for a local dairy. This is critical to an understanding of the evolution of social relations at the workplace and the response of the workforce to the issue of health and safety risks and asbestos dust. Neither Eclipse nor Bendix altered the basic structure of the horse barn during their tenure creating dismal working conditions. Ventilation was minimal, lighting was poor, and workers were exposed to toxic chemicals when working with cutting fluids and other substances, and numerous physical risks as they worked at transforming metal into automobile components.

For most Bendix workers these conditions were what was to be expected in any factory. Larry Knuckle, who took his first job at Bendix in 1947, became an elected union officer in the 1960s, and decided to accept a foreman's position in the 1970s, echoed comments by other workers about the "primitive" nature of Bendix's operations.

[They were] very primitive looking. They still ha[d] belt drive...[in] 1947 and 1948... When I first started I worked on hydraulics. My God,.. [there was] dust. [There were] ...no dustman, no blowers, no nothing...You came out of there and you were black...[Department] 17... was absolutely ungodly. That was what you thought of as a factory. ... It had very low light because it was just fluorescent [lighting]. You could actually see the haze in the air when you walked through and you could smell the oils... It would get so damned cold in wintertime that the windows would be frosted solid. In fact, one of the very first protests that I ever was involved in was over that situation.⁶

Bendix workers' most vivid memory of their working conditions was the ever-present dust - generated principally in the sequential processes of drilling and riveting metal plates to either side of the brake pads, and finally grinding the rough edges of the brake pads even with the metal plates. Some of the dust was captured by exhaust fans attached to the drilling and grinding machines. According to Bendix workers and numerous government inspection reports⁷, the fans were incapable of exhausting all of

⁵E.C. Smith, Testimony, Ontario Legislature, Select Committee on Plant Shutdowns and Employee Adjustment, Bendix Automotive of Canada Case Study, December 3, 1980.

⁶Authors' interview with Larry Knuckle, March 23, 1994.

⁷As one example of Ministry reports, O.P. Malik and C. Bilgi, on a visit to Bendix occasioned by work refusal, stated that "the capture velocity ...[of the exhaust fan] at the level where the operator was observed to be examining [brakes] is not likely to be high enough to produce the kind of results the company anticipated." Ministry of Labour, Occupational Health Branch, "Field Visit Report, January 31,

the dust into the bags attached to the fans. Hence, it was part of the everyday experience of Argyle Plant workers to work through a "white haze" of dust. It was also part of their normal work days to witness some of their coworkers like Earl Groulx "sweep the floors...around the machines...where they'd rivet [the brake shoes] together and the grinders that would grind the radius of the lining." Before he swept the floor, though, Groulx and others performing the same task, had to clear the bags attached to the machinery of any remaining dust. Known as the "shake out," workers would use a handle attached to the bag, or their hands, to "shake" the bag and dislodge any dust attached to the inside linings. The dust would fall into uncovered wooden boxes with plastic linings which would be taken outside and emptied into large garbage bins. The dust, Groulx remembers, "was something like flour...It was a greyish colour...It would fly all over the bloody place if it was windy."⁸

In 1963 the entire brake assembly operation was transferred to the newly-purchased Prince Road plant. Working conditions for the overwhelming majority of workers were better in the new facility, in part because it was relatively new, and, in part, because their tasks related primarily to assembly. However, according to Prince Road worker and union health and safety representative, Jack McCann, for the small number of workers who were attached to the brake shoe operation, conditions were more-or-less the same as they had been at the Argyle plant.

[The brake assembly] was right ...[where]... you came through the doors...So, everybody was exposed in there. It wasn't closed off... And it was bad! [There] would be like clouds of asbestos dust flying [around]- real small particles that would stay in the air. If the sun was shining through the window, you would really see it. It would be visible when you ran those grinders in there. It would be on your clothes. You'd just brush it off...There was no clothing, or smocks, or anything to wear...You got dust on you [and] you go out on your lunch. [You] eat your lunch and when you're in there you [are] next to a guy who wasn't working in the asbestos [area] and you [have] asbestos dust on you.⁹

As we will see in a later section, McCann's reference to these masses of dust particles as "asbestos" dust was part of a process of recognition that took place over the course of the 1970s. In the 1950s and 1960s, when Earl Groulx was sweeping up around the drilling and grinding machines, and each time McCann and hundreds of his co-workers passed through the brake assembly division at Prince Road, asbestos dust was simply another form of metal dust. In fact, few workers knew or understood that this dust was asbestos, or that it was a potentially hazardous substance. It was factory dust - a normal, if undesirable, part of factory life. Indeed, Larry Knuckle remembers "people...

1980: 4.

⁸Authors' interview with Earl Groulx, February 1, 1994.

⁹Authors' interview with Jack McCann, March 23, 1994.

throwing snowballs with it, that sort of stuff. Oh, it was all over. It was just...like ...it was a haze in the air."¹⁰

Despite the poor physical conditions of the Bendix plants, the company was viewed by many of its employees, at least until the late 1960s, as a good place to work. Relying on a workforce with numerous family connections, a broad range of new immigrants to Canada, rural Essex County labour seeking supplements to their farm income, and, interestingly, a significant number of women, management tolerated - even promoted - a labour process at Bendix the dominant characteristic of which was a strong camaraderie among workers and between workers and front-line management.¹¹ According to Larry Knuckle, management seemed to care about the welfare of their employees and their employees' families: "[Bendix] was like a family. It really was. Everybody knew everybody else. I played baseball. I played hockey...We went and golfed together."¹² Barbara Rinehart noted these family orientations of management as well.

Mr. Keeley ...knew how many kids you had. What their birthdays were...If you had been sick last week, he came out and asked you how you were doing now...Bill Herman ...was another nice guy..Mr. Sarratore was a ladies man. He was ...a bachelor. He was God's gift to women...He came out and put his arm around you. The whole bit. The others had never done this. And that was alright too.¹³

The good feelings were cemented by wages and benefits that by the 1960s gradually became comparable to that found in the local "Big Three" plants. Equally important, the workload was viewed by many as light. Stephan Gian, initially a machine operator who jumped at the job of stockman when it became available, found working at the Argyle Road plant far preferable to working on the assembly lines in the auto plants:

It was no[t] like working at Ford on an assembly line. If you [were] a machine operator [and] ... you want[ed] to leave the machine, you [just]stopped the machine...You went to the bathroom or just relaxed... And, if you made your production nobody bother[ed] you. You could walk around for a little while. You

¹⁰Larry Knuckle, March 23, 1994.

¹¹Women workers at Bendix were found primarily in the cylinder assembly and inspection departments. As Barbara Rinehart stated in her interview, they were preferred by management for cylinder assembly because "their fingers were smaller to be able to assembly the cylinder." (Authors' interview with Barbara Rinehart, February 3, 1994). There were no black workers at Bendix until the 1970s. According to various Bendix workers, this unofficial policy was satisfactory to management and workers alike.

¹²Larry Knuckle, March 23, 1994.

¹³Barbara Rinehart.

got your production, that's it."¹⁴

Another long-service Bendix worker, Jim Kozmansky, decided against working at one of the big auto plants because he too "felt Bendix was a better place to work."

Not money wise. Chrysler's was getting ... 30, 40, 50 cents an hour more than us... But I knew the guys at Bendix...I talked with them. I drank with them in the hotel... And they told me leave that place [Chrysler] and come to Bendix. You'll get a job there, no problem. Some jobs were dirty,... but most of them were nice clean jobs and you didn't slave. You didn't bust your ass like you did at [Chrysler] ...At Argyle, we took our time...It wasn't go, go,go...The company was getting their production out. They were getting their quality out. So, what else did they want? And if they raised production too high, they found out they never got it. That's all. [Be]cause somebody would bugger up here, bugger up there, ... or put the wrong stock in the wrong place, one thing and another... So they just let it ride.¹⁵

There was no automatic assembly line to pace workers. As long as daily production quotas were met, management appears to have kept its distance, allowing workers to set their own pace and bank time.

This style of organizing and managing the labour process was congruent with a somewhat lax approach to formal labour-management relations by both the union and the company. The UAW had organized the Bendix plant in the 1940s, but by the end of the 1950s did not have a union security clause or employee seniority rights inscribed in the collective agreement. In the late 1950s, however, the Bendix union began pushing for better contract language to protect workers' job security and improve their wages and pensions. According to Knuckle, the new attitude of the workers was "[f]irst give me security... Get me something that says I can feed my family and I can live a decent life. I don't have to be rich...I think that was the big thing."¹⁶ By the end of the 1960s, the slim collective agreements of the 1950s had given way to 120 page documents that codified virtually every aspect of union-management relations.

Management also changed - becoming more demanding on the shop floor and less willing to grant contract concession except through strikes and other forms of labour protest. The 1970 settlement of plant workers and Local 195 brought them close to "the Big 3 pattern" in terms of wages and benefits and an agreement to provide a separate union office in the Prince Road plant. But Local 240, representing the 75 office workers, made wage and benefits gains only after a three week strike in October of

¹⁴Authors' interview with Stephan Gian, March 23, 1994.

¹⁵Authors' interview with Jim Kozmansky, March 22, 1994.

¹⁶Larry Knuckle.

1971.¹⁷ Three years later, in 1974, production workers walked the picket lines for five weeks - again the issues dividing the company being primarily wages, benefits, and, now, details concerning the provisions of their pension plan. Another issue standing between union and management officials was the former's demand for increases in the number of full-time union "committee men". Management felt that company-paid, full-time union representatives did little more than stir up the complaints and resentments of the workers while doing little to address company concerns about worker violations of the collective agreement or helping the company instill discipline into the workforce.

This latter point was especially germane in the case of Bendix. According to Gord Detenbeck, a health and safety specialist who joined the company in 1976, "there was a very, very poor working relationship between the union and the company...[M]y first day there... I had three people show up in my office and ... [a]nd they as much as told me, 'you're not welcome here.'"¹⁸ These men, two of whom may have been Local 195 officers, may also have been members of the Prince Road plant "dirty dozen" or "goon squad" who, according to Detenbeck:

[C]ertainly intimidated the management. I've had beer bottles thrown at me from the roof... They were just a bunch of bullies that tried to run the place. And it seemed like whatever conflict we had with the union, the union would use them to be their strong arm. If they wanted a work stoppage, they got a work stoppage. If they wanted some hell-raising in the plant, boom! If we had a grievance meeting and things didn't go well for the union, or if we terminated someone because of something that they had done - not showing up at work, or fighting, or whatever the case may be, you could be rest assured within a day's time there was going to be some repercussions from these people.¹⁹

In his capacity as foremen in the Prince Road plant, Larry Knuckle dealt with the "dirty dozen" on an ongoing basis.

We had about five percent who were just the most ungodly rabble rousers and troublemakers that you could ever believe... We've had gas tanks filled with sugar. We've had cars kicked in. We've had paint spilled all over cars... You had to watch 'em like a hawk. That crew of guys - you could bet your bottom dollar they'd be out under the fence and gone within two hours after the night shift started... They'd bugger off out the back gate. They'd go to a hotel and sit there until closing time. Then come back to work and punch out. It went on all the

¹⁷UAW, National & Area Staff Reports, January 1972. National Archives of Canada, MG 28, I 119, Vol. 2, File 4, Page 50.

¹⁸Authors' interview with Gordon Detenbeck, March 22, 1994.

¹⁹Gord Detenbeck.

time.²⁰

In short, as the 1970s wore on management lost more and more control of critical aspects of the labour process in the Prince Road plant. Hence, their decision to re-introduce former Bendix management official, T.F. Sarratore, to begin the task of re-establishing management control over the day-to-day operations of the Prince Road plant. One former Bendix worker recalled:

These guys had very little work to do. So, during the daytime they'd go up on the roof. They had lawn chairs up there, umbrellas...Sarratore knew where all the hiding spots were. I can remember...sitting there and I look out the window. Here he is...suit on and everything, going up the ladder onto the roof. He caught about 10 guys up there. He knew what was going on. ... It just changed, like night and day. He showed up one night 2 o'clock in the morning and canned a couple of foremen because they were asleep in the office...He was there to weed out the deadwood...He was definitely sent in to...make things lean and mean... And he really shaped the place up, I'll tell you. It had never run so efficient[ly] in all the years that I was there. ²¹

As events were to unfold, however, corralling the disruptive behaviour of the "dirty dozen" proved to be a far easier task than solving other difficulties between Local 195 and Bendix. For, even as management took measures to bring the "ungodly" members of its workforce under firm control, they were forced to confront an emerging health and safety issue which, ultimately, defied all its efforts at arriving at a suitable conclusion.

Dust to DUST

As outlined above, workers at Bendix did not perceive their working conditions to be much different from those that would have confronted most workers in most factories. If you worked in a factory it was accepted that you would be working with and alongside machinery that could be potentially dangerous to your safety. While the oils and lubricants and the noise were bothersome - at times to the point of physical irritation - they were also very much an integral part of factory work. There was room for complaint if oils accumulated on the floor, or if machinery was not properly guarded, or if the temperature was too hot or too cold, or if the rooms were too dusty. But, the over-riding sense of Bendix workers was that the working conditions they confronted each day were more-or-less normal factory conditions about which little could be done.

²⁰Larry Knuckle.

²¹Authors' interview with Ed Lawrenson, March 23, 1994.

Given these views, it is not surprising that health and safety issues were of little concern to most workers and the union from the company's beginnings until the 1970s and the onset of the controversy surrounding asbestos.²² The first indications of any concern among Bendix workers regarding the dangers of working with asbestos appear in the form of a Ministry of Labour inspection report in 1966, resulting from employees complaining about asbestos dust in the air. According to the inspector, H.M. Nelson, the workers were concerned that "[t]he filter bags are shaken about four times a shift by hand. While this is being done the fans are shut off and considerable dust escapes from the collector and tends to settle out on hoppers and other equipment in the room. Employees have expressed concern over the dust in the rooms." Yet, when Nelson inspected the plant he reported that "[t]he exhaust systems seem adequate. During operations the air was clear with very little observable dust. What dust was visible appeared to be that regenerated from settled dust." He goes on to state, in contradiction to the employees concerns, that bag shaking was done during breaks when only the maintenance operator was in the room. His observations end with a comment that "[t]he man shaking the bags does not wear a respiratory mask." Nelson recommended that "the collector bag be shook only when maintenance operator is the only one present, that this worker be supplied with a respirator, that settled dust be removed by vacuum or wet cleaning," and that "No dry sweeping shall be permitted." Finally, he recommended placing the workers exposed to asbestos under medical supervision including x-rays.²³

The next recorded Ministry visit to Bendix took place almost four years later on February 2, 1970. Nelson, now part of the Environmental Health Branch of the Department of Health, once again conducted the inspection. His report contains assurances that "the dust collecting bags are cleaned at breaks, during lunch and after the shift and that housekeeping is good, ... with only a moderate amount of dust. Some dry sweeping is still being done and respirators worn would not be approved for this use." Despite this generally favourable report, Nelson goes on to suggest that "[c]onsiderable dust" escapes when the bags are cleaned and that "[t]he method of cleaning the bag collectors can be described as primitive, exposing the operator to high concentrations of dust, and creating dusty conditions in the area." On this occasion Nelson suggested that the company employ respirators approved for asbestos work,

²²This was a general phenomenon across North America. A number of commentators have described how after the turn-of-the-century push for more inclusive and stricter factory acts, and for passage and implementation of workmens' compensation legislation, concern for workplace health and safety on the part of unions, with a few exceptions, fell away until the 1960s when an occupational health and safety movement resurfaced in the form of struggles by American hard-rock miners and textile workers for compensation for black and brown lung diseases respectively. For an analysis of these latter movements, see Barbara Smith, *Digging Our Own Graves: Coal Miners and the Struggle over Black Lung Disease*, (Philadelphia 1987); Bennett Judkins, *We Offer Ourselves As Evidence: Towards Workers' Control of Occupational Health*, (New York 1986).

²³Ministry of Labour, Inspection Report, Bendix, ... (These reports can be found at the WOSH archive ID

that they be used during cleaning operations, and that the collector bags be cleaned in a way so as to not disseminate dust.²⁴

Four important points emerge from these reports. First, it is undisputable that certain Bendix management officials were made aware of the problems associated with asbestos in their plant in the mid 1960s.²⁵ Second, it is clear that over the course of four years Bendix failed to act on the inspection report in any systematic way.²⁶ Management made only limited efforts to clean up the workplace and they failed to inform their employees of the possible dangers. Third, it is also evident that in the same time frame some workers became cognizant of the dangers of working with asbestos - although it seems evident that they did not understand the full implications of asbestos' hazardous nature.²⁷ Finally, this awareness regarding asbestos did not extend to the

262, LOC VF-BND-140-1(c), SO Ministry of Labour, TI Bendix - Plant Visit Reports).

²⁴Ministry of Labour Inspection Report, February 2, 1970.

²⁵With regard to the knowledge Bendix may have had about the dangers of asbestos, a few points can be made. Studies have shown that the asbestos industry, in Canada, the United States and elsewhere where it was mined and utilized in manufacturing, was fully cognizant of the dangers it posed to those individuals who came into continuous contact with it. (See Paul Brodeur, *Outrageous Misconduct: The Asbestos Industry on Trial*, (New York 1985); David Ozonoff, "Failed Warnings: Asbestos-Related Disease and Industrial Medicine," in Ronald Bayer, ed., *The Health and Safety of Workers: Case Studies in the Politics of Professional Responsibility*, (New York) 1988):139-218; Thomas Murray, "Regulating Asbestos: Ethics, Politics, and the Values of Science," in *Ibid*: 271-292; Jock McCulloch, *Asbestos: Its Human Cost*, (St. Lucia 1986.). Although disputed in the *Report of The Royal Commission on Matters of Health and Safety Arising from the Use of Asbestos in Ontario*, (Ontario 1984), other researchers contend that American insurance companies began refusing applications from workers in the asbestos industry shortly into the 20th century. Of more relevance, is the widespread attention given to the asbestos issue in the 1960s - especially after a presentation by American doctor and researcher, Irving Selikoff, to an international "Conference on the Biological Effects of Asbestos" in October 1964 where he outlined the results of his intensive studies of the impact of asbestos on insulation workers in different parts of the United States. According to various accounts, Selikoff's findings were conclusive in the sense of establishing a close scientific and medical relationship between exposure to asbestos and various forms of illness such as asbestosis and cancer. (This work is referenced in Irving Selikoff and Douglas Lee, *Asbestos and Disease*, (New York 1978).) Further evidence that Bendix was aware of the hazards of working with asbestos can be found in a letter dated September 12, 1966, from E.A. Martin, Director of Purchases at Bendix, to Noel Hendry of the Canadian Johns-Manville plant in Asbestos, Quebec. In the letter Martin writes: "Just to be sure that you have a copy, an article that appeared in Chemical Week magazine is enclosed. So that you'll know that Asbestos is not the only contaminant, a second article from O.P. & D Reporter assess a share of the blame on trees. My answer to the problem is: If you have enjoyed a good life while working with asbestos products why not die from it. There's got to be some cause." (Authors' files)

²⁶In 1986, the Canadian Broadcastings Company aired a program on Bendix workers to review their situation years after the closure. In the program Nelson recounts his reports and its recommendations. In response to a question about why his recommendations were not acted upon, he replied: "We would do the investigation and then the Report would go back to the Ministry of Labour to the Inspector, and where we felt changes should be made, we would suggest directions to be issued. The Ministry of Labour was required to, had the authority to act on the Reports. We didn't." (Video in authors' files.)

²⁷According to union officials we interviewed, they did not become aware of either inspection report until

remainder of the workforce and perhaps even to the majority of local, front-line, management. For these men and women, there were two levels of awareness. On one level, most Bendix employees did not know that asbestos was an ingredient in the brake shoes produced by their employer. The dust in the air - the dust in the air that became as thick as snow when it was being cleaned up - was simply that, dust. As David Pratt, whose first job at Bendix in 1969 was located in the brake shoe department right next to the division that worked with the asbestos linings, recalls that "even after I was in there...I don't remember if I knew that...brake shoes were made out of asbestos. [C]ertainly nobody made me aware of it when I started there."²⁸ The same situation held true for Ken Roughton, hired on at Bendix in 1949 at the age of 18 and who ended up in the brakeshoe division at the Prince Road plant in the late 1960s. After 25 years of working at Bendix he was unaware that he was working with asbestos: "[W]hen we started off there nobody knew nothing about asbestos. Not even the union...You just thought this was dust."²⁹

A number of Bendix workers were aware that they were working with asbestos. In this case, however, they were decidedly unfamiliar of the dangers it posed to their health. June Magee, one of the hundreds of workers hired in the mid 1970s to meet increased demand, was, at first, completely unaware that asbestos was used in Bendix products. Even after she was informed about it, though, it made little impact.

Question: Did you know that Bendix used asbestos when you applied for a job there?

Magee: No. No. I had no idea what...made up brakes.

Question: And how long was it before you did figure out that asbestos was being used?

Magee: Within, within a couple of years. But, I didn't realize the health... hazard... I knew that ...at that time they were saying that when a person put on their brakes to stop at a stop sign, there's asbestos particles there ...What could we really know about asbestos?³⁰

In sum, from the early 1940s to the early 1970s few workers at either the Argyle or Prince Road plants knew that they were working with asbestos or fully understood the

1977 when the Ministry made them available as part of their monitoring of conditions at Bendix. At least one management official, however, rejects this view. Gord Detenbeck stated that such a claim was "baloney... [The] ministry...[has] always picked someone from the union, a representative from the union, to go in. They did that prior to me going in there. ...I know that those reports went out. I know that the union, or employees' designate, had access to it..." This claim is questionable when it is observed that the 1966 and 1970 reports make no mention of an employee or union contact at Bendix. Names of union contacts do not appear on such reports until 1976.

²⁸Authors' interview with David Pratt, January 22, 1994.

²⁹Authors' interview with Ken Roughton, March 24, 1994.

³⁰Authors' interview with June Magee, February 2, 1994.

dangers it posed to their health. However, over the course of a few short years a number of developments would help break this silence: the emergence of health and safety as an important issue within the labour movement, a growing awareness that asbestos was a hazardous substance, the diagnosis of three Bendix workers with cancer of the throat and, finally, the announcement that a well-known, and well-liked worker, Tommy Dunn, had been diagnosed with mesothelioma - a cancer of the lungs traceable directly to exposure to asbestos.

The upsurge of interest in occupational health and safety within the American and Canadian labour movements in the 1970s was tied in closely with the rise of other social movements of the 1960s - particularly the environmental movement.³¹ During this period workers and unions in both countries began to push their employers and governments to change the ways and means, and the rules and regulations, governing workplace health and safety. At the legislative level, the first major breakthrough - in terms of its impact on Canadian workers - was the passage in the U.S. of the federal Occupational Health and Safety Act in 1970 which placed workplace health and safety on the agenda of each of the major American-based trade unions.

Even as the American labour movement geared up to address the increasingly vocal health and safety demands of its members and its new institutional responsibilities to educate and represent them both at the bargaining table and in the halls of government,³² similar developments unfolded in Canada. In 1972, the New Democratic Party in Saskatchewan formulated and passed into law new health and safety legislation that gave workers in that province far-reaching rights to know about the health and safety hazards in their workplaces, to participate in addressing these problems, and, perhaps most significantly, the right to refuse what they considered to be unsafe work. Coincidentally, certain events in Ontario were about to set processes in motion that would culminate in the enactment of similar legislation in 1979. Central to these developments were first, the efforts and demands of nickel miners at INCO in Sudbury from the mid 1960s forward into the 1970s for controls on sulphur dioxide emissions; second, the protests and the 16 day wildcat strike of uranium miners in Elliot Lake in April 1974 to force the government to recognize the relationship between working in uranium mines and an excessive incidence of cancer; third, the establishment in June 1974 of a provincial "Royal Commission on the Health and Safety of Workers in Mines;" and, fourth, the important role played by the Ontario New Democratic Party in highlighting these issues and the workers' struggles in the Legislature and the province as a whole.³³

³¹See Smith, *Digging Their Own Graves*, and Judkins, *We offer Ourselves*. For analyses of similar movements in Sweden, Finland, East And West Germany, see Ray Elling, *The Struggle for Workers' Health: A Study of Six Industrialized Countries*, (Farmingdale 1986).

³²See C. Noble, *Liberalism at Work*, for a description and analysis of the origins and limitations of this 1970

The growing public awareness of a health and safety problem legitimated this issue at the workplace and emboldened both unions and workers to take more aggressive stances.³⁴ At Bendix, this new understanding took the form of a worker refusing to perform work he considered unsafe. Although the details of the refusal remain unknown, it did take up a significant amount of time during the 1974 contract negotiations. As noted in a memorandum appended to the 1974 collective agreement, union concerns regarding the "the Company taking disciplinary action against an employee who has refused to perform an operation which he believes to be unsafe," were met with assurances that Bendix would "make reasonable provision for the health and safety of employees in order to prevent such an occurrence." The company was, however, still of the opinion that health and safety issues could best be dealt with by the employees raising these issue with "his foreman or the plant safety coordinator or... with his committeeman who shall discuss the complaint with the employee's foreman."³⁵

As late as 1974, the issue of asbestos dust was being treated simply as another health and safety concern, on a par with issues such as high temperature in the plant. This was soon about to change. Periodic air monitoring tests by the Ministry of Labour began in 1975. In September of 1976, the Occupational Health Protection Branch of the Ministry of Labour performed a second round of air sampling tests. To get a more precise reading of the amount of airborne asbestos particles, workers in the grinding department were fitted with personal smplers. All of the tests had results that were below the Ministry's revised time-weighted average exposure limit of 2 f/cc for all types of asbestos - a limit value adopted in 1975 after the Ministry had abandoned the Threshold Limit Value(TLV) for asbestos established by the American Conference of Governmental Industrial Hygienists (ACGIH).³⁶ The 1976 report concludes with a

Act.

³³For a description of both of these processes, see, Brian Walker, "The Politics of Occupational Health and Safety: Ontario's Mine Workers and Government Regulation of Environmental Hazards at the Workplace," Ph.D Dissertation, University of Toronto, 1988. For a specific examination of the events at Elliot Lake, see Ramona Kybartas, "Limits to Reform: Occupational Health and Safety in Ontario, 1880-1984," MA Thesis, McMaster University, 1984; and L. Tataryn, *Dying For a Living: The Politics of Industrial Death*, (Toronto, Deneau and Greenberg, 1979). See also E. Martel, "The Name of the Game is Power: Labour's Struggle for Health and Safety Legislation," in M. Steedman, et. al., eds., *Hard Lessons: The Mine Mill Union in the Canadian Labour Movement*, (Toronto, Dundurn Press, 1995): 195-209.

³⁴For discussions of these developments in Ontario, see Eric Tucker, "Worker Participation in Health and Safety Regulation: Some Lessons From Sweden," *Studies in Political Economy*, 37 (Spring 1992):95-127; "And Defeat Goes On: An Assessment of Third-Wave Health and Safety Regulation," in Frank Pierce and Laureen Snider, eds., *Corporate Crime: Contemporary Debates*, (Toronto 1993): 245-267. See also, Robert Maton, "The Emergence of Neo-Liberalism in Ontario's Workers' Compensation System," Ph.D Dissertation, University of Toronto, 1991; Martel, "The Name of the Game is Power," and, Walker, "The Politics of Occupational Health and Safety."

³⁵Letter No. 15, R.M. Robbins to Mr. S. Weiko, August 9, 1974, *1974 Agreement Between Local 195 UAW and Bendix Automotive of Canada*: 50.

³⁶The private and corporate-influenced manner in which TLVs were determined was exposed by two reseachers who were mistakenly allowed access to ACGIH files. As a result of this unwelcome intrusion

recommendation to maintain the exposure at the present low level equivalent to 1/8th of the existing threshold limit value.³⁷

The union was unhappy with these and subsequent government tests, charging that the air was sampled at times when drilling and grinding machines were turned off. As a result, they stepped up the pressure on Bendix management to make changes aimed at controlling dust emissions. Although professing that the government tests legitimated their claims that asbestos dust posed no danger to its employees, Bendix management nevertheless began to take measures that indicated their growing concern with the issue. One important action was the hiring in 1976 of Gord Detenbeck, a man with an "industrial technology" background, to be the company's health and safety supervisor. According to Detenbeck, he told Bendix management that he would not take the job unless he had his own budget. He did not want to have to go "begging" to the engineering department all the time for money for changes he wanted to make. In the end, Detenbeck received assurances that he would have one percent of the local company's operating budget at his disposal and he took the job.³⁸

The union entered the 1977 collective agreement negotiations with the appointment of a full-time health and safety representative at the top of their bargaining list. On its own, this demand could be interpreted as the Local trying to follow the pattern established in recent negotiations at other area UAW workplaces. However, other demands placed on the table make it clear that asbestos was becoming more of a concern. As the negotiations dragged into a strike, nine of the eleven outstanding issues (outside that of a full time health and safety representative) were associated with the clean-up and containment of asbestos - including a vacuum sweeper for the brake department at Prince Road; company provision of stand-up lockers, coveralls or smocks and shower facilities for all grinder operators; an adequate sweeper system for the grinder area at Argyle Road, and, finally, the company was to correct the dust collection problem in the grinding area at the Argyle Road plant and make every reasonable effort to correct the asbestos dust collection problem outside the Argyle Plant.³⁹ The company agreed to comply with each demand. What remained outstanding, was their rejection of the full-time health and safety representative. In fact,

and the scandal precipitated by it, government agencies charged with health and safety regulation began to revise and/or totally reject the TLVs established by the ACGIH. See B. Castleman and G. Ziem, "Corporate Influence On Threshold Limit Values," *American Journal Of Industrial Medicine*, 13 (1988): 531-559; and, S.A. Roach and S.M. Rappaport, "But They Are Not Thresholds: A Critical Analysis Of The Documentation Of Threshold Limit Values," *American Journal Of Industrial Medicine*, 17 (1990): 727-753.

³⁷Ministry of Health, Occupational Health Protection Branch, "Field Visit Report, September 1, 1976." A copy of this report was forwarded to R.R. Robbins, Bendix's Manager of Personnel and Employment, and D. Souilliere, Bendix safety coordinator. No member of Local 195 is listed as being forwarded a copy of the report.

³⁸Gord Detenbeck.

³⁹UAW, National Archives of Canada, MG 28, I 119, Vol. Interim #1, File 2(2) .

unidentified hand-written notes chronicling the September 13 bargaining meeting stated that the company "will not increase representation hours in any way, shape or form."⁴⁰

The three month long strike was only settled after the personal intervention of UAW, Canadian National Director, Bob White.⁴¹ The final agreement contained a clause stipulating that the union would be responsible for appointing a health and safety representative who would hold that position on a half-time basis. Both sides had compromised on this issue. Shortly thereafter, White appointed Jack McCann as the health and safety representative.⁴²

One of McCann's first actions as health and safety representation was to ask the Department of Labour to sample the air in the Argyle plant. The results were again under the provincial government exposure guidelines. Skeptical of these "scientific" results, McCann and other members of the Bendix union executive continued to press the company to make the changes agreed to in the 1977 collective agreement which included the introduction of a new exhaust system and containment procedure for dust escaping outside the plant. At the same time, McCann began to make use of educational health and safety information being developed by the UAW in the United States, and, to a lesser extent, in Canada. Detenbeck was critical of McCann's choice of union training:

The things we wanted Jack to take, he didn't want to take. I wanted him to learn how to do air sampling. I wanted him to be able to understand more about exhaust systems, capture velocity, and all kinds of things. He didn't want to take that. He wanted to take the UAW health and safety thing.⁴³

For McCann, the questioning of his training was not only a means of undermining his credibility, but more importantly it was intended to divert attention away from the issue of asbestos and Detenbeck's own inability to solve the problems.

⁴⁰Ibid.

⁴¹Although there are no official union documents that attest to White's personal intervention, both Jack McCann and Andrew Marochko, UAW international representative for Bendix, informed us of this development.

⁴² From this point forward, Jack McCann is a central figure in all events at Bendix involving asbestos. Hired in 1964, McCann worked most of the time at the Argyle Road Plant as an inspector. He became active in the union because "they needed a rep" and was chosen by White to be the health and safety representative because he had been serving as the unofficial health and safety representative for a couple of years. Asked why he had an interest in health and safety, McCann replied: "I can't really pinpoint...why I went into it. It's just that I enjoyed it. I used to read up on different things ...like articles and papers, compensation cases and stuff like that. . . . Basically, I just think that we needed a good work environment there."

⁴³ Gord Detenbeck.

I didn't go to university. I finished Grade 12 technical school. But I learned on my own from what I read. If [Detenbeck] had all this schooling why didn't he bring up all these issues and get [the asbestos] cleaned up on his own? For somebody who doesn't have any schooling ...I'm the one that did it. That's not saying much for him as far as I'm concerned.⁴⁴

Standing apart from the growing rift and mounting tensions between McCann and Detenbeck were the great majority of Bendix workers in both plants. Now down to about 450 workers from the peak of nearly 800 in 1976⁴⁵, their greatest health and safety concerns seemed to be whether or not they had to wear the coveralls and masks won for them in the 1977 collective agreement.⁴⁶ This relative complacency changed, however, with the revelation that the union had presented a case to Michael Starr, chairman of the Ontario Workmen's Compensation Board, that three ex-Bendix workers had contracted their fatal laryngeal cancers as a result of working with asbestos. Stemming from research conducted by McCann and John Pistor, a law student on a Ministry of Labour summer placement with Local 195, the brief presented to Starr by Local 195 president, John Moynahan, outlined in full detail the work histories of the three men - Henry Bednarick, Nelson Masse and Edward Rogers - and how their contact with asbestos was the most likely cause of their cancers. Given that the company had refused union requests to provide more details regarding the work histories of these and other workers, the union was left with no alternative but to present its case to the Workmen's Compensation Board.

It is submitted that when all the facts are known it will be clearly established that numerous deaths have resulted from the carcinogenic effects of exposure to asbestos dust in the Bendix Automotive Company's plants in Windsor... This presentation is being made in order to gain a full investigation by the Workmen's Compensation Board into the three cases already noted, as well as other suspected cases of industrial disease related to asbestos exposure at Bendix.⁴⁷

According to the union's brief, the "techniques used to control the amount of asbestos dust present in the air in the work place can best be described by looking at two periods - pre 1977 and post 1977." Pre 1977 conditions were primitive at best, with "inadequate ventilation" and most hand grinders being without "local exhaust systems."

⁴⁴Jack McCann.

⁴⁵During negotiations for the 1977 collective agreement, union negotiators were told by company officials that "much work [had] been transferred out during the strike [and it] will not return." UAW, National Area and Staff Reports, Handwritten notes, September 13, 1977 Negotiating Meeting. NAC, MG 28, I 119, Vol. Interim #1.

⁴⁶Authors' interview with Andrew Marchochko, December 9, 1993.

⁴⁷UAW, Local 195, "A Presentation to the Honourable Michael Starr, Chairman, Workmen's Compensation Board of Ontario: Asbestos Exposure at Bendix Automotive in Windsor, Ontario," June 27, 1979: 2.

Moreover, when an exhaust system was installed, "it was located inside the department but did not exhaust the dust out of the building at all."

The dust fell into an open box which was usually changed only when it overflowed. When the company converted to a dust-collector bag system (1974-77) these were also located inside the building and the bags became clogged with dust at least three times per day. At these times the bags were unclogged by shaking, and it was usual for a cloud of asbestos to fall back out of the exhaust system during this period of operation. Due to the large amounts of air-borne asbestos dust, the employees usually had to leave the department when this occurred. [Furthermore] prior to 1977, dry sweeping of dust and the use of air hoses to blow away fallen dust, were the only methods used to clean machines and work areas... Respirators were available for several years but they were not compulsory and often proved ineffective. In fact, until 1977, the company issued to employees the wrong type of respirators... which were designed only for protection against nuisance dusts and non-toxic dusts. ⁴⁸

The final target of the union was the government, which along with the company, "seemed to ignore the problem, or at best, to take stop-gap measures to alleviate it. No air sampling results are on file prior to 1975. Only when the issue arose at the bargaining table did it receive the attention it warranted."

This damning portrait of health and safety conditions at Bendix captured front page headlines in the *Windsor Star*. Under the heading "UAW links deaths of 3 workers to asbestos dust at a city plant," readers learned of the details of the union presentation, including information from British and American medical studies linking cancer of the larynx to asbestos exposure. In one article, Edith Rogers, the wife of Edward Rogers, spoke of her husband's 14 years "as an inspector and packer of brake shoes". After an operation in the fall of 1977 "he seemed to be getting better." In July 1978 he went on disability pension. Less than a year later, however, Edward Rogers died of cancer of the larynx.

[Edith Rogers] said [Edward] was wary of the dangers of working with asbestos, since two others had died, "but he didn't say anything. He wasn't that kind of person. He was a worker... a real worker and he believed in taking care of his family first." ... Mrs. Rogers said he didn't want to jeopardize his job in any way by complaining. But she said her husband believed there must be a connection between his cancer and the conditions under which he was working. "He really thought there was, because he had never been sick a day in his life."⁴⁹

⁴⁸Ibid, 4.

⁴⁹M. Gervais, "Cancer Wiped out Ed Roger's life-long dream," *Windsor Star*, June 27, 1979.

The following day workers at Bendix were reported to be "afraid" of working at Bendix. Earl Groulx spoke to a *Windsor Star* reported of being frightened of going to work: "I don't feel like working in there right now," Groulx stated. Another employee, Tony Delacata, "a nine year veteran of the brake lining department," expressed his fears by saying that he "want[ed] to be around to see my kids grow up." Yet, he had no alternative: How do I feel? It's a living. What are you going to do?" A final worker interviewed expressed a different opinion. Tom Hastings, "another nine-year veteran of the asbestos brake-lining department, says the scare-talk doesn't bother him. 'I feel alright... If I didn't like it I wouldn't work in there, I'd ask to be posted out. I feel it's the same for everybody in there. If they don't like it they can get out.'"⁵⁰

Bendix moved quickly to its own defense, circulating a memo to all of its employees strongly denying any link between asbestos and the cancers of its ex-employees. In capital letters the memo stated:

WE HAVE NO EVIDENCE TO ESTABLISH THAT EXPOSURE TO ASBESTOS CAUSED CANCER IN ANY OF OUR EMPLOYEES.

OUR PLANTS IN WINDSOR OPERATE WELL WITHIN THE LIMITS OF THE CANADIAN GOVERNMENT'S GUIDELINES COVERING ASBESTOS LEVELS IN THE WORKPLACE. INDEED, BEFORE CANADA ADOPTED THESE MEASURES, BENDIX IN THE INTEREST OF WORKERS AT OUR WINDSOR FACILITIES, VOLUNTARILY REQUIRED THESE PLANTS TO OPERATE WITHIN THE STRICT STANDARDS ESTABLISHED BY THE U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION.⁵¹

In addition to this statement, Bendix attempted to maintain a calm atmosphere by announcing the company's intentions to hold its annual picnic, complete with a tour of the plant for the families of employees. According to UAW Prince Road chairman, Rick Byrne, this announcement only stiffened the resolve of union health and safety activists.⁵² A notice drawn up by members of Locals 195 and 240 "in conjunction with the Ontario Public Interest Research Group," warned that although "the plant area would [be] cleaned up to considerably exceed normal working conditions, ... there would still [be] a great danger from exposure to asbestos." "We do not feel," the notice continued, "that it is in the best health interests of the families of Bendix workers to be unnecessarily exposed to the hazards of asbestos. THERE IS NO SAFE LEVEL OF EXPOSURE TO A CANCER CAUSING AGENT!"⁵³ While deciding to proceed with the

⁵⁰K. McIntosh, "Bendix workers work afraid," *Windsor Star*, June 28, 1979.

⁵¹R.M. Robbins, Director of Employee Relations, "To: All Personnel, Bendix Automotive of Canada, Ltd.," July 4, 1979.

⁵²Author telephone interview with Rick Byrne, June 24, 1998.

⁵³Bendix Committees, OPIRG, "Notice," August 9, 1979.

picnic, Bendix canceled its plans to hold guided tours of the plant.

The pressure on Bendix continued to rise. On July 10, only six days after the Bendix memo to its employees, the Workmen's Compensation Board announced that it had opened its "investigation into the possible links between asbestos and the cancer deaths of at least five employees of Bendix Automotive of Canada"⁵⁴ At the same time McCann and OPIRG activist, Jim Brophy, organized a public forum to inform and educate residents living near both plants of the dangers of asbestos. At the meeting, held on July 19, approximately 150 people listened to speakers from the Ontario Federation of Labour. Len Wallace, a resident near the Argyle Plant, informed a *Windsor Star* reporter present at the meeting that he had been "concerned that the neighbourhood might be affected by dust emission for years. 'If anything's coming out of the plant, its affecting me,' he said."⁵⁵

Under the watchful eye of local, national and international media⁵⁶ Bendix workers followed the debate between the union and the company over how much, or how little, exposure to asbestos was necessary for a worker to become ill. For its part, Bendix was relying on its own and the Ministry of Labour's test results to bolster its claim that workers at Bendix were being exposed to levels far below government regulations.⁵⁷ McCann, and others on the union executive, remained firm in their convictions that such tests were unreliable and that the government was failing Bendix workers by not following up on its own inspection reports. In an August 22 presentation to Dr. Rodney May, Assistant Deputy Minister of the Occupational Health and Safety Division of the Ministry of Labour, John Moynahan outlined how and where the union felt the government was not enforcing its own health and safety legislation in light of tests that gave readings of 1.7 and 1.8 fibres per cubic centimeter in the Prince Road plant.

It is submitted that ...stronger action be taken than merely making recommendations. At the very least, directions could have been issued and recommendations could have been more strictly enforced... It is also submitted that by allowing these conditions to exist, the Occupational Health Branch is not

⁵⁴"Bendix cancer probe begins," *Windsor Star*, July 11, 1979: 10.

⁵⁵B. Bannon, "Bendix Affair: Grassroots campaign," *Windsor Star*, July 20, 1979: 4.

⁵⁶After the meeting with WCB officials in Toronto, McCann - and other union executive members - were inundated with calls from the media. As McCann recalled: "After we came back...there were reporters calling my house like you wouldn't believe...Then we had an open forum. We had so much American coverage...[A]ll the Americans were over here. [A]ll the TV stations from Detroit were here all the time asking for an interview..." Moreover, McCann, and other members of the union, would "feed" the media information. According to McCann, this strategy prevented the company from coming after him with regard to his activities in compiling the file that was presented the Workmen's Compensation Board.

⁵⁷In a February 6, 1980 article in the *Windsor Star*, Bendix president and general manager, E.C. Smith, was reported as stating that the company's tests showed exposure levels at .5 f/cc, while the Ministry's tests showed levels at 1.3 and 1.8 f/cc - both below the 2 f/cc government guideline.

acting in the full spirit or letter of present occupational health and safety [legislation].⁵⁸

Moynahan and members of the Bendix executive saved most of their anger and outrage for earlier Ministry of Health and Ministry of Labour omissions and lack of enforcement activity. Recalling the inspector's reports of 1966 and 1977 which called for "the use of approved respirators and the discontinuation of dry sweeping," Moynahan informed Dr. May that neither of these directions were:

... followed by the company, nor were they enforced by the Department of Health or the Ministry of Labour...Up to 1979, the union had no knowledge of these directions and the company had taken the position that no directions had ever been issued. It is submitted that as a result of company and government inaction regarding these directions, workers were unnecessarily exposed to the dangers of asbestos fibres for eleven years."⁵⁹

Despite the escalation of tension, it is nevertheless conceivable that even at this point their differing positions could have been resolved with some compromise on both sides. Bendix management, as McCann acknowledged, had complied with most of the changes agreed to in the 1977 collective agreement, and, as importantly, the company was displaying its confidence in the economic viability of its Windsor operations through the installation of an automated welding line in the Prince Road plant. On the union side, while workers were worried about the dangers of asbestos, they were as concerned about their jobs. Thus, the union and its health and safety activists were not completely free to pursue their course of action: they had to take heed of the job needs and economic interests of their members as well as their desires for a safe and healthy workplace. McCann, for one, was well aware of this dilemma. Talking to a newspaper reporter immediately after the announcement of the three cases of cancer of the larynx, McCann lamented that the workers "just seem ignorant of the dangers. They don't realize the problems... We try to tell them of the dangers and a guy says 'I've been here 10 years and it hasn't bothered me yet.' They just don't realize..."⁶⁰ Local 195 president, John Moynahan, was also aware of the complexity of the issues and the potentially explosive consequences of the situation at Bendix. "With a few minor revisions, such as laundering of work clothes, the ventilation system and the dust disposal, [Bendix] could clean the place up," Moynahan had stated after presenting the laryngeal cancer cases

⁵⁸UAW, Local 195, "A Presentation to Dr. Rodney May, F.R.C.P.(C), D.I.H., Assistant Deputy Minister, Occupational Health and Safety Division, Ontario Ministry of Labour: Asbestos Exposure At Bendix Automotive in Windsor, Ontario." August 22, 1979:11.

⁵⁹Ibid, p. 8. The union brief also detailed how Bendix remained in violation of many of the guidelines contained in the Ministry of Labour's "Asbestos Data Sheet # 18." One example was the failure of the company to install two sets of lockers for the clothes of workers who came into contact with asbestos - nor had it furnished separate areas for the consumption of food, beverages and tobacco.(13)

⁶⁰K. McIntosh, "Bendix workers work afraid," *Windsor Star*, June 28, 1979:4.

to the Workmen's Compensation Board. "We don't want the place shut down, we want it cleaned up."⁶¹

Although it was not recognized as such at the moment, any hope for a negotiated solution came to an end in January 1980 when it was revealed that Tommy Dunn, a very popular 34 year old Bendix employee with 12 years service, had been diagnosed with mesothelioma - a cancer of the lungs known to be closely associated with exposure to asbestos. Recently home from a month in the hospital, Dunn told newspaper reporters of his feelings that "we should have been told how serious it was a year or two years ago. We thought all the publicity (about cancer from asbestos at Bendix) was the union just getting on the company because of layoffs and trouble inside the plant." Still, Dunn was reluctant to run down the company: "I don't owe Bendix nothing, and Bendix don't owe me nothing. I worked for them. They made a profit on me and I got my pay. Me saying I hate Bendix now, it doesn't make sense."⁶²

The announcement of Dunn's illness shocked and galvanized union and community forces. One week after the newspaper report, a newly-formed occupational health committee - Windsor Occupational health Committee (WOSH)⁶³ - held a press conference to release the 1966 and 1970 Ontario government inspection reports. At the meeting, McCann acknowledged that "asbestos in Bendix air samples [was] within government guidelines, but he says the guidelines are far too high... [H]ow do they tell Tommy Dunn's wife and the widows there is no hazard there."⁶⁴ The next day Windsor and Detroit newspapers carried stories of a potential strike at Bendix in May "because [workers] fear their exposure to asbestos dust is causing an epidemic of cancer diseases among them."⁶⁵ Tense relations between the union and company were further strained when union steward Mike Caverhill refused to work on a riveting machine he thought was unsafe. Citing his rights to refuse unsafe work under the recently-passed Occupational Health and Safety Act, Caverhill stated that workers on the riveters "wear coveralls, but are still exposed to the dust. He said the respirators are awkward and develop leaks unless they are tightened to the point of pain. They hamper normal breathing, making it difficult to do heavy lifting with them." According to Caverhill, these were not the only dangers at Bendix.

Men who work in department 25 mix with other workers in the lunch room without removing their dusty coveralls...It is too inconvenient to take off the dirty clothes

⁶¹ K. McIntosh, "Fatal list rises by 2 at Bendix, *Windsor Star*, June 29, 1979: 2.

⁶²B. Bannon, "Fight of his life, for his life," *Windsor Star*, January 16, 1980: 1.

⁶³WOSH was composed of members of Local 195, Jim Brophy - the director of the University of Windsor branch of the Ontario Public Interest Research Group, Bill Bryce, district president of the Ontario Secondary Teacher's Federation, and John Pistor, the law student working with Local 195.

⁶⁴B. Bannon, "Asbestos order ignored - union," *Windsor Star*, January 24, 1980: 2.

⁶⁵D. Ilka, "UAW calls for Bendix strike," *The Detroit News*, January 25 1980: 3-B.

and put on street clothes just for a half-hour lunch or coffee break, ... so they take off their respirators and mix with other Bendix workers during breaks... My point is ... no matter what the standard is, it doesn't guarantee my health.⁶⁶

Ministry of Labour officials sent in to settle the work refusal concluded that there was "no significant hazard" to the workers and work was resumed. Bendix received further relief in February when the Workmen's Compensation Board announced that it was rejecting 10 of the 19 cases on the basis of the Board's guidelines regarding length of exposure and the length of time elapsing between first exposure and diagnosis of cancer. John Hastings, information officer of the Workmen's Compensation Board, stated that in "order to get an award for asbestos-caused lung cancer, a worker has to be exposed extensively to asbestos dust for 10 years and lung cancer must be diagnosed 20 years after first exposure."⁶⁷

Despite these two favourable decisions - and a highly public announcement by Bendix chairman, William Agee, that the company was "committed to get[ting] out of the asbestos business as soon as possible ...[by]... substituting asbestos with a non-asbestos material,"⁶⁸ - Bendix was on the defensive. The February 12 announcement of the Argyle Road plant closure failed to persuade many workers, union and community activists that the decision to close was solely an "economic one." Rick Byrne, now the union's plant chairman at Bendix, argued that the closing was "another example of a multi-national corporation not living up to its moral and economic responsibility to a community." He agreed that the union was made aware three years ago that the company was thinking of closing the Argyle Road plant and that the "asbestos controversy was not the sole reason behind the ... announcement." Nevertheless, according to Byrne, "faced with the prospect of having to clean up a plant in Canada and a plant in the U.S., [the company] has decided only to clean up its American plant."⁶⁹

The second more significant reason for Bendix's defensive posture lay in the continuing impact of Dunn's illness. While expressing sympathy for Dunn and his family, Bendix officials had attempted to deflect the issue by asserting that as Dunn had never worked directly with asbestos, his cancer could not have been caused by it.⁷⁰ Such arguments did not sit well with many Bendix workers. They listened and agreed with

⁶⁶B. Bannon, "Doctors probe Bendix after work refused," *Windsor Star*, January 30, 1980: 4. The paper reported that this was the first work refusal under the new Act.

⁶⁷S. McGovern, "Bendix claims dismissed," *Windsor Star*, February 14, 1980:4.

⁶⁸"Bendix to eliminate asbestos in plants," *Windsor Star*, February 1, 1980: 1.

⁶⁹B. Shields, "Bendix denies cancer scare closed plant," *Windsor Star*, February 13, 1980:1.

⁷⁰Gord Detenbeck argued, "That was the peculiar thing with Dunn, is the fact that here's a guy that had only worked there for about five years, really wasn't exposed anywhere near, anywhere near what other employees were, and yet he gets mesothelioma. Now how do you, did he get there or did he get it like me helping my dad take out a stoker? I don't know." Authors' interview with Gord Detenbeck.

Jack McCann who argued the opposite: that Dunn's cancer was strong evidence of the extremely hazardous nature of asbestos in that an individual did not even have to be working with it to be affected by its toxicity.

After Tommy Dunn, people started swinging my way more because they knew that he worked over Prince Road.... He was just a young man. He's [was] dying of cancer and it was from the asbestos. So, then, people started ...supporting me more at that time...They knew I was the one that got this whole thing rolling...They realized: 'Hey, maybe Jack is right'.⁷¹

This swing in the sentiment of Bendix workers was mixed and short-lived. As the local prepared for contract negotiations which would place asbestos front and centre, Bendix announced that it was closing the Argyle plant. Pressure now shifted to the union. Some workers and, critically, some members of the local, national and international union, began to openly question the wisdom of maintaining pressure on the company over asbestos. The worry among workers and union officials concerned jobs: the Argyle plant was closing, would Prince Road be next?

No one felt this turnaround of opinion as keenly as Jack McCann and members of the Bendix health and safety committee. In fact they had already confronted a different attitude by the International Union that precipitated grave concern on the committee's part. In a letter to UAW international president, Douglas Fraser, McCann recounted the details of a pivotal January meeting with Bendix officials and representatives of the Minister of Labour in which UAW representative Barrie Brooks was in attendance in place of the regular UAW staff representative, Andrew Marochko.

The role played by Mr. Brooks was to say the least "not acceptable." Throughout the meeting he sat silently as both the Company representatives and M.O.L. officials rejected our demands for a cleaner work place. He did not speak out to back up our position or to support our ideas for alternative work methods.

When he finally decided to speak he introduced himself as a representative of the International Union and started by describing his role at the meeting as that of 'devil's advocate', not as a representative of the workers. We were not prepared for the pro-government and pro-management attitude that Mr. Brooks proceeded to demonstrate. He began by agreeing with the Ministry of Labour that no further action could be taken at Bendix to clean up the asbestos. He agreed that their interpretation of the law was correct. He expressly relieved them of any duty to act, despite the fact that we had called the meeting expressly for the purpose of gaining more action from the government...

⁷¹ Jack McCann.

By the time Mr. Brooks was finished his long speech as 'devil's advocate' he had completely discredited our arguments and had implied that occupational [health and safety] problems at Bendix were caused by the attitude of the Union Committee. The Company representatives sat nodding their heads when he finished and the M.O.L. representatives were so pleased that they concluded the meeting by saying that Mr. Brooks had covered all of their (M.O.L.) arguments for them and nothing further need be added.⁷²

McCann's letter continues by asking President Fraser why Mr. Brooks "feels his proper role is that of 'devil's advocate' rather than as worker representative." More importantly, McCann wrote, "[w]e are presently trying to overcome the company's impression supported by Mr. Brooks' performance, that we stand alone with no support from the International Union U.A.W. You should also know that this is a crucial time for us, as we are now approaching negotiations."

Four days after this February 8 letter, Bendix announced that it was closing the Argyle Road plant. Now, McCann and the health and safety committee felt the pressure not only of the international union, but of members of the Bendix union executive and Bendix workers. The dilemma for the health and safety committee was asbestos versus the possible closure of Prince Road.

McCann: It was still shaky I would say. Everybody thought that [Prince Road] would be closing down...after they closed down Argyle. I wouldn't say... our whole executive thought it. I don't know.

Question: But what could have been done to stop it?

McCann: Lay off the asbestos, I guess. They had the gun to our head, the way I feel, anyway.

Question: But if you felt then that's what might happen, and you were the person who was responsible for pushing the issue, why didn't you let it go?

McCann: Because I didn't feel that I wanted to work in that kind of environment and I didn't expect everybody else to work in that environment. There would be a lot more dead than what there is now if we had left it...It was a known carcinogen. I'm sure there would have been people who would have worked in it regardless.⁷³

Among those UAW officials who became increasingly critical of McCann and the health and safety committee was their staff representative Andrew Marochko. Never prepared to "fight to the last guy"... [I]... "could take 10, or 15 percent casualties, but I want to have enough troops to go home and have a parade..." According to McCann,

⁷²Jack McCann to Douglas Fraser, February 8, 1980. NAC, UAW, MG 28, I 119, Bendix Automotive, Vol. Interim #1.

⁷³Jack McCann.

Marocko was supported in his views by a number of union executive members who formerly stood solidly behind him. One of those former supporters was John Moynahan who "suggested that I cool it...And I told him at the time, I said, 'No, John, I'm not giving up on this'. So, he didn't like that"⁷⁴ In asking McCann to "cool it," Moynahan was expressing his fears, and that of a growing number of rank-and-file workers, that pursuing the asbestos issue any further would result in Bendix shutting down its remaining plant.

The spotlight on Bendix widened still further when in April the Ontario government announced the establishment of a "Royal Commission on Matters of Health and Safety Arising from the Use of Asbestos in Ontario." Now, conditions and developments at Bendix were going to be examined alongside those of the Johns-Manvilles plant in Scarborough, Ontario, where 42 asbestos-related cancer claims were before the Workmen's Compensation Board. Hence, on the morning of June 20 when union members were making their way downtown for the unexpected meeting with Bendix officials, they were deeply worried that this meeting was to announce the shutdown of Prince Road.

From DUST To Dust

Stan [Weiko] gives me a call. He says, 'They want a special meeting'. So we get there at 9 o'clock. Moynahan was there and all of our bargaining committee...All of a sudden the company comes in -the head guy from the international [with] two bodyguards. It was like a scene from a movie. Honest, I can still picture it. Two bodyguards walked in first and just staked out the whole room. They just looked right at me, . . . they just stared right at me. Then they went out and got Dexter. He comes in and sits down with...two other fellows, plus his bodyguards behind me. He said: 'This plant is going to be closed down as I'm speaking. Right now the plant is closed at Prince Road.'⁷⁵

Workers at the plant that morning heard the public address system come on to tell them that they had ten minutes to clean out their lockers and leave company property. Some may have been secretly relieved; most, however, were shocked, or angry, or sad - or simply could not believe it. A large number of these men and a small number of women had spent their entire working lives at Bendix. They were deeply worried about their futures. As they were marched out of the Prince Road plant, their thoughts and feelings were a jumble of confusion and pain.

Even as workers made their way home, local union activists pondered their next move. Deeply concerned that the company was set to move out of Windsor as quickly

⁷⁴Jack McCann.

⁷⁵Jack McCann.

as possible, Rick Byrne, Roger Douglas and Mike Sinkovitch, on the pretense of removing union files, walked into the plant and barricaded themselves in the union office, declaring their intentions to stay until the company agreed to negotiate a close out deal that improved workers' severance pay and pension provisions.⁷⁶ As word of the occupation spread, the three men were joined by 30 to 40 other workers. One of those who joined the occupation was Ed Lawrenson, president of the office workers union.

I went down there and just...stormed right through. Now, the word must have been out because a couple of the management people in the office yelled at me....'Where are you going? You can't come in here.' And I went straight to the union office and then that's when Roger and Rick said: 'We're seizing the plant...[T]hat's the only way we're going to get any kind of closeup agreement'.⁷⁷

Bendix refused to deal with the union demands while the workers were still occupying the plant. Indeed, instead of talking with the union, the company made efforts to convince the City of Windsor to send in police to clear out the plant. Lawrenson heard about these efforts through a friend in Bendix management.

Sally...called me over and said, 'Can I talk to you'...In all fairness, I have to advise you you should get out of here'. And I said, 'Well, why?' She said, 'because they're calling the... riot police. And they're going to clear this plant out one way or another'. And, I said, 'Well, thanks, Sally, I don't feel that I can do that'. ...[T]he police did show up...The chief came in with a couple of them in riot outfits...But also at that period of time the word had gotten around to ...a couple of [the] big automotive plants and there was quite a crowd of people showing up outside.⁷⁸

After it became apparent that the union would not call off the occupation, Bendix agreed to negotiate new terms regarding severance pay and pensions. With this assurance John Moynahan ordered the men to leave the plant and the occupation came to an end only three days after it began. Two weeks later, on July 4, Local 195 and Bendix announced that they had reached a close-out agreement that both sides hailed as the best of its kind to date.⁷⁹ Only two items remained unsettled: the possible

⁷⁶ The decision to occupy the Bendix plant was not an isolated event. Robert White had already raised the stakes earlier in the month when he threatened to take his members onto the street in protest at the state's inaction over plant closures. On June 21, one day after the announcement of the Bendix closure, White proposed to the UAW Canadian Council that the union commit to full-scale mobilization including plant sit-downs. See C.Yates, *From Plant to Politics: The Autoworkers Union in Postwar Canada*, (Philadelphia, 1993): 199-200.

⁷⁷ Authors' interview with Edward Lawrenson, March 22, 1994.

⁷⁸ Edward Lawrenson.

⁷⁹ Close out negotiations centred around worker pensions and the eligibility for full pensions of those groups of workers who were close to receiving full pensions according to their seniority. Bendix agreed to extend

purchase of the company by employees or other interested parties, and the dispensation of the outstanding Compensation cases. The first ended in a rejection by the company of any offers that would have seen the Prince Road plant continue to manufacture brakes. According to the company, making brakes in Windsor was simply economically unviable - that is why they closed the plant. Bendix's response regarding the impending compensation cases was easily discernible from its actions: it proceeded to appeal the one favourable decision of the Workmen's Compensation Board.⁸⁰

After the close-out agreement had been signed, the thoughts of Bendix workers, the union and the larger Windsor community turned to an examination of what had transpired. For many Bendix workers, particularly older workers who had grown to accept manufacturing conditions in an old dairy barn, the union was responsible for the shutdown. Many of these men and women had never supported the strong stand against asbestos - not because they were unconcerned about their health, but, rather, because they were more concerned about their jobs. For these men, if asbestos was a hazard, then it was not as dangerous as some people - Jack McCann especially - were claiming. If it was, however, then their long years of exposure had already inflicted any damage. Whatever the truth of these interpretations, they wanted their jobs back and they blamed the union for their loss. Barbara Rinehart was firm in her view that it was "the union...[t]hat closed Bendix down".

Rinehart: If they hadn't insisted on all these fandangle things because of the asbestos, Bendix would still be there.

Question: Because they wanted so many changes.

Rinehart: Yes. You see, they wanted so much done and the company said there's no way you're getting this... So they moved out.

Questions: But Bendix said at the time that they were closing not because of the health issue, but because of economics.

Rinehart: Bologna! We were the company that was making the money.

Canadian Bendix was ...making the money. But, because the union was asking for so much, they said you're not getting it.

Question: Was it the money or health that was the issue?

Rinehart: Well, with the people it was money. With the union, it was health... The people... didn't stop to think of health. That was the last thing. All they were thinking [about] was their cheque.⁸¹

full pension benefits to a number of hourly workers who did not meet the requisite years of employment. This was, however, a contentious process. At the Standing Committee on Plant Shutdown meetings, union officials pointed out that the Company extended these benefits to salaried personnel without any difficulty.

⁸⁰ Bendix lost this appeal but elected to continue with the process. In September it was reported that the Company had made the decision to appeal both the Dunn and the Cascaden WCB rulings - both of which had been favourable to the men.

⁸¹ Barbara Rinehart.

Younger workers - many of whom had been hired in the boom years of the early 1970s, and whose views and attitudes we have seen differed from the older, first-generation Bendix employees - were mixed in their thoughts and feelings. Although not wishing to work with asbestos, there were those who shared the views of company officials that the various measures that had been instituted over the past few years were a marked improvement and the situation with asbestos was ultimately one that could be satisfactorily addressed through containment, and, eventually, as Bendix chairman Philip Agee intimated, completely eliminated by substituting another material. Moreover, as these workers viewed the industrial landscape, they saw an unsettled economy creating insecurity and unemployment - Bendix was not the only plant to be shutdown in Windsor and elsewhere. Some had even come to Bendix because of a shutdown of their factories.⁸² Hence, their worries about physical and economic health were joined in deep contradiction.

Question: Was there a division in the thinking between workers who were older and had longer seniority and the younger workers on that issue?

Rinehart: Yes... Because the older people would have worked through all this smoke and haze and smut and everything else. We lived through it. The younger ones...hadn't. They've worked at the button factory where it's always clean... And they came into this [and] they're used to [it].⁸³

In some instances, the debates between workers and the union about the causes of the shutdown were based on where they worked in the plant. Many workers who did not work with asbestos did not feel endangered by its presence in the workplace. And, they did not understand why some workers and the union had made it such a large issue.

They... couldn't understand it. They'd say: 'What are you guys doing about this asbestos? Do we have to go through all this?' At meetings they would stand up and say: 'Hell, we got everything else...' 'Why are you doing this asbestos stuff?'... And then a lot of guys would say: 'Hey, you don't work in it, but we do!' And they were bickering...over that stuff.⁸⁴

Some workers and many executive members of Locals 195 and 240 placed the blame for the closure on the company. For these people Bendix closed down a profitable plant because it did not want to deal with the constant pressure, and the present and future workmen's compensation costs, associated with asbestos. Jim Kozmansky believed Bendix shut its doors in Windsor because they "were [afraid] that they were going to have too many lawsuits on their hands... So, they figured, 'Well, we'll

⁸² June Magee.

⁸³ Barbara Rinehart.

⁸⁴ Earl Groulx.

pack it up and leave before anything else..⁸⁵ . Walter Patterson, a Prince Road employer since 1968, held firmly to the same view.

They took off because of the asbestos... [P]eople might have different ideas, but, to me, that was the only reason they closed up. Because there's quite a few people [who] die[d] but they can't prove it was asbestosis that killed them...What they were worried about around the Prince Road plant ... was that the people...had been living with this bloody asbestos dust for years.⁸⁶

The occasion for Local 195 and the UAW to express their official views of the shutdown came when the Provincial Government, under tremendous pressure from the labour movement and the NDP to change its plant closure and employee severance legislation, announced that it would hold hearings into "Plant Shutdowns and Employee Adjustment." On the morning of December 3, 1980, the Bendix hearings opened with an address by Bendix President and General Manager, E.C. Smith, who reiterated the company's position that the closure was due to the poor economic position of the Windsor operations. According to Smith, the timing of the closure was determining by the completion of their production rationalization studies, market intelligence, and "our steadily deteriorating sales projections . . . [and our] customer schedule down time in that period providing an opportunity to execute the transfer without any shipment interruptions to our customers." A final consideration was the "fact that we were in negotiations with our local unions, UAW locals 195 and 240, and had, in fact, been given a strike deadline by the bargaining committee. ... That, in itself, [is] not unusual, nor non-traditional, but as a matter of good faith bargaining, we could not enter into the traditional crash negotiations associated with the strike deadline with an imminent decision relative to closing."⁸⁷

The absence of any reference to asbestos in Smith's address was picked up by R. Van Horne, the Liberal member from North London, who queried Smith as to "how much of a factor was the concern over asbestos in that particular plant?" Smith was quick and adamant in his reply: "The asbestos circumstances had absolutely no bearing on the decision and were not part of the analysis. Asbestos had nothing to do with the decision to close BAC."⁸⁸ Continuing in this line of questioning, Elie Martel, the NDP member for Sudbury East, asked Smith if Bendix was going to supply Local 195 with the complete medical records of the employees "so that any future health study or health problems will be able to be dealt with..." Smith answered, "I am not quite sure how to answer that. . . because part of the asbestos issue per se is still in a kind of

⁸⁵Jim Kozmansky.

⁸⁶Authors' interview with Walter Patterson, March 22, 1994.

⁸⁷E.C. Smith, Testimony, Ontario Legislature, Select Committee on Plant Shutdowns and Employee Adjustment, Bendix Automotive of Canada Case Study, December 3, 1980.

⁸⁸Ibid.

litigation, and I really should not comment on it... I know that we have restrictions on what we can do with medical information. Even if we want to do something with it, we cannot make certain kinds of data available. All of that appears to me to be part of this overall question relative to asbestos, and I really should not comment on that."⁸⁹

In the afternoon session union delegates⁹⁰ addressed and rejected each of the factors outlined by Smith as reasons for the shutdown. According to John Moynahan the rationale concerning the necessity to downsize in the midst of reduced markets overlooked the fact that "Bendix ha[d] down-sized to meet market demands as early as 1976, producing systems for models such as Pinto and Maverick." Moynahan stated, a closure of the company was the "furthest from my mind in December of [1979] because I recall a Detroit News business article in around a year ago today or a year ago Sunday stating: 'Bendix goes booming into the 1980s.'"⁹¹ In short, no one in the union took the Bendix position that the closure was due to poor profitability seriously.

It was the union's position that Bendix closed because it did not want to deal with the issue of asbestos. Speaking for the UAW as a whole, Bob Nickerson, executive assistant to the UAW Canadian National Director, stated flatly:

In my mind there is no question that a major part of the decision by that corporation ... in closing down ... was asbestos. It is better closing it out, putting it out of mind, out of sight... You will never have to worry about it again. That has got to have a lot of weight in the decision of that corporation in closing the plant down. ⁹²

In his testimony Rick Byrne turned the Committee's attention to the 1980 negotiations for a new collective agreement. He noted that the union had met with the company 22 times before the June 20 announcement of the shutdown and not once had Smith attended those meetings. Then, in March, the union negotiating committee was "brought into Mr. Smith's office.... We were told... that he had heard rumours that [the union was] possibly going to...try to isolate the drum brake assembly because [of] asbestos exposure there. He told us very frankly..."If, in fact, the negotiating committee is going to try to isolate that asbestos area, there is no point in that. You are not going to get it. Just cancel it off your negotiations ...because...you are not going to be able to achieve that."⁹³

⁸⁹*Ibid.*

⁹⁰The union members were Bob Nickerson, executive assistant to the Canadian National Director, John Moynahan, Rick Byrne, Ed Lawrenson, Don Tremblay, Dennis Mulholland, June Magee, Stan Weiko and Roger Douglas. Jack McCann is noticeably absent from this delegation.

⁹¹John Moynahan, *Ibid.*

⁹²Bob Nickerson, *Ibid.*

⁹³Rick Byrne, *Ibid.* Unknown to the union during the 1980 negotiations were a number of facts and

Bendix's refusal to deal with union demands surrounding asbestos sent a clear signal to the bargaining committee that the company had made all the changes in this area it was prepared to make. Moreover, further evidence concerning the relationship between asbestos and the closure could be gleaned from the company's determination to challenge all disease claims before the Workmen's Compensation Board.⁹⁴ Rick Byrne took issue with Smith's statement that he believed he had fulfilled all of his personal moral obligations.

Mr. Smith spoke of moral obligations, and I will only use his words. He said personally he felt the moral obligations were met. Well, personally the moral obligations were not met. Maybe the corporate moral obligations were met. But if Mr. Smith feels that those moral obligations, his personal, moral obligations were met by closing down the plant, which was making all kinds of money, leaving injured workers, people who were exposed to asbestos, to the wayside, then I do not really - I just wonder where his standards of morals is and where the corporation's standards of morals is."⁹⁵

June Magee's plea carried the worries of countless other ex-Bendix employees and their families when she asked the members of the Committee:

Who ...is going to take care of me if 10, 15 years down the road [when] they find that I have cancer of the throat. Who is going to do this? I do not think Bendix is because they pulled out. They did not give a shit about the employees..⁹⁶

In the end, the union delegates and the members of the Committee understood that there was little that could be done about the Bendix shutdown. Their mandate was to look to the future, not the past. Some members of the Committee - especially NDP members Bob Mackenzie(Hamilton East) and Elie Martel and Liberal R. Mancini(Essex South) - sided openly with Bendix workers and their union. In one of his comments, Bob Mackenzie, the labour critic for the NDP, put the Bendix situation in a larger perspective

developments including the company's difficulty in locating another physician to look after Bendix employees and the problems they were encountering in finding an additional waste site for asbestos. Both of these situations must have weighed on their decision to close the plant. NAC, UAW, MG 28, I 119, Vol. Interim # 1, "1980 Negotiations, Functional Commentary, Section, Viii, Operations Package.

⁹⁴As Moynahan related in his testimony, Bendix had argued before the Workmen's Compensation Board that the laryngeal cancer was not caused by the workers' exposure to asbestos at Bendix. Rather, the cause was that they were cigarette smokers or they drank alcohol. The Board's decision to reject the Compensation claims was based on the Board guideline that it could not be shown that these workers had been exposed for a period of 10 years or more.

⁹⁵Rick Byrne, Testimony, "Select Committee on Plant Shutdowns"

⁹⁶June Magee.

when he outlined his involvement with workers at the Johns-Manville plant in Scarborough.

Anyone who says we have not got a problem with asbestos does not understand the facts of life. We now have ...at the Johns-Manville plant, and that may have been a more severe case, ...over half of them... showing evidence of ... lung problems that in most cases, or in many cases, lead to lung cancer. I have been working almost weekly with those employees and we are up to 170 or 180 of them now... But what responsibility is there? As I got from [Bendix]... today, no specific arrangements [have been made] for long-term responsibility.⁹⁷

Trying to find a way to make Bendix responsible for the long-term health of its ex-employees, thus, became the central point of discussion. These workers, union delegates emphasized, were now stigmatized in the local community and were already experiencing extreme difficulty in finding jobs. Employers simply did not want to take on the health - and potential compensation costs - of hiring someone who had worked with asbestos. Their chances of employment could be better, Moynahan suggested, if it could be firmly established that Bendix, and not some future employer, was responsible for the occurrence of any industrial disease in the future. Part of the way to do that, he continued, was to make certain that any medical testing and monitoring was carried out by an independent research team - preferably one attached to the Ministry of Labour. Mackenzie and Martel both supported the establishment of an independent, Ministry of Labour sponsored study. Indeed, in a concluding comment on this issue, Martel stated emphatically that allowing Bendix to conduct an inhouse study would amount to putting "Dracula in charge of the blood bank."⁹⁸

CONCLUSION

As the discussions before the "Legislative Committee on Plant Closures and Employee Adjustment" indicate, the health and safety issues that swirled around Bendix from the mid 1970s did not end with the raising of the Argyle plant or the final padlocking of the gates at Prince Road. As the 1980s proceeded, so too did the efforts of Tommy Dunn's widow, Lucy, to obtain some form of economic justice from the company - an ordeal that was finally brought to an end in the late 1980s with an out-of-court settlement. At this point, Lucy Dunn, Stan Weiko, June Magee and a number of other Bendix employees and their relatives, and Jim Brophy of the Windsor Occupational Health and Safety clinic (WOSH), took up the unattended cases of Bendix workers before the Ontario Workmen's Compensation Board.⁹⁹ They arranged

⁹⁷Bob Mackenzie, *Ibid.*

⁹⁸Elie Martel, *Ibid.*

⁹⁹In 1996 the WCB recognized a work-related cancer of a former Bendix employee as a result, in part, of the efforts of the Windsor-based Occupational Health Clinic for Ontario Workers. See M. Firth, J. Brophy,

for a clinic where Bendix and other workers could get chest x-rays, and pressured the Ministry of Labour to follow up on its monitoring of ex-Bendix employees.

Much of this effort went unsupported and unacknowledged by either Local 195 or the national office of the UAW. According to Lucy Dunn, the UAW was not supportive of their efforts because they considered her, and many of those assisting her, to be "outsiders."

I know the CAW¹⁰⁰ knew about Jim [Brophy] and I know that they weren't too happy [with] his involvement with our group. Jim was part of our victims group too. I know they weren't happy about that... But CAW wasn't happy with me either... because here I was an outsider trying to tell them what to do or making them look bad....¹⁰¹

The painfully slow response of the union to the plight of its ex-members was an integral part of the aftermath of the closure of Bendix. One of the immediate lessons learned by the union was that to push too hard on health and safety issues was to run the risk of companies closing their doors and setting up elsewhere. More importantly, perhaps, in the whirlwind of corporate restructuring that was taking place in the late 1970s and early 1980s, Bendix and Bendix employees became part of a much larger group of UAW/CAW members who were made redundant by corporate capital's newfound ability to move its production facilities almost at a moments notice. Bendix and the health concerns of Bendix workers thus got lost in the avalanche of lay-offs and plant closings.

The impact of the closure for Bendix workers was, thus, very profound. Not only were they left alone to attend to any work-related health problems, they were likewise left to fend for themselves in their search for employment. As many had feared, this search was a difficult one as employers found ways to deny ex-Bendix workers jobs. Finding factory doors closed to them, some moved out of Windsor ending up in the Canadian west and in the United States. Jack McCann stayed but was unable to find employment for a year and a half. Some, like Stan Weiko, never found another job.

At a more theoretical level, the struggle over health and safety at Bendix underlines in dramatic ways the dilemmas and contradictions faced by workers and their unions.

M. Keith, *Workplace Roulette: Gambling With Cancer*, (Toronto, Between The Lines, 1997):48.

¹⁰⁰The UAW becomes the Canadian Autoworkers Union in 1984.

¹⁰¹Authors' interview with Lucy Dunn, December 9, 1993. The lack of support by the CAW was acknowledged in an interview with Bob Nickerson who stated that the union had done less than what they should have done in this case. Nickerson confirmed Lucy Dunn's views that the union was suspicious of her and of Brophy and that was part of the reason why they failed to get involved. According to Nickerson, it was Buzz Hargrove's support of the victim's group that finally convinced the CAW to throw its support behind them.

With respect to workers, the contradictions involved their desires for a healthy and safe workplace and their need for a job. Critically, there were important corollaries to this contradiction in that older workers did not have the same degree of worry and concern about asbestos as their younger coworkers. Other workers who did not work directly with asbestos, regardless of their age, sided with the older workers. These divisions, present from the emergence of the concern over asbestos in 1977, were important factors in these workers' evaluations that the union was to blame for the closure.

Local 195, an amalgamated local looking after the bargaining interests of dozens of plants and tens of thousands of workers, confronted a crisis situation in the context of little knowledge about health and safety. Over the course of the 1970s, the UAW as a whole began a health and safety program designed to inform its membership about their basic occupational health and safety rights. By the mid 1970s, however, this program was still in its infancy and while Jack McCann could avail himself of UAW resources there was no health and safety infrastructure within the union to provide him with systematic support. Moreover, the health and safety crisis at Bendix revealed conflictual tendencies within unions that are based upon fundamental inequalities of power between labour and capital. That is, when confronted with the "choice" of jobs or a healthy and safe workplace, the UAW local, national and international leadership chose to try and preserve the jobs of its members. By the time this decision was reached it was, however, too late. Bendix had already made decisions of its own based on a corporate understanding that it could no longer continue to accumulate capital without risking continued health and safety problems, most importantly claims by its workers, past and present, that illnesses they may contract resulted from their exposure to asbestos. As significantly, Bendix confronted the likelihood of the problems in Windsor spilling over into its operations in the United States - a development which would have undermined the company's ability to produce and make profits. According to Gord Detenbeck, Bendix's health and safety supervisor in Windsor, after years of highly public struggle over asbestos and with Johns-Manville hitting the news, Bendix management decided that they could not longer operate. It was, Detenbeck stated, "just untenable. You couldn't operate. You couldn't function in the city like that"¹⁰².

Finally, the history of events at Bendix from the 1960s to the closure in 1980 suggests that the state, in the form of the Ontario government, continued to respond to health and safety issues much as it had over the course of a century. As Eric Tucker has documented, health and safety legislation in Ontario has been based upon a voluntarist system of regulation whereby labour and capital are encouraged and expected to negotiate solutions to health and safety problems largely without the intervention of the government and its regulatory apparatus.¹⁰³ When intervention has been necessary, usually at the demand of workers and unions, it has taken the form of

¹⁰²Gord Detenbeck.

¹⁰³E. Tucker, "The Persistence of Market Regulation of Occupational Health and Safety: The Stillbirth of

an inspectorate that is more apt to try and persuade employers to make changes rather than to enforce existing laws and regulations. As we have seen this is precisely what took place at Bendix with government inspectors and senior government officials addressing the asbestos problems with a series of "recommendations" rather than "directions" - the distinction being that the latter must be attended to while the former bear no enforceable status. As importantly, the provincial state acted in ways that bolstered a regulatory approach to health (as distinct from safety) issues that places science and scientific methods of inquiry as the "objective" adjudicators in workplace health disputes.¹⁰⁴ From the first recorded inspection report in 1966 through to the shutdown in 1980, government officials reacted to the calls and demands of Bendix workers by sending in trained Ministry of Health and Ministry of Labour inspectors who took air samples and issued reports stating that the levels of airborne asbestos were below Ministry guidelines - guidelines that has been determined safe through "scientific" testing. Hence, despite what McCann or other union officials may have stated to the contrary, the workplace was deemed safe. It is true that government officials monitored the introduction of machinery and processes designed to clean up the asbestos problem at Bendix which the union had won in their 1977 collective agreement. But, ultimately, the state hid behind the cloak of research and medical science when defining its role as measuring asbestos particles in the air and later when the Workmen's Compensation Board turned down the cancer claims of Bendix workers on the basis that these workers had not worked with asbestos for the necessary period of ten or more years.

Ultimately, it was Bendix's decision to shut its plants down that overrode all other "choices." The state could not prevent the closure - indicating the limits of state power in addressing the restructuring decisions of corporate capital. Operating under conditions of profound economic and political inequalities, it was also a situation where Local 195 had few or no choices. With few options to begin with, Bendix workers now had to search for other employment at a time of countless plant closures. They no longer had the choice between work and their health. They had to worry about both.

Voluntarism," in Geoff England, ed., *Essays in Labour Relations Law*, (Don Mills 1986): 219-262..

¹⁰⁴For a good discussion on this topic, see Ted Schrecker, *Workplace Pollution*, (Ottawa 1986).