

**“His toolbox is not full”: Unpacking worker experiences and addressing labour support in  
Atlantic Canadian fishing**

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Thesis submitted to the University of Ottawa  
in partial Fulfillment of the requirements for the  
Master of Arts in International Development and Globalization, Specializing in Environmental  
Sustainability

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## Abstract

Given the importance of the fishing industry to the Newfoundland economy and identity, understanding the realities of fish work in the province allows for a deeper understanding of labour practices, safety regulations, and the health of the many fisheries that bolster the Newfoundland economy and identity. Initially designed to assess the working experiences of migrant workers on Canadian fishing boats, this thesis turns to domestic workers to unpack labour realities and address the potential of exploitative and abusive practices that help chart fishing among one of the most dangerous jobs in the world. This research took place in Newfoundland in October of 2022, where crew members, boat captains, their owners, and industry and union representatives were approached to gather work experiences and opinions on the broader regional fishing industry in the province. From these experiences, an assessment of how and if exploitative working conditions can be improved utilizes existing and proposed international labour conventions, understandings of unionization, and the political economy, to represent exploitative labour conditions along a continuum. The evolving and changing economic and environmental realities of fishing both globally and in eastern Canada highlight how an already risk-taking, masculine, and community focused industry lives with, is shaped by, and can work towards limiting, the more damaging forms of exploitation. This thesis utilizes qualitative data to inform its assessment of precarious labour realities at sea in the Newfoundland fishing industry to further advocate for the move towards regionalized and industry specific seafarer support mechanisms. Through promoting these mechanisms, such as a seafarer support centre and the ratification of the Work in Fishing Convention (C188), this research calls for Newfoundland's fishing industry to lead the way towards better practices nationally.

## Acknowledgements

First and foremost, many, many thanks go to Melissa Marschke for her steady guidance, support, and encouragement as my supervisor. From my initial outreach when I was curious about pursuing graduate studies in 2020, to her enthusiasm in guiding me towards the Work at Sea project, and through her consistent and measured feedback on my work during her own sabbatical and research aims, Melissa has been a thoughtful, lenient, yet driving supervisor, and I thank her for this and more. I recommend any student take her courses or look into working with and for her in your own academic career.

Thanks as well go to Peter Vandergeest as Principal Investigator for the Work at Sea project, from which this research has derived, supports, and is funded. Peter's suggestions and considerations were instrumental in helping shape this research, and it's alignment with the aims of the broader project helped structure and focus my own thinking and writing.

Thanks to Chritine Gibb of the University of Ottawa and Desai Shan of Memorial University for serving on my thesis committee and for your critical assistance in reviewing and moulding this thesis. Christine has been a stellar professor and I have greatly enjoyed learning from and working with you in support of migration studies and the rethinking of im/mobilities in academic research. Thanks for, in your own way, helping me see that biking to Newfoundland was foolish. Desai was instrumental in helping me get acquainted to St. John's, benefit from her regional experience and local network of research subjects, and knowledge of port structure. I greatly enjoyed our discussions over dinner and the ease at which and OP put me.

Speaking of which, many thanks to Desai's former student and researcher, Om 'OP' Prakash Yadav. Your research insights were just as invaluable and I grateful to you for your support, research network, and your availability to bounce my research ideas around.

Thank you to Megan McLaughlin for housing me over my time in St. John's. Airbnb is always a dice game, and I am so thankful to have had a wonderful host, home with great access to the port, and the benefit of your local knowledge and network of friends to help structure my field research. Having the daily support of Max around to run my ideas by was endless entertaining and I am thankful to be finding his hairs on my clothes to this day.

Thank you to my managers and coworkers at Crown-Indigenous Relations and Northern Affairs Canada who supported my trip to St. John's. Thanks as well to friends Lukas van Arragon, Shantel Beute, Lindsay Kuch, Georgina Alonso, Laura Parent and so many others who made this process so much easier.

So much thanks go to my parents and family for putting up with my complaining that I would never get this done and for telling me to give my head a shake during my lower moments. You have always been so encouraging and your belief in and support of me is so kind of you. I wouldn't be where I am today without you.

Thank you to Abigail White for your support and encouragement during this writing process, and for making it okay to vent and discuss the ins and out of fishing labour during your own thesis process. Your presence and love had made this writing, editing and rewriting process all the more manageable, even when so ty.

Lastly, my thanks to the community and workers of St. John's who let me bother them during their workdays and let me into their working realities. The pride and dedication of those who fish is felt palpably throughout the community and I can only hope I have accurately relayed the information you shared with me.

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## Chapter 1: Introduction

If one thing is ubiquitous to academic and popular writing, visual depictions and/or discussions concerning the fishing industry, it is its perception as a dangerous industry, fraught with accepted risk and varying degrees of reward (Power 2008, Binkley, Bigney, Neis and Bornstein 2008, Murphy 2016, Stringer, Whittaker & Simmons 2016, Strauss and McGrath 2017). To that end, understanding the activities that shape the character of Canada's east coast fishing industry offers the opportunity to understand the everyday realities of work at sea, compliance with labour codes, rights and access to support services (providing union-specific, medical and/or mental health assistance), and the prevalence of abuse. Abuse is not added here frivolously, rather it stems from the real accounts of high seas fishing, stemming most famously from the 2014 Thailand Sea Slavery scandal and the subsequent attention placed upon human rights when working at sea (Urbina 2015). But slavery does not define every aspect of criminality or poor behaviour inflicted upon those whose careers take them beyond sight of land. Layers and degrees to which labourers experience such abusive behaviour is also varied and built upon a systemic lack of regulation, inviting vulnerability and precarious labour situations (Marschke, Kehoe, & Vandergeest, (2018), Shan 2022, Shan, Neis and Sorensen 2023).

Within the western democratic world, it is often generalized that regulation, control and oversight are mechanisms that provide and bestow more freedom, regardless of industry or region (Campling and Colas 2017, Urbina 2020). Fairness and even-handed working and labour policies are generally expected by those seeking work, often the impetus for applying to, accepting, or even leaving a given role. The reality of work for many people however, is less regulated, bordering on illegal. According to Boersma & Nolan 2022, "It is estimated that more than 40 million people are a victim of modern slavery and that 16 million of these victims are

exploited in activities connected in the private economy” (166). In both developed and developing countries, around \$150 billion in profit is made each year from the forced servitude of this illegal economy (ibid).

This thesis, however, looks at the less overt and more complex ideas concerning exploitation, rather than outright slavery. Indeed, not all forms of precarious, exploitative or abusive labour conditions at sea are representative of ‘modern slavery’ (Murphy 2017, Bonfanti & Bordignon 2017, Boersma & Nolan 2022, Djohari & White 2022). Rather, a ‘veil’ has obscured true oversight of labour practices aboard fishing boats both in Canada and around the world (Urbina, 2020). Through this initial research in an east coast of Canada context, voices have been heard and recommendations can be made about the future of decent work in the region. To that end, this research sought to ask fish workers, regional fish harvester representatives, union leaders and corporation owners about their assessment of the state of migrant fish worker experiences and situations in Canada’s east coast fishing industry. Further, I sought to clarify if, through unpacking fish worker and third-party support organization actor experiences, we can both better inform and improve our actionable knowledge of exploitative labour practices and Canadian fisheries governance.

In order to assess these themes and states of being within a global and Canadian industry, the following questions serve as the basis for this research: What is the state of (migrant) fish worker experiences and situations in Canada’s east coast fishing industry? By addressing (migrant specific) worker experiences, it is hoped that a broader understanding of what workers, both domestic and foreign, know about the state of their industry can be unpacked. In doing so, I hope to understand day-to-day worker experiences, the relationships they form and hold with fellow crew and their ‘skippers’ (or Captains), and utilize their opinions and points of view as an

avenue for further conversation. In this way, the research is primarily iterative. A secondary question looks to assess the broader precarities and labour activities inherent to fishing by asking the following: Through unpacking fish worker and third-party support organization actor experiences, can we both better inform and improve our actionable knowledge of exploitative labour practices and Canadian fisheries governance? By speaking with and posing questions to support organizations in the form of unions, fishing companies and cooperatives, along with professionalization and Occupational Health and Safety organizations, it is hoped that an industry-wide picture of worker experiences can be understood.

To structure the argument around addressing exploitative and abusive practices at sea from a Canadian context, in Chapter 2, I address the broader project that has inspired and supports this research: Work at Sea. The project has assessed labour abuse issues at sea from a series of contexts, include Thailand, Ireland and Taiwan among others (c.f., Marschke & Vandergeest 2016; Vandergeest & Marschke 2021; Marschke & Vandergeest 2023). I will lay out the literature in relation to a NFLD context, and also highlight several international conventions with a particular focus placed on the Work in Fishing Convention (C188). Serving as a framework for improved fisher specific working protections, its tenants inform the epistemology of this research. Subsequently, within the conceptual framework and problematization of Chapter 2, I will provide an overview on precarity in labour and how examples in other industries and global contexts impact fishing, the political economy and its role in fish worker behaviour, and finally the role that vernacularization plays in interpreting, understanding, regulating regional fish worker governance regimes.

Chapter 3 starts by looking at fishing from a top down perspective, discussing the global fishing industry and its practices related to labour. I then look at how and why Canada has set up

its fishing regulations from an east coast context, complemented by looking at the historical context of NFLD's relationship with fishing. This chapter culminates with an overview of the various fisheries based on the in-, mid- & offshore industries along with how and why port-specific interactions, structures and dynamics impact not only a city's importance to the work at sea concept, but the city's province and country as a whole.

In Chapter 4, an overview of the methodologies employed to conduct this research showcases how active reflexivity provided the dominant lens through which I approach the topic. Personal experiences with labour at sea shaped my interactions and deserve to be address here. Stemming from this, given that this was the first case of the Work at Sea Project taking place within Canada, an iterative process was employed to understand the regional context of work, which I further outline. Finally, in laying out the formal and informal questions posed to workers, stakeholders and NFLD locals, unpacking how, why and where particular individuals were contacted for this research is addressed.

Chapter 5, Findings, looks at the results of the interviews conducted as part of this research. The chapter is constructed as a vignette of themes based around the interviews conducted and how they add to the problematization and conceptual framework. These themes look at the line between acceptable practice and abuse, dispute resolutions within the industry, labour relations as an OHS issue, unionization, possible futures for migrant workers, and ways in which a regional industry is able to lead the way in 'responsible' regulation.

Chapter 6 provides an analysis of the results presented from the findings and are used to promote the need for greater consideration around what a shrinking worker demographic means for the NFLD fishing industry, along with how and why governmental environmental and safety regulations need to take a vernacularization approach to effectively manage the industry. Further

connections are drawn that assess the role of the political economy, along with the role of precarity in labour more broadly, and are used to visualize the impacts of precarity in support of advocacy calling for the establishment of a seafarer support centre in St. John’.

## Chapter 2: Conceptual Framework

### 2.1 Work at Sea

Fishing has been described in numerous publications and mediums as “one of the most dangerous jobs in the world” (Binkley, Bigney, Neis & Bornstein 2008, Power & Baqee (2010), Neis, Finnis, Pelay & Shewmake 2020, Shan 2022). This danger is inherent to the geography of the profession, with workers out of sight of land, often isolated to the boat, and at the mercy of the environment. Less inherent is the danger posed from inadequate safety, mismanagement, or a breakdown in the relationships between workers onboard a given boat. As will be discussed, the level to which danger and precarity is accepted, promoted and/or supported varies from country to country. In Canada, according to the Globe and Mail (Wyld 2023), “As of 2021, about 72,000 Canadians were making their living directly from fishing and related activities, generating about \$4.6 billion in revenue” (np). While there are still a relative few in the country who make their living at sea, danger and threat of violence is still disproportionately high. As Shan 2022 notes, “Between 2010 and 2020, an annual average of 236 marine accidents were reported to the Canadian Transportation Safety Board (TSB), and an average of 33 % involved fishing vessels” (2)

But work at sea is not as simple as an inherent danger due to environmental factors, as the choices and agency workers exhibit limit the role of modern slavery in a Canadian fishing context. With the issue made more complex due to the willingness of workers to engage in fish

work as a means of income, titles like slavery which carry the weight of state-sponsored sanctioning and cooperation to combat the practice, fall flat in the face of precedent and traditional modes of behaviour in fishing (Murphy 2017). Djohari and White note that “as a result, legislative protections struggle to protect workers who appear to voluntarily submit to exploitative conditions or fail to report abuse” (np.). This agency, and the truer extent of work in a region like NFLD is best explained through a broad overview of the political economy globally and in Canada.

The Work at Sea Project, based out of York University, serves as the primary investigation informing this research. Looking at distant water fleets within Indonesian and Thai contexts, exploring and understanding the role of labour in fishing revealed the prolific use of migrant labour. Further, in Taiwan and Ireland, migrant workers are relied upon for their labour in fishing. (Vandergeest and Marschke 2021). Wanting to look into migrant labour realities in Canada (and Newfoundland specifically), the term “migrant” requires specification. Rather than an out-of-province migrant or “come-from-away”, defined as someone not from Newfoundland, migrants, for the purposes of this thesis, are international workers who have, currently are, or could be in the future, working in Canadian fishing. For further specificity, this definition aligns with and incorporates Temporary Foreign Workers (TFWs) as part of Canada’s Temporary Foreign Worker Program which allows for employers to hire a TFW (ESDC, 2023).

### 2.1.2 Political Economy

One of the more instantly recognizable aspects of working at sea is the recreation of land-based labour regimes at sea. There is usually a supervisor or boss that a worker reports to. Of course, given the mobile nature of work at sea, and in fishing in particular, central authority and

hierarchy resides and ends in the skipper, or captain, of the given boat (Urbina 2020, Campling and Colas 2021, 130). It is this customary set up, along with typical manager-employee relations at a given business that can be, at face value, relied upon to understand the observed reality of the political economy. However, the realities of seasonal labour open up opportunities for *invisibility*, or states of non-regulated and potentially legally-dubious work and practices. Regarding the wider reporting on the global fishing industry, while the skipper may hold immediate total authority, often times a boatswain, or deck boss, can be in direct charge of crew members. Ian Urbina (2020) has described this role as “often closely allied with the officers and in charge of administering discipline” (260). In Canada, discipline and managerial structure aboard boats is less overtly illegal, and varying in degrees depending upon inshore and offshore fisheries.

Here, Foucault’s 1977 description of power relations describes the realities of working at sea and under the “disciplinary gaze” of a singular authority (Leclercq-Vandelannoitte (2021). Foucault envisioned the ‘panopticon’, a prison design from the 18<sup>th</sup> century, that envisioned a circular cell-block allowing for a central guard to see all who occupy the cells. In this way, according to Leclercq-Vandelannoitte (2021) “the architecture of the Panopticon conveys the sentiment of invisible omniscience and encourages self-discipline” (9). While this framework could be said to define all modern worksites given the advent of security cameras or work-app activity notifications, the reality of working at sea is one of limited space and close proximity to oversight. In an east-coast Canadian context, the development of self-discipline and focus on the generation of wealth and income may also stem from the Panopticon. It can be said then that the power relations present in the visible fishing economy, dominated by authority and self-imposed

discipline, has the potential to spill over into informal and less visible work (DesRivieres, Chuenpagdee, and Mather, 2017, 3-4).

Understanding that work informed by the political economy can be best observed in Fig.1. This framework shows the dynamics of interaction, regulatory regimes, physical and social geographical dynamics, and environmental considerations based around the experiences of the fishing industry (Phelan, Gardner, Selig and Sparks, 2022). The idea that the experience of fish workers is central to unpacking and understanding the realities of work at sea in fishing highlights the central tenants of this research and anchors the focus. The legal and geographical environment that workers exist in are also seen here to be inseparable from the work itself.



Fig 1. “Fisher Labour Abuse Port-Based Resilience Framework” (Phelan, Gardner, Selig and Sparks, 2022)

Extending beyond Fig. 1 is the role of the fisheries resource in unpacking worker experiences as well, viewed here as necessary to consider when assessing the impact of an economy. The commodification, or ‘frontier-making’ of the ocean itself defines the impact of the political economy in fishing globally and, as a result, in NFLD. Knott and Mather (2021) note that “frontiers ‘happen *in* and *to* space...frontiers *take* place” and that as a result “Frontier making is always incredibly disruptive particularly for local groups and ecologies” (799). Seeing the ocean as a frontier becomes important when researching local views on fishing. Considering how and why workers look to the ocean for a livelihood, with its dangers and precarity, are necessary to understand the work itself.

## 2.2 Precarity in Labour

Precarious labour situations, while not unique to fishing, are ubiquitous and varied. In the fishing industry, Shan (2022) highlights the realities faced by fish harvesters at sea, noting consistent exposure to 1) unsanitary conditions, 2) chemicals, 3) the environment through physical labour, heat, cold, and drowning risks, 4) the sea itself through the weather, and 5) “psychological stressors, such as insomnia, fatigue, stress, anxiety and depression from working in remote environments” (1). Notably, Shan’s description of the ‘psychological stressors’ not only deepen the surface level study of precarity in work, but have the power to move beyond Occupational Health and Safety considerations and expand how openings for abuse, poor labour relations, and exploitation exist to varying degrees in Canada’s east coast fishing industry.

### 2.2.1 International Context

Starting with how precarity exists in the global fishing industry and across state jurisdictions is critical. To provide context as to the ubiquitous nature of just how dangerous the industry can be, Shan 2022 notes that “In 2019, the United Nations Food and Agricultural Organization estimated that 32,000 fatal accidents occur yearly in the global fishing industry” (1) The reality of needing to effectively respond to the needs of workers, fish harvesters and their families has resulted in a multitude of international controls and proposed agreements that help limit the resulting harm bestowed upon workers. However, due to the patchwork implementation of these controls, fishing labour continues to be precarious around the world. As noted by Lout et al 2022 (taking a global south perspective), international conventions are able to enshrine and protect workers rights necessary for decent work in regional industries. Yet they note that:

“Despite these commitments, protections often do not extend to the fisheries sector, creating a gap between ratification and meaningful implementation at the worker-level. Informal workers, seasonal workers, women, and migrant workers do not possess the same safeguards or legal status in regard to wages or social protection.” (9).

International fisheries are open to precarity in their labour relations. Here, we will assess some of the more pertinent historical and current examples of such precarity. Serving as among the primary inspirations for this kind of investigation into the labour realities of fish work, the 2014 and 2015 Guardian investigations uncovered long-term systemic instances of slave labour in Thailand’s offshore fishing fleets that made international headlines (Human Rights Watch, 2018). *The Guardian* documented how migrant workers, often from neighbouring countries like Cambodia, Laos and Myanmar among others, were trafficked and kept aboard boats that rarely, if ever, returned to regional ports, keeping these workers at sea indefinitely (Hodal, Kelly &

Lawrence, 2014). Furthermore, the accounts of slave labour connected the hard truth of the global seafood industry for readers: “If you buy prawns or shrimp from Thailand, you will be buying the produce of slave labour”, noted the director of Anti-Slavery International at the time (Lawrence 2014).

Turning to the realities of forced labour in similarly regulated western nations, New Zealand, according to Stringer, Whittaker and Simmons (2016), experienced a forced labour controversy in its EEZ in 2010, following the presence of South Korean fishing vessels with instances of abuse that occurred onboard. The resulting scandal upset the established understanding that New Zealand was combating and mitigating any instances of abuse or human trafficking aboard fishing vessels in its jurisdiction (4). The scale of public outcry was notable given a desire for law-abiding business practice within a developed state's jurisdiction, regardless of the South Korean boat's origin. Similarly, the Republic of Ireland (referred to hereafter as Ireland) represents another developed-nation contemporary with weakly enforced fishing labour protections. According to Murphy (2017), in assessing labour exploitation in Ireland, the state itself sanctions (unintentionally) precarious migrant labour. Specifically, Murphy notes that male migrant worker experiences in Ireland were little explored, noting that “institutional uncertainty” was created through restrictive and selective immigration laws, what he called a process of “moulding” these workers into precarious situations. As such, “Through this moulding process [...] migrant workers are placed in a position of precarity, their status and situation characterised by instability, lack of protection, insecurity and social and economic vulnerability” (419). While Ireland has done work to mitigate the practice of human trafficking, as showcased by Mileski, Galvao and Forester (2020), passing laws and adhering to rules does not automatically lead to adherence of fair labour policy.

Djohari and White (2022) explore the present working situations and experiences present in Scottish and UK fishing fleets, specifically where migrant workers are present. Marschke, Vandergeest, and Swerdfager (2022) note that poor or exploitative labour conditions are prevalent regardless of region, and that distant water fisheries (DWF) increase this fact for migrant workers (5). They pay particular attention to the more minute and prolific occurrences of exploitation and precarity that exist in the tradition of fishing as a profession. Building from cases in New Zealand, Ireland and Scotland, these contemporary states provide suggest what east coast Canadian fishing realities may exhibit. Notably, Djohari and White take a particular focus on local contexts to improve uptake in following laws and international norms. What the authors refer to as “vernacularization” or the conversion of international laws and rights conventions into “locally meaningful norms” that provide their own inherent impetus for compliance indicates why unpacking migrant and foreign worker experiences of fishing in Canadian waters is important (2). When established international norms and legal backings are inadequate to address working rights at sea, understanding the realities on the ground can better inform why (and how) such conventions can and should be applied in Canada. Understanding the realities of precarity in fish work at sea requires this more nuanced approach, as highlighted by Boersma and Nolan (2022):

“While the most extreme forms of exploitation represent instances of modern slavery, focusing on labour exploitation more broadly is also important as it is not always clear at what point non-compliance with labour standards seeps into cases of criminal exploitation. Labour exploitation is a problem occurring not only throughout global value chains (GVCs) and in developing regions, but also within local value chains and in industrialized countries” (166).

This quote serves to underpin not only the realities of work in fishing and at sea more broadly, but also the central tenant of how labour abuse will be explored in this thesis.

Vandergeest and Marschke (2020) dive deeper into those more minute and prolific examples by posing a research agenda that includes the element of “moving beyond victimhood”; the agency and choice of workers inform what is and isn’t exploitative or precarious (136). Specifically, they “suggest a research agenda that balances [slavery, exploitation and trafficking] concerns with an orientation to understanding workers as enmeshed in communities, families, friends, and co-workers, as having ambitions and aspirations for sustaining and improving their lives and the lives of their families” (ibid). To assess the experiences of fish workers in eastern Canada, this lens of analyzing worker agency is useful.

It also becomes necessary to understand how precarity is systemic within the modern capitalist world. Stauss (2017) emphasizes how precarity and, by extensions, exploitation, is more so a state of the neoliberal industrial set-up as opposed to individualized states of work belonging to a type work like fishing or accounting. The author provides a background on why precarity as a lens to study work in a geographical context is critical: “Arguably, the interest in precarity and precarious work [...] arises from the need to grapple with evolving forms of insecurity, vulnerability, contingency and exploitation that our fixed capital of concepts was not adequately illuminating” (5). The terminology of a ‘fixed capital of concepts’ illustrates a modern, western and northern assessment of labour. As the drivers of insecurity and exploitation in labour evolve, it poses questions, certainly in a Canadian context, of how to safeguard and support migrant workers, how best to provide opportunities and balance domestic labour concerns, and how to manage industry needs with that of external forces like economic instability or environmental regulation.

Buckley, McPhee and Rogaly (2017) highlight that the reality of precarious work studies have a longer pedigree within the global south, primarily undertaken by global north scholars.

The note further that disentangling economic livelihood and agency “within development studies and labour geography” remained underexplored in the preceding decade, and that researchers should be careful not to impart the migrant labour and precarity realities of the global north onto the global south (156, Strauss 2017). This topic illuminates a critical point not only in Canada’s advocacy on the world stage under the current ministry, but also in its view of itself. Canada advocates for migrant and labour rights internationally, styling itself as an advocate and promotes this work with an feminist international assistance policy (Marschke, Vandergeest, and Swerdfager 2022). Yet the history of stamping down labour movements in migrant labour spheres is plain to see (Shantz 2015). While such activities happen at both the federal and provincial levels and are dictated by the political leanings of that particular moment in time, Buckley, McPhee and Rogaly (2017), understanding the colonial origins of labour precarity studies can and should be employed in the global north to better understand the influences that inform labour mobility (156). Exploring Canada’s role in precarious labour realities is necessary.

When looking at the state of temporary, seasonal and migrant work in Canada, assessing instances of precarity and exploitation in diverse industries can better illuminate how loopholes in decent work are present. Canada is no stranger to questions about migrant labour issues. As Siemiatycki (2010) highlights, the construction of the Canadian Pacific Railway in the late 19<sup>th</sup> century was built with heavy reliance on Chinese temporary labourers (60). The author notes what *is* new is a reliance on Temporary Foreign Workers (TFW’s), representing a potential subclass of labour in Canada, and opportunities for employers to keep wages low while avoiding unionization (ibid). This is by no means a uniquely Canadian problem, with the author noting: “Research on migrant workers underscores how labour-importing states use temporary visa programs to create and maintain a pool of highly exploitable and socially excluded workers”

(62). Where migrant labour has previously served as a way for such newcomers to work towards permanent residency, the TFWP is ineligible for such pathways. This structural precarity contributes to irregular mobility of such migrants. In terms of existing TFWP requirements concerning the need to be tied to a particular employer only furthers these problems (Knott & Marschke 2021). Knott (2021) explores the case of TFWs in New Brunswick, where labour shortages, according to her, are not dissimilar from similar issues in NFLD. Conceptually, Knott looks at the idea of labour shortages not as a lack of workers, but how socioeconomic and lifestyle factors influence the labour *supply* to the point there is a disarticulation between work requirements and the skills available.

It also becomes necessary to understand how Canada has assessed itself as a working region both favourably and unfavourably to temporary and migrant work. Buckley, McPhee and Rogaly (2017) highlight the reality of precarious work studies have a longer pedigree within the global south, primarily undertaken by global north scholars. They note further that disentangling economic livelihood and agency “within development studies and labour geography” remained underexplored in the preceding decade, and that researchers should be careful not to impart the migrant labour and precarity realities of the global north onto the global south (156, Strauss 2017). This topic illuminates a critical point not only in Canada’s advocacy on the world stage under the current prime minister-ship, but also in its view of itself. Canada advocates for migrant and labour rights internationally, styling itself as an advocate and promotes this work with an feminist international assistance policy (Canada, 2022). Yet migrant labour instability in Canada exists, and Buckley, McPhee and Rogaly (2017), in understanding the colonial origins of labour precarity studies, illuminate how that understanding should be employed in the global north to understand the influences that inform labour mobility (156).

### 2.3 The Criticality of Recruitment

The process of attracting, identifying and onboarding workers for work at sea is critical when understanding levels of precarity, realities and future potential for a given employee's career. This process can, from personal experience, hide a lot of the realities of the intended role a candidate is being assessed for (more in 4.3). As a result, this process, be it fishing, shipping, or other maritime work, can often lead in some cases to obfuscation of the realities of work. Baum-Talmor (2021), in exploring the motivations and aspirations of potential seafarers in an international context, identifies that "flexible employment" is utilized in the recruiting process, described as "offshoring and outsourcing of recruitment to third-party agencies" (52). While they note that this has had the impact of altering the demographics of the seafarer workforce (mainly workers from developing countries), the hidden realities of such practices have created opportunities for exploitation due to a "lack of commitment" from both employer and employee (ibid). This is especially prevalent in countries that see high seafarer employment, like the Philippines, where, as Turgo (2021) notes, "[Filipinos were] seen as an attractive recruitment base for many ship owners who wanted to save on operational costs without compromising on levels of commitment and professionalism" (16). With Turgo noting that lower-income levels in the Philippines land-based economy have contributed to its citizens having a disproportionately higher representation in shipping and fishing industries, this points to the reality of recruitment as a least expensive, highest return game.

Baum-Talmor (2021) further notes that "In the precarious shipping industry, seafarers' employment is not guaranteed, and they often feel that they are 'stuck' at sea with few options to work elsewhere", contributing to a sense of immobility due to economic necessity (60). It is a for-profit and outsourced recruitment process that not only describes the globalizing and

industrialized nature of Newfoundland's large scale fishing industry, overlooking the kinship structures that define the inshore industry. Notably, work can be found outside of the traditional and visible economy. Susan Elaine Squire's 1990 dissertation on the organizational structures of the regions fishing industry notes that:

“During down times, kin remain on family vessels and accept lower pay to avoid unemployment while this is not so for crews on capitalist vessels. In this way, kinship vessels maintain more stability than capitalist ones, riding out periods of economic volatility and then growing rapidly in good times. On the negative side, the kin system does not allow for labor mobility and encourages underemployment in bad times.” (9)

Given this historical evidence that still largely describes the realities of the inshore, small scale 'kin'-based fleets in and around St. John's, the ubiquitous nature of kin hiring and recruitment both creates and reinforces the idea of an insular industry not easily adaptable to change. Yet, as demographics shift and current skippers and crew reach retirement age, recruitment of new and willing workers takes on a new importance. As has been reported, youth do not want to work in fishing in similar quantities as their older relatives (Power, N. G., & Norman, M. E. 2019, Knott, C. (2021).

## 2.4 International Labour Rights

In order to properly assess the international concepts surrounding managing and regulating working at sea, it is necessary to more deeply assess the role of international legislation. Given the origins of the widening interest in tracking what happens in global fishing fleets resting in the 2014 Thailand fishing controversy, walking through fishing and shipping specific international legislation is warranted. Primarily, because it stands the best of chance of imposing large scale structural change within states that choose to ratify, but also because

adoption by the international community creates pressures and bottlenecks that justify a state ratifying the agreement in question.

#### 2.4.1 Work in Fishing Convention – ILO C188

The Work in Fishing Convention (C188), an international labor standard adopted by the International Labour Organization (ILO) that aims to improve the working conditions and safety of fishers, serves as the conceptual spine of this thesis. Having been advocated by the Work at Sea project above, the details of C188, building out from that of the Maritime Labour Convention (MLC), apply the fullest suite of protections to workers (crew members and producers in the inshore and offshore fishing industries) yet proposed. The convention can provide supports to aid fish workers in four ways most relevant to this thesis:

1. Improving safety standards: C188 requires that fishing vessels meet certain safety standards, including having appropriate safety equipment and conducting timely safety drills. This, in accordance with willing owners, skippers and crew, can contribute towards reducing risk of accidents and injuries when fishing at sea.
2. Protecting fisher's health: The convention also requires that fishers have access to medical care and that employers provide appropriate health and safety training. This can help prevent and manage illnesses and injuries related to the job.
3. Ensuring fair working conditions: C188 requires that fisher receive fair wages, working hours, rest periods, access to decent food and accommodations. This, ideally, helps improve working conditions for fishers while limiting the impacts of difficult work environments.

4. Providing social protections: The convention requires that fishers have access to social protections such as workers' compensation and insurance, as well as support for themselves and their families in the event of injury or death on the job.

The Work in Fishing Convention C188 *can* help promote safer and more dignified working conditions for fish workers, and improve their social and economic well-being. However, this is not a straightforward process or reality. As of this writing, 20 states have signed up to the convention. This limited ratification has far reaching ramifications for the enforcement of rights in the fishing industry, not least of which in Canada. As noted in Marschke, Vandergeest, and Swerdfager (2022) it is up to individual countries to ratify and implement the convention in order for it to have a tangible impact on the lives of fish workers.

While C188 may be fish work specific and offers greater protections for such workers than have come before, it does not go far enough. As laid out by Vandergeest, Marschke & MacDonnell (2021), inadequate protections around access to shore facilities, repatriation, and health (especially in relation to the precarity exposed by covid-19), and accommodation onboard a fishing vessel. Critically, there are even shallow protections for access to legal due process or a workers specific consular services when in a foreign port (3). C188 may represent the best *current* avenues for fish worker protections in states that have ratified it, but major inconsistencies exist against what is available for seafarers in the shipping or recreational industries. This then raises this question over whether or not Canada should ratify. A greater discussion concerning Canadas current regulation and inspection regimes (Who manages what) and the utility and drawbacks of ratification (vernacularization) will be discussed below, but this research takes the position that more regulation is better than less. This opens the door for confusion over jurisdiction, pushback due to perceived government overreach, and its

accompanied claim of further globalization in an intensely regional and historically community-driven industry in NFLD.

While not relevant to fishing, one critical area relevant for the international community is the utility of the Maritime Labour Convention in mandating inspections by the flag state a ship in question is registered to. This requirement, laid out by the United Nations Convention on the Law of the Sea, provides the basis for ensuring port state laws are adhered to, especially as every port is responsible for carrying out such inspections under the International Maritime Organization's Port State Control (PSC) mechanism (IMO 2021). As with the description by Power & Baquee (2010) of STCW-F 1995 as "an attempt to create a set of international, mandatory standards of safety for fish harvesters" (14), the following table (Fig. 2) provides a brief overview of the labour, safety, and training regulation mechanisms internationally that exist alongside, and help prime a labour environment for, C188.

Relevant Labour, Safety, and Training Mechanisms	
<p><a href="#">2006 Maritime Labour Convention</a></p> <p>Source: ILO.org “MLC, 2006: What it is and what it does”</p>	<ul style="list-style-type: none"> <li>• Viewed as the seafarers’ ‘bill of rights’ providing a ‘firm but flexible’ response to poor working conditions in global shipping” (Graham and Walters, 2021, 272)</li> <li>• Addresses right to decent work and access to (among others): <ul style="list-style-type: none"> <li>○ Working and living conditions</li> <li>○ Age</li> <li>○ Work and rest periods</li> <li>○ Fair wage</li> <li>○ Repatriation</li> <li>○ Medical</li> <li>○ Food</li> <li>○ Accident prevention</li> <li>○ Complaint handling</li> </ul> </li> <li>• Only covers seafarers on shipping and passenger vessels, excludes fishing.</li> </ul>
<p><a href="#">2012 IMO Cape Town Agreement (CTA)</a></p> <p>Source: IMO.org “2012 Cape Town Agreement to enhance fishing safety”</p>	<ul style="list-style-type: none"> <li>• Sets out safety standards for fishing vessels &lt;24 meters in length through party port, flag and coastal states.</li> <li>• Instils international requirements for seaworthiness, technical safety, life-saving gear, communications, fire prevention, and construction standards.</li> </ul>
<p><a href="#">1995 International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F)</a></p> <p>Source: IMO.org (same name)</p>	<ul style="list-style-type: none"> <li>• Sets out standards for seafarer safety through certification and training requirements such as: <ul style="list-style-type: none"> <li>○ Survival techniques</li> <li>○ Fire prevention</li> <li>○ Emergency and First Aid Training</li> <li>○ Pollution awareness and avoidance</li> <li>○ Accident management techniques</li> </ul> </li> </ul>

Fig 2. A chart highlighting relevant International Labour Mechanisms relevant to fisheries regulations

Ultimately, as noted by Martini, Natalia, Allnutt, and Rita 2021, the layering and combination of these related regulatory frameworks, while seeming overlapping or repetitive, can in reality benefit a wider swath of workers both in Canada and internationally, as:

“...[C188] and the CTA, once in force and implemented, would have complementary regulations, which can all be checked during port inspections under PSMA, providing a coordinated framework, which can strengthen the effectiveness of PSCs and enhance international cooperation against IUU fishing.” (111)

## 2.5 Vernacularization

Through understanding the basics around the current state of work at sea, the geographies that define what is and isn't sanctioned or criminalized, the politics of economic gain, and the power of labour, the general public can understand, up to a point, what is on offer through governments passing and adopting international conventions. But in conducting research in Newfoundland, it is clear that realities of work at sea in fishing need to serve as the basis for labour relations and safety aboard boats, both large and small scale (Jentoft, & Chuenpagdee 2015). Djohari and White (2022) explore the conception of vernacularization, a concept that takes international laws and rights conventions and advocates for their incorporation as “locally meaningful norms” if lasting change is to be implemented. For this research, vernacularization will be utilized as a that related and relevant fisheries policy can be meaningfully implemented in a way that centers regional and community labour needs. Looking at the tenants of vernacularization, Bishara (2018) offers an interesting historical perspective. Here, a historic case from 1893 showcases British authorities pursuing a case from the Arab-slave trade in the Indian Ocean hiding behind French flags being referred to the Hague. The context, rather than the history “was less so about anti-slavery and more so about “law and empire” and that “for the

actors at the time, the matter was fundamentally about a changing global legal regime” (340). The author sees this as a representation of how international law is interpreted and utilized, brokered by power relations hyper specific to a given context. Critically, he notes: “How vernacularization takes shape in different junctures depends on a variety of different factors, including social and power relations between different actors, the characteristics of the channels through which ideas and practices flow, and the nature of the discourses in which they are embedded” (342). This is the spirit the concept of vernacularization in Newfoundland is intend to relay: specific realities, regional understandings and experiences determine the utility and meaning of international laws. The calls for Canada to ratify C188 carry the same context specific requirements to ensure their utility within a province like NFLD.

Regarding this question of labour realities this research seeks to address, vernacularization clearly has a role to play in the assigning of legal regimes and accepted practices around migrants and their labour. Looking at the broadest possible scale, provinces and territories tend to have wide say over what happens within their jurisdiction as it applies to human rights. According to the Canadian Centre for Diversity and Inclusion (2018), the Newfoundland and Labrador Human Rights Act, 1971 also explicitly “prohibits discrimination and harassment” in employment (14), while the Canadian Human Rights Act of 1982 protects federally mandated and controlled work. Stemming from this, and in accordance with Employment and Social Development Canada’s statement of protections for Temporary Foreign Workers (website 2023), “If you are a temporary foreign worker, you have the same rights and protections as Canadians and permanent residents” (np). Such overlapping and complementary jurisdictional coverage would appear strong, yet the previously stated realities of work at sea

allow for what can be interpreted as abusive and exploitative labour to go by under the auspices of an occupational hazard. Here, Leboeuf (2022) looks at vernacularization as a means to interpret ‘fuzzy law’ (987). The author notes that “the multileveling of the legal framework through the development of supranational legal orders has given rise to increasingly “fuzzy” legal concepts” (ibid). While this case refers to international criminal law, it can also be applied to the theoretical ratification and application of conventions like C188, raising question about a) how it would configure with Canadian jurisdiction, and b) be applied within a provincial framework not used to migrant workers in fishing and wary of international legal regime processes to begin with. Leboeuf also sees that the realities of applying fuzzy legal frameworks “leave a relatively wide margin of appreciation to the legal actors who implement them in concrete cases on a daily basis”, noting that such applications meet with “broader social and institutional dynamics” (987). This provides further credence to the need to incorporate local input in legal decision making.

Further, Madson (2022) writes from a Hong Kong perspective, specifically in service of the advocated protection of LGBT activists within a society that tends to demonize and systematically silence them. Specifically, Madson notes that it is specific discourse, based on a Foucauldian assumption of discrete contexts, that serve to make international and complex legal regimes palatable to regional needs. The author highlights this by claiming that “human rights talk can produce ontological, epistemological, and material realities that may open up or close down claimants’ ability to seek redress for human rights violations” (9-10). Similar precarity can be hypothesized in fish work if workers do not have the opportunity to voice concerns, cases of abuse, and exploitation, especially in a changing and increasingly industrialized fishing industry in Canada and around the world.

While vernacularization serves as a useful concept to address the promotion of fish worker voices in a changing industry, it also plays a role in this methodology by interpreting responses from those interviewed. As described above in the Work at Sea conceptual framework, the dangers associated with the industry, and working at sea more broadly, create an environment that can sanction precarity in the name of economic gain. Thus, interpreting the attitudes of workers who are willing to put themselves in harms way requires an understanding of what types of work, risks and experiences cross the line *for them*. Locally meaningful norms become more than just a way to instill international governance within a state, and more so a useful tool for equalizing what truly is precarious in an already precarious industry (Gezelius & Hauck 2011).

These two understandings of vernacularization link directly with the aforementioned political economics of Newfoundland's fishing industry. While federal, provincial and municipal laws may be followed in as much as they can be observed, it is the informal political economy that vernacularization illuminates. Inferring that levels of authority embodied in skippers and owners can effectively force crew members and deck workers into this kind of informal work will be discussed in this thesis. The level to which such instances can be hidden behind "family-owned and operated" levels of familiarity in the small-scale fishing sector will also be taken into account.

## Chapter 3: Context

### 3.1 The East Coast Fishing Industry within a global context

In this section, national and provincial fisheries policy with an emphasis on the Atlantic Canadian provinces are examined, including governance structures for fishing found under Transport Canada (and its specific Transportation Safety Board) and the Department of Fisheries

and Oceans. A brief examination of the global fishing context, how Atlantic fisheries are situated to the rest of Canada, the value of various species, and the impact of changing demographics are also touched upon.

With fishing considered the most dangerous of professions, and fishing being a ubiquitous trade around the world, how states regulate and manage fisheries resources and the workforce that drives the industries is different across jurisdictions. As noted through highlighted C188 and relevant conventions, a lack of access to decent work standards invites exploitative practice (Martini and Allnut 2021, Marschke, Vandergeest, and Swerdfager (2022), Marschke 2022. Skarrit and Belhabib, in a *The Conversation* article, point to the twin critical issues in fisheries management: context and transparency (2023). Importantly, they note that forgetting to consider context in the case of fisheries management furthers power imbalances that may negatively effect countries in the developing global south, ignoring the developed world. Going further, they note how this “may cast some nations as poor performers and others as world leaders, despite both having issues with opacity” (ibid). This is an apt observation when considering how Canada manages its east coast fishing industry in terms of large-scale industrialization (Marschke, Vandergeest, and Swerdfager (2022). As such, transparency not only allows for greater public awareness and control of fisheries decisions, but an understanding of how exploitative labour practices exist in diverse and opaque ways.

A regional context is key for both understanding and regulating fishing globally within a given state’s Exclusive Economic Zone (EEZ) (Fig 2). Adewumi (2021) explores this theme through how the United Nations Convention on the Law of the Sea (UNCLOS) may not be the most effective instrument in the fishing sector, despite how it lays out the legal framework for EEZs. The author notes that “For ocean governance to be effective, ... there must be a global

consensus on rules and procedures and regional actions based on shared principles and national legal frameworks and integrated policies. Developing these rules will require stepping back and looking at the legal rules system applicable to the oceans” (4). Adewumi the process of regionalizing regulatory regimes as central to updating the process spelled out under UNCLOS, linking with Martini and Allnutt’s promotion of Regional Fisheries Management Organizations (Martini and Allnutt 2021). It is through this process of segmenting implementation of fisheries regulation, just as through the regional promotion of scientific monitoring of fisheries, that the tenants spelled out under C188 may garner the most uptake (Tjossem (2017).

As highlighted by Song et al (2020), “very real consequences of surveillance and criminalization as well as exclusion from export trade regardless of their IUU status are already being observed” (837). Going further, their very existence as small-scale fishers may serve to “de-legitimize” their very real benefits on “coastal food security, economies and cultures”. How fisheries are to be managed in a more heavily regulated future requires place-based contextual considerations when implementing legally binding international conventions. The lack of any work towards ratifying C188 points to the difficulty in constructing such international legislation for states with their own competing interests.

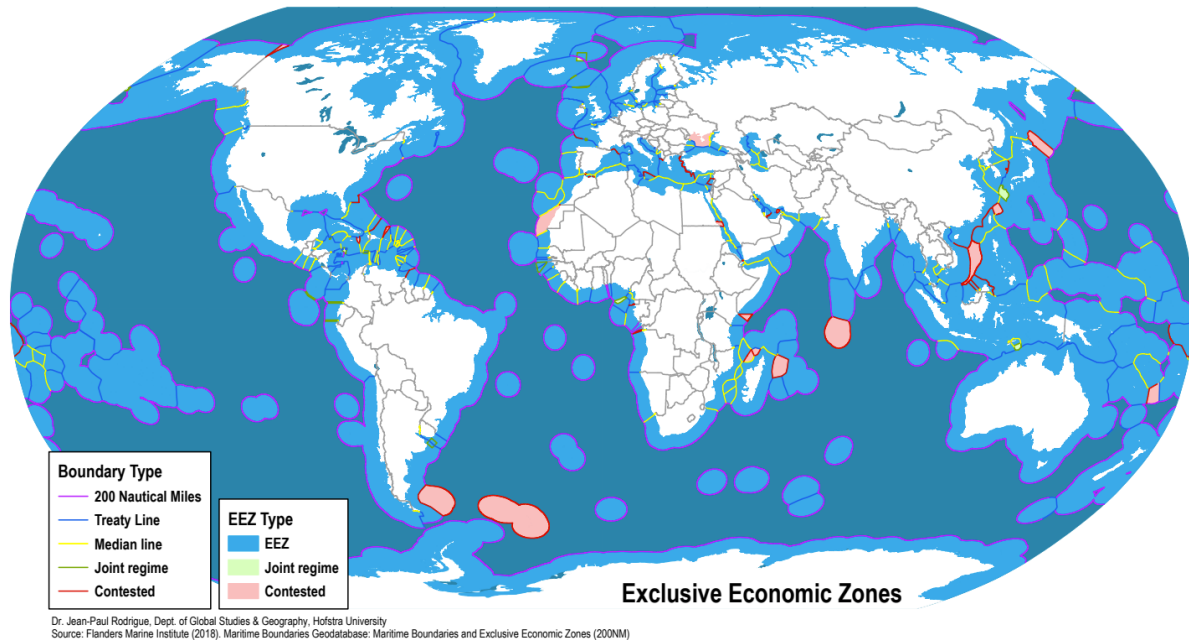


Fig 3. “Exclusive Economic Zones (EEZ).” (transportgeography.org)

### 3.1.2 The Canadian East Coast Fishing Context

Considering the prominent nature of safety culture in fishing regulation globally, how Canada looks to regulate its fishing industry is no different. Canadian federal regulation is the jurisdiction through which fishing boats are managed within inland waterways, lakes, and oceans, with Transport Canada (TC) directly responsible for codifying and enforcing safety at sea. Notably however, authority over Occupational Health and Safety can be a grey area, with the 2021 fatality of a crew member on the *Suvak*, an Iqaluit registered fishing boat, seeing TC label OHS as ‘outside of its jurisdiction’ (TSB, 2021). According to TC’s website, fishing vessels under 24.4 meters, or 80 feet, “are legally responsible to create and maintain written safety procedures”, a requirement managed by the ‘authorized representative’ (AR) who in this case is the owner (np). Furthermore, as outlined under the Fishing Vessel Safety Regulations Act (2016), the AR is responsible for the establishment of “written safety procedures” that cover,

generally, mitigating instances of falling overboard, how to retrieve them if they do, protecting limbs, and the avoidance of situations that pose safety hazards (3.16). Notably, such safety procedures do not need to be submitted to TC, but are required to be followed during an inspection, presumably after an inspector has asked to see them. Intriguingly, it does not appear that skippers are required to publicly display the procedures either, as it is noted that they should “store them ... in a binder that you keep in a safe place” (ibid). While individual communication styles pertaining to safety onboard may vary, not having set plans publicly posted onboard may pose a safety risk, especially with unclear jurisdiction muddying oversight.

More relatedly to this research, TC’s list of safety procedure templates that are available online adhere closer to OHS concerns than regulations around codes of conduct or behaviour. Indeed, according to the Canada Shipping Act of 2001, the responsibilities of the skipper, among others, are to “[ensure] everyone employed on the vessel has the proper certification” (Section 82.(1)), and “[ensure] the crew is sufficient and competent for safe operation’ (Section 82.(2)). Conversely, crew have complimentary responsibilities in staying safe while working and reporting hazards to the skipper. Most interestingly, Section 82.(3) states that that responsibility extends to “following the master’s lawful orders except where the master is putting the vessel or people on board at risk” (np). This is critical when considering the ramification of what a given skipper may or may not consider a lawful order, or what may befall a crew member if disagreement arises.

Regardless, it is evident that such adherence to OHS doesn’t eliminate risk entirely. According to the Transportation Safety Board of Canada, the body that regulates and tracks incidents and fatalities in Canadian marine industries, 12 commercial fishing vessel-specific fatalities occurred in 2020 (Foulis 2021, TSB, np, 2022). While these deaths were part of a total

of 925 marine incidents in the same year (down from 948 in 2019), the TSB still advises that commercial vessel safety be improved, including on its TSB Watchlist where it has been a cardinal recommendation since the lists' inception in 2010 (TSB, np, 2022). As highlighted by the TSB Watchlist, a memorandum of understanding sets cooperative structures between TC, The Department of Fisheries and Oceans (DFO), and the Canadian Coast Guard to highlight and ensure commercial fish harvester safety when working at sea (ibid). TC does note however that “that this coordination is inconsistent and has not addressed safety deficiencies in the industry” (TSB, 2022). As noted in the discussion of vernacularization above, the existence of competing jurisdictions across multiple departments can create conditions where both enforcement and inspections miss safety concerns. No requirement to display commercial fish vessel safety plans may contribute to this.

Regardless of methods of and adherence to regulation within the fishing industry, “industry”, in terms of fishing, can be viewed as the relationship between people and the environment (Murray, Neis and Johnson 2006, Neis, Finnis, Peloy and Shewmake (2020). As far back as the first English and French arrivals to the east coast of Newfoundland, attempts have been made to ward off permanent settlement to preserve fish stocks. People came anyway. Overfishing has led to a closure that has impacted livelihoods for a generation. Our ability to listen to the science and regulations that preserve the species that call the rocky, wind-swept region home mirror a global attempt to regulate our shared oceans. Looking at NFLD's role in Canadian fishing policy becomes critical.

As of this writing, Canada has not and is not currently looking to ratify C188. Nakamura, Ota and Blaha (2022) note that forced labour or labour with a dearth in acceptable rights is still ever present in global and regional fishing fleets despite nearly 10 years of the practice being

named a “pervasive criminal problem” by groups like INTERPOL and International Labour Organization (2). The authors also note how duties to enforce these rights are less so on the captains and owners of boats as it used to be before heightened scrutiny. Rather, it is up to “business executives, public officials, lawyers, accountants, and other white-collar professionals” to combat forced labour at the highest level (2). With Canada’s lack of action to ratify C188, potentially rooted in a preference to establish domestic fishing labour laws, as noted by Bonfanti and Bordignon (2017), the ability to establish internationally standardized labour codes in Canadian fishing fleets and within its EEZ is dubious at best.

### 3.2 Safety

Akin to what is being identified in the literature for this research, Binkley, Bigney, Neis and Bornstein (2008) focus on both the relevance of safety in fishing, and the major risks associated with a lack of close adherence, noting how fatality is frequently the result of drowning and crushing, while injury is that of “limb fractures , head and neck injuries, and amputations” (905-906). They do note there relevance of mental health being associated with the overall potential for danger, and previously noted risks. What is critical to note however, is their assessment that even with the changes stemming from the cod collapse, uptake in dock-side monitoring of catch, professionalization of safety training, and the trend towards fewer and smaller boats in the NFLD fishing industry, incident levels increased during the mid-1990’s, both in terms of injuries and Search and Rescue (SAR) cases. Noting that the industry moved more into the offshore during and after this time, “workers’ compensation claims showed that the fatality rate of 0.619 per 1000 among fish harvesters was the highest of any sector” (907). The

authors note that, critically, there is mixed to poor reporting structures within this timeframe regarding the cause of such accidents.

Specifically, they note that “There is a noticeable lack of inter-departmental, multi-factorial studies on fishing vessel occupational health and safety in the Newfoundland fishery (and in other fisheries as well)” (907). Given that OHS is the primary way through which workers appear to take heed of regulation and risk mitigation within their profession, the degree to which even basic standards of safety monitoring have traditionally been forgone illuminates the difficulty in properly assessing exploitation or abusive behaviour. This preoccupation with OHS over mental health or physical/verbal abusive behaviour might be better explained in Power and Baquee (2010). From the outset, the authors describe OHS “policies, programs and research” as built up upon a “framework that is positivist, technical and quantitative”, or read as data-driven, responsive to the needs of those it is built to serve, and methodical in its approach to protection and the generation of safety culture. Taking this view, they assess that the NFLD industry tends to take safety culture seriously.

However, as in noted in Power 2008 and echoed in Branch et al (2006), they identify two main themes as antagonistic to OHS uptake: masculinity and a desire to take risks. According to Power and Baquee 2010, Canada attempted to streamline and update safety regulations in 2001 through Transport Canada resulting from both the ratification of STCW-F 1995 as well as an uptick in search and rescue operations on fishing boats the previous decade (14). resulted in a safety regime based around 1) integrity of the vessel and its equipment, and 2) safety training. The authors see both masculinity and willingness to risk personal safety as not only the impetus of such safety regimes, but also systemic to the culture of the profession and industry. Even though they highlight the regions Professional Fish Harvester Certification Board as

reidentifying and cultivating safety to the point that “the ‘professional fish harvester’ identity is linked to the acquisition of safety credentials”, risk taking persists (16).

### 3.3 Structure of the Newfoundland Fishing

One of the more visible aspects of fish work at sea is the segmented and scaled structure of where fishing occurs relative to the shore. Yet looks can be initially deceptive, as distance from shore does not determine the type of fishery and major differences in regulation, but rather the size of the boat itself. As highlighted by Davis (2015), the Newfoundland regional restructuring following the 1992 Cod Moratorium saw the implementation of a “Fleet Separation Policy” and “Owner Operator Policy”, redefining fishing industries based on boat size (324). The inshore fishery encompasses any vessel 35 feet or less, the mid, or nearshore fishery 35 to 65 feet, and all offshore vessels are those 65 feet or more. Of critical political and socio-economic importance at the time, the Owner-Operator policy mandated that both the in and nearshore fisheries had to be owned by the independent harvesters who both or either worked on and/or owned the boats. Davis notes how “the goal of the two policies was to ensure that corporate entities, most notably fish processing companies, could not gain ownership of the inshore and midshore fleets and to ensure that control of those two sectors was left in the hands of independent fishers” (324). Yet the type of fishery does not determine difference in regulation, the socio-economic needs, as noted in Power (2008), also impact the dynamic and confusing realities of NFLD fishing:

“With the collapse of the groundfish stocks and closure of these fisheries, there was an industrial shift in target species from cod to shellfish, especially snow crab, and from fleet with a substantial number of large-scale trawlers to one dominated almost exclusively by vessels less than 65 feet in length. Changes in fleet structure and targeted species resulted in an increase in offshore activity in the under 65 foot sector associated with a shift from cod to snow crab and shrimp” (570).

From a St. John's context, the harbour represents a dynamic range of fishery types, with sections of the port designated for inshore and offshore fishing, shipping, military and emergency response capabilities. Extracting the history of the harbour itself, fishing was the primary activity in and around the port for hundreds of years. As a resulting, the look and use of the harbour has changed dramatically, with previous docks and ships types occupying the fuller extent of the harbour. Today, inshore and offshore activities are partitioned, with small-scale and inshore boats near to the southside entrance to St. John's natural harbour. A smaller artificial harbour has been erected for these boats to tie up to, ranging from tuna clippers, gill netters, and crabbers. This section is ringed by a tall metal fence that prohibits parking and general loitering, and indicates that this is a place of work.

While it is possible to enter and, as I found, ask questions of workers, there is a general sense of these regions being prohibited for safety and workplace hazard reasons, as I did not feel especially welcomed. This area moves towards the extent of the naval yard, with a smaller dock housing Quin-Sea Fisheries, a part of the Royal Greenland group. Here, trawlers and seiners offload their catch and research vessels unload and offload material. This section, while open-air, is ringed by a smaller fence with a similar work atmosphere. Workers, skippers and stakeholders can generally be found at this location, away from ease of access due to engagement in work, skipper overwatch, or by sitting in their trucks.

The general segmentation of St. John's Harbour speaks to its capacity to house multiple industries of varying size. From a visual impression, the most space is given to safety and coast guard/search and rescue ships, followed by the in and nearshore fishing fleets. Offshore fishing, with large scale industrial boats, appear to be either housed in satellite ports around the Avalon peninsula, or a stored in a longer-term capacity at the most northerly point of the port. At face

value, it is not evident that this is a true representation of the industry importance in St. John's or Newfoundland more broadly, but the commitment to safety culture is paramount, as can be inferred from online discussions, available publications, and interviews engaged in for this research. As such, a discussion around the different kinds of fleets necessitates a discussion of safety culture.

According to the Port of St. John's Profile brochure (2023), safety is highlighted as their top priority, written to promote the need to maintain maritime security, digital integrity and international transportation regulations, among others (13). Regarding fishing, the brochure notes that 2021 saw over 800 small vessel arrivals and, along with access to productive fishing grounds, a supply and service community and efficient catch landing capacity, the Port of St. John's is competitive and safe for business (16). No discussion is made of access to services or support for the crew of those 500 vessels, let alone other industries. Similar inshore, nearshore and offshore safety considerations are seen in the highest Canadian fishing vessel authority, Transport Canada (TC). TC is responsible for ensure the safe operation, passage and transit of Canadian and international vessels into, within, and outside of Canadian waters, with its primary function focusing on all Canadian waterways and associated safety and security.

#### Chapter 4: Research Methodology

When constructing my methodology, my intention was based around the process of finding fish workers and relevant stakeholders to speak with. As such, I was primarily focused on iterative and actively reflexive methods of investigation and interviewing, respectively. The iterative process of knowledge gathering was based around the Work at Sea projects' gap in regional and community on-the-ground knowledge concerning day-to-day experiences of

workers and presence of migrants given previous research focus in southeast Asia and Europe. While there was previous contact through Memorial University via Dr. Desai Shan and her work around workplace/occupational health and safety in a maritime context, broader forays into systematically interviewing and assessing access to descent work in a Newfoundland and broader east-coast Canadian context required initial foregrounding. As this project was conceived as a way to regionalize knowledge, better understand Canada's role to enshrine C188, and further engage with research due to the limiting realities of international work as a result of the COVID-19 pandemic, iterative knowledge gathering required daily outreach in the form of phone calls, community/dock walks, and business/restaurant/bar surveying. The reflexive process itself was envisioned as an addendum to this process. Given that participant observation by way of being onboard a fishing boat or accessing areas of work due to their isolated and cordoned off nature was difficult, I relied heavily upon my own outsider observations, informed by participant interviews, to inform my observations of the fishing industry in St. John's.

#### 4.1 Iterative processes

With the initial process of writing a research proposal, the main aim was to identify and understand the reality of working at sea in fishing in Newfoundland. Understanding that reality and unpacking what was identified required an iterative and exploratory process, while also building upon the work previous done in the region from project researchers. The central work involved in developing theory on the go required initial research into what resources (worker/industry groups, supports and union offices) existed to reach out and set up meetings. On the ground, the iterative process was a mixture of driving to local and regional communities to get a sense of the surrounding region, and walking in and around St. John's. Walking, in my

opinion, served as the best way to not only become aware of the immediate vicinity around which I was living, but to have more informal conversations, ask advice from locals, and involve myself with as much participant observational activity as possible. One aspect of this on-the-go theory construction was my luck in finding housing through Airbnb. I was able to live with a Canadian Coast Guard worker who routinely worked at the dock in St. John's. Though I had my set organizations I had reached out to for more formal interviews, this unique living opportunity was iterative in itself, allowing me to pose the questions informed by my research questions to my host around local advice and network building. While there was little direct result from the contacts that my host had recommended I reach out to, their local knowledge of the region informed my initial daily habits of asking about local bars and restaurants, when to walk the docks for peak working times, and satellite communities worth the time spent in travel.

Having constructed my thesis proposal around the idea of migrant labour and unpacking the realities of such workers within a Canadian context, the iterative nature of my research helped inform the shift in the nature of the work when migrant workers proved all but non-existent within my outreach and questions posed to domestic workers and stakeholders. In asking potential research subjects about migrant workers and hearing very little about their presence in NFLD fishing, the very same domestic workers and stakeholders became my source for regional information. However, those same domestic workers proved hard to access and communicate with, as has been identified through insular characteristics (discussed below in 5.2 and 6.1.2) of the regional fishing industry. Here, the iterative nature of my time in St. John's allowed for adaptation (speaking to skippers or owners if available) and lateral moves (industry representatives or local bar/store owners) in order to understand links to the fishing community. While I primarily wanted to speak to workers, utilizing iterative modes of outreach and

communication allowed for diverse and layered research subjects. Without this process and the recommendations of local contacts through contacts of the Work at Sea project, speaking solely with dockside workers may have yielded information that an absence of industry voices may have lessened without their context.

#### 4.2 Active Reflexivity

Rooted in my anthropological background, I had an interest to observe and tell a subsequent story of what I was witnessing in the field. This was a conscious choice both before, during and after this thesis research project. As such, I would also like to speak to my own experience working at sea that have served as my personal interest in exploring work at sea. Between December 2016 and June/July 2017, I was employed by Park West Gallery (PWG), based out of Miami, Florida, a company that sells art onboard cruise ships around the world. They work in conjunction with the top cruise ship industries from Royal Princess to Norwegian, to Carnival and Holland America, among others. This industry, while decidedly not fishing, offers a unique window into the realities of labour away from routine regulation. From my own experiences, I have encountered the precarity in recruitment, onboarding and day-to-day operations, while through what I observed, instances of ethnic hierarchy, labour code violations, and revenge were common practice, indicating to me cruising, among other at sea occupations, operates within a gray area, between legal regulations and exploits loopholes to obtain the highest return. I would like to note that I do not seek to write about or comment upon my own experiences as a way of gaining authority, notoriety or revenge for being the subject of precarious labour, only that I have lived experiences that serve to create the need for similar research and study as I lay out in this thesis.

As will be discussed in this paper from an international and Canadian context, the role of recruiting and onboarding for jobs at sea are not straightforward nor necessarily honest. In applying for PWG, I was living in Alberta and wishing to relocate to Vancouver, BC. The PWG add on Indeed.com indicated it was a Vancouver-based art gallery, which prompted me to apply. There was no indication that the work would require relocation. While the potential for harm due to the company not being upfront is low in this case as I could have easily turned down an interview or the later acceptance, it illustrates, and corroborates, how recruitment for jobs that may be either difficult or have hidden costs may be obscured in these initial stages. Further, following three rounds of successful online testing, I was invited to fly down to Miami to test at their headquarters. I, along with a class of 50 from African, Eastern European, Oceanic, and South American countries all competed in a ranked structure, with the highest ranks getting the best ship postings. Not only did this create a competitive climate, but those who fell below a certain ranking, on a daily basis, were privately approached and sent home at their own expense. While this may initially seem outright nefarious, all competitors were warned ahead of arrival that this was the rule. As such, this represents how precarity in work exists on a continuum and that people looking to find work and/or change their working and life arrangements place themselves, willingly, in precarious situations. This is a theme that will be explored further.

Most directly however, were the experiences encounter on the job. In the course of my duties onboard, including sales, gallery stewardship and auction support, two instances of below-board labour situations occurred: 1) being routinely asked to work up to 18+ hours per day while logging a maximum of 10 consecutive hours, and 2) subjected to belittlement and retribution for standing up to supervisors. I myself was reported to senior management for negligence. I do not refute that accusation however. As the associate, while my supervisors, consisting on two

managers and two directors, were off after an 8 hour shift, it was up to me and the art steward to reset the gallery, prep for the next days activities, print out materials, and more, often contributing to longer hours. This led to me, in my haste to meet deadlines, causing damage to a frame, that was then the subject of an email to senior management in Miami. While senior management was aware of my supervisors reputation for difficulty, I felt it better to leave and return home. This was a systemic issue, even subjected upon the ship workers from engineering and trades who were recruited to help us, predominantly from the ships less visible, non guest facing crew from the Philippines, Vietnam, India and other southeast, south and broadly Asian/Oceanian countries.

My experiences were typical, as I have found in subsequent conversation with colleagues. Yet the most memorable part of time as a seafarer was the hierarchy of ship life, the ethnic divides of all labourers that, while based on the position you held, saw predominantly white and western individuals juxtaposed against broadly Pilipino, Vietnamese, Indian and other nations occupying below deck technical positions. Their contracts lasted up to a year while ours lasted 4 months. Their positions had next to no time off while we had port days free. Having one HR individual for the entire crew of 400+ limited any opportunity to discuss work outside of disciplinary action. Ultimately, all of this was possible because we worked at sea. It is in the spirit of addressing these inconsistencies, wrongs, and willing states of precarity, I and all of my former colleagues put ourselves in in the name of finding a livelihood. The far more common and routine source of food for the vast majority of the world, fisheries, deserves the same level of consideration, given an even less engrained state of protection and regulation.

#### 4.2.1 Utilizing Active Reflexivity

Utilizing this conscious choice of telling stories informed by my own experiences, active reflexivity formed the basis of both my in-the-field and desk-based thinking. In the field, the process of reflecting upon positionality, the perception by others/research subjects of that positionality, and the assumptions made to research about this reflection, informed my interactions with research subjects (Soedirgo and Glas 2020). This active reflexivity saw me hold back my more personal experiences working at sea; I saw no reason to attempt to form close bonds, or empathize personally, with workers on shared “hardship” at sea. Rather, it was because of the different industries we worked in, along with my positionality as a student from Ottawa, the national capital, that had me internalize this positionality. I empathized where I could, but used my experience to interpret results, understand behaviours, and recognize a culture that accepted the work on offer to them.

Given that I could not engage in fishing at sea with the research subjects, and that I was only in the field for just over one month, telling stories of my encounters with them and involving my assumptions and feelings links with what Wall (2016) calls a ‘moderate autoethnography’ that finds a middle path between rigorous analytical theory and pure evocation of feeling and experience. Going further, evoking a familiarity with working at sea, in vague terms, was utilized to relate to workers in an insular community (as will be discussed in 5.2 and 6.1.2). Thus, this actively reflexive approach links with the APA’s (Poulos 2021) description of the method as a “qualitative research method that ... uses a researcher’s personal experience to describe and critique cultural beliefs, practices and experiences ... [while using] deep and careful self-reflection-typically referred to as “reflectivity”-to name and interrogate the intersections

between self and society” (4). My use of the methods utilized personal experience that was actively reflected upon to inform my positionality. More directly, I took notes on given days concerning impressions, my experiences, generalities of interactions and interviews, and other thoughts. In doing so, through walking around and engaging with the community *in situ*, I attempted to build an epistemological assumption that was to be either confirmed or denied based on the experiences of the research subjects. These notes, reflecting on my personal experience of working within St. John’s and its satellite communities are relayed in the findings, and included to showcase as an example under annex 1. Annex 2 lists an example of how I catalogued who I spoke with and who they were affiliated with, anonymized here.

#### 4.3 Formal and dock-based Interviews

A total of 23 interviews were conducted for this research (10 formal and 13 informal). Initial outreach was done through an internet search on what support systems and local/regional groups existed in St. John’s. It is worth noting that initial research highlighted *St. John, New Brunswick*, likely because of the similar name but also due to the seafarer support center in the Port of St. John, noticeably absent from St. John’s, Newfoundland. Given that this absence of a unified or specific center in St. John’s also served as justification for the research, I expanded my initial search to identify seafarer and fish worker groups online, primarily through Facebook. This helped me identify the Newfoundland Fish Harvesting Safety Association, Professional Fish Harvesters Certification Board, the Fish, Food & Allied Workers-Union union, and the Petty Harbour Fisherman’s Co-operative. Assessing the work that these organizations engaged in and determining how and with which seafarers and crews they engaged with determined the questions that would be developed for outreach. The questions themselves emerged from my

initial research proposal in conjunction with Dr. Marschke and Dr. Vandergeest's input. Having conducted similar work in Southeast Asia, Europe and the United Kingdom, the basic structure of questions they have previously used for research informed my own. As such, the formal process of sit-down interview questions was developed around three intended categories of research participants: Canadian fish workers (ranging from crew to skipper), international fish workers, and support organization representatives. This was envisioned to give the project the widest possible range with the necessary specificity to gather, ideally, the most pressing concerns of workers.

Canadian fish worker questions covered socio-demographics like age, place of residence and family status, along with inquiries into the origin of their choice to enter the profession, their experience in fishing, dependencies, and how they see their future on the job. From there, questions went into the specifics of their job, asking about contract quantity and type, typical workday length, conditions, descriptions and, if amenable, types and value of remuneration. There was particular focus placed on what these workers thought of their overall experience on the job and in the profession as a whole, asking the following:

- Do you feel respected at work by your boss? By your crew mates?
- How many hours do you work when there are a lot of fish? Are there times when you rest more i.e., such as moving between fishing grounds?
- How many hours are you able to sleep?
- What type of food is provided? Does it meet your dietary needs?
- Is there enough fresh water on board?
- Do you agree with the claim that fishing is a really dangerous job?

These questions, at the time they were compiled, were suggested as the likeliest to address the realities of work at sea for east coast fish workers and, if present, addressed inconsistencies and allowed for the airing of grievances. Additional lines of questioning concerning time in and access to ports and their essential services were built around standard concerns over wi-fi, support, food/drink, and access to free time. While crew member interviews were desired, speaking with skippers and worker representatives was seen as the likeliest point of initial contact, so questions were formulated for them, as well for any international workers that could be identified. Having previously identified them, I intended to speak with union and industry representatives through email, cold call and via walking into their offices to ask about meeting with them.

Both formal interviews with representatives in their offices, over the phone, or virtually, all provided oral consent with the assurance their answers would be anonymized for publication within this thesis. Similarly, dock-based interviews, where I approached prospective interview subjects to ask questions, were made aware of my position as a research student, the theme and topic of my work, and informed of the necessity of their consent for us to speak. These more-informal interviews still followed the same intent of the questions proposed to the formal interviews, but also allowed for space to follow iterative topics and tangents specific to the interviewee. For example, when speaking to a shrimp boat skipper who regularly worked in Arctic waters, understanding the particulars of work in that region, with those conditions, and those labour requirements dominated the conversation. To reiterate, both before and after the interviews, all subjects were made aware of the intent of my research, and their consent was sought and confirmed for all findings utilized within this thesis.

Additionally, having previously been made aware of the work of Dr. Desai Shan through the work of the Work at Sea project, I planned to coordinate with her given her association with Memorial University in St. John's. Initial discussions with Dr. Shan also put me in contact with her research student Om 'OP' Prakash Yadav, both of whom would be invaluable to my evolving practice of reaching out to intended interview subjects during my time in St. John's. Both would also serve to clue me in to the realities of fishing labour in the region as well. For the final stage of my methodology, review of the secondary literature that stemmed from my findings in the field were intended to not only strengthen the context around my findings, but were always intended to weight the validity of my initial assumptions.

## Chapter 5: Findings

Within this findings section, I will relay, thematically, the broad findings that were made evident following a desk-based analysis of the input I received from workers, unions, advocacy groups, and industry specific and adjacent representatives. Initially, and perhaps most relevant to this thesis topic, I will overview the inshore, nearshore and offshore distance fisheries and their significance (5.1). From this basis, I will assess the line between acceptable labour practice and precarity (5.2), leading to an assessment of the status of dispute resolutions within the industry (or lack thereof) (5.3). Sections 5.4 and 5.5 address the themes of labour relations as an under-discussed and novel OHS issues and unionization within the industry, respectively. Finally, addressing the topic of migrant workers and their possible utility in the future (5.6) leads into a discussion of how this regional industry can lead the way in fisheries labour regulations (5.7).

## 5.1 Inshore vs Nearshore vs Offshore

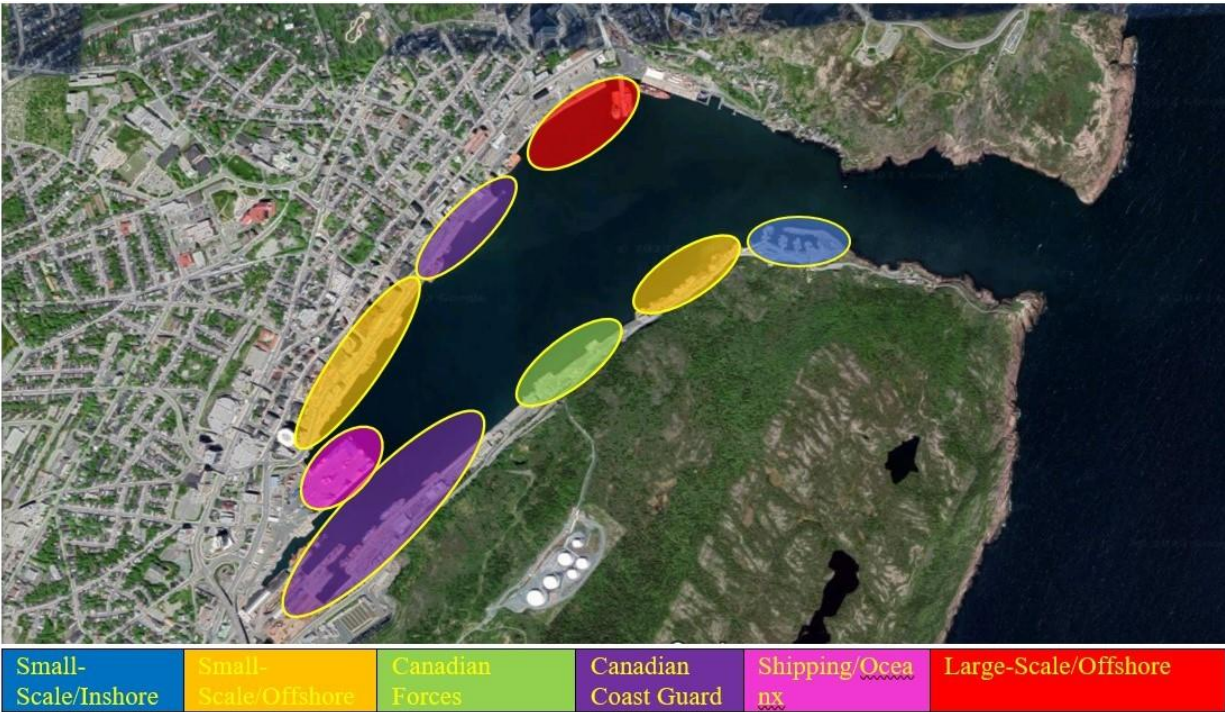


Fig. 4 Occupational and observed zoning map of St. John's Harbour, Newfoundland and Labrador

Section 3.4 provided an overview of the inshore, nearshore and offshore physical infrastructure in St. John's, along with an assessment of the policies that have created the modern delineation by boat type and proximity to land (Davis 2015, Power 2008). Here, I will unpack worker experiences by proximity to shore while adding to an understanding of what these fisheries look like in NFLD. While it is evident that the job of fishing itself does not change across fishery type, proximity to shore dictates differences in vessel and trip specifics. A majority of the n=23 interviews noted very little difference in the work between in/near and offshore. In asking one worker approached on the dock of St. John's, I asked "Do you observe much difference between the two?". They replied "Gosh no, its all the same" (Interview 11). For

greater context, one inshore skipper highlighted that offshore presents challenges based on danger. When asked about the offshore being more dangerous, they replied: “Yes I'd say it is, in my opinion it is. Because, with the offshore fleets [they're] going to go [in] whatever weather. With the inshore, well, well I don't think so. If you have time to reel something in before rain, I'll let you. With offshore, normally it'd be rougher. So, we try to go better, try to.” (Interview 8)

Fish work is largely strenuous due to the physical nature of fishing, dangerous due to the environment operated in, and requiring of long hours when crew actually engage in the process of fishing. Timing can also vary by species as well: “Well when we were at the crabs, we'd get up, have our breakfast, go on deck, either shoot our pots off or take 'em back, so we're on deck probably at 4am, we might get off at 5pm, so 13 hours, sometimes. Turbot are long days anyhow, we don't get off days until some days 8pm” (Interview 11). In/nearshore crew members mostly noted similar experiences, speaking of 18 hour days or longer, with one of two interviewees joking that their working hours are essentially 20 on, 4 off, before dismissing it with a laugh (Interview 14, 17).

The distance type differences arise with the length of fishing trips. As noted by one seasoned inshore skipper:

“[Working in the] offshore, we were off for like a week at a time. Sometimes 10 days like you know and with the inshore we just back and forth every day right. Yeah, now we do leave here and sometimes go cod fishing. We drives... we goes, goes out to Old Pelican and goes fishing for three days or four days and comes home, then get washed up and go again. So, get what you have for the week and go home. Yeah, pretty eager fishermen ... I don't stick around ... over dribs and drabs or a laugh, my goal is get it done. You hear a lot of people around saying it zaps time but my goal is, my saying is when it is done its done. Yeah, we fish, some bad weather. But we got a good boat with hopefully some common sense.” (Interview 8)

This attitude is shared by other skippers who, as discussed in section 3.3 on Safety, care about safety at sea due to regulation and keeping their crew safe. While the work may be similar with variations dependent on the type of fishery, major differences are evident in the *size* of the fishery, known more colloquially as small or large scale industrial fishing. Fishing is not as easily organized as small = in/nearshore and large = offshore fishing either, as fishing operations, ownership and legal requirements exist across traditional shore distance distinctions. One skipper spoke to this, noting “over 40 years or 45 years, you're gonna see change” while relaying that “years ago, it was ‘everything is classified under 65 feet [as] inshore’ but now those inshore vessels, under 65 footers, [they’re] fishing outside 200 miles [Canada’s EEZ limit]. So is that inshore? That’s a question” (Interview 7). Additionally, given that large scale companies in the region have been buying up traditionally small-scale boats and licenses to provide capacity for their industrialized fishing operations throughout the in and offshore region, traditional definitions are continually blurred along the lines of ownership, as noted in Figure 5 (Interview 7, 8, 21.). In this way, size and species type more accurately defines fleet type.

<b>Boat Size versus Reported Distances fished</b>			
<b>Distance Types</b>	“Inshore”	“Nearshore”	“Offshore”
<b>Boat sizes</b>	35 feet or less	35 to 65 feet	65 feet and over
<b>Reported Distances</b>	>200 miles	>200 miles	>200 miles

Figure 5. As per the Fleet Separation Policy as outlined by Davis (2015), all distance types were reported, as indicated by interviews conducted in this research, to be operating at will.

Skippers and their regional representatives (both in advocacy and union management) broadly bemoan this industrializing and globalizing dynamic moving away from community-oriented fishing, as noted by Knott (2021). According to one fishing association

representative, “the fight here is inshore versus offshore ... large factory freezer trawlers with dragging technology that fish stocks out. That is why our ground fish stocks haven’t recovered, because they were pounded by factory freezer trawlers from all over the world” (Interview 21). While international boats play a role in this industrialization, so does the monopoly apparently held by domestic and foreign owned large-scale companies that own boats and fish licenses. I interviewed two inshore boat skippers on the docks in Petty Harbour, with one noting there are “four or five companies running it all now because they're the companies that own all the boats” (Interview 8). The other skipper identified them as Ocean Choice International, Royal Greenland, Quinlan Brothers (now owned by Royal Greenland), and Beothic Fish Processors Limited. One local fishing co-operative highlights sentiments, claiming that these four companies essentially buy up the licenses (and with them, rights to a given fishery), making it hard for new and traditional inshore fish harvesters to access that livelihood. In this sense, according to the co-op, “big companies own the fishing times while capacity stays the same”, dictating, as the license owners, what times and weather conditions in which boats can hit the water (Interview 5). As a result of this increasing large-scale monopolization, fish harvesters have been pushed farther and farther away from traditional fishing grounds. “Years ago” notes one skipper,

“the full time crab harvesters used to be fishing off 15-20 miles, exactly where [they’re] efficient, right? But now we're fishing there and those [crab] ... boats went offshore further, right? So I guess they got bigger quotas by going offshore. We got quotas so that we could make a living basically because there was no cod fishery, or very little cod fishery, that can only open for short periods of time.” (Interview 7)

The primary takeaway from this move towards industrialization has led to a relocation of fishery capacity due to a capital-intensive model of overfishing. Human induced

fish stock depletion mixed with climate change has likely led to the migration of fish stocks themselves, which in turn feeds back into a wider reach of the in/near and offshore sectors (Lane 2008). The skipper of interview 7, having been in the profession for 42 years, noted that

“When I first started fishing, every community had a fisherman's committee. And like here in Petty Harbor we had a committee, next bay up had a committee. Witness Bay had a committee. St. John's had a committee right, but now it's more regionalized. Yeah, like you know, we have a six seat committee now that looks after from Pouch Cove to Fremeuse” (Interview 7)

This regionalization is embodied within the Northwest Atlantic Fisheries Organization, an intergovernmental organization formed in 1979 that seeks to sustainably manage fish stocks in the North Atlantic ocean (NAFO, 2023). The region that encompasses Pouch Cove to Fremeuse on the Avalon Peninsula (inclusive of St. John's) is designated as 3L (Figure 3) within the NAFO convention and regulatory area. One skipper refers to this as an instigator of the move away from community management toward area and region-based regulation, but highlights that it may not work as well for the current NFLD demographic of fish harvesters today: “...the other thing is [there are] a lot less fishermen now, or fish harvesters then was there was in 1980. Like, you know, people got out of the industry. Yeah, some people I talked about, the processors, are swallowing up small, small license holders. And the same thing happened in the fishery” (Interview 7). There will be a larger discussion around the shifting demographic and its impact on the province and industry, but this quote underscores how increased regulation synchronized for a higher level of activity in the fishing industry may be allowing for monopolization and capital intensive activities of bottom trawling and quota roll overs (Schijns 2023). The current makeup of the distance specific fisheries are directly related to human-environment interaction.

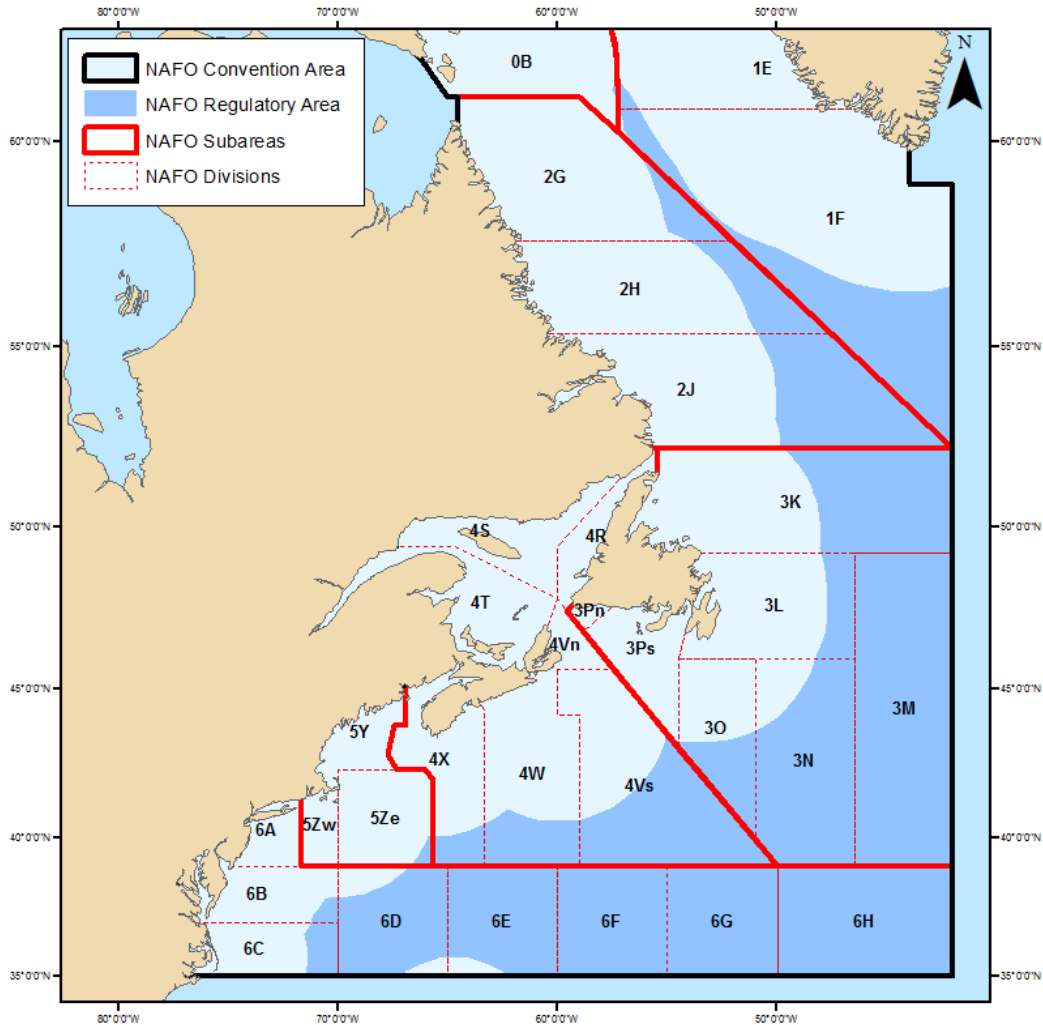


Figure. 6 North Atlantic Fisheries Organization Regional Map divided by divisions. Notes 3L as encompassing all of the Avalon Peninsula.

In attempting to understand the realities of what the offshore and large-scale companies look like in practice, I reached out to various large and small scale fishing companies when in NFLD to pose the research questions to them. One large scale company (hereafter, ‘the company’) responded back and were keen to talk to me about their work. Presenting themselves as an engaged regional employer that not only cares for its workers and safety culture, the company stated that they are leaders in sustainability in Canadian fisheries, have their own

quotas in 15 species, are a large regional employer prolific on the global market (Interview 13). Notably, their representative highlighted that they operate both in the in and offshore, with a supporting network of multiple processing plants and facilities in NFLD and one customer-facing plant in Halifax. The inshore is fished by their fleet of boats under 19m (62 feet), while offshore is processed by their smaller fleet of five large scale factory freezer vessels. To give an example of what the skippers (Interviews 7 and 8) might describe as a ‘monopoly’, the company’s quotas, 90% of which are certified by the Marine Stewardship Council, are assessed by 15 in-house scientists because of their perception that DFO is lacking on scientific capacity and decision making, linking with larger perceptions within the regional fishing community (Gale, 2022).

Attitudes towards federal and provincial jurisdiction are well known in both the news media and attitudes of those we spoke with within the industry (The Globe and Mail 2023, CBC News 2022a, Interview 21). According to the fishing association representative, such attitudes are easily observable: “I think that there is no recognition by DFO ... offshore trawling during spawning and pre-spawning times of the year has little acknowledgement from the government regarding the harm it does” (Interview 21). Making clear that he sees no harm in an active offshore and large-scale fishery, he notes that it needs to be one part of a larger whole inclusive of the in and nearshore, something the association interviewed believes DFO hasn’t done: “You need consistency of supply, but DFO in terms of size and management has ... I can’t even ... they didn’t drop the ball, well they dropped the ball, then they stuck a spike through it so it will never bounce again” (Interview 21). It should be noted that this interview represents the owner-operator focused professional association SEA-NL, promoting the needs and wants of those in charge of boats and their quotas, *not* their crew directly. Their routinely critical coverage

of DFO policy within their online blog creates an impression that, with a focus on owner and skipper support, there is general contempt for current and previous regulatory practices (Cleary, 2023a). As a result, understanding in and offshore realities are intrinsically coloured by the profession, positionality, and the political economy of those relaying and presenting their experiences at sea.

A common response from crew to skippers to union/association management is the importance of pay, remuneration and profit across the fisheries (Interviews 1, 5, 7, 11, 14, 20). As has been indicated in the literature, a preoccupation with safety culture as a means to combat all forms of precarious labour in the global fishing industry permeates NFLD, with little direct conflict expressed between skipper and crew (Binkley, Bigney, Neis and Bornstein 2008, Power and Baquee 2010, Knott 2022, Shan 2022). However, building from the professional associations representative responses, he indicated that “I have [seen animosity between skipper and crew] in terms of wage, but not in terms of safety” (Interview 21). A similar focus on wage is seen from some crew, with one indicating that fishing in general is not a typical labour jobs in that the unions do not care beyond their bottom line, noting “It’s all about money for themselves” (Interview 11). He went further, implicating unions are partial towards skippers: “there is more emphasis on the skippers as they make the money” (Interview 11). Across interviewees, there is a belief that the focus appears to be on skippers and promoting profit (Interviews 5, 7, 8, 21).

To be sure, profit is critical to meaningful and sustainable livelihoods and central to the history and survival of many communities in and around St. John’s. Having spoken with two skippers from Petty Harbour, changing demographics and income security impact both small scale skippers and crew alike: “... trying to keep people around, the crew around if you got nothing for him to do is hard. ... a lot of people have hard times getting crew members now

because a lot of people have other jobs and it's hard to get a person for four or five weeks to go fishing” (Interview 7). Interviewee 8 added how it can be hard to earn for yourself and your crew when involving processing costs and larger companies taking portions of the catch profits, advocating that being “your own boss is the main thing, your own money. Making your money. You're not making somebody else rich” (Interview 8).

The owner of a local fishing supply store offered another perspective on profits, treating me to a 30 minute exposé on what is termed ‘poor fisherman’s mouth’, or the tendency of both skippers and crew to complain about a lack of work while walking away with large sums due to 2 – 5% catch share arrangements (Interview 1). Catch shares are deals made between skipper and crew for crew to walk away with a portion of the total catch they can sell themselves, thus increasing profit on top of what a processing company would pay. He noted that such skippers/works tend to be ‘poor fisherman’s mouth’ when driving expensive trucks, owning large homes or frivolous toys like bikes and skidoos. This is the owner’s opinion that, while disparaging and potentially disgruntled, conjures an image of an industry that works with a *perceived* decline in fish availability as a shield for workers and owners to hide behind or tactic to ward off prospective newcomers to the profession in order to guard stocks for themselves (Interview 1). Such an opinion is treated as conjecture here because it was not corroborated nor reflective of the values I witnessed from skippers, crew, or union/associations directly.

It is evident that diverse attitudes exist within NFLD’s fishing industry, across all distance types. What is conclusive here is that small scale fishing does not equal in/nearshore fishing, just as large scale does not equal offshore. Speaking with a local catch monitoring representative, they noted that they “deal with mostly small vessels, still going out 200 plus miles in some cases but 65 down to the 30 foot range” (Interview 10). Those diverse attitudes

and opinions are said with certainty by seasoned stakeholders both engaged in fishing and advocating on their behalf. But context, both historical and political, is key to unpacking the relationship between the distance type fisheries. Unpacking their characteristics here only indicates more work should be done to create a clearer picture of work across the in/near and offshore fisheries.

## 5.2. The line between acceptable labour practice and precarity

In initially planning this research project, it was not unexpected that getting access to fish workers, given both the nature of their profession at sea and heavy invest in work when dockside, would be challenging. I was also made aware, not least of which by Ian Urbina in his 2020 book *The Outlaw Ocean: Journeys Across the Last Untamed Frontier*, just how prevalent silence and the fear to talk openly or freely about ones work at sea can be (2020). Numerous examples within the book look at management, from deck bosses to skippers to owners, and remark on how hard it is to get straight answers due to the fear of reprisal. Existing within Canada's legal system, my assumption was the St. John's would be less informed by a culture of fear, and more so based on a class or social divide, one that made my lack of regional accent, knowledge and differing positionality as nosey researcher the very force that caused would be interviewees to think twice about talking to me. What was prevalent to me was just how common this insular community was, as the local fish shop owner made sure to note that cold calling and approaching them would be difficult due to the nature of their work (Interview 1). This attitude is certainly at odds with how Newfoundlanders seek to characterize themselves: happy, willing to talk and, according to two young fish plant workers on the inshore docks of St. John's, unwilling to shut up (Interview 12). This characterization as an insular community, as noted, is partly due

to my own outsider positionality. But its prevalence in fishing, and working at sea in general, is indicative of labour precarity – if workers are, or do not feel, free to talk, the line between acceptable practice and precarity becomes hazy. Here, I will walk through the observations and responses I received that spoke to varying levels of precarity within fishing.

In looking to unpack the realities fishing when in St. John's, I was heavily reliant from the start on both the union and safety organizations I had reached out to in advance of my arrival, and my landlord who worked for a related industry. In conversation with both of these parties, it was clear, as was the original research plan, that despite the insular attitudes among the fishing community, asking around the docks was ideal to contact workers in their element. Here, we would be able to provide regional context as to what exemplified work at sea, and to better assess if precarity existed in and around the Port of St. John's fishing industry. As discussed in Chapter 3, the port is portioned into zones for various industries, with in and offshore fishing existing at three distinct zones. Understanding this lay of the land informed my conversation with unions, one representing thousands of inshore fish harvesters and associated industries, notably including representation of two operational offshore boats plus one in drydock (Interview 5). As was anticipated based on the literature review, concern around labour practices at sea rested firmly within an occupational health and safety perspective. For example, the union noted that OHS claims were not uncommon in the offshore, mentioning recent incidents that included a fisher losing the tip of their finger, with another facing ligament damage to their foot (Interview 5). Critically, their representative noted that such accidents spring from an offshore industry where labour retention has proved to be a challenge, as many prospective workers don't have the want or time for such demanding and dangerous work, a sentiment shared by the disgruntled worker I spoke with on the St. John's inshore docks (Interview 11). Linking with Power and Norman's

(2019) assessment of youth outflow from the region for a desire for metropolitan careers in western provinces, several interviewees noted that this was linked to a generational divide that has reinforced this sentiment of fishing being dangerous work (Interviews 7, 8). Such instances of danger in the offshore industry due to a lack of younger workers and an aging demographic indicate how precarity, in some ways, may be inherent to the industry.

In speaking with a management level representative of one company, we were told that instances of conflict that required mediation were limited to non-existent (Interview 13). One instance of a woman threatening another woman was over a perceived lack of commitment to work and was quickly mediated. In hypothetical instances, written warnings would be issued, but according to company's representative, in terms of outright conflict or precarity, "it just doesn't happen" (ibid). It is easy to see that safety culture, as to be expected, is treated seriously within the company. This was further evidenced in how audits are mandated by management to the annoyance of some crew members, as, if major deficiencies are noted, "vessels don't sail" (ibid). It becomes murkier on the in/nearshore however. The company notes that, as they do not own the vessels they purchase catches from, they themselves have zero control over safety standards followed to deliver that catch.

This is at once both corroborated and potentially refuted by one worker I met on the east side of St. John's harbour, who had been a crew member on nearshore boats for eight years. This crew member was forthcoming in his disdain for the work due to the poor relationship he had with his skipper – he was unafraid to communicate his opinion. He noted that the boat he worked on was owned by the aforementioned company because the "skipper couldn't come up with 12 million dollars" (Interview 11). The question of ownership opens up concerns over regulatory

responsibility while casting doubt on the company's claims that conflict "just doesn't happen" on their boats.

Noting that he gets treated "like shit" regardless, the crew member highlighted how his was an experience of being singled out and targeted by the skipper:

"For me, if something went wrong, it was put on me. I was the one that was cursed at, I was the one that was blamed. I was the one that was threatened with being fired. Everything was on me. The first mate, nothing was said to him when he screwed up. Nothing to him, came right to me. I was the one bitched at, cursed on, everything else." (Interview 11)

This crew member was disgruntled and willing to highlight the negative aspects of his superiors and profession. Given this, I am taking his words with caution. Having also heard from various sources of the willingness to employ a worker regardless of background, criminal record or required ticketing, the hiring practices of certain skippers may be circumspect (Interview 5). Taking the intent behind the comment to mean that some skippers were willing to look the other ways for crew to meet quota requirements and make a profit, I asked the disgruntled worker if such activity occurs. Responding to if skippers will hire anyone who will work, they noted:

"Yes, that is right. We've had problems, well two-three ago, it got to the point like I wanted to push them overboard. He was that dangerous, that clueless, he didn't have, safety was not in his brain, couldn't comprehend and think. Fellas got to have so many years, but this guy was clueless. Someone or they would get hurt [and then say] 'wasn't my fault, don't know what happened' ... I know two, we have 'em on our boats, they were cons, screwed up, no background checks, boss knew. Didn't matter, just someone to do the job." (Interview 11)

As noted in 3.3, STCW-F requirements for safety standards and NFLD's own professionalization of safety standards have broadly improved since the 1992 cod collapse. Evidently, skippers still find ways to skirt the rules. The practice of hiring at a skippers

discretion is not necessarily precarious, as this is a small-scale family-owned industry, relying on family and friends, often through word of mouth (Interviews 8, 10). One local third party crewing agency (hereafter referred to as ‘the agency’), corroborated this, noting that fishing in general is more lenient with certificates. They still have to be issued by Transport Canada and all paperwork needs to be in order, but they require less than other professions like offshore mining and shipping, which the agency also recruits for (Interview 4). Another crew member, working for a family owned inshore boat, added that while he had not personally seen instances of such activities, he stands to guess certificates are likely not checked in the first place (Interview 14). There is evidently a lack of certificate observation in the NFLD fishing industry, and incidents of avoiding background checks and hiring unqualified crew interact within a political economy that previously valued community sourcing for work.

The line between precarity and acceptable practice when fishing is visible when assessing the recruitment processes that take workers from onboarding through to being placed on a boat. The agency’s representative noted that while the relationship they try to cultivate with their clients is an ‘open one’, they feel like they tend to be the one of the only avenues of support their workers have within the recruitment process (Interview 4). The representative noted that private, large scale companies (like the company I spoke with) do their own recruiting, further highlighting just how limited assistance within the recruitment and work environment is for fish workers. The disgruntled worker indicated that his hiring process was initiated by local community contacts, but the process itself exhibited precarity:

“I find that, between my two skippers and hearing stories, there are those that will pat you on the back and say you’re a good fellow, but because with the ones I’ve worked with, personally no, they’re not like that, they’re are all about themselves, they don’t care about you, you mean nothing, you’re just another

person. I'll fire you and I'll get someone else. That's how they are here.”  
(Interview 11)

Speaking with a high-ranking representative of a fishing co-op in a St. John's satellite community, fishing is a “trial by fire” job that “can't have slackers” (Interview 3). This attitude is exploited to cultivate the type of worker needed to work at sea. In discussion with a local catch monitoring representative, they highlighted how even though small- and large-scale companies rely upon tough workers, the industry itself is less accommodating to crew in general, as indicated by other companies (Interview 10). Speaking about the current state of the industry, they opined that unions focus on and favour boat owners over crew, noting further that for small, family owned boats, there is little recourse if a skipper wants to give family more work over a seasonal hire (Interview 10). “For the poor working guy, if you will,” they highlight, “that just wants to sign on to the boat, they don't have a lot of security. That is a little bit of a sore point with folks, but not my line of work” (Interview 10).

This reps line of work, catch monitoring and reporting results to the federal government, is one that is separate from the work of fishing itself. This company hears of cases of insecurity, but as presented to me by their representative, “we make a point of not becoming involved in the activities in a fishing boat, or with the captains and how they interact with the crew [as it is] none of our business. We maintain a professional distance” (Interview 10). This status as a catch observer *only* indicates a gap in monitoring precarity at sea. As funding for catch monitoring is taken from a pot funded by fishing collectives themselves, it can be said that the fishery “pays for its own police” (Interview 10). One fish association representative all but corroborates the monitoring company's boat owner first industry support model, noting that “obviously the way we feel is that the better the enterprise owners do, the better the crew will do” (Interview 21).

Clearly, what constitutes acceptable work and precarity is up to the discretion of the skipper and owners (ibid).

### 5.3 Dispute resolutions within the industry

At the end of my research, having left NFLD, I visited Lunenburg, Nova Scotia with my family. The only activity on the same docks that housed the Blue Nose II was audible jocularity coming from the boat launch, home to a large factory freezer vessel. Workers crowded around the walkway to the wooden dock, centralized around their pickup trucks. I walked up to one who, upon identifying myself, introduced himself as the deck boss for the ship. A nearby elderly man elbowed his way into the conversation as indicated he was the vessel's chief engineer of 30 years, with both eventually imparting that they saw their roles as little more than glorified deckhands. Even as our conversation was brief, I asked about regional support on offer to them, including dispute resolutions in the event of conflict. The chief engineer, without skipping a beat, pointed his finger to the bridge of their ship, highlighting the idea that such discussions started and ended there. Any outside support was unknown to him (Interview 23).

This experience punctuates just how much of a gap exists for workers in terms of recourse, support or validation of their experiences. When asking the research subjects about dispute resolution in their industry and where conflict was addressed and dealt with, many crew members and skippers indicated that it was solely addressed between skipper and the crew (Interview 4, 5, 7, 8, 11, 12, 16, 17, 22, 23). As a result, the skipper, as the position of authority on a given fishing boat at sea and when docked, has an outsized responsibility to ensure safety, limit precarity, and abide by regional, provincial, national and international legal paradigms when at work. A regional representative of maritime workers, speaking from a position of both

advocacy and authority, operating in the Maritimes and NFLD, indicated just how critical this relationship is;

“I think the employer/employee or employee/employer relationships are always in need of work ... because you're at sea with a bunch of guys or with a crew and you rely on each other, right? So if there's these types of disputes and you know, it can compromise the safety of the vessel, it has to be taken really seriously. So whatever systems that we can improve, that is the way we should go and I think if we look at the Master (Skipper), the Master holds a lot of responsibility as for safety, but he also holds that responsibility for crew right? So, he has to make sure that his crew's operating effectively and [are] interacting properly. So, a lot of the onus does fall on the Master to make sure that's correct. And I think anything, any tools that we can give him to support him in that it would be great because I think his toolbox is not full, we'll just say that.” (Interview 22)

The worker representative's assessment illustrates not only the stakes involved in the relationship between skipper and crew, but the realities of the local fishing industry that may not create the conditions, or even incentivize the healthy relations needed between employee and employer. This inspector also illuminated an entirely different dispute scenario, linking with the discussion on migrant and foreign workers in section 5.6, of repatriating international skippers flown up to eastern Canada under less than clear circumstances to pilot boats down to their home countries after purchase. He highlights the following:

“I've been approached by different masters that came up here say just to sail a fishing boat for somebody, and then it didn't come to fruition [which results in a] ‘He Said, She Said’ - he gets abandoned here in Nova Scotia, and he's from ... say Mexico or somewhere in the south, wherever. ... [There was] another situation where, you know, they came up and the vessel was supposed to sail somewhere when it was way too small to sail there. So then there's some dispute between the owner and the captain and, you know, the owner can't get what he wants, and so he [the foreign skipper] gets abandoned. Then we fall to, you know, how do we get him home and how do we support him when he's here and all that stuff, and I've done that a few times with different captains and ensured that they got home safe and they got paid for their time.” (Interview 22)

This gap in dispute resolution pathways requires further research in order to determine whether or not its absence within the generally accepted and normative labour practices of NFLD fishing is truly abusive, but its role in informing precarity is evident. Instead, labour discussion remains more heavily focused on health and safety.

#### 5.4 Labour relations as an OHS issue

When speaking with skippers, workers, industry representatives and unions, the most relevant and pressing issues with precarity in east coast Canadian fishing are that of Occupational Health and Safety (OHS) (Interviews 1, 3, 5-19, 21-23). It presents as the primary way industry and union representatives interact with and understand regulatory and crew/owner/operator focused relationships. Depending upon who is asked, it may be more important than the catch/environmental considerations that underpin income.

One particularly salient example of how precarity can inform OHS discussions is through the disgruntled worker of Interview 11. His recounting of a transgression in typical safety procedure indicates just how far some skippers are willing to go:

Int.11: "... you've heard [about] those ships going down. 99% of that is skipper or owner error. They choose, and don't have to, go out on the storm, but decide to on their own. No one, the government, I'm not forcing them. Plus, I'm ex-military, I've been shot at, I've had grenades in my hand, that's more dangerous than fishing.

Ben: Yeah, that is entirely true. Certainly, putting your life on the line for one's country is going to be much more dangerous than fishing in general. As you say, the likelihood of the ship going down may be more down to skipper error?

Int. 11: "Yeah for instance, I was in the hold working crab, and the skipper has this bad habit of going broad side to swells. I had 26 pounds of crab fall on top of me, because of him. I made a roar, one person came down and got me out. And the skipper didn't care, just said, 'clean it up'. Everything that happens is skipper error. Why go out in the storm? Skipper didn't give a choice. They pretty much make the job dangerous."

The insinuation that skippers are “99%” to blame for all precarity, accidents or death in fishing should be understood as originating from a place of anger from the interviewee, however the level of authority placed on skippers when at sea make them responsible for the lives of their crew – having a healthy relationship between skipper and crew becomes critical when out of sight of third-party labour authorities. Having previously spoken with the company who owned the boat the worker was employed on, it is telling that the company representative imparted the primary ways in which their company engages with regulations, outside of environmental, is that of safety, noting how from British Columbia to Nova Scotia to NFLD, OHS is of top priority (Interview 13). This is representative of a gap witnessed in the discussion ongoing in NFLD OHS fishing today, as labour relations inclusive of abuse, exploitative practice, potentially even instances of violence, are not openly included within said discussion.

Asking a Newfoundland OHS representative at the NL-FHSA Symposium whether harassment and exploitative labour issues play a role in his work, he noted that they were new considerations for boats, typically only addressed between skipper and crew (Interview 16). Going further, he indicated that such issues are addressed by OHS on a case-by-case basis and can get “muddy” (ibid). This aligns with the worker representative’s description of the “employee/employer agenda” or the one-on-one/group dynamic present on a fishing boat (Interview 22). When I tried to follow up with one attendee via phone, who had been willing to speak to me initially as a student curious about labour relations, I was hung up on. Their desire to speak with me had seemingly evaporated.

It becomes necessary here to look at what Dr. Desai Shan addresses in terms of OHS characteristics in the east coast maritime labour region. She notes how varying degrees of OHS

protection reduce the effectiveness of such regimes across the maritime provinces (Shan 2022). While she does say that NFLD is more highly regulated among the four provinces (corroborated by worker representative (Interview 22)), variability in enforcement and the geographical scope of these protections directly limit and place fish harvesters in potential danger. Shan (2022) highlights how “safety regulation is often met with reluctance in the fishing sector and implementing self-regulation and safety management has proven to be difficult” (2). Having spoken with skippers and crew members alike, it is possible to get the impression that considerations of safety are simultaneously an old and understood, but also increasingly important requirement. A regional fish cooperative noted that some skippers are accustomed to and particular in methods of the past, refusing to use running lights or install lifejackets (Interview 3). While messaging at conferences like the NL-FHSA Symposium indicated updates to safety guidelines, technologies, and practices, annual deaths in east coast fishing hammer home the need to address safety deficiencies (Interviews 15, 16, 17, 18, 19).

A skipper corroborated the notion of developing an understanding around safety and safety culture. When asked if he saw a big difference in safety adherence between the in and offshore, he noted:

“No, not a big difference. Yeah, like you know, I guess back in the late 90s, early 2000s ... years ago everyone was always safe ... you didn't want to have your vessel leak in or you didn't want to have your vessel sink and so you looked after your boat. There wasn't much lighting equipment too ... there wasn't much inflatable PFDs or life jackets or any of that stuff. But all that's coming into place now in less than three years ... Like you know, it's just a transition, I guess. I'm sure we can all remember back in the 60's and 70's, there was none of that. I can say now, that's pretty common inshore and offshore, we're not compelled, not yet, by Transport Canada as they have most of the stuff with the big boats.” (Interview 7)

Across the interviewees there appears to be two competing narratives, one that sees a growing appreciation and deference to safety, and one that is engrained in the fish worker due to the nature of the work. Even as the OHS representative I spoke with at the NL-FHSA Symposium noted how labour relations and abuse were a burgeoning and “new conversation”, it was evident that the ideas behind a traditional commitment to safety and a broader understanding of exploitative practice are yet to be married (Interview 16). This is intriguing given the previously stated history and experience with the dangers of fishing, along with the presence of the Professional Fish Harvester Certification Board, a professional certification body that regulates who is and isn’t a “professional” within the fishing industry (Interview 6). As noted by one member, the PFHCB is unique in its identity as a “provincial certification board for a federally regulated industry” (ibid). Built to ensure that local workers and fishers are the primary beneficiaries of the local fishing economy, the industry certifies, trains and promotes its workers, and investigates code of ethics violations related to safety in the workplace; even so, little recourse is evident for labour relations conflicts (PHFCB, 2023).

Moreover, even in the area of OHS, hearing evidence from unions that OHS consultants hired by skippers to complete safety checks may not be entirely truthful or on the up and up, potential box ticking exercises exist between gaps in regulation (Interview 5). Furthermore, this links with the discussion in section 5.2, where some skippers look the other way on valid certificates in the name of profit (ibid), or the Transport Canada regulations governing safety checks. Such gaps, both in discussion and practice, lend opportunity for precarity to flourish.

## 5.5 Unionization

In conversation with various workers and industry leaders, it can be surmised that perceived value (or profit) is the means that determines rates of unionization in NFLD fishing (Attwood, Khan, & Veitch 2006, Interview 5, 7, 18). In the case of workers, and the unions who represent them in St. John's fishing fleets, both in and offshore, collective bargaining and negotiations have looked to set a price at which the species caught can be sold to plants and distribution companies (CBC News 2023a). The varying and often loud dissatisfaction present in fishing unions in St. John's plays out between unions, associations, co-ops, and related industries. Having spoken with representatives of all, workers under their representation, and the companies who operate within their bargaining regimes, there appears to be stake to be had in one over the other, yet where meaningful representation and meaningful collective power resides, linked closely to the political economy and potential for precarity at work, requires further analysis.

Unpacking what was learned temporally provides the greater insight into the realities of unionization because a) my positionality demonstrates how a straightforward labour regime is more complex than previously understood, and b) exploring the conflict between unions and advocacy groups parallels the previous findings on exploitation/abuse and labour relations as an OHS issue. Speaking with union representatives as one of my first interactions with industry stakeholders, they spoke from a variety of experiences, with in/offshore and communications representatives present at the meeting. Their description of the union was one that, generally, described unionization and similar efforts within the industry as good, and larger scale industrial monopolization as bad (Interview 5). Such a position brought interest in clarifying this view with other industry stakeholders, including skippers and crew themselves. The representatives spoke

more fully about the extent to which they support workers on boats (covered in section 5.2 above) which, following our interview with one large scale fishing company, bares comparison. The company representative noted that, within their own company in the offshore context, roughly half the boats are unionized and half are not (Interview 13). This is juxtaposed against the unions perspective of how larger scale companies move the industry away from a worker-friendly, small-scale industry. Additionally, as noted by the company, this roughly split unionization setup was inherited when they purchased fleets in 2007, having bought the assets and fishing quotas that included crew and this unionized contracts (Interview 13). Most intriguingly, the union that represented them had asked the company for a widening of their representation to all company boats, but some crews voted against this (ibid). Clearly, differing views colour reasons behind unionization drives.

From the perspective of the company, one of the main reasons may be the availability of Employment Insurance (EI). Noting that it has no difference to the representative we spoke to, they opined that generally, if you are not unionized, there is more government money available without having to spend 20 days at sea within the qualifying time period to obtain it (Interview 13). At the same time, unionized vessels under the company have the same written contract to avoid qualifying time periods, are paid per day, and are entitled to a percentage of the catch. When boats land and offload their catch, they are entitled to the same level of EI, making the purported differences inherent between unionization or not potentially up to the group or individual in question.

The worker representative provided additional insights into this challenge:

“I would say that, you know, not all employers need unions. I mean, I always say the employer gets the union it deserves, right? So I mean, if you treat your workers like shit, then there's a good chance that those workers will try to

organize and join a union ... I think there is definitely room for more work to be done on unionization. I think actually Newfoundland is probably the best.” (Interview 22)

More work is needed to unpack the realities of work in a Nova Scotian perspective, as the worker representative noted that the province’s fish work association-based model lends itself specifically to the “employee/employer agenda” which in turn lends itself to “lower wage rates and minimizing safety that affects profit” (Interview 22). Additionally, while he generally believes that the union I spoke with does a good job representing their workers, there is a limited awareness of how such coverage and protections can aid international or migrant workers who may pass into NFLD due to work or the course their ships take during a given contract.

It is worth pointing out that opinions differ from other associations view of the state of unionization in NFLD, speaking as they do from a owner/operator-first perspective. One association representative outline the following:

“I don’t know of another industry where every labour sector, from workers in the inshore, aquaculture, fish plant workers - everybody is represented by the exact same union. Normally many different unions keep each other honest. But this kind of union structure creates such a conflict of interest, real or imagined or perceived. Perception is reality in regards to conflict, but from my perspective, it undermines faith and trust in the entire industry. And not only that ... [their] representation doesn’t work well for any one particular sector. And for NL and L, for rural communities to thrive, representation has to be right. You need to properly rep to fight for agency, proper share of the stocks (or fair share), this kind of thing.” (Interview 21)

Such differences in opinion rest on the perspective of the utility of the unions presence in the industry and what they can offer workers. Given that the association seeks to pull owner/operators away from union representation, it makes sense that their opinion is critical. In further discussion, the association representative on unionization specific to fleet types indicated

that non-unionized vessels are predominantly offshore factory freezer trawlers, highlighting a critical sub-theme of unionization: that of profit. They note:

Rep: "... here is an example of how I would see the small boat/inshore fishery: ... the pricing for fish works in NL is called 'final offered selection' and a gov appointed panel usually supplies a price per species. That is a minimum price a processor or supplier has to pay for a particular species. There is nothing to stop the processor or buyer from spending more than that, what is called a "bonus" at the end of the season. Not all skippers share the bonus with the crew and its not the crew that complains to me about that, it is the wives of the crew ... It's for bigger boats, middle distance boats that don't have family aboard, I have heard complaints that not always is the bonus shared. The whole fish pricing system in this province is fucked." (Interview 21)

Central to the discussion of unionization is the value workers, skippers, owners, companies, and the industry itself, places on remuneration, or the income that can be made from fishing. Both inshore skippers in Petty Harbour noted the joys of being their own boss, and that you are "making your own money. You're not making somebody else rich" (Interview 8). At the same time, there is a real belief, by some in the industry, that profit over safety was typical across the inshore (Interviews 11,13). An anonymous interviewee noted that he "wouldn't want to be on a unionized boat out there" as they are paid less for what they have to endure (Interview 18). It is clear that livelihood and profit plays a role both in unionization considerations for crew, and this requires greater understanding and unpacking.

## 5.6 Possible futures for migrant workers

At sea fish work in Newfoundland and Canada's eastern EEZ region is primarily an industry employing Canadian workers. A typical dockside seen in St. John's saw groups of Caucasian men, mid-20's to late 60's and beyond, untangling nets, fixing various parts of their boats, loading or unloading gear and catch, and any manner of work routine with varying

regularity (Interviews 7, 8, 9, 11, 12, 14, 20, 23). The use of foreign, migrant or temporary foreign workers is less visible, if it happens at all. One worker and another industry professional alluded to cases of foreign workers aboard boats, but treated like any other worker, and their identity as Temporary Foreign Worker's or migrants was suspect at best (Interviews 10, 11). This is not to say that it does not happen, given the regularity of the practice internationally, but the intent of this research to identify, speak with or hear instances of such occurrences did not pan out. However, in the process of asking questions concerning foreign, migrant or TFW's to industry professionals and workers, not only did views advocating and accepting their utility as workers emerge, but commentary on the shrinking demographics of available workers highlighted an industry in need of capacity development.

When asking crew, skippers and industry professionals if migrant workers work on boats in Newfoundland, the prime response was no (Interview 1, 6, 7, 8, 19, 20). Others had heard of them through the rumour mill (Interviews 10, 11), with many noting that, if they weren't already present or in NFLD at all, they either could or need to be in the future (Interviews 7, 9, 11). Given that I made no contact with migrant or Temporary Foreign Workers during the research, the varying degrees to which industry stakeholders have heard of them within the industry requires further verification and research. First, I will address instances where migrants have or are being utilized.

The disgruntled worker of Interview 11 communicated that he had seen migrant, or "foreign" workers:

Ben: ... Have you ever heard of instances of migrant or TFW's working in the same jobs that you do?

Int. 11: Oh yes, now there's ... guess you'd call 'em trawlers, they have foreign workers, could be from Nigeria, Philippines? I've seen 'em, but who cares? If people want to work, they can. But are they getting paid the same? Probably not.

B: Are they hired by [Large Scale Companies]?

I.11: I'd say yes. Those on (my company's) boats, a lot are hired through the companies [that] bring 'em in. Like Quinnlands, a lot of foreign workers in the plants due to long hours and less pay, but will do what they can to support the family.

B: Does Quinnlands put them on boats too?

I.11: Well some boats up north had their Filipinos, their Nigerians, I don care, they are entitled to make their dollars like I am.

This crew members experiences are notably at odds with his company's own stated practices, noting that they have not yet employed migrant workers. While this company did acknowledge that *inshore* boats utilize Mexican workers, they noted that "if and when we get to that, we can look at the inshore fleet" signalling they are yet to employ such migrants (Interview 13). Further alluding to their limited use of migrant workers on boats, they said that catch share would be shared equally with migrant workers in a hypothetical situation. Where their account does link with interviewee 11 is in the presence of Filipino workers. The company noted that an incident had occurred involving harassment that ended with the dismissal of a Filipino worker (ibid). News spread quickly within St. John's Filipino community and, subsequently, the company had difficulty recruiting within their demographic. Attempts to address the issue further, both online and in the community proved fruitless so, while context is missing, especially if the Filipino community is question are permanent residents or TFW's, it signals that more research is needed.

Fish processing, in contrast, relies on migrant workers that enter Canada through the Temporary Foreign Worker Program (Marschke et al. 2018; Interviews 10, 12). Their presence

in the community appears ubiquitous, as one skipper noted “I've never seen [them] in fishing boats, yet. Yeah, yeah. Just processing. I'm surprised [they're] not. Well, I don't know of anybody yet whose hired foreign workers” (Interview 8). Similar sentiments were communicated by the local catch monitoring representative, who highlighted that “lots of people from Thailand and the Philippines ... come for the season then are sent home at the end ...” while acknowledging the rumour that “I'm thinking there are [migrant workers] on the larger vessels, not yet on the small boats. I don't think the small boats are organized enough to say they need 15 [workers] or so to cover roles” (Interview 10). Both interviews outline a similar theme that was present in varying degrees when I asked about the presence of migrant workers: their role in the future of the fishery.

Having previously noted the shrinking and changing demographics of the fishing workforce, the response of one skipper highlights the gap migrant workers could potentially fill. Noting the shifting desires of youth in a changing economy, he imparted how it is not financially viable for his son to take up the family business:

“he (his son) got a young family and, you know, he's doing good making, like, you know, doing well with the oil and gas industry. For me to... I wouldn't be able to give him close to what he's getting at that so, you know, that's the thing to try to get people involved in the industry ... you need to pay him good basically because there's other competition, like other jobs, for him to work at now. Then this seems like it's getting more and more ... is getting easier to find.” (Interview 8)

The monitoring representative shared similar assessments, noting that “the appeal for young people is not what it used to be. Now, you have most fathers saying to sons ‘go to university, go get an education’” (Interview 10). Shrinking demographics impact precarious labour and OHS issues as well. One union noted that accidents may rise within an offshore industry where labour retention has proved to be a challenge, as new

workers may be more accident prone, and many prospective workers don't have the want or time for such demanding and dangerous work (Interview 5). As highlighted in section 5.2, Interviewee 11 related how a new worker was impacting his own work in that the worker was “dangerous”, “clueless”, and “safety was not in his brain”.

The concern these respondents noted for shrinking demographics directly feed into the role of migrant workers, if not now, then potentially in a future where more mobile and temporary work is needed *on boats* to fill needs. In speaking with a skipper at the Newfoundland Fish Harvester Safety Association Convention, he firmly imparted that, in order to fill quotas, seasonal labour in the form of migrants would be needed (Interview 15). The analysis will identify the possibilities and inherent precarities accompanied with current labour policies in NFLD fishing, but the worker representative highlights the critical point to understand about this potential labour avenue:

“... migrant workers, needing representation because they're in a foreign land, ... don't know the rules that are here. They know how things run in their own country which normally isn't labor friendly. So yeah, those guys need protection and ... they need to know and be educated in their rights and they need someone that can talk to and deal with on that stuff for sure.”  
(Interview 22)

#### 5.7 A regional industry able to lead the way (C188 and Environment)

NFLD is known to be a leader in Atlantic Canada in terms of unionization and collective action to support fishing communities and the traditional small-scale industry (Interviews 5, 10, 13, 21, 22). The catch monitoring representative specifically provided numerous examples

surrounding regulatory functions that, on the periphery, assess and control fishing behavior. In describing their function, they dive deeper into their funding and regulatory feedback function:

“[We] have two main objectives: One is to monitor compliance - that the vessels is complying with legislation. The second objective is that we collect data that's often used by science or resource management, in managing resources from a DFO perspective ... Any vessel that's fishing has what they call conditions of license. So that'll dictate the species [that] they can catch, the times they can fish, the locations they can fish, you know ... the funding that we use to pay for the deployments that we do actually comes from the fishing industry itself. They may be billed for the full cost of the deployment depending on the circumstance, but at a minimum, they would contribute to what we call a pool of funds. So each fisherman has to have made arrangements with a provider so they would come to us and, say if they are fishing snow crab off of 3L (NAFO region adjacent to St. John's) which is all based on new quotas, they would be assessed the fee. And then they we would collect that fee, put it in the pool. And as we do deployments, we draw down from that pool.” (Interview 10)

This organization of the industry – self funded and checked for conflict of interest (on paper) represents opportunities for extended regulation into different areas of the industry. The research itself, as previously noted, is built around the tenants laid out in C188 – the work at sea convention formed the basis for unpacking worker experiences. As such, all questions posed to participants involved a labour theme. While C188 as a concept was not posed to fish workers in order to more broadly understand their viewpoints on fishing and the industry as they find it, both unions, the offshore company I spoke with, and regional representative for maritime workers were asked about the convention and related themes in worker protections. The worker representative noted that they thought C188 was good initial legislation to move in the right direction (Interview 22). Critically, this question was posed to them utilizing the idea of vernacularization, in this context meaning if Atlantic Canada could advocate for this as a region:

“I think yeah, I think if the Atlantic provinces were to push, I think that would be a great place to start. So you get some, some leadership from

Atlantic Canada, for sure. But I do believe that it's gonna happen. It's just a matter of time, enough countries signing up and you'll get that critical mass and things will start rolling.” (ibid)

Notably, C188 is not a convention that can be implemented within a state, regional authority by regional authority, such as a Canadian province. But, as there is nothing to say its tenants cannot be adopted within regional industrial practices, the role of vernacularization plays a key role. Even though the company we interviewed had not previously heard of C188 (their responses and reliance on in-house policies serving as evident of that), their focus on community and promotion of the industry is notable for environmental and supply chain considerations (Interview 13). Related to workers themselves, the company noted that they have a policy of meeting with all stakeholders, from crew to skipper to industry representatives, indicating a desire to work with and for their workers (ibid). The company noted compliance with onboard observers required for work both in and outside of Canada’s EEZ and fishery types, aligning with the catch monitor representative’s policies (Interview 10). Specifically, EEZ rules note they need an observer onboard outside of Canadian jurisdiction and for if a boat changes species – it is ultimately easier to have an observer on hand for such instances (Interviews 10, 13). This is not to say that such practices are universally ideal for workers of such companies, as Chapter 5 highlights. But the models for observing catches, unionization, and community sourcing and support for workers, informal as it may be, provide opportunities to discuss expansion of support mechanisms for workers operating in and near St. John’s and NFLD fishing regions.

## Chapter 6: Results

### 6.1 Analysis

This analysis chapter, along with the discussion chapter and conclusion are born from analyzing the emergent themes collected from interviews and supported by desk-based research. In this chapter, I lay out the emergent themes of how critical the historical context is for NFLD fishing research, how the insular community informed the research, the impacts of unionization of owner/worker relations (including the impacts of large-scale commercialization in fishing), and the role that migrant workers can play in the future. In doing this, I set out how the initial research questions have served to provide both 1) a starting point for further discussion, and 2) a resulting metric by which to assess if research aims were achieved (including if these were the right questions to pose), and how they compare to the iterative results stemming from the field and desk-based research. The first initial research question, *What is the state of (migrant) fish worker experiences and situations in Canada's east coast fishing industry?*, when posed to the interview subjects, resulted in four sub-themes that help provide answers and context to this question. The first, how the role NFLD historical and community-based context informs fishing in the region, indicates just how critical it is that any future research, policy, regulation or support needs to take a person and community-focused. Understanding the needs and livelihoods of the Newfoundland workforce is critical – at least on paper – and addressing any gaps in this requirement is necessary. Secondly, the role of unionization and labour support in the Newfoundland fishing industry is important to worker satisfaction – whether unionized or not. Looking at the impact of a non-/unionized labour force that prioritizes owners and operators over other employees is necessary for shedding light on the true extent of precarity in fish work.

Thirdly, looking at how large-scale industrialization and a higher harvesting and production rates that promote profit first and sustainability second impact both workers and the industry as a whole allows one to see precarity both institutionalized and rationalized as a requirement for profiting from fishing. As large-scale industrialization increases, the values of a profit-driven industry necessitate conversations around labour support and adaptive regulation. Lastly and most centrally to this thesis, it becomes necessary to ask if, and if not how, NFLD is or can become ready to handle any temporary foreign workers or less regulated migrant workers who may or may not be covered under Canadian permanent residency protections now and into the future. Understanding the changing reality for workers now, and their fears for the future, link with a need to understand NFLD's future of fishing work.

In addressing these sub-themes emergent from analysis of the research, I am able to address the second proposed research question in the discussion section: *Through unpacking fish worker and third-party support organization actor experiences, can we both better inform and improve our actionable knowledge of exploitative labour practices and Canadian fisheries governance?* The primary take away from this question is that efforts both need to and can be focused on the development of a St. John's seafarer support centre to both *inform* and *improve* upon our actionable knowledge of labour precarity in Canadas east coast fishing fleets.

#### 6.1.1 How the Newfoundland historical context informs the fishing industry and its workers today

The small/inshore fishery workers and representatives that I spoke with (Interviews 3, 7, 8, 9, 11, 14, 17, 19, 20) illustrated attitudes to promote and preserve inshore fisheries, along with desire to see economic growth and investment in the industry understand the historical and social contexts they operate within. Neis et al (2022) underscores this contextual necessity:

“commercial fishing in Newfoundland and Labrador provides employment for thousands of harvesters, processing workers, truckers and others throughout the supply chain and plays a critical role in rural coastal economies in the province” (2). Understanding why and how fishing is so integrated with the success of rural coastal communities is key. The historically tight-knit nature of the fishing industry is evident, as highlighted by Bavington, Grzetic, and Neis (2004):

“The political, ecological and gender history of Newfoundland in the nineteenth and early twentieth centuries favoured the development of a fishery dominated by small enterprises primarily organized on the basis of familial patriarchy and relatively isolated single industry communities with little economic diversification.” (167)

The power dynamics of local, small-scale community industry and work forms the backbone of epistemological understanding of work in NFLD. As seen in Figure 4, people, and the structures they have created, are central to every aspect of fishing as an industry.

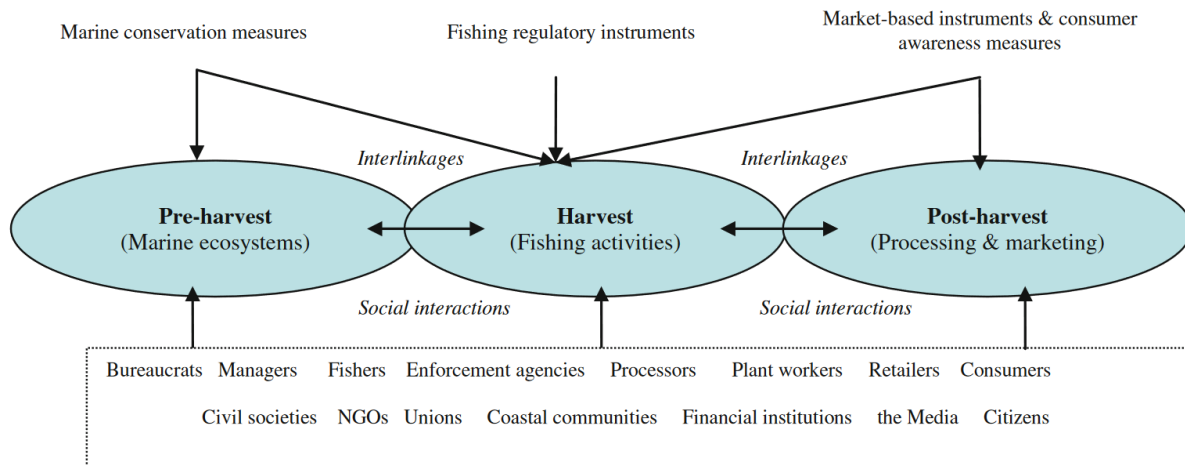


Fig. 7 Note the cyclical and intersectional nature of fish harvesting, policy, and stakeholder engagement, interlinking communities at every phase. “The Fish Chain” sourced from Khan, A., & Chuenpagdee, R. (2014).

Relatedly, Murray, Neis, & Johnsen (2006), look at the power dynamics associated with the interaction between local ecological knowledge (LEK) and globalized harvesting knowledge (GHK), defined as nationally and internationally regulated and science-based harvesting regulations. They argue that, inherent to GHK, “harvesters become increasingly disconnected from sociological relationships associated with traditional species and stocks” (549). While dated, the authors point to continually relevant necessity for fishers to have a direct hand in and control over the management considerations of the fishing industry. While they note how DFO desired at the time to (and through the above analysis in section 3, still does) utilize local fishers in building local knowledge-based management, differing opinions arise from fish workers and advocacy groups raising issues with the gaps in community-based knowledge today (Interview 21, Oceana Canada 2023). For example, Oceana Canada’s 2023 blog post highlighting DFO’s decision to ignore regional science and roll over fishing quotas from 2022 (ignoring some stock limits in the process) show how regional fishery management decisions may be ignoring LEK (Oceana Canada 2023). While such decisions may also indicate a desire to generate wider livelihood opportunities for both large and small scale industries, further research is warranted to understand how DFO makes decisions with regard to input from large and small scale companies alike.

The work of Bavington, Grzetic, and Neis (2004), and Murray, Neis and Johnsen (2006) emphasizes the historical importance of community-based decision making particularly in light of local and traditional ecological knowledge (LEK, TEK) related to the fisheries, which Murray et al. (2006) define as “the detailed knowledge about fishery resources and their environments developed by fish harvesters and members of their families” (551). It is ‘situated knowledge’ that

is place-based and built from the interactions of people with their environment stretching back in time. As such, L/TEK serves as a source of pride for many workers, as witnessed from fish workers concerned about the future of the industry while speaking fondly of the benefits of the past (Interviews 7, 8, 14). This stands in contrast to realities of post confederation NFLD, spurring more exploitative practices “triggered by the development of growing international markets for fresh/frozen fish, markets for fish meal, technological and managerial innovations, and corporate, state and market support for the development of the distant water fleets that arrived off the coasts of Newfoundland and Labrador in the 1950s and 1960s” (Bavington, Grzetic, and Neis 2004). If healthier fish stocks are to be reached, the centrality of local knowledge is paramount for managing, protecting, developing, and planning for NFLD’s future fishing industry. Understand workers needs and desires should serve as the start of this process.

#### 6.1.2 The role of the ‘insular community’

As noted in section 5.2, it was quite evident to me that identifying and speaking with workers directly was a challenge given watchful skippers or potential fear of recrimination. Understanding how the insular community creates working power dynamics between skipper and crew is just as important in understanding my own positionality. Power (2008) provides useful context towards this phenomenon I encountered when conducting research in St. John’s: the subjects of the research and those who this work ultimately aims to advocate for, are largely all men. The popular imaginings of strong and resilient fish workers are not unhelpful in an attempt to unpack the realities of work in east coast Canadian fishing. The men who do the work are fairly weathered, strong and confident individuals who appear to possess intimate or local knowledge of the boat or waters (Interviews 3, 7, 8, 11, 14, 17, 19, 20). Yet, with such a

prevalence of insularity as highlighted by the local supply shop owner, the need to permeate such a culture is required to see adequate protections in place for work and labour relations safety standards (Interview 1).

Linking with Power 2008, Power and Baqee (2010) identify two main themes that challenge OHS uptake: masculinity and a desire to take risks. They note that Canada attempted to streamline and update safety regulations in 2001 through Transport Canada resulting from both the ratification of STCW-F 1995 as well as an uptick in search and rescue operations (14). This resulted in a safety regime based around 1) integrity of the vessel and its equipment, and 2) safety training. As noted by one local fishing co-op, such safety regulations are currently upcoming for boats under 40 feet, representative of a large portion of the in/nearshore fleet (Interview 3). With Power and Baqee seeing masculinity and risking personal safety as systemic to the culture of the profession and industry, both a gap in and potential barrier for an uptake of labour relations issues into OHS exists. Furthermore, Neis et al (2022) illustrates how, regardless of a global pandemic, the outsized male demographic in NFLD fishing and risk taking behaviour creates further barriers in labour relations regulation – one not aided by an insular characteristics.

My initial discussions with workers introduced me to this barrier. Driving into Quidi Vidi, it was evident the snug town welcomed tourists ranging from close by and far afield. Tellingly, they all wanted to speak to and take photos of the group of four recreational fishers gutting and cleaning their catch by the small boat launch. The scene was not unlike a zoo exhibit featuring the most dangerous game's game. I didn't distinguish myself apart from the clamoring masses keen to capture a snapshot of east coast life. Overtly smelling of tourist, I approached two of the men removing their boat motor. As smiling and welcoming as east coast hospitality seems,

a lack of accent, awkward, stumbling introduction and weak overtures on my part did not serve me well.

“Hi there, apologies for the interruption”, I said. “Mind if I ask you a few questions?”. “Sure”, came the strong Newfoundland accent. “Thanks” I said, “are you two commercial workers?” “No, recreation. Seasons closed too. Only open 9 days in the fall.” “Oh really?,” my hopes for participant observation deflated like a party balloon.

I watched them struggling with a pair of heavy motors, my offers of assistance refused.

Attempting to respect their time, I let them work, only allowing my presence to weigh down the awkward silence.

“We’ll if that’s the case, what do you do in the off season?,” I asked. “And would you happen to know any commercial fish workers?” “They’re on employment insurance mainly, a few workers don’t work,” he said with a knowing smile. “Shows ya how much they can make. I know of one guy down the end here but wouldn’t know when he’s around.”

Sensing a respectful yet telling closure of his interest in the conversation, I needed to capitalize on this conversation and asked if he’d be willing to speak further. “No, not for me”, his smiling beaming back at me. “All good thanks for your time” I replied, tail between my legs.

This kind of engagement was typical of my time in St. John’s, noticeably at odds to the famously talkative company I’d heard about simply as a Canadian. No small part of this was due to my outsider status. But even amongst stakeholders, union groups and crew members themselves, that insulted culture emerged in various ways. That this industry should be so unwilling to talk was eyebrow raising, but as time went on, not unexpected.

In the initial research design, it was proposed that exploring the concepts of fish work itself provides a window into understanding local, regional and potentially global ocean environmental practices on the part of small- and large-scale fishing industries. Through observing and hearing about the experiences of fish workers themselves, environmental regulations provided a mixed bag of viewpoints, opinions and practices that will continue to inform the economic viability of fishing. What I observed in my time on the Avalon Peninsula was the off-hand, encountered description of Newfoundlanders as survivors. I entered a pirate-themed bar in Harbour Grace, attempting to get information on a local factory freezer boat that regularly fished in the Arctic. Striking up a conversation with the woman next to me, she indicated she had been in the heritage industry for thirty years, having dug on archaeological sites of the first settlers along the Baccalieu Trail region. She first told me that these people, fisher folk, since the arrival of the first settlers, “are survivors, hence a particular tendency towards dealing with bullshit and shifty experiences”. This helped center my understanding of fishing culture, with subsequent story from *The Canadian Press* noting how Hurricane Fiona only strengthened that ‘survivor’ identity (Smellie, 2022). Yet, as the environment and biodiversity shifts, industries adapt, and the realities of work change, that definition may be rewritten.

6.1.3 What is the true impact of a unionized labour force that prioritizes the owners and operators over the employees?

As explored in Lout et al 2022, protections often afforded seafarers internationally tend not to make their way to global fishing industries. Taking an African fishing perspective, Lout et al 2022 deserves a deeper assessment, even though, in the context of the source, NFLD is not Africa or central America. Further, human rights concerns, a blanket lack of collective bargaining and women’s representation do not specifically relate to the context of this research.

However, a throughline can be made to the fishing industry specifically, in particular to the global small-scale fishing fleets, often family or mid-level company owned. The worker-level, represented by crew members and deck-hand positions, were not the ones directly represented by, or in consultation with, unions and advocacy agencies in St. John's. Linking with Lout et al 2022, such NFLD sentiments link with international issues in the lack of grievance mechanisms (Interviews 5, 13, 14, 23) and crew-level union representation (Interviews 18, 21, 22).

I promote that these commonalities between NFLD and other international examples highlight the global acceptance of invisibility and impunity in fishing, and work at sea in general. Union groups in St. John's stated that their primary contacts were with that boat-owners and skippers; the gatekeepers of access to the truer goings-on of regional industry practice (Interview 5). Yet at the same time, Newfoundland fishing could be better described as stakeholder-led in that community members, often the same owners and skippers, are making decisions that are regionally specific, perceived as in the best interest of the community (Interviews 5, 21). As such, it can be said that what Lout et al 2022 describes as "formal mechanisms" and unions exist for workers if fish industries to participate in decision making, but more evidently from a top down approach.

As an example, the snow crab strike over the summer of 2023 indicates how unionization plays a powerful role in dictating fish worker action. Conflicts began in the spring with the artificial lowering of the snow crab price per pound from \$7.60 to \$2.20 (due in some part to the Russian action of dumping their reserves of the fishery on the international market due to Ukraine war sanctions) (MacEachern 2023, Interview 7). Given that the FFAW-UNIFOR and Association of Seafood Producer (ASP) who represent plant workers both advocate for the price setting within a given season, the low price kept harvesters on the docks and both harvesters and

producers trading blame (Cleary, 2023b). Even the NFLD premier got involved to mitigate loss of revenue and assuage anger, noting that there were “hard feelings” on both sides (CTV News 2023b). Indeed, the impact of union power in the sector can exacerbate difficult environmental and economic conditions, as these hard feelings translated to legitimate grievances between FFAW and ASP, with the ASP noting how FFAW may have deliberately had crews not fish for lobster, thus reducing overall output purposefully (Seafood Source, 2023). The heavy domination of a single union in all manners of a given industry like in the case of the FFAW “undermines faith and trust in the entire industry”, with the strike signifying the discontent with how the union currently presents. The recent vote for SEA-NL to form as a co-op highlights further desire for alternative representation in a owner-operator led unionized environment (Cleary 2023c).

#### 6.1.4 How large-scale monopolization and control of fisheries in Canada impacts small-scale workers and contributes to overfishing

L/TEK is critical to understanding the working realities in NFLD regional fishing today. The organizing power of labour unionization discussed in 6.1.3 illustrates both the positives and negatives of this on the informal and formal political economy in NFLD fishing. Seeing as they do that “fishing as a livelihood is tightly woven into the social, cultural, and economic fabric of the community”, the extent of climactic and economic change resulting in a “increasingly market-driven, technologically intense, ‘scientifically managed,’ [and] capital intensive” fisheries industry links with Knott’s (2021) focus on seafood processing to showcase the widening vulnerabilities of workers along a continuum of exploitative labour as well (550).

A critical emergent theme evident in both the interviews with workers/stakeholders and in assessing the findings of this research is the sense that, building from the need to center fisheries decision making in a local community context, large scale companies are outpacing

small scale boats in license holding, profits, and regional support and subsidy. As evident in interviews 5 and 8, stakeholder and small-scale skipper perspectives highlight how a large industry can prioritize profit over workers and a healthy ecosystem. Smith et al (2013) highlights how critical it is to ward against such realities, identifying the swiftly altering socio-economic state of work in NFLD as based on management that is “bioeconomic” – a regime that encourages profit and quantity over environmental health and local livelihoods (104). The authors note that, as of the time of its writing, “Our research suggests that current trends will lead to the demise of small-scale fishing enterprises and the decline of possibly dozens of small, traditional coastal communities that continue to depend on the inshore fishery” (ibid). Indeed, the town of Gaultois, NL narrowly avoided a relocation of its population based on a April 2023 referendum born out of shrinking economic futures in the face of its fisheries collapse (The Signal, 2023).

Foley (2012) goes further is addressing the issues associated with larger scale companies displacing smaller companies, highlighting how the broader regional industry may support such monopolization. He highlights: “because of the natural characteristics of fisheries ... a fishery client may apply to certify a fishery it does not exclusively ‘own’ or engage with. The inability to draw property boundaries through fishery stocks and fleets means that defining who a client is and to whom certification applies is crucial in determining the nature and effects of fisheries certification” (2). This changing face of the industry, along with the commodification of specific stocks by specific companies is evidence of Knot and Mather’s (2021) assessment of frontier making. While not a physically unexplored frontier, here we have a direct example of the disruptions to local communities and ecologies as the political economy favouring large companies impacts an industry’s status quo. The attitudes expressed by Skippers, regional

stakeholders and the worker representative point to an east coast industry (inclusive of all maritime provinces) that is set up to favour boat owners and companies over smaller community members (Interviews 5, 7, 8, 11, 21, 22). The severity of this bias towards skippers exists along a continuum of exploitative practice.

Noting that “Fishing OHS governance in Canada is multi-level (international and Canadian) and polycentric (federal and provincial)” (3), Shan 2022 highlights “tensions [that] create uncertainty over which government has the power to regulate” (3). The force by which the 1992 cod moratorium created divides and mistrust between Newfoundland fish harvesters, the provincial government, and the federal government continue to colour attitudes towards regulations in regional fishing (Interviews 5, 21, 22). Many debates were held this year surrounding DFO’s activities on the outsourcing or cancelling of direct fisheries management (Wyld 2023, Withers 2022), raising the already nebulous implications of federal attempts to regulate fishing policies with the United States and the seemingly erroneous slight opening up of the Cod fishery after 31 years (Barry 2023). Such industrial and federal scale action are at odds with Murray, Neis and Johnson’s (2006) focus on traditional and local knowledge in management decisions, a critical part of vernacularizing international scale regulations on a region.

Regarding the discussion on safety in an industrialized, bioeconomic and capital-intensive fishery, OHS can and should be considered a bridging opportunity in Newfoundland and Labrador. As noted by the worker representative in section 5.3, NFLD does quite well in putting safety over profit (Interview 22). Indeed, he noted NFLD is doing better here than the rest of the east coast that promotes an “employee/employer agenda” (Ibid). However, as discussed in safety section, the willingness to take risks and the prevalence of related masculine

epistemologies of work in fishing still see deaths and injuries yearly, even within a more industrialized industry. In an article from the Canadian Press (2023), the opinion of Glenn Budden is highlighted. As a senior marine investigator at the Transportation Safety Board, he sees stability regulations alone as “leaving too much to the owners’ discretion” – noting that such regulations could mean one thing to one owner, and one thing to another (Tutton, 2023). Such opinion is echoed across interviews. The regional representative of maritime worker’s comments indicate not only that the Foucauldian idea of the Panopticon is alive and well when working at sea, but also support Shan’s thesis that weaker safety enforcement regimes can neighbour more robust ones, like in Nova Scotia. While OHS remains a central theme relevant to the realities of work at sea, the theme of vulnerability to exploitation remains under discussed as an OHS issue (Shan 2022). Both a workers health and their safety are directly impacted when facing dangerous conditions, or when dealing with retribution from a boss or skipper.

#### 6.1.5 Is Newfoundland, Atlantic Canada and Canada broadly ready for the desire, need and potential reality of an influx of temporary foreign workers in Atlantic fisheries?

Having assessed the involvement of such workers in east coast fishing, a dock-side worker understood that such migrants and TFW will be central to the future of the industry through offsetting current and future labour shortages (Interview 9). Yet the question remains if the east coast fishing industry, as it stands, is prepared to welcome and support such workers with decent work. Marschke, Kehoe and Vandergeest (2018) highlight parallel issues in Atlantic Canada’s migrant seafood processing workers, who are land based and similarly tied to a specific employer. They single out labour issues from 2012 on Prince Edward Island, where an unfair pay deduction dispute saw the terminations of migrant workers (484). Yet the issue of mistreatment of TFW’s is not specific to the east coast, with Shantz (2015) looking at cases of “slave-like

labour” in British Columbian forestry camps. Shantz notes that increased opportunity for workers rights awareness and labour organization is a key step forward for migrant labourers. Yet, he notes that “Until then, foreign workers are left to rely on human rights tribunals, mass media investigations, and some public outrage among the public in Canada” (239). Such a statement remains true today, as accounts of Jamaican migrants claiming to be treated “like animals” were reported in CTV News (Alberga 2023). Additionally, a 2023 Canadian Press article citing a recent Ontario Workplace Safety Tribunal finding for an injured Jamaican migrant worker highlights the need to reduce precarity and increase employer supports in similar cases (Baig 2023).

Increasing Canada’s need to deal directly with this systemic precarity, UN Rapporteur Tomoya Obokata has called Canada’s Temporary Foreign Worker Program a catalyst to “contemporary forms of slavery” (UNHRO 2023, np). He focused specifically on the closed work permit system that has directly impacted migrant worker ability to choose different and varied work in the face of poor employment situations, an action linking closely with Murphy’s (2017) description of ‘moulding’ precarious seasonal labour regimes (419). Addressing this issue, Knott and Marschke (2021), investigated the informal practice of flag poling, an act that utilizes loopholes in the immigration system to get out of closed, employer specific working situations, showcases how the state-sponsored TFW program is not working effectively to meet the needs of migrant workers (26). While little to no experiences of foreign workers on boats were identified during this research, the previously explored nexus of shrinking demographics and a potentially rising demand of an economically intensive industry may see a need for TFW’s on boats, formally or otherwise (Interviews 7, 9, 11). If that future is to happen with decent work and regulatory frameworks in place that guard against pervasive migrant exploitation, claims like

the federal immigration minister's purported dismissing of poor migrant worker labour realities in Canada must be curtailed (Wilhelm, 2023). As Canada is nowhere near ratification of C188, previous instances of migrant worker mistreatment in forestry and seafood processing plants may contribute to worsening exploitation should migrant workers seek such employment (Knott and Mather 2021, Withers 2023).

Of particular interest to the needs of such migrants is Strauss' (2017) demand for a focus on socio-spatial precarity. According to the author, such a focus attributes place and space to the generation of precarity in work (5). Assessing how jurisdictional spaces both construct and produce precarity in fish work links with Andrews, Wolfe, Nayak & Armitage's (2021) assessments of understanding behaviour change in fishing communities. Intended to structure future fishing policy, probing migrant worker attitudes towards changing global governance structures (Like C188 implementation or seafarer support infrastructure) and environmental conventions may uncover other exploitations more difficult to discern. Brown et al (2021) highlight this issue on a Thai and Bangladeshi context, and suggesting a need to "scale-up existing examinations of the (environmental) nexus to fisheries in other contexts and to consider the commonalities and distinctions across and between geographies" (196). Doing so in further research may illuminate deeper rooted and systemic precarities for potential migrants workers in NFLD.

While it has been previously discussed that abusive and potentially exploitative working practices are not slavery, Decker-Sparks et al (2021) reminds us how harsh treatment may act like a subsidy for large catch numbers. Indeed, the political economy of fishing in and around NFLD benefits from those workers willing to accept risk (Interviews 1, 5, 7, 8, 11). This links with the discussions outlined in the article by Thanthong-Knight and Argitis (2022) where

increasing demand for foreign workers in Canada, along with a dearth in domestic fishery workers, may create perfect conditions for exploitative labour in fishing fleets, should migrant workers be present. Federally, Stephenson et al (2019) explores the failure of the Canadian Federal government to enact a central recommendation of the Federal Sustainable Development Act: “the need to integrate environmental, economic, and social factors when making all ... decisions” (481). As such, Canadian federal oversight of fishing as a practice that links directly with wellbeing in communities, both migrant and domestic, may be existent more in rhetoric than practice.

But it is here where the misalignment between livelihood generation and ocean environmental protection presents. As noted by Giron-Nava et al (2021), “achieving ecological sustainability would have positive impacts for millions of fishers throughout the world, but ensuring that their rights to decent work and livelihoods are met will require deep cross-sectoral support and integrated policies” (819). As a result, it would be assumed that, if asking workers themselves, livelihoods generation would come first. Given the seismic shift in industrialization and profitability in east coast fishing over the last 30 years, Lane (2008), along with Howse, Jeebhay and Neis (2012) aligning with Stephenson and Giron-Nava, notes how an “future strategic examinations of the Grand Banks fishery will involve the analysis of the impacts of policy on the multiple criteria of resources’ stocks status, commercial viability, socioeconomic sustainability, and administrative costs of regulation” (Lane, 143). Basically, environmental considerations are inseparable from livelihood cultivation considerations., .

Overall, it should be remembered that, according to Aure, Marit ; Førde, Anniken ; Magnussen, Tone (2018), “Recent work regarding migration to rural areas points to how mobility influences not only the everyday lives of those on the move but also the socioeconomic

situation of the host communities and vice versa” (53). The role of migrants, TFW’s and eventual permanent residents has the ability to improve and benefit an industrial workforce, as seen through migrant plant workers (Knott and Mather 2021). Doing so in a healthy way requires greater consideration of regulation.

## Chapter 7: Discussion

### 7.1 Leading the way

Following the analysis of the themes that emerged from the research, In this Chapter, I address the secondary question in this thesis: *Through unpacking fish worker and third-party support organization actor experiences, can we both better inform and improve our actionable knowledge of exploitative labour practices and Canadian fisheries governance?* Here, I tie together both the findings and analysis in order to highlight 1) how NFLD has the ability to lead the way in fisheries labour regulations, and 2) how understanding the role of exploitative labour practices helps strengthen that ability. In conjunction with the work laid out under the Work at Sea project that has funded and serves as the basis for this research, along with linking with Desai Shan’s body of work within the NFLD region, it is evident that, from a community through to national level, understanding and, perhaps more critically, *promoting* such labour practices achieve this aim.

The main theoretical concepts outlined in the literature reviews over Chapters 2 and 3 highlight both a) the ways in which realities of work at sea operate through Foucault’s idea of the Panopticon, and b) how international legal and regulatory regimes like the Work in Fishing Convention (C188) can be constructed through a meaningful, localized lens through a process of vernacularization. The oversight and authoritarian gaze of the Panopticon provided the

background for exploring and understanding the global, Canadian, and east coast fishing industries in sections 3.1, 3.2, 3.4, and served to highlight why centralizing the discussion of safety (3.2) is critical for understanding how small- and large-scale fishing companies, from owners and skippers down to crew, operate. Safety, or OHS concerns and regulations, were also critical to inform vernacularization discussions, where, through interviews and a secondary literature review, it has become evident that international regulation requires localized ideas of implementation to be truly and meaningfully effective (Bishara 2018, Djohari and White 2022, Leboeuf, 2022). As highlighted by the worker representative, NFLD, with its unionized and safety-oriented environment, may be the ideal province to champion acceptance and ratification of C188 in Canada (Interview 22). Yet, shrinking demographics and a flow of young prospective workers who may have otherwise chosen fishing represent a problem future regulation will have to address. With the two Petty Harbour skippers noting their children taking jobs in oil and gas offshore and in metropolitan spaces, generational divides and notions of desirable, well-paying work impact the *kind* of masculinized, risky work young men and women pursue (Interviews 7, 8, Power and Norman 2019, Knott 2021). Even as masculine, risk-taking attitudes continue to dominate the NFLD fishing industry, uptake in OHS remains an avenue by which to address the gaps C188 aims to paper up (Power 2008, Power and Baquee 2010, Interview 15).

Gaps have also been evidenced within the underdeveloped dispute resolution process that can be seen to signify the potential conflicts between skipper and crew. As noted in 5.2, the crewing representative for the crewing agency indicated they were one of if not the only support structures crews have within the recruitment and hiring process (Interview 14). Indicating they have an ‘agreement’ with clients (boat owners or fishing companies) where the client in question deals directly with a complaint raised by a worker – the agency will follow up, but wont interject

in proceedings (Ibid). Further, it is uncommon for the agency to receive relevant details after a complaint is made (ibid). The large-scale fishing company I spoke with told me they had no role to play in safety regulations, yet that same company allegedly owns the inshore boat interviewee 11 was worked on, where he faced precarity and unsafe conditions (Interview 11). When I asked if support or mediated dispute opportunities existed for the worker or his fellow crew, he tritely noted “no, there is no service. You deal with it or you leave” (ibid).

Dispute resolution opportunities are, in many ways, either limited within fishing or, given the need for masculine and risk tolerant workers, non-existent by design. This also raises the issue of what meaningful resource would be available should migrant workers begin to work more commonly in the regional industry. However, as evidenced by local union and worker representative advocacy, avenues exist. Speaking with the two workers at the NL-FHSA symposium, both indicated that any dispute or disagreement went directly through the skipper only, seeing no problem with that set up (Interview 17). Clearly, differences in opinion exist: some see or experience precarity, others do not. The ultimate product of this thesis, then, has been to provide further evidence that support structures beyond OHS are necessary, and to echo calls for a seafarer support center in St. John’s, NFLD, especially in light of demographic shifts (Zuidema, Shan, Walker, & Jahanbakhsh 2023).

I propose that if NFLD is to lead the way in seafarer support, adoption of more binding regulations may stand a higher chance in Canada. An engagement process would need to take place to educate, advocate and review practices within Newfoundland’s fishing industry to target in, near and offshore fishing boats and companies. At the very least, unions and safety associations, among others, would need to promote the values laid out within proposed legislation like C188. To do so, I have outlined how a Foucauldian understanding of labour,

inhibiting healthier skipper-crew relations as it stands, may fare better through a regionalized, or vernacularized approach to healthier labour relations onboard fishing boats. Given the centrality of OHS to the NFLD fishing industry, as highlighted by Shan, Neis, and Sorensen (2023), such regionalized approaches to effecting regulatory change in the region may stand a better chance to overcome provincial/federal divides in safety standards (2).

## 7.2 Understanding the COE in Newfoundland Fisheries

In order to visualize the findings of this research, I draw from what Stringer, Whittaker & Simmons (2016), Strauss and McGrath (2017), and Murphy (2017) call a “continuum of exploitation”, where exploitative practice is not static and either present or not. Rather, it exists in varying degrees, sometimes obvious, other times concealed or hard to define. The concepts of Venularization and Foucault’s Panopticon provide a nuanced understanding of this work. Both theoretical perspectives allow for a St. John’s (locally) and Newfoundland (regionally) specific tailoring of the COE that not only attunes it to an Atlantic Canadian fishing industry, but allows for less directly obvious forms of exploitation to be charted along the continuum. Here, I refer to cases like skippers ignoring legally required seafarer and training certificates in order to hire crew, instances of safety logs not being kept accessible, or the ‘formalized informality’ of skippers and crew airing disagreements and engaging in disciplinary action unilaterally, without third party or HR processes. As has been the topic of this research, the inherent problem of the last case occurring away from view under the realities of ‘risk taking’ and ‘masculinities’ in fishing makes listing them as ‘exploitation’ politically fraught and dependent upon perspective.

An attempt is made here to visualize the range of exploitative practice from what may be considered as an ‘unsupported, abusive workplace’ through to a ‘supported, secure workplace’.

‘Unsupported’/‘Supported’ is used here due to the inherently dangerous nature of fishing and with respect to the regular risk skippers and crew undergo on the job. Anchoring this COE to the workplace may have a higher chance of acceptance among a risk tolerant fishing workforce accustomed to harsher treatment by bosses and skippers. Here, the concept of the ocean as frontier is critical. Just as Knot and Mather (2021) highlight the disruptions of commodifying frontier regions (section 2.1.2), like what industrialization can do to local communities, so to can the concept of frontier blur the lines of easily identifiable, regulated and decent work. Complicating this however, is the informal nature of the political economy inherent to skipper-crew relations as highlighted in 2.3.3. The workplace does not begin and end at the gangplank. More work is needed to unpack informal labour chains and networks, especially with respect to the ocean space as a frontier with a political economy unique to itself. This will be even more important should migrant labour be employed in the future.

With respect to fig. 1 in section 2.1.2, the wide-ranging interactions across fishing sectors illustrate the multitudes of ways fish workers encounter both safe and precarious work. As such, a Fishing Continuum of Exploitation (FCOE) is designed to sit at the heart of the relationships, informing and dictating, under ‘Fisher Experience’ what the ‘Relationality of Actors to Enforcement’ can look like (fig 5). Taking this approach, it becomes evident that the FCOE’s usefulness is in its interrelation with enforcement and the actors and stakeholders who monitor working relationships onboard boats.

The updated COE may best be defined along a continuum essentially describing what is work and what isn’t, supported by a hierarchical structure describing basic job needs at the base tier towards a more ideal and actualized form of work at its peak.

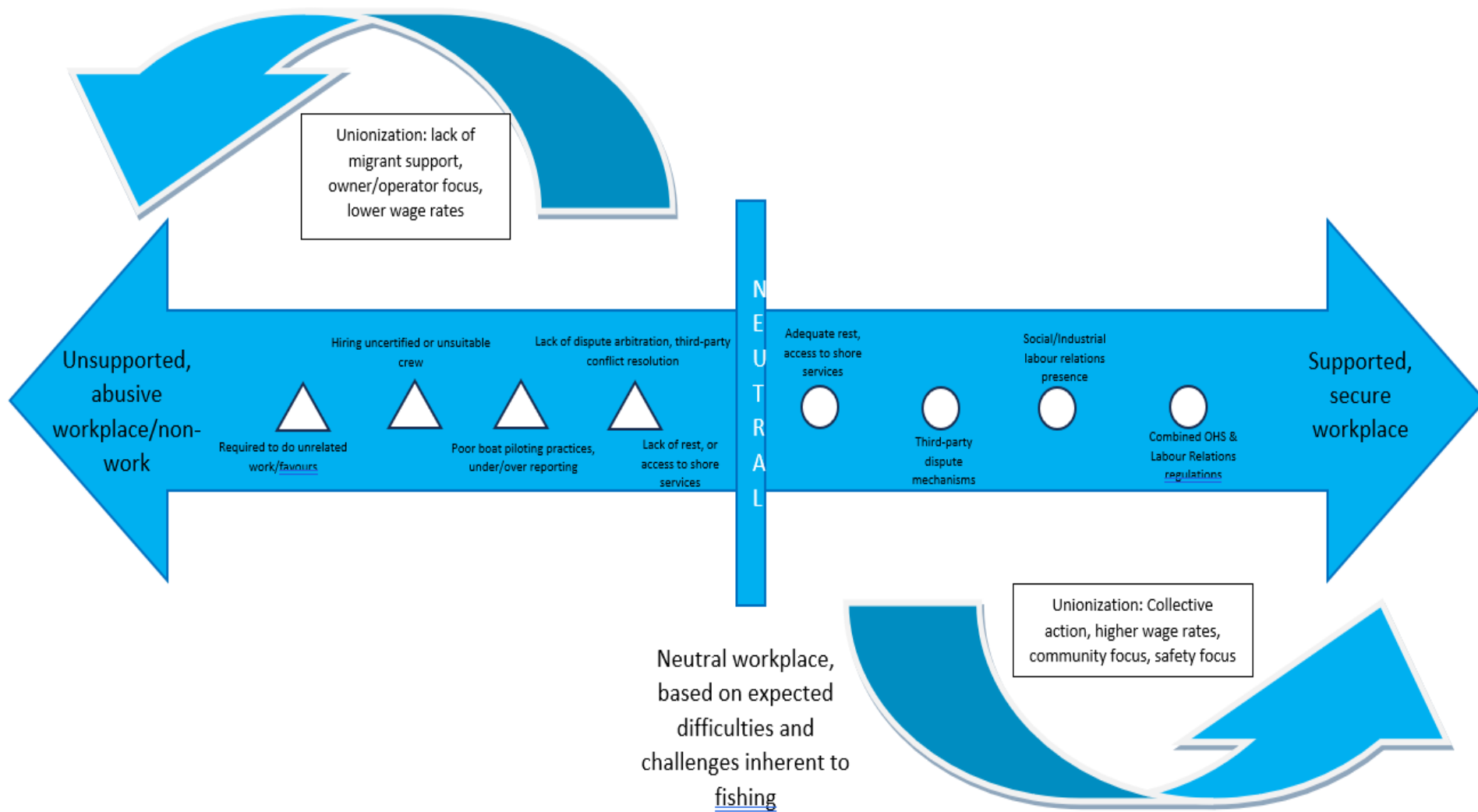


Fig 8. Fishing Specific Continuum of Exploitation

At its heart the Fishing COE presented here is influenced by the political economy of the St. John's region (broadly) and fishing industry (specifically). Having heard from interviews that skippers may ask for or offer work outside of fishing, or from industry leaders that some skippers may look away when it comes to necessary certifications of crew, what is and isn't considered regulated or even strictly legal work may in some cases be considered fluid. This assessment butts up against the informal economy that characterizes the often community- and/or family-oriented small-scale fisheries of the region, especially as reciprocal work can be based on favours, nepotism, and resignation to the idea that skippers have it 'their own way'. This also suggests that abuse, exploitation, and precarity may be in the eye of the beholder. As worker precarity and exploitation have been evidenced during this research, anchoring the Fishing COE by what *is* and *isn't* considered to be work may meet with wider appeal to a resilient and adaptable workforce made up of 'survivors'. For the purposes of this Fishing COE, typical, understandably and identifiably regulated and safe work will be considered what *is* work, while what *isn't* work may be seen as the height of insecure, exploitative and abusive work. This could range from coercive, blackmailed, violent and/or compulsory work. Previously discussed international examples like criminal or trafficked work may be understood as what *isn't* work, and is thus relegated to the far left of the continuum.

Starting from the left, the Fishing COE defines the most precarious and exploitative work to not only be labour done outside of a verbal or written contract, but practices and behaviours that may lead to abuse, injury or death. Here I, refer to Interview 7's reference to a skipper practicing a habit of piloting the vessel that led to insecure loads falling around the crew member, or the unverified reports of ex-convicts being utilized by a cheap and readily available labour. I define this as what *isn't* work, *non-work* or *precarious work*. Moving from right to left

along the FCOE, I have attempted to plot cases where work may be considered increasingly regulated, more fair, and towards what may be considered decent work. Moving to the middle, I define the centre of the FCOE to be ‘neutral’, or based on the inherent qualities of work at sea and fishing in general. As previously described, the dangerous and difficult nature of the work may see *neutral* as a boat or company that follows basic TSB safety recommendations, makes required inspections and possesses the necessary life-saving technology and resources to avoid loss of life in the event of an incident. What may be more difficult to place is what a given crew member, skipper, migrant, or industry stakeholder sees as the *neutral* state of the fishery. The term itself is loaded, biased, and defined based on arbitrary values. Its utility may simply be found in the fact that it acknowledges the danger of the industry, and the role of fish harvester skill and knowledge to mitigate risk.

Moving right of neutral, we can place aspects like what may be the purview of unionized or collectivised qualities of work, with notable inclusion of labour dispute mechanisms and adequate social/industrial supports in place. Based on the field research of this course, no co-op, port, company, or scale of industry represented the height of decent work, but certainly incorporated aspects. As such, placing work at sea, or wholesale description of any industry along any one point of a COE may be difficult. The broader utility of this framework is in its descriptive power to present what *is* and *isn't* work for workers, stakeholders, and activists. The Framework for the COE may best be thought of here then as an example of what can both be worked towards as industry practice, and underscored to promote the need for a seafarer support centre.

What is and should be catalogued further is the qualitative and quantitative role that unions play in making at sea work ‘good’ or ‘decent’. Does the impact of unionization start and

end at *non/precarious work*, moving up to and including neutral working conditions? Does it encompass neutral to decent work? Or, and I would advocate as this view being more likely, does it run the length of the FCOE, representative of helping ease precarity, and potentially able to increase it? This potential is represented by satellite arrows pointing towards both unsupported and supported work; benefits and drawbacks exist within a single union environment like St. John's.

Overall, attempting to frame the FCOE, typically an attempt to qualify more concrete definitions of forced labour, as descriptive of the east coast fishing industry in Canada, falls in line with advocacy that seeks to reduce injury and death. Just as mothers and union leaders decry deaths of sons and crew every year, so too can, and I would argue should, similar attempts be made to call attention to less than acceptable working conditions and arrangements that may be accepted as common. Questions and imperfections remain however. Does this FCOE represent all scales of the industry? What is the difference in exploitation and abuse between small and large scale fishing or in/near/offshore fishing? Is a FCOE acceptable and relatable to the workers it is proposed to support, and does it work for both domestic and international workers who may be fishing more regularly in NFLD industries in the future?

Hsin (2020) describes how “modern slavery, precarious labour, and informal labour are part of the same continuum of labour exploitation”, and how that same continuum presents an agency both available to and forced upon workers (172). While temporary and/or migrant workers are afforded less protections, conversely “that flexibility in the labour market allows workers to choose when and how they work ...” (171). Hsin goes on to note that “... yet, for many, the reality is that taking on precarious work is not a choice but a way to survive. Their precarious status means that absolute flexibility is required of them” (ibid). Jumping in and out

of precarity is a calling card of the COE, Hsin notes, as many qualities that may be considered as non-work may offer opportunities for greater income or access to future work (ibid). The challenge rests in fine tuning regulation to allow for benefits of the continuum while mitigating precarity. Further, as aforementioned demographic shifts see an aging current workforce and less interest from their children or other younger workers, regulating an industry that can readily benefit from temporary and migrant workers requires further consideration. Here, the cross-cutting nature of unions serving to promote the needs of workers may offer the best available support in Atlantic fishing today.

The Fishing Continuum of Exploitation, representative of all forms of labour instability noted in this thesis, can be seen to include seemingly innocuous or benign forms of labour regulation or lenses through which to view safety. Shan 2022, in section 2.3, highlights the many ways that the work inherent to fishing is descriptive of labour precarity; workers put up with it in the name of livelihood. But their willingness to put up with what they *don't have* to show how the modern conversation that paints fish workers as victims is limiting in describing 'true' precarity (Vandergeest and Marschke, 2021). Marine labour regulations thus needs to compete with a confusing nexus of legal traditions and interpretations of exploitation to be truly effective.

## Chapter 8: Conclusion

This research has focused on unpacking and assessing worker experiences in and around St. John's, Newfoundland to help understand what fish work on the east coast of Canada truly looks like. Primarily through the lens of precarity, the political economy, international regulations and the need to localize such regulations through 'vernaculariation', my thesis has sought to align with the promotion of support structures to aid seafarers and fish workers. In

addressing my first thesis question: *What is the state of (migrant) fish worker experiences and situations in Canada's east coast fishing industry?*, an exploration of precarity, informal and formal, through an assessment of the political economy has indicated that work is broadly defined, often dangerous, and informed by a capital intensive drive for profit. While exploring migrant worker realities was not done as originally intended, owing to the lack of current Temporary Foreign Workers or migrants in NFLD's fishing industry, gaps in current and future planning for such workers illustrate an industry in need of regulation. While isolated occurrences have been reported (and attitudes supportive of such workers), assessing precarity fell upon domestic fish workers, particularly among skippers and crew, to illustrate how the regional industry is both in adherence to and in need of safety, labour relations and effective dispute mechanisms when working at sea.

Notably, additional interviews focusing on unions, advocacy groups, co-ops and safety associations were conducted. They illuminated how an expanding international focus away from small-scale fisheries, changing environmental considerations, and a necessity for Newfoundland's history of community action and regional dominance needs to predicate any international regulations imposed upon the area, for good or bad. Those same stakeholders, union groups and crew, along with skippers, ended up painting a picture of an industry that takes safety, environmental concern, and livelihoods, at face value, seriously. Yet stories of employee precarity emerged. The disgruntled crew member told me of a skipper who routinely hires crew to do work for him outside of fishing, cleaning his yard and doing his personal tasks (Interview 11). Crewing agencies noted that little to no support is offered for workers hired on large-scale factory fleets, while inshore fishing has no labour relations checks and balances (Interview 4).

Complaints and issues are handled by the skipper and their crew, opening the door to the potential for all manner of mistreatment (Interview 23).

Such instances of precarity in work met up against the masculine tendency to take risks (Power 2008, Power and Baqee 2010). Such attitudes, while conflicting with a stated desire by industry reps to focus on health and safety, nonetheless existed along a Continuum of Exploitation. A *Fishing Continuum of Exploitation* was created to plot instances of abuse and mistreatment, taking into account worker agency and willingness to confront dangerous conditions. Such a continuum links with the second portion of the thesis question: *Through unpacking fish worker and third-party support organization actor experiences, can we both better inform and improve our actionable knowledge of exploitative labour practices and Canadian fisheries governance?* In seeking to address this question, I aligned with advocacy called for in Zuidema, Shan, Walker, & Jahanbakhsh (2023), calling for the establishment of a seafarer support centre. Such a support centre in St. John's is intended to adequately serve the needs of international workers who dock at the port and, citing the need for adequate medical, food, wi-fi access, and port services desired by this demographic, it is clear that a dangerous and challenging industry in St. John's may see such migrant and TFW crews utilize such a resource.

So, what do labour relations and a concern for a replenished fish stock have in common? As Oceana's 2022 Fishery Audit highlights, Atlantic groundfish, such as Cod, continue to be critically depleted. Subsequently, DFO has begun to explore opening the stock to limited quotas. As inshore workers tell it, foreign-owned and largescale offshore boats trawl the local waters at unprecedented rates. While fishery audits and Department of Fisheries and Oceans monitoring continues to varying effect, illicit and unprofessional, and potentially exploitative activities above water go unchecked, raising concerns as to the level of compliance regarding catch quotas.

Everything is interrelated in terms of a managed, secure, and labour-supported industry.

Ultimately, the need for fish worker specific regulations are necessary to safeguard workers in an internationally dangerous field, with instances of slave-like conditions producing the seafood we buy at the corner store (Urbina, 2023). Canadian regulations for temporary workers in other fields have been little better, so why would an east coast fishing industry be expected to do any better? In calling for Canada to ratify the Work in Fishing Convention, understanding the reality of work on the ground, along with the communities who live by and for it, can instill meaningful and lasting change as support services and centers combat exploitation, abuse and mistreatment. This can only exist in Canada if regional industries buy in to the need for regulation, and understanding worker realities is the first step on that road to ratification.

## Annex 1

Fish Worker Support Organizations & Outreach

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B7		Daily Activity: Drove to Quidi Vidi and Petty Harbour to get a sense of the location, proximity to St. Johns and to speak with any workers I could find. Quidi Vidi is a small port town that, at both first glance and in speaking to fishermen, is recreation based													
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
5															
6	1	2	3	4	5	6	7								
7	Arrive - 2pm	Daily Activity: Drove to Quidi Vidi and Petty Harbour to get a sense of the location, proximity to St. Johns and to speak with any workers I could find. Quidi Vidi is a small port town that, at both first glance and in speaking to fishermen, is recreation based with small old homes dotting the coast line. In conversation with a recreational fisherman, the man explained that the season, both recreational and commercial, was closing the same day, October 2nd, and that most workers were taking their boats out of the water. Asking if he himself worked or knew of anyone in commercial fishing, he said he wasn't and that there was one gentleman but didn't know when he'd be through. Asking if he would be willing to speak to me further in a sit down manner, he said "no, not for me".													
8	Daily Activity: Arrived and walked to	Leaving to go to Petty Harbour, was wondering how best to approach conversations to avoid seeming like a hapless tourist or nosy parker. Petty Harbour, much larger in size and equally as compact offered more opportunity to speak with workers clearing nets and offloading tools from boats. Approximately 4 fish workers were present along the docks. Both sets of fishermen, father and son pairs, spoke with me, engaged on their activities but refused to speak further. It should be noted that the fathers dominated the conversation in these instances, very outgoing when in small talk, shutting down when introducing myself as a research, masters student or in any way desiring documented conversation. I noted the location of the [redacted] and left.													
9		Met with Dr. Desai Shan and OP Yadav at 6pm at Magic Wok for a get-to-know each other meal. Intention was to ask opinion of the two around how best to approach workers, good satellite industries to approach, piercing the insular community of fish workers, good locations and business around St. Johns to find them, and how to combat engagement now the ground fishing season has closed.													
10		All these questions were answered as we had a very enjoyable conversation. OP offered many of his contacts (which he would ask first) along with [redacted] Facebook groups to join where I could ask questions, and other locations to hit. Desai gave good context around the fishing industry in her research on Occupational health and safety and how that has been easier to promote as a research topic among fish workers and support organizations. Additionally, she highlighted Memorial researchers tangentially working with fish workers, along with Regional fisheries regulations (NAFO), local fishing and co-management as a "wicked problem" due to difficulties in regulating catch, and other resources like MarineTraffic.com (AIS Shipping system) and A. Harvey Logistics (a ship agent in town).													
11															
12															
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16															
17	8														
18	10:00am meeting with [redacted]	Daily Activity: Made contact with a [redacted]	Daily Activity: Went back to the South		9:30am Meeting with [redacted]	2:00pm Meeting with [redacted]	2:00pm meeting with [redacted]								
19	Daily Activity: Meeting with [redacted]				Notes from Meeting	What is the value	Interview								
20					Offshore unionization is difficult										

Example of field notes taken during a given day during the research process in St. John's.

## Annex 2

Interview #	Date	M/F	Age	Recorded Y/N	Length of Interview (Min)
1	05-Oct	M	50s	N	60
2	07-Oct	M	40s	N	60
3	08-Oct	M	50s-60s	N	45
4	10-Oct	F		N	30
5	12-Oct	M		Y	90
6	13-Oct	M	50s	N	60
7	14-Oct	M	50s-60s	Y	45

Example of a section of interviewed research subjects. Hidden data, inclusive of identifying characteristics, indicates whether it was an informal, quick conversation on relevant topics, or if it was a formal, recorded interview.

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