

No to wrist-slap fines for workplace deaths! Reject the National Steel Car/United Steelworkers-backed settlement for Quoc Le's death!

National Steel Car Rank-and-File Committee
23 September 2024

The following statement was issued by the National Steel Car Rank-and-File Committee (NSC-RFC), which was established by workers in Hamilton, Ontario, to oppose miserable working conditions at the plant where they manufacture railroad freight and tank cars.

The NSC-RFC opposes the corporatist alliance between management and the United Steelworkers, and the round after round of concessions contracts it has imposed on the workforce.

The committee is affiliated with the International Workers Alliance of Rank-and-File Committees, and seeks to unify the struggles of workers at NSC with workers across Canada, the United States and internationally. To get involved with the committee, fill out the form at the end of the statement.

Brothers and Sisters,

On July 31, National Steel Car (NSC) was fined \$240,000 plus a \$60,000 victim surcharge after cutting a plea deal with the Crown in the case of the workplace death of Quoc Le. This decision, like two previous convictions for the deaths of Fraser Cowan and Colin Grayley, was part of joint submissions from NSC's lawyer and the Ministry of Labour prosecutor.

The United Steelworkers has previously called for police to investigate NSC under the federal criminal code provisions known as the "Westray Law" (Bill C-45). Hamilton police have confirmed there was a criminal investigation underway related to all three workplace deaths that have occurred since September of 2020. However, the police have said the probe is ongoing and "under review by the Crown" for two of the fatalities but not a third. They have not been clear on which specific fatalities remained under investigation.

During the victim impact statements, Tho Le, Quoc's older brother, described a "deep sense of injustice and anger." He said, "Our wish is that no other family has to suffer the heartbreak we are going through." Lily Nguyen, Quoc's niece, said, "Every day it [still] hurts. I can't go past the [railcar plant] without getting a panic attack." Others spoke of the need

to protect workers.

Not shockingly, NSC lawyer Lucas Mapplebeck (who is a senior associate at the pro-employer firm of Fillion Wakely Thorup Angeletti LLP) claimed the fine was "appropriate" and the result of discussions with the Crown that were aimed at reaching a fair resolution that avoids the "need [for] the expense of a public trial." Undoubtedly, a trial in open court would bring to light the true inhumane nature of NSC management and the intransigence of the convicted criminal owner, Greg Aziz.

Crown prosecutor Dan Phelan feebly said the negotiated resolution "demonstrates remorse" by NSC and the higher fine (compared to the fines for Cowan and Grayley) accounts for the "significant aggravating factors" of the two prior workplace deaths. Phelan also argued the amount "meets the goal of deterrence."

The judge presiding over the case, Davin Michael Garg, openly questioned the plea deal. "If a fine of somewhere over \$100,000 didn't achieve ... deterrence, why would a fine of \$240,000 do that?" Later on, Garg told the court that he had "concerns" that the proposed fine only rose \$100,000 above those imposed for two prior fatal workplace incidents.

It needs to be emphasized that the maximum possible fine in this sort of case is \$2,000,000! However, Garg accepted the plea and fine, saying, "there is a very high bar" for any judge to reject a joint submission. "Even if I were to impose the maximum sentence available ... That sentence would not match the loss of life," he added.

Our committee has previously called attention to the fact that all the AFL-CIO-CLC unions, specifically the United Steelworkers, have a pro-capitalist-class nature that not only renders them ineffective in waging a determined struggle against the piecework issue or "other improvements in our conditions."

This committee also pointed out two inescapable traits that explain why the unions act in the manner they do. From a class

perspective, the AFL-CIO-CLC unions base themselves on an adherence to a program of “nationalism that binds their members to an antiquated national silo when the economy has long since been internationalized.” The unions also “accept capitalism as the unending socio-economic system of organization within which they can work.”

We should now also add the legal framework on which they have come to an agreement with the ruling class, so they can maintain their control on the working class they claim to defend and represent. This is why they maintain we should leave the decisions to the courts where, apparently, major issues can be hashed out in an “independent legal forum.”

The decision in the Quoc Le case, which culminates a sad nearly 4-year saga, has blown this “theory” out of the water and exposed the consequences of the USW’s efforts to subordinate our struggle to pro-employer state institutions. This is yet another attempt to contain us within this system of socio-economic organization, replete with the usual wishful thinking about the Westray Law and pinning hopes on a criminal investigation by the police.

For the three lives lost to industrial murder, National Steel Car’s (Greg Aziz) cost of doing business is just \$650,000: a \$140,000 fine and a 25 percent “victim surcharge fine” of \$35,000 for Fraser Cowan’s life, a \$140,000 fine and a 25 percent “victim surcharge fine” of \$35,000 for Collin Grayley’s life, and a \$240,000 fine and a 25 percent “victim surcharge fine” of \$60,000 for Quoc Le’s life.

This amounts to the approximate total cost of 1 shift of production in P2 or P5. Through this agreed upon legal framework the USW bureaucracy subordinates us to, this is what our lives are reduced to.

In the August 2024 union newsletter, the current USW local president arrogantly stated, “Many people don’t like to hear this, but the Union is not your babysitter. The Union’s primary function after bargaining contracts is to guide you through the process when your rights have been violated. This includes your health and safety in the plant.”

The union bureaucracy is clearly not troubled by the fact that it worked to “guide us through a process” that has essentially allowed NSC and Aziz to get away with what amounts to social murder with minimal costs, leaving families fatherless and broken. As Friedrich Engels explained in the mid-19th century,

When one individual inflicts bodily injury upon another such that death results, we call the deed manslaughter; when the assailant knew in advance that the injury would be fatal, we call this deed murder. But when society places hundreds of proletarians (workers) in such a position that they inevitably meet too early and an unnatural death, one which is quite as much a death by violence as that by the sword or bullet; when it deprives thousands of the necessities of life, places them

under conditions in which they cannot live—forces them through the strong arm of the law, to remain in such conditions until that death ensues which is the inevitable consequence—knows that the thousands of victims must perish, and yet permits these conditions to remain, its deed is murder just as surely as a single individual; disguised, malicious murder, murder against which no one can defend himself, which does not seem what it is, because no man sees the murder, because the death of the victim seems a natural one, since the offence is more one of omission than of commission. But murder it remains.

One hundred seventy-nine years later and we are right back in this mess. The enforcers of bourgeois “legality” in the USW bureaucracy, together with the courts, have demonstrated that there is no real justice to be had under capitalism, even when workers lose their lives right in front of our eyes in the workplace.

To break through this, the working class requires organizations prepared to lead and fight on their behalf, NOT talk tough with empty phrases while subordinating us to pro-corporate “processes” that let the criminals off the hook and urging us to wait until “next time.”

By now it should be obvious that next time never really comes under these conditions. Any claim otherwise is not only insulting, it sets up a demoralization that nothing can really change. The working class needs independent organizations and its own political party INDEPENDENT of the union bureaucracy and capitalist political parties that keep us tied to this system that is killing us.

If you agree with these positions on the class nature of the union bureaucracy, the role of the courts in enforcing the demands of capital, and the insulting lack of concern the champions of this system have for those of us who actually produce all the wealth in this society, join us. Help build this committee within the National Steel Car plant as a pole of opposition to the conditions we face. We are less than two years from another contract negotiation and a potential recession is on the horizon. We cannot sit back and allow more deaths and attacks on our living standards without a fight.



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