



## **Actions Taken by the Government of the Northwest Territories Regarding the Labour Dispute at Royal Oak Mines**

### **Overview**

The following is a summary of actions taken by the Government of the Northwest Territories, in conjunction with an Inter-agency Strike Committee (ISC), regarding the labour dispute between the Canadian Association of Allied and Smelter Workers and Royal Oak Mines.

Copies of correspondence, dealing with the strike situation, are attached as an appendix to the summary. Copies of letters dealing with the related dispute over payment of costs for emergency police services are also included.

### **Introduction**

The ISC was formed shortly after the strike began May 23, 1992, and includes appropriate Ministers of the GNWT and their officials, representatives of the Legislature, City of Yellowknife, RCMP, Indian Affairs and Northern Development and - as required - Emergency Measures, Environment Canada and the Crown Prosecutor's Office.

The committee is chaired by the Government Leader. Labour Canada declined a request to send a representative to Yellowknife to sit on the committee. It chose, instead, to be represented by Indian Affairs and Northern Development.

The inter-agency committee met one to two times daily for a five-week period, beginning May 27, for briefings and updates on the strike situation and to exchange information and coordinate actions. Since then, it has met at the call of the chair

From the start, it was understood that the GNWT did not have jurisdiction over the labour dispute.

### **Pre-Strike**

A number of separate meetings took place between government, mine and union officials during the pre-strike period. The GNWT position was to encourage parties to the dispute to remain calm and to settle their differences through collective bargaining.

On May 23 CASAW went on strike. Royal Oak had refused to extend its previous contract and announced plans to lock out union workers and to bring in replacement workers.

## **Strike**

Following Royal Oaks announcement on replacement workers and a number of serious incidents on the picket line, the RCMP expressed concern that the Yellowknife detachment was not large enough to handle normal duties within the city as well as the potential for violence and property and environmental damage at the mine site.

### **May 24**

At the request of the Commanding Officer of RCMP "G" Division, the Minister of Justice advised RCMP Headquarters in Ottawa that the strength of the Yellowknife detachment should be increased due to emergency policing requirements at the mine site.

### **May 25**

RCMP Commissioner advised the Minister of Justice that policing services will be temporarily increased. The timing and size of the deployment is left to the Commanding Officer of "G" Division.

### **May 27**

Acting Government Leader John Pollard organizes the inter-agency committee. He sends letter to CASAW and Royal Oak. The letter asks them both to respond to the following recommendations:

- that steps be taken to declare the mine townsite as a neutral residential area and that RCMP be allowed to patrol the townsite to ensure public safety;
- that management removes all replacement workers from the mine property; and
- that the union and mine ask the Federal Minister of Labour to appoint a new mediator.

### **May 28**

Royal Oak President Peggy Witte replies that company and union agreed prior to strike that the townsite would not be disturbed and that school busses would not be blocked at the picket line.

She added that replacement workers would not be removed and states that conciliation was tried but was not successful. As a result, Royal Oak is not prepared to reopen the mediation process.

**May 28**

CASAW replies that it has always considered the townsite as a neutral area and that its pickets in the area were only there to assure the union that replacement workers and supplies were not reaching the minesite on a road connecting the townsite to the mine.

The union adds it will allow for unimpeded withdrawal of all replacement workers from the minesite provided they are assured they won't be replaced.

**June 4**

Minister of Justice writes to the Federal Labour Minister noting high degree of public anxiety as well as serious concerns by all levels of government in Yellowknife. The letter also:

- acknowledges the NWT has no jurisdiction, but is placed in a position of being asked to respond to a strike situation over which it has no control;
- requests that a Federal labour officer be stationed in Yellowknife to liaise and share information with community and government leaders, to assess the situation first-hand and keep the Federal Minister current on a daily basis; and
- warns that if mediation fails, the current acts of violence, arson and threats to the public and mine safety are likely to accelerate and major environmental damage will become a strong possibility.

**June 4**

Yellowknife MLA Michael Ballantyne writes to Federal Minister of Labour stating there are critical issues which make the strike situation very difficult and the issues should be considered in an attempt to resolve the dispute. The issues include:

- use of replacement workers and the need for legislation banning this practice;
- lack of GNWT jurisdiction. The Federal government has the power. The GNWT has the problem; and
- impact of violence on public and government opinion and decision making;

**June 10**

Minister of Justice and Yellowknife MLA Ballantyne meet with Federal Minister of Labour in Ottawa in order to:

- review the labour dispute and make sure the Federal Minister understands the severity of the problem in respect to threats to civil peace and security, the environment and the economic viability of Yellowknife; and
- to explore tools the Federal Department of Labour has to resolve the strike such as replacement worker legislation, compulsory arbitration and an Industrial Disputes Inquiry. They also to re-emphasized the GNWT's request for a Federal labour officer to be stationed in Yellowknife until the dispute is resolved.

### **June 16**

Minister of Justice writes to Federal Minister of Labour to explain that the critical situation at the mine has worsened since their June 10th meeting.

He acknowledges that during their meeting the Federal Minister rejected the request to introduce legislation in Parliament respecting the use of replacement workers.

The Justice Minister reminds the Federal Minister to consider possibility of legislation mandating arbitration in the event of failure of mediation, noting that risks to public safety will remain intolerable if urgent action is not taken now by those with exclusive authority to do so.

### **June 17**

Yellowknife Mayor Pat McMahon writes to Federal Minister of Labour stating the strike situation is affecting all aspects of life in the city. The letter:

- criticizes the attitude demonstrated by the Federal Department of Labour and its inactivity;
- outlines the severity of the situation that is resulting in serious acts of violence and arson; and
- demands the introduction of legislation to force both parties into binding arbitration.

**June 17**

The Legislative Assembly passes a unanimous motion requesting the Federal Minister of Labour to immediately take the necessary steps to introduce and secure passage of binding arbitration legislation concerning the Royal Oak Mine strike in Yellowknife.

**June 19**

Federal Minister of Labour writes to Minister of Justice stating that back to work legislation is not considered essential and that his preferred route is mediation.

The letter notes that the Federal mediator has maintained close contact with both CASAW and Royal Oak, but his effectiveness has been hampered by those not directly involved in the strike.

**June 19**

Letter from CASAW to Government Leader requesting the anti-scab legislation.

**June 24**

Minister of Justice writes to Federal Minister of Labour explaining the GNWT has not and will not be among those diverting attention from the bargaining table. He adds that the use of replacement workers is the most significant cause of the tensions and violence and reminds the minister that Ottawa controls the only governmental and legislative tools available to address this labour dispute.

**July 10**

Government Leader responds to CASAW's letter of June 19 regarding introduction of replacement worker legislation, reminding the Union that Labour Relations for the private sector in the NWT falls within the exclusive jurisdiction of the federal government.

**July/August**

Violence at the mine site subsides and RCMP are able to handle situation after determining in early July that emergency policing services are no longer required.

### August 31

Federal Minister of Labour responds to Mayor Pat McMahon's letter of June 17. He explains:

- binding arbitration is not advisable or feasible;
- that security considerations arising from threats of violence should not be permitted to undermine the fundamental integrity of the collective bargaining process or the rights of the parties; and
- the federal mediator met with the parties in June (one day?) and again on July 22 and 23 and that he remains available to both the union and mine management.

### September 18

An explosion at the mine takes the lives of 9 miners and RCMP launch a criminal investigation. They announce later that the deaths are being investigated as a multiple homicide.

### September 21

Government Leader speaks with the Federal Minister of Labour urging him to meet with government and civic leaders in Yellowknife. The minister states he will consider the matter and inform her later in the day.

### September 22

The Legislative Assembly passes a motion urging the Prime Minister to direct his Minister of Labour to immediately travel to the NWT to fulfil his responsibilities on behalf of the people of the Northwest Territories and that he immediately develop a strategy to resolve the labour dispute.

### September 22

Officials of the Department of Labour ask if the meeting requested by the Government Leader can be held in Vancouver, rather than Yellowknife.

### September 23

Officials of the Department of Labour inform government that the Federal minister will meet with CASAW and Royal Oak in Edmonton the following day.

**September 23**

Letter from Mayor Pat McMahon to the Federal Minister of Labour expressing the city's disappointment at the delay in his response and calling upon him to take immediate action to force the parties in the labour dispute to settle their differences.

**September 25**

News reports quote the Federal Minister of Labour as stating he will appoint a new mediator who will be instructed to make a public report if mediation fails.

**September 29**

Facsimile to Federal Minister of Labour asking for information and particulars regarding appointment of new mediator and the terms of the appointment.

APPENDIX A

**Correspondence relating to the Labour Dispute between  
the Canadian Association of Allied and Smelter Workers and  
Royal Oak Mines**





Government Leader

MAY 27 1992

Mr. Bill Schram  
President,  
Canadian Association of Smelters  
and Allied Workers  
Local #4  
Yellowknife, NT

Ms. Peggy Witte  
c/o Royal Oak Mines Ltd.  
Yellowknife, NT

Further to discussions you have had with representatives of the Government of the Northwest Territories, I would formally recommend the following process to bring both sides of the current dispute back to the negotiating table:

1. That steps be taken to declare the mine townsite as a neutral residential area and that the RCMP be asked to patrol the townsite to ensure public safety;
2. That management removes all replacement workers from the mine property; and
3. That the Federal Minister of Labour appoint a new mediator to resolve the current impasse in the union/management dispute.

In the interest of public and mine safety and the long-term viability of the community of Yellowknife, I would like your reaction - in writing - to this three-point process by noon Thursday, May 28.

Sincerely,

John D. Pollard  
Acting Government Leader

cc: Mayor, City of Yellowknife





**Royal Oak  
Mines Inc.**

Head Office  
2nd Floor - 1425 W. Pender St  
Vancouver, B.C.  
V6G 2S3

Tel: (604) 682-8320  
Fax: (604) 682-4286

May 28, 1992

John D. Pollard  
Acting Government Leader  
Government of the North West Territories  
P.O. Box 1320  
Yellowknife, N.W.T. X1A2L9  
Fax 403 873-0110


Dear John:

In response to your letter our position has not changed from our phone conversation yesterday.

With respect to item one the company and union had discussions prior to the commencement of the strike. The union agreed not to disturb the camp site or to block the school busses. On Tuesday night of this week the union came on the camp site and sabotaged all the power to the homesites. As in many other instances the union did not keep their word in this matter.

The replacement workers filling positions on the site are a combination of Royal Oak employees from our other two operations and our head office, some of the hourly workers from the bargaining unit which have chosen to return, and some contract miners. As I stated yesterday, the company has no plans to remove these people from the site. This action is not only legal, but is also necessary to ensure the financial viability of the operation.

Regarding your third point, a conciliator was appointed by the federal government several weeks ago, and has issued his report to the minister on the situation. He made every effort to bring the parties together to reach an agreement. The conciliator was highly skilled and was of the opinion that the parties were far enough apart that an agreement would not be reached through conciliation. Royal Oak believes this process has been exhausted, and is not prepared to reopen the mediation process. We have told the union that the company did not have any more to give than what was proposed in our last offer. Financially, the situation has worsened as losses during the strike period continue to mount, thereby making it seriously questionable as to whether the offer that was voted down by the membership could now be realistically considered acceptable to the company.



John D. Pollard  
May 28, 1992  
Page Two

Throughout this stressful period we have continued to employ over 80 staff and several returning hourly workers. We have continued to keep our mine operating. We are requesting that the Government of the N.W.T. take all necessary actions to uphold the injunction issued by the court. By not taking the steps necessary to uphold this injunction the Government of the N.W.T. is sending a clear signal to Royal Oak and the people of the N.W.T. that they do not uphold, and honor the decisions of their own justice system.

Very truly yours,



Margaret K. Witte  
President and Chief Executive Officer

MKW/kal

cc: Ladner Downs  
Peterson Schuler

819 953-8766



AFFILIATED  
TO  
CONFEDERATION  
OF  
CANADIAN UNIONS

28 May 1992

Mr. John Pollard,  
Acting Government Leader  
Government of the Northwest Territories  
Yellowknife, N W T

Dear Sir;

Local Four of the Canadian Association of Smelter and Allied Workers replies to your three-point proposal as follows:

1. The townsite: We have always considered this area neutral, and our pickets in the area are only to assure us that "replacement workers" and operating supplies are not reaching the minesite via the back road connecting the townsite to the mine. Our people have always been courteous to townsite residents and their visitors.

We require an undertaking that the townsite will be used only for its normal function of housing permanent staff, and not for any purpose involving replacement workers.

The Union proposes moving the "A" boiler picket line to the back road at sufficient distance from the housing to prevent any possible inconvenience to residents.

2. Replacement Workers: We will allow unimpeded withdrawal of all replacement workers from the minesite, provided we can monitor the process and assure ourselves that all replacements have in fact been removed, and will not be replaced.

3. The mediator: We must point out that this route was tried already without success, but we agree to meet in this manner provided the company is prepared to modify its last rigid stance to allow meaningful bargaining.

Thank you for your efforts to help resolve an increasingly serious situation.

Sincerely,



W. (Bill) Schram  
President.

cc: Her Worship Mayor McMahon.  
Honourable Minister of Labour Canada.



Northwest  
Territories Minister of Justice

The Honourable Marcel Danis  
Minister of Labour  
Labour Canada  
Place De Portage, Phase 11  
Hull, Quebec  
K1A 0J2

JUN 04 1992

Dear Minister:

The labour dispute between Royal Oak Mines Inc. and Local 4 of the Canadian Association of Smelter and Allied Workers is creating a high degree of public anxiety as well as serious concerns within all levels of government in Yellowknife.

The reason for this is simple. The Northwest Territories has no jurisdiction over the dispute. The mechanisms for dealing with this situation rest exclusively within the authority of the Government of Canada and the Canada Labour Code.

In effect, we are finding ourselves placed in a position of being asked to respond to a strike situation over which we have no control. As a result, I am requesting that you take immediate steps to have a federal labour officer stationed in Yellowknife for the duration of the current dispute, beginning Saturday, June 6, when the company, mine and mediator will be meeting.

I appreciate your quick response to the appointment of a mediator. However, it is equally important to have a representative of your department on site in Yellowknife to liaise and share information with community and government leaders, to assess the situation and keep you current on a daily basis.

If mediation should fail, the current acts of violence, arson and threats to public and mine safety are likely to accelerate and major environmental damage will become a distinct possibility. Accordingly, your early response to this request is important.

Dennis Patterson  
Minister of Justice & Safety  
and Public Services



Northwest  
Territories Legislative Assembly

Member for Yellowknife North

July 15, 1992

**DEAR CONSTITUENTS:**

**This is a letter I sent to the federal Minister of Labour in early June, shortly after the strike began at Royal Oak's Giant Mine. The issues have not changed, nor have the feelings I expressed in the letter. I'm sure everyone joins me in hoping that both sides can reach an equitable settlement and quickly bring about an end to this dispute.**

Sincerely,

**Michael A. Ballantyne  
MLA, Yellowknife North**



Northwest  
Territories Legislative Assembly

Member for Yellowknife North

June 4, 1992

The Honourable Marcel Danis  
Minister of Labour  
Place du Portage, Phase 11  
165 Hotel de Ville  
Hull, Quebec  
K1A 0J2

Dear Mr. Danis:

**Labour Dispute at Royal Oak Mines, Yellowknife**

I feel that it is important that you have an understanding of the critical issues which make this situation very difficult and should be considered as we attempt to resolve this situation.

**1. Use of Replacement Workers**

It is very clear to me that a fundamental issue which makes it difficult, if not impossible, to resolve this dispute is the use of replacement workers by Royal Oak Mines.

Historically, the use of replacement workers in labour disputes has inevitably led to violence, destruction and sometimes death. In fact, the introduction of anti-replacement worker legislation in Quebec came in the aftermath of a particularly violent strike where replacement workers were used. I understand that both the Ontario and B.C. governments plan to introduce similar legislation in the near future.

The use of replacement workers is quite unusual in Canada. It is a blunt instrument usually associated with the very different economic and social philosophy of the United States.

The dangers of the introduction of this type of philosophy to the NWT are enormous. Our political, economic and social fabric is too fragile to withstand the onslaught of this type of corporate strategy.



I do understand the difficult economic realities facing the mining industry. Prices are low, competition is fierce and return on investment is marginal. However, I do not feel that this particular strategy is based on a sound economic and financial footing. The use of replacement workers usually causes more problems than it solves, financially as well as socially.

The labour relation philosophy which has worked well in western Europe, Japan and Canada for many years is based on the principle of compromise and equity. Our whole system of collective agreements is based on that philosophy. The use of arbitration, conciliation, mediation and right to strike is based on that philosophy.

The reality of a traditional strike lends itself to compromise and accommodation. The worker withholds his or her labour, the company withholds their pay. The company finds it difficult to maintain full production using only management personnel. There is a fairness in that both sides feel economic pressure. There is an incentive to settle. The use of replacement workers totally knocks the system out of whack. The company maintains full production. They have no incentive to settle. The police are forced into the situation of maintaining law and order. The union gets desperate. They feel that they are being forced to break the law. This provokes an escalating cycle of violence. Even moderate workers feel that their jobs are being threatened by outsiders with no ties to the community. At some point, all hell can break loose! The aftermath can include criminal prosecution, civil suits, major inquiries, blame on governments, major economic repercussions and scars within the community which take years to heal.

The previous scenario will be intensified in the Territories because of our fragile economy, small population and relative lack of experience in dealing with aggressive corporate tactics.

I feel that the issue of replacement workers must be addressed. I personally feel strongly that legislation banning replacement workers should be brought into place so that we never have to deal with this type of situation again. However, we must be realistic. Presently, the GNWT does not have the power to bring in this legislation. The process to change federal legislation or for us to take over responsibility for labour relations is slow. It may not be possible to enact legislation in time to help this situation. I believe that in the present situation, a moratorium on the use of replacement workers, voluntary or otherwise, would be a very constructive building block to solve the present impasse. I also think that we must face the reality of fast moving changes in the economic structure in the NWT and must prepare ourselves for the future. The GNWT or the federal government would be wise to establish a commission as soon as possible after the peaceful resolution of the strike to look into all aspects of labour/corporate relationships in the NWT.

## **2. Lack of GNWT Jurisdiction**

The two major government areas which hold the key to solving this issue are those having jurisdiction over Labour Relations and jurisdiction over Mining.

The federal government still retains jurisdiction over both of these areas. The GNWT has no formal powers in either of these critical areas. The GNWT is lacking the major tools to deal with this situation. It has been a source of great frustration to the GNWT over the years. The federal government is reluctant to give up their powers but they are often equally reluctant to be held accountable. Because the GNWT is elected by people who live in the North, invariably people in the North demand they do something. The federal government has the power. The GNWT has the problem.

The federal government should be accountable for their responsibilities or they must devolve the powers to the GNWT. The appointment of a federal mediator is a positive step, and it should be viewed by all parties as a critical phase in settling this dispute.

## **3. Impact of violence on public and government opinion and decision making**

The use of replacement workers invariably provokes violence. Union leadership finds it very difficult to control hot headed members. A violent confrontation attracts many people from outside the union, which they also cannot control. Invariably, violence turns public opinion against the union even if the violence has happened without the knowledge and consent of union leadership.

In the passion of the moment and with the belief in the rightness of their cause, workers on a picket line sometimes think that violence will bring attention to their cause and that the public will understand the underlying reasons. Unfortunately, this never happens. The public only see the violence and are always negative about it. The more violence that happens, the more the public turns against the union. Successful unions impose discipline over their members. They must have a reasoned strategy and everyone must understand that violence will ultimately destroy any chance of success. Both sides in a dispute have a responsibility to minimize a cycle of provocation and retaliation. That is very difficult, but it is essential to a peaceful resolution of the dispute.

4. **Impact on the community of violent labour disputes**

Ultimately, a violent confrontation impacts more than a union and a company, especially in a small community like Yellowknife, where everyone is affected. Everyone must remember that many people are involved. Union members and supporters, company staff and supporters, local police and government officials are our friends and neighbours. Our kids go to the same schools. We share the unique experience of being Yellowknifers. After this is over, we all have to live together. So for all of us, this is more than a company/union struggle or philosophical struggle between opposing economic forces. The public is confused as to who is right or wrong. There are many complex issues and forces at play. We in the north are not ready for this type of confrontation. Our institutions are too fragile. We should all be working towards a peaceful and fair resolution. Both the company and the union have a responsibility to care about our community and its people.

All of us have a responsibility to create the proper climate for this whole sad saga to come to a peaceful and fair resolution.

Yours sincerely,



Michael A. Ballantyne, MLA  
Yellowknife North

c.c. The Honourable Nellie Cournoyea, Government Leader  
Ethel Blondin, MP  
Bill Schram, CASAW  
Margaret Witte, Royal Oak Mines  
Her Worship Mayor Pat McMahon

JUN 16 1992

The Honourable Marcel Danis, P.C., M.P.,  
Minister of Labour,  
Government of Canada  
PLACE DU PORTAGE, PHASE II  
HULL PQ KIA OJ2

Dear Mr. Danis:

I regret to confirm to you that the critical situation at the Royal Oak mine in Yellowknife has worsened considerably since Michael Ballantyne, M.L.A. and I met with you last Wednesday, June 10. A serious incident occurred in the early evening of Sunday, June 14, necessitating for the first time the use of the 50-member R.C.M.P. tactical unit and the 8-member emergency response team, along with members of the Yellowknife Detachment.

Several injuries, damage to property and additional criminal charges resulted. There is no reason to believe that tensions, threats of violence and actual violence will lessen over the coming days and weeks, in the face of the continuing impasse and the use of replacement workers.

We urged you to consider the immediate introduction to Parliament of legislation respecting the use of replacement workers in the Northwest Territories, and you were frank in rejecting that course of action at this time.

You discussed with us as an alternative the possibility of introducing legislation mandating arbitration in the event of failure of the efforts of your mediator. In that respect, you made no substantive commitment, but agreed that it is possible for your government to draft and secure passage of such legislation by Parliament, with all-party consent, prior to the session ending this Friday, June 19.

In view of the obvious urgency, both in terms of the critical situation here and the time remaining to Parliament, I regret that you have been unable to communicate to us your decision in relation to binding arbitration legislation, as of yesterday as you had hoped. Accordingly, I must repeat the call of our government for Labour Canada to intervene with legislation now.

I will not belabour the substantive facts and circumstances requiring urgent and aggressive intervention by you at this time. Officials from the departments of your federal colleagues at

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Justice, Indian and Northern Affairs and, (through the R.C.M.P.) the Solicitor General attend the daily and sometimes twice-daily interagency situation briefings chaired by our Premier. Your officials are no doubt available to keep your government fully briefed on an urgent basis with all details. Moreover, your mediator will be fully conversant with the issues from his work on site.

I will only point out to you that in evaluating whether to legislate binding arbitration, you should not mistakenly be guided by considerations relating to federal works and undertakings. To impose some sort of "national emergency" test in relation to your special responsibility for labour relations in the two territories would create an inappropriate test. Parliament in its wisdom has retained for you responsibilities of a territorial Minister of Labour, obligated to consider, in the exercise of those responsibilities, matters of a local or private nature as would any other provincial minister. It is in that context that we urge you to obtain the legislative tools now to carry out your mandate after Parliament is no longer available to you.

As we have advised the Honourable Doug Lewis, Solicitor General, this labour dispute is wholly within the jurisdiction of the federal government under the Canada Labour Code as it now stands. Matters related to conciliation, commissions of inquiry, mediation, arbitration and the use of replacement workers are solely within the authority of your department and Parliament. For this reason and others, we have taken the firm position that the incremental costs of the R.C.M.P. involvement in this labour dispute, estimated at over \$1 million as of June 12, are the clear responsibility of Canada and outside the terms of the federal-territorial policing cost-sharing agreement.

We fully support the decision of the Commanding Officer of the R.C.M.P. "G" Division to seek and retain the 58 member tactical and emergency response teams. We believe, however, that the risks to public safety will remain intolerable if urgent action is not taken now by those with exclusive authority to do so.

Yours truly,

Original Signed By  
DENNIS PATTERSON

Dennis Patterson

c.c. The Honourable Doug Lewis  
Solicitor General for Canada

The Honourable Tom Siddon  
Minister of Indian and Northern Affairs

BICKERT/marrai

DB/sw



OFFICE OF THE  
MAYOR

# THE CITY OF YELLOWKNIFE

P. O. BOX 580  
YELLOWKNIFE, N.W.T.  
X1A 2N4  
TELEPHONE: (403) 873-2671

June 17, 1992

File: 100-M2

## VIA FACSIMILE

The Honourable Marcel Danis  
Minister of Labour  
House of Commons  
Ottawa, Ontario

Dear Sir:

I am writing to you on a matter of grave urgency which is affecting all aspects of life in the City of Yellowknife.

I know that you are aware of the CASAW strike at Royal Oak's Giant Yellowknife Mine, which is now entering its fourth week. I wish to convey on behalf of Yellowknife City Council and all the residents of Yellowknife our extreme disappointment and frustration with the cavalier attitude demonstrated by your department by its inactivity in this labour dispute.

I can only presume that you and your officials do not appreciate the gravity of the situation. During the course of this strike many serious acts of violence and arson have occurred at the mine site, located within our municipal boundary. These incidents have resulted in serious personal injury, temporary power disruptions and considerable damage to private property. These occurrences culminated Sunday night in another major altercation at the mine site involving approximately one hundred picketers and forty private security personnel hired by Royal Oak. It was only through the intervention of members of the local RCMP detachment assisted by the fifty-person RCMP tactical unit from Alberta, that order was restored after a violent period of confrontation. A total of eleven individuals were injured, one of them seriously.

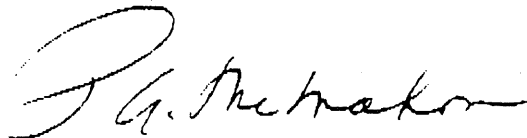
How long will you let this explosive situation continue? The escalating pattern of violence necessitates an immediate formal intervention on the part of your department and the Federal Government. As the agency having jurisdiction and responsibility in these matters in the Northwest Territories Labour Canada can no longer stand idly by. I demand that as Minister of Labour you introduce legislation immediately to force both parties in this labour dispute into binding arbitration to settle their differences.

OFFICE OF THE MAYOR

The Honourable Marcel Danis  
Minister of Labour  
Page 2

Time is of the essence in this critical matter. I await your response.

Yours truly,



(Ms.) P.A. McMahon  
Mayor

cc: The Right Honourable Brian Mulroney  
The Honourable Tom Siddon  
The Honourable Kim Campbell  
Ethel Blondin, M.P.

Motion

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**INTRODUCTION OF BINDING ARBITRATION LEGISLATION**

WHEREAS the situation at the Royal Oak Mine in Yellowknife has worsened considerably since the strike commenced on May 22nd;

AND WHEREAS the fifty member R.C.M.P. Tactical Unit and the eight member emergency response team were used on June 14th;

AND WHEREAS several injuries, damage to property and additional criminal charges resulted;

AND WHEREAS there is no reason to believe that the tension, threats of violence and actual violence will lessen over the coming days and weeks in light of the continuing impasse and the use of replacement workers;

AND WHEREAS the Federal Government has legal jurisdiction and obligation over labour in the Northwest Territories;

AND WHEREAS our government has strongly urged the Federal Minister of Labour to introduce legislation mandating arbitration in the event of the failure of the efforts of the mediator;

AND WHEREAS the Parliament of Canada is due to recess for the summer on Friday, June 19th;

AND WHEREAS with an all-party agreement the Government of Canada could draft and secure passage of binding arbitration legislation;

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Date of Notice/ᑦᑦᑦᑦᑦ ᐅᑦᑦᑦᑦᑦ ᐅᑦᑦᑦᑦᑦ: June 17, 1992	Moved by/ᐱᑦᑦᑦᑦᑦ ᐅᑦᑦᑦᑦᑦ: Mr. Dent
Date of Introduction/ᐅᑦᑦᑦᑦᑦ ᐅᑦᑦᑦᑦᑦ ᐅᑦᑦᑦᑦᑦ: June 17, 1992	Seconded by/ᐅᑦᑦᑦᑦᑦ ᐅᑦᑦᑦᑦᑦ: Mr. Lewis
Disposition/ᑦᑦᑦᑦᑦ ᐅᑦᑦᑦᑦᑦ:	
Carried/ᐱᑦᑦᑦᑦᑦ ᐅᑦᑦᑦᑦᑦ: <b>Unanimously June 17, 1992</b>	Ruled out of Order/ᐱᑦᑦᑦᑦᑦ ᐅᑦᑦᑦᑦᑦ:



Ministre du Travail



Minister of Labour

MINISTER'S OFFICE

Date Rec'd. JUN 19 1992

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MIN. INFO

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Referral to

Resp. for Minister's Signature

Briefing Req'd.

Resp. on behalf of Minister

OTHER

INITIALS / SIGN.

June 19, 1992

The Honourable Dennis Patterson  
Minister of Justice and  
Safety and Public Services  
Government of the Northwest Territories  
5003-49th Street  
6th Floor, Laing Building  
Yellowknife, Northwest Territories  
X1A 2L9

Dear Mr. Patterson:

Thank you for your letter of June 16, 1992, concerning the labour dispute between Royal Oak Mines Inc., in Yellowknife, and Local 4 of the Canadian Association of Smelter and Allied Workers.

The government has given very serious consideration to the request made in your letter for the introduction of legislation to terminate and resolve the dispute by providing for compulsory binding arbitration. In this regard, we have also taken into account the representations you made when we met in Ottawa and the resolution adopted by the Northwest Territories Legislative Assembly, on June 17, 1992.

At our meeting, I emphasized the extraordinary nature of back-to-work legislation which, in the federal jurisdiction, has only been invoked in cases where a resumption and continuation of operations have been considered essential. The Parliament of Canada has never undertaken such an extraordinary measure in the context of a purely private and local undertaking. I understand that provincial legislatures have observed similar criteria when deciding to introduce such legislation to deal with disputes within their respective jurisdictions.

.../2

In relation to the issue of jurisdiction, I appreciate the frustrations you have expressed in not being able to directly deal with this dispute from an industrial relations perspective. However, I do not accept the suggestion that has been made that the federal government has been reluctant to give up its authority in this field. This is not in accord with past discussions on this matter. I am informed that the prospect of devolving responsibility for a labour relations statute to the Northwest Territories Legislative Assembly has been discussed at various times over a period extending back almost twenty years. Labour Canada was last directly involved in meetings with the Government of the Northwest Territories on this subject about nine years ago, at which time the department offered its full cooperation in the development of territorial legislation to replace the Canada Labour Code. Apparently, this offer was not pursued to a conclusion.

While I am acutely aware of your concerns relating to the public safety aspects of the situation, I am concerned that the Northwest Territories' jurisdiction and responsibilities in this field have led you to diminish the industrial relations considerations which, as Minister of Labour, I must take into account. The Canada Labour Code, Part I, in common with provincial labour relations statutes, establishes a framework for the conduct of collective bargaining which includes acquisition of the right to strike and the right to lockout. Although these rights are rarely exercised, the prospect that they might be invoked does act as an incentive for settlement. Withdrawing such rights, other than to restore an essential service, would significantly undermine the effective working of free collective bargaining and have adverse implications for the resolution of other labour disputes, both current and future.

In addition to the overall industrial relations considerations, the practical implications of invoking back-to-work legislation in this specific instance also need to be considered. As you know, neither party has expressed a willingness to resolve the dispute by submitting their differences to voluntary binding arbitration. You are also fully acquainted with the opposition voiced by the employer to any form of imposed settlement and the position generally taken by the labour movement against the adoption of back-to-work legislation. Furthermore, although I understand your concerns for public safety, a legislated approach would not necessarily resolve those concerns. Legislation would force employees back-to-work against their will, under the terms of an imposed settlement which may not be viable for the enterprise, and in a mood which would add to the dangers of an already hazardous occupation.

I recognize that the strike at Royal Oak Mines Inc. has involved incidents of violence which have drawn public attention to the dispute and raised concerns about safety and security. I have already made it clear to the parties that violence has no legitimate role to play in the resolution of labour disputes. While the Company's decision to continue mining operations, using replacement workers, has increased tensions at the mine site, the people involved nevertheless have a responsibility and duty to respect the laws governing public order.

After having carefully taken into account all relevant considerations regarding your request for the introduction of back-to-work legislation, I have concluded that it would not be appropriate or feasible to adopt such a course. Ultimately, the best resolution of this dispute would be negotiated by the parties themselves. In response to your earlier request, I appointed an experienced mediator to assist the parties in overcoming their differences. The mediator, Mr. W. H. Lewis, is well acquainted with the issues involved in the dispute and with the parties.

Mr. Lewis has maintained close contact with both parties but his effectiveness has been hampered by representations from those not directly involved in the dispute. Although sincere and well intentioned, these representations have diverted the attention of the parties away from the bargaining table, in anticipation that some other process would resolve their dispute. The parties themselves must accept their own responsibilities. I will, therefore, be urging them to resume meaningful negotiations. In this regard, while the employer broke-off negotiation on June 8, 1992, I have received an undertaking from them that they are prepared to return to the bargaining table. While they have concerns they consider to be of fundamental importance, they are prepared to discuss them at the table, with the assistance of the mediator. I would hope that you would join me in impressing upon negotiators for both sides, the importance of their finding a settlement in their own interests and in the interests of the community.

Sincerely,



Marcel Denis

AFFILIATED  
TO  
CONFEDERATION  
OF  
CANADIAN UNIONS



CANADIAN ASSOCIATION OF SMELTER AND ALLIED WORKERS

Local No. 4

A S A W

Downstairs - Northway Bldg. Mailing Address P.O. Box 1628, Yellowknife, NWT X1A 2P2  
Telephone 878-4528 Fax 878-5174

Hon. Nellie Cournoyea,  
Government Leader  
P.O. Box 1320  
Yellowknife, NWT  
X1A 2L9

June 19, 1992

by fax: (403) 878-0385

Dear Hon. Nellie Cournoyea;

While we appreciate the efforts and concerns of the legislative assembly of the N.W.T. all of CASAW Local 4 is very concerned about how the prospects of Binding Arbitration would address the real needs of our members.

Our democratic organization turned down the last contract proposal put forth by Royal Oak by an 80% margin.

The position of organized labour has always been that without the right to strike, free of Government interference, or the use of Scabs, the rights we take for granted would not be possible in our Democratic Society.

Government does have the power to bring a strike to an end through legislation, but we prefer to think that the focus of this dispute is now the use of SCABS and the civilized solution to this is for both sides to bargain in good faith once this disrupting influence has been eliminated.

We count on you use your influence, to institute a moratorium against the use of these Scabs and then encourage the passage of full legislation in the near future.

In order to resolve our dispute with some normal form of order, the Scabs must be legislated off our work place. What we need and want is the introduction of ANTISCAB LEGISLATION.

In Solidarity,

*Bill Schram*

W. (Bill) Schram,  
President  
CASAW Local 4

GOVT LEADER RECEIVED
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RESPOND <input checked="" type="checkbox"/>
For G.L. Sign. <input checked="" type="checkbox"/>
Directly & C.C. _____
Other _____
File B.F. <i>7/7/92</i>

cc.

JUN 24 1992

The Honourable Marcel Danis, P.C., M.P.  
Minister of Labour  
Government of Canada  
PLACE DU PORTAGE, PHASE II  
HULL PQ KIA OJ2

Dear Mr. Danis:

I refer to your letter of June 19 indicating that you plan no legislative intervention in the current Strike at the Royal Oak Mine in Yellowknife. I note your assertions that the effectiveness of the mediator has been hampered by "sincere and well-intentioned" representations which in your estimate, have diverted the attentions of the parties away from the bargaining table.

Rest assured that our government has not and will not be among those diverting attention from the bargaining table, and fully supports any successful efforts a mediator might make in bringing the parties together for substantive talks aimed at resolving the impasse.

Your letter recites the matters you have considered in exercising your exclusive authority in relation to this labour dispute and the reasons why you have rejected any of the legislative options. You acknowledge that the use of replacement workers has increased tensions at the mine site. Indeed, most observers agree it is the most significant if not sole cause of those tensions, which tensions and attendant violence were the basis for the R.C.M.P. request for additional resources.

Your rejection of legislation to regulate or prohibit the use of replacement workers is clearly a matter within your jurisdiction and the exercise of your discretion, bearing in mind the balancing of all appropriate considerations as you see them.

....2/

Given that you have and continue to control the only governmental and legislative tools available to address this labour dispute, we maintain our firm position that the incremental policing costs are equally a federal responsibility. Since the decisions you have made, and the success or failure of your mediator, directly impact on the need for police intervention, we strongly urge you to consult with your colleague, the Honourable Doug Lewis, upon the matters referred to in my letter to him of today's date, a copy of which is enclosed.

Yours truly,

Original Signed By  
DENNIS PATTERSON

Dennis Patterson

Enclosure

c.c. The Honourable Doug Lewis  
Solicitor General for Canada

The Honourable Tom Siddon  
Minister of Indian and Northern Affairs

JUL 10 1992

Mr. W. (Bill) Schram  
President  
CASAW Local 4  
P.O. BOX 1628  
YELLOWKNIFE NT X1A 2P2

Dear Mr. Schram:

Thank you for your letter of June 19, 1992. With respect to your suggestion that the Government of the Northwest Territories introduce replacement worker legislation, it should be noted that labour relations for the private sector in the N.W.T. falls within the exclusive jurisdiction of the Federal Government, pursuant to the Canada Labour Code.

It will be my intention to undertake a review later this year to determine the merits of requesting that Ottawa devolve labour relations responsibilities to the Government of Northwest Territories. As part of this review process, the terms of reference will also likely include the question of whether anti-replacement worker provisions should be included in a proposed N.W.T. Labour Relations Bill.

I thank you for bringing this important issue to my attention.

Sincerely,

Original Signed  
Nellie J. Cournoyea

Nellie J. Cournoyea

GILMOUR/waugh



Ministre du Travail

Minister of Labour

AUG 31 1992

Ms. P.A. McMahon  
Mayor  
The City of Yellowknife  
P.O. Box 580  
Yellowknife, N.W.T.  
X1A 2N4

RECEIVED  
OFFICE OF  
SEP 8 1992  
#1154  
CITY OF  
350-61  
cc: Admin  
Aldermen

Dear Ms. McMahon:

Thank you for your letter of June 17, 1992, concerning the strike at Royal Oak's Giant Yellowknife Mine.

I have carefully noted the content of your letter and your concerns, which I share, over the impact of the strike on the City of Yellowknife. I can assure you that the federal government has seriously considered the options available to it to deal with this difficult dispute.

With respect to legislation designed to solve the dispute through the imposition of binding arbitration, it was decided that such a course of action was not advisable nor feasible. The Parliament of Canada has never introduced back-to-work legislation which has the effect of suspending collective bargaining rights in the context of a purely private and local undertaking. Such legislation has only been resorted to where a resumption and continuation of operations has been considered essential. While the federal government is concerned about the level of violence that has characterized this dispute, security considerations arising from threats of violence should not be permitted to undermine the fundamental integrity of the collective bargaining process or the rights of the parties.

The settlement of this particular dispute should be the priority focus for the parties. Their energies would best be spent at the bargaining table working towards a resolution of the dispute. To this end, the appointed mediator met with the parties in June and again on July 22 and 23, 1992. He remains available to the parties and attempts are continuing to be made to find some common ground that could lead to a resumption of negotiations and hopefully a settlement of the dispute.

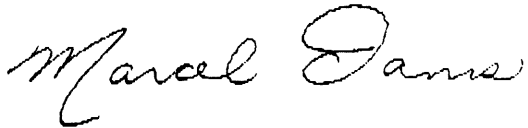
.../2



- 2 -

I thank you for making me aware of your views in this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Marcel Danis". The signature is written in dark ink and is positioned above the printed name.

Marcel Danis



**NOW THEREFORE I MOVE** seconded by the Honourable Member for Baffin Central that the Legislative Assembly strongly urges the Prime Minister of Canada to direct his Minister of Labour to immediately travel to the Northwest Territories to fulfil his responsibilities on behalf of the people of the Northwest Territories.

**AND FURTHER** that the Minister of Labour immediately develop a strategy to resolve the labor dispute at the Royal Oak Mines in Yellowknife.



OFFICE OF THE  
MAYOR

# THE CITY OF YELLOWKNIFE

P. O. BOX 580  
YELLOWKNIFE, N. W. T.  
X1A 2N4  
TELEPHONE: (403) 873-2671

September 23, 1992

File: 100-M2

## VIA FACSIMILE

The Honourable Marcel Danis  
Minister of Labour  
House of Commons  
OTTAWA, Ontario K1A 0A6

Dear Sir:

I have received your letter of August 31, 1992 in which you respond to the concerns which I expressed in my letter of June 17, 1992 regarding the strike at Royal Oak's Giant Yellowknife Mine.

I must state my extreme disappointment both at the delay in your response, and at your decision to remain inactive in the labour dispute which has been so damaging to our entire community since it began in late May. In my letter I stressed both the gravity of the situation and the urgency with which the escalating pattern of violence needed to be addressed by the Federal Government. I deeply regret that it appears that my plea, although strongly worded like those extended to you by others at the Territorial and Federal levels of government, did not adequately convey the potential for tragedy inherent in the continuing dispute.

Now, as many had feared, a tragedy has occurred. Nine men have lost their lives and the bitter division within our community has deepened.

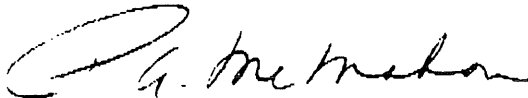
My frustration at your department's refusal to recognize and act upon your jurisdictional responsibility for labour matters in the Northwest Territories has likewise deepened. I call upon you again at this time, as the strike at Giant Mine enters its fifth month, and as our citizens grieve following the needless loss of life, to take action immediately to force the parties in this labour dispute to settle their differences.

-2-

I am aware of the statements which have been issued by your office this week in response to other pleas for intervention. I find it inconceivable that your presence in Yellowknife to assess the situation, or your assistance in ending the Giant Mine strike could in any way jeopardize the R.C.M.P.'s ongoing criminal investigation into last Friday's tragedy. I respect the concern for the "fundamental integrity of the collective bargaining process or the rights of the parties" which you stated in your letter. However the rights of the nine individuals involved have been served poorly by your decision to assign security considerations a lesser priority. The nine deaths are a direct result of your inaction on this matter and are too high a price to pay. The strike still continues and the future for Yellowknife will quite likely bring more violence. As the Minister of Labour for the NWT please help us.

I await your immediate and effective action in this matter.

Yours truly,



(Ms.) P.A. McMahon  
Mayor

cc: The Right Honourable Brian Mulroney  
The Honourable Jean Chrétien  
The Honourable Audrey McLaughlin  
The Honourable Kim Campbell  
Ethel Blondin-Andrew, M.P.



Office of the Government Leader  
Box 1320, Yellowknife, NWT X1A 2L9  
FAX 873-0385

DATE: September 29, 1992

TO: Michael Allen, Chief of Staff For Hon. Marcel Danis

FAX NUMBER: 819-953-3419

CONFIRMATION NUMBER: (403) 873-6383/7112

FROM: Graeme Garson

NUMBER OF PAGES (including cover page): 1

SPECIAL INSTRUCTIONS: Re: Giant Mine Strike

This is to confirm our telephone conversation of Sept. 28, 1992 wherein,  
you advised that you would provide information and particulars of the  
appointment of Mediator, his/her terms of appointment, etc. as soon as  
said information is made available to the disputing parties.



APPENDIX B

**Correspondence relating to the dispute between the  
Government of the NWT and the RCMP  
relating to payment of emergency policing services**

Pierre Alvarez  
Louise D. Matthe  
↳ File 3015

May 24th, 1992.

**URGENT**

Commissioner N. D. Inkster  
Royal Canadian Mounted Police  
1200 Vanier Parkway  
OTTAWA, Ontario  
K1A 0R2

Dear Commissioner Inkster:

As a result of potential escalating labour problems at the Giant Yellowknife Mine site in the City of Yellowknife between management and C.A.S.W. union workers, it is requested that the strength of "G" Division be increased in numbers from the "K" Division in the Province of Alberta, pursuant to paragraph 8.3(a) of the Police Agreement. It is my understanding that the Commanding Officer at "G" Division has already taken the necessary steps to advise his counterpart in Alberta of these impending requirements.

It is understood that the timing and size of this deployment will be left to the operational control of the Commanding Officer of "G" Division.

Thank you very much for this assistance.

Yours truly,

*(Original signed by)*

Dennis Patterson

c.c. - Chief Supt. E. W. Wilson

GILMOUR/gilmour





Royal Canadian Gendarmerie royale  
Mounted Police du Canada

**FACSIMILE / MESSAGE TRANSMITTAL**  
**ENVOI D'UN FAC-SIMILÉ OU D'UN MESSAGE**

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Security Classification/Designation Classification/désignation sécuritaire <i>dk</i>	
<b>PROTECTED A</b>	
Precedence - Priorité	Date
<b>URGENT</b>	92-05-25
Our File-Notre n° de dossier	Your File-Votre n° du dossier
Reference No. - N° de référence <b>CAP/487</b>	

**TO A** HONOURABLE DENNIS PATTERSON  
MINISTER OF JUSTICE NORTHWEST TERRITORIES  
YELLOWKNIFE, NORTHWEST TERRITORIES X1A 2L9 *1-403-873-010*

**INFO. RENS.** CO "G" DIVISION  
CO "K" DIVISION  
CHIEF FINANCIAL OFFICER  
DIRECTOR, CORPORATE MANAGEMENT *TCO*  
DIRECTOR, ENFORCEMENT SERVICES *TCO*

**FROM DE** COMMISSIONER HQ, OTTAWA

SENDER: Fax No. - N° de télécopieur EXPÉDITEUR	Telephone No. - N° de téléphone	RECIPIENT: Fax No. - N° de télécopieur DESTINATAIRE:	Telephone No. - N° de téléphone
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COMMENTS COMMENTAIRES	Total number of pages including this one Nombre total de pages, y compris celle-ci	1
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**RE: EMERGENCY POLICING - NORTHWEST TERRITORIES**

Your correspondence of May 24, 1992 concerning the need to temporarily augment the establishment of the Territorial Policing Service pursuant to the emergency provisions of the Territorial Policing Agreement refers.

In accordance with article 8.3 (b) it is agreed that the Territorial Policing Service will be temporarily increased on the understanding that the Territorial Government will pay 100% of the costs of the increase including salaries, transportation and maintenance. It is anticipated this increase will be effected through the redeployment of personnel from Alberta.

It is also agreed that the timing and size of the deployment of the resources will be left to the discretion of the Commanding Officer of "G" Division in consultation with the Commanding Officer of Alberta.

As the Acting Commissioner, I have received the authorization of the Solicitor General of Canada to temporarily increase the policing services in the territories in accordance with the terms of the policing agreement in particular articles 8.3 and 8.4.

*J.L.G. Favreau*  
J.L.G. FAVREAU  
ACTING COMMISSIONER

194-192

75 (80-03) 7530-21-907-5434

Operator - Opérateur	Telephone No. - N° de téléphone	Daily No. - N° quotidien
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Honourable Thomas Siddon  
Minister of Indian Affairs and  
Northern Development

JUN 04 1992

#926

PA-08-05-G

Dear Mr. Minister

As a result of the on-going labour dispute at Giant Yellowknife in the City of Yellowknife, the Government of the Northwest Territories is incurring costs at a rate of approximately \$1.5 - 2.0 million a month. These costs are a direct result of the additional R.C.M. Police members of the tactical unit brought in from Alberta who were needed due to the limited capability of the regular Yellowknife detachment.

This action was taken by our Minister of Justice upon the request of the Chief Superintendent of the R.C.M.P. Yellowknife detachment to assist in keeping peace at the site as a result of the serious altercations between the striking workers and the mine management and their replacement staff.

The Government of the Northwest Territories, as a very small jurisdiction in this country is particularly concerned over these substantive extra policing costs at a time when we are already taking serious steps to control our expenditures.

Because the Federal Government has jurisdiction in both the labour and mining regulations in the NWT, the Government of the Northwest Territories is powerless to influence the course or length of the strike. Accordingly, it is essential that our respective Governments immediately develop ways and means to limit and to pay for these extra-ordinary policing costs.

Time is surely of essence in this matter and we would appreciate your early response to this request.

Yours sincerely

Original Signed  
Nellie J. Cournoyea

Nellie J. Cournoyea

cc: Hon. D. Lewis, Solicitor General of Canada  
Hon. Marcel Danis, Minister of Labour

GG:bgm

JUN 05 1992

Honourable Doug Lewis  
Solicitor General for Canada  
340 Laurier Avenue West  
OTTAWA ON K1A 0P8

Dear Mr. Lewis:

As you know, the RCMP "G" Division requested and we supported the augmenting of the force with additional assistance from Alberta as a result of a labour management dispute at the Giant Yellowknife Mine in Yellowknife, owned by Royal Oak Mines Inc.

The additional services were initially characterized by the Force as falling within articles 8.2 and 8.3 of the Territorial Police Services Agreement now in effect. Under this approach, the additional police resources would be seen as falling within "an area of territorial responsibility". We wish to advise you that, on careful reflection, this characterization is clearly incorrect in fact and in law, and that you should consider the incremental costs associated with the request by "G" Division and supported by us as a matter wholly within an area of federal responsibility, the costs of which will be borne by Canada.

The strike which has given rise to "G" Division's request for additional resources is in relation to a gold mine falling within the legislative authority of Parliament under, among other laws, the Canada Mining Regulations.

More significantly, private sector labour relations in the Northwest Territories and Yukon is within the exclusive jurisdiction of Parliament under the Canada Labour Code. Parliament has retained from the two territories the authority to deal with industrial unrest and to promote labour peace.

Division VII of Part I of the Canada Labour Code, entitled "Promotion of Industrial Peace" is the basis upon which federal Labour Minister, the Honourable Marcel Danis has appointed a mediator who will commence discussions with labour and management on Saturday.

None of the legislative or administrative options open to provinces to deal with labour unrest are available to the Government of the Northwest Territories because of the federal responsibility throughout the field. For instance, our Government has recommended from the outset the withdrawal of contract replacement workers, which has likely been the immediate flash point requiring the additional policing resources. Were it not for the Canada Labour Code occupying the field, our Government could consider the sort of "anti-scab" legislation in place in Quebec and tabled in the Ontario legislature yesterday, and under review in British Columbia.

Apart from the labour management unrest, there would be no need for the additional policing resources involved. The RCMP "G" Division is fully capable with its normal resources to investigate and prosecute the few Criminal Code infractions so far involved in the strike. No additional resources are required to police the City itself. All additional resources are held in reserve solely for the purpose of promoting or maintaining the industrial peace which is within the exclusive legislative purview of Parliament.

We hope this will assist you in allocating the necessary federal policing financial resources to maintain the ongoing commitments deemed required by "G" Division and supported by us.

Yours truly,

Original Signed By  
**DENNIS PATTERSON**

Dennis Patterson

BICKERT/westermann

Solicitor General  
of Canada



Solliciteur g n ral  
du Canada

JUN 10 1992

The Honourable Dennis Patterson  
Minister of Justice and  
Safety and Public Services  
Government of the Northwest Territories  
5003-49th Street  
6th Floor, Laing Building  
Yellowknife, Northwest Territories  
X1A 2L9

MINISTER'S OFFICE	
Date Rec'd.	JUN 10 1992
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INITIALS / SIGN.	

Dear Mr. Patterson:

I acknowledge your letter of June 5, 1992, concerning responsibility for the costs of the emergency policing duties currently being performed by the Royal Canadian Mounted Police (RCMP) in connection with the labour/management dispute at the Giant Yellowknife Mine in Yellowknife.

As I understand your position, you would characterize this as an emergency in an area of federal responsibility, by virtue of what, in your view, is the federal jurisdiction over mining and private sector labour relations in the Northwest Territories. You conclude that the emergency policing costs incurred by the RCMP in connection with the dispute would be the sole responsibility of the federal government.

I must tell you that I do not accept that interpretation of the April 2, 1992 Territorial Police Service Agreement.

Your letter of May 24, 1992 to the Commissioner of the RCMP formally requested additional RCMP resources to deal with the labour dispute at the Giant Yellowknife Mine site. Your request specifically stated that it was made "pursuant to paragraph 8.3(a) of the Police Agreement."

That paragraph, as you know, deals with the circumstances where "in the opinion of the Minister, an emergency in an area of territorial responsibility exists or is likely to exist in the Territories." Paragraph 8.3(b) provides that, if the Commissioner transfers resources in response to the Minister's request, "the Territories" shall pay to Canada 100 per cent of all the costs of the increase...."

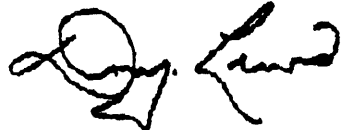
...2

This was the basis on which the additional RCMP resources were transferred to the Northwest Territories and it remains the basis upon which the RCMP continues to provide these additional resources until it is determined they are no longer required.

Briefly, then, emergency policing resources were made available on the basis of your request of May 24, 1992 and they will continue to be available to the Government of the Northwest Territories until you determine that additional resources are no longer required in connection with the dispute at the Giant Yellowknife Mine. In these circumstances, it is my position that the Government of the Northwest Territories will continue to incur the liabilities contemplated by paragraph 8.3(b) of the 1992 Territorial Police Service Agreement until you advise that RCMP emergency policing resources are no longer required.

I wish you every success in bringing this situation to an early conclusion.

Yours truly,

A handwritten signature in black ink, appearing to read "Doug Lewis". The signature is stylized and cursive.

The Hon. Doug Lewis, P.C., M.P.

2015-7  
JUN 24 1992

The Honourable Doug Lewis, P.C., M.P.  
Solicitor General for Canada  
340 LAURIER AVENUE WEST  
OTTAWA ON K1A 0P8

Dear Mr. Lewis:

I refer you to my letter of June 5 advising that the incremental costs of policing associated with the Royal Oak Mines Strike are the responsibility of the federal government.

I note that I have yet to receive a substantive reply, other than your letter of June 10 which simply refers to my earlier letter of May 24. Moreover, the R.C.M.P. "G" Division command has continued to request our support rather than yours for the presence of the tactical units and emergency response teams, first from Alberta and currently from British Columbia.

Our position remains firm that the extraordinary costs associated with this labour dispute are exclusively within an area of federal responsibility. As I advised you in my letter of June 5, that is the correct assessment in fact and in law, notwithstanding any earlier characterization. I refer you to my correspondence with your colleague the Honourable Marcel Danis, Minister of Labour, including the letter of today's date, a copy of which is enclosed.

I must respectfully reject your suggestion that it is our Government which must determine whether and to what extent the additional resources are required.

We are advised that a troop change is scheduled for Thursday, June 25, 1992. As in the past, the R.C.M.P. "G" Division has asked for our support for their assessment that the additional resources continue to be required. We maintain our position that the current and continued use of these additional resources is a matter of federal responsibility. In that context, we do not object to having the R.C.M.P. consult with us and request our support. However, in view of your stated refusal to accept the incremental costs in whole or in part as a federal responsibility, we regret that more explicit and urgent action on our part is necessary.

....2/

Accordingly, please be advised that effective midnight Wednesday, July 1 we direct that all additional police reinforcements be removed from the Northwest Territories, unless you have provided to us an express written acknowledgement that the incremental costs of policing resources associated with the labour dispute will be borne by the federal government.

In the absence of such written acknowledgement and to the extent, if any, that the policing contract applies, you must take this as the express opinion of myself as Minister of Justice that no emergency exists or continues to exist in an area of territorial responsibility.

We take this step fully aware of the considerations which motivated the R.C.M.P. "G" Division command to seek our support for additional resources in the first place, and confident that you and your colleague the Honourable Marcel Danis will take the appropriate steps in carrying out your responsibilities, and that you will notify those directly affected so that they may act accordingly.

Yours truly,

Original Signed By  
DENNIS PATTERSON

Dennis Patterson

Enclosure

c.c. The Honourable Marcel Danis  
Minister of Labour

The Honourable Tom Siddon  
Minister of Indian and Northern Affairs

BICKERT/marra



Solicitor General  
of Canada



Solliciteur général  
du Canada

RECEIVED  
JUN 26 1992  
DIRECTORATE  
DEPT. OF JUSTICE

The Honourable Dennis Patterson  
Minister of Justice and  
Safety and Public Services  
Government of the Northwest Territories  
P.O. Box 1320  
5003 - 49th Street  
6th Floor, Laing Building  
Yellowknife, Northwest Territories  
X1A 2L9

Dear Mr. Patterson:

Thank you for your letter of June 24, 1992, concerning the labour/management dispute at the Giant Mine in Yellowknife. I also acknowledge receipt of a copy of your letters of June 16 and June 24, 1992 to the Honourable Marcel Danis on the same subject.

I have taken note of your position that the Government of the Northwest Territories does not accept responsibility for the costs of the emergency policing services being provided by the Royal Canadian Mounted Police (RCMP) in connection with this dispute. I note also that you have restated the position taken in your letter to me of June 5, 1992, asserting that this is an emergency in an area of federal responsibility by virtue of the federal jurisdiction over labour relations in the Northwest Territories.

While I am very sympathetic to the situation in which the Government of the Northwest Territories finds itself, I cannot accept your characterization of the RCMP emergency policing services, which were deployed at your request, as being outside the terms of the April 2, 1992 Territorial Police Service Agreement.

With respect, it simply does not follow that, because the Canada Labour Code governs private sector labour relations in the Northwest Territories, the incremental policing costs associated with a labour dispute in the Territories become the responsibility of the federal government. The mere fact that the level of government responsible for policing a given geographic area, whether provincial, territorial or municipal, happens not

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- 2 -

to have legislative jurisdiction over labour relations, does not relieve that government of responsibility for preserving the peace, protecting life and property and preventing crimes and offences in the event of a labour dispute that threatens public safety.

I would remind you that, by virtue of the Northwest Territories Act (Canada), the territorial government is responsible for the administration of justice in the Territories, including policing. Pursuant to its authority under the RCMP Agreement Act (Northwest Territories), the territorial government has entered into a Territorial Police Service Agreement which sets out the terms and conditions for the provision and maintenance of the Territorial Police Service. The duties of the Territorial Police Service, as set out in Article 2.0 of the Agreement, include the preservation of the peace, the protection of life and property, and the prevention of crimes and offences against the laws of Canada and the Territories.

The emergency policing duties currently being performed by the RCMP in the Northwest Territories fall squarely within that description. There is nothing in this dispute that would permit the RCMP's role to be characterized as anything other than that appropriate to a provincial or territorial police service.

As I noted in my letter to you of June 10, 1992, emergency policing resources were made available on the basis of your request of May 24, 1992 and they will continue to be available to the Government of the Northwest Territories until it is determined that additional resources are no longer required in connection with the dispute at the Giant Mine. As contemplated by subarticle 8.3 of the 1992 Territorial Police Service Agreement, the Government of the Northwest Territories is responsible for 100 per cent of the costs of the emergency policing duties currently being performed by the RCMP in connection with the dispute at the Giant Mine.

In your letter of June 24, 1992, you have asked for a written acknowledgement that the incremental RCMP policing resources associated with the labour dispute will be borne by the federal government. If such an acknowledgement is not forthcoming, you advise that you will be directing the removal of the RCMP emergency policing resources effective midnight Wednesday, July 1, 1992. You also state your opinion as Minister of Justice that "no emergency exists or continues to exist in an area of territorial responsibility".

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- 3 -

You should proceed on the assumption that I will not be providing an acknowledgement of federal responsibility for the costs of the emergency policing services necessitated by the labour dispute at the Giant Mine. As I have stressed in this letter and in my letter of June 10, 1992, the Government of the Northwest Territories is responsible for territorial policing services, including emergency policing services.

You conclude your letter to me of June 24 by expressing your opinion as Minister of Justice that "no emergency exists or continues to exist in an area of territorial responsibility". It is clear from the context of your letter that your point is not that there is no emergency, but that such emergency as exists is not in an area of territorial responsibility.

The RCMP informs me that there is a continuing need for emergency policing services. In those circumstances, it would be totally irresponsible of both of us if this dialogue were to lead to a withdrawal of RCMP emergency policing services. I do not therefore intend to instruct the RCMP to withdraw its additional resources. The emergency policing resources should remain for as long as the emergency continues to exist.

It is our position that as long as the RCMP emergency policing resources remain, they are the responsibility of the Government of the Northwest Territories under the terms of the 1992 Territorial Police Service Agreement. Clearly, you hold a different view of the matter. I therefore propose that we find a mutually acceptable third party to assist us in resolving what is essentially a problem of interpretation, i.e., whether the incremental policing services necessitated by this labour dispute were deployed and maintained to address "an Emergency in an area of territorial responsibility", in the words of Article 8 of the 1992 Agreement.

I invite you to reconsider the position being taken by the Northwest Territories. In the interim, I continue to hope that this dispute will be brought to an early conclusion.

Yours truly,

A handwritten signature in black ink, appearing to read "DL" or similar initials, followed by the word "For" written in a cursive style.

Hon. Doug Lewis, P.C., M.P.

cc. The Honourable Marcel Danis  
The Honourable Thomas Siddon  
Commissioner N.D. Inkster



Northwest  
Territories Minister of Justice

JUN 30 1992

The Honourable Doug Lewis, P.C., M.P.  
Solicitor General for Canada  
340 LAURIER AVENUE WEST  
OTTAWA ON K1A 0P8

Dear Mr. Lewis:

Thank you for your letter of June 26, 1992, outlining your concerns with respect to the issue of policing costs associated with the Royal Oak Mines Strike at Yellowknife.

As noted in my earlier letter to you, dated June 24, 1992, it is still the position of the Government of the Northwest Territories that the extraordinary policing costs associated with this labour dispute are exclusively within areas of federal responsibility.

In your most recent letter, you argue that these emergency policing services fall within the parameters of Article 2.2 of the Territorial Police Service Agreement, because it requires those members who form part of the Territorial Police Service to "preserve the peace, protect life and property, prevent crime and offences against the laws of Canada and the Territories...". With respect, this is a somewhat circular argument: "emergency" is defined in Article 8.1 as meaning "an urgent and critical situation of a temporary nature . . . that requires additional police resources to maintain law and order, keep the peace or ensure the safety of persons, property or communities". The contract contemplates that an emergency as defined may exist in an area of federal responsibility, as is made abundantly clear by Article 8.5. Accordingly, the contract clearly contemplates circumstances in which it will be a federal policing responsibility to do precisely those things (ie. maintaining law and order, preserving the peace and ensuring the safety of persons and property) which the RCMP emergency resources are doing in the Royal Oak strike.

On the basis of your letter to me, dated June 10, 1992, you infer that these additional police resources for an emergency at the Royal Oak minesite were made available at my request to the

. . . /2

Commissioner of the R.C.M.P. until I determine that these additional members are no longer required.

I am now prepared to and do advise you and the Commissioner of the R.C.M.P., that in my opinion, an emergency at the Royal Oak minesite in the City of Yellowknife no longer exists. Because of the perceived reduced violence on the picket lines and the fact that the labour dispute while no longer constituting an emergency, could be protracted over the next several months, I am informing the Commanding Officer of "G" Division, by way of a copy of this letter, that it is my view that an emergency no longer exists in the Northwest Territories in an area of either federal or territorial responsibility and that the additional police reinforcements are to be removed from this jurisdiction by July 6, 1992. You should be aware that if any additional R.C.M.P. support remains in the Northwest Territories beyond this date, it will be as a result of mutual agreement between the Commanding Officer of "G" Division, the Commissioner of the R.C.M.P. and the Solicitor General for Canada, and not with the agreement of the Government of the Northwest Territories.

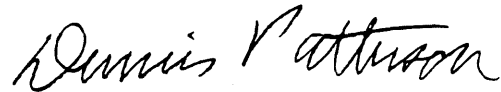
Since it is not anticipated that this strike will be settled in the short term, it is critical that the mining company be made aware that it is up to the company to provide adequate security measures on their property, and not rely on the R.C.M.P. to carry out these responsibilities at the minesite. It is also likely that the company can continue to collect relevant evidence on the picket lines, if required, if they intend to bring civil proceedings against strikers who are not complying with the injunction orders issued by the Supreme Court.

With respect to your proposal to place the question of which jurisdiction should bear these extraordinary policing costs for this labour dispute before a mediator or arbitrator, I will be seeking direction from Cabinet shortly concerning the possibility of a third party helping us resolve this issue. I will be advising you shortly of Cabinet's response to this proposal and identifying possible terms of reference for a mediator or arbitrator in an attempt to resolve the issue of costs for these emergency policing services.

In the event that we are unable to find a mutually acceptable third party to assist us in resolving the impasse, we always have the option of placing a question before the Supreme Court of the Northwest Territories pursuant to the Legal Questions Act for its opinion. In this way we could invite interventions from all other contracting parties who might have an interest in

determining whether there are other areas of federal responsibility for certain emergencies which have heretofore remained unexplored.

Yours truly,

A handwritten signature in cursive script that reads "Dennis Patterson".

Dennis Patterson

cc: The Honourable Marcel Danis  
The Honourable Thomas Siddon  
Commissioner N.D. Inkster

Minister of Indian Affairs  
and Northern Development



Ministre des Affaires  
indiennes et du Nord

RECEIVED  
JUL 09 1992  
DIRECTORATE  
DEPT OF JUSTICE

JUL - 2 1992

Ms. Nellie J. Cournoyea  
Government Leader  
Government of the Northwest Territories  
P.O. Box 1320  
YELLOWKNIFE, Northwest Territories  
X1A 2L9

PREMIER RECEIVED
Send to <u>Justice</u>
RESPOND
For Premier's Sign. _____
Directly & C.C. _____
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File <input checked="" type="checkbox"/> B.F. <u>8</u>

Dear Ms. Cournoyea:

Thank you for your letter of June 4, 1992 regarding the extra policing costs being borne by the Government of the Northwest Territories (GNWT) as a result of the ongoing labour dispute at the Giant Yellowknife Mine.

It is regrettable that these incidents are adding to the fiscal burden of the GNWT at a time when you are taking steps to control expenditures. Nevertheless, I do not view these extra policing costs as arising out of a federal initiative or an unforeseen event which would create new responsibilities for the territories. The action of both governments in reacting to these events would not warrant an increase in federal payments to the GNWT.

I am assured that the federal Minister of Labour and the Solicitor General of Canada are doing their utmost to minimize the costs of human and financial resources in this dispute.

Yours sincerely,

Tom Siddon, P.C., M.P.

c.c.: The Honourable Doug Lewis, P.C., Q.C., M.P.  
c.c.: The Honourable Marcel Danis, P.C., M.P.

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Royal Canadian Mounted Police



Gendarmerie royale du Canada

N.D. Inkster

Commissioner Le Commissaire

July 3, 1992

The Honourable Dennis Patterson  
Minister of Justice  
Government of the Northwest Territories  
P.O. Box 1320  
Yellowknife, Northwest Territories  
X1A 2L9

Dear Mr. Patterson:

I wish to respond to your letter of June 30, 1992, to Solicitor General Doug Lewis, a copy of which was forwarded to me.

I am very concerned with your perception that there is no longer an emergency situation at the Royal Oak mine site in the City of Yellowknife. As your principal advisor for policing matters in the Northwest Territories, I must advise you that your appreciation of the current situation at the Royal Oak mine is not accurate. It is the RCMP assessment that there remains a considerable and continuing risk in relation to public order and security including the physical security of RCMP territorial members. I do agree with you that the emergency situation has diminished somewhat in its intensity, but it has not disappeared.

A complete assessment of the operational resource needs of "G" Division has been completed by the Commanding Officer of "G" Division. This assessment included the weighing of such factors as the size of the division and the availability of the reinforcements; continued threats to destroy property including storage areas for "heavy metal water" and "arsenic" together with the overall potential for continued violent confrontations. It is his view that while considerable risk continues in relation to life and property, we can reduce the resources required from outside divisions from 58 to approximately 21 specialised support personnel including: Emergency Response Team (ERT), members trained to dispose of chemical agents, Special "I" and two Police Service dogs with handlers.

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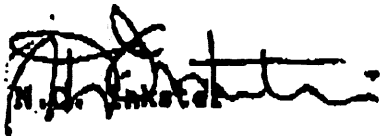
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① It is therefore my judgement that to remove all the supplementary RCMP members from the Royal Oak mine site would clearly endanger the public and reduce the standard of policing necessary to respond to the emergency at the Royal Oak mine below an acceptable level.

② I will be immediately consulting with the Solicitor General of Canada to seek his authority for the deployment of additional resources from the other RCMP contract jurisdictions to assist the RCMP Territorial Policing Service of the NWT. The level of additional resources required has, as I understand it, already been communicated to you by senior RCMP officers in the NWT.

Sincerely,

  
N. G. Inkster

July 6, 1992

JH

Commissioner N.D. Inkster  
Royal Canadian Mounted Police  
1200 Vanier Parkway  
Ottawa, Ontario  
K1A 0R2

Dear Commissioner Inkster:

I hasten to reply to your letter of July 3rd, 1992.

In the RCMP contract Emergency is defined as an urgent and critical situation of a temporary nature. The current situation with respect to the Giant Mine strike does not come within this definition.

Events and developments of the last 4 weeks have seen:

- 1) Royal Oak has established a working operation that has effectively accommodated or allowed for the difficulties caused by the picket line;
- 2) Royal Oak continues to maintain a security force which presumably can be increased and supplemented by Company decision depending on circumstances and future concerns that the company may have as to safety of its personnel and property;
- 3) Approximately 40 persons are before the courts for charges under the Criminal Code of Canada as a result of RCMP investigation;
- 4) Approximately 40 persons are before the courts for contempt charges under the Civil injunction as a result of Royal Oak investigation and motion;
- 5) Royal Oak continues to enjoy the ability to gather evidence and to initiate contempt citations;
- 6) There have been no meetings or negotiations between the Company and the Union, with or without the Mediator.

All the facts and evidence indicate that the parties are stalemated and at an impasse that has the potential of becoming the status quo for weeks and months ahead.

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In any strike, particularly when replacement workers are used, there is always the possibility of future violence flaring up from time to time. However, it is my judgement, based upon current information and circumstances, that the possibility of violence has diminished below the criteria contemplated under the RCMP contract for either federal or provincial jurisdictions or responsibilities. I have had an opportunity to be briefed by the Superintendent of RCMP "G" Division as to his assessment of the situation, to which assessment you refer in your letter. With respect, I do not agree with the current RCMP assessment.

It is my considered opinion that the dynamics of the strike situation have changed sufficiently that police action should no longer be preventive in nature but should be restricted to being responsive and reactive. If there are future incidents then the RCMP should investigate these incidents in the usual way.

In short, the current situation is neither temporary, urgent or critical. Accordingly, there should be a normalization of the police presence in Yellowknife and a realistic acknowledgment of the practical limits of the policing response to crime.

With great respect, this is not a matter where the Commissioner of the RCMP can exercise his judgement to continue the extra policing presence without sanction by a civilian authority. I am sure you will agree that neither the RCMP contract nor the current law allows the RCMP Commissioner to impose his judgement in matters of this kind over the judgement of the lawfully constituted civilian authority. Accordingly, I maintain my insistence that you withdraw the RCMP special support personnel by July 6th, 1992. Failure to do so will represent an acknowledge that the only other civilian authority to whom you are accountable, namely the Solicitor General for Canada, has purported to exercise that authority in the circumstances of this case, with financial consequences for Canada.

Yours Sincerely

Original Signed By  
DENNIS PATTERSON

Dennis Patterson

C.B.



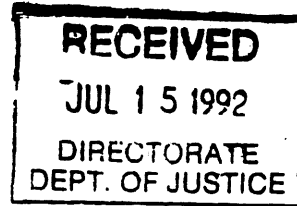


Royal  
Canadian  
Mounted  
Police

Gendarmerie  
royale  
du  
Canada

Commanding  
Officer

Commandant  
divisionnaire



July 15, 1992

File # 92-3851

Mr. Geoff Bickert  
Deputy Minister  
Department of Justice  
Government of the N.W.T.  
Yellowknife, N.W.T.  
X1A 2L9

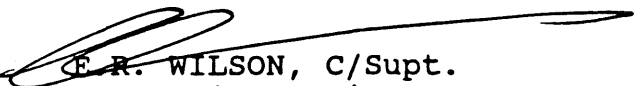
Dear Mr. Bickert:

**RE: EMERGENCY POLICING - LABOUR DISPUTE**

As of this date, it is my opinion that an emergency, as defined in Article 8.1 of the Territorial Policing Agreement, no longer exists in relation to the labour dispute at Royal Oak Mines in Yellowknife. Consequently, as of 8:00 p.m. this evening, all additional policing resources from outside "G" Division will have departed Yellowknife, N.W.T. While we continue to have concerns in relation to violence and public order at the mine site, we are of the opinion that we can now address these matters with Divisional resources.

My staff and I will continue to keep you and the Minister fully briefed on all aspects of this issue, and we are prepared to meet at any time at your convenience.

Yours truly,

  
E. R. WILSON, C/Supt.  
Commanding Officer  
"G" Division

Canada

Royal Canadian Mounted Police



Gendarmerie royale du Canada

XC: Louise D. Matthews  
↳ J. Calmow + file ✓ew

3015-3

N.D. Inkster

Commissioner Le Commissaire

REVIEWED  
  
pm July 20

<b>Minister KAKFWI</b>	
Rec'd:	JUL 21 1992
Log #:	3766
Ack: yes	07/21/92
XC to: AB	07/21/92
Brief. Req'd:	
Resp. Req'd:	
Info Item:	✓
OTHER:	mm
BF:	
File #:	Repeal C&K

July 16, 1992

The Honourable Stephen Kakfwi  
Minister of Justice  
Government of the Northwest Territories  
P.O. Box 1320  
Yellowknife, Northwest Territories  
X1A 2L9

Dear Mr. Kakfwi:

I acknowledge receipt of your predecessor's letter of July 6, 1992, concerning the general strike and lockout at the Giant Mine near Yellowknife, Northwest Territories.

RECEIVED  
JUL 22 1992  
DIRECTORATE  
DEPT. OF JUSTICE

I have received updates of the situation on an ongoing basis from the Commanding Officer of "G" Division. I am advised that it is now relatively quiet, and after consultation between your senior government officials and RCMP officers in Yellowknife, it is my assessment that the standard of policing will be at an acceptable level with "G" Division's current establishment. The RCMP will, therefore, be able to dispense with the supplementary resources effective July 15, 1992.

The RCMP will continue to monitor the situation closely and keep your officials briefed on the situation and should it deteriorate again, appropriate measures will be taken depending on the assessment and action requested at that time.

I trust the above action is satisfactory.

Sincerely,

N.D. Inkster

