

Fishing Safety Now

A plan by and for Nova Scotia's fishing industry



Safe
AT Sea
ALLIANCE



Acknowledgements

Fishing Safety Now was developed through the collaboration of industry and government representatives. Together, and with passion for change, these leaders shared perspectives and ideas to help ensure safety continues to be a priority for Nova Scotia's fishing industry.

Thank you to all of the members of the Safe at Sea Alliance, as well as the hundreds of Nova Scotians in fishing communities across the province, who shared their input on the top safety issues facing our fishing industry.

Safe at Sea Alliance

Bertram Bernard

Crane Cove Seafoods,
Eskasoni

Nathan Blades

Former Chair, Fisheries
Safety Association of
Nova Scotia
Sable Fishpackers Ltd.,
Cape Sable Island

Karen d'Entremont

Jenny May Fisheries Ltd.,
West Pubnico

Marilyn D'Entremont

Family member,
Pubnico

Richard "Bee" d'Entremont

Acadian Fish Processors
Ltd., Lower West Pubnico

Amanda Dedrick

Fisheries Safety
Association of
Nova Scotia

Noël Després

Chair, Fisheries Safety
Association of
Nova Scotia
CEO Comeau's
Sea Foods Ltd.,
Saulnierville

Dale Richardson

Sword and lobster
fisherman,
Sable River

Kevin Squires

Lobster fisherman, Big
Bras d'Or, Cape Breton
President, Maritime
Fishermen's Union,
Local 6

Mihai Balaban

Transport Canada

Harvey Vardy

Canadian Coast Guard

Dr. Lucy Kanary

Nova Scotia Community
College

Rhea King

Fisheries and Oceans
Canada (Maritimes
Region)

Stuart MacLean

Workers' Compensation
Board of Nova Scotia

Christopher Morrow

Transportation Safety
Board of Canada

Peter Taylor

Fisheries and Oceans
Canada (Gulf Region)

Lisa Fitzgerald

Nova Scotia Fisheries
Sector Council

Stewart Franck

Fisheries Safety
Association of
Nova Scotia

Paddy Gray

Swordfish, groundfish,
and lobster fisherman
LFA 33 Co-chair, Sambro

Ronnie Heighton

Lobster and herring
fisherman
President,
Northumberland
Fishermen's Association,
River John

Leonard LeBlanc

Retired crab and
lobster fisherman
President, Gulf of NS
Fishermen's Coalition,
Cheticamp

Cory Nickerson

Lobster fisherman,
Wedgeport, Yarmouth
County

Eugene O'Leary

Eastern Fishermen's
Federation
Guysborough County
Inshore Fishermen's
Association, Canso

Melanie Sonnenberg

Eastern Fishermen's
Federation, Grand
Manan, NB

Alan Chandler

Nova Scotia Department
of Fisheries and
Aquaculture

Rick Daley

Nova Scotia Department
of Labour and Advanced
Education

Tommy Harper

Workers' Compensation
Board of Nova Scotia

Scott Kennedy

Transport Canada

Lora MacEachern

Nova Scotia Department
of Labour and Advanced
Education

Steve Miller

Environment Canada

Pierre Murray

Transportation Safety
Board of Canada

Bruce Whiffen

Environment Canada

What's the point of your job, if you're not going to come home?

NOVA SCOTIAN FISHERMAN

Fishing Safety Now

Fishermen know fishing best. These women and men leave their loved ones for days and head out to make a living on the open water. It is a job like no other onshore.

The hazards are diverse and unpredictable. Fair weather can become a storm quickly. Waves can come fast and tall out of nowhere. Work is strenuous, and it is often done on a moving, slippery, exposed platform.

In fishing, the risks are different, and often more significant, than they are in any other industry. There are inherent, extreme hazards that must be controlled.

But fishing can be safer. Too many Nova Scotians have been lost working in the fishery.

This plan was developed by the fishing industry, for the industry. Fishermen, owners and operators, along with family members who have lost loved ones at sea, worked with government and other partners to come up with recommendations that will improve the safety of the industry, and, ultimately, save lives. They were driven by the shared belief that going to work does not need to mean the chance of not coming home.



The facts about fishing and fishing safety

Fishing is woven into the fabric of Nova Scotia.

The industry remains an economic cornerstone, valued at about \$1 billion annually. Nova Scotians hold more than 18,000 commercial fishing licences and own more than 4,000 registered fishing vessels. Many Nova Scotians fish for a living. And that means many others work back on shore, unloading, processing, regulating, transporting, and marketing that catch, or otherwise contributing to an industry that is a significant part of life in Nova Scotia.

Simply put, fishing is a dangerous job. Statistics show that fishermen are more likely to die at work than those working in any other industry in the province.

Since 2007, 35 people died working in Nova Scotia's commercial fisheries. In 2013 alone, there were eight deaths; in 2014, three more fishermen died at work. Almost half of all fishing-industry deaths in Canada occur off Nova Scotia.

Most fatalities happen within 50 kilometres of shore, and most of them are drownings. Trap-based fisheries, like lobster and crab, have the highest fatality rates. The lobster fishery is Nova Scotia's largest by any measure, accounting for almost half the value of total landings.

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Small vessels dominate the province's commercial fishing fleet. About 40 per cent of boats are under 11 metres (35 feet) in length, and another 56 per cent are between 11 and 14 metres (35 and 45 feet).

Injuries happen frequently, and when they do, they are often serious. In 2014, 280 people were hurt fishing. Of those, 90 were serious injuries that resulted in time lost from work.

In the past five years, in addition to the 22 people who died working in the industry, there have been more than 1,500 fishing injuries reported to the Workers' Compensation Board of Nova Scotia (WCB), with more than 500 resulting in time lost from the job. These numbers reflect only WCB-covered operations. Small commercial fishing operators do not require workers' compensation coverage; that means not all injuries appear in WCB statistics.

A life lost is the ultimate cost. But there are also financial costs to workplace injury in the fishing sector. The fishing industry pays some of the highest workers' compensation rates in the province. The 2015 WCB rate in fishing is \$8.06 per \$100 of payroll. That's well above the \$2.65 average assessment.

The fishing industry knows change

More and more often, Nova Scotians are realizing and accepting that we need to shift our thinking in this province. We need to be open to new attitudes, and new ways of working together, if we are to prosper.

Nova Scotia fishermen are no strangers to change. There have been changes, time and time again, in vessels, quotas, licences, or other regulatory facts of life.

There is also change when it comes to safety. For all of its safety challenges, there is progress in Nova Scotia's fishing industry, led by industry safety champions.

Increasingly, fishermen are leaving old habits and attitudes behind and making safety a priority. It is a change that their families often know is overdue. While safety has long been a priority for some, every day more captains say to their crew: "You're putting on a PFD (personal floatation device), or you're not coming fishing with me."

In the lead-in to the winter lobster fishing season in Southwest Nova in November 2013, and again in 2014, many supply shops sold out of PFDs. In both of these seasons, when bad weather and rough seas made conditions too dangerous for "Dumping Day," fishermen and government together decided to delay the season opening. "The priority is safety," was the dominant reaction.

Fishermen have to go to sea to make a living. But they have to keep living to go to sea.

The industry is resilient. It has survived stock depletions and depressed prices, and it remains a mainstay of Nova Scotia's rural, coastal communities.

It is not only a way to earn a living; it is a way of life. That is why the future of fishing needs to be built on safety.

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Fishermen are talking about safety

In developing this plan, there was a great deal of talking, and also a great deal of listening. There were conversations with fishermen and their families — on wharves, at workshops and association meetings, and in coffee shops and kitchens all over the province.

In early 2013, the *Miss Ally* capsized off Southwest Nova Scotia in near hurricane-force winds, taking five young men with her. Not long after, the WCB, the Department of Labour and Advanced Education (LAE), and the Department of Fisheries and Aquaculture (DFA) began the conversations. They joined forces with two industry groups: the Fisheries Safety Association of Nova Scotia (FSANS) and the Nova Scotia Fisheries Sector Council (NSFSC). Before long, the process included all of Nova Scotia's fisheries and regions.

In early 2014, the result of this coming together was a new group called the Safe at Sea Alliance (SSA).

The Safe at Sea Alliance includes fishermen, owners, fleet managers, and family members who know firsthand the impact of losing someone at sea. The SSA brought a voice that was heard and heeded every step of the way. All sectors in all regions had a say, and those discussions led to the recommendations for change in this plan.

The provincial and federal governments and other agencies are also on side with the Safe at Sea Alliance. These are the organizations in a position to act on and help implement industry recommendations. Fisheries and Oceans Canada (DFO), Transport Canada (TC), the Transportation Safety Board (TSB), Environment Canada, the Canadian Coast Guard, and the Nova Scotia Community College (NSCC) are all committed to be a part of the work.

The Safe at Sea Alliance brought new momentum to change that was already happening. The WCB, LAE, FSANS, and NSFSC had been working together since 2012 in a fishing safety working group. Day by day, wharf by wharf, along with some fishermen for whom safety has always come first, that working group began giving safety a voice in this industry.

People came out in communities all over the province to watch man overboard drills, which sent a clear message that safety is a priority.

A research project into PFDs resulted in manufacturers listening to fishermen and developing PFDs that are more suitable to their work. These drills, this research, and the rest of the work of the Fishing Safety Working Group had shown that, when it is done in the right way, change can find supporters.

That momentum was channelled into more conversations, and those conversations led to this plan.

The Transportation Safety Board's three-year study and 2012 report into safety in the fishery called for "focused and concerted action to finally and fully address the safety deficiencies that persist in Canada's fishing industry."

That's exactly what this plan works to accomplish.



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The Plan

This plan includes recommendations to continue growing the industry's workplace safety culture. It is grounded in the commitment of the industry and various government and other agencies involved in the fishery to work together to prevent or reduce injuries and death.

Vision

Everyone in and involved with the fishing industry — fishermen, government, and other partners — is committed to ensuring all fishing activity is carried out with the highest degree of safety.

Principles

These principles will guide the implementation of the plan:

- Transparency
- Accountability
- Collaboration
- Fairness

Objectives

- The fishing industry will become one of the safest industries in Nova Scotia.
- The Nova Scotia fishing industry will be a world leader in safe-operating practices.



Prevention, safe practices, rescue, learning

In hundreds of discussions with fishermen across Nova Scotia, and in conversations with others associated with the industry, common themes emerged. These themes assert the industry's readiness to embrace change for safety's sake.

The Safe at Sea Alliance repeatedly heard that safety considerations are becoming a higher priority in the industry. The positive initiatives underway, like the Man Overboard program, general PFD awareness, and the NSFSC's Network Coordinator program are having an impact. They provide a model for more progress.

At the same time, fishermen and others in the industry add that having multiple agencies in two levels of government all deeply involved in the fishery has resulted in confusion around awareness of regulations and compliance. Various arms of government need to work together to simplify regulations.

Fishermen learn from fishermen. A grassroots approach to developing and extending safe practices will increase support for change. Fishermen will adopt practices they believe are about "real safety," and not an exercise in "paper safety."

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Recommendations

These recommendations are grouped under nine different headings: Awareness; Code of Practice; “Real Safety” Training and Equipment; Fatigue, Alcohol, and Drugs; Weather; Fisheries Management; Lessons Learned; Agency-to-Agency Improvements; and, Safety Organizations.

1.0 Awareness

Many in the industry simply are not aware of regulations, and/or the operating practices that directly impact their safety. Fishermen learn best from each other, and are hands-on learners.

Recommendations

- 1.1 Develop an easy-to-use and easy-to-update occupational health and safety (OHS) tool kit for fishing vessels, considering differences in vessel size, supported by a delivery program to improve awareness of safety requirements.
- 1.2 Develop self-inspection tools to support formal inspection. These tools should be oriented to a checklist and included in the tool kit.
- 1.3 Conduct pre-season awareness campaigns regarding OHS/Transport Canada industry requirements.
- 1.4 Promote awareness of regulations, safety gear, and equipment through the Nova Scotia Community College Fishing Master courses.
- 1.5 Develop more safety educational/awareness materials to support captains and crews, with a focus on new crew member orientation.
- 1.6 Coordinate and distribute current education and awareness resources related to vessel stability (e.g. The Fishing Vessel Stability Simulator developed by the Canadian Council of Professional Fish Harvesters). Fishermen’s knowledge of stability implications related to vessels’ certification and gear outfitting must be improved.
- 1.7 Explore opportunities to promote occupational health and safety awareness through the Fisheries Advisory Committees’ process and the online licensing process, possibly with links to other websites with safety information.
- 1.8 Convene an annual occupational health and safety conference for the fishing industry and government partners.



2.0 Code of Practice

A code of practice is typically developed jointly by industry and regulatory bodies. Once accepted, a code can serve to influence fishermen and those who are charged with regulation and enforcement. A key objective is to identify operational activities to minimize the potential for fishermen to go overboard accidentally. It gives the industry the opportunity to design its own occupational health and safety (OHS) procedures and policies, which would be recognized by the Department of Labour and Advanced Education.

Recommendations

- 2.1 Develop an industry-wide safety code of practice that can serve to encourage the awareness of regulations related to safety, as well as best operational safety practices.
- 2.2 Include Transport Canada and OHS requirements as part of a safety code of practice.

3.0 “Real Safety” Training/Equipment

The fishery is governed by many rules and regulations. Fishermen tend to adopt practices that make sense to them. They learn from each other, and by directly participating in learning opportunities.

The Man Overboard program has met with good success. The drills serve to demonstrate what can happen in an overboard situation and how to react. This program is a great example of “real safety” being demonstrated well. The work that resulted from fishermen’s input in the design of PFDs is another example of an approach that works in this industry.

Recommendations

- 3.1 Use concepts from the existing Man Overboard program to develop an enhanced program that includes safety drills and demonstrates PFDs in action, firefighting, putting on a survival suit, as well as man overboard rescue.
- 3.2 Develop train-the-trainer education for safety drills.
- 3.3 Conduct research into the cost of safety gear and equipment, including purchase price and recertification costs.
- 3.4 Set up an equipment development program modelled on the PFD program. Engage with fishermen to gain their insights. Work with suppliers, manufacturers, and fabrication industries.
- 3.5 Conduct wharf visits to showcase available safety gear and demonstrate how it works.



4.0 *Fatigue, Alcohol and Drugs*

Work in the fishery means long hours away from home, and physical work in harsh marine conditions. Poor markets and resource limitations have reduced crew numbers, while at the same time, good fishing and the seasonal nature of the industry can lead to fatigue and overwork. Fatigue, drug, and alcohol use can all lead to higher risks in dangerous conditions.

Recommendations

- 4.1 Conduct research into fatigue in fishing and other industries. Develop awareness materials.
- 4.2 Develop drug and alcohol education and awareness materials. Continue to support the Fisheries Safety Association's drug and alcohol working group.
- 4.3 Investigate the potential of working with other partners on drug and alcohol awareness campaigns (e.g. Nova Scotia Department of Health and Wellness, Addiction Services, RCMP).

5.0 *Weather*

Fishing happens under harsh maritime conditions. Fishermen must account for weather conditions when deciding where and when to fish, but issues related to forecasts are causing frustration.

Recommendations

- 5.1 Develop a process to ensure regular consultations between Environment Canada and the industry. Adjust the timing of forecasts to better reflect industry needs and reality.
- 5.2 Develop a process for Environment Canada and industry to work together to develop specialized weather forecast services related to significant weather changes and events in marine areas. Designate points of contact in marine areas for Environment Canada-to-industry communication of weather changes/events.
- 5.3 Investigate other known weather-predicting tools, equipment, and resources, assess their accuracy, and recommend implementation of best available technologies.



6.0 Fisheries Management

Fisheries management is complicated and challenging. Quotas, vessel and gear restrictions, seasons, markets, and resource status all factor in. As stated in the Transportation Safety Board's Marine Investigation Report, "fisheries management has indirect and direct effects on fishing safety." It will be essential to ensure that safety is considered in all management decisions.

Recommendations

- 6.1 Safety considerations are identified whenever DFO develops management options for resource management plans or policies (e.g. when introducing constraints on vessel size, gear, or catch).
- 6.2 Review the process associated with issuing and communicating variation orders. Set season opening and closing protocols.



7.0 Lessons Learned

When tragic events occur in the fishing industry, investigations and reviews are conducted by various agencies. The findings of these reviews often capture useful information that could be beneficial to the industry in adjusting practices. But, industry participants do not have easy access to such findings. Reports are not presented in plain language, and findings are not distributed in a way fishermen can easily access.

Recommendations

- 7.1 Request that the Transportation Safety Board (TSB) develop an effective approach to share findings of investigations by publishing concise report summaries.
- 7.2 To the extent possible, have the TSB and Department of Labour and Advanced Education examine the root causes of all fisheries fatalities in the past five years and look for common themes.
- 7.3 Prepare case studies to convey the lessons learned and the role best practices played in near-disasters.
- 7.4 Develop user-friendly methods to deliver lessons learned to the industry.

8.0 Agency-to-Agency Improvements

The fishery is subject to many rules and regulations, which are enforced by various agencies. Virtually all agencies can impact the safety of the industry. Fishermen pointed out that there are inconsistencies and conflicts, which serve to weaken understanding. In addition, representatives of each agency are not well informed of other agencies' requirements, and sometimes provide misleading information. Coordination needs to improve. Work should be done to better inform partners on the requirements of the various agencies. This will help front-line representatives build an awareness of the regulations that impact the fishing industry.

Recommendations

- 8.1 Conduct joint training for various enforcement officers to improve their awareness of other agency requirements.
- 8.2 Review safety-related regulations and strive for regulatory alignment across agencies. Improve industry access to and awareness of regulations through a single, common website.
- 8.3 Vessel visits by regulators can raise awareness and support industry compliance with regulations. Consider third-party courtesy inspections. FSANS could evolve to provide this service. The goal of the third-party inspections is to educate more than enforce.
- 8.4 Enhance implementation of the recently revised DFO/TC Memorandum of Understanding regarding Safety at Sea of Commercial Fish Harvesters.



9.0 Safety Organizations

Approximately 60 industry organizations play a significant role in representing Nova Scotia fishermen. The FSANS, NSFSC, and some fish harvesting organizations work directly to improve safety, but they do not have the resources to undertake the full scope of work on their own.

More partnerships are required, and a higher priority must be given to safety as part of the work of all industry organizations.

Recommendations

- 9.1 Create a mechanism to ensure broader representation and participation in the Fisheries Safety Association of Nova Scotia.
- 9.2 Continue to build strong partnerships with all fishing organizations and associations to promote safe fishing practices. Encourage them to make safety a standing agenda item at meetings and provide materials/presentations to support this.

Now what?

The fishing industry in Nova Scotia is ready for change to make commercial fishing safer.

Changes, however, must be industry driven. A culture of safety will result from fisherman-to-fisherman learning and the spreading of best safety practices.

The industry is willing to work in partnership with the full range of government departments and agencies to make fishing safer for all participants.

A co-operative, consultative effort that accepts and recognizes all the realities of the industry, while working to ensure safety, is the top priority and the way to success.

The Nova Scotia Fisheries Sector Council and Fisheries Safety Association of Nova Scotia will lead the plan implementation, with ongoing support from the Workers' Compensation Board of Nova Scotia, government, and other partners.

Some recommendations will be easy to implement fairly quickly, while those that are more complex will take time.

Annual progress reports will be released to the industry and the public. Assessment and refinement will be constant, and continuous feedback will be sought from the industry.

The bottom line is that fishermen won't stop talking about fishing safety. This plan ensures that, and it provides a safer path forward for the industry.

All Nova Scotians want a future fishery that is bright, vibrant, and prosperous.

In order for that to happen, the future fishery must be safe.



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Safe AT Sea ALLIANCE

WORK SAFE. FOR LIFE.
WORKERS' COMPENSATION BOARD OF NOVA SCOTIA

