

Ontario government inspectors made scores of visits to National Steel Car plant where three workers died in past 22 months

Steve Hill
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Ontario Ministry of Labour inspectors visited National Steel Car's (NSC) Hamilton plant an incredible 221 times in the five years from June 1, 2017, to June 9, 2022, for proactive inspections and in response to accidents and worker complaints about health and safety issues.

This revelation came less than a month after 51-year-old welder Quoc Le was crushed to death at the NSC facility on June 6, when a 2,000-pound bulkhead fell on him.

The never-ending series of inspections, which cover a period when first the Liberals under Kathleen Wynne and then Doug Ford and his Progressive Conservatives formed Ontario's government, equates to an inspector being on site at National Steel Car's Hamilton plant almost once per week. Inspections became even more frequent in the year prior to Le's death, with 75 visits made between June 2021 and June 2022, resulting in 78 orders to the company.

Yet all these visits did nothing to prevent the death of three workers at the NSC facility within the past 22 months. In addition to Le, 51-year-old crane operator Fraser Cowan lost his life on September 2, 2020, when a safety device improperly attached to the crane he was driving fell off. On April 23, 2021, 35-year-old Collin Grayley was crushed to death by a manlift pinning him against an object after he tried to singlehandedly complete a job that was previously considered a two-man operation. On the same day as Grayley's death, the plant was forced to close for two weeks due to a massive COVID-19 outbreak that infected over 400 workers.

The hundreds of inspections and dozens of orders issued to National Steel Car underscore that the multi-million-dollar company, which produces rail cars for freight and passenger trains, treats its workers like disposable commodities. Fines or orders issued by the government are treated as the cost of doing business under conditions in which the company knows full well that no further consequences will follow.

The events in recent years at NSC's Hamilton plant demonstrate the worthlessness of labour regulations in Canada. Successive governments, irrespective of their political stripes, have gutted workplace regulations and presided over a broken occupational health and safety system that has nothing to offer

workers when companies like NSC turn workplaces into death traps. This process has intensified under Ford's Progressive Conservatives, who have rolled back funding for labour inspections and slashed provincial inspection regimes in key areas, including long-term care.

During the pandemic, the Ford government arbitrarily designated wide swathes of the economy as "essential" to ensure that manufacturing and other industrial operations could continue churning out profits while workers and their relatives got infected and died. With the support of the federal Liberals and the trade unions, the Ford government enforced a back-to-work/back-to-school policy that has now culminated in the removal of all public health protections amid a surge in COVID-19 infections fueled by the Omicron BA.5 variant.

For decades, National Steel Car has been notorious for its contemptuous attitude to the health and safety of its workers, yet virtually nothing has been done about it.

In 1980 Andre Robilliard's legs were badly burned in a flash fire caused by his cutting-torch igniting paint fumes. NSC was fined \$20,000 in part because his accident fit a pattern of disregard for safety. In the six years before Robilliard's accident, NSC had been convicted three times for failing to isolate dangerous gases and suspended particles from potential sources of ignition.

In 1994, NSC was fined \$60,000 after two workers were injured. Charges were laid again in 1995 following another workplace injury. In 1997, a brakeman was crushed by a rail car and sent to hospital with a punctured lung and broken ribs. Only a few weeks before, a 13-tonne roof caved in on a rail car moments after workers left for a coffee break.

National Steel Car was fined \$25,000 for an incident in 1997 in which the company interfered with an accident scene. An employee had been helping to dismantle a scaffold when he fell from a platform and suffered a fracture to his arm. The Ontario Court of Justice found that after the accident equipment was removed and other equipment placed on the platform where the injured worker was working.

On September 19, 2004, a worker was killed while welding the sides of a gondola car together when a spacer bar failed and

struck the worker on the head causing fatal blunt force trauma. National Steel Car was fined \$200,000 for failing to take every reasonable precaution in the circumstances for the protection of a worker, contrary to the Occupational Health and Safety Act (OHSA).

On March 9, 2006, a worker was applying decals to car sides, while running boards—large pieces of latticed steel—were moving overhead on a jig. One running board fell from the jig and struck the worker below, severely injuring the worker’s hands, leg and foot. A Ministry of Labour investigation found that while overhead protection was present, there was still sufficient room for the running board to fall through and strike the worker below. National Steel Car Ltd. was fined \$50,000 for failing, as an employer, to ensure the measures and procedures prescribed in the Occupational Health and Safety Act.

On December 19, 2011, a worker was helping a press operator on a hydraulic press when his arm got caught in the machine resulting in a permanent injury. The two workers involved in the incident did not receive proper training and they were not provided with specific instructions relating to the press. NSC received a \$140,000 fine for failing to fulfill its obligation under the Occupational Health and Safety Act to provide a worker with the requisite information, instruction and supervision to protect their health and safety.

Minister of Labour, Training and Skills Development Monte McNaughton has held the cabinet post in Doug Ford’s Progressive Conservative government since June 2019. He was thus the minister responsible as three deaths occurred at National Steel Car in quick succession over 21 months, between September 2020 and June 2021. Throughout this spring’s provincial election campaign, and even now as he ignores the situation at NSC, McNaughton has regularly tweeted about his glad-handing with union bureaucrats using the outrageous hashtag #WorkingForWorkers.

The Ford government is only outdone in its cynicism towards the fate of the NSC workers by the United Steelworkers (USW). If ever there was a time and a place for the union to invoke a mass work refusal under OHSA, National Steel Car’s Hamilton plant would be it. But such action, even though workers would be entirely within their legal rights to take it, could only be undertaken by an organization focused on defending workers’ health and safety, not the preservation of its corporatist ties with the Ford government and big business.

All that the USW has mustered in response to the three deaths at NSC are letters politely addressed to “Dear Hon. Minister McNaughton,” pathetically pleading for a face-to-face meeting with the man who has overseen the NSC death trap for the past three years.

In one of his latest letters, written the day after Le’s death, USW Ontario and Atlantic Director Miles Sullivan failed even to call upon the government to take any immediate action. Appealing to McNaughton to “treat this situation with the

seriousness it requires,” Sullivan’s letter concluded with a plea for “a meeting at the earliest possible opportunity to discuss what steps can be taken right away to avert any further tragedies at this workplace.”

It is a glaring example of just how deeply the United Steel Workers are integrated into the state-corporate apparatus that the best this senior union official can muster is a polite and deferential bureaucratic response to the killing of one of its own members and at a workplace known to be an industrial slaughterhouse. Indeed, according to Sullivan himself, National Steel Car has “the worst health and safety record of any workplace in Ontario.”

Workers know only too well that the USW’s appeals to the government to “do the right thing” are akin to asking the fox to guard the henhouse and will fall on deaf ears.

There are 1,400 USW members across National Steel Car’s operations, including 600 at the Hamilton plant, who could put an end to the dangerous working conditions by downing tools en masse and refusing to resume work until the necessary safety measures are implemented under the supervision of a rank-and-file factory committee. But the USW bureaucracy views the prospect of workers taking collective action in opposition to its corporatist partnership with NSC management, big business and the provincial and federal governments as more terrifying than the deaths of workers on the shop floor.

NSC workers must take the defence of their health and safety into their own hands by establishing a rank-and-file committee to fight, and fight now, for the safety measures workers urgently need. This should include a direct appeal for support to manufacturing workers across Ontario, Canada, and internationally, who confront the same dangerous working conditions due to the capitalists’ prioritization of corporate profits and “competitiveness” over workers’ well-being and their very lives.



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