



## *Silicosis victim vindicated after 27 years*

By Frank Dobrovnik

May 10<sup>th</sup> 2011

They say good things come to those who wait. Margaret Gardner waited more than a quarter-century for her husband Bill's death to be recognized as an occupational illness — not a good thing, but the right thing, says Margaret, now 84.

"I'm glad it's settled, naturally, but I am more-so happy for the fact that my husband is exonerated. That's what upset me more than anything else," she said in an interview Tuesday from her new home in Chatham, Ont.

Bill Gardner died on March 15, 1983, after more than three decades as a bricklayer in Algoma Steel's infamous coke ovens, at age 61. The Workplace Safety and Insurance Board only last November consented that cause of death was silicosis, a work-related disease caused by inhaling crystalline silica that the Workplace Safety and Insurance Act has recognized since 1926.

WSIB denied his widow survivor's benefits, based on a report that his thoracic surgeon wrote six days after his death saying he had "been a heavy smoker all his life" — a charge the family vehemently denies — and found "no evidence of silicosis."

When the family appealed the decision, WSIB appointed its own chest disease consultant to analyze samples of Gardner's lung tissue. He found a combination of adenocarcinoma (the most common type of lung cancer), mild emphysema and silicosis.

Despite this, an appeals board upheld the original decision in 1986, and the file appeared dormant.

Until recent years. Andy LaDouceur, WSIB committee representative for United Steelworkers Local 2251, inherited the file in March 2008 and shortly after WSIB told him there were no further avenues for appeal, but "there was no barrier to establishing a new claim."

Rebooting the file appeared to change the focus of the board from the original assessment of smoking-induced lung cancer to silicosis, LaDouceur said.

"When they focused on the fact he had silicosis and definitely had silica exposure, it definitely became apparent that the claim could be allowed."

He was always confident the claim would be approved, "in compliance with legislation," he said. "In my mind, it was fairly clear. Maybe because of the way it was (initially) dealt with, with the focus on lung cancer and asbestos exposure, it seemed to get off-track ... Although it took some time, it was finally resolved. I couldn't see any other way for it to go."

Jean Coulson, one of the Gardners' three children, wasn't so sure. Jean, who brought her "mum" in to live with her more than 15 years ago to save costs, says she tried to keep her worry to herself, but it wasn't always easy.



"I didn't say anything to my family members, because otherwise you'd be thinking about it all the time. It would only upset my mum," she said. "We knew the truth but it was so hard to get there."

And "if it hadn't been for Andy, we wouldn't have got there ... He's our hero," she added.

She also credited The Sault Star for publishing an extensive front-page feature about their plight in September 2009.

Last November, LaDouceur called Jean to tell her WSIB had accepted Margaret's claim. Unfortunately, Margaret was unconscious, recovering in hospital from shoulder surgery.

"I wanted to run down the hall and slap her until she woke up so I could tell her," she recalled.

Cooler heads prevailed and they waited for Margaret to wake up. When she did, Jean put LaDouceur on the phone to her mother.

"I always told him if the claim is approved, it's because of you and you get to tell her."

With the retroactive proceeds, Margaret was able to buy a little house for her and Jean and live "what life is left to me" in relative comfort. "I'm comfortable now where I couldn't do anything for 27 and three-quarter years because my income was next to nothing. We lived that life, and we lived it quietly and we got through it."