

LEGISLATIVE RECOMMENDATIONS

Occupational Health and Safety in New Brunswick's Commercial Fishing Industry

Consultation Results



INTRODUCTION

Fishing is widely recognized as one of the most dangerous professions. *The Globe and Mail* published statistics in 2017 showing that the fishing industry is the most deadly sector in Canada, with three out of the top six deadliest jobs coming from the fishing industry. They are:

- Fishing vessel deckhands
- Fishing vessel skippers and fish harvesters
- Aquaculture and marine harvest labourers

However, unlike other dangerous jobs in which the accident and death rates have improved over the years, fishing deaths today are as frequent as they were in 1999, according to the Transportation Safety Board (TSB) of Canada. The Canada-wide statistics mentioned above are the same in New Brunswick – we see far more fatalities in the commercial fishing industry than any other industry in the province.

On June 16, 2016, a fishing vessel capsized near Salmon Beach, N.B., sending three fishermen into the sea – two of them lost their lives. A TSB investigation into the fatality, and its subsequent report released in July 2017, recommended a number of mandatory safety measures. Specifically, the TSB recommended that the government of New Brunswick and WorkSafeNB require persons to wear suitable personal flotation devices (PFDs) at all times when on the deck of a commercial fishing vessel or on board a commercial fishing vessel without a deck or deck structure, and that WorkSafeNB ensure that programs are developed to confirm compliance.

Until the *Occupational Health and Safety (OHS) Act* changes to include fishing vessels as a place of employment, WorkSafeNB cannot ensure compliance of PFD use on commercial fishing vessels as recommended by the TSB.



People gather on the Miller Brook Wharf near Bathurst after two lobster fishermen died when their boat capsized off the wharf in the Bay of Chaleur. **(CBC Photo)**

JURISDICTIONAL SCAN

The majority of WorkSafeNB's counterparts across the country have health and safety jurisdiction over the fishing industry within their province. In fact, of all the provinces and territories that have commercial fishing in the province, only the Northwest Territories and Nunavut, which share a safety and compensation board, and New Brunswick do not have health and safety jurisdiction over the fishing industry.

- Occupational health and safety jurisdiction over commercial fishing industry
- No occupational health and safety jurisdiction over commercial fishing industry
- No commercial fishing industry



PFD AWARENESS CAMPAIGN

In 2018, WorkSafeNB embarked on a campaign to promote safety in the fishing industry. Before developing the campaign however, WorkSafeNB consulted with key members of the industry such as the Grand Manan Fishing Association and the Fundy North Fishing Association for recommendations on how best to promote safety within the industry and what were the obstacles to PFD use.

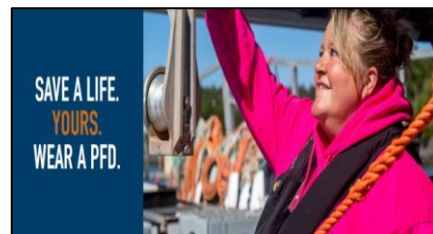
WorkSafeNB developed a PFD awareness campaign and sponsored 'Man Overboard' drills in three locations in the southern part of the province – Deer Island, Dipper Harbour, and Grand Manan in the fall. These drills attracted about 100 participants and several



WorkSafeNB PFD awareness campaign included 'man overboard' drills to promote PFD use in Deer Island, Dipper Harbour, and Grand Manan. **CBC Photo.**

media outlets. The drills demonstrated the different types of rescue techniques and equipment necessary for retrieving someone who has fallen overboard, as well as other emergency procedures, such as abandon ship.

We used the three events as an opportunity to introduce the legislative changes and consult with the participants. Our intention is to host more drills in northern NB in the spring.



WorkSafeNB produced three PFD fact sheets, a [Fishing Vessel Safety Checklist](#), and five posters (two featuring actual NB fish harvesters), all distributed during association meetings and available on [WorkSafeNB's website portal dedicated to fishing](#). The fact sheets, posters and WorkSafeNB-branded promotional items such as playing cards, lifejacket-shaped key chains, and dry bags were distributed at all meetings and drills.

MEDIA COVERAGE

The proposed legislative amendments regarding the fishing industry and the man overboard drills garnered positive media attention from both Francophone and Anglophone outlets, including CBC, Radio-Canada, Telegraph-Journal and the *Canadian Occupational Health Magazine*.

[WorkSafe wants fishing boat rules](#) (New Brunswick Telegraph-Journal)

By: Adam Huras Date: Jul 22, 2019

(Appeared in Fredericton Daily Gleaner, Miramichi Leader and Moncton Times and Transcript) WorkSafeNB says it will push to rewrite legislation to redefine fishing boats as "places of employment" in order to entrench safety obligations onboard.



WorkSafeNB provides lifesaving crew overboard drills

4 months ago | News | 1:00

The four drills took place in Grand Manan, Deer Island and Dipper Harbour and included safety scenarios for man overboard, abandoning ship and medical emergencies.



[Le téléjournal Acadie - Rendre les gilets de sauvetage obligatoires](#) (Radio-Canada Moncton (CBAFT-TV))

Date: Jul 22, 2019

Airtime: 17:04

Travail sécuritaire Nouveau-Brunswick veut faire reconnaître les bateaux de pêche comme un lieu de travail.

[Travail Sécuritaire NB veut imposer de nouvelles règles pour les bateaux de pêche](#) (L'Etoile Provinciale)

Date: Aug 08, 2019

Le mandat de Travail Sécuritaire NB est double: prévention et éducation en vertu de la Loi sur la santé et la sécurité au travail et indemnisation et reprise du travail en vertu de la Loi sur les accidents du travail.

[WorkSafeNB provides lifesaving crew overboard drills](#) (96.1 CBC Radio One Charlottetown (CBCT-FM))

Date: Oct 02, 2019

The four drills took place in Grand Manan, Deer Island and Dipper Harbour and included safety scenarios for man overboard, abandoning ship and medical emergencies.

[New rules in works to lift safety standards in fishing industry](#) (CBC News (Online))

Date: Oct 06, 2019

(Appeared in NouzIE (Online)) WorkSafeNB is examining changes to the Occupational Health and Safety Act so that fishing vessels are considered a place of employment - another move in the ongoing effort by regulatory bodies to lift safety standards across the fishing industry.



CONSULTATION TACTICS

HOME PAGE – WEB

Banner on home page of WorkSafeNB's corporate website leading to landing hosting information on the proposed amendments, the survey, and documents promoting fishing safety, such as PFD fact sheets, and the Fishing Vessel Safety Checklist.

STAKEHOLDER EMAIL

Sent email notification to our key stakeholder list advising them of the proposed changes with a link to the survey. This list comprised of approximately 250 industry stakeholders representing in New Brunswick.

STAKEHOLDER SHARING

We asked key stakeholder groups and fishing associations to share the proposed changes in legislation and ongoing consultation with their membership.

FACE-TO-FACE MEETINGS

We hosted meetings (Appendix A) with employer and worker groups, detailing the changes and seeking their feedback. The meetings were led by our vice-president of Prevention and supported by WorkSafeNB staff.

MAN OVERBOARD TRAINING DRILLS

We man overboard drills in several communities where we shared the legislative change and encouraged attendees to provide their feedback.

FISH CANADA / WORKBOAT CANADA TRADE SHOW

Hosted a booth and networked with the industry at this trade show that attracted more about 6,500 attendees. Shared information on the consultation and distributed fishing safety posters, fact sheets, etc.

ARENA ADVERTISING

To ensure we reached those in the industry not engaged in social media, WorkSafeNB put up ads promoting PFD use in arenas in the following communities with a large population of fish harvesters: Saint John, Moncton, Miramichi, Caraquet, St. Stephen, Saint Andrews, Black's Harbour, Shediac, Cap Pelé, Lamèque and Shippagan.

SOCIAL MEDIA

Shared messages on four social media channels (LinkedIn, Facebook, Twitter and Instagram) with a call to action to complete the survey. We employed both organic and paid social media



SOCIAL MEDIA BREAKDOWN

Shared messages on four social media channels (LinkedIn, Facebook, Twitter and Instagram) with a call to action to complete the survey. We employed both organic and paid social media.

CONSULTATION REACH

Included with 'Man Overboard' video recap



SOCIAL REACH 39,914

WEAR A PFD FOR YOUR FAMILY, YOUR CREW, FOR YOU

PDF Awareness Contest



SOCIAL REACH 62,612

TOTAL REACH – 102,526



MAN OVERBOARD

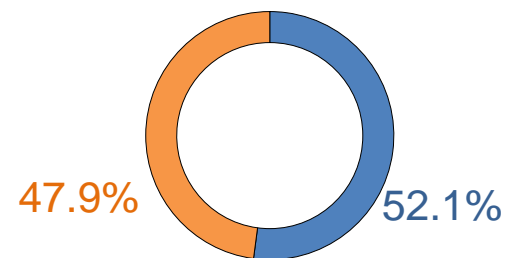
1,862 views



WEAR A PFD FOR YOUR FAMILY, YOUR CREW, FOR YOU

14,272 views

SOCIAL REACH



Paid Organic

MARKETING



Wall ad at the Moncton Coliseum




Rink board at the Marcelon Civic Center in St. Stephen featuring lobster fishing boat captain Angie Lord.

WORKSAFE
TRAVAIL SÉCURITAIRE NB

PERSONAL FLOTATION DEVICES (PFDs) AND LIFE-JACKETS – CARE AND MAINTENANCE

SAVE A LIFE – YOURS. WEAR A PFD.



Maintaining your flotation device

- Follow the manufacturer's instructions for specific care and maintenance requirements. I
- Inspect your PFD or life-jacket before you wear it to ensure it is in good condition. Check for:
 - ▶ Metal or plastic hardware that is broken, deformed or weakened by corrosion.
 - ▶ Webbing or straps that are ripped, torn, or that have become separated from an attachment point.
 - ▶ Any rotted or deteriorated material that falls when tugged.
 - ▶ Rips, tears or open seams in fabric or coatings that are large enough to allow the loss of buoyant material.
 - ▶ Buoyant material that has become:
 - hardened
 - non-resilient
 - permanently compressed
 - waterlogged
 - oil-soaked
 - ▶ Buoyant material that shows evidence of fungus or mildew.
 - ▶ Loss of buoyant material or buoyant material that is not securely held in position.
- Report damaged PFDs or life-jackets to your supervisor or vessel master and never wear damaged PFDs and life-jackets.
- Properly clean, maintain and store your PFD or life-jacket:
 - ▶ Use only a mild soapy solution for cleaning.
 - ▶ Never use dry-cleaning, strong detergents, gasoline or solvent to remove stains.
 - ▶ Never store a wet PFD or life-jacket; dry it first in the open air, away from sunlight or a direct heat source.
 - ▶ When not in use, store your PFD or life-jacket in a dry, well-ventilated, easily accessible place on board the vessel.
- Follow manufacturer instructions for inspection, maintenance and recharging of mechanisms in auto-inflating models.
- Record all inspections and maintenance if your PFD or life-jacket is automatically inflatable.

! Look after your flotation device so it will look after you when it is needed.

Adapted with the kind permission of WorkSafeNB.

One of three PFD fact sheets. This one features boat captain Brian Guptill.



FISHING VESSEL SAFETY CHECKLIST

Your crew is more important than your catch! This handy checklist reminds you what to look for in a safety check and will help ensure that you and your crew get home safely at the end of each catch. A few minutes spent on a safety check can avert a lifetime of loss.

<p>TRAINING AND ORIENTATION</p> <ul style="list-style-type: none"> <input type="checkbox"/> Is your crew aware of basic vessel operation, hazards, risks and controls? <input type="checkbox"/> Is your crew trained in use of emergency equipment and procedures? <p>FIRST AID</p> <ul style="list-style-type: none"> <input type="checkbox"/> Are first aid kits well stocked and readily available? <input type="checkbox"/> Are crew members trained in emergency first aid and CPR? <p>PERSONAL PROTECTIVE EQUIPMENT</p> <ul style="list-style-type: none"> <input type="checkbox"/> Is head protection available and worn, where hazards exist? <input type="checkbox"/> Is foot protection available and worn, where hazards exist? <input type="checkbox"/> Is eye and face protection available and worn, where hazards exist? <input type="checkbox"/> Is hearing protection available and worn, where hazards exist? <input type="checkbox"/> Is protective clothing like gloves and overalls available and worn, where hazards exist? <p>RISK OF DROWNING</p> <ul style="list-style-type: none"> <input type="checkbox"/> Are personal flotation devices (PFDs) approved by Transport Canada available for each crew member and worn on deck? <input type="checkbox"/> Is there fall protection equipment for use where hazards exist? (Guard rails, life-buoys, boat hooks) <p>FIRE PROTECTION</p> <ul style="list-style-type: none"> <input type="checkbox"/> Are ABC fire extinguishers located for easy access and maintained in good condition? <input type="checkbox"/> Are flammable and combustible materials stored safely? (Keep on board only those necessary for the maintenance, operation or other boat function.) <input type="checkbox"/> Is the electrical system inspected regularly? 	<p>HANDLING MATERIALS</p> <ul style="list-style-type: none"> <input type="checkbox"/> Does your crew know how to safely lift or move fishing gear, equipment, catch and bait loads? <input type="checkbox"/> Is the hoist/hauler maintained in good condition? <p>EQUIPMENT</p> <ul style="list-style-type: none"> <input type="checkbox"/> Is all equipment in proper working condition (refer to manufacturer specs for inspection and maintenance requirements), including: <ul style="list-style-type: none"> -Communication/navigation equipment -Pumps; bilge, wash down, etc. -Rescue equipment -Emergency Position Indicating Radio Beacon (EPIRB) <p>MECHANICAL SAFETY</p> <ul style="list-style-type: none"> <input type="checkbox"/> Is equipment safeguarded to prevent entanglement? <input type="checkbox"/> Are hot surfaces shielded to prevent burns? <p>WORKING / WALKING SURFACES</p> <ul style="list-style-type: none"> <input type="checkbox"/> Are passageways and work areas clear of clutter and are loose materials secured? <input type="checkbox"/> Does your crew have suitable footwear for slippery surfaces (good grip)? <input type="checkbox"/> Are mops and buckets easily accessible to immediately clean up spills? <input type="checkbox"/> Do you have de-icing procedures to deal with ice buildup? <p>CHEMICAL SAFETY</p> <ul style="list-style-type: none"> <input type="checkbox"/> Are all product containers labeled properly? <input type="checkbox"/> Is the crew trained in WHMIS and in the proper use, storage, disposal and emergency procedures of hazardous products?
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worksafenb.ca WORKSAFE TRAVAIL SÉCURITAIRE NB

This safety checklist for fishing vessels proved very popular with industry members.



Promotional items include playing cards, key chains and dry bags.

SURVEY RESULTS

1. Do you agree that fishing vessels should be considered a place of employment in New Brunswick?

YES	13	87%
NO	2	13%

The definition of 'place of employment' does not include fishing vessels so WorkSafeNB has no authority to regulate safety on fishing vessels.

With "places of employment" redefined to include fishing vessels, captains will have legislated safety obligations and will be bound by general duty principles to provide healthy and safe workplaces. They will have access to WorkSafeNB prevention resources for advice and enforcement, leading to safer workplaces.

Most respondents (87%) supported the recommendation.

Among the comments:

"Fishing vessels provide employment for thousands of New Brunswickers and difficult to consider it anything but a place of employment."

87%
of respondents are in
favour of this
recommendation.

While the online consultation ended December 31, most feedback was received through face-to-face meetings with industry members. Almost all agreed that fishing vessels should be included as a place of employment under the *OHS Act* and were supportive of promoting safety within their industry. Many proudly shared with us their safety protocols and voiced their commitment to keeping their crew safe. While, overall, the industry was receptive, concerns were raised regarding costs, compliance and enforcement, and the general impact to their business. The primary concern was having to pay workers' compensation rates in the future.

SURVEY RESULTS

2. What concerns do you have about the changes?

Among the comments:

"The only concern is they should pay into WorkSafeNB with access to all WorkSafeNB has to offer. It should be all or nothing if WorkSafeNB is going to have authority over the industry."

"Added costs to fishermen."

"My concerns are redundancy of regulation and policy (with Transport Canada and a lack of adequate training sources locally.",

3. Do you have any questions about voluntary coverage?

None of the respondents expressed any concerns about voluntary coverage.

Among the comments:

"I am a proponent and our fishing fleet has paid into the workman's compensation program for many years. We also provide the best available safety equipment for our vessels. However, I feel WorkSafeNB's involvement will add legitimacy and help change the "safety culture" among fishers. Our crews are very well-trained professionals but some of the new regulations are not understood and taken seriously...especially the older fishers. It would benefit everyone to facilitate a collaborative approach to WorkSafeNB involvement...by such I mean vessel owners, operators, crews along with Transport Canada & WorkSafeNB. I believe Nova Scotia is much further along than we are and it's time to move forward."

"I would like to see enforcement that a vessel cannot leave the wharf for the workday without 2 people onboard. In 1989 my dad fished and drowned alone."

Conclusion

WorkSafeNB wants healthy and safe workplaces for all New Brunswickers –wherever that workplace is. We believe the most dangerous industry in the province – fishing - is the one most in need of health and safety services. That is why WorkSafeNB is proposing amendments to the *OHS Act* that would add fishing vessels to the definition of 'place of employment.' And the fishing industry agrees.

APPENDIX A

Meetings with stakeholder groups:

- Department of Agriculture, Aquaculture and Fisheries
- Grand Manan Fishermen's Association
- Fundy North Fishermen's Association
- Maritime Fishermen's Union
- Fédération régionale acadienne des pêcheurs professionnels (FRAPP)
- Alma Fishermen's Association.
- Connors Bros., and KCR Fisheries