

Canada's Asbestos Policy: An Ongoing Threat to Building Workers' Health in Canada and Around the Globe

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Canada is the only Western democracy to have consistently opposed international efforts to regulate the global trade in asbestos. And the government of Canada has done so with shameful political manipulation of science (Canadian Medical Association Journal, 2008).

1. Introduction

One of the most significant hazards facing building workers is asbestos. Its extensive use in a wide variety of building materials has resulted in a heavy toll of premature deaths from asbestosis, mesothelioma and related cancers among workers exposed to it.¹ Its use has been dramatically reduced - or in some cases eliminated - in most developed (and some developing) countries. But the legacy of asbestos in the environment remains. Building workers continue to be exposed to it when they work on older buildings or carry out demolitions. In recognition of its health hazards and the evidence that there is no safe exposure level, building workers and their unions have campaigned in many countries for a total ban on its use in new construction and strict safeguards for dealing existing asbestos at older construction sites.

Consequently, the position of Canada - and Canada's labour movement - on asbestos mining and asbestos exports has been an ongoing source of puzzlement and frustration for occupational health advocates around the globe. It has also been a significant concern of Canadian building trades workers, many of whom continue to have to deal with the consequences of its widespread use in the construction industry in the past. Deaths from asbestosis, mesothelioma and related cancers have taken a heavy toll on this workforce. Asbestos exposure is now the leading cause of deaths from occupational diseases in Canada. Despite its known hazards, domestic politics have resulted in policy deadlock on the issue of banning asbestos mining and exports. While the Federal and provincial governments have put in place guidelines for handling it, they have been unwilling to impose a total ban largely due to pressure from the asbestos industry in Quebec.

Within the labour movement a similar paralysis has also been evident. For many years, the debate about banning asbestos use was hamstrung by conflict between unions that wished to eliminate its use and unions that claimed that it could be used safely if appropriate protective measures were in place. Faced with strong opposition from its Quebec affiliates to any policy statement demanding an end to asbestos mining, Canada's largest union federation, the Canadian Labour Congress (CLC), repeatedly found ways to avoid taking a clear position on the issue.

2. Canadian Labour's Policy Shift

But in the past two years the ground has been shifting. At the 2008 Convention, CLC delegates, with the endorsement of the CLC's Executive Council, passed a resolution calling for a phasing out of the use of asbestos production in Canada and an end to its export, subject to a viable labour adjustment and transition strategy for workers in the industry². While not as strong as some health and safety experts might have preferred, it nevertheless constituted a step in the right direction. At the CLC's national Congress in May 2010, the elected officials were prepared to advocate further restrictions on asbestos production and use.³ Their stronger position was endorsed in the CLC's August 2010 response to the ILO's request for a progress report on

Convention 162 (which deals with asbestos). This change is not accidental. Occupational health activists both inside and outside the labour movement have been working overtime on the issue and their efforts are reflected in these policy changes.

Regrettably, the CLC's stronger public position on the issue in English speaking Canada has not been paralleled by a concerted campaign in Quebec calling for an end to asbestos mining. Rather, Canada's largest labour central continues to try to balance the health and safety demands of unions outside Quebec with its desire to avoid provoking a confrontation with its major affiliates within that province who remain committed to supporting the industry.

In contrast, Canada's building trades unions have become much more vocal in their demand to ban asbestos. At the May 2010 convention of the Canadian Building Trades Congress, which represents construction workers from across the nation, a group of more than 100 building trades union officials and members carried black coffins to Parliament Hill in Ottawa. Their procession was intended to protest the government's continued support for the asbestos industry.⁴ The coffins highlighted the tragic and unnecessary deaths of building workers from asbestosis and mesothelioma. Significantly, the procession included elected representatives from some building trades unions in Quebec, as well as English Canada. The procession also included members of a broadly based advocacy group, Ban Asbestos Canada that has been campaigning for a number of years to end the use of asbestos and has the support of many unions and occupational health advocates.⁵

In addition to the contingent from the building trades, led by Wayne Peppard, Executive Director of the BC and Yukon Territory Building and Construction Trades Council, the protest included representatives of a number of US based international construction unions who have been campaigning for a ban on the use of asbestos on building sites. At the AFL-CIO Building Trades Department Convention in Minneapolis in August 2010, delegates passed a resolution calling for 'a complete ban on the importation, manufacturing, processing and commercial distribution of asbestos containing products in the United States and Canada.'⁶

Nevertheless, Quebec's main labour federations continue to support the industry.⁷ Consequently, despite the strong position taken by building trades and other unions elsewhere in the country - and the criticism now being voiced by Quebec's entire medical establishment - the official position of Quebec's labour movement remains one of supporting the industry.⁸

3. Federal and Provincial Governments Continue to Promote the Industry

While labour's position has clearly shifted outside Quebec and may be softening within the province, the Quebec and Canadian governments remain stubbornly committed to mining and exporting this mineral, despite the overwhelming medical evidence of its harmful effects on all who handle it.⁹

To understand why banning asbestos has been a major challenge for Canadian unions, it is necessary to examine the broader relationship between Quebec and Canada. The issue of sovereignty (*maitre chez nous*) has been a central concern of a large part of Quebec society since the 'Quiet Revolution' in Quebec's politics began in the 1960s.¹⁰

Much of politics is about how issues are 'framed'. In recent years, the issue of asbestos has been successfully 'framed' by proponents of the industry in Quebec, rather than its critics. Demands to end asbestos mining have been labelled by the industry as attempts by outsiders to interfere in Quebec's internal affairs. This 'framing' has meant that pressure from unions and health advocates from the rest of Canada has been defined not primarily as an occupational

health and safety issue, or a broader public health issue, but rather as an attack on Quebec's right to manage its own affairs.

Such framing also has provided an argument within Quebec to justify maintaining asbestos production. Opponents of asbestos mining within the province have been characterised as failing to stand up for Quebec's sovereignty and, in effect, supporting those from outside the province attempting to interfere in its internal affairs. While the effectiveness of this framing may now be weakening somewhat, it remains a factor influencing the debate within the province.

4. Union Competition in Quebec a Major Factor in Asbestos Debate

Quebec has several labour federations (labour centrals). The largest is the Federation des Travailleurs du Quebec (FTQ). It includes unions affiliated to the Canadian Labour Congress as well as national and international (US-headquartered) unions. The second largest, the Confederation des Syndicats Nationaux (CSN) is provincially based, exclusively representing Quebec workers. A third is the Centrale des Syndicats du Quebec (CEQ) which also is Quebec based. The fourth major labour central, the Conseil provincial du Quebec des métiers de la construction – Internationale is composed of the building trades affiliated with the US-based international construction unions who are not part of the CLC. This complex mix of Quebec-based, national and international unions is the context in which the issue of asbestos has been addressed within the province.

Quebec's construction industry is more highly unionised than in any other province in Canada. Its labour legislation (Act R-20) establishes a framework for province-wide bargaining. The industry is divided into four major sub sectors. Every three years, workers in each sub sector must vote to determine which union will represent them in the next round of collective bargaining. This is a 'pluralistic' system of worker representation in which union membership can shift from one union to another.¹¹

It is a system in which unions must constantly compete with each other for members.

Thus the major building trades unions have been caught in a dilemma. In this competition for the votes of building trades workers, every vote counts. The appearance of not defending Quebec's right to make its own decisions on the asbestos issue can be a factor in determining a union's success in this competition. As a result, the building trades, who in other parts of Canada and the US, have come out strongly in favour of a ban on the production and use of asbestos, have been reluctant to take on the issue in a major way inside Quebec.

But it is not just construction workers who face this dilemma. Historically, asbestos miners in Quebec have been represented by the United Steelworkers of America (USWA). It is an international union and a CLC affiliate. Both its national and international offices recognise the hazards of asbestos and have taken positions opposing its continued use in the workplace. Some of its locals, such as the one in Trail, British Columbia, have carried out major campaigns demanding a complete ban on asbestos use in construction as well as full compensation for its numerous victims. But in Quebec, the local union has maintained a position supporting the 'safe use' of asbestos, while opposing proposals for a ban on mining, or exports, unless the government implements a viable transition strategy to protect the livelihoods of its members. The USWA also lobbied the Federal Government to oppose the listing of asbestos as a notifiable hazardous substance under the terms of the Rotterdam Convention two years ago.

The internal politics of the USWA union local have been influenced also by the reliance of its members on mining as a source of livelihood in an area of rural Quebec where there are very few other employment opportunities. The failure of federal or provincial governments to

provide alternative training and employment options for asbestos miners has reinforced dependency on the industry. This dependency has been further strengthened as a result of the decision of the local union to accept an equity stake in the mine in lieu of wages when the Jeffrey Mine faced bankruptcy a number of years ago. Complete closure of the mine will preclude the workers from getting any payout from their minority ownership share. Hence, despite the health hazards, they have continued to lobby for government support for the industry in order to maintain their incomes and future pensions.

Respect for the views of local unions on matters directly involving their members has been - and remains - a strong principle of the labour movement in Canada and Quebec. This has resulted in a major dilemma for the USWA. To meet the demands of members outside Quebec for an end to asbestos mining, it would have to override the views of the union local with members directly involved in the industry. It has been reluctant to do this. Moreover, in the context of Quebec's nationalist culture, overriding the position of its asbestos local would potentially expose it to the charge by other non-CLC unions of failing to respect or to represent the views and interests of its Quebec members.

These various factors have resulted in enormous tensions within the Canadian and Quebec labour movement over an issue that, from the outside, would appear to be a straightforward matter of occupational health. They have also led, as noted, to a difficult process within individual unions and within labour federations as their conception of asbestos as the 'magic mineral' has been replaced - to paraphrase Geoffrey Tweedale - with that of 'killer dust' (Indeed, outside Quebec, there is virtually no labour support either for the continuation of the asbestos industry, or for its export to developing countries).¹²

While not explicitly stated, one of the factors that may also have influenced the Quebec labour movement's support for the industry - and the tepid campaign of the CLC at the national level - has been the view that asbestos mining was unlikely to survive in any event, given Quebec's relatively high cost structure compared with that of other international asbestos exporting countries like Russia, Brazil, Zimbabwe and Kazakhstan. Exhaustion of the easily accessible mineral deposits and an aging workforce pointed to the sunset of the industry in the province, even without a formal ban on asbestos mining.

The Jeffrey Mine has been in bankruptcy protection even after Quebec taxpayers provided approximately \$50 million for its upgrade. The number of workers in the industry had declined to about 250 at one point in recent years and, depending on whether to count workers who only work a month or two a year at the one remaining mine, the maximum size of the workforce is about 350 to 400. The view that the industry would simply disappear has presented an easy way out for some in the Quebec labour movement. For it would mean that asbestos mining would end without a controversial campaign to stop its production. The closure of the industry in Quebec would end the fractious debate. But unfortunately, recent developments suggest that this optimistic scenario may not prove correct.

5. The Irresponsible Role of the Quebec Asbestos Industry

The position of the USWA union local and the broader labour movement in Quebec has not been formed in isolation from the industry that employs asbestos workers. Over the years, the Chrysotile Institute (formerly the Asbestos Institute) has successfully fostered the view that efforts to end mining were being promoted by 'outsiders' who were disrespectful of Quebec's right to control its own affairs. As part of its strategy to keep the industry working (and keep subsidies flowing) over the years, the Institute has actively recruited a number of well-known

trade union officials to sit on its governing body with the understanding that they would promote the position of the Institute both within the labour movement and in the broader Quebec society. This approach has been very successful as evidenced by the presence on the Institute's board of directors of union leaders such as Clement Godbout, former president of the Quebec Federation of Labour (1993-1999) who has played an active role, both within Quebec and internationally in promoting the industry.

The Institute's well-financed campaign, which still benefits from a \$250,000 annual Federal Government subsidy, has promoted the misleading view that chrysotile asbestos is safer than other types of asbestos. Handled properly, the Institute argues, asbestos is not a major hazard either to workers or the wider public.¹³ In a manner with parallels to the claims made earlier by the tobacco industry, it has maintained that the health risks of the mineral have been grossly exaggerated and that its fire retardant benefits justify its continuous use. It also argues that workers in developing countries can handle asbestos safely if they are properly trained, follow the recommended procedures and use the appropriate safety equipment. This view has not only been targeted at the workers within the industry: it has been a key factor in providing a justification for the position of both the Federal and Quebec governments.

Part of the Federal Government's rationale for financing the Institute has been that it provides educational programs to workers in countries importing the mineral. While the Institute claims that the industry closely monitors workplace practices in the countries receiving its exports, there is overwhelming evidence from a wide range of reputable sources - including Canada's own Canadian Broadcasting Corporation - that this does not happen.¹⁴ Workers in developing countries routinely are exposed to volumes of asbestos fibres that will lead many of them to die prematurely of asbestosis or mesothelioma.

More recently, the Institute's work has been supported by the appearance of a relatively new lobby group, the Pro-Chrysotile Movement (Movement Pro-Chrysotile). It is based in the municipalities in the mining region and claims to represent the views of the community members, who, it says, strongly support the expansion of the industry as a vehicle for regional development in one of the poorest areas of the province. The Pro-Chrysotile Movement has managed to attract numerous 'partners', including the Federal and Quebec governments, various local chambers of commerce and other community and citizen's organisations in the region.¹⁵

6. Governments Continue to Promote Asbestos

However, the continued mining and export of asbestos would not be possible without the support and subsidies of the Quebec and Federal governments. As noted, the Quebec government wrote off over \$50 million in its earlier effort to rebuild the Jeffrey Mine before it went bankrupt. In addition to its direct subsidy to the Chrysotile Institute, it has used its international trade missions and foreign embassies to promote exports to developing countries and to offer "education" and "training" programs from the Chrysotile Institute to potential manufacturers in developing countries. These ostensibly are designed to ensure the safe processing and manufacture of asbestos products.

Canada used its influence in various international agencies to try to stop the adoption of new global restrictions on the asbestos trade. In the mid 1990s, it filed a trade challenge with the World Trade Organisation to overturn France's ban on the importation of asbestos. Initiating a formal trade challenge is not cheap. Much of the Federal government's costs for this action are buried in the overall budget of the Department of Foreign Affairs and International Trade. But

the cost of the trade challenge likely amounted to hundreds of thousands of dollars in legal fees - perhaps more - and significant amounts of the time of the trade policy staff of the Department.¹⁶ Fortunately, this trade challenge failed.

The Federal Government has successfully used its international influence to frustrate efforts to have asbestos added to the list of hazardous materials that must be reported to the importing country under the terms of the Rotterdam Convention. While this designation would not ban the export of asbestos, it would flag its dangers every time a shipment was made and thus provide importing countries with at least some warning that they were dealing with a carcinogenic substance.

According to Martin Mitelstaedt, environment reporter of the *Toronto Globe and Mail*, Canada views its international support for the asbestos industry as a bargaining chip with Quebec's foreign competitors. His analysis is based on the release of confidential Federal Government documents confirming that the Federal Natural Resources Minister is aware of Canada's role as the principal international apologist for the industry. As long as Canada continues to promote the use of asbestos by developing countries, foreign producers will not undercut Quebec's prices, which they could easily do. But the quid pro quo for keeping prices sufficiently high for Quebec to sell its chrysotile is that Canada continues to use its status and reputation to promote the industry.¹⁷ The Federal Government has also tried to hide evidence provided by its science advisors on the hazards of asbestos. According to a Canadian Press article of December 15th, 2010, staff of Natural Resources Minister Christian Paradis intervened to block release of major parts of a "damming report" commissioned by the Federal government on the issue.

But perhaps the most worrisome recent development is the Quebec government's announcement several months ago that it was willing to provide a \$58 million loan guarantee to re-start the Jeffrey Mine. The government made this subsidy offer contingent on the bankrupt mine attracting new foreign investors committed to a long-term plan for its continued operation. To keep this option open, in August 2010 the government announced a \$3.5 million subsidy to cover a month's trial operation.¹⁸ The purpose was to re-start the mine on a temporary basis so that potential investors could examine its operations and determine if they were interested in taking it over. At the time of writing, the outcome of this trial run is not clear but it would appear that the investors are very serious about re-starting the mine.

In early October Baljit Singh Chadra, a Montreal businessman, and a group of investors from India, indicated that they were in discussions with the majority owner of the Jeffrey mine and the Quebec Government to negotiate its purchase. Subject to a positive assessment of its financial viability, they would put up the additional \$15 million to begin operations. According to Dr T K Joshi, Fellow of the Collegium Ramazzini and an international health expert, India has witnessed a dramatic increase in its use of asbestos over the past 5 years, from 90,000 tonnes to 350,000 tonnes. Proponents of expanded consumption of asbestos in India point to the publications of the Chrysotile Institute in support of their claim that it can be safely handled.

For its part, the Quebec government has indicated that its decision about the loan guarantee will be based on the recommendations of the local government. However, it knows that the sentiment in the region is very supportive of re-opening the mine. Hugues Grimard, mayor of Asbestos was quoted, as saying that re-opening the mine would be the 'light at the end of the tunnel' for economic development in the region. Local health officials - to the dismay of health professionals across Quebec - have stated that asbestos can be mined safely. While the new investors would still have to meet certain other government conditions for the loan

guarantee, for those concerned about the health impacts of asbestos exports, this is a deeply worrisome development.¹⁹

The Jeffrey Mine has the potential to produce a very large quantity of asbestos. According to one estimate, it could deliver up to 260,000 tonnes, annually, for a period of 20 to 25 years if the company's proposal comes to fruition.²⁰ This would add significantly to the existing global asbestos market and might lead to a reduction in the international price of the mineral, making it even more attractive to some potential purchasers.

Re-opening the mine would also preclude the implementation of a transition strategy that would use provincial and federal subsidies to provide financial support to its aging workforce while simultaneously offering alternative regional development options for the communities affected in the Thetford Mines region. As noted above, neither level of government has shown much interest in the development of such a transition plan despite the fact that its direct financial costs would probably be far less than continuing to subsidise the industry. Such a transition strategy would save countless thousands of lives in the developing world as well as ending the exposure of Canadian miners and other workers handling the shipments of this deadly mineral.

Ironically, despite the extensive public subsidies for the industry, the terms and conditions of employment for asbestos miners have deteriorated significantly in recent years. In addition to having to take part of their wages as ownership shares in the company, they have accepted a major pay cut. The workers who may end up being employed in a re-opened mine will receive lower rates of pay than in the past due to concessions the union gave to keep the industry afloat. In this context it is not clear how much economic stimulus a relatively low wage mining operation will provide to this depressed region in Quebec.

7. Subsidies to the Industry: But Not to the Workers

From the perspective of the bigger picture of provincial and federal budgets, the cost of providing a generous transition strategy as an alternative would be virtually a drop in the bucket. Considering the ongoing subsidies that governments may end up providing over the coming decades and considering the costs to the public medical care system of dealing with the health impacts of asbestos in Canada, it is hard to make an economic case for continuing support for the industry. Indeed, giving the current workforce decent pensions so they could retire early would be far less costly, given the average age of the asbestos miners. Moreover, the adverse health effects of asbestos are not going to go away. And Canada will not be able to avoid facing international opposition to the export of asbestos; opposition that will continue to grow in the coming years in parallel to the rising number of deaths.

But Prime Minister Stephen Harper's Conservative government, which could readily afford a generous transitional package, is not inclined to provide money to workers for labour adjustment. This policy may stem partly from his overall anti-labour philosophy and partly a result of his desire to avoid establishing a precedent that could be followed by other industries facing closure. However, there is no reason for the winding down of this specific industry to be seen as any sort of precedent, given its unique health impacts and the consequences for Canada's reputation internationally. Indeed, other industries, such as forestry, have had such programs put in place without setting precedents for the entire economy. Nevertheless, it is unlikely that the Harper Government will move on this issue in the near future.

The current Quebec government of Premier Jean Charest seems equally reluctant to consider funding a transition strategy. Thus far, it appears far more interested in finding a solution that keeps the industry operating and in the process, is willing to risk a large amount of

taxpayers' money to implement this objective. The main opposition party in Quebec - the Parti Québécois - has not challenged the Charest government's policy, nor for that matter, has the Bloc Québécois, the party that currently represents Quebec's interests in the Federal Parliament. The failure of governments to propose any alternative other than support for the industry arguably pressures the union and its members to continue to support asbestos mining as their only future source of employment.

Change to Canada's current policy may now have to wait on a change in government at the Federal level. And here there is some hope. The New Democratic Party - Canada's social democrats - has gradually shifted its position to one of demanding a total ban on both mining and exporting asbestos. The NDP is not a major player, federally, in Quebec politics, having only one Member of Parliament in the province. Nevertheless, its advocacy of ending asbestos mining may open up additional space for a more productive dialogue on the issue at the national level.

Even more significant is the change in the position of the Federal Liberal Party, currently the Official Opposition and the most likely party to form a government if Stephen Harper's Conservatives lose the next federal election. The Liberals, when in office before 2006, were supporters of the asbestos industry. But the new leader, Michael Ignatieff, appears willing to contemplate a basic change in policy. He has made several public statements to this effect.²¹ This represents a sea change in the Liberals' approach. Ignatieff has met on a number of occasions with health advocates and labour leaders from English Canada. He has indicated clearly that he would, if elected, take measures to wind down the industry. From all accounts, he seems to understand the issue and to recognise the enormous damage to the health of workers both in Canada and in developing countries flowing from continued production and exporting of asbestos. He also seems to recognise the negative international consequences of Canada's efforts to export asbestos to developing countries. The real issues he will face, if elected, are whether he will be prepared to challenge the Quebec government and whether he will be prepared to put in place an effective transition strategy to provide protection for workers and economic opportunities for communities that currently have few other options.

Another indication of change in Quebec is the recent bill introduced into the Quebec National Assembly calling for a ban on asbestos exports by 2016. The bill's author, Amir Khadir of Quebec Solidaire, has become an increasingly popular politician in recent years. In current opinion polls, he now enjoys a substantial lead in popularity over Quebec Premier, Jean Charest. While he is the only representative of his party in the Assembly, the very fact he was willing to do this may signal that it is finally possible to put asbestos on the political agenda in Quebec. Additionally, the scientific community and the medical community, both in Quebec, and nationally, have become much more vocal in their opposition to the re-opening of the Jeffrey Mine as evidenced by numerous editorials and letters to government officials.²² To cite one of many examples, scientists and physicians from 28 countries sent a 13-page letter to Quebec Premier Jean Charest on January 10, 2010 calling for an end to the continued mining and export of Canadian asbestos.

International pressure to stop Canadian asbestos exports has also been building, with labour organisations taking much of the lead. On December 7, 2010, anti-asbestos campaigners from Japan, India and Indonesia met government officials in Quebec to press their case against exports. Anup Srivastava, an Indian trade unionist and representative of the Building and Woodworkers International, along with other members of the delegation, held news conferences at both the Quebec Assembly and the Canadian House of Commons. The purpose was to inform Canadians of the damage asbestos exports were inflicting on the health of workers in many parts

of the developing world. Sugio Furuya, Secretary General of the Japan Occupational Safety and Health Resource Centre, which is part of the Ban Asbestos Network of Japan, headed the Japanese contingent. Kazumi Yoshizaki, from Japan noted that his father had died of asbestosis after only 2 years of working with the mineral. And a Korean delegate with mesothelioma, Jeong-rim Lee told reporters how her disease originated as a result of living near the second largest asbestos manufacturing in her country. Unfortunately, two of the key union centrals in Quebec, the FTQ and the CSN declined to meet the international delegation. And, while another union central, the CSD did agree to meet the delegation, it also invited a supporter of the Chrysotile Institute to the meeting as well.²³

8. The Future of Canada's Asbestos Industry Remains Uncertain

At the time of writing, it is unclear what direction Canada's asbestos industry will take in the near future. There are contradictory developments. On the one hand, labour unions in English Canada - and particularly the building trades - have become much more vocal and active in their demands for an end to asbestos mining. They have pushed the Canadian Labour Congress into taking a clear position on the issue, even if it has not demonstrated much commitment thus far in promoting its position either to the Federal Government or within Quebec. As noted above, both the NDP and the Liberal Party, federally, have recognised the need to bring an end to asbestos mining and asbestos exports. And Quebec health advocates have become much more vocal in their criticism of Federal and Provincial government policy on the issue.

At the same time, the industry has repeatedly demonstrated a remarkable ability to maintain support for its objectives. Subsidies continue to flow and government policies remain supportive of the industry at both federal and provincial levels. If it succeeds in getting new investors to put up the cash to re-start the Jeffrey Mine, which is certainly quite possible, there is a distinct prospect that Canada will continue to mine and export this dangerous mineral for many years into the future. Moreover, if the mine does resume production, both Federal and Quebec governments will have a major stake in continuing to support asbestos exports and to promote the myth that asbestos can be handled safely, with all that this entails for workers in the developing world.

The policy direction Canada adopts on this issue will also have a major impact on building workers both in Canada and internationally. Continued mining will result in pressure not to tighten existing regulations on the handling and use of asbestos. It will be very difficult to implement a ban on asbestos, domestically, while Canada continues to export it. For building workers in other parts of the world, the outcome will be even more worrisome. Canada will continue to export large quantities of asbestos. Workers in many countries will end up handling it without even the most basic safeguards. The toll of new cases of asbestosis and mesothelioma, as well as other cancers will be appalling.

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¹ The scientific consensus on the serious health hazards of asbestos is overwhelming. The *Lancet*, the *Annals of Occupational Hygiene*, *Nature* and numerous other peer reviewed journals have documented the enormous damage this mineral is causing to the lives of hundreds of thousands of its victims around the world. The Canadian Medical Association, the Quebec Medical Association, the Quebec Cancer Society, the Association des médecins spécialistes en santé communautaire, the Canadian Public Health Association and international bodies such as the World Health Organisation and the International Labour Organisation have highlighted the looming health disaster that will result from continued export of asbestos to the third world.

² For reasons of space, it is not possible to include the full text of the CLC Executive Statement, Convention Resolution or the other policy statements by various organisations cited in this article. However, readers interested in reviewing them can obtain copies at CLR's website or directly from the author at: jrc@sfu.ca.

³ The full text of this response to the ILO is available at the CLR website, or from the author.

⁴ BC and Yukon Territory Building Trades Council (2010) *Trade Talk*. Summer, p. 3.

⁵ This organisation has provided considerable information on the campaign to end asbestos use on its web site. See: <http://www.bacanada.org/main.html>

⁶ The document referenced is available at the CLR website or from the author..

⁷ There are rumours that one of the main labour centrals within the province (the CSN) may be considering shifting its position in the near future, due to its efforts to get the Quebec government to provide much more information on the location and hazards of asbestos in public buildings. But no official change in policy has taken place.

⁸ Quebec currently has two asbestos mines: LAB Chrysotile, which is in Thetford Mines and the Jeffrey Mine in the town of Asbestos, which is adjacent to Thetford Mines.

⁹ The adverse health impacts of asbestos have been extensively documented. See a number of the articles in the bibliography for supportive references on this issue.

¹⁰ See, for example, the book co-authored by Canada's former Prime Minister. Pierre Trudeau, ed. (1974) *the Asbestos Strike*, trans. James Boake. Toronto: James Lewis & Samuel. (originally published in French, 1956).

¹¹ There are five main unions in the construction sector: Centrale des syndicats démocratiques (CSD Construction), Confédération des syndicats nationaux (CSN-Construction), Conseil provincial du Québec des métiers de la construction – International, Fédération des travailleurs du Québec (FTQ-Construction) and the Syndicat québécois de la construction (SQC).

¹² Tweedale, Geoffrey (2001) *Magic Mineral to Killer Dust: Turner & Newall and the Asbestos Hazard: Turner and Newall and the Asbestos Hazard*. Oxford: Oxford University Press.

¹³ See, for example, various contributions on the website of the Chrysotile Institute, which repeatedly questions the scientific research on the hazards of asbestos. <http://www.chrysotile.com/en/index.aspx> See also: Daniel Drolet, "Medical scientists dispute geologists' claims about safety of asbestos: It's a hot issue in Quebec, where the mineral is a major export product, despite efforts to ban it." Ottawa: *University Affairs*. Oct. 12, 2010.

<http://www.cbc.ca/canada/story/2009/06/10/f-asbestos-safety.html>

¹⁴ CBC, "Asbestos: The Magic Mineral that Once Was Canada's Gold" Wed. June 10, 2009.

¹⁵ <http://www.mesothelioma-cancer.ca/featured-articles/pro-chrysotile-movement-questions-study%E2%80%99s-validity>

¹⁶ For a good discussion of this trade challenge, see: House, Robert and Elizabeth Tuerk, (2002) "The WTO Impact on Internal Regulations - A Case Study of the Canada - EC Asbestos Dispute" In Gráinne de Búrca and Joanne Scott, eds. *The EU and the WTO: Legal and Constitutional Issues* Hart Publishing, pp. 283-328.

¹⁷ Mittelstaedt, Martin (2006). "Document Contradicts Ottawa on Asbestos" *Toronto Globe and Mail*, Nov. 27.

¹⁸ Picard, Andre. (2010) "Government investment in asbestos is morally bankrupt." *Globe and Mail*, Sep. 09.

¹⁹ This development also provoked a sharp reply from building workers in other parts of Canada. See: The British Columbia and Yukon Territory Building and Construction Trades Council. (2010) News Release: "BC Construction unions urge Quebec Premier Jean Charest to permanently close Jeffrey Asbestos Mine, end mining and export of deadly asbestos products as mesothelioma fatalities rise" Tuesday, November 9. The BC Building Trades sent a letter dated Nov. 8, 2010 to Quebec Premier Jean Charest asking him to re-consider the \$58 million subsidy.

<http://www.bcbuildingtrades.org/pages/pressreleases.asp?Action=View&ID=129>

²⁰ Kathleen Ruff (2010) "Quebec Offers Lifeline to a Deadly Industry" *Toronto Star*. Sept. 2; Simon, Bernard (2010) "Quebec Asbestos Project Prompts Safety Protests" *Financial Times*. Nov. 24,

²¹ For example, on March 31, 2009, Mr. Ignatieff was quoted on the issue as follows: "There is a double standard. Canada is spending millions of dollars to remove asbestos from the Parliament buildings, but it promotes the export of asbestos to developing countries. If asbestos is harmful to the point that it is being removed from Parliament, it must be harmful for other countries. This has to stop." His statement was immediately criticised by Christian Paradis, Minister of Public Works in the Conservative Government of Stephen Harper for his 'ignorance' of the issue of chrysotile asbestos. Significantly, Paradis chose Thetford Mines as the location for his press conference denouncing Ignatieff.

<http://www.christianparadis.com/EN/6992/86421>

²² The list of concerned individuals and organisations is very lengthy, for example: Paradis, Giles (editor) "Ban All Production and Export of Chrysotile Asbestos." *Canadian Journal of Public Health*, 101-5. Sept./Oct. 2010; Canadian Cancer Society, asbestos position <http://www.cancer.ca/Canadawide/>; *Nature: International Weekly Journal of Science*.

“Asbestos Scandal: Irresponsible Policies Could Cause an Epidemic of Malignant Lung Disease” Editorial. Dec. 15, 2010. <http://www.nature.com/nature/journal/v468/n7326/full/468868a.html>; Editorial. “Asbestos Mortality: A Canadian Export.” *Canadian Medical Association Journal* Oct. 21, 2008. World Health Organisation, *Elimination of Asbestos-Related Diseases*, http://www.who.int/occupational_health/publications/asbestosrelateddiseases.pdf

²³ The Solidarity Delegation from Asia to Quebec: “No to financing the Jeffrey asbestos mine” Press Kit, Dec. 7, 2010. In an article published in French in *La Press*, one of Quebec’s leading daily newspapers, Professor David Mandel, noted the reluctance of Quebec unions to host the international delegation. The article was reprinted in English. David Mandel, “Working Class Solidarity or Colonial Complicity? Quebec Unions and Asbestos” *The Bulletin*, Dec. 29, 2010.

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Appendix A

Canadian Labour Congress Policy on Asbestos (2008)

The Executive Council of the Canadian Labour Congress adopted a policy statement calling on the Government of Canada:

- to develop a fair and just transition program in consultation with the Quebec Federation of Labour and the United Steelworkers for the workers in the asbestos industry and communities which may be affected; and
- to adopt a comprehensive policy to phase out the production of asbestos in Canada.

The Canadian Labour Congress calls on the federal government to:

1. Adopt a comprehensive asbestos strategy, phasing out both the use and export of asbestos as communities are transitioned;
2. Ensure there is a fair and just transition plan developed in consultation with the United Steel Workers and the Québec Federation of Labour for communities affected by changes;
3. Ensure that workers and communities affected have resources to ensure ongoing financial stability;
4. Work with individual Canadians, labour unions, producers, manufactures, and other levels of government to ensure that solutions meet local needs.

**Appendix B:
Canadian Building Trades Policy Conference 2010 - Asbestos Resolution**

Whereas the Federal Conservative Government blocked efforts at the 2009 United Nations Rotterdam Convention to list chrysotile asbestos as a hazardous substance,

And whereas the Federal Conservative Government continues to ignore positions adopted by the World Health Organization, the Canadian Cancer Society and the Canadian Medical Association based on rigorous scientific evidence linking asbestos exposure to mesothelioma and other carcinomas,

And whereas the Federal Conservative Government continues to support the Chrysotile Institute financially and those that promote the export of chrysotile asbestos from Quebec to developing nations in the face of International condemnation,

And whereas the Federal Conservative Government continues to support the façade of a “safe use” policy endangering the lives of workers and their families through their support for the export of chrysotile asbestos to developing nations,

And whereas the Federal Conservative Government will not respond to the pleas of both domestic and international workers affected and dying from exposure to chrysotile asbestos,

Therefore be it resolved that the Canadian Building Trade Affiliates mount a National Building Trades campaign to convince the Federal Conservative Government to:

- stop its financial and promotional support of the Chrysotile Institute
- sign on to the protocol listing chrysotile asbestos as a hazardous substance at the next UN Environmental Convention
- introduce legislation to ban the mining, processing, manufacturing, sale and export of asbestos within and from Canada
- financially support a just transition strategy for the communities and workers employed in the mining of asbestos
- establish a leadership role with the Provinces to institute a national asbestos disease and cancer tumor registry
- establish a leadership role with the Provinces to institute a national contaminated building registry with a containment and removal strategy

**Appendix C:
Resolution of the AFL-CIO Building Trades on Asbestos
(Minneapolis, August 2010)**

Whereas our Brothers and Sisters in the Canadian Building Trades passed a resolution at their Legislative Conference in May of 2010, to mount a campaign to convince their government to introduce legislation to ban the mining, processing, manufacturing, sale and export of asbestos within and from Canada; And

Whereas the World Trade Organization ruled in 1997 that Chrysotile was, indeed dangerous and claims about the safety of controlled use could not be supported; And

Whereas Environmental Health Perspectives states that “the scientific community is in overwhelming agreement that there is no safe level of exposure to asbestos, And

Whereas the American Academy of Family Physicians provides statistics showing approximately 7,000 deaths annually from mesothelioma, asbestosis and lung cancer related to asbestos exposure; And

Whereas Joseph LaDoe, MD, a fellow of the Collegium Ramazzini has stated that “all asbestos related diseases are preventable if asbestos is banned globally;

Therefore be it resolved that the Building and Construction Trades Department support initiatives and work with groups such as the Asbestos Disease Awareness Organization (ADAO) and the Mesothelioma Advanced Research Foundation

(MARF), to educate the general public and Congress on the devastation caused by asbestos and to find a cure for mesothelioma and other diseases caused by asbestos exposure; And

Be it Further Resolved that the Building and Construction Trades Department propose and support a complete ban on the importation, manufacturing, processing and commercial distribution of asbestos containing products in the United States and Canada.

**Appendix D:
The Official Position of the New Democratic Party on Asbestos**

ASBESTOS – NDP POSITION

Noting that:

- the World Health Organization recommends that countries adopt a “national plan of action for the elimination of asbestos-related diseases”;
- the nstitute national de santé du Québec has concluded that “chrysotile asbestos is a proven human carcinogen and causes asbestosis.”
- the Canadian Cancer Society believes that “Canadians must be safe from exposure to asbestos around mines and industries, in their communities, at home, and at work,” and the Society calls for “the Federal Government to adopt a comprehensive strategy addressing all aspects of the asbestos issue, including the eventual phasing out of use and export of asbestos.”

Therefore the NDP calls on the federal government to adopt a comprehensive policy on asbestos, which would include the following measures:

- After consultation with communities and workers, the federal government will invest in community economic development for communities being negatively affected by the crisis in the asbestos industry and develop a Just Transition Program to help mitigate the effect on workers now employed in the asbestos industry, including but not limited to measures such as:
 - o early retirement, retraining and other bridging measures to accommodate re-entry to the workforce;
 - o inclusion of workers not employed directly in the asbestos industry but whose jobs still depend on the industry; and,
 - o broadening disability compensation to include all victims of asbestos related diseases in Canada.
 - Implement a pan-Canadian asbestos abatement program to test for and safely remove asbestos when found in residential, commercial, institutional, and industrial buildings, including on military bases and reserves
 - In light of the World Health Organization’s conclusion that “there is no evidence for a threshold for the carcinogenic effect of asbestos” and that “the most efficient way to eliminate asbestos-related diseases is to stop the use of all types of asbestos,” the government should apply the precautionary principle and proceed to a ban on asbestos through phasing out the use and export of asbestos
 - Remediation and clean up of asbestos-laden sites that pose a risk to human health or the environment
 - End the Canadian government’s attempts to block improved international health and safety conventions, such as the Rotterdam convention
 - Work with provinces to develop a national asbestos disease registry
-

**Appendix E:
CLC Submission to ILO on Asbestos re Convention 162**

Convention 162 Concerning Safety in the Use of Asbestos

Comments by the Canadian Labour Congress (CLC) *August 31, 2010*

Under Article 22 of the ILO Constitution, the Government of Canada has been asked to report to the ILO on the application of the ratified *Convention 162 Concerning Safety in the Use of Asbestos* for the reporting period of June 1, 2008 to May 31, 2010.

CLC Comments submitted to: HRSDC Government of Canada - Irene Zhou [irene.zhou@labour-travail.gc.ca]

Copy sent to: ILO’s International Labour Standards Department: fax: +41.22.799.67.71 or normes@ilo.org ITUC: turights@ituc-csi.org or fax: +32.2.224.02.97

CLC Comments are as follows:

1. Article 10 of ILO Convention 162 for a total prohibition of the use of asbestos

The CLC has taken note of the CEACR's 2006 direct request to the Government of Canada for information on measures it envisages to curb rising levels of asbestos related injuries and fatalities in the country. We are also concerned by the rise of asbestos-related injuries and fatalities that take place abroad by virtue of Canadian exports of asbestos to other countries, primarily to developing countries.

The CLC is convinced by the compelling body of evidence showing the most efficient way to eliminate asbestos-related diseases is to stop producing and using it. Consistent with a motion adopted by our Executive Council in May 2008 (see Appendix), the CLC calls on the Canadian government to invoke Article 10 of ILO Convention 162 for a total prohibition of the use of asbestos or products containing asbestos in work processes within the country and we further call for the phasing out of asbestos exports.

Our resolution calls for a comprehensive asbestos strategy that encompasses a just transition plan which seeks to involve labour unions, producers, manufacturers and government to implement it, so as to ensure financial stability. We, therefore, recommend the adoption of a "National Programme for the Elimination of Asbestos-Related Diseases (NPEAD)" - a programme specifically designed by the ILO and WHO for countries that use chrysotile asbestos but wish to eliminate asbestos-related diseases. The programme for Canada would be created by a steering committee or task force with a mandate to develop, implement and evaluate its NPEAD, through representation from government agencies or Ministries, industry, trade unions and others, such as academics or stakeholder representatives. The terms of reference for a possible Canadian NPEAD are available at:

whqlibdoc.who.int/hq/2007/WHO_SDE_PHE_07.02_eng.pdf

Of importance is that NPEAD is designed as a national institutional framework for strategic preventative strategies, from the regional to the enterprise levels, to take account of health, economic and social aspects of the problem, including indirect costs, such as loss of potential income and the number of jobs offset by any changes.¹ It also envisages the replacement of asbestos by other materials or products or the use of alternative technology.

2. The use of asbestos is no longer defensible

On health questions that relate to asbestos and chrysotile, the advice and decisions from the ILO, WHO, WTO and UNEP must be respected as the main legitimate sources of information on this matter. With respect to the safety of chrysotile, the 9th International Conference on Occupational Respiratory Diseases in Kyoto (1997) indicated that chrysotile was contaminated by tremolite and other amphibole group fibers and that these could not be separated. The Conference also concluded that the contamination of chrysotile is at a level which could not be controlled. Asbestos is sold in bags of asbestos products and the users have practically no means of performing analyses to determine the contents of amphibole fibres. To our knowledge, new evidence has not changed this conclusion.

The views of reputable health and science experts in the field are reason enough to justify a prohibition of all forms of asbestos. In addition, we are guided by the WHO International Programme on Chemical Safety (IPCS), which makes clear that asbestos should not be used in construction materials because of the impossibility of protecting construction workers, their families and building occupants (ref. IPCS Environmental Health Criteria Document, *Chrysotile Asbestos*). There can be no 'controlled uses' of asbestos! Please be aware that the World Trade Organisation (WTO) has rejected the claim that this argument could apply to asbestos. In rejecting Canada's challenge to France's asbestos ban a number of years ago, the WTO said that each country has the right to ban asbestos without violating world trade agreements.

Further, in adopting a resolution in June 2006 about asbestos, the General Conference of the ILO reconfirmed chrysotile to be classified as a known human carcinogen. That same year, the United Nations Environmental Programme (UNEP) issued a call explaining why chrysotile should be on the list of substances subject to 'Prior Informed Consent' rules when trading.

In 2007, seven international experts were hired by Health Canada to prepare a report of Canadian mining and export of asbestos, and found a strong relationship between lung cancer and chrysotile. In June 2010, a new report by the International Agency for Research on Cancer (IARC) – another body of the WHO – found lung and thoracic cancers, including malignant pleural mesothelioma, to be on the rise worldwide. Lung and asbestos cancers account for more deaths than any other type of cancer.

3. The involvement of Social Partners

Article 4 of the Convention makes it a requirement for the government to consult the CLC and employers on the measures to be taken on Convention 162, and its Article 22 calls for consultations to promote the dissemination of information and the education with regard to health hazards due to exposure to asbestos and to methods of prevention and control. To our knowledge, such consultations have not taken place in the recent past.

Canadian Labour Congress Policy on Asbestos

The Executive Council of the Canadian Labour Congress adopted a policy statement calling on the Government of Canada:

- to develop a fair and just transition program in consultation with the Quebec Federation of Labour and the United Steelworkers for the workers in the asbestos industry and communities which may be affected; and
- to adopt a comprehensive policy to phase out the production of asbestos in Canada.

Here is the text of the motion:

The Canadian Labour Congress calls on the federal government to:

1. Adopt a comprehensive asbestos strategy, phasing out both the use and export of asbestos as communities are transitioned;
2. Ensure there is a fair and just transition plan developed in consultation with the United Steel Workers and the Québec Federation of Labour for communities affected by changes;
3. Ensure that workers and communities affected have resources to ensure ongoing financial stability;
4. Work with individual Canadians, labour unions, producers, manufactures, and other levels of government to ensure that solutions meet local needs.

May 2008