



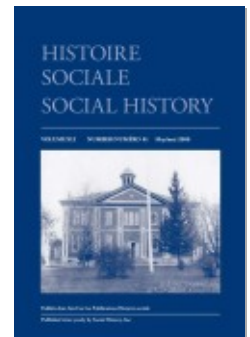
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# “Their only power was moral”: The Injured Workers’ Movement in Toronto, 1970–1985

ROBERT STOREY\*

*In the 1960s, injured workers experienced the pain and suffering associated with their injuries privately, within the confines of their own homes. They protested to the Workmen’s Compensation Board (WCB) when they were unsuccessful in getting their claims accepted, when the amount of their awards was less than they believed was justified, or when their pensions for permanent disability were cut or terminated. In the overwhelming majority of instances, however, these were individual acts of resistance. The evolution of individual resistance into collective protest had as its critical nucleus Toronto’s post-World-War-II immigrant Italian community. A racialized and highly gendered social movement, the Injured Workers’ Movement grew in strength in the late 1970s and early 1980s in response to attempts by the WCB, the Progressive Conservative government, and employers to eliminate lifetime pensions for permanently disabled workers. By so doing, the WCB was taking a fundamental step towards turning workmen’s compensation in Ontario into a social assistance, rather than a work-based, social insurance programme. In this historical moment the IWM proved successful, if only temporarily, in restraining the gathering social, economic, and political forces of neo-liberalism.*

*Dans les années 1960, les travailleurs blessés vivaient privément, dans l’intimité de leur foyer, la douleur et la souffrance de leurs blessures. Ils protestaient auprès de la Commission des accidents du travail (CAT) lorsqu’on leur refusait leurs réclamations, lorsque le montant de leur indemnité était en-deçà de celui auquel ils s’estimaient admissibles ou lorsqu’on réduisait leur prestation d’invalidité permanente ou y mettait fin. Mais il s’agissait dans l’immense majorité des cas d’actes de résistance individuels. La transformation de la résistance individuelle en une protestation collective à grande échelle s’est articulée sur la construction d’un mouvement social de la classe ouvrière, le noyau essentiel en étant la communauté immigrante d’origine italienne du Toronto de l’après-Deuxième Guerre mondiale. Un mouvement social racialisé et hautement genré, l’Injured Workers’ Movement (IWM)*

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*a gagné en force dans les années 1970 et au début des années 1980 en réaction aux tentatives de la CAT, du gouvernement progressiste conservateur et des employeurs d'éliminer les pensions à vie pour les travailleurs ayant une incapacité permanente. Ce faisant, la CAT franchissait un pas décisif dans la transformation de l'indemnisation des accidents du travail de l'Ontario en un programme d'assistance sociale plutôt qu'en un programme d'assurance sociale fondé sur le travail. Durant ce moment historique, l'IWM a réussi, ne serait-ce que temporairement, à freiner les forces sociales, économiques et politiques grandissantes du néo-libéralisme.*

ONTARIO GOVERNMENT employees arriving for work in the McDonald Block at the corner of Bay and Wellesley Streets in downtown Toronto on Wednesday, June 1, 1983 must have been somewhat startled to see what lay before them: a large assembly of men and women overflowing the lobby into the outside courtyard. Moreover, they were not the usual type of visitor. Many were walking with the assistance of canes; some were in wheelchairs; some were missing part of an arm or leg. If they paused to take in this moment, the government workers would no doubt also have heard the sounds of different languages such as Italian, Greek, Portuguese, and Spanish being spoken. This was, in short, not an ordinary Wednesday morning at the office.

The approximately 3,000 men and women who ultimately arrived were injured workers or their families and friends. Largely immigrant workers, and mainly Italian, they gathered in these government offices to give testimony before the Ontario Legislature's Standing Committee on Resources Development (SCRD). The meeting had been called specifically to hear the views of injured workers on proposed changes to the *Workmen's Compensation Act (WCA)*— changes that had precipitated great concern among injured workers and their various advocate organizations. When it became clear to all that the ever-increasing numbers could not be accommodated, organizers for the injured workers suggested that the venue for the hearing be moved to the steps of the Ontario Legislature. Ontario Provincial Police and SCRD committee members readily agreed with the suggestion, and, for the first and only time in the history of the Ontario Legislature, an official meeting of one of its Standing Committees was held on the grounds of Queen's Park.

According to participants and organizers, the event was a turning point in the decade-long struggle of injured workers against what they perceived to be rampant and systemic injustice in the workmen's compensation system. Indeed, poised to introduce amendments to the *WCA* over three years in the making, the ruling Progressive Conservative Party decided instead to postpone any such action until some unknown point in the future. That time came a little over one year later when Labour Minister Russell Ramsay introduced changes to the *WCA* that not only omitted the most offending issues but established a process that, for the first time, allowed injured workers to appeal decisions of the Workmen's Compensation Board (WCB) to an independent

appeals tribunal. There could be no misconstruing the significance of this moment: It was a clear victory for injured workers.

None of this activity could have been envisioned in the 1960s. At that time, injured workers experienced the pain, suffering, and material deprivations associated with their injuries privately, within the confines of their households. Certainly many protested to the WCB when they were unsuccessful in getting their claims accepted, or when the amount of their awards was less than they believed was justified, or when their pensions for permanent disability were cut or terminated. In the overwhelming majority of instances, however, these were individual battles. Victories were few, with little or no consequence for other injured workers. Defeats, on the other hand, were plentiful, with long-lasting and potentially devastating personal and familial outcomes.

The move from sporadic, individual, and most often failed resistance to sustained and successful collective protest is the subject matter of this discussion, which is thus concerned with understanding the rise and early evolution of a social movement — in this case what became known as the injured workers' movement (IWM). As such, this study seeks to give empirical content to theoretical questions that lie at the heart of social movement theory. Why, when injured workers had always expressed dissatisfaction with the workers' compensation system in Ontario, did a social movement of injured workers arise in the 1970s? Who were members of the IWM? Why did they participate? What were its major organizational forms? In which activities did its membership engage? How are we to understand its success? As I will show, from the mid-1970s forward to the mid-1980s, injured workers, with a critical activist nucleus of working-class Italian men, together with a small assemblage of political activists and progressive law students, engaged in activities ranging from contesting WCB decisions on claims and appeals, to lobbying members of the Ontario Legislature in its hallways and meeting rooms, to organizing countless street demonstrations. In the process, they built a social movement brought together through a discourse — and under a large yellow banner with black lettering — that proclaimed “justice for injured workers.”

### **Work and Injury in the Queen City**

Working-class men and women who went to work each morning in Toronto in the 1960s understood that their jobs were dangerous and potentially bad for their health. Occasionally, as in the case of the accident at Hogg's Hollow in March 1960, where five Italian men were killed when a tunnel they were building caught fire and collapsed around them, these dangers were readily apparent.<sup>1</sup> For the most part, however, workers' awareness was

<sup>1</sup> For one account of the Hogg's Hollow disaster, see Kenneth Bagnell, *Canadese: A Portrait of the Italian Canadians* (Toronto: Macmillan, 1989), pp. 141–161. On April 7, less than one month after the tragedy at Hogg's Hollow, the government appointed Judge P. J. McAndrew to head a Royal

probably muted by experiences that rendered danger and working-class jobs synonymous. The deafening noise, old and antiquated machinery, the sharp edges of cutting tools, the sparks from molten steel, the rickety scaffolding were all an expected — and normal — aspect of such work.<sup>2</sup> When workers did have an accident, the most common injuries they suffered were cuts, abrasions, burns, strains, and sprains — wounds that, despite the undoubted pain associated with them, usually healed relatively quickly and completely, allowing workers to return to work and their jobs. Over time the entire experience could even be forgotten. Such was not the case when workplace accidents resulted in more serious visible injuries such as a broken or severed limb or invisible ones like a damaged back. In these cases, the injured worker faced the prospect of losing time from work and having to file an accident claim with the WCB.

Claims for these latter types of injuries increased dramatically over the course of the 1960s.<sup>3</sup> While acknowledging this trend, WCB officials were

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Commission on Industrial Safety. In his report, McAndrew was highly critical of the unsafe and dangerous working conditions that he saw as rampant throughout the industry. With regard to Hogg's Hollow, he wrote: "According to the evidence presented almost all the safety regulations governing this tunnel project were violated at one time or another, and many of the regulations were violated continuously. The attitude of the management towards the safety of the individual worker can be described as no less than callous." *Report of the Royal Commission on Industrial Safety* (Toronto, 1960), p. 34.

2 The "normalization" of the dangers of work under capitalism is not well studied or understood. Clearly, part of this process lay in the fact that workers, from "unskilled" factory workers to general labourers, could do little to alter their working conditions. In other situations, working under dangerous conditions (and, of course, emerging unscathed) was a source of manly pride. For historical examples of this relationship, see David Montgomery, "Workers' Control of Production in the Nineteenth Century," in *Workers' Control in America: Studies in the History of Work, Technology, and Labor Struggles* (New York: Cambridge University Press, 1979); David Roediger, ed., *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 1991); Mark Aldrich, *Safety First: Technology, Labor, and Business in the Building of American Work Safety, 1870–1939* (Baltimore, MD: Johns Hopkins University Press, 1997). For contemporary illustrations, see Franca Iacovetta, "Defending Honour, Demanding Respect: Manly Discourse and Gendered Practice in Two Construction Strikes, Toronto, 1960–1961," in Kathryn McPherson, Cecilia Morgan, and Nancy M. Forestell, eds., *Gendered Pasts: Historical Essays in Femininity and Masculinity in Canada* (Don Mills, ON: Oxford University Press, 1999), pp. 199–222; Robert Storey and Wayne Lewchuk, "From Dust to DUST to Dust: Asbestos and the Struggle for Worker Health and Safety at Bendix Automotive," *Labour/Le Travail*, vol. 45 (Spring 2000), pp. 103–140.

3 Ontario Workmen's Compensation Board, *Annual Report*, 1966. In 1961 the WCB recorded 213,592 injury claims; in 1966 the number of claims was 320,180. This decided increase in the number of claims — and associated costs — precipitated the call for a Royal Commission into the operations of the workmen's compensation system. In this case, the head commissioner, Justice George A. McGillivray, along with his fellow commissioners, heard testimony that filled nearly 3,000 pages in 21 volumes (*Report of The Royal Commission In the Matter of The Workmen's Compensation Act*, Toronto, 1967). Ontario's workmen's compensation system had been the subject of an earlier inquiry in 1950 when Justice Wilfrid D. Roach was asked to look into its operations. See Roach's *Report on The Workmen's Compensation Act* (Toronto, 1950).

quick to point out that 95 per cent of all claims were processed quickly and to the satisfaction of injured workers. Few disputed this observation. At issue were the remaining cases that invariably involved an invisible musculoskeletal injury and possible psychological distress directly or indirectly related to the injury. Either such injuries were summarily rejected by WCB claims adjudicators, or the amount of compensation awarded was considered by the injured worker to be far below what he or she was losing in wages. More problematic were those instances in which workers suffered permanent disabilities and WCB doctors and adjudicators determined the disability to be less than what the worker, and his or her own doctor, considered it to be. Predictably, such decisions resulted in conflicts. Until the early 1970s such altercations were individual in nature and scope; in the overwhelming majority of instances, injured workers represented themselves in making accident claims and in following through with any appeal of a WCB decision.<sup>4</sup> As the economic hardships and the suffering of injured workers were confined to their own families and friends, it is not surprising that the strategies aimed at addressing the loss of income were likewise private.<sup>5</sup>

Private solutions to a public problem were troubling to many, including Odoardo DiSanto, a young Italian journalist who had arrived in Toronto in October 1967. Making contact with the Italian newspaper *Corriere Canadese*, DiSanto wrote an article on what was, for him, a highly problematic social issue.

It was the first time that [what] had been until then an individual's problem was brought to the attention of the community basically. One of the things I realized was that the injured workers, they were people who come from Italy and worked very hard in the construction. At one point they had an accident and that was the end of their dreams and their hopes. It was the collapse of their life. So, since they couldn't communicate with the larger community, or with the government, with the Workmen's Compensation Board, they kept their problems to themselves or to their immediate family and friends. So, there was not a perception that the disabilities arising from accidents was a social problem.<sup>6</sup>

4 This was not the case for unionized workers, however. Unions with members in mining and secondary industry (especially steel companies) had workmen's compensation departments or staff who would assist in claims and appeals. The United Steelworkers of America, the United Electrical Workers, and the International Union of Mine, Mill and Smelter Workers were active participants in the 1966 McGillivray Royal Commission. So, too, was the Labourers' International Union of North America, which represented workers in the construction sector.

5 For examples of this among Italian construction workers, see Franca Iacovetta, *Such Hardworking People: Italian Immigrants in Postwar Toronto* (Montreal and Kingston: McGill-Queen's University Press, 1993), p. 68.

6 Author interview with Odoardo DiSanto, July 18, 2003. Vincenzo Pietropaolo, presently a photographer but in the 1970s a social planner for the city of Toronto, recalled that "everyone

Transforming private problems into public issues — what American sociologist C. Wright Mills terms “the sociological imagination,”<sup>7</sup> is the central task before those who wish to create and build a social movement.<sup>8</sup> In this case, the reason a collective response came to be understood as necessary was ever more apparent in the increasing number of workers being permanently disabled with a consequent loss of their jobs, hopes, and dreams. This condition had an impact on all injured workers with some form of permanent disablement, but it had deeper implications for immigrant workers and their families. Tony Mauro arrived in Toronto in November 1956 from the small town of Malito in the province of Cosenza, Italy. As was the case for every injured immigrant worker interviewed for this study, Tony came to Canada to have a “better life” than he could have had “back home.” A shoemaker by trade, he first found work in construction. In 1966 he injured his back. Fearing further injury if he continued at this work, he opened a small shoe repair business. After five years a modest income and rising rents forced him back into the labour market. While working in a factory, Tony “broke his back” lifting steel beam and never worked in paid employment again.<sup>9</sup> As Orlando Buonastella recounts, disabling workplace injuries such as this could spell the end of the immigrant’s dream. With the prospect of no employment, or being left with jobs that paid significantly less than what they had earned before, these men would confront the

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in the Italian community knew someone who was injured” (author interview with Vincenzo Pietropaolo, April 1, 2004). See Pietropaolo’s book, *Not Paved With Gold: Italian-Canadian Immigrants in the 1970s* (Toronto: Between the Lines, 2006). The interviews reported in this article were conducted by the author as part of a larger Injured Workers’ History Project (IWHP) into the history of the injured workers’ movement in Ontario from the 1960s to the present. To date, 60 in-depth interviews have been conducted with injured workers and their advocates. Individuals associated with the IWHP carried out interviews not conducted by the author. While designed to solicit information on injured workers’ relationships with the workers’ compensation system, the interviews are consciously open-ended so that information is gathered on all aspects of the impact of workplace injury on individual injured workers. To date, the research participants are approximately 60 per cent men and 40 per cent women. Among injured workers, individuals from Eastern and Southern Europe, for example Italy and Greece, predominate.

7 C. Wright Mills, *The Sociological Imagination* (New York: Oxford University Press, 1959).

8 The literature on social movements is quite vast. For a useful summary, see Stephen Buechler, *Social Movements in Advanced Capitalism* (New York: Oxford University Press, 2000). For a reader that attempts to incorporate all of the major theoretical perspectives through case studies, see Jeff Goodwin and James M. Casper, eds., *The Social Movements Reader: Cases and Concepts* (Malden: Blackwell, 2003). Sharon Kurtz’s study of the 1991 strike of staff at Columbia University stands as one of the best (and largely successful) attempts to bridge the major theories: *Workplace Justice: Organizing Multi-Identity Movements* (Minneapolis: University of Minnesota Press, 2002). Most recently, David Croteau, William Hoynes, and Charlotte Ryan have published an edited collection that addresses the relationship between social movements and activism: *Rhyming Hope and History: Activists, Academics, and Social Movement Scholarship* (Minneapolis: University of Minnesota Press, 2005).

9 Author interview with Tony and Maria Mauro, November 11, 2005.

realization that their dreams of economic success would forever elude them: “There would be no photos of a proud man standing beside his new car to send back home.”<sup>10</sup>

There was, however, no inevitability between a rise in workplace injury — even serious injury — and the emergence of a protest movement of injured workers. In this historical circumstance, another essential component was workers’ experiences of interacting with the WCB. According to Ross McClellan, in the late 1960s and early 1970s the WCB was an institution that routinely attempted to intimidate injured workers.

And, if you did get hurt, you would have to deal with the Compensation Board which was like, right up until the ’80s it was like the most hideous organization on the face of the planet. It was run by, we always used to call him Generalissimo, Brigadier General Legge . . . . He looked like . . . a blonde Aryan. [Laughter] He looked like that. And, he had filled the Compensation Board with ex-service officers, ex-military officers and they ran it like a military operation. And, they had the Anglo-Saxon attitude towards pain and suffering: Go back to work or I’ll shoot you.<sup>11</sup>

The difficulties for injured workers that flowed from having to confront a hostile institution were further compounded by the fact that the entire claim and appeal process was blanketed in secrecy, as injured workers were not permitted to see their files. Neither had they an independent avenue to challenge WCB decisions, as appeals of adjudicators’ decisions were handled internally. On occasion, the frustrations generated by these highly bureaucratic and seemingly arbitrary processes could not be contained. Allan Baldwin, injured in 1964 after falling from a crane, took the opening of the Ontario Legislature in February 1970 “by storm” when, in a neck-to-waist plaster cast, he “slipped through the guards” and “threw himself . . . on the red carpeted floor of the House in front of cabinet ministers” while screaming, “Workmen’s Compensation, this is the way they treat you.” Descended upon by provincial police and later charged with trespass, Baldwin told reporters that he was there to protest the “inadequate compensation” he was receiving. “I didn’t like making a damn fool of myself,” Baldwin stated, “but it had to be done. I just wanted to see something done about compensation.”<sup>12</sup>

First among Baldwin’s complaints was money. It was a complaint echoed by hundreds of other injured workers with permanent disabilities. At the time of Baldwin’s theatric leap, injured workers received approximately two-thirds of their wages for the period of time their injury prevented

10 Author interview with Orlando Buonastella, October 15, 2004.

11 Author interview with Ross McClellan, July 14, 2003.

12 “Screaming Man in Body Cast Disrupts House Opening,” *Toronto Star*, February 23, 1970.



them from returning to work. In the minds of injured workers, this built-in inequity needed to be replaced with full compensation; payments should be the same as the wages they had earned prior to their injury.<sup>13</sup> Such a change, they argued, was absolutely essential in cases of partial permanent disability. In these cases, compensation payments were determined by multiplying two-thirds of the worker's pre-injury earnings by the percentage WCB doctors determined the worker had been functionally incapacitated by his or her injury. For some workers who could return to their former or comparable jobs, this formula was relatively non-problematic. Indeed, it could even result in a worker earning more than pre-injury earnings.<sup>14</sup> Such was not the case, however, for a construction or industrial worker. According to injured workers, the back injuries of a manual worker and an office worker, assessed by WCB doctors as reducing their functional capacities by 20 per cent, would likely have dramatically different consequences for each. While the office worker would likely be able to return to his or her work, the construction or industrial worker likely would not. Yet both would receive permanent partial disability payments calculated at 20 per cent times two-thirds of their pre-injury earnings. To injured workers, the need for immediate change in these areas was clear and indisputable.

Rehabilitation was the second problem highlighted by Baldwin's actions. Again, the issues were complex, but the complaints of injured workers generally centred on one hand on the fact that employers had no legislative obligation to take back injured employees, and on the other on what workers perceived and experienced as the unhelpful, dispassionate, and even abusive practices used by WCB medical officials in rehabilitative

13 This demand by injured workers has its roots in Sir William Meredith's early-twentieth-century Royal Commission into workmen's compensation. In his final report, Meredith opposed the views of employers who held that compensation payments should be of a limited duration. Meredith wrote: "To limit the period during which the compensation is to be paid regardless of the duration of the liability, as is done by the laws of some countries, is, in my opinion, not only inconsistent with the principle upon which a true compensation law is based, but unjust to the injured workman for the reason that if the disability continues beyond the prescribed period he will be left with his impaired earning power or, if he is totally disabled, without any earning power at a time when his need of receiving compensation will presumably be greater than at the time he was injured, to become a burden on his relatives or friends or upon the community." *Final Report On Laws Relating To The Liability Of Employers To Make Compensation To Their Employees For Injuries Received In The Course of Their Employment Which Are In Force In Other Countries, And As To How Far Such Laws Are Found To Work Satisfactorily* (Toronto, 1913), p. 19.

14 The issue of "over-compensation" was central to the debates on reforming workers' compensation in the early 1980s. As I will show, while injured worker advocates acknowledged that such circumstances could arise, they were by far in the minority; the great majority of injured workers were under-compensated. Further, advocates and injured workers stated that no amount of money could replace a lost limb or eye, or fully account for a broken back. Injured workers would have to live with these injuries for the remainder of their lives.

and retraining programmes. One such dispute produced both a resentful injured worker and a leader in the IWM. After injuring his knee in a fall at work, Phil Biggin found himself at the WCB rehabilitation centre in Downsview, Ontario.

I went to the Downsview Hospital for three months and that radicalized me about the Workmen's Compensation Board almost from the beginning because they felt I was not recovering fast enough. I had what they called "self-imposed restrictions." A mental block that was making me stay disabled. So, they sent me to this doctor. As soon as I got into this doctor's office at Downsview Hospital, I looked at the books on the self and I said: "Well, you're a shrink. What am I doing here?" And, he said: "How do you know?" Stupid worker. And, I said, well, I know. I've got eyes. I'm intelligent. I can read. So, he said, interview over and they got rid of me.<sup>15</sup>

In the late 1970s the Downsview Hospital was known as a "concentration camp" where patients wore uniforms of blue shirts and blue pants. According to many injured workers, the doctors, counsellors, and therapists who worked there shared the suspicions of WCB officials and adjudicators regarding workers' injuries: either workers were exaggerating their severity or workers were suffering from what the Board termed "functional overlay" or psychogenic difficulties that related to the injury but persisted long after a worker had recovered from the injury itself. In other words, the WCB understanding of the association between organic and psychological pain was that the latter was being consciously abused to prolong compensation claims and payments.<sup>16</sup> As Andrew King recalled, this belief by the WCB and its rehabilitation staff led to injured workers being given LSD and sodium pentothal — a "truth serum" — ostensibly to help injured workers deal with their emotional difficulties. One worker who underwent this treatment was Saverio Vardaro. Injured and almost killed when the building he was working on collapsed, Vardaro was coerced by doctors at the Downsview Hospital into taking sodium pentothal "to get behind," King stated incredulously, "his obviously unconscious, but nonetheless, false presentation of back pain. That was the thinking."<sup>17</sup>

15 Author interview with Phil Biggin, August 14, 2003.

16 Within the WCB this was known — pejoratively — as "secondary gain." This view was still very much in evidence in the mid-to-late 1980s. See Ontario Task Force on Vocational Rehabilitation, *An Injury to One is an Injury to All: Towards Dignity and Independence for the Injured Worker* (Toronto: Queen's Printer, 1987). See also Peri Ballantyne, *Pre 1990 Claims Unit Study: Final Report to the Workplace Safety and Insurance Board* (2001).

17 Author interview with Andrew King, December 6, 2000. Injured workers came to view the doctors who worked for the WCB, both in its head office and in the Downsview Hospital, as closely akin to "company doctors" who were more attuned to meeting the bottom line of their employers than to bettering the health of injured employees. Vivienne Walters, "Company Doctors: Standards

Another aspect of the WCB rehabilitative “thinking” at this point was placing injured and recovering workers with firms in which the WCB paid the first six months of the worker’s wages. According to the WCB, getting workers back to some form of employment was critical to their recovery. Far too often, however, at the point when the private employer was to begin paying the wages, workers were let go because, according to the owner, they were being “uncooperative” — a key word in the WCB lexicon, as a worker found to be “uncooperative” bore the high risk of having his or her compensation terminated. As depicted in the film *Right To Life*,<sup>18</sup> this process unfolded repeatedly at Premier Picture Frames, a small company with a contract with the WCB to hire and retrain injured workers. As Gary Newhouse recalled these events, he and other activists saw it as “very strange” that the WCB did not catch on to the pattern until a great many workers were let go from Premier Picture Frames and had their compensation payments cut or terminated completely.<sup>19</sup>

Injured women workers confronted each of these issues. However, they also faced additional systemic gendered inequities and discriminatory attitudes. With regard to the former, the fact that compensation payments were based on a percentage of pre-injury earnings meant that any compensation awarded to an injured women worker for a comparable injury would be less than that awarded to a man, by virtue of the fact that women earned less than men in their waged work.<sup>20</sup> As for discriminatory attitudes, according to Marion Endicott, a case worker and organizer at the IWC in the late 1970s, it “certainly seem[ed] that women often are not taken as seriously as men by the Board because they are not perceived as primary wage-earners.” Endicott’s sentiments drew an emphatic endorsement from injured worker Margaret Martin, who related, “the atmosphere at WCB headquarters made me nervous because everything seemed so oriented to men. One board member kept mentioning that my husband works too as if that would hurt my eligibility to benefits . . . . I just said I’m an individual too. I’m a working woman and always have been. What am I supposed to do, sit home and do nothing just ‘cause my husband works.” Moreover, women workers faced a further obstacle to reporting accidents and injuries, as their jobs were typically

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of Care and Legitimacy: A Case Study from Canada,” *Social Science and Medicine*, vol. 19, no. 8 (1984), pp. 811–821, and “The Politics of Occupational Health and Safety: Interviews with Workers’ Health and Safety Representatives and Company Doctors,” *Canadian Review of Sociology and Anthropology*, vol. 22, no. 1 (1985), pp. 57–79. See also Elaine Draper, *The Company Doctor: Risk, Responsibility and Corporate Professionalism* (New York: Russell Sage, 2003).

18 Union of Injured Workers, *Right to Life* [film] (Toronto, 1978).

19 Author interview with Gary Newhouse, November 7, 2003.

20 There were direct, gendered parallels with the unemployment insurance system. See Ann Porter, *Women, Unemployment Insurance and the Political Economy of the Welfare State in Canada, 1945–1997* (Toronto: University of Toronto Press, 2003).

“low-paying, low security jobs” which made women “afraid to claim compensation lest it be seen as ‘making trouble’ and grounds for firing.” As well, the *Toronto Star* reported, “a vast number of women are believed to miss out on WCB benefits because they don’t speak English.”<sup>21</sup>

### Composing the IWM

What still remained, however, was for these individual experiences — the hardships of injury and the frustrations of dealing with the WCB — to be released from the households of injured workers to become community concerns and public issues. In social movement terminology, this transformation involves the complex process of “composing” the movement. According to Barbara Hobson, the act of composing a social movement is synonymous with the process of identity formation. In Hobson’s words, it is a “process of creating shared meanings and consciousness among diverse individuals within a social category . . . [and] the representation of constituencies’ goals and grievances in public arenas (collective agency)” — or the construction and utilization of “discursive resources” and “organizational strategies” respectively.<sup>22</sup> Unstated in her formulation, yet axiomatic to any understanding of the rise and evolution of social movements, is that the task of “composing” a social movement is the work of its leaders, who, in John Kelly’s words, play three critical roles: “first, they promote group cohesion and identity which encourages workers to think about their collective interests . . . . Second, leaders will urge workers to take collective action . . . . Finally, leaders will have to defend collective action in the face of counter-mobilizing arguments that it is illegitimate.”<sup>23</sup>

21 Louise Brown, “Job Injury New Issue for Women,” *Toronto Star*, February 8, 1980, p. C1.

22 Barbara Hobson, “Women’s Collective Agency, Power Resources, and Framing of Citizenship Rights,” in M. Hanagan and C. Tilly, eds., *Extending Citizenship, Reconfiguring States* (Lanham, MD: Rowman & Littlefield, 1999), p. 150. Hobson’s concept of “composing” parallels that of “framing” used by many social movement and social problem theorists. The classic statement on framing and social movements is David A. Snow and Robert D. Benford, “Master Frames and Cycles of Protest,” in A. D. Morris and C. McClurg Mueller, eds., *Frontiers in Social Movement Theory* (New Haven: Yale University Press, 1992), pp. 133–155. For a political economy reformulation of this essentially social constructionist perspective, see William Carroll and Robert Ratner, “Master Frames and Counter-Hegemony: Political Sensibilities in Contemporary Social Movements,” *Canadian Review of Sociology and Anthropology*, vol. 22, no. 4 (1996), pp. 407–435.

23 John Kelly, *Rethinking Industrial Relations: Mobilization, Collectivism and Long Waves* (London: Routledge, 1998), p. 35. The leaders of the IWM played each of these critical roles. However, they did so without the resources, for example the money and wider organizational and political contacts, most often available to worker-union movements of the type analysed by Kelly. The IWM thus bears more resemblance to contemporary poor people’s movements described by Frances Fox Piven and Richard Cloward, *Poor People’s Movements: How They Succeed, Why They Fail* (New York: Random House, 1978), and the farm workers’ movement analysed in J. Craig Jenkins, *The Politics of Insurgency: The Farm Worker Movement in the 1960s* (New York: Columbia University Press, 1985). For a more recent analysis of attempts to organize poor workers, see Vanessa Tait, *Poor Workers’ Unions: Building Labor from Below* (Boston: South End Press, 2005).

In the case of the IWM, its initial leadership was a short-lived marriage between injured workers and left-wing political activists.<sup>24</sup> After his dramatic leap to the floor of the legislature in 1970, Baldwin drew the attention of a sprinkling of politically radical university students and community organizers. Together they applied for and received a series of grants through the Company of Young Canadians and Opportunities for Youth that they used to set up a small organization named Injured Workman's Consultants to assist injured workers in fighting their WCB claims. Within two years, differing political ideas within Injured Workman's Consultants led to a division in its staff, with those favouring a collective, social democratic or socialist political organizing approach (as opposed to a more traditional, social work, case-by-case approach) breaking away from Baldwin and forming the Injured Workers' Consultants (IWC). Concomitantly, other political activists associated with the Canadian Party of Labour (CPL, a Marxist-Leninist organization promoting the ideas of Mao Tse Tung), formed the Committee for Just Compensation (CJC). Interestingly, the direct impetus for the formation of the CJC was the revelation that a University of Toronto psychiatrist, Dr. Ian Hector, had authored a WCB assessment of an Italian worker, Guiseppe Pulera, wherein he stated that Pulera was "a poorly acculturated Italian without any useful occupational skills."<sup>25</sup>

The controversy surrounding Hector led representatives of the University of Toronto chapter of Students for a Democratic Society (SDS) to call for his dismissal. When this demand was summarily rejected, protesters disrupted a meeting of the university's Governing Council. According to reports in the student newspaper, *The Varsity*, this delegation presented council members with a petition calling for Hector's dismissal that had been signed by 700 members of the university community and 300 members of the Italian community.<sup>26</sup> Odoardo DiSanto's signature was among the latter group.

One of the first times that we got really upset was with Dr. Hector. He was a professor at the University of Toronto. A medical doctor who came

24 There is little doubt that injured workers took some political organizing cues from the social movements of the late 1960s and early 1970s. Indeed, some of the IWM activists came out of this highly effervescent climate. For an examination of this connection and the occupational health and safety movement in Ontario, see Robert Storey, "Activism and the Making of Occupational Health and Safety Law in Ontario, 1960s–1980," *Policy and Practice in Occupational Health and Safety*, vol. 1 (2005), pp. 41–68, and "From the Environment to the Workplace and Back Again? Occupational Health and Safety Activism in Ontario, 1970s–2000," *Canadian Review of Sociology and Anthropology*, vol. 41, no. 4 (2004), pp. 419–447.

25 Peter Rosenthal, a University of Toronto mathematics professor and fledgling paralegal worker with a professed Marxist persuasion, was a member of the CJC and the person who had uncovered Hector's report (author interview with Peter Rosenthal, July 7, 2003).

26 *The Varsity*, September 12, 1973, p. 11.

with a bizarre theory that the Italian workers got injured on their backs because the Mediterranean people had a weak back. I think that was the culmination. That was ridiculous but the Board followed it. That type of thinking.<sup>27</sup>

This moment marked the emergence of the second, and far more enduring, layer of IWM activism and leadership. Soon after the demonstration at the University of Toronto, community organizers and political activists within the Italian community — few of whom shared the radical ideas of the leaders of the CJC — joined members of the IWC to discuss the creation of a new organization. In May 1974 the Union of Injured Workers (UIW) was born. At its founding meeting in the auditorium of Bloor Street Collegiate high school, over 300 injured workers and their supporters, dressed in their Sunday best, adopted a constitution and hammered out what would become the four fundamental demands of the UIW: full compensation or job security; cost of living increases; no Board doctors; improved and enforced occupational health and safety laws.<sup>28</sup>

At its conception, the UIW was already more than a fledgling organization with a list of demands. While comprised of injured workers from a number of different ethnic groups, the UIW was made up largely of Italian men. In the words of Ross McClellan, this made the UIW “an essentially Italian organization” both in numbers and, more importantly, in its symbolic representation of how workplace injury had altered the economic, social, and political landscape of the working-class Italian community in Toronto.

The UIW was essentially an Italian organization and the reason there was so much resonance is because the Italian community in Toronto saw this as the cutting edge of their kind of protest and their own alienation, and their own experience. A tremendous symbolic value. All across the West Toronto and those areas where there was significant Italian populations.<sup>29</sup>

McClellan’s recollections are critical to the analyses offered here. By the mid-1970s workplace injuries were so prevalent within the Italian working-class community that they could not be ignored. They were destroying hopes, dreams, lives, and families. Nor could the antagonistic and prejudiced WCB responses to these injuries be ignored. Injured at work “through no fault of their own,” workers found their claims for compensation being handled by compensation officials who did not speak their

27 Author interview with Odoardo DiSanto, July 18, 2003.

28 “How Our Fight Began,” *Injured Workers Voice*, no. 1 (May 1975), p. 5.

29 Author interview with Ross McClellan, July 14, 2003.

language, did not understand their culture,<sup>30</sup> and undermined their dignity with suspicions and prejudices that found a way into assessments through phrases such as “poorly acculturated Italian” and “Mediterranean” or “spaghetti” back. The formation of the UIW was thus a statement by Italian injured workers — men who had played an essential role in “building the post war city” — that such views and practices were no longer acceptable. Compensation was not dependent on either the good will of an adjudicator or the good behaviour of the injured worker. It was a right.

### **Justice for Injured Workers**

The immediate question before the activist leaders of the UIW and the IWM more broadly was how to forge individual experiences of disabling injury and bitter frustrations with the WCB into a collective identity with common objectives. Their answer was to fashion a “master frame” of injustice, of which the focal point was the economic and social impact of disabling injury, first on the honest and diligent worker, and secondly on the worker’s family. As it evolved, this goal was achieved principally in two ways. First, injured workers and their supporters began telling stories of how the inequities and shortcomings of the compensation system were preventing them from recovering and returning to work — the latter being a desire perceived by some as virtually identical to the persona of the immigrant worker. Peter Rosenthal, for one, recalled the early meetings of the CJC as being “lively and fun, in a way.”

It was inspiring, actually, to see people, wounded not just physically but [also] mentally by staying at home. Not working. These were people who mainly believed in working. They were working class people who didn’t like the idea of being on the dole of any kind. It was part of their being to be productive workers.<sup>31</sup>

Tony Mauro expressed his distaste for social assistance when he was told to apply for welfare and not to bother with worker’s compensation: “They offer, they offer the welfare, eh. I said listen, I do not came to Canada to enlarge the welfare list. I came here for working. And, I was working until

30 As Ross McClellan noted, the WCB was staffed by individuals with Anglo-Saxon and Anglo-Celtic backgrounds. Only in the late 1970s was a person hired who could speak and understand Italian. Hence communication with the WCB was a significant problem for immigrant workers. A son or daughter who could speak English or an advocate usually handled communications between an injured worker and a WCB official. Moreover, according to a number of interviewees, the animated way of speaking characteristic of some European immigrant groups was often misunderstood as anger by WCB officials. To be sure, in some cases injured workers were angry and were indeed shouting, but the meanings and specificities of such behaviour were often lost on WCB officials.

31 Author interview with Peter Rosenthal, July 7, 2003.

I was unable to working. Now, something happen to me and I don't want the welfare. I don't want easy money."<sup>32</sup>

The second set of messages revolved around the enforced and psychologically painful changes in the division of labour within households. Domenico Pietropaolo, who in the early 1970s was the director of CENTRO, a multipurpose social service agency also housed within the College Street YMCA, "became personally aware" of the impact of the struggle for workmen's compensation on the injured worker and his family.

The family context was important because in almost all instances the person who is injured is also providing the cheque and when he can no longer do that, you have workmen's compensation benefits for a little while and then they run out. Or, you are given a disability pension that is in accordance with the law but is minimal for you. The roles of the family have to change, too. Someone else will have to assume that responsibility. The role of leader changes. The authority figure changes. There is great tension when there are children involved.<sup>33</sup>

Disabling injury of the male breadwinner thus engulfed the entire family. In some cases, tensions flared into violence and the slow dissolution of marriages.<sup>34</sup> In most other situations, the continuing absence of the only paycheque precipitated hard and heated decisions regarding how that lost income was to be replaced. Maria Mauro was forced into paid work when it became clear that Tony could no longer work and that the workmen's compensation payments he was receiving were inadequate to provide for them and their two children. His wife having to go out to work — "to take over all my responsibilities, working two jobs, leaving one and going to the other" — was a tremendous blow to Tony's sense of himself as the household provider. At the same time, Mauro recounts, they were very fortunate "that we would move [to] this house. That's because my mother-in-law lives in just that house [pointing across the

32 Author interview with Tony Mauro, November 11, 2005. Immigrant workers who came to Canada and were injured at a later period also held this view very strongly. Theodore Konis immigrated to Canada from Greece in 1958. Working as a deliveryman for a bakery, Theodore injured his back when he slipped and fell in 1990, beginning his continuing conflicts with the worker's compensation system. At one point he was also told to apply for social assistance: "We didn't ask them for a favour. They owe to us our money. We're not on a welfare. I never been to welfare. I never been to unemployment insurance. I always work. I'm capable to work no more." Injured Workers' History Project interview with Theodore Konis, July 5, 2004.

33 Author interview with Domenico Pietropaolo, August 29, 2003.

34 Understandably, domestic violence is a difficult and only very reluctantly acknowledged topic in the research interviews with injured workers. Indeed, injured workers rarely talked about it in interviews. Rather, these stories and those of marital break-up came from injured workers' advocates.



street]. At least she would take care of the kids.” For Maria, her mother being so close was crucial both for her being able to work and for her emotional and physical well-being.

Otherwise I’m going to quit myself. I don’t know what to do. Especially when you work in the office. You work with money. You have to go to school because you don’t know . . . . You have to put your mind there . . . . And I’m going crazy. I don’t even know what to do. I work and I don’t even know what to do with our home. I don’t even know because I live at home crying . . . . I am living at home crying. I am going to work crying. I am at work crying. I cannot even know what to do.<sup>35</sup>

The master frame of injustice that began to emerge in the mid-1970s, then, highlighted the image of a proud but beaten man who, because of a disabling workplace injury, could no longer provide for his family as he wanted and was supposed to do. Already a powerful image within the communities of immigrant workers, it was to attract a growing number of allies from the outside.<sup>36</sup> One unanticipated early supporter was the Catholic Church, which, after being approached by the Association of Pensioners and Injured Workmen of Ontario (APIO), agreed to hold a mass dedicated to injured workers. On May 1, 1974, over 1,000 people packed Saint Catherine of Sienna Church, deep in the heart of Toronto’s Italian community. As Ross McClellan remembered, “Like, the entire community came to the mass and the priests gave their blessing to organized injured workers. [The priest] gave a very passionate speech. There was a priest, Father Isadore, who gave a very fiery sermon about the cause of the workers being the cause of Christ. If you can believe it.”<sup>37</sup>

35 Author interview with Tony and Maria Mauro, November 11, 2005.

36 The wives and daughters of injured male workers were, of course, strong allies. They were not, however, as active as their male relatives. In part, this was because, like Maria Mauro, they went out into the paid labour force and had little time (or energy) to participate after completing their paid and unpaid labours. IWM activists also reported that male UIW members were very reluctant to have their wives and daughters attending such meetings. As a result, IWM organizers put a good deal of effort into organizing women-only meetings. While successful for a short time, these efforts did not result in the ongoing participation of women in the IWM. Author interview with Marion Endicott, December 22, 2003.

37 Author’s interview with Ross McClellan, July 14, 2003. Domenico Pietropaolo was the director of CENTRO at this time and also remembered the church mass as the moment when the Italian community galvanized around the issue of injured workers. This mass was reported on in the May 4, 1974, edition of the Italian newspaper *Corriere Canadese*. According the newspaper report, other speakers included a representative from the Mayor’s office, officials from the Italian Consulate, Odoardo DiSanto, Fortunato Rao, and A. Assarello and Mr. Cantillo from the “Union of Injured Workmen.”

Ultimately, this was a fleeting moment in the early evolution of the IWM. There were to be no more public masses, and Catholic priests returned to the individual confessional mode of handling the troubles of injured workers and their families.<sup>38</sup> More enduring were the political connections being forged with the New Democratic Party. The 1971 provincial election had cracked the decades-long hegemony of the Progressive Conservative Party in Toronto when both NDP and Liberal members were elected in city ridings. Injured workers immediately enlisted these new Members of Provincial Parliament (MPP) in their conflicts with the WCB. In fact, from this point forward, the debates on workmen's compensation in the Ontario Legislature were peppered with NDP (and Liberal) criticisms of the WCB and the Conservative government for what opposing MPPs believed to be a striking and callous disregard for the plight of injured immigrant workers. In one such interchange, F. A. Burr, NDP member from the Windsor area, recounted the story of a constituent who had come to Canada from "southern Europe, because, like millions of others, he hoped to be able to have a home of his own and a good education for his children." Invoking images of the abused and unjustly maligned, hard-working immigrant and the diminished breadwinner, Burr told his listeners that, since his injury, this man had been told by WCB officials and doctors that his problem was that he did not want to work.

This man, about 35 years of age, a perfectly healthy specimen when he was accepted by our immigration authorities in Europe, who was able to do hard work in a factory for three or four years, is now unable to turn his neck. He has pains in his legs, his shoulders, his left jaw, his neck and his back. He has two or three hour long headaches each day and must lie down to recover. He cannot stay on his feet for an extended period . . . . Yet, he is suspected of malingering. It hurts him. His wife has had to leave their two small girls in the father's care and go out to work. Being an old-fashioned man who thinks that the place for a mother of young children is in the home, he finds this reversal of roles very hard to take. If only he could work; he wants to work; his pride is injured as well as his body.<sup>39</sup>

The real political breakthrough came in the 1975 provincial election, when the NDP became the official opposition while the governing Conservative Party was reduced to minority status. The NDP captured

38 Odoardo DiSanto expressed this view in our interview (July 18, 2003). It is supported, inadvertently, by interviews with activists who came into the IWM only a couple of years later and who, when asked, had no knowledge or memory of this event or any sustained involvement by the Catholic Church.

39 Ontario Legislature, *Debates*, June 28, 1974, p. 4035.

all of the seats in Toronto's west end: Tony Lupasella, a case worker and organizer with the UIW, was victorious in Dovercourt; Ross McClellan defeated a Conservative incumbent in Bellwoods; Odoardo DiSanto won in Davenport; and Tony Grande topped the polls in York. Clearly, being Italian, or in McClellan's case having some Italian blood running through one's veins, seemed to be an important factor in their success. According to McClellan, though, this kind of pedigree was not the only or even the most significant factor in the NDP's good fortune in Toronto. For him, the connection with the NDP was determinate — a connection welded together through a combination of local organizing by an emerging "Italian intelligentsia" with broadly social democratic and socialist/communist viewpoints, and the willingness of the NDP to champion the cause of injured workers and occupational health and safety more generally.<sup>40</sup>

After the 1975 provincial election, injured workers had three interlocking ideological and organizational forces at their disposal: the predominant UIW, the compensation activists in IWC and other legal clinics, and the NDP. From that point each was utilized to take public the conflicts between injured workers and the WCB and provincial government. Indeed, directly after the formal birth of the UIW in May 1974 until 1978, injured workers organized and took part in countless activities — in libraries and YMCAs, in the auditoriums of public schools, on the streets in front of the WCB, the Ministry of Labour, and the Ontario Legislature in 1979, and in the committee rooms of the legislature itself. According to virtually every activist interviewed for this study, this public activity — particularly the demonstrations in front of government buildings — was the lifeblood of the IWM from the mid-1970s to the mid-1980s in that it served both to forge a collective identity and to attract new recruits. Moreover, it proved successful. Phil Biggin, a member of the UIW executive during this period, stated emphatically, "[I]f we hadn't demonstrated from '74 to '83, we wouldn't have seen any changes in workmen's compensation."<sup>41</sup> One such demonstration at the Ministry of Labour building on University Avenue on May 28, 1978, began with Minister of Labour Dr. Bette Stephenson being compelled to address the demonstrators about her government's plans regarding promised increases to pensions. Shortly after Stephenson had hurriedly returned to her office, Andrew King, a law student working for the

40 The 1977 provincial election would also result in a minority Conservative government, but the NDP lost seats and had to relinquish its official opposition status to the Liberal Party. Ultimately, the newly formed connection between working-class Italians in Toronto and the NDP would unravel as, according to Angelo Principe, the NDP MPPs began to distance themselves from injured workers and other issues relevant to this community (author interview with Angelo Principe, September 12, 2004).

41 Author interview with Phil Biggin, August 14, 2003.

IWC, heard someone shout, “we should go in.”<sup>42</sup> Once inside the ministry, demonstrators scuffled with police over the attempts by the demonstrators to block the pathways to the elevators. The altercation ended with eight arrests.<sup>43</sup> Asked why he thought injured workers were willing to engage in constant, and sometimes violent, demonstrations like this, Gary Newhouse believed it to be “desperation as much as anything else.” He continued, “Maybe also, where some of these people were coming from . . . . Certainly what I used to hear from these guys, my clients and the UIW types, was that the European tradition was a lot more militant than the Canadian. And, since 90 percent of these injured workers were, at that time, European immigrants, I think it was an extension of their roots.”<sup>44</sup>

### Division and Denouement

One of the questions for students of social movements concerns when or at what point it can be said that a cacophony of individual complaints and grievances have become common and unified. In other words, when is a

42 Among those who left at this time were members of the United Steelworkers of America. They were led there by Fortunato Rao, himself an injured worker, who was, at this time and for many years to come, the most consistent supporter of injured workers — both within the USWA and more generally. In this, Rao was virtually alone in his commitment. Indeed, the labour movement, while quick to become involved in the occupational health and safety movement of the period, was decidedly slow in joining injured workers. Certainly, unions assisted their injured worker members in their deliberations and conflicts with the WCB, but they were visibly absent from the events and processes described here. Certain unions, as well as the Ontario Federation of Labour, would be more present between 1980 and 1984. Even in this instance, however, their activity was limited to presenting briefs. See Fortunato Rao, *Lucky Rao: The Lucky Immigrant: The Public Life of Fortunato Rao* (Toronto: Multicultural History Association of Toronto, 2002).

43 Author interview with Andrew King, December 6, 2000.

44 Author interview with Gary Newhouse, November 7, 2003. The theme of “old world” socialist and radical political ideologies informing the political ideas and practices of immigrant workers in the IWM was discussed by a number of this study’s interviewees, including Angelo Principe (September 12, 2004), Joe Pantalone (August 19, 2003), Orlando Buonastella (October 15, 2004), Domenico Pietropaolo (August 29, 2003), Ross McClellan (July 14, 2003), and Phil Biggin (August 14, 2003). It is also a topic in Iacovetta, *Such Hardworking People*, pp. 154–196; Frank Colantonio, *From the Ground Up: An Italian Immigrant’s Story* (Toronto: Between the Lines, 1997); Rao, *Lucky Rao*, pp. 54–81. For earlier periods, see John Zucchi, *Italians in Toronto: Development of a National Identity, 1875–1935* (Montreal and Kingston: McGill-Queen’s University Press, 1988). For studies of other immigrant groups, see Carmela Patrias, *Patriots and Proletarians: Politicizing Hungarian Immigrants in Interwar Canada* (Montreal and Kingston: McGill-Queen’s University Press, 1994); Ruth Frager, *Sweatshop Strife: Class, Ethnicity, and Gender in the Jewish Labour Movement, 1900–1939* (Toronto: University of Toronto Press, 1993). For more general analyses of the relationship between immigrant workers and radicalism in Canada, see Norman Penner, *The Canadian Left: A Critical Analysis* (Scarborough, ON: Prentice Hall, 1977); Donald Avery, *Dangerous Foreigners: European Immigrant Workers and Radicalism in Canada, 1896–1932* (Toronto: McClelland & Stewart, 1979); Bryan Palmer, *Working Class Experience: Rethinking the History of Canadian Labour, 1880–1991* (Toronto: McClelland & Stewart, 1992), pp. 214–267; Ian McKay, *Rebels, Reds, Radicals: Rethinking Canada’s Left History* (Toronto: Between The Lines, 2005).

social movement actually born? In terms of Barbara Hobson's formulation, our answer would be that this happens when a collective identity has been forged and, in terms of John Kelly, when a leadership has emerged that is recognized as such by the "members" of the social movement. Both of these critical processes took place in the two or three years after the birth of the UIW. By 1977 IWM activists had fashioned a fully developed discourse of injustice and a practical, organizational vehicle in the UIW. As importantly, by this time WCB and government officials had learned that they were no longer contending with the actions of individuals. Allan Baldwin's lone dramatics had been replaced by hundreds of injured workers standing outside their offices under a large yellow banner that demanded "Justice for Injured Workers."

As with all social movements, the early years of the IWM were rife with heated political debates. In one account of the IWM, Nick McCombie, a paralegal activist working for the IWC, writes that serious political divisions took hold after the May 1978 demonstration. According to McCombie, many within the IWM were upset with the militant tactics and leadership of the UIW, arguing that the most important result of that incident was a draining of energies and resources as attention had to be shifted to defending those who had been arrested.<sup>45</sup> A further offshoot of these political divisions took the form of a small group of UIW dissidents who, in the dead of night, removed their files from the UIW office to a new location that quickly became the home of another legal clinic, the Industrial Accident Victims Group of Ontario (IAVGO). Predictably, the UIW executive condemned these actions. More problematic, the establishment of IAVGO created further rifts in the IWM as many of its activists viewed it as politically too conservative.

Further difficulties revolved around what some IWM activists believed was the overly centrist and patriarchal nature of the UIW leadership.<sup>46</sup> These ascribed features were brought into sharp relief in August 1978, shortly after the violent May 29 demonstration. After participating in that demonstration, a number of women centred around IWC decided to hold regular women-only meetings to help build a campaign for the "implementation of health and safety measures in the place of work where some of [them] are employed." A letter from this group to the UIW Steering Committee asking to join was nevertheless emphatic that "it has to be clearly understood that the group takes the direction of

45 Nick McCombie, "Justice for Injured Workers: A Community Responds to Government 'Reform,'" *Canadian Community Law Journal*, vol. 7 (1984), pp. 136-173.

46 Marion Endicott (December 22, 2003), Orlando Buonastella (October 15, 2004), and Gary Newhouse (November 7, 2003) each commented on the closed and hierarchical structure and operating procedures of the UIW at this point.

this project.”<sup>47</sup> The response, received the following March, rejected the request in unequivocal terms. Signed by 14 members of the UIW executive, the reply stated: “[W]e *do not* wish to work with your group. We would like to point out that we leave open the question of women joining the UIW but they must do so individually. The UIW has a policy that there will be no groups or sub-groups within the UIW which have non-injured workers as members.”<sup>48</sup>

Taken together, these developments point to an organization — and a movement — in a period of political disarray. Consequently, it was also a period of stagnation. As Gary Newhouse recalled, political infighting created divisions and, not surprisingly, contributed to the organizational decline of the IWM at this time. These were only contributing factors, however. A more complete explanation, Newhouse offered, would integrate the difficulties injured workers experienced attending and participating in meetings and demonstrations. After all, he stated, “they are injured. They have only a certain amount of energy. And, despite their best intentions, they may wake up on any given day and find that they simply do not have the physical abilities to move around the house, let alone attend a meeting or take part in a demonstration.”<sup>49</sup>

Apart from injured workers, the level and form of activity changed for IWM activists as some shifted their focus to other concerns, or, after years of involvement, their activist batteries began to run down. Still others moved on to full-time jobs or other political activities. Activist law students such as Andrew King, Alec Farquhar, and Gary Newhouse, for example, graduated and opened their own law offices. While each of these individuals continued to accept compensation cases, they were not, for the moment at least, as completely dedicated to the IWM as they had been. So, too, many of the key “organic intellectuals”<sup>50</sup> within the Italian community took up graduate studies in university, obtained full-time jobs, or became full-time politicians. As with the former law student activists, being a full-time politician did not mean that their support for injured workers or the IWM diminished. In fact, in the last few years of the 1970s, each of the NDP MPPs found their constituency offices jammed with injured workers seeking help with claims and appeals.<sup>51</sup>

47 Correspondence in author’s collection, letter from Marion Endicott and Ana Alberro to Steering Committee, Union of Injured Workers, August 12, 1978, p. 2.

48 Correspondence in author’s collection, letter from UIW Executive to Ana Alberro and Marion Endicott, March 6, 1979.

49 Author interview with Gary Newhouse, November 7, 2003.

50 This term is taken from the Italian communist, Antonio Gramsci. For Gramsci, organic intellectuals were those individuals from the working class who become part of its leadership — both practically and intellectually. David Forgacs, ed., *The Antonio Gramsci Reader: Selected Writings, 1916–1935* (New York: New York University Press, 2000), pp. 300–322.

51 Author interview with Odoardo DiSanto, October 15, 2004.

Finally, we must consider the impact of victories secured over the course of the 1970s on the IWM. For example, legislative amendments to the WCA in 1977 enabled many injured workers to receive supplements to their permanent pensions. While these supplements were not automatic and were subject to the WCB's determination that the impairment was beyond what was considered "normal" for that type of injury, they went some distance toward meeting the economic needs of injured workers and their families. Moreover, the continuous agitating of IWM activists regarding the secrecy of WCB deliberations and decisions had prompted changes making the claim and appeal processes more transparent and, critically, opening the files of injured workers to them and their advocates. Prior to these latter changes, access to compensation board files had been restricted to the appeals level. Even in those instances, files could neither be removed nor copied. Rather, injured workers or their advocates had been obliged to make handwritten notes on the information contained in the files. As Alec Farquhar recalled, this was a time-consuming task that took up valuable energies and resources that could have been utilized elsewhere. All of these changes were proving extremely beneficial to injured workers. In fact, a government-commissioned study into the operations of the WCB in the early 1980s concluded that the major sources of rising costs over the 1970s lay in increased awards to injured workers. Reflecting on this fact, Farquhar stated somewhat proudly that "we, the advocates of injured workers and the IWM as a whole, had cost the employers of Ontario billions of dollars."<sup>52</sup>

### **"The first shot is fired"**

If, for each of the above reasons, the IWM had moved into a period of relative inactivity, the actions of the Ontario government beginning in late 1979 served to rejuvenate it. Ever mindful of employer opposition to increased assessments, the ruling Conservative government commissioned a private accounting/consulting firm to conduct a thorough review of the WCB's policies and their relationship to its overall finances. The Wyatt Report, presented to the government in late 1978, called for widespread changes in the payment and benefit structures of the WCB.<sup>53</sup> Leading

<sup>52</sup> Author interview with Alec Farquhar, June 4, 2004.

<sup>53</sup> The Wyatt Company, *Examination of the Financial Structure of the Workmen's Compensation Board and an Assessment of the Actuarial Deficit* (Toronto: The Wyatt Company, 1978). The report takes up these issues in Section III (pp. 167–384). On page 378 the report lists some recommendations: "We recommend reduction for disability benefits and retirement benefits, received from the Canada Pension or Quebec Pension Plan. We recommend recognition by way of a reduction in disability benefits for benefits payable under the Old Age Security Act. We recommend amendment of the income test under The Ontario Guaranteed Annual Income Act (Gains) to include W. C. B. benefits in calculation of income. We recommend, in general, that any other source of disability income should be offset with the exception of the benefits provided under various Act for war

with a critique of one of the foundation stones of the IWM, that injured workers have a “right to a post-accident standard of living *fully equivalent* to the pre-accident standard of living,”<sup>54</sup> it recommended that “all Workmen’s Compensation Board payments should be offset against any Canada Pension Plan payments”; that the WCB should continue not to pay the Canada Pension Plan and Unemployment Insurance as long as a worker was receiving compensation payments; that full compensation be discontinued for temporary, partially disabled workers who were “looking for and willing to accept suitable modified work”; that any claims for compensation made by a retired worker should be rejected; that a maximum wage ceiling be retained; and that “retroactive wage settlements granted after commencement of disability should be ignored in the calculation of pre-accident earnings.”<sup>55</sup>

Building on the philosophical and ideological underpinnings of the Wyatt Report, the secretary of the WCB, Ken Harding, wrote a further report entitled “Current Concerns in Workers’ Compensation.” Immediately termed the “Grey Paper,” it came to the attention of the injured workers’ community in December 1979 when Labour Minister Robert Elgie mentioned and summarized its essence on a radio programme broadcast by the Canadian Broadcasting Corporation. According to the Grey Paper, Elgie stated, “many, many pensioners with partial pensions are able to return to full earning capacity, so the pension becomes an add-on.”<sup>56</sup> Reading a report of the programme in the *Globe and Mail*, Andrew King, then working at the IWC, wrote the words “the first shot is fired” beside the story.<sup>57</sup>

In fact, many of the recommendations contained in the Grey Paper proved more controversial than those found in the Wyatt Report. While the Grey Paper agreed with the Wyatt Report recommendations relating, for example, to ending the so-called “stacking” of WCB payments with other “social income” like CPP and UIC payments and in opposing any automatic indexation of pensions to increases in the cost of living, it also recommended that the “present compensation rate equal to 75% of gross earnings, . . . be changed to a rate of 90% of net pay.” This proposal earned an immediate critique from injured workers’ organizations, which argued that the new form of calculation would result in “lower payment to the majority of injured workers.” Secondly, the Grey Report called

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veterans.” Moreover, the report recommended that, for medical aid granted under Workmen’s Compensation, the Act be amended “to specifically exclude duplication of coverage by any source of private insurance, similar to the provision in the O.H.I.P. legislation.”

54 Committee on the Weiler Study, “Will Injured Workers Get a Fair Hearing?,” June 8, 1980, p. 26.

55 *Ibid.*, pp. 27–29.

56 McCombie, “Justice for Injured Workers,” p. 136.

57 *Ibid.*; author’s interview with Andrew King, December 6, 2000.



for a fundamental refashioning of the bases utilized in determining and monitoring payments to workers with permanent disabilities. Under what it termed a “dual award” system, lifetime pensions awarded to workers with permanent partial disabilities would be replaced by a lump sum that related to the severity of their permanent injury and ongoing “wage loss” payments up to the level of pre-accident earnings “if an injured worker can *prove* that his or her low earnings after the accident are due to the compensable injury.” Critiques of these and other parts of the Grey Paper went unheeded by Robert Elgie, who, according to Robert Maton, “began a campaign to shift the structure of compensation towards a wage loss system” of the kind envisioned in the Grey Report.<sup>58</sup> To that end, Elgie announced that he had commissioned a study by Harvard University law professor Paul Weiler, with a mandate toward rethinking fundamental aspects of the workmen’s compensation system in Ontario.

The “first shot” came to a sharp, momentary stop in the pages of Weiler’s first report.<sup>59</sup> Taking his cue from the Grey Paper, Weiler agreed that the current payment system was imbalanced in that some workers were being “over-compensated” at the expense of those who were being “under-compensated.” Given that there was a limit on how much an employer could pay before placing itself in an uncompetitive position, Weiler concluded that new funding and payments systems needed to be put in place. With respect to funding, Weiler recommended that all Ontario employers be assessed on the basis of experience rating. Under this format, the assessment for individual companies would be determined on the basis of their individual accident rates. Heretofore, companies were grouped into industrial and commercial categories with all paying the constant assessment rate for that category, 3 per cent of their payrolls. Under experience rating, the accident rate of individual companies was assessed in relation to a set average; in the event the charges related to their accident records were lower than the average, they would receive a refund. On the other hand, those companies whose accident record put them above the determined average would be required to pay a higher rate.

As significant a proposal as experience rating was, however, the real centrepiece of Weiler’s “reshaping” recommendations was his “dual award” proposal whereby injured workers who were permanently disabled would receive a lump-sum payment that would acknowledge their pain and suffering and an ongoing payment tied to the actual wages lost. This latter payment, Weiler argued, would put more money in the hands of

58 Robert Maton, “The Emergence of Neo-Liberalism in Ontario’s Workers’ Compensation System” (PhD dissertation, University of Toronto, 1991), p. 132.

59 Paul Weiler, *Reshaping Workers’ Compensation for Ontario* (Toronto, 1980).

injured workers than did permanent pensions based on percentage calculations that rarely matched their pre-accident earnings.

To the surprise of most everyone engaged in this “incipient class struggle,”<sup>60</sup> the next move by the government was not the introduction of legislation, but the tabling of a *White Paper on the Workers’ Compensation Act* with directions that the SCRD hold public hearings on its content and recommendations.<sup>61</sup> It was a time, Nick McCombie wrote, that IWM activists used to develop their critique and begin the process of remobilizing a slumbering membership.<sup>62</sup>

### “Schooling” the Movement

One of the first accomplishments was the formal organizational reunion of the IWM. Putting aside their ideological and personal differences, seven groups united under the umbrella of the Association of Injured Workers Groups (AIWG).<sup>63</sup> The next step, according to Farquhar, was to build a provincial movement. The question remained: how to do this?

So, as I recall it, we were more ambitious about how we thought about the organization . . . . We did this before in the 70’s. But now we were much more organized. I might write a letter to the priest with some text they could put in a church bulletin. And, then one of the Italian-Canadian women might get the priest to agree we could have a meeting in the church basement . . . . We might have ten or twelve different locations in Metro Toronto where we would hold these meetings. In various schools, churches. We’d get the notices in *Corriere Canadese*. We were working in so many languages . . . . Every time you would have a phone-in show we would have people phoning in and telling them . . . come to the meeting here and there.

This veritable whirlwind of activity, Farquhar continued, was informed by a new political and educational strategy.

60 Weiler used this term in his report to characterize the conflicts between injured workers and the WCB (*Reshaping Workers’ Compensation*, p. 7).

61 Government of Ontario, *White Paper on Workers’ Compensation* (Toronto, 1981).

62 In his article on the injured workers’ movement, Nick McCombie writes that the tabling of a “white paper” rather than actual legislation was very surprising given the March 1981 election results, which placed a “solid Conservative majority government” in power. According to McCombie, it was a “curiosity that he didn’t move with legislation which probably would have passed easily, given the leadership vacuum in both opposition parties at the time” (“Justice for Injured Workers,” p. 147).

63 The seven groups were: Union of Injured Workers, Industrial Accident Victim Group of Ontario, Injured Workers Consultants, the Association of Pensioners and Injured Workmen of Ontario, Central Toronto Community Legal Clinic, Mississauga Community Legal Services, Centre for Spanish Speaking Peoples.

Orlando [Buonastella] refers to it more or less as a school. Every couple of weeks we are meeting these injured workers and going through our critique of the White Paper so it reached the stage where they could speak on it themselves. We were getting them to identify all the connection points out there in the community that they might be able to use to build awareness of what we were doing.<sup>64</sup>

This would prove to be a highly effective tactic — both in rebuilding the IWM and in giving it a deeply personal public face. When the SCRDC opened its meetings for public presentations, nearly 400 injured workers accompanied the delegates from the AIWG. Emilio Scardigno was the first of the injured workers to speak. After thanking members of the SCRDC for “the opportunity that you give us to come here and speak to you,” he continued:

Up to [now], we have been considered professional demonstrators, agitators; name it, that’s the way they have considered us and called us. But none of you — I’m not talking about each of you in particular, but none of you from the government has ever listened to what we have to say . . . . But we are Injured Workers and, before being Injured Workers, we are human beings and, as such, we have never been treated by the government and by the Workmen’s Compensation Board as such, as a human being.

Up to now, we have been treated like things; not like men; like machines, that they are good as long as they work and they are good as long as they can produce. Once they get hurt, they can be scrapped, put on the list of the Welfare and so on. But the Injured Workers for years have said, we are not Welfare cases, we are Injured Workers and we want to get back to the productive force.<sup>65</sup>

The themes of distrust and stolen dignity raised by Scardigno found strong echoes in the testimony of the injured workers who followed. Frank Figli, who had arrived in Canada in 1958 and had suffered his first back injury in 1962, told the committee how he had gone through the process of trying to find “light work,” finally “dropp[ing] out of the workforce after more injuries and back operations in 1971.” “We immigrants,” he told the committee, “know how to build houses, tunnels, roads, bridges, schools and churches. These things have been built with our hands, with much sweat and blood.” Now, he had “lost my future, my dreams, my enjoyment . . . . To be injured is very bad. You suffer in

64 Author interview with Alec Farquhar, June 4, 2004.

65 Legislature of Ontario, Standing Committee on Resources Development, “Weiler Report, White Paper on the Workers’ Compensation Act,” September 22, 1982, pp. 2–4.

many ways, trouble in the family, in society, humiliation, pushed by the WCB to go around like a gypsy to find work and, at the same time, receive humiliation because they don't find work." He concluded, "We have given everything to this country. We ask for our right we earned, to live as a Canadian, with right and dignity."<sup>66</sup> Through the interpretation of Orlando Buonastella, Gerbina DiMichele related how, after two back operations, she had been "cut off" by the WCB. She was told to find "light work" because her problems "were all in my head." DiMichele agreed that "some of its [*sic*] in my head. There was a lots of shock and emotional problems." She appealed to the committee to "take a more active look . . . at this discrimination, to look at the proper rehabilitation . . . [and] retrain people in decent jobs rather than forcing us to knock on doors like beggars to different companies or to treat us like Welfare cases, which we are not."<sup>67</sup>

Another theme raised by injured workers dealt with the impact of disabling injury on the "provider," the "breadwinner." After reiterating his point that the WCB did not treat injured workers as human beings, Scardigno stated firmly, "as a matter of fact, they don't understand what it means to be a breadwinner of the family, the provider of the family — the beautiful thing of being 100 per cent able and the brutal thing of being disabled and being treated that way by those that don't understand the philosophy, the psychological effect of the injury to Injured Workers."<sup>68</sup> Rosario Agosta took Scardigno's comments further, commenting on how lifetime disability forces changes in household responsibilities and makes a family "nervous."

To tell the truth, you never can believe how an Injured Worker can feel to [be] out of the workforce. You feel destroyed by society, you feel like nothing in the family because, you know, at the beginning, the wife, the children, they have compassion; they say, "Oh, poor daddy. Poor my husband." But when the story is too long, if he is disabled for life, there the problem comes because, you know, the wives, at the beginning, they do a lot of things but, then, they finish the patience. The wife has to shoulder everything and run the house; the children, they have to stop school to help the family. So, everybody gets nervous.<sup>69</sup>

Of the four major critiques of the Weiler and White Paper proposals advanced by injured worker organizations, one — the feared loss of

66 *Ibid.*, pp. 16–18.

67 *Ibid.*, pp. 12–13. DiMichele retold this and other stories in her interview with the Injured Workers' History Project, October 14, 2004.

68 Standing Committee on Resources Development, "Weiler Report," p. 19.

69 *Ibid.*, p. 20.

pensions — was connected directly to the Weiler Report, while three others stretched back into the 1960s: the sense that the government, the WCB, and the public more generally saw injured workers as nonproductive and little different from welfare recipients; the diminution felt by men regarding their lost roles in the family; and the anger and humiliation they felt from being treated in discriminatory, sexist, and racist ways. This latter theme was integral to the testimony of each injured worker who spoke before the SCRD. It was also a key component of the larger critique of the workers' compensation system issued by the IWC in response to the Weiler Report.

Racism and discrimination is part of a much broader philosophy of the Workmen's Compensation Board that sees the major problem in the workers themselves, that receipt of benefits is a sign of "lack of motivation," even laziness. The Board's attitude, in its crudest form, is that all workers are lazy, but some races and nationalities are lazier than others . . . . Files contain comments and remarks such as "Frenchie," "claimant could not speak white," "our Canadian Indians have a personality of their own and are not to be rushed," "this woman has only been in the Canadian work force for a short number of years" . . . . An upper administration public relations person has openly made the following comments: "spaghetti backs," "Luigi syndrome," "all niggers start at Calais," i.e. all non-anglo saxons.<sup>70</sup>

These four themes encapsulated the discourse of "justice for injured workers" that, not surprisingly, varied only marginally from its original formulation in the mid-1970s. IWM activists utilized it at every turn. Alec Farquhar recalls, for example, that someone from the IWM attended all the SCRD meetings and spoke whenever the opportunity arose. "We were all young. Single. We had the time," Farquhar laughed. In fact, the lobbying process was so complete, Brian Cook remembered, that male IWM activists used to follow male SCRD committee members into the washrooms so they could have their undivided attention.<sup>71</sup> Here, however, historical serendipity entered the organizing and mobilizing process by the side door. At one SCRD meeting early in 1983, an IWM organizer suggested that it was again time for the committee members to hear from injured workers. The committee members having agreed, it was offered — perhaps as a way of drawing from a broader spectrum of injured workers than those most closely associated with the IWM — that notices of such a meeting be sent out with the monthly WCB pension cheques. To the absolute amazement of IWM organizers, this suggestion was approved. The WCB, apparently with great reluctance,

70 Injured Workers' Consultants, "Submission to Paul C. Weiler," pp. 70–71.

71 Author interview with Brian Cook, July 15, 2004.

included in its April mailings the notice of a meeting of the SCRD on June 1, 1983.<sup>72</sup>

How large a role this notice played in bringing the thousands of injured workers to the June meeting is a matter of debate among IWM organizers. Orlando Buonastella, a key IWM figure in this period, recalled how his own father, who had not attended any meetings of injured workers, decided he would do so after receiving the notice from the WCB. According to IWM organizers, the notice, coming in a WCB envelope, had a ring of legitimacy attached to it. As importantly, this perceived stamp of approval may have alleviated the fears of injured workers that participating in political activities could result in punitive action by the WCB, that is, the slashing or termination of their benefits.<sup>73</sup>

Whatever role historical circumstance may have played in this full flowering of the injured workers' campaign for justice, it is apparent that the fields of discontent had been thoroughly seeded and fertilized by the years of education and organizing outlined above by Alec Farquhar. Once assembled, this spectacle was unmistakably of great consequence. For IWM organizers, the presence of thousands of injured workers and their supporters was the show of unity they understood was required if legislators were finally going to hear the decade-long call for justice. For injured workers, many of whom, like Orlando Buonastella's father, were expressing their discontent in public for the first time, it represented a turning point in their long and profoundly personal struggles with the WCB and the government. They had taken their private battles into the public arena. They had made their singular acts of protest collective. Further, no doubt, by travelling long distances in wheelchairs or with canes or prosthetics, they were expressing their gratitude to those activists who for years had put their minds and bodies on the line in support of those who could not.

What remained was government action. To the utter astonishment of most everyone in the injured workers' community, when Russell Ramsay, the Minister of Labour, tabled the government's long-awaited reform package on June 12, 1984, the proposed legislation did not contain the dual award system proposals. According to Ramsay, a "dual

72 Each activist interviewed for this project remembered this moment in the history of the IWM. No one, however, can remember who made the suggestion.

73 As noted earlier, injured workers understood that their benefits could be cut if they were found to be "uncooperative." It was their understanding of the WCB that political activism would be perceived in precisely this manner. In the current context, injured workers express this fear on a regular basis, especially as they know compensation board officials arrange with private investigators to have their actions and movements videotaped. Author interview with Basil Boolis, July 15, 2004; Injured Workers' History Project interview with Theodore Konis, July 5, 2004; Katherine Lippel, "The Private Policing of Injured Workers in Canada: Legitimate Management Practices or Human Rights Violations?," *Policy and Practice in Health and Safety*, vol. 1, no. 2 (2003), pp. 97–118.

award wage loss concept has many appealing features and when it was first proposed in 1980 there was considerable general support for it. Over the past few years, however, that consensus has not been sustained.”<sup>74</sup> In place of the dual award system, the highlight of the government’s reform package became the establishment of an independent appeals tribunal. For the first time in the history of the WCB, injured workers would be able to appeal WCB decisions to an independent body whose decision-making would be open and whose reports would be final. While an appeals tribunal had been among Weiler’s recommendations, neither he, nor Robert Elgie, nor Russell Ramsay, nor the collection of injured workers organizations could have envisioned that recommendation taking centre stage in the final moments of the four-year deliberation.<sup>75</sup> According to Nick McCombie, the “consensus” referred to by Elgie had broken down over a number of actors and processes, none more significant than the community legal clinics and injured workers. As for the community clinics, they provided “technical expertise” — in law, research, and lobbying, for example — that was needed to maintain the momentum. However, McCombie writes, “It is, in the final analysis, injured workers who have made the difference.”

All the brief writing, media contacts, fund raising, lobbying and Minister-meeting would have been futile without the militancy and numbers of injured workers. It is injured workers — often unsophisticated, unable to speak English or illiterate — who grasped immediately the sophistry of Paul Weiler which often went over the politicians’ heads. It is injured workers who time and again showed up in hundreds to endure their pains in the rain, snow, cold and heat. It is injured workers’ sense of justice which has sustained their struggle through the calumny of both their own cases and the attacks by employers, “experts” and governments.<sup>76</sup>

### **Conclusion: Oh Canada!**

The IWM was a major social movement in Toronto in the 1970s and early 1980s. Comprised mainly of immigrant construction and industrial workers and their family members, it was a movement whose evolution was inseparable from the formation and consolidation of a consciousness among

74 Quoted in McCombie, “Justice for Injured Workers,” p. 165.

75 The idea of an independent appeals tribunal first appeared in the Weiler Report. Weiler favoured such a body as he felt that the WCB’s internal review process was neither fair nor seen to be fair. That this recommendation was not seriously challenged in the SCRD deliberations suggests it was an idea that could no longer be denied — procedurally or morally. An important development in and of its own right, it took on even greater prominence given the withdrawal of the controversial dual award system.

76 McCombie, “Justice for Injured Workers,” p. 167.

the larger working-class Italian community that years of labour and residency had earned them the legislative and civil rights accorded to Canadian citizens more generally. Certainly, by this period the majority of injured Italian workers were formally Canadian citizens. However, as the struggles analysed here demonstrate, there was a sizable chasm between the mere possession and the effective exercise of these formal rights. A poem, “Injured Workers,” written by Tony Mauro, had its premier public recital on the occasion of the first Injured Workers’ Day on July 1, 1984. Written in a form purposively evocative of Canada’s national anthem, the poem laments how Italian workers were blithely cast aside when their bodies could no longer be put to the task of building Toronto’s roads, bridges, subways, and office buildings.

Oh Canada we gave you the very best  
This we say with pride  
We gave you nothing but the best  
We gave you our blood, our bones, our flesh

We made you the most beautiful  
We made Toronto the queen of cities  
We built all office towers and all homes  
Oh Canada you are the envy of all

Oh Canada we built you up  
Our blood is mixed in your cement  
We are but innocent victims  
Of a progress we paid dearly for

Mothers destroyed by pain  
Spouses staring at loss  
Children without a parent  
What else do you want?<sup>77</sup>

Moreover, insult was added to injury when immigrant injured workers were forced to endure the prejudicial attitudes and discriminatory practices of the WCB. They had “spaghetti backs.” They were “malingerers.” They faked psychological problems for “secondary gain.” They “ripped off” the unemployment insurance and social assistance/welfare programmes.

The move from private distress to public protest was the product of parallel and intersecting processes. First, the political identifications and activities of injured workers over the course of the 1970s and 1980s stemmed from the

77 Author’s collection. See also Tony Mauro, “The Injured Workers,” *Canadian Auto Workers’ Health, Safety and Environment Newsletter*, vol. 13, no. 4 (July/August 2005), p. 6.



economic hardships they incurred as a result of their injuries and the indignities they suffered in their dealings with the WCB and the various provincial governments. In many instances, this politicization process was informed by the social and political histories they and their families brought with them from Italy and other European countries. For example, many Italian injured workers held left-wing, progressive political beliefs and complained that the economic, medical, and institutional social services they had to fight to receive in Ontario were readily available back “home.” To be sure, political beliefs within the larger Italian community covered the political spectrum from left to (Liberal) middle to right. Nevertheless, according to interview participants in this study, there was a clear link between left-oriented political backgrounds and the willingness of injured workers to fight for their rights through demonstrations and, over the course of the 1970s, to align themselves with the social democratic NDP.

An increasingly coherent and politically focused Toronto Italian working class was thus the constitutive element in the making and the composition of the IWM. This observation notwithstanding, it is also true that other ingredients were required for this volatile yeast to rise. To this end, injured workers were a part of a moment in Ontario’s social, cultural, and political history when other groups were poised for political engagement. One such group consisted of young Italian men and women with more formal education and training than their elders who were determined to redress the indignities and wrongs experienced by their families and community members. They were joined, again, by young men and women from both working- and middle-class backgrounds, with post-secondary education or legal training, who were infused with the progressive social movement politics of the 1960s and early 1970s and who found in the IWM a cause with close affinities to their visions regarding the historic role of the working class in making social change. These activists, as law students at the University of Toronto and York University, chose to take placements at the IWC and the IAVGO and to assist injured workers in their WCB claims and appeals. Activists from this group joined key organizers from the UIW to develop responses to the Weiler, White Paper, and SCRD reports and to organize the countless meetings and demonstrations that took place from 1980 to 1984.

Together, then, these groups comprised and composed the IWM. There were, of course, ethnic, racial, class, and gender differences that kept these various layers distinct and, at times, at odds with one another. For example, distrust existed between Italian injured workers, especially those closely associated with the leadership of the UIW, and the law students who worked in the legal clinics.<sup>78</sup> More fundamentally, the IWM was a quintessential male social movement — both in terms of its membership and

78 Author’s interview with Gary Newhouse, November 7, 2003.

ideologically. The banner “Justice for Injured Workers” was carried by men (and, occasionally, women) who understood its message to be synonymous with reinstalling men in their proper role as the sole and respected breadwinners of their families. At one point in the early life of the IWM this discourse materialized in the refusal, by the leadership of the UIW, to allow the establishment of a separate women’s caucus.

Ultimately, while we can justifiably critique the IWM for failing systematically to address these ethnic, racial, and gender conflicts, it is essential not to encapsulate or define it by these limitations. The campaign for justice by injured workers was directed at safeguarding and enhancing the historical rights of all workers to compensation benefits, should they be injured or diseased while on the job. That the IWM did not accomplish this goal entirely or in equal measures is due more to the superior array of economic and political forces that opposed it than to its own inherent and inherited shortcomings. Moreover, the IWM received little or no support from activists of other progressive social movements of the time, for example, the environmental, women’s, and (even) occupational health and safety movements.<sup>79</sup> For all intents and purposes, injured workers were on their own, with demands that reflected their material needs and lived experiences. They demanded money so they could provide for their families. They demanded respect for their labour. When neither was forthcoming, “time and again, [they] showed up in hundreds to endure their pains in the rain, snow, cold and heat.” “They had no other form of representation,” Orlando Buonastella recalled. “They could not strike. They had nothing else . . . . Their only power was moral.”<sup>80</sup>

79 While the labour movement was more involved in the White Paper hearings, there were few formal connections between it and the IWM. Trade unions were far more interested in occupational health and safety issues that they understood, correctly of course, as workplace issues. Ironically, the Ontario occupational health and safety movement had been jump-started when the uranium poisoning of miners at Elliot Lake broke into the public consciousness in 1974 as a workers’ compensation issue. An historic opportunity to bridge the two movements in the mid- to-late 1970s was never attempted. For a cursory examination of this lost opportunity, see Robert Storey, “Missing the Movement: Occupational Health and Safety in Ontario,” *Our Times*, April-May 2004, pp. 17–23.

80 Author’s interview with Orlando Buonastella, October 15, 2004.