

**Submission to the  
Government Newfoundland and Labrador  
Department of Natural Resources, Mines Branch**

**Regarding**

**A Minerals Strategy for Newfoundland and Labrador – Discussion Paper**

**By**

**The United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial  
and Service Workers International Union  
(United Steelworkers)**

**April 14, 2011**

## **INTRODUCTION**

The United Steelworkers (USW) welcomes the opportunity to participate in the consultations on Newfoundland and Labrador's Mineral Strategy.

The USW is one of the largest industrial unions in Canada, with approximately 200,000 members. The Canadian branch of the USW is one part of an international union, the United Steelworkers, with a membership in the United States of more than half a million members. The Steelworkers are proud to represent an extremely diverse membership in almost every private sector industry across the country, along with thousands of public sector workers in hospitals, nursing home and universities.

The USW is the most significant union in the Canadian mining industry. We represent thousands of mining members across the country, including members in every province or territory where mining takes place, with a great number of these workers in Newfoundland and Labrador. We have collective bargaining relationships with almost every significant mining operator in the Canadian mining industry. This makes the union the most important voice for the province's mineral workers.

We understand that the focus of these public consultations is to invite submissions and recommendations from interested parties on how to go forward and make positive changes for Newfoundland and Labrador's Mineral industry. We intend to do that through this submission which aims to suggest areas of improvement, along with pointing out additional issues of concern that your Discussion Paper overlooked.

Minerals have played key roles in the history, the economy and the environment of Newfoundland and Labrador. Recent developments in the mineral sector and in global trade suggest that the influence of the mineral sector over the province's future will only grow. The face of mineral extraction in the province is also set to change. With many surface sites mined, extraction is increasingly moving underground. With the mineral sector growing and changing, the government's strategy review is well-timed.

Due to the volatility in global markets for minerals, the industry tends to be unpredictable, with operations quickly beginning or unexpectedly shutting down or closing forever. Yet the legacies of mining are often permanent—whether through its effects on the natural environment, its ravaging of workers' bodies through occupational disease or injury or its capacity to influence the life of a community. The

USW is confident that, during the course of these consultations, many employers will lobby the government for changes in the interest of short-term profitability and competitiveness. The **union's submission will ask the government to also strongly consider the longer-term effects of mineral extraction** – on workers, communities and the environment. In offering these criticisms, the USW is not stating that the government has not taken important steps to protect workers, communities or the environment. We are simply stating that more needs to be done if the mineral industry is made to equitably benefit all the peoples, lands and waters of Newfoundland and Labrador.

## **MINERAL WORKERS ABSENT FROM DISCUSSION PAPER**

As a labour union, the United Steelworkers always looks out for the interests of working people. By its nature, mineral extraction is a very labour-intensive industry. Workers are therefore a key stakeholder in the mineral industry, along with governments, companies, communities and the environment. Yet workers' voices are largely absent from the Discussion Paper, which manages to pay close attention to all of the other major stakeholder groups. The lack of attention paid to workers in the paper is best demonstrated by the following points:

- The document spends 6 pages discussing how to make “a competitive environment for the minerals industry,” while worker concerns are covered only peripherally in a page, at most.
- The short section on work-force issues expresses concern only with ensuring a steady supply of skilled workers for mineral companies. It says nothing about how to ensure that mineral jobs are indeed “good” and safe jobs for Newfoundland and Labrador's workers.
- The document asks only one question about health and safety, after asking eleven questions about making the industry economically competitive. Of the 24 “questions for discussion,” only two pertain to workers.
- Mining companies are mentioned dozens of times in the paper, while labour unions are not mentioned once.
- The discussion on “Government's Role in the Minerals Sector” includes relevant legislation such as the *Mineral Act*, the *Mineral Regulations*, the *Environmental Protection Act*, the *Revenue Administration Act* and the *Occupational Health and Safety Act*. However, key pieces of legislation that impact workers are not

mentioned, despite the fact that they are extremely influential in determining how the mineral sector functions, such as the *Labour Relations Act* and the *Labour Standards Act*.

Taken together, these omissions strongly suggest that the government does not intend to make worker concerns a central part of this consultation. If the government does indeed overlook the needs of workers in this process, a strong disservice will have been done, not only to the workers themselves, but also to the people of Newfoundland and Labrador. Good jobs improve the lives of not only the workers themselves, but their families and their communities, and ultimately, the province as a whole.

The USW therefore calls on the Newfoundland and Labrador government to **put workers at the forefront of the Mineral Strategy** consultations and the ensuing policy decisions. The union, of course, applauds the government's attention on developing a sustainable mineral industry and creating jobs, while protecting the environment and communities. However, the USW maintains that a strategy that overlooks the needs of working people can never be a complete strategy. If the government is indeed serious about its first Mineral Strategy being thorough, and useful to all residents of Newfoundland and Labrador, it will correct this imbalance and consider the needs of workers alongside its other points of focus.

## **WHY IT IS IMPORTANT TO KEEP A FOCUS ON WORKERS: THE LEGACY OF BAIE VERTE**

The need to keep workers' interests at the forefront of the consultation can be best illustrated by the history of the Baie Verte mine and its workers.

Asbestos was mined at Baie Verte from 1955 to 1992 under various employers by workers represented by the United Steelworkers. The risks of working with asbestos are well-known today. Studies have determined a number of diseases that have been linked with asbestos exposure, including: lung cancer, asbestosis, and various other respiratory diseases and cancers. However, many of these risks were not as firmly established in medical research when Baie Verte was beginning its operation as they are today.

As work progressed in the 1970s at Baie Verte, more and more workers became sick from various cancers and respiratory diseases. In response to the growing numbers of sick workers, an extensive study was performed in the mid-1970s on Baie Verte miners. The study found that many miners were indeed suffering from asbestos-related illnesses. The study's author, Dr. Irving J. Selikoff—the world's leading expert on asbestos-related disease—recommended that a number of preventative measures be taken, including the creation of a medical registry to better track the effects of asbestos on workers.

The study was obviously of great concern to the Baie Verte workers, who were about to enter contract negotiations with the company. Not surprisingly, they tabled a number of the recommendations made by Dr. Selikoff. Negotiations quickly broke down, with both the company and the province's Minister of Mines arguing that the health and safety measures unnecessarily put the economic future of the mine at risk. A 15-week strike followed (the longest health-related strike in Canadian history) and eventually some, but not all, of the workers' health and safety demands were met.

The mine continued to operate until 1992, aside from a shutdown and transfer of ownership in the early 1980s. Health problems for workers continued until the mine's closing and persist today. Over the next 17 years, the USW and its mineral workers pushed the government to act on Dr. Selikoff's recommendations to create a medical registry of Baie Verte workers. In the absence of government action, the USW did what it could, and worked on creating a paper database of employees and their employment records.

In 2008, Newfoundland and Labrador's Workplace Health Safety and Compensation Commission, Memorial University and the United Steelworkers finally announced the development of an official Baie Verte Miners registry. The ultimate goal of the registry is to ensure that their medical records are compiled and protected, allowing future researchers to conduct meaningful studies on the health implications of working at Baie Verte. This will also contribute to the growing body of research on the health risks of asbestos in general. Many risks of asbestos exposure are still not fully understood by researchers. Studies have yet to conclusively prove a relationship between asbestos exposure and stomach cancer and colorectal cancer, among others.

The registry will also allow former Baie Verte workers to receive the best advice about how to proceed in their workers' compensation cases, along with reducing some of the

burdensome bureaucracy which stands between workers and adequate compensation. This will speed up the claims process for workers with current health problems and also for workers with problems that arise in the future. The registry has currently made contact with 1000 former Baie Verte miners, nearly halfway to its goal of 2500. The USW welcomes the government's support for this project and looks forward to working with the government until it is completed.

However, the union remains critical of the fact that it took 17 years before the government finally acted on the union's repeated recommendations. These lost years set the project back substantially: workers have left the community; medical records have gone missing; and X-rays and other clinical information are at significant risk of loss or deterioration over such a long period. This period of time has certainly been detrimental to the progress of the research project as a whole. Stalling our understanding of occupational disease puts future workers at a greater risk for diseases which are similarly misunderstood. The delay has also set workers further behind in their efforts to secure adequate compensation for their work-related diseases. Even though the Baie Verte mine has been closed for 20 years, the legacy of disease continues to affect the lives of many workers and their families.

What happened at Baie Verte was not an isolated incident. It was, unfortunately, the latest episode in a history of mineral workers in Newfoundland and Labrador suffering employment-related disability, disease and death. Widespread occupational disease also continues to afflict workers from the St. Lawrence fluorspar mines which closed in 1978, and health and safety concerns continue to be paramount at large mineral operations today at Voisey's Bay. Workers have paid an enormous price for the extraction of minerals in the province's history.

**These episodes all took place because workers were not placed at the forefront of the mineral sector strategies of their day.**

Had workers been at the forefront, the company or the government would have pressed for more health and safety protections after the Selikoff report was published. Had workers been at the forefront, it would not have taken the government over 30 years to take action on creating a registry of Baie Verte workers. Had workers been at the forefront, researchers would have a much better understanding of asbestos-related illnesses, which would help in avoiding future occupational illnesses.

Workers should not have to fight to have their health protected by their government and their employers. The health and well-being of workers should not be considered behind the economic well-being of employers.

Preventing future tragedies should be a key concern of this Mineral Strategy consultation. As stated earlier, the government does not appear to be placing worker interests at the forefront of this process. The USW again calls on the government to **make worker interests a key piece of its final Mineral Strategy.**

## **HEALTH AND SAFETY REGULATIONS**

In one of its rare nods to the interests of workers, the Discussion Paper asks “are current safety standards in the provincial mining industry adequate?” However, before this question is asked, the government spends a paragraph detailing some rudimentary statistics describing how the mineral sector is actually one of the safest sectors nationally. This suggests that the government has answered the question before it was asked. The USW rejects this approach to such a crucial question. These statistics, which deal with national injury rates in the mineral sector, fail to capture the longer-term impact of occupational disease, which is a paramount health and safety concern in this industry. They also fail to account for unreported injuries, which are common given the incentives embedded in the province’s “experience rating” workers’ compensation program.

If current safety standards in the mineral sector were adequate, the government would surely not have recently embarked on a substantial overhaul of its Mining Safety Regulations. If current safety standards were adequate, workers at the mines in Voisey’s Bay would not continue to have serious health and safety concerns. If current safety standards were adequate, we would not have to report countless safety violations and disability claims every year. If current safety standards were adequate, workers would not suffer from injuries and diseases that unfortunately go unreported.

**Current safety standards are not adequate.** Moreover “adequate” is simply not a high enough standard for such an important area. When the consequences are injury, occupational disease, or death, Health and Safety standards should be much more than simply “adequate.” The USW therefore maintains that the interests of workers must be

at the centre of the discussion over health and safety in this consultation process. The union further maintains that this discussion itself must play a far greater role in the overall process than is indicated by its representation in the Discussion Paper.

The USW has welcomed the government's recent initiatives in redrafting the Mines Safety of Workers Regulations, which have not been substantially changed since the 1950s. The government recently engaged in a consultation process with relevant stakeholders on recommendations for the proposed provincial mining regulations. The USW submitted an extensive set of recommendations to this consultation. The union continues to stand behind this submission and would like to re-submit it to this panel **[attached as Appendix A]**.

**The USW's submission recommends specific amendments to the following sections:**

- Underground Illumination
- Conveyor Belts
- Procedure Where Flow of Gas Underground
- Unventilated or Unsafe Mine Area
- Mine Design
- Record of Warning of Unsafe Condition and Duty of Supervisor on
- Change of Shift
- Use of Raise Climbers
- Water Accumulation in Mine Workings
- Entry Prohibited
- Plotting of Diamond Drill Holes
- Emergency Procedure, Mine Rescue
- Tests and Reports of Emergency Warning System
- Emergency Exits from Underground
- Air Supply for Hoist Operators
- Fueling Vehicles Underground
- Fuel Transfer or Delivery Systems
- Hot Work in Mines
- Mine Ventilation and Auxiliary Ventilation Systems
- Internal Combustion Engines Underground
- Operation Vehicles
- Remote Controlled Equipment
- Operation of Mobile Equipment on Ramps
- Placement of Fill Material in Mine Workings
- Shaft Requirements
- Construction of Cages and Skips



- Free Fall Tests
- Chairing Devices
- Hoisting Persons
- Shaft Conveyances
- Shaft Requirements
- Riding in Bucket
- Load in Sinking Bucket
- Examination of Mechanical Parts
- Explosives in Mines
- Electric Blasting
- Procedures for Hazardous Dust Explosions

**The USW's submission recommends that the following new sections and accompanying text be added to the Regulations:**

- Fire Procedure
- Process Producing Flammable Mixture:
- Mining Plant Flammable Material Storage
- Roll-Over Protective Structures
- Flow of Flammable Gas

The USW demands that the government make health and safety a central focus of its consultation process by implementing the changes already proposed by the union to the government, and attached once again as Appendix A.

## **ADDITIONAL HEALTH AND SAFETY CONCERNS**

### ***DUST***

Dust control is, of course, a key concern on mineral sites. Dust inhalation by workers causes silicosis and asbestosis, which can lead to disability and even death.

While there are dust programs in place, they are clearly not going far enough. In its newsletters and communiqués to members, the USW often has to remind members to wear their dust masks when the TLV rating pushes into the red, which it often does for long periods of time at certain mineral sites. USW representatives have complained in the past that when dust monitors exceed limits, and they file a complaint, nothing happens. Other times, government inspectors are unable to reach certain parts of

mines safely. Recently, the USW voiced its opposition to the government's choice of organization to conduct a dust study in Labrador mines. The union felt there was a possible conflict of interest with the commissioned company.

The USW therefore calls upon the government to put health and safety first, and conduct immediate, thorough and unbiased investigations of any complaints of dust. Investigations need to be backed up by strict enforcement. For sites that cannot be evaluated safely, the government must develop alternative ways to ensure both the safety of its inspectors and the safety of the mine's workers. Detailed studies of the effects of dust are certainly important initiatives on the part of government. However, the party selected must have no potential conflicts of interest and must conduct the study in a professional manner for the results to be scientifically sound. The dangers of dust inhalation are too severe to ignore. The proposed measures will improve the response to both individual incidents and help our larger understanding of dust-related illness.

### ***GOVERNMENT INSPECTIONS at MINERAL SITES***

The labour movement has long rejected an exclusive reliance on internal responsibility with regards to health and safety. A key part of maximizing compliance with health and safety regulations is through a rigorous system of inspection, which employers are prevented from circumventing. The only way for regulation to function as it should is through an effective system of inspection.

Recounting a familiar theme in this submission, the mineral sector poses two specific challenges to government inspection.

The first major challenge stems from the fact that most mineral work takes place on remote sites. This can pose roadblocks if government inspectors were intending to arrive at sites unannounced. This problem is especially severe at fly in / fly out sites, where the mining company often operates the only charter flights to the site.

The second major challenge stems from the recent and projected growth of the mineral sector, which is expected to continue growing rapidly. The supply of inspectors is always a key issue in maintaining health and safety standards in a particular jurisdiction.

What is the government doing to ensure that enough trained inspectors will be available?

The USW therefore calls on the government to recognize the unique problems of inspection in the mineral sector. The province must provide enough inspectors to adequately monitor the safety standards at mineral sites, and it must provide the means for these inspectors to arrive unannounced. This will require a plan to ensure trained inspectors are always available as the industry grows.

### ***VIOLENCE AND HARASSMENT POTENTIAL at REMOTE LOCATIONS***

A further issue with remote locations deals with discrimination and harassment. The government's Discussion Paper mentions the need to ensure a respectful workplace free of discrimination and harassment (p. 31). The USW completely endorses this view, as it does in all jurisdictions across Canada. However, Newfoundland and Labrador labour law often promotes such situations in remote locations when a legal strike is underway. Under the province's current labour law, employers are permitted to hire replacement workers during a strike. The USW, along with the Newfoundland and Labrador Federation of Labour, has long opposed this law and has called on the province to stop permitting the use of replacement workers. Replacement workers always create high levels of animosity and resentment during a strike, as they strip a fundamental right from bargaining unit workers. In the worst case, replacement workers lead to violence and harassment at worksites. Such confrontations most often happen at the picket line, where the two groups of workers (striking and replacement) confront each other. However, the situation in remote locations (again, characteristic of mineral operations) is much more prone to confrontations. At fly in / fly out camps or remote communities, with workers and replacement workers often living in close proximity, the likelihood of such confrontations increases dramatically. This was a crucial issue in the turmoil at Voisey's Bay over the past several years.

If the government is indeed serious about ensuring workplaces without discrimination or harassment, these laws will need changing. The heavy unionization of the mineral industry, the remoteness of its operations virtually ensure that this issue will not go away. The USW again calls on the government of Newfoundland and Labrador to enact

anti-scab legislation in the province as a whole, but particularly in the mineral industry which is so prone to these volatile situations at its remote sites.

### ***WORKERS' COMPENSATION BENEFITS***

The maximum earnings covered by Newfoundland's workers' compensation system are among the lowest in the country, despite having the highest average employer assessment rates in the country. The USW has long called for the increase of maximum earnings, while opposing any further reductions in employer assessment rates. As the USW has previously told the government, it is not uncommon to see an industrial worker in an area such as minerals, having his/her wages reduced from a significant amount to an amount that can barely feed their family. No workers should have to add economic suffering to the physical pain that forced them off the job in the first place.

Employers will likely lobby for reduced employer premiums, citing supposed economic difficulties. The union maintains that there is no case for a further reduction in employer premiums. Such a reduction could easily lead to further reductions in worker benefits under the system, falling even below their current low level. Mining is a very dangerous industry, where the costs of accidents or occupational could be quite substantial for employers if workers had the right to sue. It must be understood that mineral industry employers benefit tremendously from a system where they receive cheap, no-fault insurance.

Mineral workers in Newfoundland need to benefit from this system too. They deserve fair compensation when they are injured on the job. Mineral companies should not be permitted to influence the government into pushing down their costs even further under a system that is already very beneficial to them.

### **FOREIGN OWNERSHIP**

In recent years, Canadian mineral workers have been increasingly working for foreign companies. Takeovers by companies such as Vale and Xstrata means that Canadian control of the mineral sector is growing weaker by the year. The increasing prominence

of foreign ownership in the field has dramatic implications, many of which are overlooked in the government's Discussion Paper.

What must be remembered in the drive to attract investment is the fact that the resources being mined belong first to the peoples of Newfoundland and Labrador. The Churchill Falls issue demonstrates that a sense of ownership over the province's natural resources is very powerful among the province's residents. Foreign investment should not be pursued at any cost, but should always be contingent on the fact that these companies must consider it a privilege that they are permitted to conduct their businesses in the province and to extract its minerals, as they ultimately take the profits elsewhere. While a company may easily leave the province, the larger effects of its presence will continue to be felt for generations in its impacts on the environment, workers' health, communities and local economies.

The mineral strategy Discussion Paper discusses the issue of foreign ownership when discussing appropriate tax rates, arguing that foreign multinationals must pay their full share of corporate income tax for mines in Newfoundland and Labrador (p. 26). The USW supports this viewpoint. However, the union submits that the government should be asking additional questions, about how foreign ownership is impacting workers.

The balance of power between employers and employees is typically greatly tilted in the employer's favour. This is the reason why workers have turned to unions and collective bargaining throughout recent history. However, with the move to foreign ownership, the power imbalance grows exponentially.

This is best illustrated in the context of Newfoundland and Labrador by examining the recent 18-month strike of Vale Inco at Voisey's Bay by USW workers. This was the second time USW members have struck a Vale site for more than one year since the company began operating in Canada in 2006. Vale, of course, is not a Canadian mining company. Based in Brazil, this powerful multinational is the second-largest mining company in the world. The Voisey's Bay site, although crucially important to the workers, the surrounding community and the province as a whole, accounts for only two tenths of a percent of Vale's overall workforce.

After Voisey's Bay workers had been on the picket line for more than a year, the province appointed an industrial inquiry commission to meet with the parties, study the disputes and recommend a possible settlement or avenues to settlement. The

commission was ultimately quite critical of Vale's behaviour during the strike, portraying the company as intransigent and completely disinterested in moving towards a settlement. The economic impact of a single-site strike ultimately holds much less sway over a giant multinational like Vale than it would over the traditional national mining companies of Canadian history. The commission was also clear that Vale's ability to hire replacement workers was a significant factor in the employer's reluctance to return to the bargaining table. Vale had little incentive to bargain openly for a site that represented a mere fraction of their total business, especially when a substantial portion of the business was able to continue under replacement labour. It is little surprise, therefore, that Vale was able to record billions of dollars in profits throughout the strike, while refusing to move on any of the issues at the bargaining table, ultimately putting many workers out of work and onto picket lines. Living on meager strike pay for more than a year caused substantial hardship for these workers and their families, and for the communities in which they live.

The Discussion Paper states that a main objective of the consultation is to ensure "a fair return for the people of the province." It is difficult to see how Vale's actions during the strike could in any way be considered to be beneficial to the people of the province. Anti-replacement worker legislation would be effective in beginning to rectify this vast imbalance of power between mineral workers and their increasingly foreign-owned employers.

## **ENVIRONMENTAL CONCERNS**

The USW has a long history of proactive and progressive action on environmental issues. The union has worked hard for decades to debunk the idea that we must choose between good jobs and environmental protections. In its 2006 paper *Securing our Children's World: Our Union and the Environment*, the union wrote, "The environment is an essential union issue, the same way globalization and trade are essential union issues. If we are to be successful in pursuing a world that is more economically just and sustainable in the long-term, environmental work must be part of our mission at every level of the union." The USW has also spearheaded Blue Green Canada, a strategic alliance with Environmental Defence that seeks to advocate for working people and the

environment in key areas of global trade, the use of toxic chemicals in commercial activity, the creation of green manufacturing jobs and in the development of strategies to address climate change. The USW therefore has extensive experience in ensuring both economic success and environmental sustainability.

While the USW is critical of the Discussion Paper's lack of focus on workers, it applauds the government's focus on sustainable mining and the environment. By its very nature, mining is disruptive to the natural environment. But with proper regulation, permanent damage that disrupts lives and ecosystems can be avoided. The USW maintains that, so long as it is properly regulated, the mineral industry can both provide good jobs *and* protect the environment.

As identified in the Discussion Paper, mine tailings are a key environmental concern in mineral operations. It was only recently that a federal court ruled that mine tailings even need to be reported to Canada's legislated process of disclosing pollution to air, water and land. This has confirmed what the union has long advocated: too often companies are permitted to use natural bodies of water to confine mine tailings. Clean lakes, streams and wetlands are being re-classified into mine waste dumps, allowing mining companies to skirt the protections for natural environments contained in the Fisheries Act. Recently, Vale has been permitted to dump hundreds of thousands of dollars in toxic nickel processing waste into Sandy Pond, near Long Harbour, despite the vocal protests of local citizens and environmental groups. In other cases, tailings have not even been reported.

The USW therefore argues that reliance on an internal responsibility will never be enough to ensure companies act in environmentally sustainable ways. If the environmental impact of the mineral sector is to be reduced, it will happen only through a combination of strong regulation and equally strong monitoring. Regulation must be focused on putting the health of the environment ahead of economic concerns. We are optimistic that the government has made the environment such a focus in the Discussion Paper. However, we remain steadfast in our call that the steps the government eventually takes must place binding regulation and strict monitoring at the forefront of the strategy. In determining what these regulations should entail, the government must consult with not only the companies involved, but also with environmental groups and citizens who have unique knowledge and insights into how mines are affecting the natural world.

## COMMUNITY DEVELOPMENT

As stated in the introduction, mineral operations have large effects on the communities in which they operate. This goes far beyond merely creating jobs. The quality of these jobs affects local economies in strong ways. The health of the workers contributes greatly to the health of the community as a whole. Shutdowns or closures can be difficult for communities, as can dealing with the environmental legacy of orphaned and abandoned mines. For example, dust is not confined to the mines, and often finds its way into surrounding communities. This shows the relationship between a mine and its community. The community does not merely feed the mine; the mine also feeds the community in many different ways. The USW submits that the government should endeavour to ensure that as many positive effects reach communities, while working to minimize the negative effects.

Ensuring that mining companies cannot quickly mine the easiest minerals, and then move on, leaving the community behind, is central to this effort. Mining companies must be compelled to invest in a community for longer periods of time through proper mining programs with the government. If there is no evidence that a company does not intend to help a community take **full** advantage of a site—instead of just the advantage that is most economical to the company—it should not be permitted to break ground. The government must ensure that every community will be able to survive and prosper if a mine closes. This requires that planning must take place well in advance of layoff notices being issued. **Mineral operations in the province should only be approved if they have made a thorough “life-cycle” plan for the site, which includes all of the anticipated, or potential, effects on the surrounding community.** This includes crucial planning for housing and transportation infrastructure that will be useful for other economic activities in the event of mine closure.

## FIRST NATIONS PEOPLES

The USW recognizes the unique position of First Nations peoples in the province’s mineral sector, through both its past and present. The Steelworkers have much experience in negotiating contract language that protects the rights of First Nations



peoples. Such language attempts to find ways to integrate employment in mining into the traditional life patterns in First Nations communities. Our path-breaking first collective agreement in Dena Lake in Northwestern Ontario is a good example. This agreement was resolved through a process of interest arbitration, in which one of the key issues was whether or not an agreement including basic employment equity provisions for the hiring, promotion and training of First Nations employees should be included in the collective agreement. We won the right of First Nations workers to be accommodated. The company was made to develop special work schedules to accommodate First Nations employees who might wish to engage in traditional economic activities while continuing employment. First Nations employees were also entitled upon request to a leave of absence to engage in traditional economic activities (such as hunting, trapping and wild rice harvesting) of up to three months per calendar year. This demonstrates that the economic interests of employers are not incompatible with the social and cultural traditions of First Nations peoples. With some consideration and collaboration, mutually beneficial ground can be found.

However, First Nations peoples have repeatedly expressed their frustration in the past at companies and governments who fail to consider their claims to the land, or run roughshod over their traditions and communities. While strides have been made to ensure equal opportunity to native workers in mineral projects (in terms of impacts and benefits agreements), many are left feeling deprived of employment opportunities in local labour markets. This was a key finding of the recent Voisey's Bay Industrial Commission, and it needs to be rectified by all parties.

First Nations peoples must be consulted and included in the process, which need to ensure that their traditional rights are respected. Strictly following the principle of adjacency would ensure that the people who live, and have lived, closest to the site would receive most of the reward from its mining. Having more training programs in advance of a mine opening, and re-training programs when mines move or change, would also ensure that employment opportunities for First Nations peoples are made more equitable. Maintaining an open dialogue with First Nations peoples and ensuring that their concerns are always at the forefront of mineral sector decisions is the only policy that will ensure that no further injustices are permitted.

Looking to individual workplaces, the USW believes that it is in the interests of First Nations individuals and their communities to have a union representing the work force at mineral sites. Collective bargaining agreements allow for creative and legally-binding

ways for these workers to integrate their traditional land-and-season based lifestyles with wage-based employment. In this regard, measures to increase union membership in the province as a whole, would stand to benefit First Nations peoples as well.

## **CONCLUSION**

Once again, the USW has welcomed the opportunity to participate in this provincial mineral strategy consultation. The union asks the government to closely consider the recommendations contained in this submission. If the final strategy is to indeed reflect the interests of all of the stakeholders of the mineral sector, the government will need to pay much closer attention to the needs of the sector's workers, who labour hard under often difficult and dangerous conditions for modest rewards. It is in the interest of all the peoples of Newfoundland and Labrador that their concerns be addressed in the consultation, along with the other important goals of industry growth, environmental sustainability, community development and respect and opportunity for First Nations peoples.