

A HISTORY OF OCCUPATIONAL HEALTH AND
SAFETY IN NOVA SCOTIA'S OFFSHORE
FISHERY 1915-1985

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fulfillment of the Requirements for Masters of Arts
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ABSTRACT

A HISTORY OF OCCUPATIONAL HEALTH AND SAFETY IN NOVA SCOTIA'S
OFFSHORE FISHERY 1915-1985 by Fred Winsor, September, 1987.

This work examines the history of occupational health and safety in the offshore fishing industry in Nova Scotia from 1915 to 1985. The year 1915 is significant as the year in which the second Workmen's Compensation Act was passed in Nova Scotia, under which coverage was extended to offshore fishermen for the first time. The thesis examines the "August Gales" of 1926 and 1927 in terms of the effect it had on health and safety legislation. The impact of both the schooner fleet and the trawler fleet on health and safety are compared, as are the working conditions on these different types of fish-harvesting technologies. The decline of the schooner fleet and subsequent rise of the offshore trawler fleet led to different problems, especially with the attempts by the companies to retain the social relations of production that had existed in the schooner fishery. Throughout this thesis, the role of the state both on a provincial and federal level either as an ally to capital or as an abdicator of responsibility is examined.

TABLE OF CONTENTS

INTRODUCTION

CHAPTER I.....FISHERMEN UNDER WORKMEN'S COMPENSATION 1915-1926

CHAPTER II.....THE CRISIS OF 1926-1927

CHAPTER III.....THE PRIVATIZATION OF WORKMEN'S COMPENSATION FOR OFFSHORE FISHERMEN

CHAPTER IV.....FISHERY MODERNIZATION AND THE PRIVATE COMPENSATION PROGRAM

CHAPTER V.....THE ACHIEVEMENT OF A PUBLIC WORKER'S COMPENSATION PROGRAM FOR FISHERMEN 1971-1985

CONCLUSION

BIBLIOGRAPHY

INTRODUCTION

The fishing industry on the East Coast of Canada has been the subject of many studies and inquiries. While many of these studies have examined fishing methods and fisheries policies, none has examined the actual working conditions of fishermen in historical context. Whether this is reflective of a particular bias of these individual writers or limitations of their background and training is not clear. What became clear to this writer at an early point of this research was the realization that no historical examination of the occupational health and safety conditions of offshore fishermen had been completed. This may appear to be unusual to the uninitiated outsider, given that fishing is Canada's oldest industry. Workers in other industries, such as mining, various types of manufacturing, etc., have been studied extensively in terms of their health and safety conditions and the history of those conditions. Such has not been the case of the fishing industry. Previous to 1978, it appears there were no studies on health and safety in the fishery.

The history of technological change in the fishing industry has also lacked any close examination. The position adopted in this work has been to take occupational health and safety of offshore fishermen as the main theme and examine the historical events in the context of this stance. The date chosen for the commencement of the study, 1915, is the time when the second Workmen's Compensation Act was passed in Nova Scotia and the first time that offshore fishermen were included under the Act.

The term "offshore fisherman" in this study refers to those fishermen

employed on the salt bank dory schooners that were initially developed and primarily based in the county and the town of Lunenburg, and to those fishermen employed on the deep sea trawler fleet, those wood or steel motor driven vessels that have fished year round off the coast of Nova Scotia for most of this century. In Nova Scotia this has represented the large "industrial" fishery. The workers employed on these vessels for the harvesting of large volumes of fish are industrial workers and have been considered as such under the Worker's Compensation Act since 1915. The Worker's Compensation Act is used as a indicator throughout this thesis to reflect the status of these fishermen in the eyes of the state and the society. Consequently, the more increased the role of the state in regulating the health and safety conditions in the industry the greater the importance was placed on the fishermen's contribution to society.

The economic relations between the fishermen and the fish companies are further indicators of the health and safety conditions on the offshore vessels. The history of economic conditions in the fishery has been a history of state-supported paternalism by the companies over the fishermen. Attempts at unionization have been pivotal points in the industry. When faced with a choice of opting for another model of development in which the needs of all participants in the industry would be represented, the government and the fish companies have allied with each other to keep out any representation by fishermen. This maintenance of the status quo has had the effect of retarding the development of the industry and permitting others to gain a more secure position on the international market.

The status of the health and safety conditions in many ways reflects the stage of maturity an industry has reached. What is witnessed in this work is

how the efforts to prevent this industry from reaching its mature stage
hindered not only health and safety but the overall development of the
industry.

CHAPTER ONE

FISHERMEN UNDER WORKMEN'S COMPENSATION 1915-1926

The struggle for occupational health and safety in the offshore fishing fleet cannot be understood apart from its historical and economic context. Workers'

Compensation was the central focus of health and safety issues in fishing, and brought together the workers' struggle for a safer work environment, the interests of vessel owners, and the government's belated recognition that something had to be done about dangers to health and safety in the fishing industry. The attainment of worker's compensation is one of the components in this process that indicates recognition by governments that the conditions of employment are such that measures need to be implemented to pay for injuries incurred while on the job and to encourage employers to develop safer working environments.

Offshore fishermen were first placed under the Workmen's Compensation Act of Nova Scotia in 1915. This chapter will examine the economic history of the fishing industry to 1915, the conditions under which fishermen had to work, and the operations of the Workmen's Compensation Act.

The economic history of the fishing industry in the century before 1915 was characterized by uneven development which took the specific form of unequal exchange between the fish buyer and the fisherman. Credit was advanced to the fisherman by the merchant to maintain the fisherman and his family over the winter. In return the fisherman had to sell the merchant all of his fish at a price determined by the merchant.¹ The merchant also determined the prices that he charged the fisherman for the supplies advanced over the

winter months. The resulting economic relationship, which has been termed the "truck" system, allowed the fish merchant to wield far more power than that wielded by capitalists in modern buyer-seller relationships.²

In her account of a famous Newfoundland sealing disaster, Death on the Ice, Cassie Brown describes the truck system in relating the conditions experienced by the sealers in Newfoundland when going to the seal hunt aboard vessels owned by the large fish merchants of Newfoundland. The merchant families of St. John's, who had first made their money from fish and seals, extended their grasp to steamship lines and to export/import links with as many as fifteen foreign countries, and other activities:

"They ran the fisheries, the shipping lines, the seal hunt; it seemed that every time money changed hands on the island it rolled inevitably into their tills. Not that money did change hands very often; the St. John's merchants controlled all of the communities outside the town through the outport merchants who bought on credit and sold on credit, perpetuating the system that held fishermen in bondage. It was as if the entire island was a "company town" and every store a company store with the men of Water Street quite content to keep things that way."³

The wealthy merchants reaped the social privileges derived from this monopolistic position, the fishermen's children were denied adequate schooling, went fishing in open boats at the age of ten, and at fourteen were men who knew they could expect nothing but unceasing labour and bitter poverty.

"If the spring and summer fishery had been fruitful, the merchant decided on the price he would pay for the fish, wiped the debt off his ledger and granted the fishermen the privilege of remaining on his books. If the harvest had been really bountiful and there was actual cash due to come

3

to the fishermen, they were often persuaded to let it remain on the books on the credit side of the ledger. The merchant then sold the fish to the fish-hungry countries overseas at enormous profits and the money rolled in.

That was the system. The fishery brought greater wealth to the wealthy and a bare existence to the masses." ⁴

While Cassie Brown speaks of the "truck system" only in relation to Newfoundland and the seal fishery, these conditions were not peculiar to Newfoundland. As Hughes and Ommer have shown a similar structure operated in the fishing industry in the Maritimes under the Jersey merchants, the most prominent of whom was Charles Robin and Company which later became Robin, Jones and Whitman Company Limited.⁵

Since fish merchants wielded such power in the community, they were able to assert wide ranging control over community life. This paternalism in turn legitimized and reinforced the economic structures which called it into being and impeded any change towards a structure reflecting the interests of fishermen and the workers.

The offshore fishing industry in Nova Scotia in 1915 was comprised mainly of two sectors: the "side" or "beam" trawlers (as they were commonly known at the time) which operated out of various ports (mainly Halifax, Canso, Louisbourg, Port Hawkesbury, and North Sydney) and the schooner fleet, which operated primarily out of Lunenburg. The "side" or "beam" trawlers had first come to Canada in the 1890's. The first two - the "Active" and the "Wren", both constructed in Britain - proved to be unsuitable for fishing on Canada's East Coast. The early 1900's were marked by a succession of trawlers constructed in Europe working under charter to East Coast fishing companies.

The "Magnetic", a French side trawler fished out of Paspébiac, P.Q. between 1905-10, as did the "Coquet" in 1910-11. The "Cambodia" fished out of Canso in 1911. In 1912 the "Carmania", the "General Gordon" and the "Earl Hereford" all British trawlers, fished out of ports in Nova Scotia. By 1917 these vessels, along with the "Caulonia", the "St. Leonard", both British trawlers, the "Baliene" another French trawler, the "Andromache" an Irish trawler, the "Triumph" and the "Ran", both Icelandic trawlers, the "Orontes" and finally the "Rayon D'Or", had all attempted to prosecute the offshore fishery on the East Coast of Canada.

Of these, the "Triumph" was the most successful until it was captured and sunk by a German U boat on the Grand Banks in 1917. The other successful trawler was the Rayon D'Or (pronounced ran-door) which fished primarily out of Canso and was to remain in Nova Scotia until the early 1940's.

These "side" or "beam" trawlers fished throughout the year for the larger fish plants that existed in these centres. These plants were involved in processing fresh, salt, and later frozen - fish products. To maintain their markets they needed a year round supply of fish, particularly for the fresh and frozen markets. The steam-driven side trawlers were not as dependent on the weather and were more seaworthy than other vessels engaged in the fishing industry at this time. They had the ability to fish all year round, thus guaranteeing a supply of the raw material.

The second sector, the schooner fleet, had developed in and around Lunenburg County during the latter part of the nineteenth century as a way of prosecuting the salt cod fishery on the offshore banks more efficiently. This fishery started in the early 1860's, and by the mid 1870's it had spread to the

5.
Grand Banks and the Labrador fishery. Ruth Fulton Grant in The Canadian Atlantic Fishery describes the development of the schooner fishery,

"A change in technique from the method known as hand-lining from the decks of schooners, to the under-running of method of trawl fishing from dories was introduced about this time (1860's), and resulted in an improvement in the average catch per vessel. The subsequent expansion of the Lunenburg Grand Bank fishery has been attributed to this innovation. Immediately following the seventies Lunenburg assumed a dominant position in the cod fishery of the province."⁶

By 1915 the schooner fleet and the salt fish industry were fast approaching a peak in fish prices that would never again be attained. With World War One in progress, saltfish production in Norway was diverted to Britain and to Europe. The British fishing fleet was mobilized as part of the war effort. The markets to which these countries historically sold their fish (Cuba, the West Indies, and Brazil) were open and looked to Canada and Newfoundland for a supply.⁷ Consequently the period from 1915 to 1919, was extremely successful for the Lunenburg schooner fleet. A record number of vessels (158 in 1915) prosecuted the fishery during this time, and received an average of \$10.30 a quintal for salt cod.⁸

Despite this encouraging performance two serious limitations confronted the schooner fleet. The first was its seasonality. The schooner fleet did not fish all year round. This was simply because of the technology employed by the schooners did not permit fishing during the winter months. The wind-driven schooners were not as seaworthy in a storm as steam or motor driven vessels able to head into the wind for better stability. The second limitation was the product itself. At this time the market supplied by the schooners was very

specifically a salt cod market. Since the vessels were at sea for weeks, and sometimes months, at a time the fish had to be salted and few if any were landed fresh. This fact placed the schooner fleet at the mercy of international economic trends which were increasingly unfavorable and ultimately condemned the schooner to obsolescence.

Worker's Compensation and Health and Safety on Offshore Fishing Vessels.

Attempts to improve the health and safety of offshore fishermen before 1915 were part of the overall attempt to make travel on the ocean safer for everyone. In Nova Scotia, Humane Stations, as they were known, were erected by the Government of Nova Scotia in the first half of the nineteenth century, the first being located on Sable Island in 1802. Three fisheries patrol and rescue schooners ("La Canadienne", the "Daring" and the "Kingfisher") were employed in the Gulf of St. Lawrence and on the Atlantic Coast in the third quarter of the nineteenth century. After Confederation, the Federal Government established smaller life-boat stations in addition to the Humane Stations on the East Coast to aid in search and rescue operations. In 1914 there were sixteen of these life boat stations, five Humane Stations, and one light ship along the coast of Nova Scotia, as well as approximately one thousand navigation lights, fog horns, buoys, and other navigational aids. Such navigational aids were not directed at fishermen per se, but towards all passenger, cargo, or fishing vessels.⁹

Health and safety on board an offshore fishing vessel was another matter entirely. The fisherman was in a dependent position in his relationship to the vessel owner. The skipper of the vessel during this time held more power than a foreman on the shop floor. Any attempt to question his judgement or

challenge his authority could be viewed as mutiny - a very serious crime. Only two programs offered assistance to offshore fishermen. There was first the Sick Mariners Fund, a hospitalization plan administered by the Federal Department of Marine and Fisheries. The Sick Mariners Fund had been taken over by the Federal Government at the time of Confederation. Previous to this, it had been a fund established to provide medical care for injured sailors. It had originally been funded by a tax placed on mainly cargo vessels based on the tonnage of the vessels.¹⁰ The money from this levy would serve as the basis for a hospitalization fund for Canadian fishermen who would also make their own contributions to the fund. The second was the Lunenburg Fishermen's Benefit Association, a private compensation plan open to fishermen resident in Lunenburg County¹¹ and similar to other relief associations in other industries. Vessels, captains and crew members could join this voluntary organization with the rates set at \$10.00 per vessel, \$2.00 per captain, and \$1.00 per crew member. Of the 2700 fishermen in Lunenburg County eligible to join the association in 1915 only 1400 had signed up.¹²

European workers had successfully demanded workmen's compensation programs at the turn of the century; in North America such workmen's compensation programs did not gain general favour until the period after 1910. Before this time as, James Weinstein suggests in The Corporate Ideal in the Liberal State,

"Until the end of the first decade of the new century the law in almost every (U.S.) state was based on judicial decisions made in pre-industrial England and the U.S. A worker killed or injured at work had recourse to damages only through the courts. Even after expensive and drawn out litigation his chances of recovery or those of his heirs were slight. The

defenses available to the employer were such that only an estimated fifteen percent of the injured employees ever recovered damages, even though seventy percent of industrial accidents were estimated to be the result of the nature of the work or of employer negligence."¹³

The first attempts to gain a universal compensation program for working people in Nova Scotia occurred during the first ten years of this century. The leader of the fight for workmen's compensation was John T. Joy, president of the Longshoremen's Union in Halifax. Through his efforts and a vigorous political campaign by labour, and with the support of Dr. Kendall, a maverick Liberal Member of the Legislative Assembly from Cape Breton and an advocate of the compulsory recognition of trade unions, the first Workmen's Compensation Act became law in 1911.¹⁴ Although a significant breakthrough for labour, this legislation was noteworthy more for excluding various workers from compensation than for its effectiveness. The most notable groups excluded were the coal and steel workers, but other industries were exempted if they were designated "seasonal" and workers could also opt out if they had a better plan through "relief societies" functioning in certain industries. Following the lead of Ontario, where the Meredith Commission prompted the passing of the Workmen's Compensation Act of Ontario in 1914,¹⁵ Nova Scotia brought in a new Workmen's Compensation Act in 1915.

Thus the state, responding to demands placed on it by working people during the period 1900-1920, had introduced compensation for workers injured on the job in 1911 and had extended the scope of this scheme in 1915 to include workers from all types of industrial occupations, whether unionized or not.

The offshore fishermen were, however, not included in this general scheme. Under Section Three of the 1915 act, fishermen were included as were most other industrial workers. But fishermen did not actually begin to receive coverage under the act until 1920. The offshore fishermen in Lunenburg County had set up their own Lunenburg Fishermen's Relief Association in 1913, which was similar to relief societies that had been set up in other industries previous to the Workmen's Compensation Act of 1915. (This association remained in operation until 1920 when it was replaced by the Workmen's Compensation Board.¹⁶) This private scheme, while demonstrating that compensation for fishermen was on the agenda, also may conceivably have diminished the drive for compensation for offshore fishermen.¹⁷ Another important factor was the location of the fishermen's place of work. It was not in Nova Scotia per se; it was not usually even within Canada's three mile territorial sea. As a result, not only fishermen but also deckhands employed on coastal freighting schooners that travelled the coast to the other Maritime Provinces and Newfoundland, were not employees who were working in Nova Scotia. This question of jurisdiction was the key to the delay between the formal inclusion of offshore fishermen in the Workmen's Compensation in 1915 and their de facto exclusion.

It is easier to say why they were excluded than to explain their eventual inclusion in 1919. In May, 1919, Nova Scotia passed an amendment to the Workmen's Compensation Act, to become effective January 1, 1920. To get around the failing in the act the Province of Nova Scotia passed an amendment in May of 1919 to become effective January 1, 1920. The amendment which became Section 8 (8,a) of the act set out an employers' covenant with the workman and an employee's covenant with the employer.¹⁸ This permitted the

jurisdiction of the act to be carried beyond the borders of the province to wherever the employer and the employee were covered by this covenant. After four years, fishermen were finally made eligible for benefits under the Act. A number of factors contributed to this surprising development. Although the unorganized offshore fishermen do not appear to have fought themselves to gain this victory, they were the beneficiaries of the labour revolt which swept Canada in 1919, and which brought with it radical new demands for legislation to protect workers, including workmen's compensation. Part of the great labour upsurge had touched fishermen of the Gloucester fleet who had gone on strike in July of 1919, and activists from Gloucester had been in touch with fishermen in Yarmouth.¹⁹ An additional factor may well have been the influence of John Joy.²⁰ His previous position as the head of the Longshoremen's Union would have put him in touch with sailors who worked on the trading schooners that travelled the coasts of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland. These sailors were in the same position as the offshore fishermen with regard to eligibility for compensation, because legally they were not employed in the province of Nova Scotia. It is suggestive that when the amendment was passed in 1919 it included both offshore fishermen and sailors who worked on these coastal trading schooners.

Finally, the fishermen, since they did not have an effective lobby to represent their interests, were unable to present a view of compensation that could counterbalance the interests of their employers. Union drives had been thwarted early in the century with the passage of legislation by the provincial government in 1905 establishing the Fishermen's Union of Nova Scotia, a union in name only.²¹ In 1915, when the trade union movement in Canada as well as

Nova Scotia was succeeding in its drive for Workmen's Compensation for all industrial workers, fishermen on the East Coast, although part of Canada's oldest industry, were not unionized and the attempts to unionize them had been minimal and unsuccessful. The impact of this failure to unionize was to be serious indeed as future events would demonstrate.

LIFE ABOARD OFFSHORE FISHING VESSELS

Fishermen who worked offshore during the early part of the twentieth century usually worked aboard one of two types of vessels, a dory schooner or a side or "beam" trawler. Dory-schooners were 130-140 foot wooden sailing vessels with a crew of between 20-25. They usually carried six to eight "dories", small wooden boats approximately 16-18 ft. long. These dories put out from the schooner each day with one man or two men in a dory.²² The fishermen would fish "trawls", long lines of baited hooks, and while waiting for the fish to come on the trawls would also "jig" for cod. After the cod was caught, it was brought back to the schooner where it was gutted and split on the deck of the schooner, then salted in the hold. Conditions on schooners were primitive. Living and working on a schooner as a dory fishermen meant sharing a very confined space for up to three or four months at a time with twenty to twenty-five other men. The limited space aboard the vessel meant that crew members could only have one spare change of clothes with them for the duration of the voyage. The lack of storage facilities made it impossible to use any of the fresh water aboard for washing either oneself or one's clothes. All fresh water was required for cooking and drinking purposes.²³ Trawling or handlining for cod in a dory left fishermen at the mercy of unexpected storms and cold, rainy weather. Fire-fighting and life-saving

equipment on the schooners themselves was unavailable. If there were a fire on the vessel, the crew did what it could by throwing water on it, and if this proved unsuccessful, they abandoned ship in the dories and hoped for the best.

Working conditions on the trawlers were somewhat less severe. The side or "beam" trawler - the equivalent of the present day side trawler - was usually a steel-hulled, steam - powered vessel of British construction. It towed a net that was held open by two "doors". This type of gear was originally known as a "beam" trawl but had been modified for efficiency to become an "otter trawl" [see diagrams D.1 and D.2].²⁴ The net of the otter trawl would be set out usually over the starboard (ie. right hand) side of the fishing vessel, while the vessel steamed port side to the wind. After the net was played out, the doors were let down, and the two warps - wire ropes or cables attached to the wings of the net - were let out at a distance that would permit the net to be towed along the bottom. After about two hours the net would be hauled back using the huge winches on board to haul in the ground warps.²⁵ Then two crew members had to knock the pin out of the towing block which held the ground warps together near the aft gallows. Once this pin was removed the "doors" of the trawl were hauled up and the net was then hauled aboard by hand until the wings and belly of the net were on board. Then a strap was placed around the funnel shaped end of the net known as the "cod end", and a hook known as a "jilson" was placed through the strap and winched aboard with the cod end. The knot in the cod end was then untied, and the fish dumped in the fish pens on board the deck of the trawler. The knot in the cod end was then retied and the net reset over the side.

This whole procedure of hauling the trawl was done while the vessel was

side on to the wind with the port side (left side) of the vessel in the wind and the starboard side in the lee [see diagram D.3].²⁶ In calm weather this worked very well, but in stormy weather, or when there was a considerable "swell" on, working out on deck, and hauling back the trawl could be quite dangerous. The cod end would be in the air, swinging back and forth, usually with two to three thousand pounds of fish in it. The crew would be scrambling around on deck trying to control the cod end to get it lowered on deck and dumped. At the same time there was always the possibility on a vessel side on to the wind, of a wave coming in over the side and washing one of the crew members overboard. To further complicate matters, the trawl deck was partitioned off with "pen boards". Each of these pen boards was made of wood and measured approximately 14" high x 2" thick x 5' long. They were fitted at right angles to each other on the deck of the trawler. The catch was dumped inside these fish pens to prevent it from sliding all over the deck. These fish pens - "checkers" as they were sometimes called as they resembled squares on a checker board - presented a safety hazard to the crew. Since they were low to the deck - only fourteen inches high - they were very easy to trip over, particularly in a rolling sea. At any given time a deckhand on any one of these side trawlers had to be very aware of what was happening, or run the risk of serious injury, or even death.

In both of these methods of fishing there were many hazardous situations. In the absence of modern means of communication fishermen in the dories could rely only on the foghorn in foggy weather, and without radios or any other means of communicating with the land, storms caught many schooner fishermen were caught unprepared by storms.²⁷ Few, if any, of the captains and crews had any training in first aid or lifesaving. Injured crew members

were forced to wait until the return of the vessel to port, as there was no air-sea rescue. With the schooners splitting and salting the catch, their captains had no incentive to come into port for weeks. The captains made such decisions with little if any medical training.²⁸

On the side trawlers, additional safety problems were posed by heavy equipment. Using winches, and heavy nets, side on to the wind with waves crashing over the side of a vessel, with a bag of fish swinging overhead: trawler fishermen confronted a workplace rife with danger. Side trawlers would fish throughout the year, and in winter the severe icing up of the superstructure imperilled the stability of the craft. Nothing guaranteed that any fire-fighting and life-saving equipment would be on board for no regulations required vessels to carry such equipment. In most cases - aside from a life ring, a couple of life boats, a few fire buckets, and axes - no safety equipment was carried. The individual safety of the crew members of the vessel appears to have had little importance. Hard hats, steel toe boots or personal flotation devices were virtually unheard of during this period.

A vivid sense of the fishermen's precarious work world emerges from newspaper accounts in the years 1915-1920. The number of vessels sinking, in trouble, running aground, or breaking down is quite staggering.²⁹ The loss of human life appears to have been accepted as a norm of the life of a sailor. There were regular reports of persons being washed overboard, or crushed by cargo. Only with the large disasters (i.e., a large vessel going down with all hands) was there any outcry.

The crew members who worked aboard these vessels were hired and fired by either the captain or the owner (in some cases, the same person). If the captain was not the owner, he generally acted on the owner's behalf. Many of

the crew members aboard both the schooners and the side trawlers at this time had little formal education and fishing was the only employment they knew. This was still the era of the "truck" system in the inshore industry and many of the components of the social relations of production that existed in that industry were prevalent in the offshore industry as well.³⁰

The truck system as it functioned in the offshore fishery entailed four relations of dependency. First, the fish company or vessel owner made credit arrangements with general merchants in the outports to supply the family with supplies while the vessel was being outfitted for the fishing voyage. Second, the fishermen were dependent on the merchants' credit over the time between the landing of the fish and its sale in West Indies or other markets. Third, the fishermen did not have any formal protection through a union and hence relied on the employer's patronage to ensure their gaining "a sight" (a job) on a vessel.³¹ Four, just as inshore fishermen had the dismal choices of accepting the decision of the fish merchant or the buyer, starving, or leaving, offshore fishermen in single-industry communities dealt with the skipper of the vessel or the owner on a one-to-one basis with the captain or the owner always holding the upper hand.³² The result was a paternalistic relationship between the captain and the crew, and between the companies and various crew members. Such were the social relations of production that existed on these vessels at the time of the disasters that befell the Lunenburg schooner fleet in 1926 and 1927.

One of the arguments made contrary to this idea that the fishermen were dependent upon the merchants is the notion that fishermen were not really employees of the company - that they were, instead, "co-adventurers" or "sharesmen". By that it is meant they were part of the fishing venture with

the companies. As the companies profited, they also would profit, and in bad times both they and the companies would suffer the losses. In Lunenburg at this time there existed the "Lunenburg 64" system. The ownership of each schooner was divided into sixty-four shares and were available to anyone who wanted to purchase them. The profits made from the fishing voyage were then available not only to the fish merchants but to anyone who owned a share. The popular notion presented was that fishermen could purchase a share of the vessel and at the same time fish on the vessel. At the end of the voyage he could receive two shares, his share - based on the work performed while on the vessel - and the share he owned in the vessel itself. In reality, the fish companies and a few captains were the majority holders or owners of the vessels. The crew members were essentially employees, except they had fewer rights and worked longer hours than other industrial workers of the day.³³ Fishermen who worked on the side trawlers, while they were referred to as "co-adventurers", had no opportunity to buy into these vessels, as they were either on charter or owned by the fish company. They operated on more than shares, being guaranteed a wage of \$35.00 per month and a share of .6% of whatever the vessel stocked.³⁴ This arrangement was a far cry from the "enlightened profit sharing" some interpreters saw in the Lunenburg fishery.

WORKMEN'S COMPENSATION IN THE OFFSHORE FISHERY IN NOVA SCOTIA 1920-1927.

In March and April of 1920 offshore fishermen became suddenly aware of the importance of coverage under the Workmen's Compensation Act with the

loss of two vessels, the "Jutland" and the "M.F.B.," at the cost of thirty lives. A dory from the "Jutland" containing a dead fisherman (later identified as the mate) was found on March 17, 1920 by the "Lemberg", one of the British trawlers fishing on Western Bank. Approximately three weeks later on April 4, 1920, the "M.F.B." a vessel similar to the "Jutland," sprung a leak while fishing on the Scotian Shelf off Cape Breton. The crew had to abandon ship and row to shore in a small boat. In the process eight men died.³⁵

These two vessels, along with the "Promotion," represented the first Nova Scotia attempt to construct side trawlers in the province. Made of wood, and based on a schooner-type design, they were powered by diesel engines with sail as a secondary power source. They did not have the sufficient power that would provide the stability and maneuverability needed for otter trawling - the type of power steam trawlers like the *Rayon D'Or* had. The "Promotion," the third of these trawlers, was run down by an ocean liner on the Grand Banks in 1919. Luckily, all crew members were saved in that incident. Nonetheless, the three pioneer trawlers constructed in 1918-1919 had all sunk within two years of their construction. Such a catastrophe, however, did not spark an inquiry into how the vessels were constructed or the unsuitability of the type of technology they were employing. In fact, no questions have ever been raised about the safety of these vessels, and their sinking was and is accepted as part of the lot of the fisherman. What these disasters did accomplish was to make fishermen and the fishing community aware that they were now covered by the Workmen's Compensation Act.

Fishermen first came under the Workmen's Compensation Act on January 1st 1920, as a result of an amendment passed by the Provincial Legislature on May 17, 1919. There was not much public debate around the issue, and the

major papers in the province generally ignored its passing. At the time of its enactment the Halifax Herald made only one vague reference to it on page thirteen of its May 18th edition.³⁶ The Lunenburg Progress-Enterprise, the weekly Lunenburg newspaper, did not carry any details of how Workmen's Compensation applied to offshore fishermen until the "Jutland" disaster on March 11, 1920.³⁷ At that point, the details of the range of the coverage of the program appear on the front page of the paper. The other major papers in the province, the Halifax Herald and the Sydney Post, made no mention of it at the time it came into force, excepting notices to the employers from the Workmen's Compensation Board in the Halifax Herald notifying them of the change.³⁸ It should be remembered that at the time that this amendment was brought in, both Canada and Nova Scotia were in turmoil. May 1919 marked the beginning of the Winnipeg General Strike, an event that was to have profound effects on the labour movement and the political system in Canada. In Nova Scotia a major strike was taking place in Halifax, while Amherst was in the throes of a general strike.³⁹ South of the border, in Gloucester, Massachusetts, schooner fishermen had gone on strike and had ventured as far north as Yarmouth, Nova Scotia seeking support. For the Nova Scotia fish merchants, granting fishermen protection under workmen's compensation may have appeared a mild antidote compared to the labour turmoil in the rest of the world.

During the period that offshore fishermen were covered by Workmen's Compensation (1920-1927), there appeared many references to the fishing industry in the Workmen's Compensation Board Annual Reports. These references would indicate recognition by the board of the problems of health and safety associated with the fishing industry. Yet the board failed to

implement any measures that would improve conditions for fishermen working on these vessels.

Occupational health and safety in Nova Scotia came under the Nova Scotia Accident Prevention Association, which was mandated by the provincial government to advise on any health and safety legislation, regulations, and education programs. This association, founded in 1919, was a private sector organization comprised of employers funded by the Workmen's Compensation Board and closely aligned with the Canadian Manufacturers Association.⁴⁰ Its mandate, in hindsight, represented a conflict of interest. According to Article 2 of the Nova Scotia Accident Prevention Association's constitution, it was charged:

"(a) to promote and carry on the work of the prevention of accidents and of industrial diseases in all industries now within or which hereafter may be brought within the scope of Part I of the Workmen's Compensation Act of Nova Scotia."⁴¹

But further on in the same section of the constitution it stated that the accident prevention association was authorized:

"(d) to represent employers within the scope or operation of the Workmen's Compensation Act in connection with the administration of said Act."⁴²

Since the association represented business interests, its focus centred on education programs as opposed to more government regulations. Their approach aimed at assisting employers to develop better safety programs. From the records available it appears that the fishing industry had little representation,

if any at all, on the Nova Scotia Accident Prevention Association's executive in this period. If the association made any recommendations with regards to accident prevention or safety in the fishing industry, they do not appear in any of the records surveyed. In 1921, approximately one year after the disasters that befell the fishing industry with the loss of the "Jutland" and the "M.F.B.," an industrial safety conference was held in Halifax. There was no mention made of the hazards facing the fishing industry during the conference.⁴³ Indeed, other evidence suggests employers in the fishing industry were anxious to avoid the compensation system altogether. A perusal of the papers of Zwickers a prominent Lunenburg concern reveals that on several occasions Zwickers attempted to dispute the ownership of the vessels stating they were only "managing owners" and that they (Zwickers) were not in the fish catching business, but were merely:

"running a general store employing three clerks and packing of dried fish in wooden drums for export and handling and drying fish to get them ready for packing."⁴⁴

This reluctance by Zwickers to recognize the rule of the Workmen's Compensation Board was evidence of how capital would respond to a challenge to its age old authority. By 1921 the saltfish industry was beginning to decline. It was at this time that the Lunenburg 64 system was revised to permit fishermen to invest in shares as low as \$10.00 per share. This permitted fishermen to have the illusion of owning a share of the vessel, when in fact the amount invested was minimal, considering the minimum required previously for a share (\$500.00). It is obvious from the Zwicker correspondence that the fish companies did not like the intrusion of government, as it permitted

external (albeit superficial) scrutiny of their operations. They were now accountable to the government for some of the dealings with their employees, even though these dealings meant such minor tasks as posting Workmen's Compensation Board notices, filing accident claims, and making compensation payments to the board. The interference of the state in the affairs of "private business" has long been a point of contention in the power relations between the state and the business community.

One additional reason for business hostility to workmen's compensation may well have been that it provided public documentation of the exploitive and inhuman conditions on board the fishing schooners. No fewer than 57 workers died on fishing vessels from 1920 to 1925, according to the Annual Reports of the Workmen's Compensation Board. Of these 24 were recorded in 1920, mainly because of two large disasters.⁴⁵ No attempts by the vessel owners to improve safety conditions aboard the vessels as a result of these tragedies are recorded. There is no indication of attempts being made to improve communications between vessels and land so vessels in distress could call for assistance.

In 1926, when twenty-nine deaths were recorded by the board (which was only five more than 1920), the Workmen's Compensation Board increased the rate to be paid by the fishing industry.⁴⁶ These deaths recorded by the Compensation Board refer only to those claims of death that were paid out and did not include Newfoundlanders whose home was outside of Nova Scotia.⁴⁷ The amount of compensation paid to fishermen dropped from the initial sum set in 1919. An amendment in 1921 reduced the amount paid to fishermen who fished on shares as part or all of his income from \$1200.00 per year to \$780.00 per year or \$65.00 per month.⁴⁸ Compensation payable in the case of a fatal

accident was not based on a fishermen's earnings but on a fixed rate of \$30.00 per month for life to the widow or until she remarries and \$7.50 per month per child under sixteen years of age. In the case where there was no widow the rate to the child was doubled.⁴⁹

These changes to the Act went unchallenged for several reasons. Fishermen, since they did not have a union of their own, could not effectively represent themselves to counteract the representations made by the fish companies to gain more favorable rates from the Workmen's Compensation Board. Since the Nova Scotia Accident Prevention Association did not represent their interests in matters of health and safety, even so obvious a reform as the provision of radios on board was neglected. There were no inquiries or investigations into the disasters that occurred, because there was no group organized to make these demands. Previous to this, the labour movement as a whole could possibly have filled this role, but in the period from 1920 to 1925, Nova Scotia was in serious economic decline; both the coal miners and the steel workers were involved in major political and economic struggles and the labour movement was fighting just to survive. The provincial government faced with these crises was quite susceptible to pressures from business, particularly when a loss of jobs was involved. The fishing industry, especially the saltfish industry, was in decline at this time, and leaned heavily on the provincial government for concessions.

Accounts written about fishing at this time tended to romanticize the life of a fisherman in the North Atlantic. Probably the most influential publication at the time in the fishing industry was The Canadian Fisherman, a monthly journal published by Frederick William Wallace for the Canadian Fisheries Association, the forerunner of the Fisheries Council of Canada (the "industry"

organization). In its June 1917 edition, Wallace describes a trip on the "Rayon d'or", a steam driven side trawler operating out of Canso. Wallace's photographs reveal primitive working conditions on this trawler. Hard hats were not worn. Heavy cables and equipment lacked proper safety guards and no life boats or life rings were evident on the bow. Wallace's text, on the other hand, describes the vessel as a pleasure craft compared to the schooners he has been on, and has nothing to say about the hazards or discomforts of such work.⁵⁰

This attitude toward the health and safety of fishermen during the early 1920's set precedents that were to haunt fishermen for the next fifty years. The lack of unionization, the neglect of health and safety regulations, the lowering of the amounts of compensation to which fishermen were entitled, and the failure of the fishing industry to come to grips with its own structural deficiencies, set the pattern for years to come. The decline in the saltfish industry and the economy of Nova Scotia as a whole placed increasing pressure on the Lunenburg schooner fleet to take more risks to make up the widening gap.

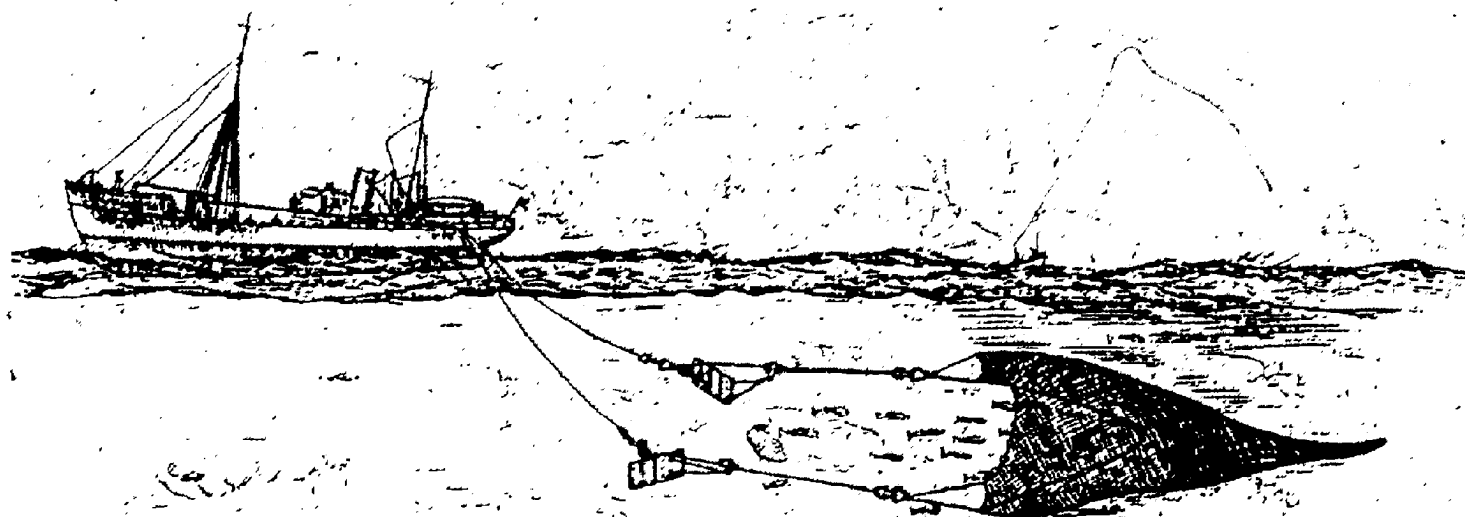


Fig. 1
Beam Trawling

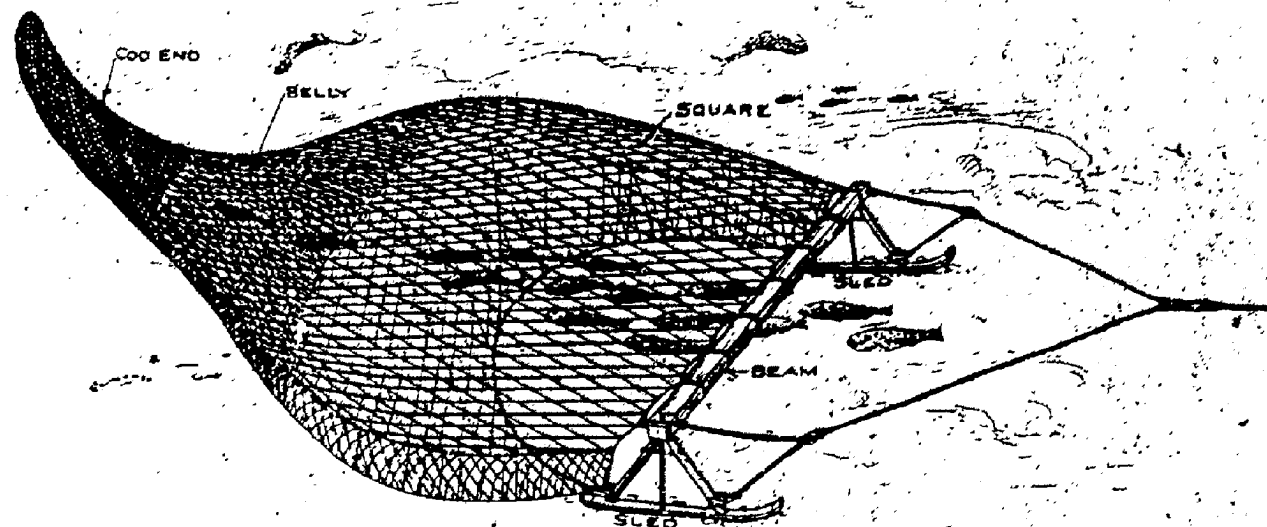


Fig. 3
Original Beam Trawl

CHAPTER TWO

THE CRISIS OF 1926-1928

On August 6, 1926 a good portion of the Lunenburg fleet was fishing off Sable Island. Catches had been good and the vessels were topping off the load before the voyage home. What happened next is best described by two fishing captains who were there at the time:

"The one breeze?" [responded one fisherman, a 46-year veteran of the Banks, when questioned about the August gale by the Halifax Herald's reporter in 1926]. "Yes we was in it. That's what you call a fishermen's luck. You're anchored in the middle of the ocean and you got to take it as it comes. When you take your clothes on the vessel, you never know if you're acomin' back. Yes, when you think it over you never know if you're acomin' back. Well the weather-glass gave no warning. It showed nothing at all. At nine o'clock there was an ordinary breeze but at ten o'clock the sea come ahead of the wind and you knew there was somethin' back of it driving it.

We got everything below. By that time the breeze was here and you couldn't walk along the deck. You had to get a rope and haul yourself along. We had twentyfour hundred quintals of fish when the gale come and the vessel was like a log. The wind blew as hard as I ever seen it.

At twelve o'clock she broke adrift and she went two to three hours in eighteen to nineteen fathoms of water. The riding sail filled on the lee side. That hove her down and she was very slow comin' back, so slow it looked kinda suspicious at one time if she was ever comin' back.

But she freed herself and soon came into deep water. She come up head to the wind and controlled herself all right. The rain and heavy

thunder and lightening was somethin' awful. The splittin' table was lifted clean out. I went to catch aholt of it [a hold of] but a heavy sea come and knocked me over and the splitting table on top of me and it was ten minutes before I could get on my feet again."

"We put out oil and that helped some," remarked the veteran fisherman, "but I never see a worse blow at sea."

Another fisherman, Captain W.H. Conrad, a veteran skipper from Vogler's Cove, told the same journalist that the storm broke just as his vessel had loaded all but four quintals [one quintal equals 112 lbs.] of fish. It started to blow at 8 o'clock.

"At ten thirty we parted cable. We hoisted a reef foresail. In five minutes it went to pieces. We were lying 21 miles West by South from the nor'west light on Sable Island - a bad corner from the way the wind was acting. We kept her off and before the wind and run her N.N.W. In about an hour and a-half the wind hauled to the sou'west which brought us still worse. Shortly after that the wind came west-and we crossed the Nor-west bar on Sable Island on an angle in eleven or twelve fathoms of water.

And there is where the sea did its damage. The sea would break from the bottom and strike us. The deck was swept clean by the gigantic sea. It took our boats and all our moveable gear. It smashed the skylight, the cabin doors and the cabin table. The stove and everything else was smashed. The cabin was half filled with water and the men washed around in the cabin and beat to pieces. Two men were washed overboard. We just saved them - that was all. Nine men were injured with broken ribs and injured limbs and one man at the pump was half beaten to pieces with

the terrific seas. George Locke, one of our best fishermen was so badly injured that he has since died."

The captain himself was lashed to the wheel for five hours all the time washed to and fro the deck under water repeatedly two minutes at a time. It was the worst time he had ever experienced in 41 years at sea.⁵¹

The crews of the "Sylvia Mosher" and the "Sadie Knickle" were not so fortunate as these two men. Within a week of the storm both had been reported missing and were presumed lost. On these two vessels alone forty-seven men perished. Notice that the "Sylvia Mosher" was lost came from the Sable Island Life Saving Station. It was reported to C.H. Harvey, the agent for the Department of Marine and Fisheries in Halifax. Harvey in turn put out a radio request to the approximately forty side or "beam" trawlers operating in the vicinity of Sable Island to look for signs of any vessels that may have been lost in the storm.

The disaster was made all the more painful for wives and families waiting on shore by the total lack of communication equipment on the schooners. Lacking ship-to-shore radios of any type, the schooners relied on third parties to communicate with the land, usually by passing messages along to steamships, side trawlers, or other vessels. Upon arrival in port the messages would be passed on to the managing owner of the particular vessel. Rumours of vessels sighted, vessels lost, vessels glimpsed in the distance by another schooner swept the fishing communities in August, 1926.

The disaster was an immense tragedy for the men and women caught in its grip, but it sparked no structural changes in the fishery. Only William Duff, publisher of the Lunenburg Progress-Enterprise, owner of Lunenburg Outfitting Company and prominent politician, argued for wireless radios aboard

all the Lunenburg schooner,⁵² but this proved to be nothing more than fodder in an election and gave rise to no demand for reform. Even more telling was the absence of any investigation into these Nova Scotia disasters. In the same storm, a Norwegian freighter, the "Ringhorn," was lost off Scatarie Island on the east coast of Cape Breton. Five of the ships crew died in the attempt to reach land. The loss of this foreign freighter did give rise to an enquiry within eleven days of the sinking, but no inquiry was ever held into the far larger disasters in the Nova Scotia schooner fleet.⁵³

The echoes of the disaster of 1926 were heard in January 1927, when the Workmen's Compensation Board announced the workmen's compensation rates for the fishing industry for 1927. The rate announced was 10 % (\$10.00 for every \$100.00 of wages paid), twice what it had been the year previous. The reaction of the vessel owners and the captains was swift. Within two weeks of the announcement by the Workmen's Compensation Board, the vessel owners had organized and were meeting with the government. The vessel owners argued that, since it was not compulsory for them to participate under the Workmen's Compensation Act, they would stop doing so.⁵⁴ If the Workmen's Compensation Board continued to set such high rates, the owners threatened to tie the vessels to the wharves in Lunenburg and leave them there.⁵⁵ In the face of this type of opposition the government acquiesced and guaranteed that the compensation rate for 1927 would remain at the levels that had applied before the disaster of 1926 - 5% (\$5.00 for every \$100.00 of wages) - one of the highest for any industry.

In late March / early April 1927, the Lunenburg fleet left for the fishing grounds, having learned nothing from the previous year's disaster except how successfully to lobby the government. None of the schooners had been equipped

with radios. The federal government had not placed a rescue ship out on the fishing banks to come to the aid of mariners in distress as had been requested in some quarters, and no inquiry had been held to determine the reasons for the disaster. Consequently, the potential for disaster once again presented itself as the vessels headed off to pursue the salt bank fishery. In this sense, although the disaster which followed was "natural," it was also made inevitable by the failure of the industry or the government to respond to the lessons of 1926.

Slow as the government was to do anything for the fishermen, the protection of the public purse, fear for any loss of jobs in a de-industrializing economy, and pressures from the vessel owners led to prompt action in the sphere of setting compensation rates. The Provincial Government decided that something had to be done about Workmen's Compensation in the fishing fleet, and on June 29, 1927 appointed a Royal Commission under Carl D. Dennis an accountant from Amherst to investigate the Workmen's Compensation Act as it applied to offshore fishermen and lumbermen.⁵⁶ Unlike most Royal Commissions, this one received no press coverage from the Halifax news media when it was established and remained out of the public eye until October 12-13, 1927 when it convened a single hearing in Lunenburg.

In the meantime, however, a second August gale had devastated the fishing fleet. The storm that hit the Northeast Coast of North America on August 24 1927 was not a normal gale of wind or tropical storm that mariners experience on a regular basis. This storm was exceptional and had an unprecedented impact on the fishermen in Nova Scotia. It swept the East Coast of North America, severely battering the Lunenburg fleet, as well as fishing fleets from the other Maritime ports and Newfoundland.

After the storm, its terrible impact on the fishermen gradually became apparent. It was the worst storm in the history of the twentieth-century fishery. This storm was even larger than the gale of the earlier year, and affected the fishing grounds and the land masses of Nova Scotia and Newfoundland. In Nova Scotia alone damage was estimated at approximately a million dollars.⁵⁷ On August 30, some six days after the storm, over seventy-five vessels from the Lunenburg fleet had still not been heard from, and in all eighty-eight men belonging to the Lunenburg salt banker fleet lost their lives. (Numerous men aboard other vessels were maimed and injured.) While this storm is remembered in the fishing industry as the one in which the four schooners from Lunenburg were lost, the newspaper reports of the day indicate the losses to be much higher, as another ten small boat fishermen were lost along the coast of Nova Scotia. There were also large numbers of fishermen lost off the coast of Newfoundland, but newspaper accounts of the number conflict because of the lack of communication between the vessels and the land.⁵⁸ In the same vicinity as the four Lunenburg vessels, the "Mahalia," the "Joyce Smith," the "Clayton Walters," and the "Una J. Corkum" were lost, along with the "Columbia," a banking schooner fishing out of Gloucester, Massachusetts, was lost with all hands with a crew of twenty.

Cyril Robinson, in Men Against The Sea, captures the savagery of this storm in his description of the ordeal of Roland Knickle, captain of the "Andrava," one of the Lunenburg schooners to survive the gale off Sable Island.

"The Andrava was about four miles south of the west lighthouse on Sable Island when the storm began. If the vessel continued on her present course she would have to sail over thirty miles to clear the island's east

bar. By sailing west she would have to sail only fifteen miles to clear the west bar. The storm rapidly worsened. The wind increased in force and the seas became more menacing. The vessel had no radio and no engine.

At 9:30 PM, disaster nearly overtook the Andrava. A gigantic sea swept down on the pitching vessel carrying away her storm trysail and half the jumbo. With a mighty blow, it burst the foresail broke the main gaff in three pieces and swept the dories off the deck. It also smashed the chain tackles holding the main boom, which crashed down on the cabin house and steering wheel. It washed 300 fathoms of hawser overboard.

Around 11 o'clock, another tremendous wave struck the Andrava and heeled her far over. Water poured down the companionways, and the vessel seemed close to sinking. She righted herself, but the Andrava was now perilously close to Sable Island. The sails had been ripped to shreds, and the vessel was battered and leaking badly. The worried captain decided to take a gamble. He planned to turn the Andrava and take her across the submerged Sable Island bar, in hope of reaching the north side of the island where the water was deeper and less rough. It was now midnight and the storm was at its peak. The wind, now roaring at 75 miles per hour had stirred up gigantic seas. Running before the gale, the Andrava began to cross the bar in great lurches. Each huge wave lifted the vessel, then plunged it down till the keel grazed the sandy bottom. But each time she struck another wave lifted it free. Now the Andrava's deck was a fury of flying spray and sand. Some of the crew members had lashed themselves to the pumps as they worked desperately to keep the vessel afloat. After harrowing minutes that seemed like hours the Andrava

schooners at the time of the disasters of 1926 and 1927. In terms of the government and the companies, there was little support for, or initiative to bring about, better safety conditions aboard the vessels.

The arm of the government charged with developing policies concerning occupational health and safety was the Nova Scotia Accident Prevention Association, an organization of employers, whose interest in making claims on the government was based on their position in society as employers. While the details of the activities of the Nova Scotia Accident Prevention Association are sketchy, the thrust of their endeavors appears to be towards education programs. In other industries, the push for changes in legislation and recognition of industrial diseases (particularly in the coal industry) came from the unions. They represented the interests of the workers in terms of safety and health, used the news media and other public forums to make their claims, and marshalled public support for their causes.

The disasters of 1926-1927 in the fishing industry had the same effect of focusing public attention around a particular event and the issues that surrounded the event. What was ironic, however, in this particular situation, was that public attention actually made things worse for the people involved. With the disaster of August 1926, when forty-seven men were lost off Sable Island in a storm which probably could have been prepared for had they had prior warning, the Workmen's Compensation Board for the year 1927 recommended an increase in the rate for compensation from \$5.00 for every \$100.00 of wages paid to \$10.00 for every \$100.00 of wages paid.⁷⁵ The vessel owners and captains in Lunenburg reacted quickly and firmly to this increase by stating that if this rate were brought into effect they would go out of business.⁷⁶ The response of the provincial government to this lobby by the

Workmen's Compensation Board reacted by setting the rate for 1928 at an astronomical \$20.00 for every \$100.00 of wages. The vessel owners and captains in Lunenburg, plagued by uncertain prices the loss of six vessels and one hundred thirty-eight men in one year, responded by announcing that if they were not removed from the Workmen's Compensation Act, they would close down the industry in Lunenburg and go out of business, as they could not afford to pay the new rate set by the Board.⁷⁹ Dennis in his report to the provincial government agreed with the vessel owners and captains. In making his recommendations Dennis realistically recognized that fishing, as practiced aboard the schooners from Lunenburg, was a dangerous occupation, but he went on to indicate his basic ignorance of the concepts of Workmen's Compensation by pointing to a lack of willingness on the part of the fishermen to pay some of the cost, and querying why employers paid all the cost. He went on to point out that other maritime countries had not included fishermen under workmen's compensation, yet there is no indication which countries were examined or what consultations if any were held with individuals in other countries. The question of safety and accident prevention, two of the pillars in the philosophy behind the thinking of the Workmen's Compensation Act, were completely ignored by Dennis in his report. There is no indication either in the report, or in the newspaper accounts of the Royal Commission, that the Nova Scotia Accident Prevention Association (the group charged with developing health and safety policy for the province) ever made any submissions to the commission on possible steps to improve health and safety on these vessels, or that the Royal Commission ever attempted to solicit any submission from the association. The questions about having proper fire-fighting or life saving equipment on board the vessels were never raised.

With such a report, the recommendations were predictable. When the report was released in December of 1927, it recommended that the industry be relieved of the deficit run up by the fishing sub-class under the Act and that the industry be relieved of its requirements under Part I of the Act.⁸⁰ Dennis recommended that the Workmen's Compensation Board set a rate of 11% or \$11.00 for every \$100.00 of wages paid for the fishing sub-class. The thinking behind this was that over a period of eight or nine years of low accident rates the deficit in the fishing sub-class would be eliminated, and the rate would be permitted to drop.

The government responded quickly. In March of 1928, it passed Part III of the Workmen's Compensation Act introducing sections 91, 92, and 93. These sections exempted employers in the fishing industry from Part I of the Act, permitting them instead to develop insurance and compensation schemes through private insurance companies.⁸¹ This was done with the blessing of the government, which not only provided the legislative mechanism, but also guaranteed to pay any of the additional premium to the private insurance companies over the rate of \$5.00 per \$100.00 of wages - the rate the fishing companies paid prior to the disasters of 1926-27.⁸²

This was not accomplished without an organized and concerted lobby effort by the Lunenburg vessel owners and captains who made presentations not only to the Royal Commission headed by Dennis, but also to the Maclean Royal Commission on Canada's Eastern Fisheries that was conducting hearings during the latter part of 1927.⁸³ These captains and vessel owners maintained the pressure on the provincial government into 1928 and were successful in their efforts.

As in January 1927 the focus of the issue in January 1928 centred around

the rate being proposed for the fishing sub-class for that year by the Workmen's Compensation Board. The Board, true to its philosophy of setting rates that reflected the level of risk to the worker in the industry, determined the rate for the fishing sub-class to be \$20.00 per \$100.00 of wages paid. The Lunenburg captains and owners countered, stating the rate was too high, and threatened to leave the vessels tied to the wharves rather than pay those rates. Given the importance of the fishing industry to the economy of Lunenburg County, the position of the captains and the owners was a strong one. It was supported by the provincial Member of the Legislative Assembly for the riding, W.H. Smith, and the federal M.P., W.G. Ernst.⁸⁴ After meeting with the captains and the owners the provincial government gave in to the these demands on January 30, 1928. In a letter from Premier E.N. Rhodes to M.M. Gardner of Lunenburg, who represented the captains and vessel owners, five steps the provincial government was prepared to take were outlined. They were:

- "(1) The rate to the vessel owners for one year to remain as fixed by the legislation passed at the last Session of the Legislature, namely 5%.
- (2) The government agrees to pay the amount necessary to make up the difference between the rate of 5% and the rate which is ultimately obtained through Lloyds.
- (3) The Government will bring in a measure at the coming session of the Legislature removing the fishing industry from the operation of the Workmen's Compensation Act.
- (4) A further measure providing for compulsory insurance with the maximum liability of either fifty or sixty thousand dollars per vessel will be introduced, the amount to be determined after negotiations.

(5) It is understood that with the passing of legislation removing the industry from the operation of the Workmen's Compensation Act, that the industry is relieved from its obligation arising out of the present deficit existing with the Compensation Board." ⁸⁵

The provincial government may have had other motives for going in this direction. An indication of this is found in the opening of the third session of the thirty-eighth general assembly of Nova Scotia. In the Speech from the throne the provincial government clearly states that

"it is their expectation that the federal government will assume the full burden of their responsibility which arises out of its jurisdiction over and control of the fisheries." ⁸⁶

This expectation came as a result of the Maclean Royal Commission investigating the Eastern Fisheries. This Royal Commission, established by the federal government in 1927, partially because of pressure applied from fishermen in Guysborough County as a result of meetings held in the Canso - Little Dover area in July 1927, was charged with investigating certain problems to do with the East Coast fisheries. ⁸⁷

The areas outlined in the Maclean Commission's mandate as outlined in the Friday October 14, 1927 edition of the Halifax Herald did not include health and safety, or workers' compensation, even though this issue had been identified by fishermen in Guysborough County as a concern in a meeting held on July 20 of the same year requesting a Royal Commission inquiry. ⁸⁸ The MacLean Royal Commission held meetings in major centres but also travelled extensively to small communities all over the Maritimes, gathering both written

submissions and oral testimony from fishermen, fish processors, and other interested parties. Since the Commission was conducting its hearings at the same time as the controversy over the rates for workmen's compensation for the fishing sub-class, both the vessel owners and captains from Lunenburg and the Provincial Government made representations concerning this problem. It appears that the provincial government expected the Commission to recognize the jurisdiction of the Federal Government in this area. However, when the report was released in 1928, the commission stated that the question of federal jurisdiction for workers' compensation for fishermen was outside of its mandate. Instead of considering the positive and negative aspects of this problem, the Commission simply refused to deal with it.

This was due to the debate that arose both inside and outside the Commission over another issue - the banning of side trawlers from Canadian ports. While the commission did come out in favour of this, it was not a unanimous decision - ironically, it was the chair of the Commission, MacLean, who was against banning the trawlers.

One of the reasons that the MacLean Royal Commission failed seriously to consider the workmen's compensation problem was the lack of representation at the hearings from the offshore fishermen themselves, and the absence of any trade unions or trade union influence in the fishing industry at this time. The commission evidently did not hear any testimony by a person who was either a crew member of a schooner or of a side trawler. Testimony is given by persons who had in the past worked on side trawlers, but nothing was heard from persons presently employed. This was in many ways indicative of how the hearings were organized. In many communities, the hearings were organized through the Fishermen's Union of Nova Scotia, an organization

created with the support and blessing of the provincial government, and representing inshore or small boat fishermen. As a consequence, if a fisherman wished to speak to the commission he had first to make arrangements through the Fishermen's Union. Since offshore fishermen did not have a trade union, or organization of any sort of their own, they in effect had no way of communicating with the Commission. Individually, they were in a weak position. If they spoke out, they were vulnerable to reprisals from their employers. As a result it was the inshore, small boat fishermen who dominated the Commission hearings, and it was their concerns the Commission examined, most particularly the issue of side trawlers fishing out of Canadian ports. Other issues that were of importance to offshore fishermen, or issues of safety and health that had applications for all fishermen, received little attention. While issues of health and safety were not a significant part of the testimony to the Maclean Commission, there was mention of it not only in one port but from several locations. The problem at this point in the industry had been identified by small boat fishermen as being the presence of side trawlers or "beam" trawlers as they were commonly known at that time. This concern overshadowed all others at this time, despite the severe loss of life by the Lunenburg schooner fleet and the countless unrecorded deaths and injuries that occurred in the small boat fishery.

The simple fact that over one hundred thirty men lost their lives in two disasters, and nothing was done to find out why, presents the stark reality of a fisherman's position in the political and social structure of the country. The lack of any "public" outcry by sympathetic outsiders indicates how far removed fishermen were from the mainstream of political influence, and how the public had come to accept disaster and death as part of the reality of being a

fisherman.

Not only were the fishermen's concerns not addressed, but the government made no attempt to solve the problems that were affecting the industry internationally--problems such as independent and often cutthroat marketing by individual firms, foreign exchange rates, international trade agreements, and quality control.⁸⁹ These problems and others had been identified early on, but had been neglected by the politically powerful Lunenburg fish companies, who tended to the old ways that had existed under the "truck" system - that is, to pass on the debts to the fishermen and make them pay for it.

The political power of these vessel owners should not be ignored. As a group they were well organized, articulate, and well connected. They were making their claim on the system a claim they could well make given their position of power, influence, and wealth. Fishermen were not in this position.

The question of companies putting pressure on governments to not have to pay higher rates of workers' compensation as the result of a disaster was not new to Nova Scotia or the Workmen's Compensation Board of the day. There was precedent for this in another industry in Nova Scotia. In 1917 and 1918 there were two mining disasters, one in New Waterford in 1917 that resulted in the loss of sixty-five men and one in the Albion mine in 1918 that resulted in eighty-seven dead. The coal operators attempted to gain exemptions for this industry as a result of the ensuing increases rates for the mining sub-class, but these attempts at an exemption were stopped by the union.⁹⁰

Further evidence of the strength of the trade union movement is apparent in the changes made in the health and safety regulations laid down by the Workmen's Compensation Board and the Provincial Department of Labour. These regulations generally reflect the influence of the unions in the mining industry,

moved more easily, it was across the bar and heading into deeper and calmer waters. By 3 A.M. Capt. Knickle and his crew could hear the seas breaking behind them and the storm began to moderate."⁵⁹

While making the rounds on Sable Island, on September 13 1927, the light keeper reported finding wreckage from fishing vessels, which could be positively identified as the "Mahalia," the "Joyce Smith," and the "Clayton Walters".⁶⁰ Shortly after this, on September 21, six Lunenburg captains, Angus Walters, Eric Corkum, Albert Selig, Albert Knickle, Roland Knickle, and Henry Winters, travelled to Sable Island aboard the C.G.S. Arras to examine the wreckage and make recommendations. They asked the government to place a hospital ship out on the fishing banks for the fleet.⁶¹ On October 26 of the same year, the "Lemberg", one of the side trawlers fishing for the National Fish Company out of Halifax, spotted the masts of the schooners that had gone down while fishing near Sable Island.

On September 28, 1927 the Canadian Government Ship "Arras" arrived at Lunenburg with wreckage that was identified as being from the "Una J. Corkum". This marked the final chapter in the process of attempting to identify what schooners had been lost during the storm of August 24th.⁶² It had taken the Lunenburg schooner owners and the Canadian Government over a month to identify what vessels had been lost during that storm.

For the families of the lost men, the disasters meant the loss of a loved one and the principal wage earner in the household. They faced the threat of a second, social disaster of poverty and insecurity after the natural disaster which had overtaken the fleet. The government's response to their plight was miserly. An amendment made to the Workmen's Compensation Act in 1921 had

set the maximum yearly income for fishermen covered under the act at 55% of \$780.00 or \$429.00 per annum. This was considerably less than the figure of 55% of \$1200.00 per year or \$660.00 annually, which was the maximum set for workers in all other industries.

Many widows, in fact, received nothing at all. From the turn of the century, many of the crew members on the offshore fishing vessels operating out of Nova Scotia, and particularly Lunenburg, hailed from Newfoundland. While many Newfoundlanders worked on the vessels, their place of residence was not Nova Scotia, but Newfoundland. As a result they were not covered by Workmen's Compensation if they were injured or killed while working aboard the vessel. This was very clearly the case with the disaster of 1927. At least 19 of those who died were determined to be Newfoundlanders, not because of place of birth but by place of residence.⁶³ The families of these men did not receive any compensation from the Workmen's Compensation Board in Nova Scotia and were relegated to receiving piddling relief payments from the Newfoundland Government.⁶⁴ The policy towards the Newfoundlanders was a masterpiece of inconsistency. In the Zwicker Papers there is the case of Stephen Samms whose place of residence was Newfoundland. While employed on one of Zwicker's vessels in 1926 Samms was injured and taken to St. John's. The Workmen's Compensation Board refused to pay his costs in Newfoundland but once Samms was sent back to Nova Scotia, they paid his claim.⁶⁵

The period from 1926-1928 was pivotal in the history of occupational health and safety of Nova Scotia's offshore fishermen. Probably more than anything, it revealed the ability of the Lunenburg fishing companies, schooner owners, and captains to change government policy. This strength seems anomalous when we remember the declining stature of salt fish production,

but it can be explained if we consider a number of interrelated factors.

The most significant global factor was the rapid decline of manufacturing in the province after World War I, and the subsequent high rates of unemployment, poverty, and outmigration. Between 1919 and 1926 there was a considerable loss of jobs in the province, as industries shut down or relocated elsewhere.⁶⁶ In Cape Breton, the situation created by the British Empire Steel and Coal Corporation, (BESCO) had resulted in numerous strikes, both in the coal mines, and in the steel plant. Given the precarious state of coal mining, an industry on which the provincial government relied for tax revenue, a crisis in another industry was something the province could not afford at this point.⁶⁷ Consequently, the provincial government was more than willing to sacrifice its fledgling programs to address questions of health and safety on the vessels in order to keep the industry from closing down, which was what the owners threatened to do if workers' compensation rates were increased. The loss of the "Sylvia Mosher" and the "Sadie A. Knickle" in the August 1926 hurricane off Sable Island sparked this controversy. Forty-seven men died aboard these two vessels, and men aboard other schooners fishing in the area at the same time were seriously injured. As a result of this disaster, the Workmen's Compensation Board had to make considerable payments to the families of the men who died and to those who had been injured.⁶⁸ These payments severely depleted the funds of the Board for that particular class.

The Workmen's Compensation Board had organized compensation payments by type of industry or employment, known as sub-classes. The thinking behind the sub-class divisions was that it would act as an incentive for employers in a particular industry to provide a safer work place if by reducing the number of accidents the assessment rate was reduced.⁶⁹ This apparently had not been

the result, as the Lunenburg vessel owners continued to send their vessels to sea without radios and made no efforts to make their vessels any safer than they had been prior to their coming under Workmen's Compensation.⁷⁰ What was interesting, though, was the level of technology in developing better survival equipment for ocean disasters.

This had come about, not by any efforts of the fishing companies to improve conditions for the fishermen, but instead from attempts to cross the North Atlantic in various types of aircraft during the 1920's. To survive a forced landing at sea, always a possibility at this time, a type of survival suit was developed by the Miner Rubber Company in the Province of Quebec. This evidence was presented to the Maclean Commission by B.F. Taylor, an insurance salesman, who made a presentation to the commission while it was in Halifax. The Miner Rubber Company was and still is a company that supplies rubber boots and rain gear to the fishing industry but there does not appear to be any evidence that any of these survival suits made their way into the fishing industry.⁷¹

The disaster of 1926 occurred when the salt fish industry was plagued by fluctuating prices. Vessel owners pointed to low profit margins that they said would be eliminated altogether if the Workmen's Compensation Board was permitted to increase the rates. This indicated a failure by the salt fish companies and the governments to come to terms with the changing structures that were evolving in the international salt fish markets. State involvements in the salt fish marketing had been prevalent in other salt fish producing nations such as Iceland, France, and Norway. All of these countries had elected either socialist or social democratic governments which had developed a planned economy approach to fisheries development.⁷² In Newfoundland a similar attempt was made by William Coaker but his attempts at reform were stifled

by the reactionary fish merchant class of St. John's who wielded considerable political power.⁷³

If the actions of the government and vessel owners seem clearly reflective of their economic interests, socio-cultural factors must be considered in explaining the acquiescence of the workers. The attitudes of paternalism and deference nurtured in the truck system still persisted. Most of the men who crewed the vessels came from small coastal communities from both Nova Scotia and Newfoundland. They were dependant on the fishing industry for their livelihood. They were not unionized. At sea, the captain ruled supreme. His word was law, and any challenge was considered mutiny. Fishermen put to sea for weeks at a time, during which they would be isolated from their families, and fishermen on other vessels. When they arrived in port, they would return home to their families frequently in an outport some distance away from the home port of the vessel. Many of the crew members were from Newfoundland and at the end of a voyage or several voyages would return home sometimes for months. This lack of commonality of residence acted to prevent any common bonds being formed by fishermen on different vessels, and hindered any attempts that might have been made to unionize. This failure to unionize prevented fishermen from mounting any resistance to the efforts by the vessel owners and captains to have them exempted under the Workmen's Compensation Act.

As a result, since they had no representative body of their own to represent their interests to the government and the companies, the fishermen went unheard and unnoticed. In terms of health and safety issues, this meant that ship-to-shore radio transmitters, although fairly common aboard the side trawlers⁷⁴ operating out of Nova Scotia after 1911, were not on board the

vessel owners and captains was to legislate a freeze on the rate paid by the fishing industry at \$5.00 per \$100.00 of wages, and appoint a Royal Commission on Ratings of the Lunenburg Fishing Fleet and the Lumber Industry as applied by the Workmen's Compensation Board. The commissioner appointed to investigate this situation was Carl D. Dennis, an accountant from Amherst, who, it appears, had no previous experience in either industry and had no prior experience with Workmen's Compensation. This Royal Commission was appointed in June of 1927 and conducted formal hearings during the autumn of 1927. According to the report submitted by Dennis several groups appeared before him, among them, a group representing vessel owners and captains from Lunenburg and a representative of the Canadian Marconi Company. There were no representations made on behalf of the crews of the Lunenburg schooner fleet nor is there any record of any ordinary crew member of any offshore vessel covered under Workmen's Compensation appearing before the commission and giving testimony to the commission. In his report the Commissioner remarks of this occurrence but puts it down to a lack of interest on the part of the crew members.⁷⁷

The Royal Commission was carrying out its investigation at the time the second schooner disaster struck Lunenburg in August of 1927. This disaster was much worse than the one the year previous with four schooners the "Mahalia", "Clayton Walters", "Uda R. Corkum", and "Joyce M. Smith" lost off Sable Island with all hands, a total of eighty-eight men. Men aboard other vessels in the area at the time also suffered injuries and had to be brought into port for medical attention. The payments made to the families of these men completely exhausted the compensation fund as it existed in the fishing sub-class and ran up a deficit in this sub class of \$381,004.98 in the Disaster Fund.⁷⁸ The

as industrial diseases such as silicosis are dealt with. In the fishing industry there is no evidence of any questions raised concerning industrial hazards or diseases.⁹¹ What is noteworthy about this time is the lack of any issue pertaining to health and safety being raised. This it would appear from all indications is directly related to the lack of any representation on these issues by fishermen.

On March 29 1928 an amendment was passed in the legislature removing the fishing sub-class from Part I of the Workmen's Compensation Act and placing it under a newly created Part III.⁹² Workmen's Compensation for fishermen had now been privatized. It would not return to the public sphere for another forty-three years.

CHAPTER THREE

THE PRIVATIZATION OF WORKMEN'S COMPENSATION FOR OFFSHORE FISHERMEN

The passage of the amendments to the Workmen's Compensation Act in March of 1928 marked the beginning of a different era for offshore fishermen in Nova Scotia.⁹³ These amendments came as a result of the lobbying efforts of the salt banker schooner fishery in Lunenburg as represented by the Lunenburg Vessel Owners and Captains.⁹⁴

In May of the same year (1928), the Maritime Division of the Canadian Manufacturers Association passed the following resolution:

"that representations be made to the Nova Scotia Government urging it to accept the deficit in the fishing class as a public responsibility and liquidate the liability from public funds"⁹⁵

The irony of this statement is in the position occupied by the Canadian Manufacturers Association (CMA) with regards to the Nova Scotia Accident Prevention Association, the provincial organization charged with advising on health and safety policy in the province. Members of the CMA had been, and were still, on the executive of the Nova Scotia Accident Prevention Association, yet they had turned a blind eye to the working conditions on board the offshore fleet. Now because of the disregard for safety, the industry faced stiff increases in the compensation rates. The CMA, functioning strictly as a class ally of the Lunenburg Vessel Owners, supported their attempt to gain an exemption from this situation. The Nova Scotia Accident Prevention Association is conspicuous by its absence in this debate, making no statement on either the disasters or the subsequent controversy over the increase in the

compensation rates.

The state's position was one of close alliance with the vessel owners and captains. This was indicated not only by the composition of the committees that organized during and after the disasters around the issue of the compensation rates for the fishing sub-class,⁹⁶ but also by the position adopted by the Provincial Government, and the Lunenburg Vessel Owners and Captains.⁹⁷ Both capital and the provincial government agreed,

"that the Federal Government should help in some way to assist the fishermen with regard to compensation."⁹⁸

This statement was made in the context of the MacLean Royal Commission Investigating the Maritime Fisheries. The expectation was that the MacLean Commission would recommend that compensation for fishermen be taken over by the Federal Government, but the MacLean Commission had made it very clear, in its terms of reference, that workers' compensation for fishermen would not be examined.⁹⁹

Their ability to get out of their responsibility of paying the debt, removing themselves from the coverage of the Workmen's Compensation Board, and lobbying the Provincial Government to guarantee subsidies for compensation rates for the Lunenburg fleet above five percent, were indications of the kind of political influence the Lunenburg vessel owners had both in the fishing industry and in the province. It was clear from this action that fishermen in the province did not have any organization to represent their interests, as the actions of the vessel owners and the captains could certainly not be construed to be in the interests of the crew members.

Coupled with the removal of fishermen from Part I, was the removal of

fishermen from public scrutiny of the living and working conditions in the fishing industry. Since all the accidents in the industry would be dealt with by a private insurance company, the statistics on those accidents would be private information. The fish companies and vessel owners had only to worry about keeping their rates down and could use intimidation to prevent the reporting of accidents. Companies and vessel owners could now use subtle coercion on a fisherman to prevent him from filing claims or persuade him to accept a lower settlement than to which he would be entitled. Since the employer usually completed the claims of the poorly educated fishermen, a fisherman found himself in a highly vulnerable position. Lacking a union to act as an advocate on his behalf, the fisherman was placed in an overly dependant position in his relationship with the employer.

This relationship was made even worse given the general economic depression that pervaded the Maritimes during the 1920's and 1930's and the economic decay of the Nova Scotia saltfish industry since 1920. The Lunenburg schooner fleet had been in a state of decline since 1920.¹⁰⁰ This decline was not the fault of the costs involved in fishermen being covered under Part I of the Workmen's Compensation Act or the disasters that occurred in 1926 and 1927. It had more to do with the failure of the Lunenburg vessel owners to recognize the changing structure of the international salt fish markets and the efforts at long-range economic planning that countries such as Norway and Iceland had undertaken during the first twenty years of this century. Instead of attempting to operate effectively in this changing international economic environment, the saltfish industry in Nova Scotia as it was represented by interests in Lunenburg attempted to hold on to the old ways of "free enterprise" and maintain the status quo.

Ruth Fulton Grant points out that this was an impossible position to maintain. In other countries, governments, companies, and unions, were operating in concert to strengthen their share of the market and to take over markets formerly held by Lunenburg. In Newfoundland, the response to these efforts was to reduce prices to fishermen to maintain the market share by undercutting the competition.¹⁰¹ Instead of attempting to restructure their industry to meet this challenge, Lunenburg vessel owners accepted the lower prices in their struggle for solvency and passed on the loss to the fishermen by lowering the prices paid to fishermen.

With the loss of markets, and the loss of production, the saltfish industry in Nova Scotia declined. Many fishermen left for more lucrative employment, particularly in the rum running business, in which one could make more money in one month than one could make in a whole year fishing.¹⁰²

Those left in the offshore fishing industry inherited structures that were backward-looking and out-of-date. The world-wide depression of the 1930's had severely affected salt fish producers and markets internationally. Those countries that had developed planned economic strategies to market their fish were in considerable trouble, as prices dropped and markets shrank. In Nova Scotia, where such economic planning smacked of socialism, the industry was even harder hit. In the offshore schooner fishery, the number of vessels and men prosecuting this fishery diminished. Low prices internationally for saltfish, the base of the schooner fishery, came as a result of oversupply and a failure on the part of the Lunenburg saltfish industry to adapt to the changing tastes of the market.

In this context, health and safety issues took a low priority as vessel owners strove to cut their losses. During the 1920's and 1930's the number of

vessels in the saltfish industry declined, but, given that this was the time of the depression, there was a surplus of labour to crew the existing vessels. Without a union to counteract the measures taken by the vessel owners, the fishermen were at their mercy. The result was a perpetuation of what today would be considered inhuman living and working conditions.

With these types of economic problems neither the provincial or federal government were prepared to pass laws or regulations to improve safety conditions in the fishing industry. At the federal level, spending on search and rescue at sea declined sharply after World War I, with what appears to have been a marked shift in government policy.¹⁰³ The life boat saving stations that had been established in the late nineteenth and early twentieth centuries had been allowed to deteriorate to the point that many of them were in a state of disrepair and had lost their usefulness.¹⁰⁴ Further evidence of federal disinterest emerges from the Canada Shipping Act passed in 1934, which exempted fishing vessels from the requirements of the Act. In fact, captains and engineers on fishing vessels were not required to have any formal training. The decision as to whether a man was capable of being the master of an offshore fishing vessel rested with the owner or, in the case of the schooners, with the managing owners. The vessels themselves did not require any government inspection. If the company thought the vessel was fit to go fishing, and they had a crew prepared to take it, then the vessel went. The period from 1928 to the 1950's saw the development of regulations for the protection of people on other types of vessels. The passage of the Canada Shipping Act in 1934 and the creation of the Department of Transport in 1936 were the first steps taken to improve intolerable conditions that had existed for centuries on vessels. While regulations were introduced for cargo vessels,

ferry boats, and other types of marine craft, fishing vessels were exempted from the regulations.

Privatization of worker's compensation was a further mechanism of exempting offshore fishermen from protection under government regulations. With fishing vessels exempted from regulations, fishing companies were relieved of their responsibility.

Now, instead of the Workmen's Compensation Board setting the rates, collecting the premiums, and paying the claims, a private insurance company assumed these duties. Although still covered by the Workmen's Compensation Act, offshore fishermen were now under Part III, a section which defined offshore fishermen as employees but exempted them from the standard coverage enjoyed by workers in other industries.¹⁰⁵

The state's unambiguous pro-capital stance was further demonstrated by the three forms of financial aid it extended to the vessel owners. Under the new plan worked out by the government and the vessel owners, fishermen were no longer eligible for burial expenses, medical aid, artificial prosthesis, or the right to rehabilitation.¹⁰⁶

It was now not the Workmen's Compensation Board that judged the validity of the claims, but employees of a private insurance company. The Workmen's Compensation Board was still used to register the claims,¹⁰⁷ and the claims forms used by the private insurance companies were those of the Workmen's Compensation Board. The work completed by the Board was done without fees being levied, against either the employers or the private insurance companies. How this was justified inside the Workmen's Compensation Board is not clear, but it in fact constituted a form of government subsidization of the private insurance plan.¹⁰⁸

The provincial government further subsidized

the Lunenburg fleet by a direct payment of \$13,690.00 from the Provincial Treasury in 1928 to William Currie Agencies Limited of Halifax, the private insurance company that had taken over from the Workmen's Compensation Board in 1928. This subsidy was geared specifically to the seventy-four vessels of the Lunenburg fleet. No other vessels involved in the offshore fishery in Nova Scotia (such as the side trawlers or the schooners from ports outside of Lunenburg) were included.¹⁰⁹ The debt that had been incurred by the fishing industry to the Workmen's Compensation Board by this time as a result of the disasters of the previous seven years - amounting to \$357,680.00 - was eventually written off. It was both an indication of how much the state was willing to do for private interests, and of how unenthusiastically vessel owners and captains had addressed questions of safety.

The private insurance plan operated through large insurance companies known as Protection and Indemnity Associations ("P" and "I" Clubs) in Britain, associated with Lloyds of London, and initially represented in Nova Scotia by a local insurance company, William Currie Ltd. of Halifax. The major difference in terms of coverage between the old system of the Workmen's Compensation Board and the new private scheme was the absence of any provision under the private insurance plan for the payment of medical or hospital bills. This now became the responsibility of the fisherman or his family. If he wanted this type of coverage he could pay for it himself through the Sick Mariners' Fund which was a type of medical insurance plan for mariners.¹¹⁰

Since Canada had no programs for socialized medical and hospitalization at this time, fishermen had no guarantee of getting access to adequate medical treatment. The private compensation scheme was limited to those fishermen and immediate families who were resident in Nova Scotia.¹¹¹ This excluded

fishermen from Newfoundland who left home to come to Nova Scotia to work on the offshore fleet but whose families remained in Newfoundland.

Although the fisherman or his family had the right to appeal decisions concerning eligibility or the amount of an award, the system was stacked against him. County Court Judges heard such cases and acted as arbitrators. A fisherman wishing to appeal an award faced the daunting choice of hiring an expensive lawyer or presenting the case himself. A financially insecure fisherman in an isolated fishing village might well find it difficult to obtain access to a lawyer and if he did his chances of affording such legal aid were slim.

In Lunenburg County which had the greatest number of offshore fishermen during the period from 1928 to the mid 1950's, the private insurance vessel owners or managing owners they had a direct interest in keeping the rates low and their expenses down. Reducing awards meant reducing costs. Fishermen who attempted to challenge the decisions of the insurance company faced the possibility of blacklisting. The interests of the vessel owners would take precedence over any interests that might be expressed on behalf of the fishermen within this private structure.

The Halifax Herald, in an editorial on January 30, 1928, cited the decision taken by the Provincial Government to remove fishermen from Part I of the Workmen's Compensation Act as "Solving a Problem".¹¹² This editorial was written in the aftermath of the greatest single disaster to occur in the history of the offshore fishing industry in Nova Scotia. As indicated in the editorial, the emphasis was not on making the vessels safer, but on keeping the fleet fishing. There is no record of any inquiry into health and safety measures that were in place on the vessels nor into potential new measures. Instead of an

examination of the causes for the disaster, rationalizations were developed which not only explained away its occurrence but also relieved the fishing industry of any burden of responsibility.

If a similar situation had occurred in the mining industry, for instance, there would have been an outcry against the company and a demand for safer mines. This comparison between the mining and fishing industries is indicative of two very different levels of development. Miners had by this time a long history of trade union activity and experience in lobbying for better health and safety conditions.¹¹³ Fishermen had little, if any, trade union experience, and the crews in Lunenburg and other offshore ports in Nova Scotia were not organized. The failure to unionize can be best attributed to the nature of the workplace and the transiency of the labour force. Fishermen worked on schooners for months at a time, away from home, friends, and other fishermen. While on board they were under the orders of the captain whose word aboard the vessel was law. Any attempt to question the authority of the captain could be construed as mutiny. In the fishing communities where the fishermen's families resided the local fish buyer was often the same person who owned shares in the schooner and supplied provisions to the fishermen's family on credit. Any attempt to unionize under these circumstances confronted serious opposition from the start. Without a cohesiveness and a focal point around which to organize, fishermen were at a distinct disadvantage. The draw of other labour markets resulted in a high turnover of crew members aboard the vessels. The good money available from working on the rum runners plying the waters from St. Pierre to the Eastern United States, or even the better conditions offered by working on fishing vessels out of the Gloucester - New Bedford area was an incentive for younger or more mobile fishermen to leave

the offshore fishery in Nova Scotia for employment elsewhere. Their places were usually taken by Newfoundlanders from the South West Coast of Newfoundland, who came to Lunenburg to fish for the season and returned to Newfoundland in the winter.¹¹⁴ These factors acted to de-stabilize the labour force in the offshore industry, severely hampering any attempt that may have been made to organize and unionize.

People in mining communities were aware of the hazards of mining and were quick to support the miners in their efforts to gain better health and safety standards. In the fishing communities, there did not appear to have been the same kind of support. In the aftermath of the 1926-1927 disasters, there is no record of any appeal to the provincial or federal government by people in the Lunenburg area for better health and safety regulations or for an inquiry into the circumstances surrounding these disasters. This was indicative of what was almost expected of those who worked at sea. Being lost at sea was considered tragic but in many ways one of the risks of the job.

The disasters of the 1920's prompted the installation of radio transmitters for land communication, and diesel engines for auxiliary and sometimes main power. Otherwise, conditions on the schooner remained primitive. Living on a schooner as a dory fisherman meant sharing a very confined space for up to three to four months at a time with twenty to twenty-five other men. The limited space aboard the vessel meant that crew members could only have one spare change of clothes with them aboard the vessel for the duration of the voyage. The lack of storage facilities made it impossible to use any of the fresh water aboard for washing either oneself or ones clothes. All fresh water was required for cooking and drinking purposes.¹¹⁵ Trawling or handlining for cod out in a dory, meant never knowing what the changes in the weather

would bring or if a storm would come up suddenly without warning. Fire fighting and life saving equipment was simply not available. If it was not placed aboard the vessel at the time it was built then it was almost certain never to be placed aboard later. Given the conditions on board the vessels at this time, such equipment would have been regarded as a luxury. If there was a fire on the vessel the crew did what it could by throwing water on the fire. If that did not work, they would abandon ship in the fishing dories and hope for the best.

- With a combination of low prices and poor catches, it was conceivable that after a voyage of two or three months a fisherman could wind up making nothing on the voyage. As it was the time of the depression other labour markets did not offer much opportunity. Offshore fishermen as a result had little choice but to keep working at this job as it was the only employment available.

In this environment fishermen were at the mercy of the fish buyers and were powerless to act. The ones that could act were the captains, who were generally better off financially than the fishermen and had more mobility in terms of gaining employment in other sectors of marine industry.

The offshore fishing industry in Nova Scotia in the late 1930's was in serious decline. The primary recommendation of the MacLean Commission to limit the number of side trawlers had not dealt with the major problem confronting the saltfish industry: its strategy and position on the international market. The lack of any fisheries development program prevented the fresh and frozen fish industry from solving its most serious problems, such as that of developing vessels that could guarantee a supply of fish on a year-round basis. With only three side trawlers, and less than sixty schooners, the offshore fleet

in Nova Scotia faced diminishing returns on capital invested, and was in need of reorganization if new markets were to be developed and a continuous supply guaranteed. In this context of diminishing returns, there was little incentive for fish companies to develop better health and safety conditions aboard the vessels. The emphasis in the industry had now shifted to the nearshore and inshore fishery which now supplied most of the raw material to the fresh, frozen, and salt fish processors.

While conditions aboard the vessels were deplorable the situation faced by the victims of accidents aboard these vessels or their widows was worse. Placing the fishermen under Part III of the Workmen's Compensation Act had put them in an ambiguous and unfavorable position. They had neither the benefit of the potential public scrutiny offered by the Workmen's Compensation Board to openly question health and safety issues pertinent to the offshore fishery, or the possible legal recourse of civil litigation available to those outside of the jurisdiction of the Workmen's Compensation Act.

The available records indicate that privatization of the workmen's compensation system did not function well for fishermen. The papers of E.H. Armstrong, a former premier of Nova Scotia (who, after his defeat in the legislature became the County Court Judge in Lunenburg from 1928-30), reveal that Armstrong, even though he was supposedly the arbitrator in cases where there was a dispute, did not fully understand either his role or the legislation. In a letter to J.J. Kinley dated June 19, 1930 regarding a man who had drowned and whose mother had made a claim to the insurance company, Armstrong states:

"If all the parties concerned were before the county court judge, he would ask no questions, how they got there, whether by Summons or not.

But if they were not, the court would probably insist on service, which might involve a Summons. If you have the act you will see what I mean. This is the amendment by which Chapter 42 Acts 1928. The process is not simple: but the County Court Judge, would under the Act, I hope, not be overly particular, unless bona fide and real objections are raised either by the employer or insurance carrier. At any rate the provisions of Section 101 of the Act must in the main be followed. What this means is not quite clear."¹¹⁶

The question Kinley wanted answered (since there were indications that the insurance company would contest the claim) was:

"Is there any way they have the matter placed before the court without going to the expense of hiring a solicitor?"¹¹⁷

It is obvious from Armstrong's answer that if a case were heard, it would be a first, and therefore precedent setting, in which case a solicitor would be necessary.

The fisherman, or his family in this case, were fighting a battle they were unlikely to win. With little money, and virtually no access to legal assistance unconnected to the local political-economic establishment of Lunenburg, the fisherman or his family faced an insurmountable situation. People residing in the province at this time did not have access to legal aid programs. As a result, if a poor person or their family received legal assistance, it was through the charitable good will of the lawyer. The legal system at this time was primarily the domain of lawyers, magistrates, and judges. In such a case as that cited above, where a point of law needed to be addressed, the proceedings and legal wrangling could carry on for years. The

fisherman or his family would not be able to afford the expense of pursuing such a point of law given the reality they faced of trying to put food on the table and keep a roof over their head. The record of fishermen in court with regarding to appeals to decisions made under the private insurance plan were not favorable. In the case of Maritime Fish Corporation vs Cohoon Nova Scotia, (1930) regarding the wage ceiling for determining the amount of compensation; the County Court found in Cohoon's favour, but the Supreme Court of Nova Scotia overturned the ruling and found for the insurance company.¹¹⁸ Cohoon was challenging an amendment to the Workmen's Compensation Act made in 1921 that set the base amount of compensationable income for a fisherman at \$780.00 per year as opposed to \$1300 per year for other workers. In real terms this meant that Cohoon's compensation payments would be based on 55% of \$780.00 or \$429.00 per year, not as the lower court had found (55% of \$1300.00 or \$715.00 per year) based on his actual earnings.

These two situations are indicative of the type of attitude adopted by the courts and the justice system, regarding not only fishermen's compensation cases but fishermen's legal rights in general. Offshore fishermen could take their direction from these decisions. Employers and the insurance companies could also look upon this as an indication of how the legal system would respond to fishermen's claims. Such appears to be the case of Maritime Fish Company Vs Cohoon. What the court did in this case was to sentence not only Cohoon but every fisherman and fisherman's widow and family to poverty. In handing down his decision Judge Ross of the Nova Scotia Supreme Court stated:

"It is true that it may work a hardship more apparent perhaps than real on the sharesman who earns more than \$780.00 per year, but it

Considerable physical damage: sprains, sores, etc., to the workers' hands and wrists were observed."¹³⁵ Paul Russell, the owner and manager of Bonavista Cold Storage Ltd., a Newfoundland fish processing company stated, "The majority of captains, mates, and engineers do not possess certificates resulting from formal study and written examinations."¹³⁶ Captain M. Rodgerson, the only fisherman at the conference raised the issue of safety, pointing out that "all vessels should have life rafts and that gas masks be provided for the engine rooms."¹³⁷

Working on a trawler meant working with various types of heavy industrial types of equipment such as large winches, heavy wire cable and rope, large overhead booms, and huge nets. Hauling back and setting this type of gear is complicated, difficult and requires precision timing. One slip can mean the loss of a finger, hand, leg or arm. For this work there was no training except that learned on the job. The position of captain remained from the days past as certification as a captain was recommended but not required. As a consequence many of the masters of the trawlers did not have any formal instruction in the use of the navigational equipment. They learned to use it on the job. The same was true for life-saving and first-aid training. According to a 1971 study completed by John Proskie and Janet Adams, Survey of the Labour Force in the Offshore Fishing Fleet, Atlantic Coast less than 1% of the vessel captains surveyed had any training in fire fighting, marine safety, or first aid. It was only in 1968 that the Masters and Mates Regulations under the Canada Shipping Act was applied to captains and mates aboard fishing vessels. Before this time, while some fishing vessel masters received formal training, it was not compulsory. The decision as to whether a person was qualified to take out a vessel rested with the company that owned the vessel.

affected the fishing industry were virtually non-existent. Nonetheless, fishermen in 1937 were beginning to fight back. The Canadian Fishermen's Union (an offshoot of the Canadian Seamen's Union) began organizing in Nova Scotia. The first local was organized in Lockeport and the demands of the union were the basic demands of any trade union in North America - recognition of the democratically elected union as the sole bargaining agent for the workers it represented. One of the terms that a union would be empowered to negotiate on behalf of its membership would be working conditions. As the terms of the working conditions were negotiated, health and safety standards reflecting the interests of the workers would be developed.

This first attempt to introduce democracy - and an active role for fishermen into the fishing industry in Nova Scotia was met with outright hostility by both the fish companies and the provincial government. It resulted in two key events that blocked successful unionization of fishermen during this period.

The first key event was the Lockeport Lockout in which fishermen and fishhandlers at the Lockeport Company fish plant in Lockeport were locked out by the company over the issue of union recognition.¹²¹ Subsequent to this and after the beginning of World War II, the leaders of the union were arrested and interned under the War Measures Act. They were eventually released but the actions of the government and the company had achieved their desired effect as the attempts to organize at Lockeport were defeated.

The second event was the denial of union rights to fishermen and the use of the justice system to remove from them the status of employee and to place them in a situation where they had no rights - that of a sharesman or "co-adventurer".

Products side trawler that ran aground off Halifax February 22, 1967. When the vessel was lost, the company was unable to say how many were aboard the vessel or who they all were. This is because of the high turnover on the vessels at the time which was due mainly to the conditions of employment that existed at the time.

The loss of these vessels revealed the inadequacies of the compensation programs provided by the private insurance companies. The compensation paid the widows at the time of the loss of the Cape Bonnie for example amounted to \$90.00 per month, plus \$30.00 per month for each child under the age of sixteen. Even by the level of incomes in 1967, this was considered to be a paltry sum. Concerns were raised by members of the clergy and county councilors, and a disaster fund was established to provide further compensation to the widows of those lost.

Unionization of the Nova Scotia fishing industry was a long slow climb after the defeat of the Canadian Fishermen's Union in 1946-47. Ten years later in 1957, the fish plant workers broadened their organization with the formation of the Canadian Seafood Workers Union. This came about as the result of a merger between the United Fishery Workers of Canada and the Canadian Fish Handlers Union. At the founding convention of this new union, one of the resolutions passed expressed a need for the establishment of a Canadian Coast Guard that would act to assist and protect fishermen and other mariners in times of storms or distress, and another urged that all sectors of the fishing industry be brought under Part I of the Workmen's Compensation Act.¹⁴⁴ This was the first public indication or claim by any group in the industry that health and safety issues were a concern.

The next indication came with the Royal Commission to Inquire into the

considerable debate on how policy decisions are made, it can be said that one of the primary factors influencing policy making are the activities of interest groups. Since fishermen were now forbidden to unionize, they were not able to represent their interests as workers in other industries. They could only make their wishes known as individuals. They were thus virtually powerless at a time when the industry was on the verge of a major change in marketing and fleet structure. The large plants called for by modernization required larger volumes of fish to meet demand. To be assured of these larger volumes of fish, and a continuity of supply, particular plants would have to own a fleet of vessels that would supply them with fish on a year round basis. Having adequate conditions on board these vessels to ensure a stable, competent, crew was a pre-requisite of modernization. Given labours legally enforced weakness, however, this pre-requisite was not to be met for a further quarter century - with disastrous and tragic results for the industry and its workers.

CHAPTER FOUR

FISHERY MODERNIZATION AND THE PRIVATE COMPENSATION PROGRAM.

Modernization in the fishing industry expanded rapidly in the 1940's and 1950's. This was the result of a government policy of industrial development which had its origins during World War II. Prompted by difficulties in the industry during the war, the federal government enacted a number of Orders-in-Council under the Pensions Act to provide fishermen with compensation for loss of property - (P.C.3358), loss of life, disability, or detention abroad - (P.C. 10/4029) and to provide relief to individual fishermen and cooperative groups in the event of war damage done to vessels - (P.C. 5036). In a further attempt to expand wartime production, P.C. 7580 was passed in August 1942. This order-in-council provided assistance for the construction of side trawlers greater than seventy-two feet in length. This Order was further amended in April 1943 (P.C.3297) to provide a subsidy of \$165.00 per ton plus special depreciation terms. The fishing companies, initially hesitant to embark on such an ambitious strategy of modernization, were encouraged by this more liberal provision of state assistance, and began construction of wetfish trawlers in 1943.¹²³

In Nova Scotia, immediate construction was started on two side trawlers, the "Sea Nymph I" and the "Halfish," for the Maritime- National Fish Company of Halifax in 1943-44.¹²⁴ This was followed by the construction of two side trawlers for Lunenburg Sea Products, the "Cape North" and the Cape "LaHave".¹²⁵ All of the earlier side trawlers that had been used before 1929 and the three side trawlers that had remained after the tax was imposed (the "Rayon d'or," the "Venosta," and the "Viernoe") were constructed in Europe.¹²⁶ All of these new trawlers were built in Nova Scotia and were of wooden

construction.

The demand for frozen fish, both in the United States and Britain, had increased during the early 1940's. Initially this market had been met by Iceland and Norway, but the war - particularly in the eastern North Atlantic - hampered the continuity of supply, particularly to Britain.¹²⁷ The Canadian Government, rather than restructuring the depressed saltfish industry, looked to the frozen fish industry and the markets available in the United States and Britain.

A series of development programs beginning in the early 1940's were implemented to centralize and industrialize the fishery. This was based on the concept that centralization and industrialization would have the effect of improving productivity and efficiency. Improved productivity would in turn result in increased profits for the fish companies and improved incomes for the fishermen. This approach sounded very praiseworthy and rational, but it suffered from serious structural flaws.

The planners and policy makers who designed this model of development assumed that the industrial conditions of monopoly capitalism, as experienced in the industrial centres of North America, were being prevented from developing in Nova Scotia because of the adherence to traditional modes of production that had become "obsolete" in the modern industrial society. Low incomes and low productivity in the fishing industry were interpreted by the planners as an indication of this obsolescence.

This interpretation took no account of the social and economic structure of the industry. Fishermen had a history of feudal or semi-feudal conditions under the infamous "truck" system, which, in turn, laid the basis for archaic paternalistic relationships between the fishermen and the fish merchants.¹²⁸

Offshore fishermen, denied the right to unionize under the Province's Trade Union Act in 1947, could not as a consequence bargain collectively for their incomes and working conditions.¹²⁹

The efforts by the plant workers to unionize had been met with severe opposition from both governments and companies which had stifled their attempts to unionize beyond a few major centres. Added to these officially imposed obstacles was the industry's geographically fragmented character. Spread out along the coastline of the province, made up of both larger fishing towns with processing plants and offshore fishing fleets, and tiny fishing villages with no plants and inshore fleets, it was small wonder that unionization of the fishermen had proved so difficult in the 1940's for an independent Canadian union.

The lack of any attempt to develop industrial democracy, resulted in an industrial model in the fishery that retained most of its historic structural problems. The frozen fish industry and the modernization program introduced cash into the fishing economy on a scale much broader than had been experienced previously.¹³⁰ This was little consolation for powerless fishermen and plant workers in their attempts to have issues important to them dealt with in any type of public forum.

The problems centered on a lack of legitimacy for the fishermen and the plant workers in the eyes of government, and an ingrained paternalism incorporated in the industrial structure of foreign multinationals and local consolidated capital supported by the provincial and federal governments. Nothing balanced the companies power; nothing made them accountable for their relations to their employees.

Both federal and provincial governments found this situation convenient

as it lessened the burden of administration without the irritation of persons with other interests questioning policies. In this context the policy of modernization did not even consider the problem of occupational health and safety for fishermen.

While several wooden side trawlers were built in Nova Scotia, the majority of the side trawlers that entered the fishery during the 1940's and 1950's were used side trawlers, either purchased or leased from companies operating in Europe, Britain, or the United States. Many of these vessels were old, with worn-out machinery; they were weather-beaten and hopelessly inadequate for North Atlantic winters. Their stability was especially dubious given the severe icing-up problems that were experienced while fishing in the winter.¹³¹ Working aboard these vessels was always dangerous, particularly if the captain was unaware of, or simply ignored, the vessel's stability problems.

In the 1960's, government policy in the fishing industry continued to focus almost exclusively on the centralization and industrialization of the industry. This meant the construction of large frozen fish plants and the acquisition of a large offshore fishing fleet to maintain year round employment in those plants. Species other than cod were to be exploited at a much greater level than before, and the vessels were to fish year round to maintain supply for the markets.

Modernization encouraged the consolidation of the industry. In 1945 National Maritime Fish Company, the Lockeport Company and Lunenburg Sea Products joined together to form one large fish company, National Sea Products. The fishing industry was caught up in the post World War II industrial boom. Governments encouraged the development of the offshore fleet and the large frozen fish plants, believing them to be guaranteed cures

for the industry's long depression. Nowhere on the government's agenda was there room for the interests of fishermen and fish plant workers, apart from the promise of steady employment. While there were recommendations that studies be undertaken by the Food and Agriculture Organization on the "occupational hazards and diseases" associated with the fishing industry,¹³² it appears that these recommendations were not acted upon. Health and safety in the fishing industry, from the end of World War II until 1957, were non-issues in terms of the public agenda of the fishing industry.

Now, instead of selling salt cod produced by the fisherman and his family to the local fish merchant in exchange for supplies for the year, the fisherman became a crew member of a side trawler fishing offshore either on the Scotian Shelf off Nova Scotia or on the Grand Banks off Newfoundland. The trips lasted ten to fourteen days, with no guarantee that at the end of the trip the crew would make any money from the voyage. This anomalous lottery endured because of the co-adventurer system as developed by the fish companies, a holdover from the former days of the truck system. Under this system the fishermen on the trawlers (or draggers as they were more commonly known) were "part of the fishing venture with the companies." In theory, both the fishermen and the companies would benefit during good prices and good catches and suffer equally during low prices or low catches. The reality was somewhat different. While there were times when fishermen did make "good money", and did have "good trips", the overall effect of this system did not improve fishermen's incomes substantially given the amount of work involved, the long hours, and the time away from home. For the companies it was a mechanism - very similar to that employed under the truck system - which served to place the burden of risk on the fishermen. Since fishermen who

provincial government lined up on the side of the companies to defeat the efforts of the UFAWU, leaving divisions between individual fishermen, plant workers, and unions that exist to this day.¹⁵³ The Amalgamated Meat Cutters Union which had the support of the Canadian Labour Congress eventually "won" the right to represent the fishermen. Its victory left very deep scars on all those involved. Once again, at a pivotal time in the history of the fishing industry, the attempts by fishermen to introduce democracy into the fishery were crushed by those whose interests lay in maintaining fishermen as a large unorganized workforce with no political clout.

Fishermen, while unsuccessful in gaining the union of their choice, made the public and decision makers aware of the poor health and safety conditions that existed on the vessels. The conditions of employment which existed on the vessels during the post World War II industrial fishery were holdovers from the offshore schooner fishery and the truck system. They can only be understood as part of a deeply rooted, strongly entrenched system of exploitation. Only a force outside this system could disrupt it.

In Nova Scotia the outside agent was the United Fishermen and Allied Workers Union and their president, Homer Stevens. What Stevens and the fishermen of the UFAWU on both coasts did during the Canso Fishermen's Strike of 1970-71 was to place the fishing industry, fishermen, and plant workers on the political agenda of the province. The strike served to educate not only other workers but the general populace as to the conditions of employment experienced by fishermen on both large and small vessels.

The political climate was right for the re-introduction of fishermen back into Part I of the Workmen's Compensation Act in 1971. The disasters of the mid 1960's, the lobbying of various municipalities whose relief roles had been

swelled by the widows and families left by these disasters,¹⁵⁴ and emergence of offshore fishermen as a lobbying force all contributed to the offshore fishing industry coming under Part I of the Act. In January of 1971 offshore fishermen in Nova Scotia once again came under the coverage of Part I of the Workmen's Compensation Act. During the same year, they also came under the Nova Scotia Trade Union Act, which gave them the same legal rights to collective bargaining as other workers in the province.¹⁵⁵ It was at this point that offshore fishermen in Nova Scotia finally had the power to make claims on the political system according to their own agenda. In the post-1945 industrial fishery, the companies and the federal and provincial governments had been the policy and decision-makers. In this phase of the industrial fishery, the fish companies had their way in terms of developing policy. In terms of health and safety, this policy had been a disaster with many of the vessels operating at less than desired safety levels with a high crew turnover and low wages.¹⁵⁶ The cost in human lives was significant with over seventy men lost in major disasters alone.¹⁵⁷ The others lost individually from various vessels have never been counted nor have the ones who were either crippled or maimed for life.

For offshore fishermen in Nova Scotia the period of the late 1960's and early 1970's can be seen as both a time of rapid advance and a time of disappointment. Recognition of the principle of trade unionism was gained and the mold of the old ways broken. Fishermen who worked on offshore draggers fishing for cod, haddock, flounder, and redfish (groundfish) were now for the most part members of unions: the Canadian Brotherhood of Railway Transport and General Workers (CBRT) for those working on National Sea Products or H.B. Nickerson vessels; and the Canadian Food and Allied Workers Union

(CFAW) for those working on Booth Fisheries vessels out of Petit de Grat and the United Maritime Fishermen's Co-op vessels operating out of Alder Point.¹⁵⁸ Even those not unionized felt the change for as conditions improved on the unionized vessels the owners of the non-unionized vessels felt obliged to keep pace.

The United Fishermen and Allied Workers Union, who had begun the organizing drive, were to come away with no union locals on the East Coast. They had been frozen out by the mainstream of the labour movement. They had performed one very important function though in their time on the East Coast - they had challenged the systems that controlled the lives of fishermen and plant workers in the province and had shown fishermen that this could be done. Their intervention changed forever the conditions of employment between the offshore fishermen and the fish companies, and heralded the beginning of a different relationship between these two groups.

After 1971, offshore fishermen went to sea knowing with some degree of certainty what they were going to get paid for their fish. They had a contract which stipulated how long the captain could keep them working before he had to let them sleep. There was a grievance procedure in place, and a fisherman could not be fired without just cause.¹⁵⁹ The framework to negotiate changes in the conditions of employment between offshore fishermen and fish companies was now in place.

This record of trade-unionism advance was, however, balanced by real disappointments. The early part of the 1970's saw a drastic decline of both earnings and landings in the fishing industry in general as the impact of industrialization was felt by both the domestic and international fishing industries. Fish stocks declined.¹⁶⁰ Domestically, the frozen fish market in

the United States - which had been the major market for frozen fish from Canada, taking approximately 80% of the landings - collapsed in 1974 leaving fishermen in Canada's eastern fishing provinces in very poor condition.¹⁶¹ In Nova Scotia, the fishermen, still trying to recover from the union battles of the late 1960's, were disorganized and unable to cope effectively with the situation. In Newfoundland, however, the events of 1974 were to change the complexion of the offshore fishing industry on the whole east coast of Canada.

In August of 1974, because of low prices and low landings, offshore fishermen in Newfoundland, at the instigation of an information picket set up by small boat fishermen from the Port au Choix area, went on a wildcat strike. This strike spread to all offshore fishing ports in Newfoundland. The result was an industrial inquiry and the Harris Report.¹⁶² This report determined that offshore fishermen were not co-adventurers but were in fact employees of the company and as such should be guaranteed a yearly salary.¹⁶³ This was a milestone in the relations of production that had existed between the offshore fishermen and the companies as it moved employment in the industry from the secondary labour market to the primary labour market. An offshore fisherman's income went from \$7000.00-\$8000.00 per year in 1974 to a guaranteed income (based on an offshore fishermen making twenty-four trips per year) of \$13,500.00 in 1975.¹⁶⁴ The effect on offshore fishermen in Newfoundland was dramatic. Turnover of crews was reduced as the increased wages stabilized the work force. Stability of crews in turn created a safer work environment, even though the actual physical work environment had not changed. But probably more important than all of this was the creation of the union. As is the case with any significant social change, the move from having fishermen

on offshore vessels considered co-adventurers to employees came as a result of a struggle and a strike. While fishermen were in the union before the strike, they were really in it in name only. The strike made the union come alive for the fishermen, and it gave them a sense of legitimacy and solidarity for their cause. As individuals, they were no longer alone, but part of a collective force making their demands on the society.

The effect of this success did not go unnoticed in Nova Scotia. The fish companies that were party to the negotiations in Newfoundland were operating in Nova Scotia.¹⁶⁵ As a response to the victory in Newfoundland, the companies offered sailing per diem's to their trawler fishermen in Nova Scotia.¹⁶⁶

As a result fishermen in Nova Scotia earned approximately the same income as fishermen in Newfoundland but they had not experienced the same trade union solidarity. While they had achieved some of the same benefits, their relationship with the fish companies remained virtually the same, and the greater assertiveness in the day-to-day operations that had so transformed the Newfoundland fishery was not as evident in Nova Scotia. In Nova Scotia, a seniority list was not established, vessels did not necessarily have boat delegates, grievance procedures were not clearly established, and safety on vessel was not properly enforced.

State policy may also be described as a balance of advance and frustration. One of the most significant advances has been a great improvement in what is known about the maritime health and safety record, both in Canada and internationally. Health and safety in the offshore fishing industry was studied by the International Labour Organization and the findings published in a 1962 report. Since that time, several European countries including Britain and

Norway have studied this situation with startling results. One of the initial studies that called into question the statistics gathered on deaths and accidents in the fishing industry was the report by R.S.F. Schilling, "Hazards of Deep Sea Fishing". This report, written in 1971, re-examined the history of trawler fishing accidents in the British fleet in light of the disasters of 1968 when three vessels and fifty-eight men were lost. This report was followed by a Norwegian study by K. Rodahl and Z. Vokac, titled "Work Stress in Norwegian Trawler Fishermen".

These studies prompted other examinations of trawler fishing in the North East Atlantic. In Canada, probably the best studies to date were completed by Ches Cribb, a trawler fisherman and the head of the Newfoundland fishermen's union trawler safety committee and by sociologist, Barbara Neis, who in 1986 brought out The Social Impact of Technological Change in Newfoundland in conjunction with the NFFAWU.

The report by Ches Cribb is probably the best study ever done on safety on the modern offshore trawler fleet to date. Cribb, who himself was a trawler fisherman for many years, brought to the report the kind of information and inside knowledge that only someone who had worked on this type of vessel would have. His analysis of the type of safety equipment available on the vessels, the flaws in vessel design, and weaknesses in the present safety programs were invaluable in gaining a quick insight into the day-to-day problems that offshore fishermen face.

The report by Barbara Neis had a much more theoretical emphasis and was geared to projecting how the industry could be organized. Her report examined closely the present technological changes that were occurring in the industry. She provided an overview of the options open to the offshore

industry, something that had been lacking in past reports. What the report did was to examine the concept of ergonomics in relation to work aboard offshore trawlers. Ergonomics, which is the study of health problems and solutions to those problems that result when technology is not designed to conform to the capabilities of the human body and individual physiological and psychological differences has contributed to a rethinking of traditional definitions and explanations of occupational health and safety. Neis used this paradigm to examine the health and safety problems facing fishermen and plant workers in the industry.

The conclusions she reached were much different than those of mainstream industrial models as she challenged the notions of the large scale industrial production models. This was quite helpful as persons both in this country and in other countries on the North Atlantic Rim have seriously considered other models of fisheries development in order to meet the changing dynamics of the market towards higher quality and more specialized products.

In the wake of the development of the fishermen's union in the Newfoundland offshore fleet came the first study relating specifically to occupational health and safety on offshore fishing vessels on the East Coast. It was carried out in 1978-79 for the Large Fishing Vessel Safety Committee, a joint labour management committee established to develop safety programs for the offshore fleet. This report titled A Study of Safety Onboard Large Fishing Vessels in the Newfoundland Fishery written by Woodrow French was quite superficial and generally regarded as not satisfactory. As a result, a second report was commissioned by the committee. This report was researched and written by Ches Cribb, an offshore fisherman and the union's safety co-

ordinator. This report was one of the clearest and most practical reports written on safety problems. In it, Cribb examined clearly the practical obstacles that inhibited the introduction of better safety practice on board the offshore trawlers. In response, vessel owners began to develop better training on board vessels and governments strove to bring in regulations to administer the safer operation of the fishery.

In Nova Scotia, the companies developed an apprenticeship program for offshore fishermen called the Atlantic Fishermen's Recordbook Plan. The Deckhand Certificate Program, while it did formally train individuals in the performance of many of the skills necessary for work on the draggers, to this day does not provide any training concerning safe working practices on the vessel or fire fighting, life saving, or first aid. While this program was designed to upgrade the skills of the deckhands, it had the potential to be used by the companies to blacklist potential troublemakers. The Provincial Government of Nova Scotia, through the Accident Prevention Branch of the Workmen's Compensation Board, in the 1970's began a pilot project concerning safety aboard offshore vessels. This involved going aboard the vessels and holding meetings with the crews concerning proper safety practices.¹⁶⁷ The Workmen's Compensation Board itself after 1971 resumed collecting statistics on the numbers of people injured or killed while working aboard the vessels. Since coverage under workmen's compensation was now mandatory, the injuries reported each year reflected the total for the fleet. Yet these advances in state policy were counterbalanced by serious frustrations. Many stemmed from the question of jurisdiction. Although the Workmen's Compensation Board set the rates for the fishing industry and paid out the claims, it had no say in determining any of the rules and regulations governing

work on the offshore trawlers. The authority for that rested with the Federal Government through Transport Canada. But jurisdiction, while an issue during the crisis in 1927, did not resurface as an issue again until the late 1970's, with the introduction of the Two Hundred Mile Economic Management Zone and the discovery of oil and gas on the East Coast offshore.

Neither A.H. MacKinnon in his Royal Commission Inquiry in 1958 nor Lorne C. Clarke in his inquiry in 1968 made any mention of jurisdiction in the fishing industry.¹⁶⁸ That question was outside of the terms of their examination of workmen's compensation and the fishing industry. In A.H. MacKinnon's commission the fishing industry was only one of many examined. In the Clarke inquiry, attention was focussed narrowly on the question of fishermen and Part I of the Workmen's Compensation Act. In neither instance did the scope of their inquiry extend to cover jurisdiction, nor was it raised as a concern by any of the parties that appeared before them. At the time these inquiries were held, fishermen did not have much experience in attempting to get regulations implemented that applied to safety and health aboard the vessels. Jurisdiction became an issue when fishermen began to organize and to challenge the status of the relations of production they had with the fish companies. In Canada the question of jurisdiction of health and safety in the offshore was first raised in British Columbia in 1976.¹⁶⁹ In this situation the Worker's Compensation Board in British Columbia developed a set of regulations to govern the operations of fishing vessels operating on the West Coast of Canada. After the regulations were passed into law the Federal Department of Transport stepped in and declared this to be their jurisdiction. A legal battle in the Supreme Court of Canada decided in favour of the Department of Transport and the regulations passed by the British Columbia

Government were declared ultra vires. This would have been satisfactory, but for the fact that the British Columbia government had passed the regulations in the first place because none had existed previously. After the regulations were quashed by the Supreme Court of Canada, the Federal Department of Transport, even though it had jurisdiction to implement regulations, failed to do so. Consequently, while some regulations have been passed in the ensuing years there has been a lack of any comprehensive set of regulations for health and safety on fishing vessels of any size. Transport Canada, while it has historically had jurisdiction over health and safety in the offshore fishing industry, failed to exercise its option except in the most superficial manner.

Such jurisdictional problems help explain the state's failure to respond to the disastrous sinkings of offshore fishing vessels in the 1960's. Instead of instituting a major inquiry into these disasters, as Britain did in 1968 with the Holland Inquiry, the Department attempted to ignore what was happening and left things as they were. The activities of the British Columbia Government came only as a result of disasters in their industry and its frustration with the inactivity of the Federal Government. In Nova Scotia, the provincial government demonstrated a total lack of initiative. To this day there has never been a study of health and safety conditions on the offshore fleet completed by the Nova Scotia government. In fact there has never been any state-sponsored study done on health and safety in any sector of the fishing industry, even though it is the oldest industry in the Province. This, in part, is tied up with the mythology of wooden ships and iron men. Hardships which would be denounced on land as barbaric somehow came to be accepted as unavoidable aspects of fishing life - in the face of evidence that elsewhere such hardships were being addressed and alleviated.

The first study to be completed on occupational health and safety in Nova Scotia was completed in 1984 by a commission headed by Dr. Tom MacKcough, a former Minister of Labour. This commission received several submissions from the fishing industry, among them one from the United Food and Commerical Workers Union (representing scallop fishermen in Lunenburg) and one from the Maritime Fishermen's Union (representing inshore fishermen in Nova Scotia). These submissions documented serious concerns arising from jurisdictional confusion. The UFCWU recounted a case aboard a scallop dragger of drinking water not fit for human consumption, yet no government department - either Federal (the Department of Transport and the Department of National Health and Welfare), or Provincial (the Department of Labour and the Department of Health) - had the power to require the owner of the vessel to have safe drinking water on board.¹⁷⁰ The submission from the Maritime Fishermen's Union pointed out the health and safety problems faced by inshore fishermen, the lack of any system to record and document these problems and the deficiencies in the present system of worker's compensation as it applied to small boat owners.¹⁷¹ Predictably the submission by National Sea Products argued for a maintenance of the status quo, stating there were enough regulations in the industry as it was.¹⁷²

When the report was released there was no mention of the fishing industry or any of the problems outlined by the unions. The report also failed to consider the question of jurisdiction in this matter, although ironically the province was aggressively touting the development of the offshore.¹⁷³

Health and safety for the offshore fisherman in Nova Scotia in the period from 1971 to 1986 has been one that has been marked by slow but steady progress. Since 1965 all first engineers have required certification to work on

the offshore trawlers.¹⁷⁴ Captains and mates since 1968 have been required to have either a certificate of service (a captain's ticket based solely on experience) or a certificate of competency (a captain's ticket based on a combination of formal training and experience).¹⁷⁵

The fires that have occurred over the past twenty years on board the vessels have prompted the introduction of equipment on board the vessels and fire fighting training for the officers and crew. Fire extinguishers for all types of fires were placed on board along with a Scot Air Pack - a breathing apparatus used in fire fighting.

In the mid 1970's various fisheries and marine training institutions in the Maritimes and Newfoundland began offering Marine Emergency Duties Courses.¹⁷⁶ These courses were initially picked up by the offshore oil and gas industry who made it a requirement that all persons employed have this form of training. This was adopted by the fishing industry and incorporated into the training program for captains, mates, and engineers. The Marine Emergency Duties Course has four components: survival at sea, first aid, life saving appliances (life boats, life rafts, survival suits etc.), and fire fighting at sea. This course has gone a long way to increasing awareness of safety at sea, not only among the officers, but among the crew as well. Increased regulation has also made conditions on the vessels safer. Fire drills and boat drills now have to be completed on a monthly basis and life boats have to be kept in good working order.¹⁷⁷

The latest innovations for safety have been the efforts made by various individuals to have personal flotation vests, hard hats and steel toe rubber boots worn on deck when hauling back or shooting away the trawl. As a result of the "Ocean Ranger" disaster in 1982 and the subsequent Royal Commission

Inquiry all offshore fishing vessels over one hundred fifty tons (usually vessels over one hundred feet) are required, under the Canada Shipping Act, to carry survival suits for all members of the crew.¹⁷⁸ These efforts at improving health and safety on the vessels have been initiated by governments, training institutions, companies, and the fishermen themselves.

As conditions of employment have changed in the fishery, so have other factors affecting the operation of the vessels. In 1977, Canada declared a Two Hundred Mile Economic Zone for fisheries management. With the implementation of this management program, the offshore groundfish dragger fleet began winter fishing for Northern Cod on the Hamilton Banks off the Coast of Labrador. Fishing here during the winter meant fishing through the ice, a method of fishing that up to this time had been only done by the Eastern Bloc countries and West Germany. Special ice davits were needed as the warps went down the ramp to prevent them from being caught in the ice while towing. The Canadian vessels that initially participated in this fishery did not have this type of equipment and instead jury rigged a chain around the warp to transfer it from the gallows block to the ramp.¹⁷⁹ Nor were the Canadian vessels, as originally constructed, ice strengthened. This caused some problems during the initial years, when these vessels began going after northern cod. Some vessels were damaged by the ice. The response by the offshore companies was to ice strengthen these vessels. Today, reports from fishermen who sail on these boats are mixed. Some worry about the stability of these boats as the original design has been modified.

What is significant is that the conditions of employment between the companies and the fishermen have changed enough to permit these types of innovations into the workplace. The pattern of paternalism that had so

dominated the fishing industry - particularly the offshore fishery has been altered considerably. While components of it still remain a course has been set that will eventually see it finally broken and a new offshore industry emerge.

In the 1980's mainly as a result of pressure from the unions in the fishing industry and in the wake of the "Ocean Ranger" disaster the Federal Department of Transport and the Federal Department of Labour finally began looking at the problems associated with occupational health and safety offshore. Several studies were commissioned. Since it had been clearly recognized that health and safety in the offshore is a federal jurisdiction, then the next question to be resolved was what department of the Federal Government would have authority and what would be the nature of the authority. The history of health and safety in the fishing industry in Nova Scotia suggested that without a consistent lobby from fishermen and their unions, the present situation would remain as it was. While the Transport Canada theoretically had jurisdiction in this area, it had not been anxious to move on it. Many of the regulations upheld by Labour Canada that governed health and safety on land did not apply to the offshore. Most of the regulations for health and safety offshore came under the Canada Shipping Act. According to the Directory of Occupational Safety and Health Legislation in Canada published by Canada Department of Labour in 1981 there were thirty-one sets of regulations concerning safety and health on all kinds of Canadian vessels, of which seven applied to fishing vessels, - in most cases to those greater than one hundred tons. There are now regulations, administered by Transport Canada, that had been made under Part V of the Canada Labour Code governing health and safety aboard fishing vessels. In terms of offshore oil and gas, a separate body was created that governed health and safety in

that area, the Canadian Oil and Gas Lands Administration (COGLA).

The situation now is so confused that any future initiatives in offshore health and safety can only be hampered by overlapping and unclear jurisdictional claims. The problem of jurisdiction is one that requires considerable negotiation if practical solutions are to be found that will be of benefit to offshore fishermen. One of the problems is a Canada Shipping

Act that has become so encumbered with innumerable regulations that proper enforcement is virtually impossible. With thirty-one sets of regulations for safety and health, the task of understanding what regulations apply to any situation is confusing for department officials and even more so for fishermen. Unfortunately, gaps are only found in the regulations when there is a loss of life or a serious injury is sustained. For some time now, there has been in existence an international agreement on among other things safety at sea through the International Marine Organization. The decision to abide by this agreement would mean that all offshore fishermen in Nova Scotia would be required to have some basic training in safety practices. The problem to date is that Canada as yet has not become a signatory to this agreement and is therefore not required to follow the guidelines.

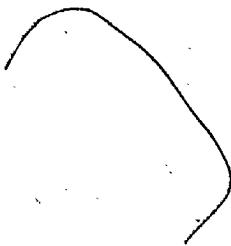
Today the situation aboard the offshore vessels is somewhat better than it has been in the past. The stern trawlers generally used in the wetfish trawler fleet are safer than schooners or side trawlers. The captains, mates, and engineers on these vessels have received formal training for their positions that includes either an initial Marine Emergency Duties Course, MED II, or an advanced course, MED III. Vessels in the offshore trawler fleet have since 1985 been required to carry survival suits for each crew member and there are supposedly regular fire drills (though this appears to be dependant upon the

will of the skipper). Training for the regular crew members is still quite uneven and there is no requirement by law that crew members have any marine emergency duties training. The only training that is encouraged through the Atlantic Fishermen's Recordbook Plan is directed towards the skills of hauling and shooting the trawl, and net mending. Subjects such as navigation, fire fighting, first aid, life saving appliances and electronics are not covered. In fact any able male can still walk down a wetfish trawler in Nova Scotia and get hired as a deckhand if that particular vessel happens to be short a crew member. He requires no training or previous experience. In Newfoundland, the NFFAWU has however enforced a seniority list and there is a waiting list of people who want to get on.

This is a reflection of the difference in the nature of the social relations of production that exist between the fishermen and fish companies in the two provinces. Historically the relations between the fish buyer and the fisherman had been much better in Nova Scotia, given the migration of fishermen from Newfoundland to Nova Scotia to work on the vessels here. Over the past ten years this situation has changed drastically with the success of the union in Newfoundland. Now if fishermen are leaving Newfoundland to work on vessels in Nova Scotia, it is because there are no openings on the Newfoundland vessels. This stability has enabled the NFFAWU to make claims for better safety and health standards.

In the long term this can only bode well for offshore fishermen in all the provinces on the East Coast. Since the regulations that govern health and safety in this industry are federal, improvements made on them through pressure from the union will benefit all offshore fishermen, whether they are unionized or not. As the union continues to exert pressure on the government

unionized or not. As the union continues to exert pressure on the government to realize the claims on its agenda, the structure is now in place to allow the union and consequently all workers in the industry to make claims on the system. The fishing industry as a whole thus has the potential to become a safer place to work in the future.



CONCLUSION

The offshore fishing industry has changed considerably over the past seventy years. The nature of the change has been more in terms of the types of technology employed. While the relations of production have been altered somewhat, this has only been a recent event. The offshore industry in Nova Scotia has variables, which cannot be accounted for at sea that remain static in normal industrial settings on land. It is these factors which can compound any seemingly minor problem into a major catastrophe.

After a difficult struggle fishermen are now at a point where they can have a major influence in determining health and safety policy for the large offshore fleet. But even at the time of writing the issues that in the past affected health and safety, are changing as fishermen's awareness of who they are in this society is changing. The money to be made working on a trawler two hundred days or more a year is not as appealing as it once was. Many of these fishermen now look more to other sources of employment, mainly inshore fishing, which offers better home life, something which many of those who have worked in the offshore realize is more important than making the big income in the offshore fishery.

The offshore fishery itself is changing with many of the vessels, because of changing market conditions moving from icing fish in pens to icing them in small plastic boxes (130lbs per box). Many health and safety authorities point out that the use of these boxes as they are presently being employed will lead to an increase in back problems.

Offshore fishermen in Nova Scotia first gained some protection from

been particularly valid as it applies to the fishing industry. It was not until the mid 1960's that the Department of Transport acted to bring in regulations which provided the crews with some protection, yet as late as 1984 there was still no regulation providing for potable drinking water for the crew.

Many of these problems can be traced back to the controls that have been placed on offshore fishermen by both governments and the courts in restricting their ability to negotiate the terms of their working conditions. Offshore fishing by its very nature is intrinsically dangerous. There are many variables such as the weather, condition of the vessel, and location, which cannot be accounted for at sea that remain static in normal industrial settings on land. It is these factors which can compound any seemingly minor problem into a major catastrophe.

After a difficult struggle fishermen are now at a point where they can have a major influence in determining health and safety policy for the large offshore fleet. But even at the time of writing the issues that in the past affected health and safety, are changing as fishermen's awareness of who they are in this society is changing. The money to be made working on a trawler two hundred days or more a year is not as appealing as it once was. Many of these fishermen now look more to other sources of employment, mainly inshore fishing, which offers better home life, something which many of those who have worked in the offshore realize is more important than making the big income in the offshore fishery.

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to an increase in back problems.

Offshore fishermen in Nova Scotia first gained some protection from injury and disability because of the general demand from workers' organizations in the province for protection for injured workers. This was during the 1910's when the demands of workers for recognition of their worth was an issue through the industrial world. These same fishermen were disenfranchised from these rights only a few short years later when the workers movement in the province had weakened. It was only when these fishermen were given the opportunity to take matters into their own hands and unionize in 1970-71 that they were able to effect substantial changes in health and safety conditions not only for fishermen in Nova Scotia but in other provinces in the Maritimes.

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