

PRÉCIS: MAJOR POINTS

“SAIL OR JAIL”

MERCHANT SEAMEN’S CLAIM FOR BENEFITS

A VIDEO PREPARED BY THE WAR AMPS OF CANADA

A document issued by the Honorable Lionel Chevrier, Minister of Transport in 1945:

“No body of men has contributed more to the prosecution of the war effort than those gallant seamen who man the ships of the Allied Merchant Navies, to which Canada’s contribution in ships and men has grown from small beginnings to now play a substantial role.”

The document goes on to say:

“Nevertheless, all of us know that those Seamen whose voyages and duties bring them in contact with the enemy, undergo desperate risks and hazards. The dangers they encounter are comparable with those experienced by the average man in uniform.”

ORDER IN COUNCIL PC14/3550 - May 19, 1941:

“That the Merchant Marine, in which our seaborne commerce depends, is under present conditions, virtually an arm of our fighting services, and the provision of Merchant Seamen, their training, care and protection is essential to the proper conduct of

the war, and vitally necessary to the keeping open of the sea lanes on which the successful outcome of the present conflict so largely depends.”

The 1945 Chevrier document where it provides the reason why Merchant Seamen were denied rehabilitation benefits states:

“Such benefits should not be of a nature which would encourage Seamen to leave the industry at the end of the war to seek employment in other fields as the services of many skilled Seamen will be required if Canada is to maintain a Merchant Marine after the war.”

**STATEMENT FROM THE CANADIAN SHIPPING BOARD TO C.D. HOWE,
MINISTER OF TRADE AND COMMERCE - July 15, 1943:**

“The present rates of pay on Canadian merchant vessels are not considered equivalent to the remuneration granted to no more sustained and no more dangerous work of a similar character in the Canadian Navy.”

This indicates that, according to the Canadian Shipping Board, the rates of pay of Merchant Seamen were no higher than members of the Regular Armed Forces.

Moreover, unlike members of the Regular Forces, the Merchant Navy paid for their own uniforms and other clothing items, had no medical or dental services, few provisions for leave and their pay was subject to income tax.

MARITIME COMMISSION ACT - June of 1947:

The purpose of this Act was ***“to develop Canada’s post-war shipping policy.”***

STATEMENT OF PRIME MINISTER LOUIS ST. LAURENT - December 9, 1949

“We have concluded that we are not justified from an economic viewpoint in maintaining a Canadian flag by artificial means. It is not the intention of the Government to maintain an industry at the expense of the taxpayer.”

In other words, two years after passing the Maritime Commission Act which would have established a post-war Merchant Navy, the government had to cancel the plans, due to competition from foreign vessels.

**ROBERT G. HELFORD, AUTHOR OF THE UNKNOWN NAVY - CANADA’S
WORLD WAR II MERCHANT NAVY**

Helford refers to the end of the plan for a Mercantile Marine for Canada in these words:

“For those with hopes for a Canadian flag Merchant Navy, that was that. Within a few years even the thirty or forty ships had dwindled away to a handful.”

THE CANADIAN SEAMEN'S UNION:

This Union was the only ***“protection”*** which members of Canada's Merchant Navy had to fight for their interests. The Canadian Seamen's Union was destroyed by a rival union whose leaders, some of them convicted criminals, were brought in from the United States. This union, the Seafarers International Union, was operated by known criminals whose entry in Canada was aided and abetted by the Canadian government. This has to be seen as an indication that the Canadian government, possibly with the connivance of the Canadian ship owners, set the stage to destroy the Canadian Seamen's Union which presumably would have made some attempt to ensure decent rehabilitation benefits for those who had served.

The history of the fight between the Canadian Seamen's Union and the Seafarers International Union is described in a book titled *Against the Tide - The Story of the Canadian Seamen's Union* by Jim Green. It was published in 1986. We quote:

“With Banks’ (convicted criminal Hal Banks of San Francisco) arrival in Canada, the government, labour and corporate forces arrayed against the seamen had all of their pieces in place. They were not interested in compromise; the destruction of the CSU was their common goal.”

And Green's book continues:

“The federal government clearly backed the shipowners - its Canadian National Steamship Company was one of the first to

sign its deepsea fleet over the SIU.”

Green continues:

“The seamen had carried out an historic struggle which was lost to insurmountable foes, and with the death of the CSU, the hopes of saving Canada’s merchant fleet came to an end.”

In studying press clippings going back many years, it seems that a myth developed that Merchant Navy were free to go at will, were not subject to discipline etc.

ORDER IN COUNCIL 2385 - April 4, 1941 - The Merchant Seamen’s Order

This Merchant Seamen’s Order stated:

“A troublesome (or even considered likely to be troublesome) seaman, licensed or unlicensed, Canadian or otherwise could be removed from a ship of any registry in a Canadian port, detained and within forty-eight hours, brought before a Board of Enquiry.”

“There shall be no appeal to any court or tribunal from an Order of the Board which order shall be final.”

This was known as the “**SAIL OR JAIL**” order.

The Merchant Seamen sailed under orders of the British admiralty which provided for an extremely strict code of conduct and discipline.

REHABILITATION BENEFITS:

Members of the Regular Forces, under the Veterans Charter, had available a complete benefit package for rehabilitation.

The benefits which were denied to the Merchant Navy are listed below:

- Clothing Allowance
- Rehabilitation Grant: transportation to place of enlistment
- War Service Gratuities
- Reestablishment Credit
- Reinstatement of Preference in Civilian Employment
- Out of Work Allowance
- Education Assistance (Vocational, on the job training, University)
- Treatment for Pension Disability including Prosthetic Appliances
- Veterans Land Act
- Housing
- Business or Professional Loan
- Awaiting Returns Allowance

RETROACTIVITY:

The government, by Bill C-61, designated Merchant Navy personnel as veterans

and equated their pension and veterans allowances with those available for members of the Armed Forces. The legislation did not come, however, to establish the “**insurance principle**” which was available to members of the Armed Forces. This “**principle**” provides that a member of the Armed Forces is pensionable for death, disease or illness incurred while serving, regardless of circumstances, location, etc.

The War Veterans Allowance provisions available to members of the Armed Forces became available to Merchant Navy personnel on a limited basis in 1962. War Disability Pension, as set out in the *PENSION ACT* became available on an expanded basis in 1992.

The government, however, refused to consider any retroactivity for Merchant Navy personnel who might have required financial assistance (such as War Veterans Allowance) prior to 1962 and refused to grant retrospective pensions, regardless of when the death, injury or illness occurred, prior to the amendments of the Pension Act of 1992.

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