

Alberta arbitrator dismisses UFCW's 2020 COVID grievance at Cargill's High River plant

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23 July 2024

As Canada is swept by a summer wave of COVID-19, an arbitrator's decision rejecting a case accusing meatpacking giant Cargill of failing to prevent the spread of the virus at its High River, Alberta, facility has shown once again the ruling elite's hostility to any measures to safeguard workers' health during the pandemic.

Arbitrator James Casey, a mediator on the Alberta government's Grievance Arbitration Roster, ruled in favour of the multi-national conglomerate, whose Alberta facility witnessed the largest outbreak in North America during the early stages of the pandemic, with over 900 workers infected and two losing their lives.

The ruling came as COVID levels are on the rise across Canada, as well as in the United States and many European countries. According to the bi-weekly forecast released by Dr. Tara Moriarty on X/Twitter July 6, infections were 10 times higher, Long Covid cases five times higher, hospitalizations 17 times higher, and deaths 10 times higher than the lowest point in the pandemic. Her figures, which are the most reliable data source following the systematic dismantling of virtually all government data collection, revealed that approximately one in 73 Canadians are currently infected with COVID.

The major dispute between employees at the company's main beef slaughterhouse facility in High River and Cargill management revolved around the company's initial refusal to shutter the plant as the virus ran rampant and its opposition to any serious public health measures to prevent the ongoing spread.

As infections rose steadily during April 2020, Cargill refused to shutter the plant. Many workers were hospitalized, some in intensive care. Within weeks, virtually half the plant—951 workers—had contracted COVID. Over 600 close family members of Cargill workers were also infected. Along with the two workers who lost their lives, a family member of another infected worker also died. It was only after the first worker death was confirmed on April 19, 2020, that Cargill reluctantly agreed to shut the plant for two weeks. Alberta Health Services green-lighted the restart of production in early May, lying to workers with the claim that the facility was safe.

Across North America, 30 workers who were members of the United Food and Commercial Workers (UFCW) union had already lost their lives by this point. The UFCW was instrumental in

organizing the return to work at High River, refusing point blank to lead a collective struggle by the workers to defend their health and safety rights.

Although the UFCW admitted the plant was not safe, the union's local president, Thomas Hesse, bowed to the dictates of the company and the government who declared the plant safe and ordered the meatpackers back to work in early May 2020. With workers terrified of re-entering the facility and clamouring for union protection, Hesse announced that no industrial action would be taken to oppose the unsafe re-opening. Instead, he said, "We are looking at legal options. We are not asking for a work stoppage. A work stoppage would not be legal."

The "legal option," the filing of a health and safety grievance, was finally adjudicated last month—some four years after the deadly spread of the virus inside the plant, far too late for the workers who died or suffered long-term debilitation due to their COVID infections.

In his ruling, arbitrator Casey sided with the company. The UFCW was asking for a total of \$20 million in damages against Cargill due to the company's actions (and inactions) during the first few months of the pandemic. In their grievance, the union demanded that Cargill be required to compensate each employee \$10,000 and pay the union \$100,000. However, Casey ruled that the company was largely blameless due to the limited and rapidly changing information concerning COVID-19 during the first months of the pandemic. Cargill, claimed Casey, largely met its health and safety obligations and cannot be held liable for the damages pursued by the union.

From the outset, it was clear to workers that initial "precautions" taken in the High River plant against infection were dubious. As the virus thrived in the hot, moist factory environment and workers laboured in close proximity to each other, the inadequate masks provided by the company offered no serious protection from infection.

Even public health inspectors, fearful of certain areas of the facility, made their observations from outside the plant using electronic surveillance.

On April 15, 2020, such an "inspection" pronounced the plant "safe," ordering workers to keep at it in spite of hundreds of infections. Just four days later, the first fatality among the workforce was announced, prompting the two-week shutdown.

When this period was over, company management and the UFCW bureaucracy ensured that no time was lost in herding workers back into the facility.

Alberta Chief Medical Officer of Health Dr. Deena Hinshaw said that Alberta Health Services officials conducted on-site inspections and were assured that the facility was safe. The union's attempt to get a stop-work order from Alberta Occupational Health and Safety failed. An audio recording of a "town hall" meeting with Cargill workers and other documents obtained by CBC News in 2021 showed Conservative provincial Labour Minister Jason Copping, Agriculture Minister Devin Dreeshan and public health officials, including Hinshaw, deliberately concealing the ongoing danger.

"If you look at this evidence in its totality" Occupational Health and Safety professor Sean Tucker told CBC, "it is clear that keeping the plant open is more important than worker safety. I think there is enough evidence to show that there was a regulatory breakdown in the case of Cargill's High River, Alberta plant, that people knew about problems but were not empowered to share them with workers."

The release of the damning documents served as the occasion for trade union bureaucrats to denounce the provincial government in sharp terms. UFCW Local 401 president Hesse described the government's handling of the outbreak as "not just negligence, it is worse than negligence."

This is no doubt true, but the fact is that these same union bureaucrats were telling workers throughout the crisis to rely on the very same "negligent" government and its "legal" institutions to protect their health and safety. During the Cargill outbreak, UFCW officials repeatedly insisted that the pro-employer labour, and health and safety boards of Alberta, overseen by the pro-big business, hard-right United Conservative Party government, would protect workers' health and well-being on the job. Hesse summed this up when he categorically ruled out any job action by workers who were opposed to a precipitous return to the plant in May 2020 by invoking the "legalities" of the situation.

Hesse's statement exemplified the outlook and role of the union bureaucracies across Canada and internationally. They prioritize the upholding of the pro-corporate collective bargaining and labour relations "legal" framework, which exists to protect the interests of the bosses at the expense of workers. Union officials are bitterly opposed to challenging it because it is this system that underpins their perks and privileges, including six-figure salaries for top officials and prestigious positions on various tripartite corporate-government-union committees.

The argument that workers must abide by "legality" was used by the unions in every province to sabotage worker opposition to the reopening of schools and workplaces, and their continued operation even as infections skyrocketed. Even after the blatant indifference of the ruling elite and its state structures towards the lives of workers was spelled out in flesh and blood, as in the case of Cargill, bureaucrats like Hesse seek to cover their tracks with radical bluster and feigned shock at government "negligence."

The loyalty of the UFCW apparatus to these corporatist structures, rather than the workers they claim to represent, was underscored yet again earlier this month with the sellout of a strike

by Cargill workers in Guelph, Ontario. The overwhelmingly low-paid workforce, many of whom had to rely on food banks during the more than one-month strike, were forced to accept a rotten deal that met none of their demands.

Arbitrator Casey avoided discussing in his ruling the corporatist partnership involving company management, the union bureaucracy, and government officials against the workers. Instead, he sought to hang his hat on initial public health information that attributed COVID infection to droplets—and not airborne (aerosol) transmission. Many epidemiologists and other principled scientists argued from the outset that Covid—with clear similarities to SARS—was an airborne phenomenon that could not be properly mitigated by the basic surgical masks that were being distributed in factory and office settings. Despite strong evidence to back up this understanding, governments around the world and international institutions refused to recognize the airborne transmission of COVID in the pandemic's early stages, resulting in millions of infections and deaths.

The federal Trudeau government treated aerosol transmission of COVID-19 as little more than an afterthought. Not until the autumn of 2020, long after scientific investigations had demonstrated the centrality of airborne spread, did public health authorities even admit that aerosol transmission was possible. Moreover, as the CBC noted at the time, this change to the COVID-19 guidance was done "quietly." It was not accompanied by any campaign to warn the public of the danger of aerosol transmission, including explaining the necessity of wearing high-quality N95 masks, let alone any changes in government policy or regulatory requirements for employers.

The federal government's insistence that droplets were the main mode of transmission, a claim followed by provincial governments and corporations across the country, was driven by political and financial motives. The ruling elite's "profits before life" pandemic policy, based on forcing workers back into unsafe workplaces so they could churn out profits for corporate Canada, required that airborne transmission be denied or at least downplayed. This enabled governments to avoid imposing any responsibilities on employers for taking adequate precautions to stop the airborne spread of COVID-19, while at the same time removing any obligation from governments and corporations to fund basic upgrades to improve ventilation and air quality in both public and commercial facilities.



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