

#### (4) DESPATCHING

The provision of pilotage service in the Quebec District is fully controlled. It has been so since 1860 when free enterprise was abolished at the pilots' own request in the interest of the efficiency of the service and the improvement of their working conditions, and despatching with its necessary accessory, the pooling of earnings, instituted. Ever since, the exercise of the pilots' profession has been fully controlled, the only variation being that on three occasions a different Crown agent was placed in control.

At present, the direction of the service is, in law, the prerogative of the Pilotage Authority; in fact, it is exercised by the pilots as a group. The discrepancy between the legal and the factual situation is the reason for the complex and involved despatching procedure now in force. In its By-law the Pilotage Authority has delegated responsibility for the direction of the service to its local representative, the District Supervisor of Pilots, who, except for a few rules established in the By-law, has discretionary power in theory. In fact, the Supervisor effects despatching according to detailed written directives, called *despatching rules*, received periodically from the pilots as a group.

To understand the nature of the system now in force and the necessity for its involved procedure, one must consider its governing factors which are mainly, first, the unrealistic and discriminatory position adopted by the Pilotage Authority, and, second, the nature and circumstances of the service in the District of Quebec.

The main cause for this complicated system is the refusal on the part of the Pilotage Authority to recognize fully the *de facto* employee status of pilots when the provision of pilotage service is fully controlled. When a Crown agent deprives the pilots of the right to the free exercise of their profession and undertakes to direct the provision of pilotage service, it becomes obligated to afford them an equal opportunity to make equal earnings; when it deprives them of their status of free entrepreneurs and makes them its employees, it must treat them as such without discrimination and pay them the same remuneration. Unless the pilots become salaried employees, pooling their earnings becomes a necessary accessory to despatching. A pilot who has always been available for duty and who was forced to pilot only those ships to which he was assigned by the Authority, and only when so assigned, must have the same right to remuneration as the other pilots who were also constantly available. He should not receive less remuneration because the ships to which he was assigned were small, nor should he be required to work longer hours for the same remuneration because they were slow or because his assignments took longer than normal on account of adverse conditions beyond his control. The normal and most equitable solu-

tion is for the Authority to operate, as an accessory to despatching, a pooling of pilotage earnings based on the pilots' availability for duty, including specified regular leave of absence and holidays.

This was the situation when the 1860 Pilots' Corporation was the Crown agency responsible for the provision of service. The Corporation handled despatching, maintained the accessory services and pooled the pilotage earnings. Each pilot's remuneration was an equal share of the net earnings of the Corporation, i.e., the pool, for equal availability for duty.

This is now the situation whenever the Pilotage Authority, whether a local Commission or the Minister, has assumed control over the provision of service. It is also the practice in other countries wherever the pilots are not salaried employees (Part I, Appendix XIII). This, however, is no longer so in the St. Lawrence River Pilotage Districts.

This unrealistic and discriminatory attitude towards the St. Lawrence Districts results from the faulty findings of the 1913 Lindsay Commission which condemned pooling as a pernicious practice (pp. 63 and ff.). The 1914 Act which implemented the Commission's recommendations deprived the Pilots' Corporation of its powers to control the service and the pilots' earnings, and vested them in the Minister. Since then, the Minister, until the 1934 C.S.A. both as Pilotage Authority and with the powers derived from the 1914 Act, and thereafter, solely as Pilotage Authority, has retained the direction of the service but has denied the pilots the right to pool their pilotage earnings. While on one hand, according to the legislation, the Minister as Pilotage Authority now exercises full control over the provision and direction of the service (a situation incompatible with free enterprise because it keeps the pilots in the quasi-employee status they have had since 1860), on the other hand, as far as their remuneration is concerned, he takes the official and incompatible attitude that they are free entrepreneurs.

In these circumstances the pilots adopted the best available course to correct the situation by operating their own pooling and have done so through a deed of agreement since the day the Privy Council in the case of *Paquet v Corporation of Pilots* decided that the 1860 Corporation had lost the power to pool the pilots' earnings since the 1914 Act (p. 64).

Unofficially, however, the Pilotage Authority has recognized pooling as operated by the pilots and has assisted them, first, by paying pilotage earnings to the Pilots' Association and, second, by permitting the pilots to direct despatching through the despatching rules.

This has resulted in a very complicated despatching system. Since the authority operating pooling, i.e., the Pilots' Association, has no legal means to ensure that the workload is equitably shared among the pilots available for duty, another basis for pooling had to be found. It was decided to base pooling on work done so that each pilot's share corresponds to his share of

the total workload with due consideration for his grade. The pooling procedure consists merely of averaging the monetary value of the *turn*, i.e., the work unit adopted (p. 115).

In order to afford each pilot the opportunity to earn an equal share, while, at the same time, ensuring that the workload is shared equitably by preventing discrepancies between the maximum number of turns each pilot may accumulate, the pilots have obtained agreement from the Pilotage Authority that despatching is organized according to a system of equalization of trips.

The only rules in the General By-law concerning despatching are as follows:

- (a) The practice in force for the equalization of trips is to be followed.
- (b) Not more than one pilot is to be assigned to a ship except during the winter season or in the case of a composite navigation unit.
- (c) Grade is to be taken into consideration so that no pilot is assigned to a ship beyond the competency of his limited licence.
- (d) Despatching is the responsibility of the District Supervisor of Pilots who, apart from the foregoing rules, has full discretionary powers.

The expression *equalization of trips* is not defined in the legislation. The natural meaning of the words indicates that the Supervisor should see that each pilot is given an equal number of assignments for equal availability for duty and, hence, the two governing factors are the extent of availability and the number of trips. Therefore, *inter alia*:

- (a) A pilot with a smaller number of trips should be given precedence over pilots with an equal or shorter period of availability but with a greater number of trips.
- (b) A pilot with a shorter period of availability should not be allowed to perform as many trips as one with a longer period of availability.

However, because the By-law not only does not define the rules governing the equalization of trips but leaves its meaning vague by referring to "the practice that may be in force", much uncertainty has resulted regarding how to determine availability for duty. This question, despite the involved despatching rules, is still defined unsatisfactorily and remains one of the principal inadequacies of the system.

This point has become complicated largely as a result of the attitude taken by the Pilotage Authority that the pilots are private contractors as far as remuneration is concerned and, therefore, they should be granted leave of absence at will, provided that at any given time the pilotage demand can be satisfactorily met by the available pilots. Hence, the Pilotage Authority has refrained from defining periods of rest and holidays which all the pilots are expected to take and which, for despatching purposes, are considered as part of their availability. As a result, the practice has developed for the pilots to

take leave of absence of varying duration whenever they choose while still retaining the right to equalization. This attitude is wrong in a system of controlled pilotage and may give rise to much abuse since it deprives all the pilots of an equal opportunity to equal holidays. The pilots who were always available should have the right to make more trips, thus increasing their income. It is unjust if they are forced into inactivity to allow pilots who took leave whenever it suited them to equalize, i.e., to have precedence over the others whenever they feel like working.

The pilots as a group have realized that the situation is illogical. In 1961, the Pilots' Corporation required one of its committees to study the question of setting up a system of regular leave. Since 1967, the despatching rules have provided for six periods of six-day leave that must be taken by all pilots from April to November inclusive, and in winter for a seven-week annual holiday which half the pilots take at a time, the first group from December 20 to February 8, and the second from February 9 to March 31.

Other cases of absence or of non-availability are treated inconsistently with regard to the equalization of trips. In certain cases, the pilots are allowed to equalize, i.e., they are given precedence to allow them the opportunity to make up turns, but at other times they are not. There are no set rules. Only a few cases are dealt with as cases of exception while others are decided by the Supervisor as they occur, generally arbitrarily. The reason for this unsatisfactory state of affairs is that the problem relates mainly to remuneration and, therefore, should be dealt with in the pooling regulations and not in the despatching rules. For instance, a pilot should be considered on duty—hence, should not be despatched but should be remunerated as if he had not lost any turns—when he attends Corporation meetings as a Director or is prevented from piloting by the Pilotage Authority to undergo an examination, to assist in an investigation, whether as a witness or otherwise, or is taken off the list or placed under preventive suspension by the Pilotage Authority or by a Court of Preliminary Inquiry if the suspicion is later proved unfounded (Part I, p. 564). Consequently, the equalization rule should never apply, either for despatching or pooling purposes, *inter alia*, to periods of absence without leave, voluntary absence with leave but beyond regular compulsory leave, and absence due to suspension of licence awarded by a court. It should not apply, for despatching purposes at least, to periods of absence due to illness or injury, whatever the cause. This is a question of remuneration or, more accurately, of compensation for illness.

The despatching procedure must also take into consideration the peculiarities of the District and the extent and nature of the demand for service. Since the nature of the service in this District is river pilotage and the distance between the limits makes it impractical to maintain only one pilot station from where the pilots travel to meet ships at the various boarding stations, there must be a station at each end of the District with sufficient

pilots to meet the expected demand at any given time. Despatching should be arranged so that the pilots spend the longer periods of waiting between assignments at home, and land travel between stations is reduced to a minimum by taking advantage of the availability of pilots at sub-stations.

The despatching rules devised by the pilots as a group have no standing as legislation but are merely administrative orders which become directives from the Pilotage Authority when approved on behalf of the Authority by the District Supervisor. This is an unsatisfactory situation since some of these rules have a far-reaching effect upon the earnings of the individual pilots and, therefore, should be embodied in pilotage legislation.

(a) *Despatching Rules (Ex. 642)*

The reference in the By-law to the regular practice of equalizing trips is, in fact, a reference to the set of rules made by the pilots themselves with which the Pilotage Authority has concurred. These despatching rules have existed for a great number of years and are amended from time to time to meet changing conditions and circumstances, or to achieve precision where ambiguity was detected, or to correct previous rules that experience has shown to be faulty.

The task of reviewing these rules has been entrusted by the Pilots' Corporation to a special committee chosen by the Board of Directors. For instance, in a bulletin addressed to all pilots, dated February 2, 1961 (Ex. 688), the Board of Directors informed the pilots about the composition of the committee for that year, i.e., two pilots Grade A, two Grade B and two Grade C. *Inter alia*, the committee was given the task of studying a procedure for movages in the harbour of Quebec as well as a system of leave during the summer months. All pilots were requested to send their suggestions to the committee.

The rules distinguish between despatching for trips and despatching for movages. Despatching for trips in the District of Quebec is affected by three factors: stations, turns and grade.

There are three *stations* where the pilots may be required to remain while they are ashore: Quebec City, Les Escoumins and Port Alfred which for the purpose of despatching is dealt with as a station. When a pilot disembarks at an intermediate port he must remain with his ship if his services are required within 24 hours.

The main pool of pilots is at Quebec and any surplus pilots elsewhere in the District come to Quebec by land. Similarly, if a sub-station can not meet its requirements, a sufficient number of pilots is sent from Quebec by land. These movements are limited by the availability of transportation; usually buses are used but taxis are hired in urgent cases. Pilots normally travel between Quebec and Port Alfred or Chicoutimi during the daytime only because there is no bus service at night. Hence, a pilot assigned from

Quebec to board a vessel in the morning at Bagotville, for example, has to leave by the last bus the day before.

The pilots are despatched from the Quebec station according to an assignment list which takes into account the chronological order of their availability and the number of turns with which they are credited.

The despatching list, which is made daily at Quebec, contains four groups of pilots, one for each station and a fourth showing those absent with an indication of the cause, i.e., illness or other reason (Ex. 643). The names of all the pilots on strength must be shown on each list. Ex. 643 is the list of July 24, 1963, broken down as follows for the 77 pilots on strength:

- (i) On turn at Quebec—31 pilots.
- (ii) On turn at Les Escoumins—26 pilots.
- (iii) On turn at Port Alfred—3 pilots.
- (iv) Absent—17 pilots: 3 attending the Royal Commission, 4 ill, 7 on leave and 3 for reasons undetermined.

A new list is made every morning at 9:00 a.m. and the pilots who arrive after that time are shown in order of arrival on a separate list which serves to make up the new list the following day, unless leave of absence is granted.

The list at the Quebec station is compiled by order of arrival and number of *turns* completed by each pilot. According to the principle of equalization of trips, a pilot with fewer trips is given the opportunity to take an assignment in preference to another pilot who has done a greater number of trips. Therefore, when the daily despatching list is established the pilots are placed in the order of the number of turns to their credit at that time and in ascending order, those with the lesser number of turns at the top of the list and those with the higher number at the bottom. The order of arrival applies only to pilots with an equal number of turns. The process is repeated every day so that those who, for one reason or another, lacked the opportunity to make as many trips as the others are given the opportunity to catch up by doing more assignments until they reach an equal number of turns.

In the rules there are two exceptions to the equalization rule. Except for the Tuesday list, the two first names (previously five) at the top of the previous day's list remain first on the next day's list, the equalization of turns not applying to them. Obviously this is done in order not to interfere with immediate despatching. It also prevents a pilot with fewer turns but recently back from a trip from being despatched without sufficient rest. The second exception concerns the winter navigation season. The equalization rule does not apply from December 16 to March 31 and a pilot who has not arranged for a replacement and who is not available for a valid reason loses his turn and is entered on the next list for despatching purposes as if he had completed his assignment (to this rule an exception was provided by an amendment dated April 8, 1965, for the Directors who have to miss a turn to attend to the Corporation's business).

The application of the equalization rule is limited to the pooling accounting year which ends on December 15, and the list starts at zero for everyone on December 16 each year but their order on the list is the order in which they were shown on the last assignment list December 15.

This limitation is inconsistent with the equalization principle and discriminates against those who fell behind in turns at the end of the year. This is partly corrected by fixing, for pooling purposes, the "maximum average" (p. 481), thus modifying the basis of pooling for those who were always available from *work done* to *availability*. The other inequalities in treatment will be minor if the equalization right is restricted to regular compulsory leave of absence or to the pilots who have fallen behind in turns on account of abnormally long assignments.

The rule of equalizing turns does not apply to the Les Escoumins and Port Alfred lists where a strict tour de rôle is followed, with due regard for the pilots' grades and their right to change turns or ask for leave. The list is made up in the order of arrival at Les Escoumins or Port Alfred from a vessel downbound or by land. This procedure is followed to avoid detaining pilots with relatively high turns at these sub-stations away from home. In addition, pilots who are not immediately needed at Les Escoumins may, with the permission of the officer-in-charge there, return to Quebec by any means available. Their names are entered on the assignment list there as of the hour of arrival of the first bus they could have taken. At Port Alfred, a pilot may not return to Quebec if his services are required for any reason within 24-hour period, but, as seen earlier, he must remain with his ship at an intermediate port if his services are required within 24 hours.

The daily list is compiled without considering the various grades of the pilots but these are taken into consideration at the time of despatching. When a pilot reaches the top of the list, he is assigned to the first ship for which he is qualified and, if the first ship is one for which he is not qualified, the next pilot on the list with the necessary grade will be assigned. On the other hand, a higher grade pilot at the top of the list will be retained as long as possible for an expected ship of his class, and a lower grade pilot second on the roster will then be despatched instead.

The equalization rule is also applied to Grade A assignments and preference is given to the Grade A pilot with the smallest number of turns because these assignments bring extra remuneration.

Each turn is compulsory unless the pilot is excused or prevented by circumstances beyond his control, but to avoid any hardship that might be caused by applying the equalization of turns rule a pilot is entitled to refuse to take his turn if he has not had ten hours' rest (seven at Les Escoumins which could be extended to ten) between assignments. This happens rarely at Quebec where, as a rule, the pilots have more than ten hours between assignments but at Les Escoumins and Port Alfred, where there are fewer pilots, the situation may occur more frequently.

Some leeway is allowed by permitting pilots to change turns among themselves provided the two pilots concerned agree.

(b) *Unwritten Despatching Rules*

In addition, the despatchers follow a series of rules which are not in the By-law or in the Despatching Rules:

(i) If a pilot is absent because of illness, it is left to his discretion whether the equalization rule should be applied or not. The justification for this practice is said to be the *modus operandi* agreed upon by the Authority and the Pilots' Association (Ex. 1464(a)) because the pilot is entitled to limited sickness benefits under the pilots' own pooling arrangements, provided he foregoes the benefits of equalization (p. 480).

(ii) If a pilot is carried outside the District, he is not given the privilege of making up turns lost during his involuntary absence and, as far as the Pilotage Authority is concerned, the only remuneration to which he is entitled for that period is what the vessel pays him pursuant to sec. 359, i.e., \$15 per day. The actual situation differs in view of the private arrangements which the pilots have made by their unofficial pooling. Previously, the equalization of turns rule was applied, with the result that the pilots were often able to make up their lost turns while they were drawing statutory compensation plus other benefits provided privately by their Association.

(iii) In the case of a new pilot, the equalization rule applies from the date of his appointment, i.e., for despatching purposes he is credited with the average number of turns for each pilot at that date. The authority again quoted for this practice is a *modus operandi* agreed to verbally by the Pilotage Authority and the Pilots' Corporation (Ex. 1464(a)).

(iv) In the case of licence suspension, whether the suspension is the result of a preventive measure or an award imposed by the Pilotage Authority or a court created under Part X of the Act, it would appear that the pilot is prevented from making up the missed turns when he is entitled to indemnity turns according to the pooling rules for a suspension awarded for reasons other than the use of alcoholic beverages or narcotics (p. 384). Contradictory and arbitrary practices have prevailed in the absence of set rules (Ex. 1464(a)).

(v) When a pilot is taken off the assignment list pending investigation for alleged impairment (By-law, sec. 19) or on account of alleged physical or mental disability pending the outcome of a medical examination (By-law, sec. 23), the equalization of turns rule will apply when he returns to duty (Ex. 1464(a)).

(vi) The District Supervisor removes from the assignment list any pilot who has been absent without leave until the pilot appears before him to justify his absence. Whether disciplinary action follows or not, the pilot will be given the benefit of the equalization of turns rule.



(vii) When Captain Allard was District Supervisor, he initiated a new procedure for dealing with unjustified absence. Instead of causing the offender to be tried, he merely prevented the pilot concerned from making up his lost turns (p. 384). Captain Slocombe, Chief, Nautical and Pilotage Division, in his letter dated February 8, 1966 (Ex. 1464(a)) pointed out that "a fine means a payment of money that has been worked for, while in this case there is merely a prolongation of the period of idleness. If a pilot who has lost turns through unjustifiable absence were permitted to make up his turns at a time convenient to himself he would be encouraged to repeat the procedure." Nevertheless, there is no authority for such action in the District By-law or in the Despatching Rules, however desirable it may be. Furthermore, the offences committed must be tried.

(viii) Similarly, the District Supervisor removes from the roster a pilot who was involved in a shipping casualty. Captain Allard stated that this was to allow the pilot to prepare his casualty report and to help the Supervisor in his investigation but there is no authority for this. However, if there is a conflict between a pilot's duty to appear before the Supervisor in connection with a shipping casualty or a similar matter, and with his duty to report for assignments, he should obviously not be despatched or the administration of the service would be unduly delayed. In such an event, withdrawal from the assignment list would be only for the time necessary to perform these other accessory duties and he would be given the privilege of equalizing turns (Ex. 1464(a)).

(c) *Movages*

Despatching for movages varies depending on whether the movage is to take place in the harbour of Quebec or elsewhere.

*For the harbour of Quebec* a special list is made of volunteers who wish to do movages; in 1964, for instance, 40 pilots attended to movages in Quebec harbour. The equalization rule applies as far as possible but complications arise if the first pilot on the list is not available because he is on duty elsewhere or has personal reasons for not performing a movage at any particular time. In such a case, the next pilot on the list is called. Movages are performed on a voluntary basis, and there is no need to make them compulsory since there are always a sufficient number of willing pilots available. Practically the same names appear every year. Some pilots never volunteer to do movages.

Mr. Maheux stated that to his knowledge there had never been an occasion during his 35 years at the pilotage office in Quebec when a pilot was not available to do a movage in the harbour.

When a pilot has performed a movage, his name is brought down to the bottom of the group with whom he shares an equal number of movages. If a pilot refuses—without good reason—to take a movage when his turn comes,

he is shown for despatching purposes as if he had done that movage and, therefore, his place on the list is automatically lowered. The same procedure is applied for those who would not perform movages during the summer months because their summer residence is not in Quebec or its immediate vicinity (Ex. 648).

Movages in the intermediate ports are done by the pilots who happen to be there, e.g., in Chicoutimi and Port Alfred, the pilot aboard a ship in harbour does the work. If no pilot is available, a request is sent to Quebec and the first pilot on the general list (not the movage list for the harbour of Quebec) is sent by land from Quebec to Port Alfred or Chicoutimi or the port concerned to do the movage.

(d) *Trial Trips*

Trial trips usually involve newly constructed ships or vessels which have been repaired, and are carried out at various speeds to test machinery equipment, manœuverability, safety, etc. Pilotage dues must be paid unless the vessel enjoys an exemption because these trials take place in pilotage waters but, since the vessel frequently crosses from one pilotage zone to another and becomes technically liable for unrealistic pilotage dues, it is left to the local Supervisor to decide what tariff to charge and what turns to credit. Where rates for trial trips are provided in the tariff, they are normally based on the time factor (Part I, p. 160) but, since they are lacking in the Quebec tariff, the Supervisor tries to adapt the trip rate according to circumstances. He disregards zones and direction because, e.g., a trial trip of about 20 miles from Lauzon Dockyard to the eastern tip of Orleans Island and return would normally be considered as two trips, each worth one third the basic tariff charge. In practice, he goes by the mileage covered, i.e., about 70 miles equals two-thirds of a trip, 40 miles or less equals one third and a full trip is 90 miles. If the trip is to be extensive, the Supervisor usually despatches two pilots and renders two bills. Ex. 708 explains the amount H.M.C.S. *Provider* was charged for her trial trip which lasted four days in September, 1963. Two pilots were employed and the charge was thirty-two thirds trips, plus four movages (compass adjustment, anchor trial, steering gear trial and crash trial) plus detention for a total of \$1,956.92, i.e., tonnage \$628.05, draught \$1,053.87, movages \$80, detention \$195. In terms of turns, these thirty-two thirds trips amounted to 5½ turns for each of the two pilots employed.

(e) *Special Despatching*

Although the foregoing despatching rules are not mandatory, it is under very special circumstances only that the Authority takes it upon itself to make a special assignment. This is illustrated by the case of the *Canuk Trader* when the owners asked for one of their former special pilots to take this ship on a difficult trip through the St. Fulgence Channel. The request was refused because the circumstances were not such as to warrant an exception to the general rule (see p. 321).

(f) *Winter Despatching*

As far as despatching is concerned, the winter season dates are December 1 to April 8 and during that period all assignments, except movages, call for the joint despatching of two pilots. The incorporation of this rule in the District By-law, and consequently in the Despatching Rules, was a hard-won success by the Board of Directors in 1960. P.C. 1960-1601 dated November 25, 1960, amended sec. 15 of the General By-law to this effect.

The practice of despatching two pilots during the winter season had been followed unofficially for many years. After November 20 and throughout the winter when floating aids to navigation were removed, it had been the custom for the pilots to proceed two at a time (although this was not recognized in the By-law) the second pilot voluntarily accompanying the assigned pilot to assist him. It was simply an understanding with the shipping interests that a second pilot would go aboard after November 20 and the shipping companies paid the second pilot an unofficial remuneration, which he collected himself, amounting at first to \$25 per trip, then to \$40 and later to \$50.

Around 1930, the shipowners' refusal to employ a second pilot during the winter season and to pay him the usual unofficial remuneration resulted in a strike by the pilots who refused single assignments. This strike occurred at the end of the season when ships had to leave the District or remain ice-bound until the next navigation season. After two days, the shipowners agreed to resume the former practice.

In 1958, the need for two pilots during the winter was formally recognized by the Shipping Federation when a proposed tariff revision was studied. On March 4, 1958, Captain Matheson of the Shipping Federation wrote to the Secretary of the Pilots' Association conveying the Shipping Federation's agreement, *inter alia*, to the increase from \$40 to \$50 for the remuneration of the second pilot on winter trips. The agreement was referred to the Pilotage Authority for implementation and on April 2, 1958, the Director of Marine Services replied that the Pilotage Authority had no objection to the proposed increase, but pointed out that there was no action indicated on his part since the payment for a second pilot was not covered in the By-law.

The question became a problem when the pilots asked to have the situation regularized by a proper stipulation in the By-law in view of the fact that this practice of despatching two pilots on winter assignments answered a real need. No one actually opposed the principle but there was disagreement whether the winter season should commence on December 1 or December 14.

The pilots met with so much opposition that they had to invoke the assistance of the Federation of the St. Lawrence River Pilots which, on January 29, 1960 (Ex. 753) forwarded a brief to the Pilotage Authority. *Inter alia*, this question was raised not only for the Quebec District but for all

the other St. Lawrence River Districts. The pilots asked to have double despatching during the winter season incorporated in the By-law as compulsory in the St. Lawrence Districts and with full tariff for each pilot.

They pointed out that winter navigation differs from navigation during the regular season in that the length of the trip and the ice and weather conditions can not be foreseen and there are no floating navigational aids. These factors resulted in the custom of double despatching that has been practised unofficially for years. The purpose of the brief was to provide more reasonable working conditions and more adequate tariff for winter assignments, particularly since the number of ships entering the District during those months was increasing. It was noted that in previous years there had been successful attempts at mid-winter navigation up to Quebec, and even as far as Three Rivers, and there had also been a tendency to extend the actual navigation season both in the spring and the autumn.

The matter was settled eventually. The period during which double despatching would be in effect was defined as December 1 to April 8, and full remuneration for the second pilot was approved but not exceeding \$100 per trip. In his annual report in January 1961, the President of the Pilots' Corporation pointed out that this had been one of their accomplishments during 1960 and that it meant a substantial improvement in both their working conditions and their remuneration. He acknowledged the great assistance that they had received from the Pilots' Federation (Ex. 683).

Two pilots are assigned in winter for two reasons: first, the journey may last a long time if adverse ice and weather conditions are met since the vessel may have to slow down to avoid damage while transiting the ice, may have to stop to wait for better conditions, may be caught in the ice and may have to wait until the wind and tide help to free her; second, the additional pilot acts as a special lookout and helps to identify the aids to navigation which are located by radar or are sighted visually. The Despatching Rules provide that the two pilots take turns on watch and that their watches are recorded in the ship's log. The length of their watches is left to the pilots but the pilot on duty can always ask the second pilot to assist him.

It is agreed that winter navigation is hazardous but it is practicable if the required precautions are taken. The pilots have never objected to winter navigation and are of the opinion that their contribution has helped to make it possible, they have worked in close co-operation with the local authorities such as the Quebec Metropolitan Office and no pilot has ever refused a winter assignment.

Since traffic is comparatively light during the winter, double despatching does not create a shortage of pilots.

The boarding station at Les Escoumins remains open throughout the winter and this has worked out quite well. At times, however, a pilot may not

disembark at Les Escoumins if his ship is bound for Baie Comeau or other nearby port and the weather or other conditions are not favourable (for winter traffic statistics, vide pp. 203-205).

Due to the small number of ships entering the District during the winter, the pilots are not required to stay at Les Escoumins but are sent down by land when an upbound ship is expected. However, the actual time of arrival is much less predictable since vessels may be delayed in the Gulf by ice or other reason and pilots despatched from Quebec have occasionally had to stand by at Les Escoumins as long as two or three days waiting for their vessels (for improvements to assist winter navigation, vide pp. 197 and ff.).

(g) *Notification to Pilots*

A pilot is entitled to a minimum notice of one hour and a half before assignment but when this minimum notice can not be given he is asked to do the best he can. Such a situation occurs in the case of a departure and is generally caused by an agent waiting until the last minute to ask for a pilot. In order to avoid short notice, the Supervisor has established the rule that, as soon as the list is completed in the morning, the despatchers call the various companies to ascertain the estimated time of departure of their ships in the harbour.

A pilot does not have to report to the pilotage office before proceeding on duty and may do so only when he has to use the pilot vessel. When ships are boarded from a pier or wharf, the pilots proceed directly to them. Pursuant to sub-sec. 15(4), the Supervisor can issue standing orders requiring all pilots to report to the pilotage office prior to proceeding to duty, but he has not deemed it advisable to do so.

(h) *Pilots Going outside District Limits*

Nowadays, pilotage is not normally performed outside District limits. At one time, Quebec District pilots occasionally performed port pilotage in Lower St. Lawrence River ports, such as Baie Comeau and Seven Islands, with the permission of the Superintendent as provided for in the By-law. Since this pilotage was not performed inside District limits, the remuneration was arranged between the employer and the pilot concerned and belonged to him personally. This type of piloting is no longer performed, except on rare occasions as illustrated by S.S. *John A. McDonald*. During a trial trip the vessel proceeded outside District limits and apparently there had been some criticism because the two pilots employed had been carried outside the District. The Board of Directors investigated and informed the pilots in a bulletin issued September 1, 1960, that this had been an exceptional case in that the vessel was on a trial trip which required her to proceed at full speed for a period of 24 hours. Special permission had previously been obtained from the Superintendent (Ex.-688).

(i) *Notice of Requirement for Pilots and Difficulties Arising from Inaccuracy or Absence*

Adequate and accurate advanced notice of requirement for pilotage services is a prerequisite for the efficient and economical operation of a controlled pilotage service. It is now an international requirement that all vessels be equipped with some type of telecommunication; they are all fitted with RT equipment and most vessels also carry at least HF radio communication equipment. The greater power and speed of ships and the availability of modern electronic shipborne aids to navigation now permit vessels to maintain an accurate schedule despite adverse weather conditions and, therefore, it is now possible in the great majority of cases to give 12 hours' advance ETA with great accuracy.

Serious difficulties have always arisen at the seaward station of Les Escoumins because of failure to give such notices of requirement and inaccurate notices. Since the pool of pilots is maintained at the main station in Quebec, pilots are kept at the sub-station only in sufficient numbers to meet local requirements as determined by advance notices received and by the traffic information the despatchers obtain. The establishment of the Marine Traffic Control System should be of considerable assistance.

All too often, vessels have arrived at Les Escoumins unexpectedly creating despatching problems and unnecessary expense for the pilots because, if these arrivals cause a shortage of pilots at Les Escoumins, additional pilots have to be transferred by taxi from Quebec. In 1963, the Pilotage Authority at the request of the pilots reminded shipping about these requirements (Bulletin, March 13, 1963, Ex. 688) but many vessels still do not comply. For instance, in June 1965 alone, 17 ships gave less than the required 12-hour advance notice and 13 sent no notices at all.

It was suggested that the time should be increased to at least 24 hours since even 12 hours' notice would be insufficient. This suggestion is not in the best interest of the service. Care should be taken not to insist on an unreasonably long notice of requirement which, perforce, would be less accurate the more it was complied with. Since the length of such advance notice is a function of the internal arrangements adopted to make pilots available at the seaward station, it should be set so as not to inconvenience shipping unduly or disrupt the pilotage service.

It should also be remembered that pilotage is a service mainly to non-regular traders who are unfamiliar not only with the restricted waters of the District but also with the governing legislation. Therefore, every reasonable step should be taken to ascertain the pilotage requirements of all vessels due to arrive at the pilot station whose notice of requirement has not been received. Such a measure, in addition to enhancing the efficiency of the service, would prevent embarrassment and difficulty for all concerned in cases

where the requirement has been complied with but the notice has not reached the pilotage despatchers because of a breakdown in transmission (vide pp. 188 and ff.).

Since the establishment of the Marine Traffic Control System, pilotage despatchers are not as likely as before to be taken by surprise since they are informed of the names of most upbound vessels west of Sept-Îles and the approximate time of arrival at Les Escoumins. By experience, the despatchers know which vessels dispense with pilots and, therefore, are able to make the necessary provision for pilots even in the absence of notices of requirement. In case of doubt, they can always (as is done at the Victoria pilot station in the British Columbia District) seek the required advance information by contacting these vessels, either through the VHF system or through the coast radio station. However, some vessels may still arrive without notice, either because they fail to report when entering the system or because they do not carry VHF equipment and fail to send the required notice through a coast station. These should now be rare exceptions.

It is considered that the question of advance notice of requirement is not treated adequately in official publications: the information is either incomplete, or contradictory or not located in the most effective place, namely:

- (i) Sec. 10 of the Quebec District By-law contains a single requirement applicable to all cases, i.e., three hours' advance notice.
- (ii) The despatching rules require that a pilot be given one hour and a half pre-notice for any assignment from Quebec.
- (iii) The only Notice to Mariners in the Annual edition 1969 dealing directly with the subject (No. 30) reminds the Master of a vessel requiring a pilot that such request should be submitted in sufficient time to enable a pilot to meet the vessel. Specifically for the Quebec Pilotage District, it provides only for vessels inward bound in the Gulf of St. Lawrence: the minimum notice is 12 hours prior to arrival at Les Escoumins which should be sent through the Marine Traffic Control, Quebec Centre, if communication can be established; if not, through radiotelegraph or radio telephone *via* any coast radio station to "Pilots, Montreal". This request must be confirmed three hours prior to arrival at Les Escoumins through the same means of communication. The Notice is silent except for the general statement as to the minimum notification by ships downbound which require a pilot at Quebec or when departing from a berth anywhere within the District.
- (iv) Notice to Mariners No. 243 of March 7, 1969, announcing the Marine Traffic Control System deals with the question indirectly. After stating that the VHF radiotelephone network of the system is intended exclusively for marine safety information and controlled

messages and that public correspondence is not accepted, it merely states that information re a vessel's movements will be distributed from the system in order to ensure efficient pilot despatch. It does not indicate that the system's VHF network is to be used to transmit notices of requirement of pilots from Les Escoumins and the other pilot stations *en route* but, on the contrary, conveys the impression that this can not be done.

- (v) The St. Lawrence River Pilot, First Edition 1966, as corrected to February 2, 1968, covers the subject in more detail but deals only with ships under way.
  - (A) Every ship inward bound in the Gulf must report to Montreal Marine Information Centre *via* any coast radio station; a minimum notice of 12 hours must be given to ensure the availability of pilots at Les Escoumins; the ETA must be confirmed by messages addressed to "Pilotage, Montreal", three hours prior to arrival at Les Escoumins by radiotelegraph or radiotelephone or through a coast station or by VHF radiotelephone on Channel 14 to the Quebec Marine Traffic Control Centre.
  - (B) To obtain a pilot at other pilot stations between Quebec and Cornwall, messages should be addressed to "Pilotage, Montreal" three hours prior to arrival at the pilot station *via* the respective coast stations or marine control centres at Quebec or Montreal.

The partial information contained in the St. Lawrence Pilot should be completed by covering the cases where a ship departs from a berth in the District and by describing in complete detail what the notice should contain. The other publications should be amended to carry exactly the same information and should use the same terms to avoid confusion. Furthermore, the Notice to Mariners concerning the Marine Traffic Control System should provide the same information or, at least, contain a cross-reference to another Notice to Mariners where the full procedure regarding the required advance notice of requirement for pilots is described.

It is further considered that ETA is a misnomer when applied to notices of requirement for a pilot in a system of controlled pilotage. This is a relic of the time when pilots were required to offer their services when ships were sailing through the boarding station, and those who were not spoken to by the pilots were free to proceed without one if they wished. The addition in sec. 345 C.S.A. of the ETA requirement was to enable the Pilotage Authority to maintain at the seaward boarding station sufficient pilots to ensure that all passing vessels are spoken to and that the pilotage demand is met. With a fully controlled pilotage service, it is now necessary to provide a notice of require-



ment-in which the estimated time of arrival off the pilot station is only part of the information required by the Pilotage Authority. A new term should be found and used, e.g., "notice of pilotage requirement."

#### (5) WORKLOAD

In Quebec, as elsewhere, the question of workload is most contentious because workload is one of the essential factors in determining both the number of pilots and the tariff rates and, hence, the remuneration of the pilots. In order to furnish adequate pilotage service at a fair rate for the users while still providing reasonable remuneration for the pilots, their number should be limited to those required to meet the normal demand under suitable working conditions.

Because of the nature of the service, it is occasionally impossible to avoid keeping a pilot on duty for a substantial number of hours, nor would it be reasonable to demand a complement large enough to ensure only a normal workload even during unexpected, brief peak periods. In these cases, the pilots may be required to work longer or more often than they normally would, but this is a professional hazard to which the pilots are accustomed. The only certain remedy would be an arrangement whereby the pilot was relieved at the expiration of a certain number of hours of duty, but this would mean either regular double despatching or dividing the District. It is noted that during the winter, when adverse conditions and delays are to be expected, a rule for double despatching has been established.

When determining normal working conditions a reasonable period of rest should be provided between assignments plus some allowance for holidays and leave.

Since the pilots in the Quebec District are officially remunerated only for the work they have done, it is left to them to decide when to take a holiday, the only condition being that they obtain leave from the Supervisor which is automatically granted if there is no shortage of pilots. As seen earlier, they have arranged since 1967 for compulsory annual leave and periodical periods of absence.

In peak periods, or when a pilot is called to work more often than his colleagues in the process of catching up lost turns, a pilot is authorized to refuse an assignment if ten hours (or seven at Les Escoumins) have not elapsed since his previous assignment. This rule was not made to prohibit re-embarking a pilot prior to the expiration of the ten-hour period but merely to allow him to refuse for any valid reason because under these circumstances he would normally feel tired. After ten hours have elapsed he can no longer refuse an assignment. This rule is seldom, if ever, applied in Quebec because, due to their numbers, the pilots generally have much longer than ten hours between assignments.

In the Québec District, navigation is now year round but the normal navigation season lasts nine months, i.e., from April 1 to December 31. During the three months of the winter season there is comparatively little traffic and, despite the assignment of two pilots to each ship, there is little pilotage. In 1964, pilot Rousseau stated that the average number of turns per pilot during the winter season was two or three.

(a) *Remarks on Statistics*

Statistics on workload in the Québec District are very misleading.

- (i) When they are based on the number of trips, their duration and distance are not taken into consideration; "trip" then is not a unit of work but merely refers to an invoice. In this regard, the number of turns (excluding free turns granted) is more accurate.
- (ii) When averages are taken, it implies that the demand is evenly spread throughout the year, but this is not so.
- (iii) When averages are based on time aboard vessels performing pilotage work, they may be misleading in that they show only part of the duties of the pilots and, furthermore, the other factors vary greatly from one District to another. In these statistics no account is taken of the full workload of a pilot, i.e., his travelling time to reach the vessel, his travelling time between stations, his time at a seaward station, or at a sub-station, or in a port awaiting assignment, in other words, his time away from home. In addition, unless he is in a rest period or on leave, he is always liable to be called back to duty at any moment and has to be prepared to report.
- (iv) The confusion is compounded by the unrealistic statistic of *effective pilot*, which was conceived for a system where the pilots are remunerated on the basis of availability for duty, but has no meaning in Québec where the pilots are remunerated on the basis of work done. Furthermore, the effective pilot statistics for Québec are not even comparable year to year, nor can they be compared with those of other Districts (pp. 311-314).

Statistics are necessary, but they are useless and misleading unless they are well defined. Only those computed by the same method from comparable elements are valid for comparative purposes. The more detailed they are the more useful and informative they will be (Part I, pp. 147-149).

In its efforts to gather information the Pilotage Authority has not received the full co-operation of the individual pilots, despite the efforts made by the Pilots' Corporation. Some pilots have continually failed to fill out source forms correctly, notwithstanding repeated requests from both the Pilotage Authority and the Pilots' Corporation.

The principal point of contention is the item *Ordered Time*, which is entered more often than not as the time when the pilot received his orders from the despatcher and not the time when he was ordered to report on board.

This difficulty is peculiar to the St. Lawrence Districts where such information has no financial meaning for the individual pilot and only a statistical value for the Authority. The problem does not exist in British Columbia, for instance, where the pilots have an incentive to enter the correct figure because detention is computed from the time the pilot was ordered to report (provided he was not late in reporting), while detention is paid in Quebec only when a pilot is detained aboard at the request of the Master, but none is paid when the ship arrives after her E.T.A., irrespective of how long a pilot has had to wait (Part II, p. 159).

The source form, which was obviously the result of the standardization policy, is the same for all Districts where the Minister is the Pilotage Authority. Its prime function is to compute the dues for each assignment. When used for statistical purposes, it is very limited in that it does not provide full information and does not take into consideration the peculiarities of each District.

When the Authority decided to print the source form, the Regional Superintendent met with the Quebec Pilots' Committee to explain the changes and later on at a general meeting the form was explained to the members. Furthermore, in a bulletin the members were informed how to complete it in accordance with the explanation received from the Regional Superintendent.

In a bulletin from the Pilots' Corporation, dated June 2, 1961 (Ex. 688) the pilots were reminded that, since the information contained in the source forms is used both by the Department of Transport and by their Secretary for statistical purposes and also for the computation of dues, they were requested to complete them correctly.

In 1963, a notice was received requesting the entries *ordered time*, *reported time* and *sailing time* be completed in another way. These new instructions came from the Regional Superintendent in Montreal and were relayed to the pilots by Captain Allard in a notice dated April 17, 1963 (Ex. 695) which defined *time ordered* as the time for which the pilot is ordered to report for duty as illustrated by the following example: If an agent at 1400 calls for a pilot to be available for departure at 1600, the *time ordered* would then be 1600. *Time reported* is defined as the time the pilot actually boards the ship and *time sailed* is when the ship gets under way.

The source form was not altered but the definition that up to that time had been assigned to various terms was changed so that the information could be used to calculate detention, where applicable, and the actual time of each trip. The pilots had not been consulted and some of them were opposed

to giving any workload information to the Pilotage Authority. Pilot Rousseau, for instance, did not agree with using the information from these source forms to ascertain the hours worked and workload of each pilot because no record was kept of travelling time, time at the office or at the station waiting for a ship. The witness added that personally he did not see the use of all this information about sailing time, disembarking time and waiting time, because the pilots are not paid by the hour or by the minute but for services rendered.

The resulting confusion of the pilots is evidenced by Ex. 733 which details the assignments performed in the month of June 1962, 1963 and 1964 by pilot Paul-Emile Cloutier. He indicated, and continued to indicate, an "ordered time" considerably earlier than the "reported time" which would mean that on each assignment he was late reporting by many hours, but this was not the case. For instance, on June 1, 1962, the assignment shows his ordered time as 1600, May 31, and his reported time as 0400, June 1, and on his next assignment, the ordered time is recorded as 2000, June 1 and the reported time as 0300, June 2.

The Supervisor, however, through the despatchers, had all the resources to make any necessary check and could have corrected the situation. Ordered time originated with the despatchers and it would have been very easy to verify whether the source forms had been completed correctly, but there is no evidence that any such action was taken. The fact that the practice was allowed to continue would indicate either that the way the source forms were being completed was in accordance with the instructions in force at the time, or that the Supervisor did not consider the matter important.

(b) *Workload Statistics*

With reference to the workload for any given year, the actual number of trips performed by the pilots can be found in the annual report (Ex. 534) and as broken down by the pilots (Ex. 645). As mentioned above, statistics of this type are not satisfactory because they show merely the number of invoices or the number of times a pilot was assigned, but do not take into consideration the length of trips either in time or in distance. These figures, however, have a certain significance in that over a period of years these factors would average out, but their use in discussions and negotiations always gave rise to much argument. Misunderstanding is compounded when use is made of statistics on effective pilots.

The turns used by the pilots in their financial reports are a more accurate measurement of workload (Ex. 597), provided the free turns are subtracted first (Ex. 654). Turns take into account the distance covered during assignments but not the length of time they require.

The pilots were often confronted with these statistics which they always found misleading. In 1960, they spent most of the winter compiling their own figures in order to be in a position to show the exact situation in future negotiations.

For this purpose they formed a committee on which nearly 45 pilots worked throughout the winter. Then they tried to compare the results with the Department's statistics and to discuss the question with Department of Transport officials but could not reach any agreement with them.

The Shipping Federation pamphlet (App. 49 of the Shipping Federation Brief, Ex. 726), was based on statistics provided by the Department. The pilots qualified as "lies" the statement in this pamphlet to the effect that pilots work an average of six hours per day approximately eight months per year, and they also disagreed with the average gross earnings per pilot as quoted. The Pilots' Committee on Statistics set up in 1959 arrived at an average of nine hours per day instead of six and showed different amounts of earnings.

Despite the extensive work they did in the winter of 1960, the pilots failed to convince the Pilotage Authority's advisers that the Departmental statistics were basically wrong and gained the impression that the Departmental officials were deliberately trying to give a false idea of the pilots' work hours and remuneration. Although they held many meetings, the two parties were unable to come to any understanding. The question was referred to the Federation of Pilots and this was one of the disputed questions during the 1962 strike. No solution had been arrived at when the Commission's hearings took place.

For the purpose of preparing their brief the Pilots' Corporation chose fifteen pilots at random and asked them to keep actual statistics of their workload and expenses and to furnish this information on a strictly confidential basis. The workload report was to include the particulars of each assignment, such as date, nature, time called and departure time, and also travelling time, if any, and waiting period at home or away. A detailed breakdown of expenses was to be supplied, including transportation costs by taxi or other means, hotel charges, meals, telephone charges, tips either aboard ships or to boatmen or at hotels or for taxis, and other expenses such as cleaning and laundry. All the pilots were informed of the survey in a Corporation bulletin dated June 7, 1961 (Ex. 688). On June 12, 1962, the Corporation wrote the selected pilots to express the President's gratitude for the way they were carrying out this additional task and more forms were forwarded for completion.

This survey, based on 1106 trips, provided the following information about climatic conditions in 1962 (Table 1-A, p. 56—Pilots' Federation Brief, Ex. 671):

- (i) 53.4% were night trips; on 5.8% of these it was very dark;
- (ii) rain was met on 17.3% of the trips, fog on 22.2%, ice and snow on 4.2%, wind on 20.2%.

In analysing the average weekly hours of work of the pilots in 1962, they gave averages of the totals for the year brought down to a weekly basis

but did not take into account the number of trips. These figures show that in a week a Quebec pilot's time was spent on the average as follows as far as his pilotage duties were concerned (Pilots' Federation Brief, p. 60, Ex. 671):

- (i) For all the assignments the average pilot had during a week (according to the evidence, about four in peak periods), 16 hours 48 minutes elapsed between the time he was told by the despatcher to report to the ship and the time he had to report on board. In other words, he had more than four hours' advance notice each time.
- (ii) On various weekly assignments he had to wait in the aggregate one hour 57 minutes after the time he was to report (time ordered) before the ship sailed (time sailed), i.e., an average of 30 to 45 minutes each time.
- (iii) The average time he spent aboard a ship piloting during a week was 30 hours 36 minutes, i.e., 7 hours and a half for four assignments and 10 hours 12 minutes if he had only three assignments.
- (iv) Upon arrival, it took him one hour and 44 minutes to reach the pilot station from the vessels for all these assignments, i.e., about half an hour each time.
- (v) The total time between the time when he had to report on board and his arrival at the station after completing his trips amounted to 34 hours and 22 minutes. Taking into consideration detention prior to departure and travelling time from the ships to the pilot station plus pilotage time, the average was 11 hours for three assignments and 8 and a half hours for four assignments.

Further information provided contains time involved in compass adjustment and movages but, since these are done in Quebec on a voluntary basis and by a few volunteers only, the figures have little significance. Unfortunately, travelling time from the pilot's home to the station, from the station to the ship and between stations is not given.

With reference to the duration of trips, the verbal evidence adduced at the Commission's hearings indicated that a good trip with a fast ship between Quebec and Les Escoumins and vice versa lasted 9½ to 10 hours, an average trip 11 hours. Very fast ships may take a few hours less in exceptionally good weather, e.g., on August 30, 1963, pilot Rousseau did the trip in six hours and fifteen minutes at night (leaving at 2215 and arriving at 0430), in the *Manchester Commerce*, an 18-knot ship aided by favourable currents. Fast ships normally do 15 to 16 knots and average ships 12½ to 13 knots. Furthermore, trips are often lengthened when vessels have to proceed at reduced speed on account of fog, and in such weather they may even stop before entering the narrow part of the channel, e.g., when upbound prior to entering Coudres Passage. The average time between Les Escoumins and

Port Alfred is six hours and from Quebec to Port Alfred fifteen hours, adding one hour if the ship proceeds to Chicoutimi. In winter, the picture is different: trips are expected to last longer but there is no question of excessive workload because two pilots are despatched together (for further details, vide table, p. 464).

The Department of Transport had calculated the average duration of the trips (not turns) by computing from source forms the time spent by the pilots on each assignment and dividing the grand total by the number of trips. This gives the time spent by the pilots aboard vessels, i.e., from the time a pilot embarked to the time he disembarked or the time spent aboard ship and nothing else. The average time thus obtained does not take into account travelling time from the pilot's home to the pilot station and from there to the ship, nor travelling between stations, nor time spent at Les Escoumins or at ports other than Quebec away from home waiting for assignments. The average duration of a trip in a given year computed on this basis is as follows (Ex. 589):

Year	Average trip duration	Year	Average trip duration
1961.....	10.9 hours	1963.....	11.0 hours
1962.....	11.1 "	1964.....	11.2 "

The following table shows for the year 1968, including the winter months, for the average trip: for each particular type of trip in average figures the hours detained, the hours piloted, and the total duration of the trip from the time the pilot embarked until he disembarked; and, for the average winter trip: for the period January to April 8 and for the month of December, the same information.

	Average Hours Detained	Average Hours Piloted	Average Total Hours On Board
<i>Average Trip on Year Basis</i>			
Quebec—Les Escoumins.....	.6	9.4	10.0
Quebec—Port Alfred/Chicoutimi.....	3.8	13.5	17.3
Les Escoumins—Port Alfred/Chicoutimi.....	2.0	5.9	7.9
Average Duration.....	2.1	9.6	11.7
<i>Average Winter Trip</i>			
January to April 8.....	2.2	9.1	11.3
December.....	1.6	9.0	10.6
Average Duration.....	1.9	9.1	11.0

SOURCE: Ex. 589.

In discussions with the pilots the Department recognized that the pilot's time on duty is not only the time he spends on the bridge and acknowledged that he has to do some travelling and also to spend some time waiting, either aboard vessels or at the boarding stations, but the Department always refused to accept as working time, for statistical purposes, time spent by the pilots travelling from their homes to the pilot station on the ground that this is not counted in the working time of any other employee anywhere. In order to avoid idle discussions, the Department has confined its statistics exclusively to the time spent aboard ship and nothing else knowing full well, however, that this does not represent by any means the full time the pilots spend on duty.

Pilot Maurice Koenig is of the opinion that statistics are worth very little because what he considers important is not how many hours a pilot has worked during a week but the length of time he has spent on any particular assignment and the rest period he has had beforehand. In other words, was he rested when he took the assignment, was the assignment too difficult and was it too long? Furthermore, he believes that the computation of the number of hours the pilots spend on pilotage is not consistent with their status as professionals and independent contractors. He believes that statistics of this type are misleading and can be misinterpreted, especially by the man in the street.

The number of trips that a pilot might make, provided there was a constant demand, would vary with the length of the trips and the speed of the ships involved. That is why in the sailing ship era a pilot could do, at the most, fifteen trips per year and why their number had to be quite high to meet the demand, e.g., in 1860, the number of pilots in the Quebec District was 280. Despite the fact that many vessels were then propelled by steam, they were relatively slow and there were still many sailing ships.

Mr. Hamel recalled that the pilotage service had changed greatly since 1916 and there had been a marked increase in the number of both ships and pilots. Between Father Point and Quebec, an ocean-going vessel would take about 16 to 18 hours, and a large barge which was not obliged to take a pilot would take from 22 to 23 hours.

At times, due to uncontrollable and unforeseeable circumstances, the workload was either too low or too high. During the depression years and the war years there were too many pilots for the reduced workload. Since the pilots had not been appointed during pleasure and their licences were permanent until they reached retirement age, the only means of reducing numbers was by normal attrition, and it was not until 1949 that a balance between workload and pilots' strength was reached.



The pilots complained that in 1959 it was the reverse and that they were grossly overworked. Apparently, no one had foreseen the full impact on pilotage of the opening of the Seaway. The number of turns performed by pilots rose from 6,080½ in 1958 to 7,256½ in 1959, that is, an increase of 19.34 per cent (Ex. 597).

Pilot Rousseau charged that the pilots were so rushed that three of them died of overwork: two in 1959 and the third January 4, 1960, aboard the *Toronto City* off Father Point. He added that six or seven pilots became ill, mostly of heart ailments. One pilot had a stroke about an hour after boarding and the vessel was obliged to return to disembark him.

However, when the records are studied the situation does not seem to have been as bleak as indicated. In 1958, there were 72 pilots including two who died, one March 10, 1958, before the season opened, the other June 29, 1958, a third who resigned January 22, 1958, and a temporary pilot who was licensed November 14. In all, these four did only 22 trips, i.e., about one fourth the workload of an active pilot. In addition, five pilots were ill for various periods. However, without counting absences for illness or other reasons there were 68.5 pilots to take care of the workload in 1958. In 1959, no pilot resigned and there was no compulsory retirement. One pilot died October 29 after completing about four fifths of the normal workload and one pilot had his licence cancelled in the middle of August. Nine new licences were granted, three at the beginning of the season, five in the middle and one at the end, and between them these new pilots did the combined workload of 5.6 fully active pilots. Six pilots were ill for various periods and, without counting these absences, the 77 pilots who held licences during that year represented 74.5 fully active pilots. This amounted to a 9.2 per cent increase in year pilots over the 1958 complement.

These figures show that the Authority had provided for the expected increase in workload due to the opening of the Seaway but it turned out that its estimate was conservative. The average number of trips made by the fully active tour de rôle pilots rose from 88 in 1958 (2 reached 98 trips, one 95 and one 94) to 102 in 1959 (one did 112 trips and another 105). Thus, in 1959, the number of trips per year pilot showed a marked increase.

Nevertheless, while most special pilots did not receive enough assignments from their companies during those years and were obliged to make up their turns by serving on the tour de rôle, some were definitely overworked, e.g., in 1958, 10 special pilots did an average of 109 trips (one did 113, one 110 and five 109) and in 1959, although the discrepancy was not as great, 4 pilots did 105 trips, three 106, and seven between 107 and 113.

*Study of Quebec Pilotage District*

In 1960, the situation was corrected in three ways: the special pilot system was abolished thereby spreading the workload more evenly among all pilots; the length of trips was shortened by moving the station from Father Point to Les Escoumins; 13 new licences were issued, three to compensate for the decrease in strength caused by three deaths. Although the number of assignments increased slightly that year, the maximum number of trips completed by any pilot was 107. The other fully active pilots did between 104 and 106 trips, an average decrease over the previous year.

The abolition of the special pilot system also eased the workload and improved conditions by curtailing land travel. Under the old system, tour de rôle pilots often went by land to Father Point while at the same time special pilots were travelling from Father Point to Quebec to meet downbound vessels belonging to their company. After a trip from Father Point to Quebec lasting 16 to 18 hours it took longer to recuperate, but now with shorter trips and faster ships the pilots can make more trips per year with less hardship.

In 1959, when the pilots' workload was higher than usual, their performance was very good and they were congratulated by the Pilotage Authority.

Pilot André Bédard believes that the extreme limit of common sense was exceeded in 1959. He pointed out that it was not only a question of pilots' fatigue but also of ships' safety. He added that even after 1959, during peak periods, i.e., when traffic is intense for four or five days, a pilot may be called to spend three or four nights in a row on board. He recognized that this is one of the pilots' professional hazards and that they can not count on regular working hours.

The average number of total trips (assignments) and sharing turns (including free turns) per year pilot, for the period 1955 to 1968 inclusive, are as follows:

Year	Average per Year Pilot		Year	Average per Year Pilot	
	Trips (Assignment)	Sharing Turns		Trips (Assignment)	Sharing Turns
1955.....	87.4	86.7	1962.....	98.4	103.8
1956.....	87.2	86.7	1963.....	99.7	105.0
1957.....	86.7	85.1	1964.....	108.7	113.2
1958.....	90.1	88.8	1965.....	105.5	109.6
1959.....	99.6	99.0	1966.....	112.2	114.7
1960.....	99.1	101.6	1967.....	106.6	111.2
1961.....	97.8	102.7	1968.....	104.7	108.0

SOURCES: Tables on pp. 116 and 118.

The average number of trips per month in peak periods for a fully active pilot is 14 to 15. Pilot Rousseau stated that it would be about four trips per week in a peak period and pilot Dussault added that in the slackest periods (not including the winter months) it is very seldom that a pilot does not do at least one trip during a given week.

Even apart from the winter season, the pilotage workload is not regularly distributed. On account of various factors, some known, others unpredictable, the pilotage demand varies in volume and type from month to month and from year to year. It used to be an accepted fact that there was a recurrent basic pattern with peaks at the beginning and end of the regular season and lows in the summer months. After the ice cleared, the traffic was mostly upbound, thus creating a greater demand at the seaward station, and the reverse was true at the end of the season when vessels cleared the River before the ice formed. The shortage of pilots at the station where the demand was higher was met by transferring the necessary number by land.

The situation is still basically the same but only to a certain extent because of the increasing importance of winter navigation and also because vessels not reinforced for ice may now arrive somewhat earlier and depart somewhat later in the season since the ship channel is now kept open throughout the winter. There are also a number of unpredictable factors which make the demand pattern vary considerably, the most important being strikes which affect shipping directly or indirectly.

Appendix C is a graph showing the traffic pattern for the years 1963-1968 in trips performed by pilots on a per month basis. This graph shows clearly that winter traffic is constantly increasing but that it is still very small by comparison with even the least busy month in the regular season.

The considerable decrease in traffic in August and September 1967, is attributable to the 39-day long strike (Aug. 17-Sept. 25) of the Seafarers' International Union; the abnormal low in June and July 1968, was mostly due to the Seaway employees' 24-day strike (June 21-July 15). Traffic picked up sharply in August but decreased again in September on account of the 60-day Lakehead elevator employees' strike (July 18-Sept. 16). These are only three examples of the harmful effect of such strikes. For a number of years the District has experienced strikes, e.g., by longshoremen, which paralyzed the ports of Quebec, Three Rivers and Montreal, reduced the demand for pilotage and, hence, decreased the pilots' earnings.

The demand for pilotage has no set pattern. For the years 1962 to 1964 inclusive, the busiest months were October 1962, November 1963, and July 1964, while the least busy months were September 1962, May 1963, and September 1964 (Exs. 736 and 734). Furthermore, mainly due to the equalization of turns rule, pilotage is not equally divided among the pilots as

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it would be if a normal tour de rôle were followed. Hence, the workload of the busiest pilot in a given month is not indicative, nor, consequently, is the actual workload of any of the pilots—not even those who were constantly available. The only significant figure is the average per pilot available for duty.

In 1962, the busiest pilot in the busiest month was pilot David Bouffard who performed 20 trips: 8—Quebec-Les Escoumins, 11—Les Escoumins-Quebec, 1—Port Alfred-Les Escoumins (Ex. 736), despite the fact that he is shown as absent for six days. The pilots who were always available during the same month performed between 12 and 16 trips. The explanation for the excessive number of trips performed by pilot Bouffard is that earlier in the season he was off duty through illness (he had only one assignment in July) and that he was endeavouring to catch up in October. According to Ex. 644 pilot Bouffard was absent 94 days in 1962 but, at the end of the year, he had performed 101 turns out of a maximum average of 108 (Ex. 597). Pilot Bouffard obviously had elected to catch up the missed turns rather than apply for illness benefits since he was not credited with any indemnity turns.

During October, which was the busiest month in 1962, the workload was shared among the pilots as follows (Ex. 737):

Number of Pilots	Trips (Assignment)			Days Absent	
	Per Pilot	Total	Average	Total	Average
1	20	20		6	
1	18	18		1	
1	16	16		0	
12	15	180		16	
23	14	322		42	
14	13	182		64	
13	12	156		49	
5	11	55		39	
1	10	10		18	
2	9	18		32	
1	5	5		25	
1	2	2		29	
75	available for duty	984	13.1	321	4.3
2		0		62	
77	pilots on strength	984	12.8	383	5.0

According to the evidence given by the Pilotage Authority, the busiest pilot during the least busy month in 1962, i.e., September, was pilot J. H. F. Vézina who did fifteen trips and two movages. The pilots who were not absent at all did between 14 and 10 trips that month.

The workload was shared as follows:

Number of Pilots	Trips (Assignment)			Days Absent	
	Per Pilot	Total	Average	Total	Average
1	16	16		2	
4	15	60		12	
9	14	126		16	
15	13	195		45	
20	12	240		25	
13	11	143		26	
10	10	100		48	
2	9	18		30	
1	3	3		18	
75	available for duty	901	12.0	222	3.0
2		0		48	
77	pilots on strength	901	11.7	270	3.5

In 1963 and 1964, the busiest pilot in the busiest month performed 17 trips (November) and 14 trips (July) respectively, and in the least busy month performed 18 trips (May) and 13 trips (September) respectively. As in the case of 1962, these figures are not, however, representative of the workload shared by all the pilots.

The following table, based on the 1968 statistics, gives a picture of the distribution of trips piloted for the whole year, including the winter months:

Nature of Trip	Number	Per Cent	
		Vessels	Assignments
Quebec—Les Escoumins:			
full trip.....	7,109	84.7	77.6
2/3 trip.....	85	1.0	0.9
1/3 trip.....	140	1.7	1.5
	7,334	87.4	80.0
Saguenay River:			
Quebec—Port Alfred/Chicoutimi.....	440	5.2	4.8
Les Escoumins—Port Alfred/Chicoutimi.....	611	7.3	6.7
Saguenay intermediary ports	8	0.1	0.1
	1,059	12.6	11.6
Total Trips (Vessel).....	8,393	100.0	91.6
2nd Pilot, Winter Months			
January—April 8.....	288		3.1
December.....	482		5.3
	770		8.4
Total Trips (Assignment).....	9,163		100.0

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The number of trips a pilot may do in a season on the Saguenay River varies from year to year according to the hazards of despatching, but most assignments are on the St. Lawrence. This is further proved by the information contained in Exhibits 733 to 736 inclusive which show the duration of the trips made by pilot Cloutier in June 1962, 1963 and 1964, by pilot Lafleur in September 1962, and by the busiest pilot in the busiest month and the least busy month of those three years. The table below shows all the trips performed by those pilots in ten pilot work months, with the exception of five trips: one from Les Escoumins to Quebec for which the complete duration was not indicated; one trip from Les Escoumins to Red Islet and return; one trip from Lauzon to St. Jean; one from St. Jean to Quebec; and one from Les Escoumins to Lauzon. This analysis indicates the duration of the trips and also the incidence of various types of trip.

Duration of Trips	Quebec— Les Escoumins	Quebec—Port Alfred/Chicou- timi	Les Escoumins— Port Alfred/ Chicoutimi
between			
22-23 hrs.....	2		
18-19.....	1		
17-18.....	1		
15-16.....	2		
14-15.....	2	2	
13-14.....	7		
12-13.....	8		
11-12.....	10		
10-11.....	16	1	1
9-10.....	26		
8- 9.....	37		1
7- 8.....	13		1
6- 7.....	1		2
5- 6.....	1		2
4- 5.....			1
Total Number of Trips.....	127	3	8

As for time between assignments, ex-Supervisor Maheux stated this always exceeded 12 hours and might even be 48 to 72 hours depending upon the amount of traffic (as will be seen later this is not altogether true nowadays). During Mr. Maheux's many years at the Quebec pilot station a pilot was seldom reassigned the same day unless he was low on turns because of absence or illness and had asked to be replaced on the list in order to make up his turns. Thus, while this pilot would have rather short rest periods, all the other pilots would have more than their normal rest period that day.

During the summer there are normally about 20 pilots on the assignment list at Les Escoumins. They wait for some 15 hours before boarding another vessel. On the assignment list of July 6 and July 7, 1965 (Ex. 1454), the time between assignments at Les Escoumins was as follows:

- (i) of 2 Grade A pilots, one remained 21.9 hrs. and the other 5.1 hrs.;

- (ii) 6 Grade B pilots remained respectively 10.9 hrs., 11.1 hrs., 20.9 hrs., 10.7 hrs., 13.3 hrs., and 11.4 hrs.;
- (iii) 2 Grade C pilots waited 15.4 hrs., and 15.3 hrs.

Each pilot has approximately 12 to 15 trips by land between stations per year. Although a pilot is shown as having had an even number of outbound and upbound trips, this does not mean he did not have to travel by land because in the spring, for instance, the trend is westward and, therefore, most of the pilots have to travel by road to Les Escoumins, while in the fall it is the reverse.

From the same Exhibits 733 to 736 inclusive, eight pilots took land transportation thirteen times in their aggregate 10 work months, i.e.,

Quebec to Les Escoumins	7 times(s)
Quebec to Port Alfred	1 "
Les Escoumins to Quebec	3 "
Chicoutimi to Quebec	1 "
Les Escoumins to Port Alfred	1 "
Total: 13 times	

Movages from 1960 to 1968 totalled:

1960 — 901 movages	1965 — 1015 movages
1961 — 853 "	1966 — 1057 "
1962 — 704 "	1967 — 1052 "
1963 — 825 "	1968 — 493 "
1964 — 827 "	

These movages include those performed in the harbour of Quebec and elsewhere in the District. As seen before, a movage in Quebec is done by a group of pilots who volunteer for that type of work between their normal assignments in addition to the tour de rôle. In other harbours, the movages are done by the pilots who happen to be there; if there is none present, a pilot is despatched specially for that purpose from one of the two pilot stations.

From boarding time to disembarking time, a movage from the St. Charles River Basin to Wolfe's Cove averages two hours. The longest movages in Quebec harbour are from any berth to the inner Princess Louise Basin. These occur frequently. Most of the ships involved are colliers. The width of the gate is 63 feet and ships are brought in with a beam allowance of only a few feet on each side.

From Exhibits 733 to 736 inclusive, the same eight pilots during the aggregate ten months concerned totalled 15 movages:

At Quebec	4
At Chicoutimi/St. Fulgence	7 (shuttle to lighter a tanker)
At Port Alfred	3
At Les Escoumins	1

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It is a known fact that the measure of a pilot's time on duty is not merely the time spent aboard ships actually performing pilotage. Unless he is on leave or taking his ten-hour rest periods, the pilot is never master of his time and, even when he is home, he must remain within reach since he is never sure when he will be given an assignment. He must always be available so as not to keep ships waiting. Other portions of his time fall even more within the definition of pilotage duties, in the true meaning of the term, but in varying degrees, such as detention time on board, time spent at a boarding station away from home awaiting assignment or awaiting a ship behind her E.T.A., travelling time between boarding stations, etc. Furthermore, it is also a known fact that his working hours are quite irregular.

To give a clear view of how a pilot's time is spent during a given month, pilot Paul-Emile Cloutier, a Grade B pilot, kept a log of his pilotage activities for the month of June for the three years 1962 to 1964 inclusive (Ex. 733). Appendix B is a chart of each together with an analysis. *Inter alia*, the following conclusions can be drawn:

- (i) The distribution of his time on a 24-hour day basis was as follows:

	June 1962		June 1963		June 1964	
	Number	Aggregate duration	Number	Aggregate duration	Number	Aggregate duration
Trips.....	13	123h. 5 min.	11	107h. 10 min.	14	155h. 30 min.
Movages.....	1	1h. 15 min.	nil	nil	nil	nil
Cancellation.....	nil	nil	nil	nil	1	25 min.
Detention.....	1	30 min.	nil	nil	1	7h. 55 min.
Land travel.....	nil	nil	nil	nil	2	11h. 20 min.
Waiting at out-ports for assignments	7	6 days	5	10 days	8	11 days
		17h. 15 min.		3h. 15 min.		2 h.
At home between assignments including rest periods and leave, if any		18 days		15 days		11 days
		1h. 55 min.		9h. 35 min.		14h. 50 min.
Total.....		30 days		30 days		30 days

- (ii) Between assignments he always had more than the minimum ten-hour period of rest. The different methods of despatching between the Quebec station and the other boarding stations are apparent. In June 1962, he was never less than two days at home in Quebec (minimum 2 days 7 hrs. 55 min. and maximum 4 days 14 hrs. 25 min.) but in other ports this never exceeded two days (minimum



11 hrs. 45 min., maximum 1 day 16 hrs. 20 min.). In June 1963, the pattern was the same except for one abnormal period of 3 days 18 hours at Les Escoumins which, it is surmised, was a period of leave that he took there. This is permissible and is occasionally enjoyed by some pilots. In June 1964, however, waiting time between assignments at Les Escoumins was much longer (minimum 8 hrs. 50 min., maximum 2 days 20 hrs. 35 min.) and time at home was much shorter (minimum 17 hrs. 20 min., maximum 1 day 15 hrs.).

- (iii) With reference to irregularities in working hours, in June 1962, on six out of 13 trips, he was piloting at midnight, and on seven at noon. His movage was performed between 0300 and 0400. In June 1963, out of 11 trips, on three he was piloting at midnight and on four at noon. In June 1964, out of 14 trips, on four he was piloting at midnight and on 11 at noon (on three of these he was piloting both at midnight and noon because the trips lasted longer than 12 hours).

For the busiest pilots in the busiest month and in the least busy month, a similar analysis is found in Appendix C. The pattern is the same with obviously shorter periods at home between assignments because the busiest pilots had to take an abnormal share of the work to catch up with the others. On five occasions during their busiest month and three times during their least busy month the busiest pilots did not have ten-hour rest periods (entitlement since reduced to 7 hours) at Les Escoumins but in July 1964, this happened to pilot H. Brochu four times in Quebec City, once between an assignment and a land trip. In all cases, the pilots concerned must have felt sufficiently rested because they were fully entitled to refuse these assignments.

On one of these occasions a pilot had only 1 hr. 10 min. at Les Escoumins between assignments, i.e., from the time he disembarked from the downbound ship until he boarded the upbound vessel he had no rest at all, since most of the time was spent in the pilot boat between the vessel, the pilot station and the second ship. On November 10, 1963, he arrived at 13:08 after a 15 hrs. 55 min. night trip from Quebec. He re-embarked for Quebec for another trip which lasted 9 hrs. 55 min. and finished past midnight. That made a total of 27 hours between his departure from, and return to, Quebec. It is obvious that this pilot was not well rested when he embarked for the return trip, that he was a safety risk and that such despatching should not have been allowed by the officer-in-charge at Les Escoumins. The Pilotage Authority has reported that this incident occurred when the position of pilotage officer at Les Escoumins was vacant and the acting officer-in-charge was off watch; due to unusual circumstances a number of downbound pilots

had been overcarried because of bad weather and there was a shortage of pilots for incoming vessels; the pilot concerned volunteered to return with the ship which would otherwise have been delayed. The Pilotage Authority pointed out that there has been no regulation up to this time to prohibit any pilot being assigned to a job before he has 10 hours' rest if he has expressed his willingness to proceed, but the feasibility of such a rule is now being considered, always provided there will be assurance that ships will not be delayed in an emergency (D.O.T. letter January 10, 1966—Ex. 1461(s)).

#### COMMENTS

The foregoing analysis indicates, on one hand, that the Quebec pilots are not overworked and, on the other, that with the reorganization of the despatching system it could be possible to reduce the wastage of pilots' time. The only exceptions are the occasional ones who are behind in turns as a result of absence and who, on account of the wrong interpretation given to the rule of equalization of turns, are allowed to equalize, to miss no opportunity to do so and thereby overwork themselves to the prejudice of safety.

The equalization of trips rule as it is applied is a source of wastage of pilots' time in that pilots who have been constantly available are being forced into idleness to permit those behind in turns to equalize. Whatever the method of despatching, the number of pilots should be those necessary to meet the pilotage requirements in expected periods of peak demand of reasonable duration while providing the pilots with sufficient rest between assignments. Pilotage is a service and, therefore, it should be organized in relation to the demand that exists for it. One factor is the irregularity of the demand but generally, as in the Quebec District, there is a predictable pattern, although requirements vary from month to month. During periods of high demand the pilots should be expected to forego holidays and work harder, provided they have ample rest between assignments. Such a requirement necessarily conflicts with a system of automatic, preset compulsory holidays. Their number should be established so that the pilots are fully and equally occupied during such periods. Apart from the holidays which should be provided, they are also compensated for intensified work during peak periods by longer periods of rest in between assignments during periods of low demand. Statistics of the distribution of the workload among the pilots during the busiest months clearly show that the workload was not equally divided. This would indicate that the pilots were then over strength.

The equalization rule, even if it were effectively applied, is not calculated to ensure equitable sharing of the workload since it does not take into consideration the actual duration of assignments or the long periods of travelling and waiting time at sub-stations—a situation which does not occur where a true tour de rôle is followed. The latter system works well elsewhere, e.g., in the District of British Columbia where there is great disparity in the

duration of the voyages pilots are called upon to perform and where they have to travel extensively by land or air.

Travelling time and waiting time when pilots can not rest form part of the pilots' workload and must be taken into consideration. Pilots must be given full opportunity to have adequate genuine rest between assignments; this is a question of safety.

On account of the direct relation between the number of pilots and their remuneration, these are essential factors in a system of controlled pilotage where the pilots are not paid a fixed salary. It is most essential that the wastage of pilots' time be reduced to a minimum and the number of pilots determined accordingly.

## 6. PILOTAGE REVENUE AND TARIFF

### PREAMBLE

Tariff rates have a direct impact on the Quebec pilots' remuneration because they are not employed on a salary basis but their remuneration is directly related to their pilotage earnings. According to the By-law, their remuneration is purported to be the actual pilotage earnings their services have earned, less compulsory deductions for the Pension Fund and for certain operating expenses, i.e., pilot vessel hire at Les Escoumins and occasional radiotelephone rental charges. The fact that the actual situation is different in that the Quebec pilots pool most of their pilotage earnings does not alter the situation to any appreciable extent. The Quebec pilots remain directly interested in the amount of each item in the tariff, especially because of the incomplete pooling system they have adopted which affects only trip revenues. Revenue yielded by the other items, although very small compared to total earnings, becomes substantial for the pilots who rendered the service, e.g., Grade A pilots and those performing movages in Quebec, since revenues from these items are not pooled but accrue directly to the pilot who earned them. This is the reason for the disproportionate importance placed during tariff negotiations on items whose yield in the aggregate is negligible.

For the purpose of this study, pilotage dues have been listed in two groups: those accruing directly to the pilots, i.e., their net earnings including amounts paid to their Association and to the Pension Fund on their behalf; and those paid on the pilots' behalf to the Receiver General of Canada in lieu of payment by them for pilot vessel service at Les Escoumins and for the cost of renting from D.O.T. portable radiotelephone sets when these are required.

The tariff does not provide a method of calculating dues for a composite navigation unit (Part I, p. 181) and, although the need for it seldom arises in the Quebec District, it should be covered in the tariff.

The following table analyzes District pilotage earnings thus grouped for the years 1955, 1959, 1964 and 1968. In addition, the general relative importance of each item of dues accruing to the pilots is given in percentage.

COMPARATIVE ANALYSIS OF EARNINGS AND DISTRIBUTION OF PILOTAGE DUES

Pilotage Dues	1955	1959	1964	1968
<b>A. PILOTAGE DUES EARNED</b>				
<b>I. Dues Accruing to Pilots</b>				
1. Earned by Pilots:				
(a) Trips				
Tonnage.....	\$99,252.77	\$214,683.91	\$322,281.80	\$438,404.41
Draught.....	615,145.14	809,318.82	949,468.08	1,150,137.88
Class "A" vessels.....	—	—	21,575.00	48,842.37
Winter tariff.....	—	—	47,699.83	79,930.79
Total earned by trips.....	714,397.91	1,024,002.73	1,341,024.71	1,717,315.45
(b) Movages.....	19,347.50	23,467.50	18,655.00	30,798.50
(c) Detention.....	6,923.50	6,940.00	10,425.00	15,721.39
(d) Cancellation.....	144.00	240.00	400.00	315.87
Total Earned by Pilots.....	740,812.91	1,054,650.23	1,370,504.71	1,764,151.21
2. Compulsory Payment: Trips and Movages*				
	4,111.59	7,732.07	5,237.67	2,976.83
Total Dues Accruing to Pilots.....	\$744,924.50	\$1,062,382.30	\$1,375,742.38	\$1,767,128.04
	100.0%	100.0%	100.0%	100.0%
<b>II. Dues Accruing to Receiver General of Canada</b>				
1. Pilot Boat Fees.....	—	—	\$153,920.00	\$151,980.00
2. Radiotelephone Charges.....	—	—	—	16,095.00
Total Dues Accruing to Receiver General of Canada.....	—	—	\$153,920.00	\$168,075.00
Total Pilotage Dues Earned**.....	\$744,924.50	\$1,062,382.30	\$1,529,662.38	\$1,935,203.04

B. DISTRIBUTION OF PILOTAGE DUES EARNED								
I. Payable to, or on behalf of, Pilots								
1. Payable to Pension Fund on behalf of Pilots:								
(a) Compulsory deductions.....	\$51,856.86	6.9%	\$73,825.51	7.0%	\$137,050.47	9.9%	\$176,458.35	10.0%
(b) Compulsory payment of dues.....	4,111.59	0.6	7,732.07	0.7	5,237.67	0.4	2,544.57	0.1
Total Payable to Pension Fund on behalf of Pilots.....	55,968.45	7.5	81,557.58	7.7	142,288.14	10.3	179,002.92	10.1
2. Payable to Pilots (Association).....	688,956.05	92.5	980,824.72	92.3	1,233,454.24	89.7	1,588,125.12	89.9
Total Payable to, or on behalf of, Pilots	744,924.50	100.0%	1,062,382.30	100.0%	1,375,742.38	100.0%	1,767,128.04	100.0%
II. Payable to Receiver General of Canada.	—		—		153,920.00		168,075.00	
Total Distribution of Pilotage Dues Earned	\$744,924.50		\$1,062,382.30		\$1,529,662.38		\$1,935,203.04	

\*All trips except for 1964 which includes \$90 moorage fees.

\*\*This should be the actual cost to shipping with the addition of the cost of pilot vessel service hire in the harbour of Quebec and the unofficial remuneration paid to apprentices.

Since 1955, the tariff has been amended many times and new items added. The evolution of the tariff is studied in the following pages under each tariff item.

After the creation of this Royal Commission, the pilots and shipowners agreed that the tariff structure, as such, should not be altered until the Commission's Report was made public. In order to effect the necessary readjustments to provide the pilots an adequate income, the device was adopted of overall surcharges applicable to all items, with the exception of moorage charges for which a special surcharge was provided.

The first surcharge was granted in 1965 and amounted to 50 per cent on moorages and 8 per cent "on all other pilotage charges". Despite the generality of this expression, the surcharge was applied only to the dues accruing to the pilots and not to pilot boat charges or radiotelephone rental charges. While the 50 per cent surcharge on moorages has remained unchanged since then, the other surcharge was successively increased to 13, 17 and 22.85 per cent in 1966, 1967 and 1969 respectively. In the Pilotage Authority's annual reports these surcharges are reported as separate items of revenue and the general surcharge is not segregated by the items to which it applies. Hence, in the following comparative table the total amount accrued in 1968 from the general surcharge has been prorated among the various items affected and added to the amount of earnings shown for each item in order to convey the true picture and present figures comparable with those of the pre-surcharge years (Ex. 1538(o)).

#### (1) PILOTAGE VOYAGE CHARGES (TRIP CHARGES)

Income from this type of pilotage service has always accounted for most of the earnings accruing to the pilots. The earnings yielded by the four factors entering into the computation of the aggregate trip charge accounted for 95.9 per cent in 1955 and 97.2 per cent in 1968.

According to the District tariff structure (apart from pilot vessel charges and the radiotelephone rental charges which are basically components of the trip charges, although under the existing arrangements they do not accrue to the pilots), there are three types of charges that may apply to the computation of dues for pilotage performed during a trip: basic rates, Class A charge and winter tariff. There is no provision for an increased charge in the case of a trip involving a dead ship.

##### (a) *Basic Rates*

Prior to 1952, the basic rate, apart from the distance factor, was based on draught only (vide evolution of tariff, pp. 77-78), but when the tariff was revised in 1952 the basic charge comprised two components: draught and net

registered tonnage. For the full trip between Father Point and Quebec, the charge per foot draught was fixed at \$5.20 with 16 feet as a minimum charge. For the longer voyage between Port Alfred and Chicoutimi and Quebec, it was fixed at \$6.50. These charges have not been altered since, except through the overall surcharges between 1965 and 1969.

The draught rate has always been the single most important factor, a holdover from the time when it was the only factor. In 1955, it accounted for 82.6 per cent of the total earnings; in 1968, for 65.1 per cent, the reduction being due to the increase in the tonnage charge, the introduction of new items and also the increase in the size of ships which has no direct relation to draught.

The tonnage component, however, has been increased twice since 1952, not counting surcharges. When it was introduced in 1952, it was fixed at one-half cent per ton with a minimum of 2,000 tons and a maximum of 7,500 tons. When the By-law was revised in 1957, the charge was raised to three-quarters of a cent per ton, and effective January 1, 1961, the maximum was raised to 15,000 tons.

In their Brief (p. 88), the pilots recommended that the tonnage charge ceiling be abolished. They pointed out that this is a matter of principle, i.e., that a ship should be charged according to her size, although financially speaking it would not make a great deal of difference since very few ships entering the District exceeded 15,000 tons. However, this statement of fact will soon be no longer true: with the trend to larger vessels and the proposed deepening of the North Traverse, a greater number of larger vessels can be expected.

As seen earlier, for tariff purposes, the distance factor is taken care of by dividing the basic trips into sectors, three sectors between Father Point and Quebec or Father Point and Chicoutimi, and four sectors between Chicoutimi and Quebec (p. 114). The appropriate fraction of the basic rates is charged for trips wholly completed in one or two sectors. The great majority of trips are full trips, e.g., in 1968 (Ex. 589) out of a grand total of 9,163 trips (assignments) there were one hundred and forty  $\frac{1}{3}$  charges, eighty-five  $\frac{2}{3}$  charges on the St. Lawrence River and eight intermediate trips on the Saguenay River. The remainder (8930) were full trips.

The tariff does not contain a special item for *trial trips* which, on account of their nature, should be based on time and not on distance run, especially when calculated according to the sector method used in Quebec (Part I, p. 160). However, in the absence of special provisions in the tariff for this type of trip, the regular trip rates should be applied but this would result in grossly inequitable charges. The matter was settled by an illegal solution, i.e., leaving it to the District Supervisor to determine the number of trips, or fractions of trips, to be charged in each case. No separate record is

maintained of the revenue from trial trips. The Commission was informed that, despite the presence of shipyards in the District, there are very few such trips.

The financial information in the Pilotage Authority's annual report contains an item of revenue termed "Tonnage Overcharge" which is not provided for as a separate item anywhere in the By-law. In fact, it is part of the tonnage charge resulting from the readjustment that has to be made in the tonnage of ships from certain foreign countries to make their tonnage measurements agree with the British system (Part I, p. 168). It is not a separate item of revenue but is segregated merely for information. The revenue derived from this readjustment is very small, 0.3 per cent in 1964. It is considered that no useful purpose is served by segregating it and in the comparative table above, the revenue yielded from the tonnage overcharge has been included in the tonnage total.

Despite the fact that pilotage has not been performed between Father Point and Les Escoumins since 1960, the tariff provisions have not yet been changed and the full charge is levied as if the full trip were still performed. Technically, however, full dues are chargeable because the trip takes place in three zones, although it commences and finishes at Les Escoumins.

*(b) Class A Additional Charge*

This is a new charge introduced when the special pilot system was replaced by the system of grade pilots in 1960 (p. 254). It is the bonus granted to a Grade A pilot each time he pilots a ship belonging exclusively to his grade, i.e., vessels over 10,000 tons and other vessels that the Authority may designate (By-law, Schedule A, subsec. 1(11)). However, this additional charge is not made conditional on the employment of a Grade A pilot but is expressed in the form of a surcharge affecting a category of vessels which applies automatically. The former Supervisor, Mr. Maheux, stated that a Grade B pilot may occasionally be assigned to a Class A ship, generally as a result of incomplete information about the ship's class when the assignment is made. In such a case, the Grade B pilot is allowed to pilot the ship if other arrangements would cause delay. However, the Class A additional charge is made all the same, since it is not contingent on the employment of a Grade A pilot.

The surcharge is \$25 per trip. This item, like the others, is also affected by the general surcharge of 1965 as amended.

The pilotage of a ship over 10,000 tons by a pilot other than a Grade A pilot causes two problems. First, there is a problem of safety since the grades have been designed for the safety of navigation with the more difficult assignments being the responsibility of the Grade A pilots. Therefore, steps should be taken to guard against such an error. In this regard, the particulars that a ship is required by Notices to Mariners to give the Pilotage Authority



when requesting a pilot are totally deficient (p. 442). Since it is a question of safety, if the error in despatching is discovered before the ship has departed, the ship should be delayed until a Grade A pilot is available, and the despatcher should never take upon himself the responsibility of allowing a pilot who by law is deemed to be incompetent to pilot such a ship to perform the assignment. Since, however, it is not compulsory to employ a pilot, there is no objection if a pilot of another grade is given the assignment, provided the Master is made aware of the situation and gives his consent.

The second problem is created by the pilots' pooling procedure whereby Class A vessel additional charges can be attributed to Grade A pilots only (vide p. 480). Since according to the prevailing By-law a pilot's remuneration is the dues his services have earned as determined by the tariff, a Grade B pilot who pilots a Class A ship under these circumstances is legally entitled to the Class A charge. In fact, under the pilots' own pooling arrangements the Class A charges accruing to Grade B pilots form part of the pool, while those earned by Grade A pilots do not.

This item was added to the tariff in 1960. The revenue it yields is small in the aggregate, 1.6 per cent and 2.8 per cent of the pilotage earnings in 1964 and 1968 respectively. However, since this additional charge is attributed to the Grade A pilots who have performed the services, in accordance with the pooling rules adopted by the pilots, it may be a substantial amount for the individuals concerned.

In the years prior to 1960, a larger number of pilots received the special bonus for each trip granted by the shipping companies to their special pilots. It was not a pilotage due but a gratuity as an inducement to continue in their employment as special pilots. The exact amounts paid in this way could not be accurately ascertained because they were not reported to the Pilotage Authority but it was estimated in 1960 that the loss of these gratuities represented an aggregate amount of \$65,000 (vide p. 354). In 1955, this extra unofficial revenue was estimated by the Pilotage Authority at \$51,160 divided among 40 pilots; in 1959, \$58,000 among 39 pilots. In 1964, the Class A vessel additional charge, before the Pension Fund deductions, reached \$21,575 divided among 10 pilots, and in 1968, \$48,842.37 divided among 34 pilots (vide p. 464).

(c) *Winter Tariff or Assistant Pilots' Remuneration*

This is another new item which was incorporated in the tariff in 1960 (Schedule, sec. 6). It is a surcharge which applies to all trips from December 1 to April 8, whether one or two pilots have been assigned. The winter surcharge equals trip dues but with a ceiling of \$100. This ceiling, like other tariff items, has been affected since 1965 by the general surcharge as amended. Under the impact of increasing winter navigation and the surcharge, this

source of revenue rose from \$19,211.04 in 1960 to \$86,522.61 (including the general surcharge) in 1967, but fell to \$79,930.79 (general surcharge included) in 1968.

For a great number of years prior to 1960, it had been the practice for a second pilot to accompany a pilot assigned during the winter but this was done outside the By-law. Authority for the despatcher to assign two pilots to a ship in winter was given at the same time the winter charge was introduced by adding subsec. 9 to sec. 15 of the By-law. Before that, it was illegal to assign more than one pilot to a ship at any time, except to a composite navigation unit.

However, for reasons of safety the shipping companies had long accepted unofficially that the assigned pilot should be accompanied by another pilot who volunteered. They paid this second pilot for this special service an amount that varied over the years. Since it was not officially pilotage money, it was not collected by the Pilotage Authority but paid direct by the company to the pilot concerned and, therefore, there is no record of the aggregate amount.

The intention in 1960 was to regularize the *de facto* situation. Double despatching was a safety measure warranted by the nature of winter assignments and their particular hazards and circumstances. The winter charge was to replace the unofficial remuneration paid to the second pilot. The pilots asked that they receive full remuneration but this was only partially granted.

However, this intention was not reflected in the tariff. The additional winter charge was not linked to the employment of the second pilot but merely made a charge applicable to all winter trips during the winter period as defined therein, whether or not a second pilot was actually on board. In fact, at times when there is a shortage of pilots, only one pilot is despatched rather than delay the ship but, according to the tariff, an additional winter charge is due and is collected.

In theory, this creates a number of legal problems since the dues are the remuneration of the pilot who has rendered the services and subsec. 9(1) of the By-law obliges the Pilotage Authority to pay him such dues. When there is only one pilot, he is legally entitled to the full amount of the pilotage dues paid by the ship for the trip (less the Pension Fund deduction) including the winter charge. When there are two pilots there is no provision in the By-law to determine the division among them of such dues. It could be assumed that the intention was that the winter additional charge is the remuneration of the second pilot, but again the By-law provides no means for deciding which of the two pilots is to be considered the second pilot and, hence, should receive the lesser share.

In practice, however, there is no problem since, according to the private pooling arrangements of the pilots, this item is also pooled. It is obvious that

the text of the tariff provision was written in relation to the factual situation without it being realized that the legal problem created could become an actual problem if a pilot refuses to join the pooling agreement or succeeds in liberating himself from it. This tariff provision in its present wording is incompatible with subsec. 9(1) of the By-law, and the mode of remuneration which it provides for the pilots is the only legal and permissible one under the circumstances.

#### COMMENTS

Here, as in most Districts, there is no valid reason why the draught factor should be retained. It is not warranted by any peculiarities of the District but is merely a holdover from the distant past when draught was the only readily available information about a ship that could be easily verified. For further comments, reference is made to Part I, pp. 161-164.

It is considered that the basic trip charge in the Quebec District should be based on tonnage and distance run. In view of the fact that river pilotage is involved, there is no objection if the sector system is retained.

For the reasons advanced in Part I, pp. 178-181, it is considered that the system of a ship's unit based on maximum gross tonnage should be adopted.

Reference is made to Recommendation No. 6 regarding the creation of a berthing and unberthing charge separate from the trip charge.

The Commission agrees with the pilots that there should be no ceiling on the tonnage charge, but there should be a minimum charge so that the services of a pilot are not wasted on small vessels and craft which generally have no need for pilots and which on no account should be forced to employ a pilot. If they wish to obtain the services of a pilot occasionally, they should be expected to pay a reasonable price.

There is, however, no valid reason for retaining the Class A ship surcharge if the tonnage ceiling is abolished and maximum gross tonnage becomes the basis for the trip charge.

The tariff should provide a special charge for trial trips based on the maximum gross tonnage of the ship and the time involved. Distance run is not a governing factor in a trial trip and the system in effect in Quebec based on zones to calculate distance is totally inconsistent and should not be applied to trial trips. On account of the presence of shipyards in the District, pilotage for trial trips is a service for which a rate should be specially provided in the tariff.

It is considered that it is a serious omission in the tariff that no special rate is provided for a trip with a dead ship. The normal practice should apply and the tariff should provide that for such trips (just as for movages) the normal dues should be increased by 50 per cent.

## (2) MOVAGE RATES

The charge for movages takes the form of a series of flat rates for various defined types of movage. The size of the ship is not taken into consideration.

Rates are provided only for the harbour of Quebec, the Saguenay River and the trip from Father Point to Rimouski.

The rates vary between \$15 and \$30, to which should be added the 50 per cent surcharge which has been applicable since 1965.

The tariff provides for a movage charge to be added to the trip charge in one special case, i.e., when the ship is bound to the wet dock portion of the Princess Louise Basin if the pilot has been on continuous duty for more than 15 hours at that time, excluding time at anchor.

The provision for a movage charge for a pilotage trip from Father Point to Rimouski is in conflict with the definition of movage contained in the interpretation section of the By-law—a movage means moving a vessel within a harbour—unless Father Point is within the limits of the harbour of Rimouski whose eastern limit was the boundary between the township of Rimouski and Lessard as it was in 1877. This, however, is now only a theoretical problem because the pilots have not been providing pilotage services at Rimouski since the seaward pilot station was moved to Les Escoumins.

There is the same conflict with regard to subsec. 2(1)(f) of the tariff which shows as a movage piloting a ship from any of the wharves in the harbour, or from anchorage to the explosive grounds or vice versa, the explosive grounds being situated outside the harbour limits downstream off La Martinière. The Pilotage Authority has now solved the dilemma by disregarding the provisions of subsec. 2(1) of the tariff. Since December, 1965, a move from the explosive grounds is no longer considered a movage (for pilotage charges) but rather one third of a trip (Ex. 1538(p)). The By-law in this regard is obviously deficient and should have been corrected as soon as the discrepancy was discovered. A move from the explosive grounds to a berth or an anchorage in the harbour is not a trip but a special type of movement for which a rate should be specifically provided. The attitude taken here is wrong since rates fixed by legislation should be couched in clear language and, if there is ambiguity or conflict, the benefit of interpretation should be in favour of the payer, i.e., he should pay the lesser charge.

Except for the Saguenay River—and there only in a limited way—no rate is provided for a movage at any other port or landing place within the District. Presumably there is no actual need at the moment for such a provision but it is considered an eventuality that should be foreseen in the tariff.

In the case of a dead ship the movage rate is increased by 50 per cent.

The pilots complained in 1963 that the charge was totally unrealistic for the work done and the time involved, considering that they had to pay their own travelling expenses from home to the ship and return no matter where the moveage had to be performed—Chicoutimi, Rivière-du-Loup, Rimouski or Quebec. As seen earlier, this grievance has since been remedied by the imposition of the 50 per cent surcharge on all moveage rates.

The pilots endeavoured to have a moveage charge added to the trip charge whenever a berthing or an unberthing was involved. This was a proposal to the Minister when they met him on February 26, 1962, as an alternative to their previous proposal that berthing pilots be provided in Quebec. The suggestion was not favourably received (Ex. 688, Bulletin March 9, 1962).

Since most pilotage traffic is composed of ships in transit, the dues yielded by moveage rates—despite the 50 per cent surcharge—remain a small item compared to the rest of the District earnings. They rose from \$19,347.50 in 1955 to \$30,798.50 in 1968, representing 2.6 per cent and 1.7 per cent respectively of the District earnings.

It is considered that the moveage rate should be based both on the nature of the moveage being performed and also on the size of the ship, i.e., on her maximum gross tonnage. As for the Commission's stand on the pilots' recommendation for the berthing and unberthing charge, reference is made to Recommendation No. 6.

### (3) DETENTION

The present By-law originally contained provisions for two types of detention:

- (a) detention on board at the request of the Master; this provision did not apply if the reason for the Master's request was for stress of weather or an accident for which the pilot was responsible;
- (b) waiting at anchorage off Father Point for favourable ice conditions; this provision was revoked in 1960 when the seaward station was moved to Les Escoumins where ice is generally not a problem.

The pilots complained, claiming they should be compensated for waiting periods due to inaccurate ETA's and that there should also be special remuneration for the unduly long duration of some winter trips due to the hazards of winter navigation. Their complaints bore fruit: in 1965, an amendment to the By-law added two new types of detention for navigation during part of the winter season, January 1 to March 15:

- (a) detention on board a vessel for any reason;
- (b) detention at a pilot station while waiting for a vessel behind her ETA.

The amount of the indemnity provided remained the same, i.e., \$3 per hour after the first hour with a maximum of \$25 for each calendar day. This indemnity is also affected by the general surcharge of 1965 as amended.

The Quebec pilots occasionally proceed to a ship at the request of the Master to perform a special type of service called *safety watch*. For tariff purposes this type of service has been treated as a detention charge. This is inconsistent with the nature of detention, i.e., a period of idle time for the pilot and not a period during which he performs a duty. Furthermore, the detention provisions of the tariff do not apply since in such cases the pilot should be remunerated from the moment he commences his watch. Therefore, this type of service should be specifically covered in the tariff by an appropriate rate for the service rendered which is higher than for mere detention for idle time. The rate should be based on tonnage and time.

The detention provisions during the normal navigation season are logical and consistent with the nature of detention. For further comments on this matter, reference is made to Part II, pp. 157 and ff.

Navigation during the winter season is a case of exception which should be treated as such. Shipowners are aware of the delays and risks inherent in that type of navigation and should be prepared to pay an indemnity for the time pilots lose waiting arrival after ordered time or if they are idle on board for any reason. However, if a pilot has to maintain a safety watch, this type of service should not be considered detention but a working period and should call for a charge as such. Despite its extended application and its increased rate due to the general surcharge, the detention item has brought little revenue: in 1955, \$6,923.50 representing 0.9 per cent of District earnings; in 1968, \$15,721.39, 0.9 per cent of District earnings.

#### (4) CANCELLATION

Cancellation is an indemnity for the trouble caused a pilot who has reported as requested only to find that the assignment is cancelled at the ship's request. It is realistic because it recognizes the service nature of pilotage and recognizes the right of the Master to cancel a pilotage contract unilaterally. Indirectly, it provides that no indemnity is called for if cancellation is effected before the pilot has reported for duty.

The Quebec provision is faulty, however, in not providing that there should not be any cancellation indemnity payable when the cause is unforeseen stress of weather as is provided for detention in the Quebec tariff and for cancellation in other Districts. The charge applicable in Quebec is combined with a detention charge and, hence, should be governed by the same rules. It calls for a charge of \$10 if it occurs within the first two hours, plus \$3 for each additional hour but not to exceed \$25 per calendar day. These rates are all subject to the general surcharge.

The revenue yielded from this source has always been small. In 1955, it amounted to \$144 representing 0.02 per cent of District earnings and in 1968, \$315.87, 0.01 per cent of District earnings.

#### (5) QUARANTINE, DETENTION AND OVERCARRIAGE

A pilot is entitled to a special detention indemnity when he is carried outside the District, generally on account of stress of weather, or when the ship is kept at the quarantine station for health reasons. This indemnity is not a subject of regulation and, therefore, does not appear in the tariff. Secs. 359 and 360 C.S.A. provide a statutory indemnity of \$15 per day in either case, plus, in the case of overcarriage, reasonable travelling expenses to enable the pilot to return to his base.

The Quebec pilots are the only ones on the St. Lawrence River to whom these provisions of the Act are likely to apply. They complain that the statutory indemnity is unrealistic and they have requested it be increased. On March 4, 1958, the Shipping Federation of Canada conveyed to the Pilots' Association their agreement to increasing the *per diem* allowance to \$25, and on April 2, 1958, the Director of Marine Services informed the pilots that the Pilotage Authority had no objection and that it was proposed to include the modification in the next revision of the By-law.

However, they soon found out that this was not possible because it was not within the regulation-making power of the Pilotage Authority to modify these statutory indemnities. The Superintendent of Pilotage in Ottawa, in a later memorandum to the District Supervisor, gave instructions that, notwithstanding the Shipping Federation's willingness to pay the bills for overcarriage of pilots at the suggested rate of \$25, the rate for billing purposes should remain \$15 until secs. 359 and 360 were amended (Ex. 694).

The Department intended to proceed with the amendment at the first opportunity but to date this has not yet been done. The Commission was informed that it is still the intention to proceed at the next opportunity. However, the Canada Shipping Act was amended in 1969 and this subject-matter was not among those covered.

For the fourteen-year period 1955-1968, the Pilotage Authority's financial statements show no receipt of indemnities paid either for overcarriage or quarantine detention. It was explained that such detentions are very rare and there is now even a smaller chance of overcarriage since the transfer of the pilot station to Les Escoumins. The indemnities are collected by the District Supervisor and paid directly to the pilots concerned. They are not considered pilotage dues or District revenues and, hence, are not reflected in the financial statements of the District.

The Pilots' Federation in their brief to the Commission recommended that the *per diem* indemnity be raised to \$50. This may be too high since it is

an indemnity and not a remuneration and is a normal hazard of the pilots' profession over which ships have no control but, on the other hand, is dependent upon the adequacy of disembarking facilities, which are the pilots' (or the Authority's) responsibility.

For the Commission's comments and recommendations on the matter, reference is made to Part I, pp. 201-203 and p. 490.

#### (6) COMPASS ADJUSTMENT AND DIRECTION-FINDER CALIBRATION

The Quebec tariff provides a \$20 charge for piloting a ship when undergoing compass adjustments or direction finder calibration. This is wrongly included in the tariff provision dealing with movages and, for this reason, the amount of revenue derived from this source is not known since it is not segregated from the aggregate revenue derived from that source.

It is considered that this item should be relocated in the tariff as a separate item and the revenue derived from it shown separately in the financial statement. Here again, as for trial trips, the rate should be variable based on maximum gross tonnage and time involved, with a given minimum.

#### (7) MISCELLANEOUS ITEMS

In special circumstances, vessels have been paying the pilots through the District Supervisor some *travelling expenses*. Since these are not actually pilotage money, they have been omitted from the comparative table on pp. 464-5. They amount to very little: from 1955 to 1968, this occurred only three times, i.e., \$54 in 1963, \$2 in 1964 and \$160.66 in 1968.

Similarly, the *apprentice pilots' bonuses* are collected (p. 237). Although these appear in the general cash receipts kept by the Pilotage Authority accountant (Ex. 657), they are not reflected in the annual report since they are not pilotage dues. As seen earlier, since the remuneration of the apprentices is unofficial, the Authority neither prepares invoices nor sends bills for their accounts. Normally, each apprentice is supposed to ask the shipping company for his allowance but in practice the apprentice asks a clerk in the pilotage office to send the invoice for him along with the pilotage invoice. This is done as a matter of convenience for which the apprentice pilot gives the clerk concerned a small *pourboire*, normally 25¢ for each cheque received.

#### (8) MEAL ALLOWANCE

As seen before (p. 50), when the Minister of Marine became the Pilotage Authority in 1905 and had the pilot station moved from Bic to Father Point, one of the items of compensation for the extra cost to the pilots was a meal allowance from public funds while they were at Father Point, Port Alfred or Chicoutimi.



This practice was frowned upon by the Robb Royal Commission Report of 1918 which recommended that pilotage rates be increased instead of granting a special allowance, and that the pilots be required to provide their own board. However, no action was taken on the recommendation until 1962. When expenditures were scrutinized during the austerity programme in 1962, the Department felt that this might be a good time to implement the recommendation of the 1918 Royal Commission. The Minister agreed and action was taken August 21, 1962, but there was no tariff adjustment. This meal allowance had been paid by the Department of Transport direct to the pilots concerned and, therefore, did not appear in the District financial report and was not included in the figures then quoted as the pilots' gross remuneration. It was an additional remuneration for them in that it compensated partly for the expenses they incurred while away from home at pilot stations. From 1955 to 1962, in round figures, this amounted to \$100 per year per pilot. The aggregate amount so paid in 1956 was \$6,063.00 and in 1961, \$6,725.47 (Ex. 589).

#### (9) DUES COLLECTED FROM SHIPS NOT EMPLOYING PILOTS

In Quebec, as in other Pilotage Districts, the compulsory payment obligation is not extended to all tariff items that comprise pilotage dues payable for trips and movages: pilot boat charges and radiotelephone rental charges which are pilotage dues, are not included. Since the statutory requirement is that a non-exempt ship shall pay exactly the same amount of dues as if she had taken a pilot, a ship should not pay a lesser amount except in the special cases provided in sec. 357 if a pilot is not taken (vide Part I, pp. 107-109, 226 and 227).

As seen before (pp. 208-209), very few non-exempt ships dispense with pilots. The aggregate amount of revenue derived from this source is minimal, always below 1 per cent of District earnings. For actual figures per year, vide table, pp. 464-5. According to the By-law, these receipts accrue to the Pension Fund.

#### (10) FINES

Almost every year some fines are imposed on the Quebec pilots which accrue to the Pension Fund. They amount to very little every year and, since they are not pilotage money, their aggregate amount is not shown in the comparative table on pp. 464-5. In the 14 years from 1955 to 1968, the maximum aggregate amount of fines was \$150 in 1964; it amounted to \$40 in 1968.

#### (11) UNOFFICIAL EARNINGS

Up to 1960, as seen earlier, unofficial earnings were paid to pilots in contravention of sec. 372 C.S.A., i.e., bonuses paid to special pilots and the remuneration of the assistant pilot (or second pilot) on winter assignments. The practice was condoned by the Pilotage Authority.

These irregularities have now been remedied by proper amendments to the By-law and by special provisions. At present, the pilots receive no unofficial remuneration.

*Cost of Pilotage to the Government*

As seen earlier, the Government has assumed all the expenses of operating the District and the service since 1906, and, up to 1960, operated free of charge to both shipping and pilots the pilot vessel service at the seaward boarding station. In 1960, it imposed a \$20 charge for the use of the pilot vessel but the service still remained free of charge to the pilots since they were compensated by an equivalent increase in the trip pilotage rate. Since 1966, the Department has been providing the pilots with VHF radiotelephone when a ship does not carry this equipment. The rental fee to the pilot has been similarly compensated by an equivalent increase in pilotage trip dues. The operational deficits are absorbed by the Crown.

As for the period 1961-1962, reference is made to the study made by the Commission's accounting consultants which appears in Part I, pp. 624 and ff. This report, *inter alia*, establishes that the net cost to the Government after credit being given for the pilot boat charge collected decreased from \$367,182 in 1961 to \$196,700 in 1965, the savings being attributed to the move of the seaward pilot station to Les Escoumins which permitted the use of smaller pilot vessels less expensive to operate.

Reference is made to the table (p. 419) for the revenue derived from the pilot boat charges collected since 1960. Since the introduction of the radiotelephone rental charge in 1966, it has brought in the revenues shown hereunder. There are, however, no data available on the cost to the Government for providing the pilots with this service.

<u>Year</u>	<u>Amount</u>
1966 .....	\$13,590.00
1967 .....	20,310.00
1968 .....	16,095.00

7. PILOTS' REMUNERATION AND POOLING

Since 1860, officially at first and later unofficially, the Quebec pilots' basis of remuneration has been shares determined through a pooling system. In contrast to the present situation in other Districts, the pool has always been operated by the pilots themselves but its legal basis has changed. Between 1860 and 1915, it was a compulsory system defined by statute and pooling was the official mode of remuneration. From 1915 to date, the official

mode of remuneration has been the amount of dues actually earned by each pilot, less authorized deductions, but unofficially it has continued to be a share of the pooled pilotage earnings. The pilots continued to operate the pool from 1915 to 1920 through their Corporation, as if the 1915 Act had not deprived it of this power, and from 1920 to date, under a contractual agreement to which all the Quebec pilots have so far adhered.

Pooling was a new feature in pilotage when it was introduced by the 1860 Quebec Pilots Corporation Act, enacted at the pilots' own request to abolish the free enterprise system in favour of controlled despatching. It filled a service need and has since been adopted almost everywhere in the world. In most Pilotage Districts in Canada, including those where the Minister is the Pilotage Authority, pooling has been adopted by the Pilotage Authority as the method of remunerating its pilots, and is operated by the Pilotage Authority itself. In contrast, ever since the Pilotage Authority in the Quebec District took over the direction of the service from the Pilots' Corporation it has refused to continue the pooling system and officially has imposed on the pilots a method of remuneration based on work done. The 1915 Act was the result of the 1913 Lindsay Commission Report which condemned pooling as a pernicious practice. However, neither shipping nor the Pilotage Authority, nor for that matter the Federal Government, could prevent a pilot from disposing freely of his earnings because this is a civil matter. Hence, in 1920, the pilots instituted by contract a pooling system which, with modifications from time to time, is still in effect. For the historical background to the present situation, reference is made to pp. 53-66 and Part I, pp. 77-79 and 84 and ff.

Therefore, as far as the method of remunerating the Quebec pilots is concerned, the legal and factual situations are totally different.

According to subsec. 9(1) of the District By-law, the official basis of remuneration is work done:

"After deducting the amount required for the Quebec Pilots' Pension Fund the Superintendent shall pay to each pilot the remainder of the pilotage dues earned by him."

In other words, the Quebec pilots are supposed to receive and keep the dues payable by ships for services rendered, i.e., the full pecuniary consideration of the pilotage contract, less the only permissible deduction, the compulsory percentage payable to the Pension Fund. There can be no deduction towards the payment of District operating expenses (sec. 328 C.S.A.) (pp. 16-19).

The actual situation, however, is basically different. The actual method of remunerating the pilots is through a pooling system operated by the pilots themselves and with rules devised to meet the circumstances existing in 1920. The loss of control over despatching by the Pilots' Corporation and the special pilot system then made it impossible for the pilots to ensure an

equitable distribution of the workload and, hence, to maintain the pooling system they had had since 1860, which was based directly on availability for duty. They had to devise an incomplete and complicated *sui generis* pooling system under which, with some minor modifications, they still operate today.

Although the special pilot system was abolished in 1960, thus making it possible to institute a true *tour de rôle* system such as the pilots had had under their 1860 Corporation and which, no doubt, would have been adopted if they had so requested the Authority, the complicated 1920 system was retained.

The system of pooling is incomplete in that it applies only to those pilotage dues earned through pilotage trips; the other items of pilotage dues belong to the pilots who rendered the services, e.g., movages, compass adjustments, safety watch, detention and cancellation. When the grade system was introduced in 1960, the new trip charge component, the Class A vessel additional charge, was also not pooled but remained the property of the Class A pilot who rendered the service. However, the non-pooled money amounts in the aggregate to a very small percentage of the total pilotage dues accruing to pilots. Trip pilotage dues in 1955 comprised 95.9 per cent of the dues accruing directly or indirectly to the pilots; in 1968, 94.4 per cent, excluding the Class A charge.

Before the pool is shared among the pilots, the Pilots' Corporation, on behalf of the Association, draws on it to pay its operating costs and the pilots' group expenses—the first charge against it. Thus, expenses incurred in the common interest are prorated among the pilots in the same proportion that their own trip earnings bear to the total trip earnings of the group (pp. 282 and ff.). The remainder is shared among the pilots proportionately to the number of sharing turns they have to their credit (p. 116).

The system is complicated due to the fact that it is not based directly on availability for duty as in Districts where the pool is operated by the Pilotage Authority. However, the numerous rules the pilots have devised, and are still adding, tend more and more in that direction:

- (a) Although sharing is based on the number of sharing turns to the credit of each pilot (which are mainly accounted for by the number of trips performed) the *equalization of trips* procedure prevents any pilot from making a larger number of trips than the others with maximum availability. The object is to ensure that all pilots with maximum availability receive the same share of the pool. If the procedure were fully applied (as in the Montreal District), i.e., pilots not authorized to catch up turns lost through absence, all pilots with equal availability and the same grade would receive an equal share.

- (b) The *maximum average number of turns* feature ensures that all pilots of equal grade with maximum availability receive an identical share. The expression "maximum average number of turns" is misleading: in the context it means the minimum number of turns to the credit of a pilot with maximum availability (pp. 434-435).
- (c) *Free turns* are granted to compensate for despatching turns missed during an assignment of unusual duration, thus preventing lowering the "maximum average number of turns" due to abnormal circumstances.
- (d) The new rule of *compulsory periodical leave* ensures an equal aggregate period of non-availability for all pilots without the risk of falling behind in turns. This rule achieves the same purpose as the By-law provisions in other Districts granting specified periods of absence with pay.
- (e) *Averaging the monetary value* of trips prevents a pilot from receiving less or more remuneration than other pilots of the same grade with an equal number of trips. Otherwise, there would be some variation on account of the different amounts charged for similar trips. This procedure is a further guarantee of equal remuneration for all pilots with maximum availability.

Contrary to the system under the 1860 Act, pooling is now private and voluntary. So far, all the Quebec pilots have signed the pooling agreement which is called the Association. If a new pilot were to refuse to join the Association, his earnings (less the Pension Fund compulsory contribution) would have to be paid directly to him by the Pilotage Authority in accordance with the District By-law. In that event, he would not benefit from averaging the value of trips or from the illness and suspension indemnities provided by the clauses of the pooling agreement, but he would not have to share in the expenses of the pilots' organizations or their group expenses, although he would benefit from the work done by the organizations to improve the pilots' lot. On the other hand, he would be subjected to the same despatching rules, including the right to equalize his turns. He would be entitled to receive the exact total amount of the dues he earned as prescribed by the tariff, less the 10 per cent Pension Fund deduction. However, he would automatically be a member of the Pension Fund Corporation.

The rules the pilots have adopted to govern pooling are contained in By-law No. 2 of the Pilots' Corporation which, according to the Association's agreement as amended, are also those of the Association (as to legality, vide Part I, pp. 89-93). These rules are amended from time to time to meet new situations.

Sec. 4 of By-law No. 2 establishes the rights to *free turns*. It provides that half a turn will be credited both for despatching and pooling purposes

instead of a cash payment for each day or part of a day spent by a Director on Corporation business during the navigation season (which for this purpose is defined as the period between April 1 and December 31 inclusive). During the winter months, when most of the studies, proposals and representations are made, and when the Board of Directors meets most often, there is no remuneration or compensation of any kind, because at that time there is little demand for pilotage and Directors are not likely to lose any turns. If they do, an exception is made to permit them to equalize.

While this arrangement is of primary concern to the pilots themselves, as is their distribution of their common earnings, it also affects the Pilotage Authority in that it becomes an exception to the equalization of trips as defined in the despatching rules and included in the Pilotage Authority's By-law (p. 22).

The actual effect of this system on despatching is that the pilot concerned is not obliged (nor has he the right) to make up the turns he missed (except after December 31 and before April 1 as seen above) while on Corporation or Association duties.

The granting of free turns for the double purpose of despatching and pooling has the advantage of providing equal remuneration for active pilots by preventing the Directors from making up the turns they missed while attending Directors' meetings. Otherwise, the Directors would have a greater share of the earnings at the end of the year. The application of the equalization rule would have an adverse effect on the efficiency of the service and would create hardship for the pilots concerned, a tired pilot being a safety risk. The remaining alternative would be to neglect Corporation activities.

These turns are granted by the Corporation before the service has been rendered and the Supervisor is informed by letter. The pilots concerned are credited immediately so that their names are not placed at the top of the despatching list (which would prevent their attendance). At the meeting, the Secretary gives the details of the turns that were credited and these are approved by the Board.

Details of the turns granted for this purpose are available either from the Superintendent or from the Corporation office. They also appear in the minutes of the meetings of the Board of Directors of both the Corporation and the Association and are available to all members. Furthermore, according to the By-laws of the Corporation, Board meetings are not held in private; every member has the right to attend any Board meeting, although he can not participate in the discussion.

The administrative free turns granted since 1960 when provision was made for them in the Corporation By-laws and their aggregate monetary value are as follows (Ex. 654):

ADMINISTRATIVE FREE TURNS

Year	Number of turns granted		Number of pilots who received free turns		Aggregate value of administrative turns granted*	Amount reimbursed by the Federation	Amount borne by the Corporation
	Federation	Corporation	Federation	Corporation			
	No.	No.	No.	No.			
Prior to 1960.....	nil	nil	nil	nil	—	—	—
1960.....	0	80½	0	15	9,870.11	—	9,870.11
1961.....	2	53½	1	9	7,020.75	260.00	6,760.75
1962.....	19½	65½	1	14	10,603.75	2,405.00	8,198.75
1963.....	83	106	1	9	23,497.38	10,757.88	12,739.50
1964.....	60½	88	1	10	19,395.59	8,080.39	11,315.20
1965.....	3	61½	2	9	9,066.88	479.60	8,587.28
1966.....	1½	73½	1	15	11,073.75	235.00	10,838.75
1967.....	2	73	1	13	11,429.25	310.00	11,119.25
1968.....	0	102	0	11	15,421.38	—	15,421.38

\* For monetary value of sharing turns, vide Table p. 487.  
Sources: Ex. 654 and Tables pp. 116 and 487.

Over the nine years 1960-1968, free turns totalled 875 out of the grand total number of 78,688 sharing turns, i.e., 1.1 per cent. The Corporation invoices the Federation for the monetary value of the turns granted to the President and Vice-president of the Federation when they are Quebec pilots. The Federation pays the Corporation the amount claimed. By this procedure the remuneration of the Federation President is prorated among all the members of the Federation (pp. 304-305). For instance, this is the item of revenue \$2,405 which appears in the 1962 Financial Statement of the Corporation (Ex. 597).

Free turns are also granted to replace turns missed during an assignment of unusual duration for reasons beyond the pilot's control and considered normal hazards of the pilot's profession, such as a shipping casualty, quarantine, a strike or an act of God. The right to, and the number of, such free turns are determined by the Board of Directors on the merits of each case. These are not included in the foregoing statistics. This rule corrects one of the injustices created by pooling based on the number of assignments rather than on availability for duty.

As in all Districts where a pooling system exists, use is made of it to grant pilots financial assistance for loss of revenue due to illness or injury, which was one of the purposes of Pilot Funds before they were transformed, despite the law, into Pension Funds (Part I, C.10). In a pooling system based on availability for duty this is done by providing for sick leave with full pay and half pay. Such provisions would be ineffective and meaningless in the special pooling system of the Quebec pilots. They have devised their own rules which provide for the granting of half a turn (*indemnity turn*) for each turn missed through illness or injury. If a pilot elects to accept this benefit, he loses the right to equalize missed turns.

The Quebec pilots also provide out of their pool indemnities for pecuniary losses incurred by a pilot for turns lost during the suspension or cancellation of his licence. In the latter case the benefit does not extend beyond the date he becomes entitled to his pension. It does not apply when the suspension or cancellation was imposed as a result of consumption of alcoholic beverages or narcotics (p. 384). Indemnity turns are also granted on the same basis as above, i.e., one-half indemnity turn for one lost turn.

Pooling is operated on the basis of a year ending December 15. Formerly, the financial year coincided with the calendar year, but this did not allow sufficient time for the Secretary-Treasurer to prepare his financial statements and for the accountants to complete their audit before the annual meeting of the Corporation. On the other hand, it was not advantageous to delay the Corporation's meeting because the Federation and the Guild also held their meetings after the Corporation's during the winter months. There were also decisions taken at the annual meeting that had to be implemented during the winter months when the pilots had time to devote to Corporation business.



Therefore, the by-laws were amended accordingly and since that time both expenses and earnings are calculated as of December 15. On December 16, turns start at zero for everyone. Trips in progress at midnight December 15 are credited to the next year.

The amount of the annual shares is determined on the basis of dues as earned. The pilots have adopted the method of self-financing by making advance payments during the year on the basis of money on hand, and the unpaid portion of the yearly share at the end of the year is paid during the next fiscal year as funds become available. For other methods of financing payment of shares, vide Part II, p. 185.

Each fortnight the total earnings collected are received from the Pilotage Authority by cheque made to the order of the Association which is deposited to the account of the Corporation. The bank has accepted this system at the written request of the Association. As to the legality of the new Corporation, to which all pilots do not belong, superseding the Association with regard to pooling and the handling of pilots' money, reference is made to Part I, pp. 90 and 91.

The common fund is shared on an annual basis but advance distributions are made every fortnight between May 1 and December 31. There is normally no advance distribution during the period January 1—April 30. Distributions during that period represent payments of the outstanding balance of the pilots' share for the previous pooling year.

No large amount of money is ever kept in the bank account after distribution and the Corporation makes no investments and keeps no reserve except to meet anticipated expenses, e.g., \$12,000 in December for the winter months. The undivided amount left as a reserve at the end of 1968 was \$14,067.12.

#### *Advance Distribution*

The value of the turn for the fortnightly distribution is calculated by deducting from the funds on hand (a) expenses incurred during the period in question; (b) earnings not included in the pool (movages, detention, Class A bonuses, cancellations, etc.); and (c) a reserve to meet current expenses, and then dividing the remainder by the number of turns credited during that fortnight. Since it is only an advance distribution, the value of the turn is established in round figures.

To ascertain the number of turns completed by each pilot during the fortnight, the Secretary uses the assignment list of the 15th and 30th of each month and extracts the number of turns credited to each pilot during the previous fortnight. He must then take into account turns credited for sharing purposes and the lesser value of turns credited to Grade C1 and C2 pilots.

The maximum average rule applies to the fortnightly distribution. The shares are calculated by granting those who have the "average number of turns" an equal share; those who are below this average are granted the

average less the value of sharing turns greater than two they are in arrears. Turns in excess of the average number do not count at that time. The "average number of turns" means the number of trips done by those pilots who were always available for duty and, in view of the equalization of turns system, is the maximum any pilot with no absences could reach. A tolerance of two turns is allowed because when the distribution is made all the pilots on the list have not had the same opportunity, e.g., some were next on the list to be despatched. Under the equalization of turns rule, a pilot can make up the turns he is behind but can not get ahead of his colleagues.

Directors may authorize interim distributions. In recent years, due to increasing winter pilotage, earlier distributions are made. In 1968, for instance, winter distributions were effected March 5 and April 5, and the fortnightly distributions extended from May 3 to December 20.

Payment is made by cheque to each pilot accompanied by a statement (Ex. 684) showing his share of the common fund and detailing the non-pooled earnings and the illness or suspension assistance granted to him (the value of the indemnity turns credited to him). In addition, personal deductions such as hospital insurance premiums are listed. For the pilots' information, the pilotage bills in arrears are listed, i.e., the amount then receivable.

Also accompanying the distribution cheque is a detailed financial statement which shows how the net amount was arrived at and how the value of the turn was calculated (Ex. 597). It includes expenditures during those two weeks and the details of those pilots who did not receive an equal amount, those over or below average and those who received nothing.

#### *Final Distribution*

At the end of the year, the pilots are furnished with an Annual Financial Statement which sets out the whole situation at the end of the pooling year, i.e., December 15, including the Corporation's expenses, the calculated net common fund, the amount of the share of each pilot in it, the advances he has received and finally the amount still owing to him. This outstanding balance is paid during the winter months, as decided by the Board of Directors when funds become available. For instance, at the end of 1962 each pilot was still owed \$750 which could not be paid because funds were lacking. Distribution was made when funds became available whether other accounts were still outstanding or not. The final distribution for 1962 was paid in two instalments: \$500 on January 5 and \$250 on January 20.

Because of the application of the maximum average rule, Grade A and Grade B pilots with maximum availability receive the same share, whether or not their actual number of turns differs slightly when the assignment list was closed. The same rule applies among the Grade C1 and C2 pilots, except for the lesser value of the turn.

For distribution purposes the value of the turn is then obtained by dividing the net amount of the common fund (less a reserve for expected

expenses) by the aggregate number of sharing turns. Consideration here is given to the fact that for sharing purposes the turns for Grade C1 and Grade C2 pilots are worth only 75 per cent and 85 per cent of the others.

In 1962, for instance, (Ex. 597) the value of the turn was established as \$124.75:

- (a) The maximum number referred to in By-Law No. 2 as the "average number of turns" was 108 (although the mathematical average appears to have been 103.8). All the pilots who did 108 turns or more (some did 109½) received an equal share of \$13,473 (except Grade C pilots).
- (b) The value of the missing turns was deducted from the share of the pilots with a smaller number, e.g., pilot J. Rémi Lamarre with 107 received \$13,348.25, pilot Yves Pouliot with 107½ received \$13,410.63.
- (c) Grade C pilots received less for their turns, e.g., pilot Gilles Chouinard, pilot Ernest Drolet and pilot Laurent Dubé who were licensed in 1962 and did 107½, 106½, and 107 turns respectively received \$10,011.19. They must have done the maximum possible number of turns after their appointment.
- (d) Pilot André Bernier, with 98½ turns, was granted \$249.50 in illness benefits, i.e., two sharing turns as indemnity for 4 turns missed due to illness.

For the years 1955-1968, the value of the sharing turn and the maximum average which gave the Grade A and Grade B pilots a full share were as follows:

Year	Value of the Sharing Turn	Maximum Average		Maximum Share for Grade A & Grade B pilots with maximum average
		Sharing Turns		
		Min.	Max.	
1955.....	116.83	89	93	\$ 10,398.00
1956.....	118.19	88½	100	10,401.00
1957.....	124.31	86	94	10,691.00
1958.....	127.97	87	112	11,133.00
1959.....	128.43	101	113	12,971.00
1960.....	122.61	105½	108	12,935.00
1961.....	126.50	104	106	13,156.00
1962.....	124.75	108	109½	13,473.00
1963.....	126.33	109	111	13,770.00
1964.....	130.61	115½	117	15,085.00
1965.....	145.07	110½	112	16,030.00
1966.....	147.65	119	122	17,570.00
1967.....	152.39	113	115½	17,220.00
1968.....	151.19	109½	112	16,555.00

SOURCE: Ex. 597.

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The large discrepancy between the minimum and the maximum for the maximum average prior to 1960 came from a situation which escapes the equalization rules and the power of the despatching authorities, i.e., the special pilot system. Special pilots were not authorized to receive a greater share than tour de rôle pilots and turns in excess of the maximum average were disregarded for pooling purposes (vide pp. 252 and ff.). However, special pilots drew directly from their employers the bonus granted for all the trips performed.

It is worth noting the steadily rising value of the sharing turn, despite increased administrative costs and the free turns granted since the formation of the Corporation. This is due to a combination of higher rates and larger ships.

The minimum number of sharing turns for the maximum average has remained fairly constant since 1960. The governing factors are the length of the trip, the duration of the transit, the number of pilots on strength, the extent of the pilotage demand, which in recent years has been regularly jeopardized by a series of strikes in the shipping industries and the services related to shipping. The move of the seaward station to Les Escoumins was the most important single factor which enabled the pilots to do a greater number of trips annually. Faster ships, better equipped to navigate under adverse weather conditions, have also contributed to increase the maximum average.

In addition to his share from the common pool, each pilot receives the non-pooled items of revenue that he earned personally. For the years 1955 to 1968 inclusive, these amounted to the totals below. Almost all pilots received earnings from movages and detention but the Grade A bonus accrues only to the Grade A pilots who earned them.

Year	Number of Pilots Listed	Grade A Bonus			
		Amount	Number of Grade A Pilots Sharing	Movages	Detention
1955.....	66	\$ —	—	\$ 15,738.00	\$ 6,561.59
1956.....	74	—	—	15,572.00	6,946.67
1957.....	72	—	—	20,324.00	7,595.55
1958.....	70	—	—	18,806.00	6,973.14
1959.....	77	—	—	18,758.00	6,756.45
1960.....	79	9,997.50	10	19,182.13	6,188.22
1961.....	77	11,925.00	10	18,857.40	5,974.15
1962.....	78	14,467.50	10	15,917.75	3,878.10
1963.....	78	15,750.00	11	17,505.00	7,558.20
1964.....	83	19,238.00	10	17,662.50	9,540.90
1965.....	87	26,341.20	13	32,824.13	10,628.29
1966.....	89	31,689.76	23	34,063.89	12,448.30
1967.....	90	41,931.09	32	35,319.40	14,635.36
1968.....	89	43,865.78	34	27,697.86	14,929.65

SOURCE: EX. 597.

This method produces appreciable differences between the remuneration of various pilots each year. Low income results because the pilot concerned was not on strength for the whole year or was absent. The table p. 490 shows for each year 1955-1968 the number of pilots whose remuneration fell in the various thousand-dollar brackets. Each underline indicates the thousand-dollar bracket in which the average net remuneration per year pilot falls (vide p. 492).

The figures quoted in the table p. 492 and in the previous pages for the years 1955 to 1962 do not indicate the full pilotage remuneration obtained by pilots. It is estimated that the extra unofficial revenue derived from the remuneration of the second pilot in winter, the bonus paid by companies to their special pilots and the meal allowances paid to all pilots by D.O.T. would amount to a minimum, if averaged among all the pilots then on strength, of \$1,500 extra remuneration annually. Since the special pilot bonuses did not accrue to the tour de rôle pilots and were not distributed evenly among the special pilots, a number of pilots obtained a substantial amount in unofficial income over and above the one they are shown as having received officially. The meal allowance which averaged about \$100 per year per pilot ceased in July 1962.

Before comparing these figures with those of other Districts, it must be borne in mind that in the Quebec District, in contrast with the situation in the British Columbia District, for instance, the pilots pay their own travelling expenses between pilot stations, or wharves, or landing places throughout the District, as well as the cost of lodging and meals while awaiting a ship away from home. It has been estimated that these amount, on the average, to \$1,500 per pilot per year.

In 1960, the pilots kept records in order to justify a deduction by the Department of National Revenue for income tax purposes. Pilot Rousseau stated that he himself kept a complete account and that year his expenses amounted to about \$1,500. He felt this would be the amount that should be allowed as a deduction for income tax purposes under the heading of expenses necessary to earn his living. When the question of tariff and pilots' earnings is discussed by the pilots, the shipping interests and the Pilotage Authority, the point of contention is that the pilots' estimate of their expenses is too high. A bulletin sent by the Pilots' Corporation to all its members June 7, 1962 (Ex. 688) gives the impression that the Pilots' Corporation was preparing to furnish this Commission with complete, detailed evidence on this subject. The pilots were informed that fifteen of their number had been chosen at random to keep actual statistics of workload and expenses. As for expenses, these fifteen pilots were requested to keep a detailed breakdown, including transportation costs by taxi or other means, hotel charges, meals, telephones, tips to boatmen, stewards and taxi drivers, and any other expenses such as laundry, cleaning, etc. For unknown reasons, these figures were not

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"Take Home" Net Income Bracket*	Number of Sharing Pilots													
	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968
\$20-21,000												6	2	
19-20,000											2	11	19	1
18-19,000											10	32	23	29
17-18,000										9	4	23	31	20
16-17,000								3			50	2	3	26
15-16,000								7		56	4	5		1
14-15,000					5	9	10	4	31	3	2	1	2	5
13-14,000					56	50	52	47	26	1	5			
12-13,000					2	7	4	8	3	5	4			
11-12,000	15	14	37	51	3	2	3	3	3	1	4	1	5	3
10-11,000	44	46	22	2	2	4	4	4				1	1	1
9-10,000	1	3	4	1	1	1	2	1				1		
8-9,000	2				1					2	1			1
7-8,000	1	1		1	1	2	1			2				
6-7,000		1	1		3			1			1	4		1
5-6,000		2		1	1	4	1		1	1			2	
4-5,000		5	2		1	2			2				1	
3-4,000									1				1	1
2-3,000	1		2			1				3		1		
1-2,000	2	1	1	2		1						1		
0-1,000		1			1			1					1	
0									1					
Total Number of Sharing Pilots	66	74	72	70	77	79	77	78	78	83	87	89	90	89

\* Before taxes and personal deductions, but after Pension Fund compulsory contribution and group expenses including share of Corporation expenses, CMSG fees and Pilots' Federation dues.  
SOURCE: Ex. 597.

placed in evidence before this Commission and the amount of allowable expense remains as contentious as before. Since expenses are directly connected with earning pilotage income, they are deductible for income tax purposes. Prior to 1962, the situation was different in that the pilots drew from the Department of Transport a meal allowance at Father Point and Chicoutimi, as above stated, and that their Association paid their fares between Quebec and Father Point or between Quebec and Chicoutimi. In this way, their travelling expenses became the Association's expenses and were prorated. In addition, the pilots who were on top of the list could find accommodation free of charge on board the pilot vessel. This is no longer the case; under the Corporation's new policy each pilot pays whatever expenses he incurs in the performance of his duties. These vary from pilot to pilot according to chance and the nature of their assignments.

The Pilotage Authority's refusal to operate pooling causes duplication of work and obliges the pilots to incur administrative expenses they would not otherwise have to pay and, hence, reduces their net pilotage income. Corporation and group expenses in other Districts are normally small by comparison, e.g., as seen from the situation in the British Columbia District, and proportionately in the smaller Districts such as New Westminster, Saint John, N.B., and Halifax. To show the incidence of the Association's or Corporation's expenses (including Guild and Federation fees) on the pilot's remuneration, and also to provide average figures which would be comparable with the remuneration statistics produced for other Districts, the following table was devised showing average remuneration figures calculated on the "year pilot basis", without consideration being given to pilots' grades. The earnings shown comprise all pilotage earnings, i.e., pooled and non-pooled earnings.

At the time of the hearings in 1963, pilot Rousseau referred to the 1962 net remuneration of the pilots and expressed the opinion that he was not prepared to acknowledge that remuneration was adequate for their workload. He stated that the pilots had great responsibilities and he believed that they were doing a "very good job" but whether the amount was enough he was not prepared to say, except that he personally felt that it was not enough. He conceded that the deductions, i.e., pension contributions and Corporation expenses, might be a little high, adding that the latter was not the pilots' fault, but was due to the problems they had to face since 1959, and the former was because they had to increase the pension contribution to 10 per cent to put the fund on a sound actuarial basis. He pointed out, however, that what goes into the Pension Fund is really part of their pay.

The remaining fringe benefits can not be considered additional revenue because they are paid for by the pilots themselves either out of the common fund, e.g., illness and suspension benefits, or from their individual share, e.g., accident insurance and the group hospital plan (circular letter February 3, 1961 (Ex. 688) and President's address 1962 (Ex. 683)).

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Year	Average Remuneration per Year Pilot						Share of Administrative Cost per Year Pilot in Per Cent
	Share of Total Revenues Accruing to Pilots		Share less Contribution to Pension Fund		Share less Pension Fund Contribution and Association or Corporation Administrative Costs*		
	Amount	% Increase or decrease since 1955	Amount	% Increase or decrease since 1955	Amount	% Increase or decrease since 1955	
	\$	%	\$	%	\$	%	
1955	11,531.13	0.0	10,663.39	0.0	10,550.40	0.0	1.5
1956	11,461.79	-0.6	10,576.72	-0.8	10,432.82	-1.1	1.4
1957	12,099.98	4.9	11,193.78	5.0	11,043.63	4.7	1.5
1958	12,483.37	8.3	11,564.25	8.4	11,398.05	8.0	1.5
1959	14,523.59	26.0	13,408.94	25.7	13,238.57	25.5	1.4
1960	14,544.24	26.1	13,452.86	26.2	12,953.79	22.8	1.3
1961	15,115.87	31.1	13,543.91	27.0	13,206.48	25.2	1.3
1962	15,292.30	32.6	13,705.86	28.5	13,346.43	26.5	1.3
1963	15,897.49	37.9	14,241.05	33.6	13,832.20	31.1	1.3
1964	17,481.10	51.6	15,681.69	47.1	15,283.53	44.9	1.3
1965	18,975.40	64.6	16,929.07	58.8	16,478.78	56.2	1.2
1966	20,780.19	80.2	18,634.05	74.7	18,157.81	72.1	1.2
1967	21,231.86	84.1	18,981.82	78.0	18,479.89	75.2	1.2
1968	20,578.10	78.5	18,450.57	73.0	17,941.82	70.1	1.1

\* Including value of free turns (vide Tables pp. 284 and 483).

Source: Table pp. 464-5.



Pilot André Bédard also expressed his personal opinion that he did not believe the pilots' earnings were sufficient but he would not say how much they should be. He admitted that throughout their negotiations the pilots had taken the attitude of never stating exactly what they intended to earn in a given year. He also admitted that during these negotiations there were demands by various Corporations for an increase in the number of pilots in particular Districts and that at the next negotiation there would be arguments to increase the revenue on account of these new pilots, but he added that this was not a general rule and in his opinion this was not the case in Quebec. He did not agree there was a planned effort to follow that line.

#### COMMENTS

The criteria and method of establishing the remuneration of pilots who have the status of quasi-employees where service must be maintained in the public interest are described in Part I of the Report, pp. 143 and ff., to the effect that, combined with fringe benefits, other advantages accompanying the pilots' profession and working conditions should be sufficient to attract the best qualified candidates and retain them once they are licensed. As pointed out (Part I, p. 146), unfair advantage should not be taken of the inferior bargaining position of pilots in those Districts where they can find no reasonable alternative employment on account of the apprenticeship requirement.

As the Commission has recommended (Gen. Recs. 26 to 38, Part I, pp. 556 and ff.), in the interest of safety of navigation and the efficiency of the service, Pilotage Authorities should demand of pilots maximum qualifications and constant fitness. Pilots are expected to be, and remain, fully qualified mariners, expert navigators in the waters of their District and capable of handling all vessels within the scope of their licence. It follows that they should be treated as professional experts and remunerated accordingly.

The pilots' remuneration must be considered in relation to the national economy. It is true that because their profession is directly connected with the activity of a single sector of the economy their remuneration during post-war years has not always kept pace with the general trend.

The method of establishing the level of remuneration of those pilots whose status is that of employees of their Pilotage Authority is substantially the same (vide Part III, pp. 210 and ff.).

## 8. FINANCIAL ADMINISTRATION

### PREAMBLE

The characteristics of financial administration in the Pilotage District of Quebec are:

- (a) Under the present statutory legislation the District is not, and can not become, an independent, self-supporting entity because its

Pilotage Authority is precluded by sec. 328 C.S.A. from paying District operating expenses out of licence fees and pilotage dues (pp. 16-17, and Part I, C.5).

- (b) Expenses incurred by the Pilotage Authority operating the District and the pilotage service are assumed by the public through the Department of Transport, but there is no legislation to authorize such expenditures of public funds except through the annual estimates of the Department (p. 16).
- (c) The Authority handles billing and the collection of pilotage dues and all other money that comes into its hands but only as a trustee. It has no funds or assets of its own.
- (d) Pilot vessel service at the seaward station of Les Escoumins is provided by the Department of Transport without cost to the pilots by the device of increasing pilotage dues to cover the cost of the service. The same procedure was adopted to cover the rental to pilots of the VHF portable radio sets they must carry if ships are not so equipped. These two charges are collected by the Pilotage Authority. In Quebec harbour, pilot vessel service is provided free of charge to the pilots by the ships they pilot pursuant to a general agreement reached by the Shipping Federation of Canada on behalf of shipowners with the pilot launch owners in Quebec. The Pilotage Authority does not collect these pilot vessel charges; this is done directly by the launch owner.
- (e) Dues belong to the pilot who earned them, less the following deductions:
  - (i) The compulsory 10 per cent contribution to the Pension Fund as fixed by the 1860 Pilots' Corporation, the trustee of the Fund, which is deducted by the Pilotage Authority from the dues collected and paid over to the Pension Fund Corporation;
  - (ii) two items of the pilots' own operating expenses: the Les Escoumins pilot vessel service charges and radiotelephone rental charges which in its By-law the Pilotage Authority has purported to give itself authority to deduct from the dues collected and remit to the Receiver General of Canada on behalf of the pilot concerned (Part 1, p. 107).
- (f) The Pilotage Authority does not pool the pilots' net earnings which, according to its By-law, it must pay to the pilots who earned them. This is purportedly being done by paying the aggregate pilots' net earnings to the Pilots' Association on the ground that each pilot has authorized the Association to receive payment of his

earnings on his behalf, although a direct payment would be made to a pilot who so requested. In fact, the pilots' earnings are pooled by the pilots themselves under *ad hoc* private arrangements.

#### (1) COLLECTION OF DUES

As in all other Districts in Canada, the computation of pilotage dues is based on information contained in the source form filled out by the pilot for each assignment showing the particulars of the vessel, the voyage and other services rendered. For this purpose, the pilots complete the source forms correctly and, as seen previously, the difficulties that are encountered concern the additional information which is used for statistics, mainly to establish the workload.

In cases of double despatching, each pilot is required to fill out his own source form (Bulletin, November 30, 1961, Ex. 688).

When the ship's tonnage is not shown according to British standards, a readjusted figure is used to compute the dues (Part 1, p. 168). Occasionally, the source form is not filled in completely, e.g., tonnage may have been omitted, or a pilot may merely put a note requesting the clerk to refer to the source form of the Montreal pilot whom he relieved at Quebec for the draught of a downbound vessel.

The bills are made up by the Pilotage Authority's accountant at the Quebec office and sent to the shipping agents concerned with a copy to the Pilots' Association. Since they are numbered, the Association can check any omission.

The Commission was informed that no difficulty was experienced collecting pilotage dues. It is the practice of some companies to pay for both upbound and downbound trips at the same time and, therefore, if a ship goes to the Head of the Lakes it may take a month and a half or two months before such bills are paid. However, the average time for collection is 30 to 40 days. A report on outstanding bills is rendered December 31 each year. For instance, for the years 1960-1964 these reports (Ex. 585) show that on December 31 the following amounts were outstanding:

1960 .....	\$36,564.47	1963 .....	\$72,519.45
1961 .....	38,278.50	1964 .....	68,937.59
1962 .....	40,910.16		

These bills, however, are not necessarily overdue and the purpose of this annual report is to indicate what charges are to be counted as earnings up to the end of the year. All pilotage dues earned up to and including December 31 are listed, e.g., a ship passing Les Escoumins on or before December 31 is entered into that year's account and the bill is high because there are two pilots aboard. This explains why such large sums remain unpaid at the end of each year.

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The Pilots' Corporation's financial reports (Ex. 597) shows that, for the period 1959-1968, only \$683.99 were written off in 1968 as bad debts leaving for that period a relatively small amount of \$2,530.50 that had been outstanding for over one year. The debts written off were the uncollectable balance of debts owed by shipping companies that went bankrupt. The details on a year basis, as shown in the Corporation's financial reports from 1964 to 1968, are:

Accounts Outstanding Balance	1964	1965	1966	1967	1968
1959.....	\$ 1,531.80	\$ 1,531.80	\$ 1,531.80	\$ 1,531.80	\$ 1,099.09*†
1960.....	550.85	550.85	251.28*	251.28	†
1963.....	348.33	298.84*	298.84	298.84	298.84
1964.....		1,102.46	882.48*	511.92*	178.79*
1965.....			604.67	118.36*	118.36
1966.....				307.55	*
1967.....					835.42
Balance of accounts outstanding for over one year.....	\$ 2,430.98	\$ 3,483.95	\$ 3,569.07	\$ 3,019.75	\$ 2,530.50
*Collected.....	\$ —	\$49.49	\$ 519.51	\$ 856.27	\$ 640.68
†Written off.....	—	—	—	—	683.99

The pilots have frequently complained about delays in the collection of dues. In order to facilitate collection in difficult cases, the Pilots' Corporation periodically furnishes all pilots with a list of ships with outstanding bills, asking them to report immediately when any of them arrives in the District. The lists are corrected from time to time whenever payment is received (Pilots' Corporation Bulletin, June 2, 1961-Ex. 688).

If it is considered necessary to have a ship arrested for non-payment of pilotage dues, this procedure is initiated from Ottawa by the Pilotage Authority which gives the necessary instructions to the Customs Officer.

(2) ACCOUNTING

According to the By-law (sec. 9) there is no Pilotage Fund in Quebec, and there is no need for any under the prevailing arrangements. The Pilotage Authority has no fund of its own and its only function as far as money is concerned is to serve as a collecting agent. Hence, according to the By-law, the Superintendent in charge, i.e., the Supervisor at Quebec, is supposed to dispose immediately of all money received in the prescribed manner. Under

these circumstances, the bank account which the Supervisor must have to cash cheques received and pay remittances can not properly be called a Pilotage Fund.

The arrangement is consistent with the method of remuneration which is officially supposed to apply to the Quebec pilots, i.e., each pilot separately and individually is supposed to be paid the net amount of the dues his services have earned. Despite the By-law, immediate distribution is not practicable and is not attempted. The Supervisor holds the money he receives and makes payments twice a month, each time reducing the account to nil. However, contrary to subsec. 9(1) of the By-law, he does not pay each pilot his net pilotage earnings, but issues a single cheque to the Pilots' Association. Up to 1959, he made the gesture of determining the amount to which each pilot would have been entitled if he had paid them according to the By-law, but in the factual context it was a futile procedure which has since been discontinued.

The District Accountant, Mr. Armand Lessard, stated that he believed subsec. 9(1) was being followed because each pilot is considered to have given a power of attorney authorizing the Association to collect his pilotage dues for him, but he has never seen these powers of attorney. In fact, neither the Association nor the Corporation holds such powers of attorney and their authority to receive the pilots' earnings emanates from clause 10 of the Deed of Association (Ex. 592) and purportedly sec. 2 of By-law No. 2 of the Pilots' Corporation. The purpose of the Deed of Association, which all the Quebec pilots signed, was to pool their earnings in a common fund to be administered by themselves as a group.

During recent years, the Pilotage Authority has received no written request from any pilot to have his earnings paid direct. Once in the early spring of 1936, a pilot received a cheque directly from the Pilotage Authority but a few weeks later the pilot concerned reimbursed the Corporation. During the 1962 strike some of the pilots requested verbally that their earnings be paid direct, but they did not pursue the matter further when the Supervisor asked them to put their request in writing.

The Pilotage Authority does not account formally either to the pilots or to their Association or Corporation. The Pilots' Corporation, however, is constantly informed about the Pilotage Authority's financial administration because it is furnished by the Pilotage Authority with the following documents:

- (a) a copy of all source forms, transmitted daily;
- (b) a copy of the daily despatching list showing the number of turns credited to each pilot as of that date;
- (c) a copy of the cash receipt journal (Ex. 657) about twice a week, i.e., a list of all receipts with full particulars.

At the time of each fortnightly remittance the District Supervisor, through his accountant, disposes of all other money on hand: the pilot boat and radiotelephone charges are remitted to the Receiver General, and the 10 per cent contribution to the Pension Fund deducted from the pilots' net earnings is paid to the Pension Fund Trustee.

The Pilotage Authority's books are audited annually by the auditors of the Department of Transport but they do not submit an audited statement nor is there any true financial statement prepared and furnished by the Pilotage Authority. However, every year the auditors of the Pilots' Association ask the Pilotage Authority's accountant for the totals of the various items and also for the grand total for the year. This should agree with the records which the Pilots' Association compiles from the various documents forwarded by the Authority.

At the Commission's request, the accounting system and the books of the Quebec supervisor were examined by the Commission's chartered accountant consultants, McDonald, Currie & Co. The general findings in their report dated April 7, 1965, were that the accounting procedure followed by the District was satisfactory and the accounting records adequately reflected the operations carried out by the District (Ex. 1538(u)).

The financial operations of the District are integrated with those of the Department of Transport. What purports to be an annual financial statement of the Pilotage Authority is nothing more than various details relating to pilotage money which have been embodied in the Authority's annual report. It is mainly for statistical purposes and is not an accounting document. It shows on an earned basis the aggregate amount yielded by each tariff item, the dues earned as a result of compulsory payment and one item of non-pilotage money which belongs to the Pension Fund, i.e., fines imposed on pilots. It does not show other items of revenue which are not paid to the pilots directly or indirectly, such as licence fees, examination fees, or money collected on behalf of third parties, such as pilotage dues belonging to another District. It does not state what portion of these amounts has been collected and how much remains outstanding.

On the debit side, it shows merely how these earnings are to be divided but not the actual distribution. Although the Authority uses the words "total remittance to Pilots' Association" and "remittance in connection with the Pension Fund", they do not represent the actual situation, i.e., a remittance was paid, or will be paid if and when a collection is completed.

The following table shows for the period 1955-1968 the total amount of dues earned that were payable directly or indirectly to the pilots. It does not include pilot boat charges or the radiotelephone rental charges which accrue to the Receiver General of Canada when collected, or the negligible aggregate amount of fines imposed on pilots which accrue to the Pension Fund.

Year	Pilotage Earnings	Increase % Over 1955	Year	Pilotage Earnings	Increase % Over 1955
1955.....	\$ 744,924.50	0.0	1962.....	\$ 1,183,135.37	58.8
1956.....	804,670.45	8.0	1963.....	1,220,168.48	63.8
1957.....	828,587.15	11.2	1964.....	1,375,742.38	84.7
1958.....	854,012.46	14.6	1965.....	1,629,715.78	118.8
1959.....	1,062,382.30	42.6	1966.....	1,776,705.02	138.5
1960.....	1,096,570.91	47.2	1967.....	1,827,962.95	145.4
1961.....	1,171,895.04	57.3	1968.....	1,767,128.04	137.2

The 145.4 per cent increase in District revenues during the 1955-1967 period is due mainly to the combined effect of upward tariff revisions, the addition of new items in the Schedule and substantially increased pilotage traffic, both in number and size of vessels. The first two factors have already been studied; re the third one, vide p. 149.

The decline in 1968 from the 1967 peak of 145.4 per cent to 137.2 per cent should not be considered a sign of the beginning of a downward trend. It was mainly the result of two strikes that particularly affected pilotage traffic. The Seaway employees' 24-day strike (June 21-July 15) brought most transit traffic to a standstill; it was followed immediately by the 60-day (July 18- Sept. 16) Lakehead elevator employees' strike which immobilized lakers as well as ocean-going vessels engaged in the grain trade.

## 9. PENSION FUND

The Quebec Pilots' Pension Fund is the oldest "pilot fund" in Canada. It was established when Trinity House was created in 1805 as the Decayed Pilot Fund (p. 33). At that time, it was truly a pilot fund, i.e., a fund to provide relief for pilots and their dependents whether the pilots concerned were temporarily or permanently incapacitated due to infirmity or age. In that era, there was no question of retirement age and as long as a pilot was still physically and mentally fit he carried on. The sources of revenue for the Fund were the same as today. Trinity House decided what benefits should be paid in each individual case and laid down the conditions. How the Fund was administered is illustrated by the pilots' complaint in 1831 when Trinity House made them pay back the illness benefits they had received and protested against the policy of not allowing any relief to a pilot's dependents if his licence had been cancelled (p. 36).

When Trinity House was abolished in 1875, the administration and trusteeship of the Pilot Fund were given to the recently formed (1860) Pilots' Corporation, i.e., the "Corporation of Pilots for and below the Har-

bour of Quebec", while the other prerogatives of Trinity House were transferred to the new Pilotage Authority, the Quebec Harbour Commissioners (p. 45). In 1914, when the Pilots' Corporation was deprived of all its powers over the management of the pilotage service (p. 59), all that was left was the administration of the Pilot Fund. Ever since, this has remained the sole function of the Pilots' Corporation to which all Quebec licensed pilots automatically belong.

When the pilots were granted the right to retire after reaching a certain age, and later when retirement at 70 was made compulsory, the earlier concept of the Pilot Fund was also changed to provide pensions for those who retired by reason of age. At present, the Quebec Pilot Fund has evolved into nothing more than a pension fund and no benefits are granted to pilots who are in financial difficulty because of temporary physical incapacity while they still hold their licence. Relief for this purpose is provided by the active pilots themselves out of their personal earnings through their pooling system (indemnity turns, p. 115), but is restricted to those pilots who have joined the Association (all have so far) (p. 266 and p. 484). These changes were effected, although the statutory nature of the Pilot Fund, as defined in the 1805 Act, has not changed. The 1849 Trinity House Act, which replaced the 1805 Act and which still applies, is to the same effect in this respect (pp. 263 and ff.).

Beneficiaries and benefits are determined according to the provisions of By-law No. 2 of the Corporation of Pilots for and below the Harbour of Quebec, generally referred to as the Pension Fund Corporation (Ex. 672).

The amount of Pension Fund benefits has been altered many times but basically it is calculated on the number of years of service and contributions by the pilot concerned to the Fund. A minimum pension of \$1,500 is provided for a pilot who is forced to retire for health reasons, provided he has had two years of active service. Benefits for a pilot's widow and his children under 18 are calculated as a fraction—half, third and two-thirds—of what the pilot himself would have been entitled to, with a limitation of \$200 per year per child (for study of the benefits, vide Part I, p. 771).

The Pension Fund is administered by the 1860 Corporation and its Board of Directors assisted by a trust company which holds the securities for safekeeping. Since 1959, they have also sought the expert advice of an investment broker. On the advice of both the trust company and the investment broker, bonds are sold and purchased in order to improve portfolio and yield.

Mr. Paul Henri Guimont, financial expert and investment broker, stated that at the request of the Pilots' Corporation he has acted as financial consultant since 1959, has provided information and forwarded recommendations through the custodian of the fund, General Trust of Canada, in order to improve the yield.



He encountered legal difficulties and felt that the powers of the Directors are not clearly defined and that there is insufficient latitude in the type of investment a fund of this nature may purchase. He pointed out that the trend is toward a wider choice of investments, although these must be made with due regard for safety and for the law. He stressed that there must be some latitude in order to benefit from the fluctuations of the economy and to avoid being imprisoned by a situation such as is created when the economy is sluggish and low yields are derived from investments of the type to which the Pension Fund is restricted by subsec. 981(o) of the Quebec Civil Code. This last grievance no longer exists since the 1967 amendment to subsec. 981 (o) which granted wide latitude in investment of Trust money. (Que. statute 16 Eliz.II c.81).

Despite these handicaps, they have been able to replace many of the low yield bonds, and between 1960 and 1963 the result of this new policy was an increase in revenue of about \$11,000 a year.

When either General Trust of Canada or Mr. Guimont believes there is a portfolio change that would improve the Fund, a proposal is forwarded to the Secretary-Treasurer of the Corporation who submits it to the Board of the Corporation. Using this procedure, the Board of Directors is guided in their decision by two financial experts who give their joint approval. It was stated that there were times when the two experts did not agree.

While General Trust of Canada is paid for its services, Mr. Guimont receives no remuneration directly from the pilots beyond the usual commission on any bonds he may sell.

The revenues of the Fund are still composed of the same items: (a) the compulsory contributions of the pilots which have been altered from time to time, most recently in 1961 when the rate was raised from 7 per cent, as it had been for many years, to 10 per cent; (b) dues collected from non-exempt ships which did not use pilots; (c) fines imposed on pilots and apprentices which according to sec. 708 of the Canada Shipping Act are paid into the Pension Fund; (d) returns from investments; and (e) miscellaneous revenue. In 1962, items (b) and (c) represented 3 per cent and 0.085 per cent respectively of the Fund's income and the pilots' contributions accounted for 68.9 per cent. Returns from investments made up 26.87 per cent. Miscellaneous revenue comprises interest on bank deposits, and discounts and premiums obtained during bond transactions. These vary considerably from year to year and in 1962 amounted to 1.2 per cent of the total (Ex. 597).

The revenues of the Fund have increased greatly: they rose from a total of \$88,520.30 in 1958 to \$203,640.58 in 1964 and to \$297,125.07 in 1968 (Ex. 597). The increase is partly due to the general expansion of the pilots' earnings for various reasons as explained before, but mostly because the pension contributions were raised from 7 per cent to 10 per cent in 1961.

The Pilot Fund revenues collected by the Pilotage Authority are paid over every fortnight at the same time as the regular distribution to the pilots. Remittances are made by cheque from the Pilotage Authority to the Pension Fund Corporation and cover money from all sources that belongs to the fund.

There is no separate administration for the Pilots' Association, the Pension Fund Corporation and the new Pilots' Corporation. The administrative expenses of the Pension Fund, including trust company fees, were absorbed by the new Corporation up to 1967 and, hence, paid out of the pool. The Pension Fund Corporation used to pay the Association in compensation a flat \$1,300 per year which was raised to \$2,000 in 1957. In an effort to increase the solvency of the Fund, this payment was discontinued in 1961 at the request of the active pilots. It amounted to a further contribution by the active pilots to their Pension Fund. With the increasing solvency of the Fund, this stand was modified, first, in 1967, when the trust company fees were paid out directly from the Pension Fund, and, in 1968, the Pension Fund was made to pay a \$300 compensation towards the general administrative costs (Ex.1538(q)).

For years the Quebec Pension Fund, like the Pension Funds in most other Pilotage Districts, has been actuarially unsound. The deplorable state of the Fund was pointed out by the Audette Committee in 1949 but, despite its warning, no remedial action was taken and the Directors continued their reckless course of engaging to pay out larger and larger benefits. They did not appear to understand that the pensions they were providing were not financially justified and would eventually bankrupt the Fund.

In spite of actuarial reports and expert advice, some pilots still remain unconvinced. They contend that a pension scheme is solvent when the yearly pensions are met and when the Fund still continues to increase. This would be true of a Pilot Fund as provided for in the Act but not of a Pension Fund with guaranteed benefits.

On April 12, 1948, the Department of Insurance warned that steps should be taken to prevent the deficit from increasing. Four years later, the outlook was better because the average contribution was larger but the pilots soon exerted pressure to increase benefits as revenues expanded. The Department of Insurance made an actuarial evaluation as of December 31, 1951, and recommended against any increase. In 1954, the pilots modified the pension scheme basically by adopting the principle of relating benefits directly to contributions. This was a step in the right direction but they made no provision for liquidating the accrued deficit and the 1954 amendments were bound to result (and did result) in a continuing deterioration of the Fund to the extent of \$32,000 a year. After its 1958 actuarial appraisal, the Department of Insurance recommended increasing the contribution from 7 to 10 per

cent, a decrease in benefits, inclusion in the regulations of a withdrawal benefit clause in accordance with modern pension practice and, finally, that the regulations be clarified.

Since some pilots could not understand why a fund with such a large amount of capital should show a deficit, the Board consulted other experts who explained to them the serious implications of the report.

At the annual meeting held January 11, 1961 (Ex. 683), the President of the Corporation explained to the pilots what remedies might be applied. He suggested that the situation could be improved by abolishing the \$2,000 compensation being paid by the Pension Fund Corporation for administration; by requesting the oldest pilots to delay their retirement, if at all possible; by obtaining a reduction in the trust company's administrative charges; by increasing the contribution from 7 to 10 per cent. The recommendations were adopted after long discussion.

The Board of Directors did, in fact, succeed in obtaining some reduction in the trust company charges, and the saving thus made ranged from about \$800 to \$900 per year (Bulletin dated June 13, 1961, Ex. 688). In addition, the portfolio was kept under constant review and changes were made in order to obtain a better interest yield. This resulted in a significant increase: from 3.74 per cent to 4.85 per cent in 1961 and to 5.13 per cent in 1962.

A new actuarial study in 1962 showed that the situation had improved but the evaluation, which was based on a 4 per cent interest yield, showed that the estimated deficit as of December 15, 1962, was still in the order of \$588,000 (Ex. 704) (Part I, p.773). A new evaluation made by the Commission's consultant based on the same interest rate of 4 per cent as of December 31, 1963, showed a slight improvement. The actuarial deficit amounted then to \$553,148, i.e., a liability of \$7,278.63 per year pilot (Part I, p. 774). The last evaluation carried out by the Department of Insurance dates from December 31, 1966; the aggregate actuarial deficit had by then been reduced to \$399,000 (Ex.1538 (r)).

Another improvement was the adoption of a new set of by-laws. Sec. 27 of the new By-law No. 2 dealing with pension benefits stipulates that an amendment requires a majority of two-thirds of the members in attendance. The main aim of the revision was to define the functions of the Directors and to restrict their powers which hitherto had been unlimited. For instance, on their own recognizance they could raise the benefits without the pilots' consent and without ascertaining whether the Fund could support the increases, e.g., in 1959, the pension benefits were increased from 15 per cent to 17 per cent without even waiting for the auditors' report. The pilots realized that this dangerous discretionary power had to be curtailed.

Pilot Maurice Koenig stated that he recalled that when he was a member of the Board of Directors the pensions were increased on one

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occasion by \$200 per pensioner, without the question being referred to the members of the Corporation and without any expert advice being sought.

While the pension benefits paid out rose from \$35,745.11 in 1954 to \$62,691.90 in 1964, the amount remaining in the Fund also substantially increased from \$72,086.82 in 1958 to \$1,328,918.61 in 1964.

The 1968 Pension Fund Financial Report (Ex. 597) shows a capital gain in the 1968 pooling year of \$215,016.96, bringing the Fund to \$2,130,327.16 as of December 15. Receipts and disbursements for that year were:

REVENUES	
<i>Received from Pilotage Authority</i>	
Compulsory contributions (10%).....	\$ 179,270.13
Dues paid from ships without pilots.....	6,771.65
Fines.....	nil
<i>Fund's own revenues</i>	
Interest on investments (average yield 5.88%).....	104,866.88
Interest on bank accounts.....	1,796.85
Discounts and premiums on purchase and sale of bonds.....	4,302.50
Miscellaneous.....	117.06
<b>Total.....</b>	<b>297,125.07</b>
DISBURSEMENTS	
Pension benefits paid (54 pensioners).....	80,664.11
Trust company fees.....	1,144.00
Administration.....	300.00
	<b>82,108.11</b>
<b>Surplus for the year.....</b>	<b>215,016.96</b>

One of pilot Koenig's criticisms refers to the inadequacy of benefits in relation to each pilot's contributions to the Fund. When he retires after 36 years of service, his contributions will amount to \$40,000 and the pension benefits he will receive will be in the order of \$3,000 to \$3,500 a year, the pension payable to his widow will be two-thirds, provided she does not remarry, and there will also be benefits for any minor children. He believes that he would have been able to make better arrangements with that money himself. He argues that the Pension Fund should have been dissolved three years ago and that the present individual contribution is exorbitant and unnecessary.

The pilots' Brief (para. 286 and ff.) states that much of the trouble stems from the legislative and administrative handicaps imposed on the Fund

(p. 264 and 265), that the administrative mechanism is antiquated, that the Board of Directors has too much power, that due to changes in administration of pilotage such as the abrogation of Trinity House, etc., the method of amending the by-laws led to contradictory interpretations that were and remain a recurring source of conflict (pp. 264-266), and, finally, that authority to invest is too limited.

The Pilots' Corporation points out that with proper direction the pilots can look after their own pension problems and that the administration of the Fund should be left entirely to them. Since they are directly concerned, they maintain a keen interest in the Fund and lose no opportunity to improve it. The basic principles of organization had not changed since 1875 and it was within that framework that they were piling up larger and larger deficits prior to 1959. Therefore, they urge that the provisions of the Canada Shipping Act dealing with pensions should be abolished because they believe they are outdated and no longer needed and that pension plans should be left entirely to the discretion of each pilot group.

For study of the legal situation of Pension Funds, the Commission's remarks and recommendations, vide Part I, C.10 and Recommendation No. 39.

**Chapter D**

**For Recommendations affecting this District, see Section Five.**

## Chapter E

# APPENDICES

### APPENDIX A

#### Shipping Casualties, Accidents and Incidents Involving Pilots:

- (1) Table—Comparative statistical analysis for the ten-year period 1959-1968 inclusive.
- (2) Summary—Detailed analysis for the years 1963 and 1968.

### APPENDIX B

- (1) Graphs a. June 1962 workload of pilot Paul Emile Cloutier.  
b. June 1963 workload of pilot Paul Emile Cloutier.  
c. June 1964 workload of pilot Paul Emile Cloutier.
- (2) Tables a. Comparative detailed analysis of workload of pilot Paul Emile Cloutier during the month of June for the three-year period 1962, 1963 and 1964.  
b. Comparative summary of workload of pilot Paul Emile Cloutier during the month of June for the three-year period 1962, 1963 and 1964.

### APPENDIX C

- (1) Graph—Showing the variation in the aggregate number of trips on a per month basis for the years 1963-1968 inclusive.
- (2) Table—Aggregate number of trips by Quebec pilots each month during the years 1963-1968 inclusive.

### APPENDIX D

- (1) Table—Comparative summary of workload of busiest pilot during busiest month for the three-year period 1962, 1963 and 1964.
- (2) Table—Comparative summary of workload of busiest pilot during least busy month for the three-year period 1962, 1963 and 1964.

SHIPPING CASUALTIES, ACCIDENTS AND INCIDENTS INVOLVING PERIOD 1959-

TYPE OF CASUALTY, ACCIDENT OR INCIDENT	1959	1960	1961
<b>A. EVENTS WHILE NAVIGATING</b>			
<b>I. MAJOR CASUALTIES (with or without loss of life):</b>			
(a) Loss or abandonment of ship.....	0	0	0
(b) Major strandings.....	3	0	1
(c) Heavy damage to ship (other than above)	2	0	0
	— 5	— 0	— 1
<b>II. MINOR CASUALTIES (without loss of life):</b>			
(a) Minor strandings.....	3	2	3
(b) Minor damage to ships.....	0	1	2
	— 3	— 3	— 5
<b>III. ACCIDENTS (without damage to ships).....</b>	0	0	0
<b>IV. INCIDENTS (without any damage whatsoever):</b>			
(a) Touching bottom in channel.....	0	4	4
(b) Others.....	0	1	1
	— 0	— 5	— 5
	8	8	11
<b>B. EVENTS WHILE BERTHING, UNBERTHING OR ANCHORING</b>			
<b>I. MAJOR CASUALTIES (with or without loss of life):</b>			
(a) Major strandings.....	0	0	1
(b) Heavy damage to ship—striking pier.....	0	0	0
	— 0	— 0	— 1
<b>II. MINOR CASUALTIES (without loss of life):</b>			
(a) Minor strandings.....	1	0	0
(b) Minor damage to ship:			
(i) Striking pier.....	9	6	8
(ii) Striking vessel—berthing or unberthing.....	2	1	4
(iii) Striking vessel—anchoring.....	0	0	1
(iv) Others.....	0	0	3
	— 11	— 7	— 16
<b>III. ACCIDENTS (without damage to ships):</b>	12	7	16
(a) Damage to pier.....	0	2	1
(b) Damage to buoys.....	0	0	0
	— 0	— 2	— 1
<b>IV. INCIDENTS (without any damage whatsoever):</b>			
(a) Striking pier.....	0	3	0
(b) Striking vessel at pier.....	0	0	1
(c) Others.....	0	0	0
	— 0	— 3	— 1
	12	12	19
<b>GRAND TOTAL.....</b>	<b>20</b>	<b>20</b>	<b>30</b>

SOURCE: Exhibit 1467.



A (1)

QUEBEC DISTRICT PILOTS DURING THE TEN-YEAR  
1968 INCLUSIVE

1962	1963	1964	1965	1966	1967	1968
0 3 0 — 3	1 0 1 — 2	1 1 0 — 2	0 0 1 — 1	0 1 0 — 1	1 0 0 — 1	1 0 0 — 1
2 2 — 4	2 1 — 3	3 0 — 3	6 2 — 8	3 0 — 3	2 3 — 5	2 0 — 2
8 1 — 9	2 1 — 3	0 1 — 1	2 3 — 5	3 2 — 5	3 0 — 3	2 0 — 2
16	8	6	15	9	10	5
0 0 — 0	0 1 — 1	0 0 — 0	0 0 — 0	0 0 — 0	0 0 — 0	0 0 — 0
0	1	0	0	0	0	0
9	9	6	7	7	12	6
3 0 2 — 14	3 3 4 — 19	0 0 0 — 6	1 0 0 — 8	0 0 0 — 7	2 0 1 — 15	2 0 0 — 8
14	20	6	8	7	15	8
1	0	1	4	1	0	0
0 — 1	1 — 1	0 — 1	0 — 4	0 — 1	0 — 0	0 — 0
2 1 0 — 3	2 0 2 — 4	2 2 1 — 5	4 1 0 — 5	2 5 1 — 8	3 1 0 — 4	2 0 0 — 2
18	26	12	17	16	19	10
34	34	18	32	25	29	15

Appendix A (2)

SHIPPING CASUALTIES, ACCIDENTS AND INCIDENTS WITH A QUEBEC DISTRICT PILOT ON BOARD DURING THE YEARS 1963 AND 1968

The years 1963 and 1968 represent the greatest and least number of events respectively during the past ten years. The details are as follows:

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1963

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A. EVENTS WHILE NAVIGATING

I. MAJOR CASUALTIES (with or without loss of life):

(a) *Loss or abandonment of ship*

1. July 20—*Roonagh Head* and *Tritonica* collided in the St. Lawrence River at Quebec during fog, resulting in thirty-three fatalities and approximate loss of \$4,000,000—heavy damage to *Roonagh Head* and foundering of *Tritonica*. For further details, vide pp. 368 and ff.

(b) *Major strandings*

— nil

(c) *Heavy damage to ship (other than above)*

1. July 19—*Canadoc*, *Bariloche* and *Calgadoc* were involved in a triple collision off Lauzon during fog, with damage estimated at \$150,000 to *Canadoc*, considerable damage to *Bariloche*, and *Calgadoc's* starboard bow damaged. For further details, vide p. 134.

II. MINOR CASUALTIES (without loss of life):

(a) *Minor strandings*

1. September 5—*Jarmina* grounded in the St. Lawrence River one cable west of buoy 114B; damage not stated. Caused by pilot error—letter of reprimand sent by Superintendent of Pilots.
2. September 18—*Eaglescliffe Hall* grounded on north side of channel abeam the upper end of Ile Madame; no damage. Caused by pilot error—pilot suspended.

(b) *Minor damage to ships*

1. July 18—*Seven Skies* and *Cartier* collided slightly in fog downbound from Quebec; damage light. For further details, vide pp. 393 and ff.

III. ACCIDENTS (without damage to ships):

— nil

IV. INCIDENTS (without any damage whatsoever):

(a) *Touching bottom in channel*

1. May 14—*Helisona* shuddered near Cap Gribane 25-foot patch with no apparent damage; caused by silting.
2. November 29—*Siganka* felt slight disturbance passing over the bar near Cap Gribane 25-foot patch with no damage; caused by deep draught.

(b) *Others*

1. May 14—*Lynda* felt vibration at Cape Brûlé; damage and cause unknown.

## B. EVENTS WHILE BERTHING, UNBERTHING OR ANCHORING

## I. MAJOR CASUALTIES (with or without loss of life):

(a) *Major strandings*

— nil

(b) *Heavy damage to ship*

1. June 12—*Deerwood* struck Pier 18 wall while berthing, resulting in stem twisted, port and starboard bow plates buckled and plates indented. Caused by mechanical failure.

## II. MINOR CASUALTIES (without loss of life):

(a) *Minor strandings*

1. November 28—*Louisburg* scraped bottom port side entering Inner Louise Basin; damage not stated. Caused by heavy draught and difficulties with tug.

(b) *Minor damage to ship*

## (i) Striking pier:

1. January 27—*Manja Dan* struck cement wall of Section 3 at Wolfe's Cove with her bow manoeuvring in a snow storm, damaging her bow.
2. April 17—*Niceto de Larinega* scraped the wharf of shed 19 at Quebec while unberthing, damaging her bow. Cause is unknown; Master not on bridge.
3. April 21—*Nordpol* lightly touched the corner of Powell Wharf at Port Alfred during gale force winds, resulting in plate being dented.
4. May 19—*Wasaborg's* stem came in contact with East End Wharf at Wolfe's Cove while berthing, resulting in a dented bow. Caused by tug line parting while manoeuvring and slowness in letting go anchor.
5. June 9—*Esso Danmark's* starboard side struck the stone pier No. 5 in Section 6 at Wolfe's Cove; damage not stated. Caused by tug topline parting while manoeuvring.
6. September 23—*Askot's* flare of bow struck entrance of Inner Louise Basin resulting in damage to her bow. Caused by current and broken tow line while manoeuvring.
7. October 23—*Leise Maersk* struck corner No. 3 of Powell Wharf at Port Alfred while berthing, with slight damage to her bow. Caused by pilot coming in too fast—pilot given warning by District Superintendent of Pilots at Quebec.
8. November 24—*Roma Maersk* struck wharf at Princess Louise Basin, with damage to her bow. Caused by wind.
9. November 29—*Holmgår* struck British Petroleum Wharf No. 50 at Quebec, damaging her bow. Caused by excessive speed while manoeuvring—pilot reprimanded by District Superintendent of Pilots.

## (ii) Striking vessel berthing or unberthing:

1. April 30—*Menhek Lake* set down on H.M.C.S. *Provider* at Lauzon, damaging bulwarks and stanchions respectively. Caused when tug failed to carry out orders during manoeuvring.
2. October 29—*Cleopatra* touched berthed *Malow* at Shed 28 in Quebec while berthing, damaging stern rails and propeller. Caused by manoeuvring difficulties when tow line parted.
3. December 18—*Wabana* caught the port davit and collided with the tug *Robert B* at Quebec, with minor deck damage to tug. Caused by manoeuvring difficulties in restricted space. There was no pilot on board the tug.

## (iii) Striking vessel anchoring:

1. May 5—*Transcanada* touched moored *C. D. Howe* in Quebec harbour, denting her bulwarks. Caused by steering gear failure. There was no pilot on board the *C. D. Howe*.

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2. July 20—*Conde de Fontanar* anchored on wreck of submerged *Tritonica* in the St. Lawrence River, resulting in a leak in forepeak. Caused by fog.
3. August 24—*Sparkman D. Foster* struck moored barge *Federal 8* off Lauzon, with \$750 damage to barge. Caused by broken tow line. There was no pilot on board the barge.

### (iv) Others:

1. April 13—*Sunek's* bow brushed slightly against the operator's cubicle of crane at Port Alfred, damaging both her bow and the shore installations. Caused by manoeuvring during wind—investigated but no action recommended.
2. October 29—*Sunbreeze* caught legs of unloading crane with her starboard bow while unberthing from Duncan Wharf at Port Alfred, damaging her rails and the shore crane. Caused by pilot's error in use of tugs—investigated.
3. November 13—*Cape Araxos* dropped port anchor in approximately 14 fathoms of water above Morin Shoal whereby ten shackles came out. Cause not stated.
4. December 9—*Nicolas S.* lost port anchor and three shackles of chain when anchoring at Cap aux Oies anchorage. Caused by anchor cable parting in storm.

## III. ACCIDENTS (other than casualties):

### (a) Damage to pier

— nil

### (b) Damage to buoys

1. September 5—*Ryndam* drifted on buoy 12Q while berthing in Wolfe's Cove, damaging the buoy. Caused by manoeuvring in strong current.

## IV. INCIDENTS (without any damage whatsoever):

### (a) Striking pier

1. October 1—*Tel Aviv* struck berth No. 29 with her stern while unberthing in Quebec harbour without causing damage. Caused when tug did not manoeuvre as ordered.
2. November 29—*Louisburg* struck an Inner Basin wharf when unberthing without causing damage. Caused by manoeuvring during wind.

### (b) Striking vessel at pier

— nil

### (c) Others

1. October 16—*Slavsk* touched grain loading spout when unberthing in Quebec harbour without causing damage. Caused by tug during manoeuvring.
2. October 23—*Deerwood* grounded for an hour in soft mud off Anglo Wharf when unberthing without causing damage. Caused when back spring parted while manoeuvring.

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1968.

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## A. EVENTS WHILE NAVIGATING

### I. MAJOR CASUALTIES (with or without loss of life):

#### (a) Loss or abandonment of ship

1. November 13—*Clara Clausen* grounded on the north shore of the St. Lawrence River  $1\frac{1}{2}$  miles above Les Escoumins resulting in a total loss. For further details, vide pp. 414 and ff.

- (b) *Major strandings*  
— nil
- (c) *Heavy damage to ship* (other than above)  
— nil

II. MINOR CASUALTIES (without loss of life):

- (a) *Minor strandings*
  1. July 26—*Bernes* grounded south-west of buoy 110B on shoal patch in Orleans Island Channel with only minor damage.
  2. September 7—*Rikke Skou* grounded off Pointe Noire during fog with only minor damage.

- (b) *Minor damage to ships*  
— nil

III. ACCIDENTS (without damage to ships):

— nil

IV. INCIDENTS (without any damage whatsoever):

- (a) *Touching bottom in channel*
  1. April 17—*James Transport* grounded in vicinity of buoy 25S in the St. Fulgence Channel without damage. Caused by sun blinding those observing range lights.
  2. July 13—*Irving Birch* grounded at buoy 12S in St. Fulgence Channel without damage. Caused by pilot error.

- (b) *Others*  
— nil

B. EVENTS WHILE BERTHING, UNBERTHING OR ANCHORING

I. MAJOR CASUALTIES (with or without loss of life):

- (a) *Major strandings*  
— nil
- (b) *Heavy damage to ship*  
— nil

II. MINOR CASUALTIES (without loss of life):

- (a) *Minor strandings*  
— nil
- (b) *Minor damage to ship*
  - (i) Striking pier:
    1. January 2—*Chimo* struck quay while berthing in Quebec harbour with only minor damage. Caused by error in manoeuvring.
    2. January 26—*Beaverpine* struck quay in Quebec harbour with only minor damage. Caused by thick ice and winds up to 35 m.p.h.
    3. June 25—*Karlsburg* struck wharf at Wolfe's Cove with only minor damage. Caused by error in manoeuvring.
    4. September 4—*Lottinge* struck quay in Quebec harbour with only minor damage. Caused by error in manoeuvring.
    5. September 13—*Charlton Mira* struck quay at Section 51 in Quebec harbour with only minor damage. Caused by error in manoeuvring.
    6. December 6—*Barbara* struck quay in Quebec harbour with only minor damage. Caused by sudden squall of wind.
  - (ii) Striking vessel berthing or unberthing:
    1. June 1—*Split* struck *Foundation Venture* at Champlain Dry Dock in Lauzon, damaging the latter vessel. Caused by pilot error.
    2. September 15—*Empress of Canada* struck *Bristol City* at Wolfe's Cove with only minor damage. Caused by error in manoeuvring.

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(iii) Striking vessel anchoring:

— nil

(iv) Others:

— nil

III. ACCIDENTS (without damage to ship):

— nil

IV. INCIDENTS (without any damage whatsoever):

(a) *Striking pier*

1. April 22—*Giuan* struck pier in Quebec harbour with no damage reported. Caused by error in manoeuvring.

2. December 9—*Irvingwood* struck Sillery Wharf without damage. Caused by manoeuvring error.

(b) *Striking vessel at pier*

— nil

(c) *Others*

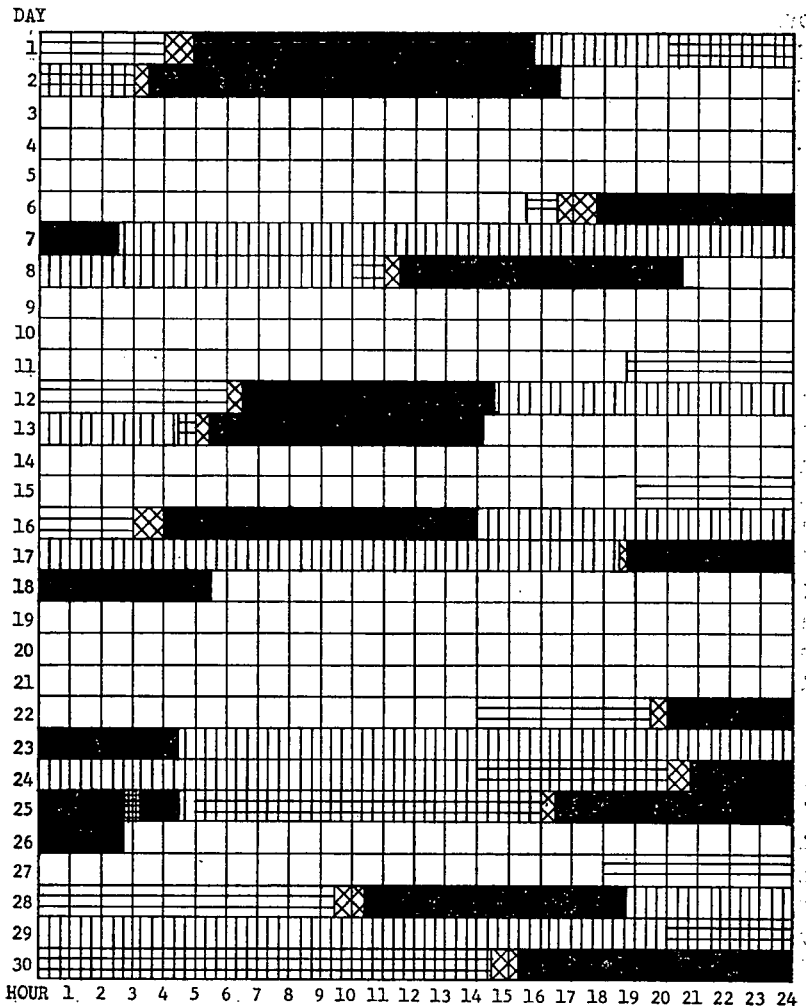
— nil

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SOURCES: Exhibits 1466 and 1467.

Appendix B (1)

JUNE 1962 WORKLOAD OF PILOT PAUL EMILE CLOUTIER



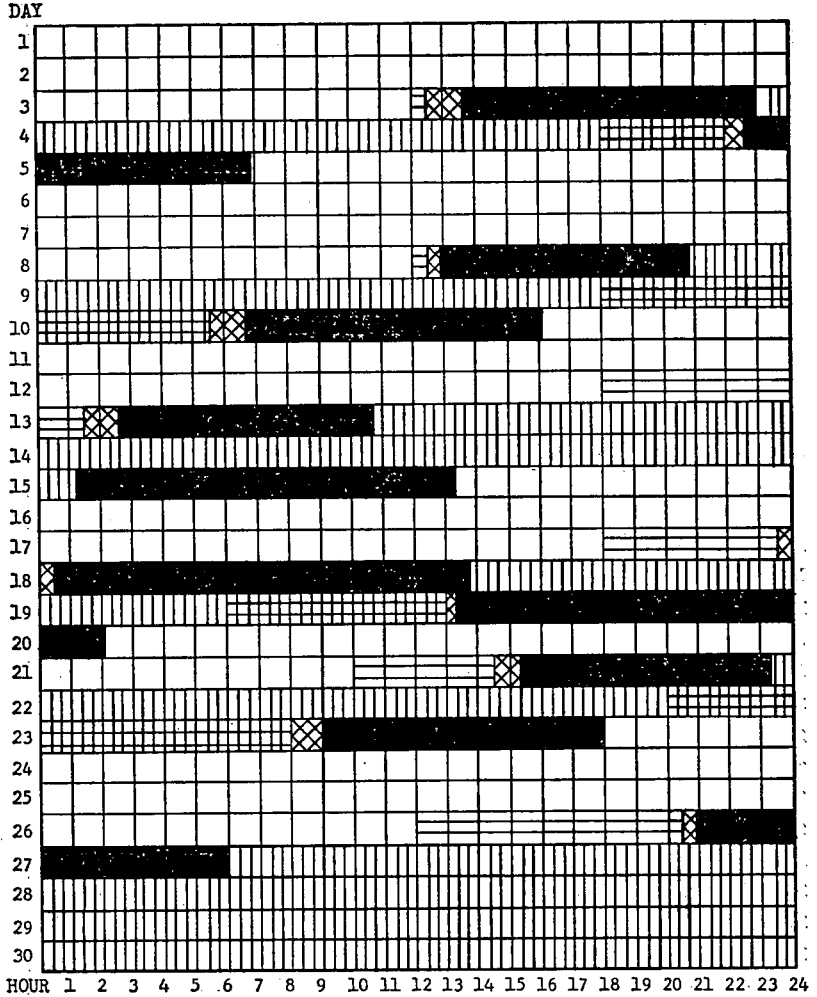
LEGEND:

-  Awaiting departure after reported time
  -  Piloting
  -  Detention at anchorage awaiting orders
-  At home, available
  -  Waiting at home after ordered time
  -  Away from home awaiting assignment
  -  Waiting away from home after ordered time

SOURCE: Appendix B (2).

Appendix B (1)

JUNE 1963 WORKLOAD OF PILOT PAUL EMILE CLOUTIER



LEGEND:

- ⊠ Awaiting departure after reported time

■ Piloting

▤ Waiting away from home after ordered time
- At home, available

▨ Waiting at home after ordered time

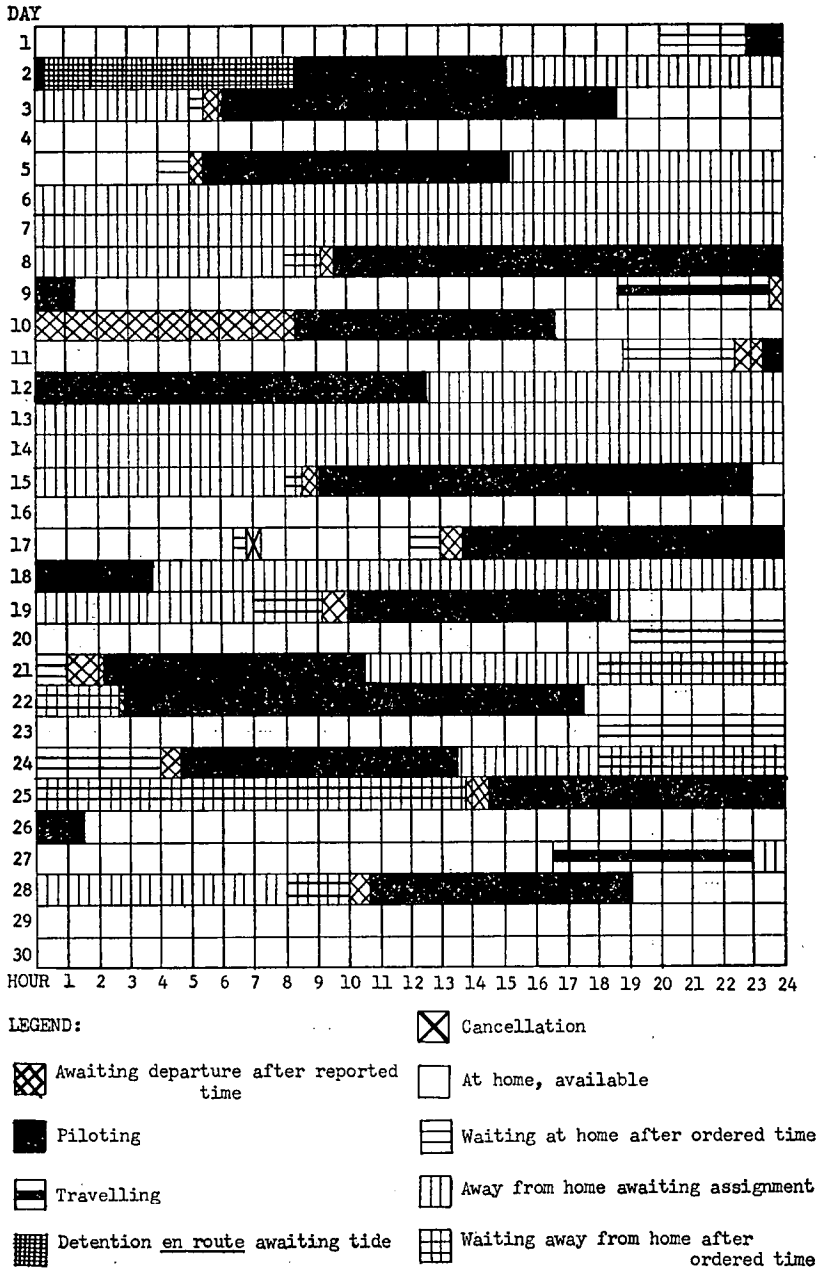
▧ Away from home awaiting assignment

SOURCE: Appendix B (2).



Appendix B (1)

JUNE 1964 WORKLOAD OF PILOT PAUL EMILE CLOUTIER



SOURCE: Appendix B (2).

Appendix B (2)

COMPARATIVE DETAILED ANALYSIS OF WORKLOAD OF PILOT PAUL EMILE CLOUTIER DURING THE MONTH OF JUNE FOR THE THREE-YEAR PERIOD 1962, 1963 AND 1964

Item	June 1962			June 1963			June 1964		
	Dates	days	hrs. mins.	Dates	days	hrs. mins.	Dates	days	hrs. mins.
<i>Piloting Trips</i>									
Quebec-Les Escoumins.....	1		10 50	3		9 20	1- 2		8 20
	6- 7		8 40	8		7 55	5		9 45
	12		8 10	13		8 5	11-12		13 15
	16		10 5	18		13 20	17-18		14 5
	22-23		8 30	21		7 55	21		8 20
	28		8 10	26-27		9 5	24		8 55
			<u>2 6 25</u>			<u>2 7 40</u>			<u>2 14 40</u>
Les Escoumins-Quebec.....	2		13 0	4- 5		8 15	3		12 35
	8		9 0	10		9 25	8- 9		15 40
	13		8 40	15		12 5	10		8 20
	17-18		10 45	19-20		12 45	15		13 50
	29		8 40	23		9 0	19		8 20
	—		0	—		0	22		14 40
	—		0	—		0	25-26		11 0
	—		0	—		0	28		8 25
			<u>2 2 5</u>			<u>2 3 30</u>			<u>3 20 50</u>
Les Escoumins-Port Alfred.....	24-25		6 0	—		0	—		0
Port Alfred-Quebec	25-26		10 10	—		0	—		0
Total trips.....			<u>5 0 40</u>			<u>4 11 10</u>			<u>6 11 30</u>
<i>Movage: Port Alfred.</i>	25		1 15	—		0	—		0
Total piloting.....			<u>5 1 55</u>			<u>4 11 10</u>			<u>6 11 30</u>
<i>Detention</i>									
St. Jean, I.O.....	—		0	—		0	2		7 55
Port Alfred.....	25		30	—		0	—		0
<i>Cancellation.</i>									
Quebec.....	—		0	—		0	17		25
<i>Travelling</i>									
Quebec-Les Escoumins.....	—		0	—		0	9		4 50
	—		0	—		0	27		6 30
Total workload.....			<u>5 2 25</u>			<u>4 11 10</u>			<u>7 7 10</u>
<i>Awaiting Departure after Reported Time</i>									
Quebec.....	1		55	3		1 10	1		5
	6		1 20	8		25	5		30
	12		30	13		1 10	11		50
	16		55	17-18		1 0	17		45
	22		25	21		50	21		1 10
	28		1 5	26		25	24		40
			<u>5 10</u>			<u>5 0</u>			<u>4 0</u>

Item	June 1962				June 1963				June 1964			
	Dates	days	hrs.	mins.	Dates	days	hrs.	mins.	Dates	days	hrs.	mins.
Les Escoumins.....	2		30		4		40		3		40	
	8		30		10	1	10		8		30	
	13		30		19		20		9-10	8	50	
	17		10		23	1	0		15		40	
	24		45		—		0		19		45	
	30		50		—		0		22		25	
	—		0		—		0		25		40	
	—		0		—		0		28		40	
		3	15			3	10			13	10	
Port Alfred.....	25		30		—		0		—		0	
Total.....		8	55			8	10			17	10	
<i>At Home, Waiting to Report after Order Received</i>												
Quebec.....	1	4	0		3		30		1	2	50	
	6	1	5		8		30		5	1	0	
	11-12	11	10		12-13	7	30		11	3	40	
	15-16	8	0		17	5	30		17	1	30	
	22	5	30		21	4	30		20-21	6	0	
	27-28	15	30		26	8	30		23-24	10	0	
		1	21	15		1	3	0		1	1	0
<i>Away from Home</i>												
Les Escoumins.....	1- 2	7	0		4	4	0		3		30	
	8	1	0		9-10	11	30		8	1	10	
	13		30		19	7	0		15		30	
	17		5		22-23	12	0		19		2	15
	24	6	0		—		0		21-22	8	30	
	29-30	18	30		—		0		24-25	19	50	
	—		0		—		0		28	2	0	
		1	9	5		1	10	30		1	10	45
Port Alfred.....	25	11	0		—		0		—		0	
Total.....		3	17	20		2	13	30		2	11	45
<i>Away from Home Awaiting Assignment</i>												
Les Escoumins.....	1	4	15		3- 4	19	0		2- 3	13	50	
	7- 8	1	7	30	8- 9	21	10		5- 8	2	16	45
	12-13	13	50		13-15	1	14	30	12-15	2	19	25
	16-17	1	4	30	18-19	16	10		18-19	1	3	10
	23-24	1	9	35	21-22	20	45		21	7	30	
	28-29	1	1	15	27-30	3	18	0	24	4	25	
	—		0		—		0		27-28	9	0	
		5	16	55		8	13	35		8	2	5
Port Alfred.....	25		30		—		0		—		0	
Total waiting.....		5	17	25		8	13	35		8	2	5

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Item	June 1962				June 1963				June 1964			
	Dates	days	hrs.	mins.	Dates	days	hrs.	mins.	Dates	days	hrs.	mins.
<i>At Home, Available</i>												
Quebec.....	2- 6	3	22	55	1- 3	2	12	0	1		20	0
	8-11	2	22	20	5- 8	3	5	5	3- 5	1	9	15
	13-15	2	4	50	10-12	2	1	55	9		17	20
	18-22	4	8	30	15-17	2	4	40	10-11	1	2	10
	26-27	1	15	20	20-21	1	7	55	15-17	1	12	5
	—			0	23-26	2	18	0	19-20	1	0	40
	—			0	—			0	22-23	1	0	25
	—			0	—			0	26-27	1	15	0
	—			0	—			0	28-30	2	4	55
<b>Total.....</b>		<b>15</b>	<b>1</b>	<b>55</b>		<b>14</b>	<b>1</b>	<b>55</b>		<b>11</b>	<b>9</b>	<b>50</b>
<b>Grand Total.....</b>		<b>30</b>	<b>0</b>	<b>0</b>		<b>30</b>	<b>0</b>	<b>0</b>		<b>30</b>	<b>0</b>	<b>0</b>

Source: Ex. 733.

COMPARATIVE SUMMARY OF WORKLOAD OF PILOT PAUL EMILE CLOUTIER DURING THE MONTH OF JUNE FOR THE THREE-YEAR PERIOD 1962, 1963 AND 1964

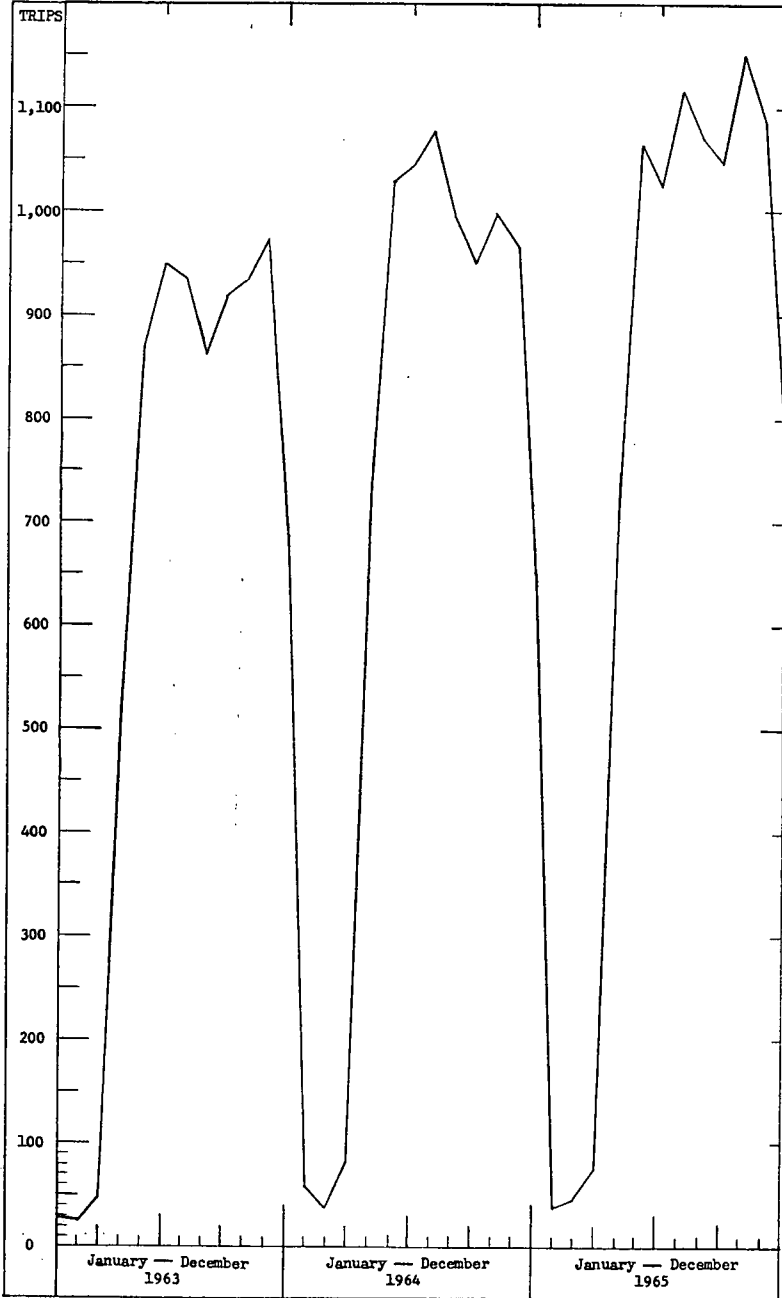
Item	June 1962				June 1963				June 1964			
	Turns*	days	hrs.	mins.	Turns	days	hrs.	mins.	Turns	days	hrs.	mins.
<i>Trips</i>												
Quebec-Les Escoumins	6	2	6	25	6	2	7	40	6	2	14	40
Les Escoumins-Quebec	5	2	2	5	5	2	3	30	8	3	20	50
Other.....	2		16	10	0		0	0	0		0	0
<i>Movage.....</i>	1		1	15	0		0	0	0		0	0
<b>Total piloting.....</b>	<b>14</b>	<b>5</b>	<b>1</b>	<b>55</b>	<b>11</b>	<b>4</b>	<b>11</b>	<b>10</b>	<b>14</b>	<b>6</b>	<b>11</b>	<b>30</b>
<i>Detention.....</i>	1			30	0			0	1		7	55
<i>Cancellation.....</i>	0			0	0			0	1			25
<i>Travelling.....</i>	0			0	0			0	2		11	20
<b>Total workload.....</b>	<b>15</b>	<b>5</b>	<b>2</b>	<b>25</b>	<b>11</b>	<b>4</b>	<b>11</b>	<b>10</b>	<b>18</b>	<b>7</b>	<b>7</b>	<b>10</b>
<i>Waiting Time</i>												
Away from home.....	7	7	17	15	6	10	3	15	8	10	2	0
At home, available.....	6	17	4	20	6	15	9	35	9	12	14	50
<b>Grand Total.....</b>	<b>28</b>	<b>30</b>	<b>0</b>	<b>0</b>	<b>23</b>	<b>30</b>	<b>0</b>	<b>0</b>	<b>35</b>	<b>30</b>	<b>0</b>	<b>0</b>

SOURCE: Ex. 733.

\*In tables of this nature, *turns* should be taken to mean *times* in connection with items other than assignments.

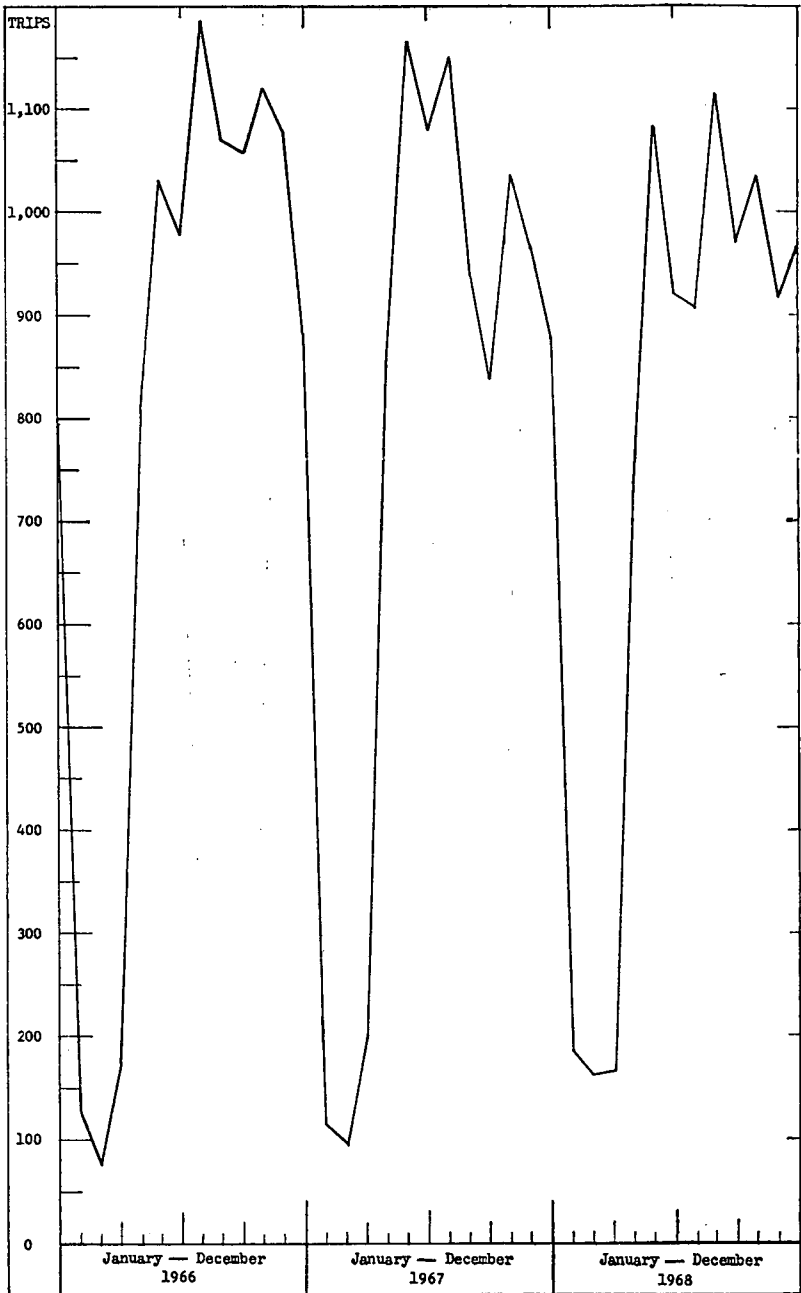
Appendix C (1)

AGGREGATE NUMBER OF TRIPS BY QUEBEC PILOTS EACH MONTH DURING 1963, 1964 AND 1965



Appendix C (1)

AGGREGATE NUMBER OF TRIPS BY QUEBEC PILOTS EACH MONTH  
DURING 1966, 1967 AND 1968



Appendix C (2)

AGGREGATE NUMBER OF TRIPS BY QUEBEC PILOTS EACH MONTH  
DURING THE YEARS 1963—1968 INCLUSIVE

Month	1963	1964	1965	1966	1967	1968
January.....	28	58	38	127	116	186
February.....	26	38	44	78	97	162
March.....	48	82	76	174	200	164
April.....	529	734	701	806	852	739
May.....	868	1,029	1,063	1,030	1,166	1,082
June.....	949	1,045	1,023	979	1,081	921
July.....	935	1,077	1,117	1,185	1,150	908
August.....	863	994	1,070	1,071	939	1,113
September.....	919	950	1,048	1,050	839	971
October.....	933	999	1,149	1,120	1,035	1,032
November.....	972	965	1,085	1,078	966	918
December.....	686	651	795	882	878	967
Annual Aggregate.....	7,756	8,622	9,209	9,580	9,320	9,163
Monthly Average.....	646.3	718.5	767.4	798.3	776.7	763.6

SOURCE: Ex. 1538(y).

Appendix D (1)

COMPARATIVE SUMMARY OF WORKLOAD OF BUSIEST PILOT DURING BUSIEST MONTH FOR THE THREE-YEAR PERIOD 1962, 1963 AND 1964

Busiest Pilot during Busiest Month	October 1962 Pilot David Bouffard				November 1963 Pilot J.J.R. Labrie				July 1964 Pilot Henri Brochu			
	Turns	days	hrs.	mins.	Turns	days	hrs.	mins.	Turns	days	hrs.	mins.
<i>Trips</i>												
Quebec-Les Escoumins	8	3	7	35	8	3	22	15	5	1	22	45
Les Escoumins-Quebec	11	4	13	20	7	3	8	30	6	2	7	40
Other.....	1		4	10	2		7	50	3		11	10
<i>Movages</i> .....	0			0	0			0	3		5	45
Total piloting.....	20	8	1	5	17	7	14	35	17	4	23	0
<i>Detention</i> .....	0			0	1	1	4	20	1		18	45
<i>Cancellation</i> .....	0			0	0			0	1	1	21	0
<i>Travelling</i> .....	2		10	0	4		20	0	2		10	0
Total workload.....	22	8	11	5	22	9	14	55	21	8	0	45
<i>Waiting Time</i>												
Away from home.....	10	5	12	45	6	3	4	20	7	9	10	10
At home, available.....	11	17	0	10	10	17	4	45	9	13	13	5
<i>Grand Total</i> .....	43	31	0	0	38	30	0	0	37	31	0	0

SOURCE: Ex. 736.

Appendix D(2)

COMPARATIVE SUMMARY OF WORKLOAD OF BUSIEST PILOT DURING LEAST BUSY MONTH FOR THE THREE-YEAR PERIOD 1962, 1963 AND 1964

Busiest Pilot during Least Busy Month	September 1962 Pilot J. F. A. Vézina				May 1963 Pilot Achille Couet				September 1964 Pilot J. Y. G. Dufour			
	Turns	days	hrs.	mins.	Turns	days	hrs.	mins.	Turns	days	hrs.	mins.
<i>Trips</i>												
Quebec-Les Escoumins	6	2	9	10	8	3	1	10	7	2	6	55
Les Escoumins-Quebec	5	2	2	35	8	3	7	30	5	1	14	35
Other.....	3	1	9	40	2		12	45	1		6	50
<i>Movages</i> .....	3		4	15	0			0	2		2	35
Total piloting.....	17	6	1	40	18	6	21	25	15	4	6	55
<i>Detention</i> .....	1	1	6	25	1		4	15	1	2	23	35
<i>Cancellation</i> .....	0			0	0			0	0			0
<i>Travelling</i> .....	1		5	0	0			0	2		10	0
Total workload.....	19	7	13	5	19	7	1	40	18	7	16	30
<i>Waiting Time</i>												
Away from home.....	11	7	22	0	11	10	8	5	6	5	6	35
At home, available.....	7	14	12	55	8	13	14	15	9	17	0	55
<i>Grand Total</i> .....	37	30	0	0	38	31	0	0	33	30	0	0

SOURCE: Ex. 734.



## Section Two

LOWER ST. LAWRENCE RIVER PORTS  
AND AREAS

## PREAMBLE

The open waters of the lower part of the St. Lawrence River east of Les Escoumins pilot station present no particular navigational problems or difficulties other than those ordinarily met during navigation at sea. No local experience in the navigation of these waters is necessary and the little local knowledge needed is readily available from official publications, such as nautical charts, sailing directions (St. Lawrence River Pilot, Parts 1 to 5), Notices to Mariners and guidance to merchant ships navigating in winter. There is no need for pilotage service in that area.

The estuary of the River is wide. Except close to shore, its waters are deep and unobstructed. The area has ample navigational aids. Major lights, fog signals and radio beacons are maintained along the route during the winter, as is the Decca system which covers most of the area. In general, the aids to navigation provided for winter navigation far exceed the minimum requirements for safety. In some areas, there is full coverage by radio beacons, Loran and Decca, as well as visual and audio aids.

Winter navigation is facilitated by the efficient Department of Transport Ice Information and Guidance Service for ships navigating in that area (vide p. 200).

In general, harbours along the River east of Les Escoumins do not present any particular navigational difficulties and there is no organized public pilotage service at any port in the area.

Prior to 1960, because no local pilotage service was available, shipping companies trading on the St. Lawrence River used to place on board their ships a person familiar with the port of destination, unless the Master had sufficient knowledge of the area. Such persons were pilots in that they were not members of the crew and went from ship to ship as required. Since these ports are not included in any Pilotage District, no pilot licence was, or could be, issued and any one could offer his services and be employed. Ships trading on the St. Lawrence River used to take *en route* one such pilot who travelled to the port of destination where he rendered his services and was disembarked somewhere along the return trip, only to embark in another vessel for the same purpose. At that time, such services were mostly provided with the permission of the District Superintendent by the licensed pilots and apprentice pilots of the District of Quebec (p. 205). The apprentice pilots were enabled to earn a little income and the licensed pilots increased their remuneration by performing unofficial work in addition to their regular workload. The charge for these services was a matter of private agreement with the agent or the Master. It belonged to the pilot personally and did not appear in the amount shown as the remuneration of a licensed pilot.

When the pilotage service in the Quebec District was reorganized in 1960, this practice was discontinued.

At the present time, pilotage services can be obtained locally. As these ports increased in importance following the opening of the Seaway and the considerable mining developments in the Quebec/Labrador area, local pilotage services were organized and provided by the industries at each port.

These local pilotage services provided by private sources work well and no complaints against them have been received from shipping.

In keeping with its proposal that only licensed pilots be allowed to pilot in Canada and, therefore, that any area where pilotage is being performed should be included in a Pilotage District, the Federation of the St. Lawrence River Pilots recommended that the Lower St. Lawrence ports, i.e., the harbours of Rimouski, Forestville, Port-Cartier, Sept-Îles, Baie-Comeau and perhaps Gaspé be grouped in a Pilotage District and that all persons performing local pilotage be required to obtain a licence to ensure their qualifications in the interest of the safety of navigation (The Federation of the St. Lawrence River Pilots Recommendation No. 19) (p. 85). The Federation argued that since these pilots are being employed by third parties, i.e., Masters who have no means of ascertaining their competency, it is the responsibility of the State to make sure that those who offer their services as pilots are well qualified.

In keeping with its other recommendation that all pilots should be free entrepreneurs, the Federation opposes the practice in certain harbours of the pilots being regular employees of local industries. It claims that there would be abuses because in certain places pilotage earnings might greatly exceed the pilots' salary. To finance the proposed District, they suggested that the pilotage revenues of a very active harbour could help to support the pilotage service in a harbour where there is less traffic, and that a pilot could increase his income by serving adjacent harbours.

The local industries reacted to the Federation's recommendation by submitting a Brief (Ex. 923) through the Lower St. Lawrence and Gulf Development Association. They pointed out that the present organization was working well and meeting all requirements, and opposed the establishment of the proposed Pilotage District as unwarranted by the facts and undesirable in Baie-Comeau, Port-Cartier, Sept-Îles and Havre St-Pierre (for details about this Brief, vide pp. 109-110).

Since these ports do not form part of any Pilotage District there is no special pilotage legislation governing their local services. However, the provisions of the Canada Shipping Act that apply to pilotage and pilots in general (Part I, pp. 21 and ff.) and the provisions of the Quebec Civil Code regarding the privilege, rank and lien of the pilot's claim (Part I, p. 67) apply. Furthermore, the terms of the pilotage contract arrived at between the ship and the pilot, or the pilot's employer, are the law of the parties and binding upon them unless they conflict with the general provisions of the

Canada Shipping Act or those provisions of the Quebec Civil Code applying to civil contracts deemed to be of public interest which the parties can not modify.

The harbours of Forestville and Rimouski are still contained in the Pilotage District of Quebec (p. 8) but there is very little demand for pilotage at these ports and there is little need for any since most of the new ships calling there are regular traders, well acquainted with the physical features and navigational peculiarities of the ports and their approaches. The few requirements are met by local unlicensed pilots, a practice condoned by the Quebec pilots and the Quebec Pilotage Authority (p. 119). Maritime traffic consists mostly of small local traders (vide Table pp. 150-151). For traffic in Gaspé, see Part III, p. 507.

East of the Quebec District the only ports of importance on the St. Lawrence River where pilotage services are provided, all situated on the north shore, are Baie-Comeau, Port-Cartier, Sept-Iles and Havre St-Pierre which are studied in the following four subsections.

**Subsection I**

**BAIE-COMEAU**

## BAIE-COMEAU

The port of Baie-Comeau, situated on the north shore of the St. Lawrence River 70 miles northeast of Les Escoumins pilot station, was proclaimed a public harbour on April 19, 1962 (P.C. 1962-595). It consists of the navigable waters of English Bay with a width of four miles at the entrance. The western part of the harbour, where the town of Baie-Comeau is situated, is a shoal and is not navigable, leaving a deep water entrance two miles three cables wide to the three berthing areas east of the town on the northeast shore of the bay. It is a Port of Entry. It ranks second in importance among the Lower St. Lawrence ports after Sept-Iles.

The head of the bay where the berthing facilities are situated is sheltered except against heavy seas created by easterly winds. Hence, berths have to be protected. On account of the depth of water, ships can not anchor in the bay except off the western shore near the shoal which is protected from all but easterly winds. The approach to the wharves is through the unobstructed waters of the bay with a minimum depth of 10 fathoms (Ex. 291). Currents and tides create no problems and there is no river emptying into the bay. Spring tides rise 13 to 15 feet and neap tides 9½ feet.

There are three wharf sites situated some distance apart, mostly serving the needs of each of the local major industries:

- (a) About three-quarters of a mile east of the town is situated the inverted F-shaped Department of Transport wharf, 2150 feet long, part of which is leased to, and operated by, the Quebec North Shore Paper Company for shipping pulp and paper products. A 415-foot spur wharf extends northward on the north side of the main wharf and at the inner end in an area of reclaimed land there is a 500-foot loading wharf with 21 feet of water. The reported depth at the main wharf is 26 feet at low water and alongside the spur wharf 20 feet. It is the only publicly owned wharf in the harbour. It provides berthing accommodation for the ferry serving Baie-Comeau and Rimouski and for other vessels handling cargo for the local population. The berthing accommodation situated inside the main wharf, which faces the bay and serves as a protective jetty, is of easy access. The entrance to the wharves is indicated by a light situated at the outer end of the main wharf. A fog signal, privately maintained, is sounded at the light. Within the area sheltered by the DOT wharf, on reclaimed land, is the Quebec Hydro wharf, part of which is also used by Quebec North Shore Paper Company for loading pulpwood. It provides a minimum of 25 feet alongside.
- (b) One mile further east at Anse-du-Moulin is situated the smelter plant of the Canadian British Aluminum Company Limited and its

private wharves which are oriented to provide shelter. There are three berths, 537, 587 and 551 feet long with 29 feet of water alongside. The access from deep water to the berthing facilities is facilitated by a set of range lights and a whistle-buoy provided and maintained by the company.

- (c) Close northward of Anse-du-Moulin are the Cargill Grain Company Limited grain storage and transshipment facilities consisting of a thirteen-million bushel elevator, four storage tanks and wharves. The eastern pier, 696 feet long, is a breakwater wharf whose inner side is used for discharging grain. The western pier is 585 feet long and berths ships on both sides for loading grain. There is a least depth of 29 feet alongside the eastern pier and 37 feet alongside the western pier. Two sets of leading lights, privately owned and maintained, lead toward the head of the bay and into the Cargill Terminal.

Since 1960, any pilotage service required in the harbour has been provided by two Docking Masters, employees of the Cargill Company, who attend to all berthing and unberthing at the Cargill terminals.

The Cargill Company has made it a condition for the use of its berthing facilities that vessels employ Docking Masters and be assisted by the tugs made available through an arrangement it concluded with Foundation Maritime Limited:

- (a) to provide protection for the considerable investment in machinery and equipment on their wharves;
- (b) to achieve maximum use of its facilities during the somewhat restricted season, since the St. Lawrence Seaway on which it depends for its grain supply closes in the winter months. It is imperative that during the Seaway navigation season both loading and unloading vessels are despatched from their berths in the shortest possible time.

Pilotage is not mandatory at the other wharves of the port. The major part of the Quebec North Shore Paper Company shipping is handled by ships which make several trips annually and whose Masters are familiar with the port and berthing facilities. While the majority of Masters berth and unberth their own ships, occasionally an unfamiliar Master will ask for local assistance. When the company commenced full operation in the spring of 1958, no tug service or pilots were available. In some cases, the company's personnel with maritime experience provided assistance; in very isolated cases, other individuals were privately employed. Pilotage services are now provided by the Cargill Company's Docking Masters who are placed at the disposal of shipping at the same \$50 fee for berthing or unberthing at the other wharves. Except for the Cargill wharves, only the non-regular traders employ a pilot.

*Study of Lower St. Lawrence Pilotage*

All concerned have testified to the excellent service provided by the two Cargill Docking Masters. Except for one or two very slight minor incidents due to striking a wharf, there has been no shipping casualty, with or without a pilot, at Baie-Comeau.

The table hereunder shows the maritime traffic of ships over 250 NRT and the amount of cargo handled by them for the period 1958-1967 (Ex. 1483).

Year	Ships			Cargo Handled	
	No.	Aggregate NRT	Average NRT	Foreign	Coastwise
1958.....	890	595,114	668.6	359,330	135,652
1959.....	827	628,318	759.8	291,168	255,137
1960.....	912	1,210,075	1,326.8	1,136,902	537,538
1961.....	948	1,986,903	2,095.9	2,655,505	769,286
1962.....	1,253	3,243,952	2,588.9	3,047,825	943,551
1963.....	1,567	4,791,277	3,057.6	4,928,360	1,625,171
1964.....	1,463	5,280,799	3,609.5	5,503,451	2,802,109
1965.....	1,471	5,471,118	3,719.3	6,039,935	2,395,274
1966.....	1,254	5,215,479	4,159.1	5,757,074	2,669,298
1967.....	622	2,563,085	4,120.7	2,743,924	1,734,998

In order that these statistics may bear a closer relation to the pilotage service, it is necessary to reduce them by the number of arrivals per year and the aggregate tonnage of the ferry operating between Baie-Comeau and Pointe-au-Père. Formerly, the ferry vessel was M.V. *Père Nouvel* (2,474 NRT). On December 10, 1967, she was replaced by M.V. *Manic* (1,329 NRT). Since then, the former once-a-day service has been replaced by twice-a-day service, except during the period June-September when service is provided three times a day. The cargo figures are affected only slightly. Of the remaining vessels, 325 (2,416,611 aggregate NRT) called at Cargill berths, 227 (343,370 aggregate NRT) at Canadian British Aluminum berths and 93 (334,114 aggregate NRT) at Quebec North Shore berths. Of those which called at berths other than Cargill's where pilotage is mandatory, 105 employed Cargill pilots.

The foregoing table shows the considerable expansion at Baie-Comeau since 1958, mainly due to grain transshipment operations at the Cargill elevators. The effect of the opening of the Seaway on the average size of ships is also noticeable: from 668.6 NRT in 1958 to 4,120.7 NRT in 1967 as the maximum size Great Lakes vessels gradually replaced other inland grain carriers and large ocean-going vessels called at the port for grain.



The 50 per cent decrease in traffic registered in 1967 was due especially to lower world wheat sales and to a lesser extent by a Great Lakes shipping strike followed by the strike of the elevator operators at the Lakehead.

Ships operating to and from Baie-Comeau comprise those engaged in international ocean traffic and Great Lakes and coastwise trade. There are also a decreasing number of schooners and small local craft. Great Lakes traffic, consisting mostly of large bulk carriers, is restricted to the period between the annual opening and closing of the St. Lawrence Seaway. The highest concentration of traffic is during the summer months but there is some traffic regularly throughout the winter months because the port is open the year round.

The incidence of schooners and other small craft and their gradual disappearance is apparent when the above statistics are compared with the regular D.B.S. statistics which show all arrivals except naval or fishing vessels and craft of less than 15 NRT. These statistics indicate, for instance, that, in 1962, there were 1707 arrivals including 454 such small vessels, i.e., 26.6% of the total traffic. By contrast, in 1966, the total traffic amounted to 1351 vessels of which 97 were such small vessels or 7.7% of the total traffic. In the low year of 1967, the total traffic amounted to 715 vessels, 93 of which were small craft accounting for 13% of the total traffic.

The fact that the harbour of Baie-Comeau mostly serves the needs of the three local industries is apparent from the *cargo handled* statistics. For instance, in 1966, the commodities which can be clearly identified as pertaining to these three industries account for most of the imports and exports as shown in actual figures and percentages in the following table. The item *Other* consists mostly of commodities and products shipped from or to these three industries, such as fuel, machinery, coke, iron and steel scrap.

The Cargill pilots are regular employees of the company in a dual capacity, first, on agency work for the company and, second, for berthing, unberthing and handling ships approaching or leaving their wharves. When choosing these men, the company is guided by their experience in maritime operations, knowledge of the wharves and their approaches and experience in shiphandling. The possession of a given Certificate of Competency is not a necessary requirement, but the qualifications and experience asked for imply the possession of an advanced Certificate. In fact, both possess a Master's Certificate, one Foreign-going and the other Inland Waters.

In their dual capacity the pilots are employed on an annual basis at a fixed salary paid in regular monthly instalments regardless of the number of ships they pilot. They enjoy the same status and privileges as the other company employees. They are granted two weeks' vacation a year, participate in the company's pension scheme after five years of employment, share in group insurance and qualify for benefits for Workmen's Compensation.

NUMBER OF CARGO TONS HANDLED AT BAIE-COMEAU DURING 1966

Cargo	Exports				Imports				Total			
	Foreign-going		Coastwise		Foreign-going		Coastwise		Exports		Imports	
	number of tons	% of total	number of tons	% of total	number of tons	% of total	number of tons	% of total	number of tons	% of total	number of tons	% of total
Grains.....	3,395,126	86.3	—	—	1,376,503	75.3	2,007,205	83.9	3,395,126	80.6	3,383,708	80.2
Newsprint.....	318,412	8.1	—	—	—	—	—	—	318,412	7.6	—	—
Alumina and bauxite ores.....	—	—	—	—	202,214	11.1	—	—	—	—	202,214	4.8
Pulpwood.....	149,464	3.8	240,200	86.6	—	—	—	—	389,664	9.2	—	—
	3,863,002	98.2	240,200	86.6	1,578,717	86.4	2,007,205	83.9	4,103,202	97.4	3,585,922	85.0
Other.....	67,557	1.8	37,253	13.4	247,798	13.6	384,640	16.1	104,810	2.6	632,438	15.0
Total.....	3,930,559	100.0	277,453	100.0	1,826,515	100.0	2,391,845	100.0	4,208,012	100.0	4,218,360	100.0

SOURCE: Ex. 15 (1966, Parts II and III).

SUMMARY OF EXPORTS AND IMPORTS HANDLED AT BAIE-COMEAU DURING 1966

Type of Shipping	Exports		Imports		Total		Grand Total	
	number of tons	% of total	number of tons	% of total	number of tons	% of total	Type of trade	number of tons
Foreign-going.....	3,930,559	93.4	1,826,515	43.3	5,757,074	68.3	Exports.....	4,208,012
Coastwise.....	277,453	6.6	2,391,845	56.7	2,669,298	31.7	Imports.....	4,218,360
Total.....	4,208,012	100.0	4,218,360	100.0	8,426,372	100.0	Total.....	8,426,372

There are no pilot vessels exclusively used to transport the pilots to and from ships. When berthing or unberthing is at a Cargill berth, a tug is used; on other occasions, a small open undecked 38-foot work boat, which also may assist the operation of berthing and unberthing, serves as a pilot vessel.

The pilots embark inward bound ships off Pointe St-Pancrace, i.e., outside the harbour limits, about one and a half miles from the wharves. On departure, they usually disembark into the tug or work boat shortly after clearing the wharf, since navigation thereafter is on a straight course through wide, deep, unobstructed waters. When ships have to wait for a berth, they may anchor in the southwest part of the bay at the edge of the shoal where they are boarded by the pilot when a berth is available.

An inbound trip from the time the pilot leaves the wharf on board the tug to the time the ship is berthed takes one hour on the average; in the case of an outbound ship, it takes the pilot half to three-quarters of an hour to unberth, turn around, disembark and return to the wharf.

Two pilots are necessary to ensure the continuity and availability of the service.

Most of the pilotage work is done by one pilot, the other confining himself to agency duties but helping out as occasion demands, i.e., when the other pilot is not available because of other pilotage duties or for any other reason such as illness.

The Cargill Company does not accept any responsibility for the possible wrongdoing of its pilots. The contract that has to be signed to obtain their services contains a release clause to that effect and stipulates that when so employed the Docking Master is, for that purpose, a servant of the ship. The contract also contains a clause relieving the pilot of all liability for his negligence or wrongdoing. While the validity of the latter clause is doubtful, the pilot's liability can not exceed \$300 as provided by subsec. 362(2) C.S.A. which applies to all pilots whether licensed or not (Part I, p. 34). Despite the waiver clauses, it is an implied contractual guarantee on the part of the Cargill Company that their Docking Masters possess the necessary qualifications.

Cargill submitted that private industry can furnish Docking Masters' services at less cost than could be provided by a Pilotage District. The Docking Masters form an integral part of the port operations, and the fees derived from their employment are only a partial offset of all the port services provided. The company added that, if Docking Masters' fees were negated, the lost revenue would of necessity have to be reflected in resultant higher port charges to vessels, thus reducing the economic advantage of the port.



**Subsection II**

**PORT-CARTIER**

## PORT-CARTIER

Port-Cartier is a private harbour with ample berthing facilities built by the Québec Cartier Mining Company to accommodate ships transporting iron ore concentrates from the company's Lac Jeannine mines with which it is connected by a 191-mile private railroad. It is situated on the north shore of the St. Lawrence River, three miles east of the municipality of Port-Cartier-Ouest, formerly Shelter Bay, 150 miles east of Les Escoumins and 20 miles west of Sept-Iles.

The man-made harbour is cut out of sheer rock and forms a large basin with an entrance on the St. Lawrence River. The specially designed breakwaters and beaches cut off or reduce swell action, thus providing safe, protected berths for shipping.

The harbour was completed for use in July 1961, and is operative all year round. An air-bubble system is laid on the bottom to prevent ice from forming and is reported to work satisfactorily.

The half-mile approach channel is dredged to 40 feet normal low tide; the harbour has a depth of 50 feet with rock bottom. Tides rise 11 feet at springs; 7 feet at neaps. The entrance is 500 feet wide and the harbour or basin, at an acute angle with the entrance, is 400 feet wide by 2,500 feet long.

There is no anchorage off the harbour. A fair anchorage tenable only in fine weather is located three miles west; otherwise, large vessels must seek shelter in Baie des Sept-Iles.

The approach is equipped with every necessary aid to navigation, all except the fairway buoy privately owned and operated.

The entrance channel is indicated by a DOT fairway buoy situated one mile three cables off shore. The sides of the entrance to the harbour are marked by two fixed lights, one at the end of the jetty and the other on a caisson. Leading lights, and also a radio beacon located in front of the leading light, guide vessels through the centre of the entrance channel. A fog signal located at the east entrance light is sounded during thick weather or upon request. These aids to navigation were reported as being adequate and satisfactory.

The berth and port facilities have been arranged to ensure maximum efficiency in loading iron ore and ore concentrates and unloading general cargo for the harbour, the company mine at Lac Jeannine and the nearby town of Gagnon where most of the employees of the mining area live.

The 2,500-foot north wall is reserved for loading ore. The east section, 1,500 feet long, is berth No. 4, the standby berth before loading ore. Berth No. 1 is the ore loading berth and occupies the west 1,000 feet. The south wall, 1,480 feet, is also divided into two berths: berth No. 2, the west 1,000

feet, is the oil wharf and berth No. 3, which occupies the remaining 480 feet, is the general cargo wharf. Most berths have bunkering lines for diesel oil and bunker oil and fresh water lines.

Until recently, the port facilities were used exclusively to meet the import and export needs of the company and occasionally to accommodate vessels requiring oil or water. During the last few years, the south wall berths have been used by the Louis Dreyfus Corporation which operates a grain elevator. Berth No. 2 serves as the receiving berth and berth No. 3 the shipping berth.

Ships calling at Port-Cartier are mostly large bulk carriers, both lakers and ocean-going vessels, and a number of small vessels, schooners and inland local traders which carry general cargo.

The following table shows the extent of maritime traffic of ships over 250 NRT and the amount of cargo handled by them for the period 1959-1967 (Ex. 1483):

Year	Ships			Cargo Handled	
	No.	Aggregate NRT	Average NRT	Foreign	Coastwise
1959.....	50	55,118	1,102.4	85,449	21,919
1960.....	59	119,572	2,026.6	95,499	57,384
1961.....	54	364,732	6,754.3	1,338,954	17,469
1962.....	183	1,165,718	6,370.0	5,186,421	22,911
1963.....	249	2,011,394	8,077.9	7,166,939	65,889
1964.....	353	3,096,080	8,770.8	10,203,993	20,538
1965.....	357	3,035,807	8,503.7	9,161,929	192,241
1966.....	419	3,666,032	8,749.5	9,390,613	80,818
1967.....	435	3,765,197	8,655.6	9,293,446	248,639

The following table clearly indicates the maritime traffic pattern. Total exports of iron ore and ore concentrates account for 97.9 per cent of the total cargo handled (import and export) of which only 0.5 per cent is shipped in coastwise vessels. The next product in importance is imported fuel oil which comes exclusively in foreign ships. Part of this is exported, probably as bunkers for ships calling at the port. The rest of the cargo handled accounts for a fraction of one per cent but comprises various items, e.g., explosives, metallic salts, gasoline, pipes, tubes, machinery equipment, all carried in coastwise vessels. Hence, the maritime traffic is composed of large ore carriers, both ocean-going vessels and lakers but bound to American lake ports

NUMBER OF CARGO TONS HANDLED AT PORT-CARTIER DURING 1966

Cargo	Exports				Imports				Total					
	Foreign-going		Coastwise		Foreign-going		Coastwise		Exports		Imports		Total	
	tons	% of total	tons	% of total	tons	% of total	tons	% of total	tons	% of total	tons	% of total	tons	% of total
Iron ore and concentrates.....	9,222,917	100.0	45,350	64.6	—	—	—	—	9,268,267	99.7	—	—	—	—
Fuel oil.....	—	—	24,736	35.2	167,539	99.9	—	—	24,736	0.3	167,539	94.0	167,539	94.0
Other.....	9,222,917	100.0	70,086	99.8	167,539	99.9	—	—	9,293,003	100.0	167,539	94.0	167,539	94.0
	—	—	143	0.2	157	0.1	10,589	100.0	143	0.0	10,746	6.0	10,746	6.0
Total.....	9,222,917	100.0	70,229	100.0	167,696	100.0	10,589	100.0	9,293,146	100.0	178,285	100.0	178,285	100.0

SOURCE: Ex. 15 (1966, Parts II and III).

SUMMARY OF EXPORTS AND IMPORTS HANDLED AT PORT-CARTIER DURING 1966

Type of Shipping	Exports		Imports		Total		Grand Total			
	tons	% of total	tons	% of total	tons	% of total	Type of trade		tons	% of total
							Exports	Imports		
Foreign-going.....	9,222,917	99.2	167,696	94.1	9,390,613	99.1	9,293,146	98.1	9,293,146	98.1
Coastwise.....	70,229	0.8	10,589	5.9	80,818	0.9	178,285	1.9	178,285	1.9
Total.....	9,293,146	100.0	178,285	100.0	9,471,431	100.0	Total.....	Total.....	9,471,431	100.0



(hence entered in the cargo handled statistics as foreign) and large tankers. On the other hand, general cargo is handled by small coastwise vessels.

The difference in size between the two groups of vessels is considerable as indicated in this table which shows for the years 1962, 1963 and 1964 the number of ships, including those under 250 NRT over and under 300 feet in length and the average net tonnage per ship of each groups.

Year	Ships Over 300 Feet		Ships Under 300 Feet	
	Number	Average NRT	Number	Average NRT
1962.....	124	9,285.5	62	277.6
1963.....	220	8,897.6	nil	—
1964.....	346	9,043.9	104	249.5

The wheat operations of the Louis Dreyfus Corporation which began in 1967 will not change the shipping pattern since imports and exports in grain are handled by bulk cargo vessels, i.e., large tankers for imports and ocean-going vessels for exports.

The approach to the harbour offers no special navigational difficulties. It runs through unobstructed deep water to the entrance of the dredged approach channel where, as well as in the basin itself, the course is well marked by adequate aids to navigation and no current or cross current is encountered. The only factors to be contended with are the wind and, in the case of large vessels, the cramped nature of the basin compounded by the fact that it lies at an acute angle with the entrance channel. It is for this reason, and also to expedite ship movements in the harbour in order to provide maximum efficiency in the loading of ore while affording protection to its installations, that the company exercises full control over all arrivals, departures and movements inside the harbour, and in the case of vessels over 300 feet in length, makes the use of the port facilities contingent on employing its Docking Masters and using its tugs.

To facilitate and programme port operations, vessels are required to give ETA's 72 hours, 48 hours and 24 hours before arrival, and any change of more than one hour after transmission of the 24-hour ETA is to be corrected immediately. The first ETA should indicate the tonnage of cargo required and the 24-hour ETA should mention the estimated time for pumping ballast after arriving alongside. In addition, all ships are to request berthing instructions 4 hours before arrival. The use of the standby berth is mandatory for all

ore carriers. Radio communications are established with the port *via* the Sept-Iles coast station. The company operates its own VHF station for short range communications.

There is no separate pilotage fee for ships over 300 feet in length. The flat charge of \$850 (originally \$650) per voyage covers agency fee, pilotage, tug service (one tug), line handling, fresh water, customs and immigration, port medical officer fees and charges and crew mail service. There is an additional fee of \$250 for the use of a second tug. With regard to pilotage, the fee includes inward and outward trips and all movages.

Occasionally, a ship under 300 feet in length may ask for the assistance of a pilot. For instance, during the period 1962-1964, this occurred in 1962 only when two such ships were piloted in and out and one ship piloted in only. In such a case, the charge is broken down according to the services rendered. The charges in 1962 was \$8.40 per hour for the pilot and \$40 per hour for the tug.

The company's contract contains the same waiver clauses as to responsibility of the company and the pilot for damages caused by the pilot's error or negligence, and makes the pilot a servant of the ship. The comments regarding a similar clause in the Cargill contract apply here (p. 535).

The pilotage service is provided by two pilots who are employed by the company. As at Baie-Comeau, they are referred to as Docking Masters and are chosen for their experience in maritime operations and handling ships. Both pilots hold a Master's Foreign-going Certificate of Competency. They receive an annual salary and, in addition, enjoy the benefits provided other company employees. They are entitled to two weeks' paid vacation after one year of service, three weeks after two years' service and four weeks after four years'. They participate in the group insurance programme, which includes certain life insurance benefits as well as health services, in the contributory pension plan and a savings fund plan to which the company contributes. They are also entitled to 10 weeks' sick leave with pay after one year of service, which could increase up to 39 weeks depending upon the length of service with the company (Ex. 923(e)).

Since the opening of the harbour there has been no shipping casualty. The small ships have had no particular mishap while berthing and unberthing, although generally speaking they use the services of neither tugs nor Docking Masters.

There are no pilot vessels. The pilot boards an incoming ship from a tug at the fairway buoy, and disembarks from an outgoing ship in the same area and returns to port in the tug.

The larger vessels, some 730 feet in length and over, are generally turned with the aid of tugs and enter the harbour stern first. The pilot normally takes complete charge of this operation and gives all manoeuvring orders.

To bring a large ship in and complete berthing takes about one hour and a quarter to one hour and a half, and for smaller ships about 40 minutes. Much shorter time is taken for departures depending on prevailing weather conditions. Vessels arrive and depart approximately half by day and half at night.

Pilot R. F. Pilcher stated in his evidence that the particular structure of a ship, such as a bridge forward, amidships or aft, does not increase the difficulties of navigation, and that shiphandling is a matter of experience with different types.



### **Subsection III**

#### **SEPT-ILES**

## SEPT-ILES

Sept-Iles, situated on the north shore of the St. Lawrence River, 20 miles east of Port-Cartier and 170 miles east of Les Escoumins, was proclaimed a public harbour on June 8, 1961 (P.C. 1961-824). It is a Port of Entry and the leading port of the region. It comprises Baie des Sept-Iles, a sheltered six-mile circular basin with three miles of deep water. The three-mile seaward limit is a line from headland to headland, i.e., from Pointe au Corbeau on the west to Pointe aux Basques on the east. It is practically landlocked being sheltered from seaward by seven small islands.

The harbour contains two widely separated areas with berths situated near the entrance on each side of the bay where deep water is closer to the shore. The berthing area on the east side is where the city of Sept-Iles is located. That part of the harbour serves for shipping iron ore from the Iron Ore Company of Canada mines with which it is connected by a public railway especially built for that purpose, and importing fuel and general cargo for the needs of the Iron Ore Company, the population of Sept-Iles and the community at the mining sites. The berthing area in the west part of the harbour, called Pointe Noire, is the deep water port for the town of Clarke City, nine miles inland on the shallow Ste. Marguerite River, where the mill of the Gulf Pulp and Paper Company is situated and with which it is connected by a private railway. Its main activity now is exporting iron ore from the Wabush Mines Company whose private pier is also connected by the public railway with the mining area inland.

The physical features of the harbour and its approaches are ideal and present no navigational difficulty. There is no need for local knowledge or previous local experience; the brief information provided by the charts and the Sailing Directions is all that is necessary. Pilotage is required only for the benefit of the owners of the ore berths in order to assure maximum efficiency and productivity of the loading equipment by reducing idle time as much as possible and ensuring a quick turn around for ships by employing the companies' specially trained berthing experts. Hence, pilotage here is not a service to shipping but an integral part of the iron ore loading operations.

There are three approach channels through or around the seven islands screening the harbour entrance. The west channel, three quarters of a mile at its narrowest between the mainland and West Rocks Island, is clear and deep. The middle channel is straight, unobstructed, deep, nearly two miles wide at its narrowest and provides direct access to the harbour. The east channel between the mainland and Ile Grande-Basque is secondary, narrow and divided by a middle bank, Basque Reef, which is marked by buoys.

There are no currents or cross-currents in the bay and its approaches, except the limited effect of the tide, and no great body of fresh water flows in.

The bay is well sheltered from the wind and there are good anchorages inside close to both berthing areas.

The port is open to navigation all year round, although during the winter months ice conditions can become severe enough to require icebreakers to assist vessels to and from the wharves.

The three channels are well provided with land based lights which indicate headlands and channel limits. Lights also indicate Basque Reef whose northwest end is marked by a light buoy fitted with radar reflectors.

In addition, the location of the various wharves is indicated by lights and the Iron Ore Company and the Wabush Company own and operate a number of light-beacons and range lights to assist vessels to approach and manoeuvre at their private berths. At the Iron Ore berth, a fog signal, privately maintained, is sounded when required.

Long range ETA's are handled through the Sept-Iles coastal station. Both the Iron Ore Company and the Wabush Company operate a VHF radiotelephone for short range communications to facilitate ships' movements to their private berths.

The approach to the Government wharf provides a minimum of 25 feet at low water; all other berths are approached through deep water. Tides rise 10½ feet springs, 7¼ feet neaps.

There are five deep water wharves, two belonging to the Government operated by the Department of Transport, two to the Iron Ore Company of Canada and one to the Imperial Oil Company. The Government wharves have 600 and 900 feet of berthing space respectively and 23 feet of water at low tide. The loading and berthing wharves of the Iron Ore Company consist of a wall facing the bay and extending over 1,600 feet with 37 feet of water at low tide. East of the present ore loading berth, a new deep water berth is under construction. The new pier is approximately 875 feet long with a dredged minimum depth alongside of 70 feet. It will be capable of accommodating vessels in excess of 150,000 DWT. The Imperial Oil wharf is some 300 feet long and has a depth of 40 feet alongside.

The following table, based on the DBS statistics of ships over 250 NRT, shows the number of ships, their average size and the cargo handled by them segregated by berthing areas (Sept-Iles and Pointe Noire) and for the harbour as a whole. Pointe Noire includes Clarke City.

This table prompts the following remarks:

- (a) The sudden increase in the average NRT at Pointe Noire in 1965 is due to the fact that the Wabush Mines Company wharf began operating; previously, Pointe Noire was used mostly for the export and import needs of the Gulf Pulp and Paper Company and of Clarke City, all general cargo handled by small vessels.
- (b) The trend to fewer but larger vessels is again clearly apparent; while the number of vessels has decreased somewhat since 1958

*Study of Lower St. Lawrence Pilotage*

Year	Ships			Cargo Handled.	
	No.	Aggregate NRT	Average NRT	Foreign	Coastwise
1958—Sept-Iles.....	1,234	3,315,368	2,686.7	7,226,793	1,951,120
Pointe Noire.....	324	133,912	413.3	—	1,755
Total harbours.....	1,558	3,449,280	2,214.0	7,226,793	1,952,875
1959—Sept-Iles.....	1,206	5,899,963	4,892.2	12,512,830	2,516,891
Pointe Noire.....	253	120,645	499.8	29,088	2,280
Total harbours.....	1,459	6,020,608	4,126.5	12,541,918	2,519,171
1960—Sept-Iles.....	1,353	4,574,910	3,381.3	10,549,695	956,397
Pointe Noire.....	374	163,844	438.1	30,076	2,089
Total harbours.....	1,727	4,738,754	2,743.9	10,579,771	958,486
1961—Sept-Iles.....	1,172	3,690,997	3,149.3	8,038,682	782,676
Pointe Noire.....	272	147,598	542.6	31,119	3,157
Total harbours.....	1,444	3,838,595	2,658.3	8,069,801	785,833
1962—Sept-Iles.....	1,356	4,766,547	3,515.2	11,864,495	569,502
Pointe Noire.....	116	53,152	458.2	46,589	1,842
Total harbours.....	1,472	4,819,699	3,274.3	11,911,084	571,344
1963—Sept-Iles.....	1,291	5,059,867	3,919.3	12,208,990	374,070
Pointe Noire.....	139	76,834	552.8	29,150	32,785
Total harbours.....	1,430	5,136,701	3,592.1	12,238,140	406,855
1964—Sept-Iles.....	1,436	6,821,614	4,750.4	16,107,206	491,727
Pointe Noire.....	175	133,105	760.6	74,907	53,724
Total harbours.....	1,611	6,954,719	4,317.0	16,182,113	545,451
1965—Sept-Iles.....	1,366	6,752,461	4,943.2	15,779,081	647,244
Pointe Noire.....	227	1,021,169	4,498.5	1,477,054	771,653
Total harbours.....	1,593	7,773,630	4,879.9	17,256,135	1,418,897
1966—Sept-Iles.....	947	6,259,478	6,918.8	14,942,552	505,237
Pointe Noire.....	321	2,058,988	6,414.3	2,566,582	1,933,407
Total harbours.....	1,268	8,318,466	6,560.3	17,509,134	2,438,644
1967—Sept-Iles.....	998	6,906,935	6,920.8	16,528,178	965,843
Pointe Noire.....	312	2,408,152	7,718.4	2,636,825	2,546,390
Total harbours.....	1,310	9,315,087	7,110.8	19,165,003	3,512,233



(although the Wabush Mines Company was not in operation at the time) the aggregate NRT, the average NRT and the total cargo handled have almost tripled. There was a marked increase in the size of ships in 1966 at both berthing areas, indicating that the smaller ore carriers have now disappeared and have been replaced by larger ocean-going ore carriers and by larger bulk carrier lake vessels constructed to take maximum advantage of the Seaway locks.

Here again, the incidence of schooners and small craft and their gradual disappearance are apparent when these statistics are compared with the regular DBS statistics which show all arrivals, except naval and fishing vessels and craft of less than 15 NRT. For instance, these statistics indicate that in 1962 the total number of arrivals was 1710, i.e., there were 238 arrivals of such small vessels, 13.9 per cent of the total traffic. By contrast, in 1967, the total traffic amounted to 1393, 83 of which were small vessels accounting for 6 per cent of the total traffic.

The following table shows, as for the two previous ports, for the year 1966 in actual figures and in percentage the main products imported from and exported to foreign and domestic ports and the total cargo handled.

It is apparent from these tables that maritime traffic at the harbour mainly serves the export and import needs of the two mining companies, and that most of the products handled are bulk cargoes carried in large ore carriers and tankers. Imports from coastwise ports shown in the D.B.S. statistics comprise a variety of general cargo items, handled by smaller inland and coastal ships.

Ore carriers are constantly increasing in size and will continue to grow since a considerable percentage of ore exports are *via* the Atlantic and, therefore, those vessels are not limited in size as are those using the St. Lawrence Seaway. For instance, the Iron Ore Company of Canada's 1964 shipments *via* the St. Lawrence Seaway amounted to 43.8 per cent of its total exports as against 56.2 per cent *via* the ocean routes to American coastal and Gulf of Mexico ports and European ports. Shipments will soon be made to far distant ports, such as in Japan. It is in the expectation of larger, deeper ore carriers that the Iron Ore Company has built its new deep water facilities.

The main traffic plying to and from Sept-Iles consists of the largest bulk carrying lakers, ocean-going bulk carriers, oil tankers, and smaller coastal general cargo vessels and passenger vessels. Since there is a ferry service to Matane, statistics on the arrival of vessels should be adjusted accordingly to be relevant in terms of pilotage.

Pilotage service is provided by the mining companies' Docking Masters. At the Gulf Pulp wharf the company's stevedore foreman also acts as pilot. The use of Docking Masters for the movements of ore carriers to and from the private wharves of the mining companies is made mandatory by a clause in the contract for the use of the companies' berths and loading facilities. Otherwise, pilotage is not compulsory not even for other vessels calling at the

Study of Lower St. Lawrence Pilotage

NUMBER OF CARGO TONS HANDLED AT SEPT-ILES AND POINTE NOIRE DURING 1966

Cargo	Exports				Imports				Total				
	Foreign-going		Coastwise		Foreign-going		Coastwise		Exports		Imports		
	tons	% of total	tons	% of total	tons	% of total	tons	% of total	tons	% of total	tons	% of total	
Iron ore and concentrates:													
Sept-Iles.....	14,534,047	85.3	267,472	12.7	—	—	—	—	14,810,519	77.0	—	—	—
Pointe Noire.....	2,400,904	14.0	1,882,169	86.6	—	—	—	—	4,283,073	22.3	—	—	—
	16,934,951	99.3	2,158,641	99.3	—	—	—	—	19,093,592	99.3	—	—	—
Bentonite:													
Sept-Iles.....	—	—	—	—	51,730	11.2	13,875	5.3	—	—	65,605	9.0	—
Pointe Noire.....	—	—	—	—	27,238	5.9	2,483	0.9	—	—	29,721	4.1	—
	—	—	—	—	78,968	17.1	16,358	6.2	—	—	95,326	13.1	—
Pulp:													
Sept-Iles.....	4,835	0.0	—	—	—	—	206	0.1	4,835	0.0	206	0.1	—
Pointe Noire.....	106,440	0.7	—	—	—	—	—	—	106,440	0.6	—	—	—
	111,275	0.7	—	—	—	—	206	0.1	111,275	0.6	206	0.1	—
Fuel oil:													
Sept-Iles.....	—	—	2,776	0.1	349,356	75.5	19,011	7.2	2,776	0.0	368,367	50.7	—
Pointe Noire.....	—	—	—	—	32,000	6.9	29,774	11.3	—	—	61,774	8.5	—
	—	—	2,776	0.1	381,356	82.4	48,785	18.5	2,776	0.0	430,141	59.2	—
Sub-total of cargoes above.....	17,046,226	100.0	2,161,417	99.4	460,324	99.5	65,349	24.8	19,207,643	99.9	525,673	72.4	—

Other:																		
Sept-Iles.....	1	0.0	12,991	0.6	2,583	0.5	179,906	68.3	12,992	0.1	182,489	25.1						
Pointe Noire.....	—	—	705	0.0	—	—	18,276	6.9	705	0.0	18,276	2.5						
	1	0.0	13,696	0.6	2,583	0.5	198,182	75.2	13,697	0.1	200,765	27.6						
Total:																		
Sept-Iles.....	14,538,883	85.3	292,239	13.4	403,669	87.2	212,998	80.8	14,831,122	77.1	616,667	84.9						
Pointe Noire.....	2,507,344	14.7	1,882,874	86.6	59,238	12.8	50,533	19.2	4,390,218	22.9	109,771	15.1						
	17,046,227	100.0	2,175,113	100.0	462,907	100.0	263,531	100.0	19,221,340	100.0	726,438	100.0						

SOURCE: Ex. 15 (1966, Parts II and III).

## SUMMARY OF EXPORTS AND IMPORTS AT SEPT-ILES AND POINTE NOIRE DURING 1966

Type of Shipping	Exports		Imports		Total		Grand Total		
	tons	% of total	tons	% of total	tons	% of total	Type of trade	tons	% of total
Foreign-going:									
Sept-Iles.....	14,538,883	75.6	403,669	55.6	14,942,552	74.9	Exports: Sept-Iles.....	14,831,122	74.3
Pointe Noire.....	2,507,344	13.1	59,238	8.1	2,566,582	12.9	Pointe Noire.....	4,390,218	22.0
	17,046,227	88.7	462,907	63.7	17,509,134	87.8		19,221,340	96.3
Coastwise:									
Sept-Iles.....	292,239	1.5	212,998	29.3	505,237	2.5	Imports: Sept-Iles.....	616,667	3.1
Pointe Noire.....	1,882,874	9.8	50,533	7.0	1,933,407	9.7	Pointe Noire.....	109,771	0.6
	2,175,113	11.3	263,531	36.3	2,438,644	12.2		726,438	3.7
Total:							Total:		
Sept-Iles.....	14,831,122	77.1	616,667	84.9	15,447,789	77.4	Sept-Iles.....	15,447,789	77.4
Pointe Noire.....	4,390,218	22.9	109,771	15.1	4,499,989	22.6	Pointe Noire.....	4,499,989	22.6
	19,221,340	100.0	726,438	100.0	19,947,778	100.0		19,947,778	100.0

mining companies' wharves. However, the Docking Masters are made available to assist other vessels at the companies' wharves or at other wharves in the harbour.

When the Iron Ore Company commenced the operation of its port facilities at Sept-Iles in 1954, the responsibility for berthing and unberthing ore carriers was left to the Masters concerned and the company merely made berthing Masters and tugs available to assist on request. After a trial period, it was found that this practice was hampering the company's loading operations, that too much time was being lost by vessels berthing and unberthing without assistance. In order to reduce the idle-time of its loading equipment to a minimum, the company made the employment of its Docking Masters and tugs mandatory, a system that has since been adopted by the Wabush Mining Company at Pointe Noire and most other mining companies elsewhere.

All ore carriers calling at the Iron Ore company's loading berth pay an all inclusive fee per voyage (\$665 in 1963) which includes agency service, pilotage service for the inward and outward voyage as well as other manoeuvres in the harbour or alongside, tug service, linesmen and minor expenses. Other vessels are charged a partial fee corresponding to the services they obtain. For instance, in 1963, the rates for inward and outward pilotage were \$50 and \$35, tugs \$125 per movement, linesmen \$50 (Ex. 923(h)). The Iron Ore Company has a number of employees qualified to perform the duties of berthing Masters and when not so engaged they perform other duties for the company; one of them, the Chief Docking Master, is in charge of pilotage operations. In 1963, their number was 5, including the Chief Docking Master.

The mining companies' Docking Masters are chosen on the basis of their experience in, and knowledge of, handling ships and of the companies' wharves and facilities. They are employed on a permanent basis and draw an annual salary in monthly payments. At the Iron Ore Company, in addition to their annual salary, they also receive an annual bonus. The Chief Docking Master receives higher remuneration. They also enjoy all the benefits available to the permanent employees of the company, such as the voluntary pension plan to which the company contributes and the employer-employee contribution plan providing surgical and medical coverage with weekly indemnities and life insurance.

The Iron Ore Company carries liability coverage for all claims that may arise from the Docking Masters' employment.

At the Commission's hearing, witnesses were unable to recall any major shipping casualty at Sept-Iles. Three casualties were reported for the period 1960-1968 but in none of them was there a pilot on board the vessels involved.

The Iron Ore Company's vessel agent stated in his evidence that since pilotage was enforced in 1957 there had been five instances of minor damage, such as slightly dented plating and wharf indents caused by striking the wharf when berthing; also one of the same nature but causing more damage. The latter case involved a tanker that had previously received severe ice damage to her stem. During the course of berthing and contrary to the pilot's advice, a manoeuvre caused the protruding starboard anchor to strike the wharf, forcing the anchor into the shell plating.

Pilots board vessels from the tug sent to provide assistance, for which there is no charge. When tugs are not available during the winter months, the service is provided by local fishermen at \$15 per ship.

The tugs owned by the Foundation Maritime Company of Halifax are chartered to the Iron Ore Company under an annual contract.

The pilots use a portable radiotelephone set with which they maintain continuous contact with the tug and other areas from which a change of orders may come to affect a ship's movements. Continuous communication by this means was considered most satisfactory.

The Harbour Master does not direct maritime traffic to and from the harbour or within the harbour. The mining companies exercise this control by their requirements for the use of their berthing facilities.

The time taken by a pilot to berth or unberth or move a vessel in the confined area of Sept-Iles seldom exceeds an hour, depending on the size of the vessel and the prevailing weather conditions.

According to the traffic records of the Iron Ore Company in 1964, 721 ore vessels, as well as 27 other vessels of different class, were piloted in and out by the company's Docking Masters. The months of June and July are the most active: then ship movements take place day and night.

The Iron Ore pilots maintain a 24-hour service on a two-shift basis; their assignments are arranged by the Chief Pilot.



**Subsection IV**

**HAVRE ST-PIERRE**

## HAVRE ST-PIERRE

Havre St-Pierre (also referred to as Eskimo Harbour) is situated on the north shore of the River St. Lawrence at the eastern end of the Mingan Islands group, off Anticosti Island 257 miles east of Les Escoumins and 23 miles west of the official eastern boundary of the River (subsec 2(41) C.S.A.). It has not yet been declared a public harbour under sec. 600 C.S.A. For many years it was nothing more than a small fishing port but in 1950 developed into a loading port for the Quebec Iron and Titanium Corporation which operates an ilmenite mine at Lake Tito, 27 miles inland and connected by a railroad owned and operated by the mining company.

There is no organized regular pilotage service nor any towing facilities, and none is considered necessary. When a Master wishes to obtain local assistance, the Quebec Iron and Titanium Corporation Dock Superintendent, who holds a Chief Mate's Certificate of Competency and has the necessary experience, is made available. It is reported that he tried to obtain a pilot's licence from the Department of Transport but this could not be done since the port is not within a Pilotage District (Part I, p. 40). Requests for such assistance are very seldom made because the approach channel and the harbour present no navigational difficulties and are well equipped with shore-based aids to navigation.

Havre St-Pierre is a natural harbour formed by the channel between Eskimo Island and Eskimo Point on the mainland where the berthing facilities are located. It is well sheltered from the open sea by a series of islands which provide several well defined deep water approach channels. The shortest and best approach is Walrus Channel between Walrus Island and Green Island; it is seven cables wide with eight fathoms of water at low tide. Its entrance is indicated by a light on the southern end of Walrus Island where a fog signal is also located. Leading lights erected on the mainland guide vessels through the channel. Spring tides rise 7 feet and neaps 4½ feet. There are very few tidal currents; however, during westerly winds they may attain a rate of two knots.

The harbour is wide and deep and provides good anchorage. The only two wharves are situated on the mainland at Eskimo Point. The Government wharf is 450 feet long with a least depth of 27 feet. The ore loading wharf belonging to the Iron and Titanium Corporation lies one cable west of the Government wharf. It faces the stream and has a length of 140 feet with flanking dolphins extending eastward and westward making an overall length of 600 feet with a depth alongside of 30 feet at low tide.

Ships calling at Havre St-Pierre are mostly coastal and inland vessels, small fishing schooners, medium size coastal freight and passenger vessels and large bulk ore carriers which transport titanium to Sorel and, since 1967, on



a much smaller scale to foreign ports. Hence, except for the ore carriers, practically all the vessels calling at Havre St-Pierre are coastal and inland vessels, generally regular traders of small and medium size.

The following figures provided by the Dominion Bureau of Statistics show the total number of vessels of 250 NRT and over that called at Havre St-Pierre from 1958 to 1967, together with their aggregate NRT and their average NRT; they indicate also the extent of cargo handled whose original destination is foreign or domestic (coastwise).

Year	Ships			Cargo Handled	
	No.	Aggregate NRT	Average NRT	Foreign	Coastwise
1958	192	254,906	1,327.6	—	434,782
1959	151	306,709	2,031.2	—	682,308
1960	225	484,603	2,153.8	—	1,008,771
1961	243	575,692	2,369.1	—	1,196,284
1962	275	413,705	1,504.4	1,670	810,351
1963	234	462,021	1,974.4	—	823,184
1964	240	670,183	2,792.4	—	1,371,526
1965	190	682,323	3,591.2	—	1,442,589
1966	157	532,476	3,391.6	2,973	1,010,590
1967	185	894,483	4,835.0	27,432	1,777,193

The following comparative table shows in actual figures and percentages the type and extent of cargo handled. Exports are exclusively the mining company's product, titanium ore which, up to 1967, was shipped entirely to the company's plant at Sorel. Imports, except fuel, consist of a large number of items of general cargo, all from Canadian ports and carried by the regular small coastal traders. The locality is isolated by land because there is no road connection with the other communities westward. Hence, there is a regular passenger service by ship from Montreal and Quebec and by air.

Since the ore carriers are regular traders (the same vessels shuttle regularly during the navigation season between Havre St-Pierre and Sorel), the Masters and officers are quite familiar with the physical features of the harbour and its approaches.

NUMBER OF CARGO TONS HANDLED AT HAVRE ST-PIERRE DURING 1967

Cargo	Exports				Imports				Total					
	Foreign-going		Coastwise		Foreign-going		Coastwise		Exports		Imports		Total	
	tons	% of total	tons	% of total	tons	% of total	tons	% of total	tons	% of total	tons	% of total	tons	% of total
Titanium ore.....	27,432	100.0	1,761,155	100.0	—	—	—	—	1,788,587	100.0	—	—	—	—
Fuel oil.....	—	—	—	—	—	—	6,133	39.7	—	—	6,133	39.7	6,133	39.7
Other.....	27,432	100.0	1,761,155	100.0	—	—	6,133	39.7	1,788,587	100.0	9,321	60.3	9,321	60.3
Total.....	27,432	100.0	1,761,739	100.0	—	—	15,454	100.0	1,789,171	100.0	15,454	100.0	15,454	100.0

SOURCE: Ex. 15 (1967, Parts II and III).

SUMMARY OF EXPORTS AND IMPORTS HANDLED AT HAVRE ST-PIERRE DURING 1967

Type of Shipping	Exports		Imports		Total		Grand Total			
	tons	% of total	tons	% of total	tons	% of total	Type of trade		tons	% of total
							Exports	Imports		
Foreign-going.....	27,432	1.5	—	—	27,432	1.5	Exports.....	1,789,171	99.1	
Coastwise.....	1,761,739	98.5	15,454	100.0	1,777,193	98.5	Imports.....	15,454	0.9	
Total.....	1,789,171	100.0	15,454	100.0	1,804,625	100.0	Total.....	1,804,625	100.0	

Captain J. A. G. Rousseau, a licensed pilot for the District of Quebec, had many opportunities to call at Havre St-Pierre as Master of his own ship before he became a pilot. Although the approach was then more difficult since there were no land based aids to navigation and no leading lights, he never had a mishap because he proceeded cautiously. After a number of trips, he became familiar with the area.

There is no record of any shipping casualty.



## Section Three

PILOTAGE DISTRICT OF MONTREAL



## LEGISLATION

### 1. LAW AND REGULATIONS

#### PREAMBLE

Pilotage in the Montreal District is provided by two officially separate groups of pilots, each with its own special organization, and the harbour of Montreal (as defined in the District By-laws for pilotage purposes) is joint territory over which each group has a specific type of jurisdiction:

- (a) the harbour pilots who attend exclusively to movements wholly within the harbour of Montreal;
- (b) the river pilots whose function is to attend to pilotage trips and all other pilotage requirements.

In addition, the District is divided unofficially into two sectors for river pilotage, the division point being Trois-Rivières. This division is not defined in legislation, except indirectly in the tariff, and is effected in practice by changing pilots at Trois-Rivières. The river pilots are divided into two distinct groups: Montreal-Trois-Rivières and Trois-Rivières-Quebec.

There is great similarity in the organization and institutions of the Districts of Quebec and Montreal (river pilots) reflecting their joint geographical and comparable physical features as well as their common legislative background. Since the foundation of the colony, pilotage in that part of the St. Lawrence River which is served by these two contiguous Districts has always come under the same legislative authority. Since in both the service is river pilotage they were confronted with a unique situation compared to other areas with the result that unique, *ad hoc* institutions developed. Both Districts followed a similar legislative evolution and the only marked difference was that the Montreal pilots as a group were never legally entrusted with the responsibility for providing and directing the service or given the right to control the exercise of their profession. Legally speaking, their status has always been that of free entrepreneurs in a free profession but, in practice, they have been *de facto* employees for the last hundred years, first of their own Association and later of their Pilotage Authority.

The Montreal harbour pilots' group was created in 1957 to meet a special situation that had developed and was accentuated after the Seaway opened, i.e., a substantial and ever increasing number of ship movements performed wholly within the harbour of Montreal and increasing reluctance on the part of the river pilots to remain available in Montreal to perform these movages. Since this was a new service, traditional factors were less restrictive and a more realistic organization could be drawn up to meet modern demands.

Like the Pilotage District of Quebec, the Pilotage District of Montreal still enjoys (to a limited extent) a special status as far as the law is concerned in that it is subject to certain special statutory provisions and is excluded from the application of others. The general remarks made in this connection regarding the District of Quebec (p. 7) apply here *mutatis mutandis*.

The statutory provisions that apply specifically to the Pilotage District of Montreal, together with the special legislation contained in various regulations, are studied hereunder.

(1) SPECIAL PROVISIONS OF THE CANADA SHIPPING ACT AND ORDERS  
MADE BY THE GOVERNOR IN COUNCIL PURSUANT TO  
THE CANADA SHIPPING ACT

(a) *Creation of the District*

The creation of the Montreal Pilotage District as a federal Pilotage District dates from the first Pilotage Act passed in 1873 (sec. 6) which recognized and confirmed its existence as a separate District, as does the present statute (C.S.A. sec. 323 and ff.). It can not be abolished except by an Act of Parliament since sec. 324 specifically deprives the Governor in Council of the power to rescind it (Part 1, p. 57, and Gen. Récs. 8 and 17).

(b) *District Limits*

Sec. 323 C.S.A. defines its limits as follows:

“... that part of the River St. Lawrence from the eastern end of the Lachine Canal to the eastern limit of the harbour of Quebec together with those parts of all rivers, waters, harbours, creeks, bays and coves within the said limits.”

The eastern limit presents the same problem as the western limit of the District of Quebec in that the definition is not self-contained and, to ascertain it, it is necessary to refer to the National Harbours Board Act. This question and the extent of jurisdiction of the Pilotage Authorities of Quebec and Montréal over this territory (Québec harbour) are studied when the Commission examines the situation created by the Montreal District overlapping the Quebec District, i.e., their joint territory (vidé pp. 8-11).



The description of the western limit of the District poses a serious practical and legal problem in that it no longer corresponds to reality. By contrast to the eastern limit, which is said to coincide with the eastern limit of the harbour of Quebec, the definition of the District western limit contains no reference to the western limit of the harbour of Montreal or to the harbour itself.

The western limit of the Montreal Pilotage District is given as a geographical point, which, except for the absence of a joint area for the change-over of pilots, was adequate when it was defined but has since become meaningless. The result is that the Pilotage District of Montreal has no legal western limit, a situation which has caused numerous difficulties (vide pp. 627 and ff.)

The lack of a joint territory did not result in practical difficulties, possibly because the payment of dues was not compulsory in the St. Lawrence-Kingston-Ottawa District upstream.

The use of a geographical point, instead of an imaginary line drawn over an expanse of navigable waters as is normally the case, was and remains warranted by the way the harbour of Montreal is linked with the upper reaches of the River, i.e., through a system of locks and canals, the first lock providing an obvious place to embark and disembark and, hence, for the limit of the Pilotage District.

Up to 1959, the Pilotage District of Montreal was correctly terminated at the Lachine Canal but this limit became obsolete when the St. Lawrence Seaway system by-passed the Lachine Canal which has since been closed. The necessary correction to the statutory definition of this part of the District limits should then have been made by an amendment to the Canada Shipping Act. However, ten years after the opening of the Seaway this has not as yet been done, with the result that there is no longer any western limit and it is impossible to determine how far westward the jurisdiction of the Montreal Pilotage Authority and the competency of the Montreal pilots extend.

When determining the limit it is not permitted to extrapolate by selecting in the new canal system a point corresponding to the defined point in the old system. Such an interpretation would lead to an unrealistic situation: the limit would be at the entrance to the Seaway, i.e., in the middle of the harbour about buoy 193M, where the Pilotage District of Cornwall commences according to the definition of its eastern limit as contained in Order in Council P.C. 1960-1570 dated November 17, 1960, Ex. 1143, i.e., "the eastern end of the Seaway approach", two miles five cables downstream from St. Lambert lock.

Nor does the definition of the eastern limit of the Cornwall District provide a solution for it can not be said that it marks *ipso facto* the western

limit of the Montreal District, even though the Commission is of the opinion that sec. 324 C.S.A. empowers the Governor in Council to amend by regulation the statutory limits of sec. 323 (p. 9). Limits must be established by explicit legislation and the definition of boundaries does not necessarily mean that all the territory within such boundaries pertains exclusively to one District, e.g., adjacent Districts must overlap to provide for the changeover of pilots (Gen. Rec. 9, Part I, pp. 480 and ff.). However, if the entrance to the Seaway were considered the western limit of the Montreal District, the changeover of pilots would have to be effected there and not at St. Lambert lock as at present. The Montreal pilots would operate unlawfully if they proceeded upstream past the "eastern end of the Seaway approach" because they would then be outside their District.

The Montreal Pilotage Authority was quite aware of the legal situation and tried to overcome the difficulty by including in its By-laws its own definition of the harbour for pilotage purposes. Subsec. 2(h) of the District General By-law reads as follows:

"2. In this By-law

...  
(h) 'Harbour of Montreal' means that part of the River St. Lawrence which is bounded in the north by a line running east and west through the northernmost tip of Ile Ste. Therese and in the south by Victoria Bridge and a line joining the western end of Victoria Bridge and the eastern end of the Lachine Canal and including Bickerdike Basin and Windmill Point Basin;"

This definition can not serve any purpose in defining the District's western boundary since the Pilotage Authority is powerless to determine the extent of its own territorial jurisdiction, such regulations being reserved to the Governor in Council under sec. 324, or to Parliament.

The St. Lambert lock is bounded at both ends by separate sections of the Victoria Bridge. As the definition is now worded the area covered by the Victoria Bridge is not included and the limit of the harbour for pilotage purposes is the north face of the Victoria Bridge, thus excluding St. Lambert lock.

When the situation is corrected by appropriate legislation, care should be taken not to adopt the description of a western limit as described in this By-law definition, since it excludes the St. Lambert lock from the District and, therefore, makes it illegal for a Montreal river or harbour pilot to pilot a ship in the lock.

The description of the District in sec. 323 C.S.A. raises a further problem, i.e., whether or not the Richelieu River and its canal is part of the Montreal District. The wording of sec. 323 leaves no doubt: the District, *inter alia*, comprises all the waters and rivers situated between the harbours of Quebec and Montreal, and, since the Richelieu River and the international canal up to the Canada-U.S. border are navigable waters, they form part of

the Montreal District with the consequences this entails, especially in a District where the compulsory payment of pilotage is supposedly enforced. In pre-Confederation legislation this situation was taken care of realistically by stating in the definition of the Port of Montreal that it included "... and such parts of the tributaries falling into the said part of the river St. Lawrence as are navigable for seagoing vessels;" (The Montreal Harbour Commissioners' Act, 1894, 57-58 Vic. c.48 s.5.).

The comment on p. 11 regarding the definition of a District limit by reference to a description in other statutes applies equally to the eastern limit of the Montreal District.

The question of fixing the western limit of the District and the establishment of a joint territory with the District of Cornwall is dealt with in Recommendation No. 1, Section Five.

The situation created by the Richelieu waterway being within the District shows the necessity of defining the District limits in such a way that the governing legislation meets actual pilotage requirements.

(c) *Pilotage Authority*

The Minister of Transport is the Pilotage Authority. Since the legal situation is the same as in the District of Quebec, reference is made to pp. 11-12.

(d) *Compulsory System*

The compulsory payment of pilotage dues is in force in the Montreal District but, as in Quebec, there is no legal authority for its implementation. The legal situation is the same as in Quebec and reference is made to pp. 12-14.

Re exemptions, see pp. 20-21.

(2) LEGISLATION NOT CONTAINED IN, NOR EMANATING  
FROM, THE CANADA SHIPPING ACT AND AFFECTING  
THE ORGANIZATION OF THE PILOTAGE DISTRICT

(a) *The Corporation of the Pilots for and above the Harbour of Quebec  
(13-14 Vic. c. 123 (1850) as amended)*

Ten years before the Quebec pilots obtained their incorporation, an Act of the late Province of Canada created a professional Corporation to which all the Montreal pilots automatically belonged. This Corporation, however, was never activated since the pilots did not hold the first general meeting which was necessary for that purpose (vide p. 589). It does not appear that this law has ever been repealed and, therefore, it would suffice that the required first meeting be held to activate the Corporation (Part I, p. 5).

It is considered that this law should be abrogated since it would not serve any useful purpose at present on account of the two distinct groups of pilots in the District. Instead, each group should become a statutory corporate body as recommended in General Recommendation No. 25 (Part I, p. 549).

*(b) Payment of District Operating Expenses*

As in the Quebec Pilotage District, the cost of operating the District is borne by the Crown through the Department of Transport. The only authority for this practice is contained in the annual Appropriation Acts. This does not cover the cost of maintaining and operating the pilot vessel services that exist throughout the District; these are all provided by private entrepreneurs; payment for these services has been a matter of contractual arrangements between shipping representatives and the private entrepreneurs concerned. Neither the Crown, the District nor the pilots incur any expense on this account.

**(3) PILOTAGE AUTHORITY'S ENACTMENTS APPROVED  
BY GOVERNOR IN COUNCIL**

*(a) Appointment of Secretary-Treasurer and Payment of District Expenses  
(sec. 328 C.S.A.)*

The Montreal Pilotage Authority, like the Pilotage Authorities of all the other Districts, may meet its operating expenses out of licence fees and pilotage dues by following the procedural requirements stipulated in sec. 328, i.e., by seeking the approval of the Governor in Council (Part I, pp. 106 and ff.). At present, no use whatsoever is made of this statutory provision since all the operating expenses of the District are met by the Crown and all pilotage dues, except radiotelephone charges and compulsory deductions for the Pension Fund, are paid on behalf of each pilot to his Association.

*(b) Delegation of Pilotage Authority's Powers (subsecs. 327(2) and 329 (p)  
C.S.A.)*

No specific by-law has ever been made by the Minister as Pilotage Authority for the District of Montreal pursuant to subsec. 327(2) C.S.A. for the purposes of delegating some of his powers to a Superintendent or anyone else.

The Pilotage Authority, however, acting pursuant to subsec. 329(p) C.S.A. has through various provisions contained in the General By-law delegated some of its powers to various persons, i.e., the Board of Examiners, the Inquiry Officer in disciplinary matters and principally to his local representa-

tive who is locally referred to as the Supervisor of Pilots. The remark on page 19 regarding the validity of the appointment of the Superintendent applies to the Supervisor.

(c) *Exemptions and Withdrawal of Exemptions (subsec. 346(c), sec. 347 and subsec. 357 (1) C.S.A.)*

No by-law was ever made under subsec. 357(2) C.S.A..

The Pilotage Authority has failed to make any regulations to grant non-Commonwealth small vessels any exemptions under subsec. 346(c). Hence (and assuming that the compulsory payment of pilotage dues were legally established), any small vessel not registered in any of Her Majesty's dominions would be subject to the compulsory payment of these dues, i.e., the minimum charge applicable to a foreign vessel. This would apply, *inter alia*, to any non-commercial vessels, including pleasure yachts even of the smallest size, plying the Richelieu Canal and the St. Lawrence waters of the District of Montreal (vide Part I, p. 227).

On the other hand, the Pilotage Authority acting under sec. 347 C.S.A. has completely withdrawn the relative statutory exemptions granted to steamships of dominion registry engaged in coastal and inland voyages under subsec. 346(e) except for:

- (i) ships of less than 1,500 NRT employed in voyages between ports of the Province of Quebec; and
- (ii) passenger vessels regularly plying the St. Lawrence River and the Saguenay River not below the eastern limit of the Pilotage District of Quebec. This obviously covered the Canada Steamship Lines ferry service that existed up to 1956 in the summer months between Montreal, Quebec, Murray Bay, Tadoussac and Port Alfred. They have since been discontinued and this exemption no longer applies.

Therefore, in *résumé*, all-ships, except the few enjoying an absolute statutory exemption and medium size vessels plying between Montreal and another port within the Province of Quebec, are subject to the compulsory payment of dues, irrespective of their size and type of trade.

The use of the word "vessel" as defined in the By-law to extend the application of the compulsory payment system to vessels that do not answer the statutory definition of "ships" is obviously invalid (vide Part I, p. 218).

In addition, there is the exemption indirectly granted for part of the trip between the entrance to the Seaway and St. Lambert lock through subsec. 3(1) of the Schedule which makes the additional fee payable only when the ship is actually piloted in that sector by a river pilot.

(d) *General By-law Passed under Sec. 329 C.S.A.*

The General By-law (Ex. 430) now in force was sanctioned by Order in Council P.C. 1961-1475 dated October 17, 1961; it was subsequently amended as follows:

- P.C. 1962-645 dated April 26, 1962;
- P.C. 1964-20 dated January 10, 1964;
- P.C. 1964-644 dated April 30, 1964;
- P.C. 1965-1173 dated June 23, 1965;
- P.C. 1966-777 dated April 29, 1966;
- P.C. 1967-697 dated April 13, 1967;
- P.C. 1967-1820 dated September 21, 1967;
- P.C. 1969-1911 dated October 1, 1969.

It replaces the previous General By-law that had been confirmed by Order in Council P.C. 1824 dated September 16, 1927, and its 37 amendments (Ex. 1539 (a)).

Not counting the schedule which contains the tariff or the interpretation section, the General By-law is divided into three parts: Part I contains provisions of general application, Part II applies to the river pilots and Part III to the harbour pilots. Its salient features are as follows (references indicate where the subject-matter is dealt with in Part I of the Report):

*General Provisions*

- (i) The Pilotage Authority, in addition to its normal powers as licensing authority, also directs and manages the service through its local representative, the Supervisor of Pilots (pp. 73 and ff.).
- (ii) Two groups of pilots operate the District: the river pilots and the harbour pilots. The only and exclusive function of the harbour pilots is to perform movages in the harbour of Montreal as defined for that purpose in the By-law.
- (iii) Each group is represented by its Pilots' Committee. The By-law does not settle the number of members of these committees or how they are to be selected by the pilots.

*River Pilots*

The organization for river pilots is very similar to the one that prevails in the District of Quebec:

- (i) Pilots are recruited from candidates with prerequisite qualifications through an elaborate apprenticeship system (p. 252), with the difference that apprentices are recruited both from pre-selected candidates and from qualified mariners. The pre-selected candidates are required to pass a two-year course in navigation at the Quebec Marine Institute and to serve for 36 months as a deck officer.

Before being licensed as a pilot, but not necessarily before being admitted as an apprentice, they must obtain a Certificate of Competency as First Mate of a home-trade steamship (unlimited as to tonnage) or of a higher grade. To be admitted as an apprentice, the qualified mariner must hold a Canadian Certificate of Competency not lower than Master of an inland water steamship, or First Officer of a home-trade steamship, or Second Officer of a foreign-going steamship, and must have served satisfactorily for at least 36 months as deck officer in charge of a watch in such vessel.

- (ii) The number of pilots is determined at the Authority's discretion after consultation with the Pilots' Committee but there is no criterion set out in the legislation (p. 257). The river pilots are purported to be classified into five grades. The newly licensed pilots are given grade CI to be gradually promoted to Grade C2, C3, B and A, after prescribed periods of satisfactory services in the lower grades.<sup>1</sup> The licence in each grade is limited as to capacity and size of ship the licence holder is entitled to pilot (p. 263). Such a grade system is a necessary feature in a pilotage service which is controlled and managed by the Pilotage Authority, but it is not permissible under Part VI C.S.A. A similar system in the Quebec District was declared *ultra vires* by the courts and an amendment to the Act would be necessary to make it legal (vide Part IV, pp. 22-23). The governing By-law provisions for the Montreal District have, however, been validated *pro tempore* by sec. 7 of the 1969 amendment to the Act (17-18 Eliz. II c. 53) according to which all By-laws made by Pilotage Authorities existing as of July 9, 1969, are deemed to have been legally made and be valid until December 31, 1969, or for a further twelve months if the delay is so extended by an Order in Council. This statutory provision does not apply to By-laws that may be made after July 9, 1969, and, hence, preclude any By-law amendment that could not be legally made by the Pilotage Authority. Therefore, the regulations governing the grade system are frozen in their present shape and form until new statutory legislation providing for it is enacted by Parliament.

<sup>1</sup> On account of a drafting error, it would appear from subsec. 22(1)(c)(i) that the newly licensed pilot is not given any assignment before the expiration of six months from the date the licence is issued. The situation, however, is that upon receiving his licence a pilot is graded CI and is assigned to vessels not exceeding 2,000 NRT for the first six months or until he has completed 100 assignments, whichever comes later (Ex. 1539(d)).

The text of subsec. 23(6) should also be clarified by qualifying the incompetence and unsuitability in relation to Grade A. The 1961 amendment deleted the clarification that existed in the 1959 text. According to the rules of interpretation, this subsection should be taken to mean that an incompetent and unsuitable pilot should be given Grade B, which leads to a preposterous situation.

- (iii) The By-law provides for the appointment of temporary pilots from the apprentices in case of a shortage, such licences to be cancelled when the shortage no longer exists.
- (iv) The pilot's status is that of a quasi-employee of the Pilotage Authority. Pilotage work is to be evenly distributed by the Supervisor through a déspatching system based on both tour de rôle and grade with, as in Québec, an assignment equalization rule (pp. 73 and 74).
- (v) Contrary to the situation in Québec, the By-law does not establish the method of remuneration, but merely provides for the collection of dues by the Superintendent and for the remittance of all dues collected—even those earned as a result of compulsory payment—less required contributions to the Pension Fund and radiotelephone rental charges, to the pilots' association, the *United Montreal Pilots*. This provision was not amended when the United Montreal Pilots ceased to exist December 27, 1968.
- (vi) No regular leave of absence is provided for. As in Québec, the Pilotage Authority is not concerned with the pilots' remuneration and leave of absence may be granted at the full discretion of the Supervisor. Sick leave is automatically granted, the Supervisor having the right to investigate whether illness is genuine. The By-law does not provide for leave with pay or without pay.
- (vii) Basic dues are computed on draught, tonnage and distance using the zone system. Two scales are provided, the lesser for small coasting and inland vessels of less than 2,000 tons. The zone dividing lines are Portneuf, Trois-Rivières and Sorel. Movage rates are provided in the form of flat rates for specified movages which may be performed by the river pilots in ports other than Montreal. A detention charge is payable when a pilot is detained on board for any reason from January 1 to March 15, and during the rest of the year for any reason except stress of weather, adverse tidal conditions or adverse ice conditions. A detention charge is also payable when a pilot has to wait for more than one hour to embark at St. Lambert lock, or between January 1 and March 15 for more than six hours counted from the scheduled arrival time at the boarding station, or the scheduled departure from a berth. The detention fee is \$3 per hour with a maximum of \$25 per calendar day. The tariff also provides rates for compass adjusting, dead ships, cancellations, winter assignments, radiotelephone rental charges, a \$3 transportation fee for boarding or disembarking from St. Lambert lock and a general surcharge (except for radiotelephone rental charge) which as of June 10, 1969, was raised to 31.15 per cent.



(viii) The By-law does not provide for a changeover of pilots at Trois-Rivières or for dividing the river pilots into upper river (Montreal-Trois-Rivières) and lower river (Trois-Rivières-Quebec) pilots. This matter is dealt with only indirectly by providing a rate per zone and a detention charge for the relief pilots' waiting time in winter at the Trois-Rivières station. The legality of the *de facto* division is questionable because it conflicts with the provision of sec. 361 C.S.A. which prohibits a pilot from leaving a ship which he has undertaken to pilot until the ship has reached her destination or the limit of the District. Neither a pilot nor a Pilotage Authority is at liberty to arrange for a changeover of pilots anywhere *en route*.

#### *Harbour Pilots*

The status and working conditions of the harbour pilots are, according to the By-law, approximately the same as those normally enjoyed by pilots in Districts other than Quebec and Montreal (river pilots). They are quasi-employees of their Authority which, according to the By-law also pools the pilotage earnings in addition to handling despatching. In addition to the features applicable to both groups, the following apply to the harbour pilots only:

- (i) They are recruited from the ranks of qualified mariners holding a Certificate of Competency not lower than Master of an inland water steamship. There is no official apprenticeship system.
- (ii) There is no grade but the first licence is probationary for one year, subject to cancellation in the event of unsatisfactory service.
- (iii) The harbour pilots' remuneration is an equal share of the pool operated by the Pilotage Authority, the sharing being based on availability for duty (subsec. 46(2)).
- (iv) No regular leave of absence is provided. This is granted at the discretion of the Supervisor and for sharing purposes is counted as time of non-availability. However, sick leave will full pay to a maximum of 15 days within one navigation season may be granted. In other words, such sick leave is counted as duty time for sharing purposes.
- (v) Despatching is attended to by the Supervisor through a tour de rôle system based on the equalization of trips rule. (sec. 10).
- (vi) Movements of ships wholly contained within the harbour of Montreal as defined in the General By-law are movages which come within the exclusive competency of the harbour pilots and comprise the only pilotage service they are allowed to perform.

- (vii) The tariff provides rates for such movages varying from \$20 to \$41 according to a scale based on tonnage. A movage from the wait wall to St. Lambert lock calls for a \$20 charge plus \$5 per hour after the first hour. The general provisions for dead ships and cancellations apply, plus a general surcharge which was raised to 39.15% on June 10, 1969.

Apart from the illegality of most of its provisions (like all existing Districts' By-laws as demonstrated in Part I of the Report), this By-law is unsatisfactory on other counts, *inter alia*:

- (i) There is a conflict in the wording of subsecs. 21(1) and 46(1) as to the composition of the two separate Pilotage Funds, bearing in mind that, according to the rules of interpretation, the titles and subtitles do not form part of the provisions of the law. According to subsec. 21(1) all money, without distinction, collected by the Pilotage Authority forms part of the Montreal River Pilotage Fund which, after the compulsory deduction of the Pension Fund contribution and the dues collected for radiotelephone rental charges, is to be paid to the United Montreal Pilots. This, therefore, would include the pilotage dues earned by the harbour pilots, which, in fact, form part of the Montreal Harbour Pilotage Fund according to subsec. 46(1).
- (ii) The term "navigation season" should be defined or dropped now that ships use the St. Lawrence River throughout the year.
- (iii) The By-law fails to recognize that the Montreal District forms part of the St. Lawrence system, particularly in not defining the powers and jurisdiction of the Quebec District Supervisor over the Montreal pilots when they are despatched upbound from that point (Part IV, pp. 429 and ff.).
- (iv) In subsec. 46(4) the reference to sec. 17 should be deleted or at least the word "or" be replaced by "and" and avoid the conflict that otherwise ensues between the sick leave provisions contained in secs. 17 and 51.

By P.C. 1955-29/1712 dated November 16, 1955, the Governor in Council approved the By-law made by the Pilotage Authority pursuant to sec. 329 C.S.A. concerning the Montreal river pilots' Pension Fund. This By-law cancelled the previous regulations confirmed by P.C. 774 of May 13, 1953, as amended by P.C. 1156 of July 28, 1954. This legislation is studied later on in the Report.

There is no Pilot Fund for the Montreal harbour pilots.