

## **Pirates des Grands lacs : exploration des conséquences qu'ont les économies de petits boulots et informelle sur l'industrie de la pêche affrétée sur le lac Ontario au Canada**

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### *Résumé*

*Cet article explore les conséquences, pour les opérateurs de bateaux de pêche récréative accrédités, des activités de bateaux de pêche affrétés présumés sans enregistrement ni licence et qualifiés de « pirates », à une marina du lac Ontario. Les données proviennent de vingt-quatre entrevues effectuées sur une période de six mois auprès de huit propriétaires et opérateurs de bateaux affrétés. Les participants à la recherche ont noté que cette activité informelle est facilitée par « l'ubérisation » de l'industrie de la pêche en général. Les répondants ont fait remarquer qu'en plus d'éroder la viabilité financière de leur gagne-pain, les services d'affrètement de pêche récréative informelle comportent un sérieux risque pour la sécurité publique et pourraient potentiellement compromettre la préservation et la durabilité à long terme des pêcheries.*

# Great Lakes Pirates: Exploring the Impacts of the Gig and Informal Economies on the Lake Ontario, Canada, Charter Fishing Industry

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## *Abstract*

*This article explores how licensed recreational charter fishing operators are impacted by the activities of presumed unregistered and unlicensed charter boats, referred to as “pirates”, at one Lake Ontario marina. Data is drawn from twenty-four interviews collected over a six-month period with eight charter-vessel owners and operators. Research participants noted that this informal and underground activity is being facilitated by the “uberization” of the broader boating industry. Besides eroding the financial viability of their livelihoods, respondents noted that shadow recreational charter fishing services come with a significant risk to public safety, in addition to potentially undermining the long-term conservation and sustainability of the fishery.*

## **Introduction**

The expression “gig economy” is becoming increasingly fashionable in the media, popular culture and society at large. But the meaning being given to the expression is far from clear. Proponents of the gig economy tout the benefits of an empowered and flexible workforce that can choose when, where and how to work. So-called self-employed micro-entrepreneurs can drive for Uber one day and Deliveroo the next, and take the following day off, before working the next two freelancing as a graphic designer or copy-editor, before spending the weekend away at a cottage booked on Airbnb. Such “disruptive” practices are alleged to unleash innovation, unsettling established markets and creating new ones. The benefits are alleged to include cost-savings for consumers with ready access to abundant on-demand services available at the click of a mouse or tap on a smartphone, with advantages accruing to businesses, which benefit from a mobile workforce increasingly seeking variety, opportunity and autonomy. But this is a totally misleading view of the realities of gig work.

In practice, the growing preponderance of “gigs” — short-term, contractual, on-demand labour — can be better understood as a reversion to previous practices accelerated by new technologies, not something fundamentally new. What underlies the gig economy is a vast infrastructure of disguised employment relationships that facilitate the evasion and avoidance of worker entitlements (such as holiday pay, sick pay and superannuation) via employee misclassification, as well as regime shopping (when a multinational company selects another country for investment based on its lax employment laws and industrial relations). This infrastructure seeks to upend existing regulations and practices and preys on economically vulnerable populations most hard-hit by precarious work. In other words, the gig economy comprises “old” forms of capitalist exploitation masquerading as “new” forms of choice and freedom.

This article discusses research undertaken as part of an exploratory project examining how licensed recreational charter fishing operators are impacted by the activities of presumed unregistered and unlicensed charter boats at one Lake Ontario marina. Data is drawn from interviews collected over a six-month period with eight charter vessel captains and first mates (FMs). Research participants suggested that this informal and underground activity is being facilitated by the “uberization” of the broader boating industry. In addition to eroding the financial viability of their livelihoods, respondents noted that informal recreational charter fishing services come with a significant risk to public safety, as well as to the long-term conservation and sustainability of the fishery.

What follows is divided into five main sections. Section one outlines my methodology and discusses the broader background and context of the Lake Ontario charter fishing industry. Section two argues that undocumented charter boat activity straddles the nexus of the gig and informal economies. In this regard, while new web- and application-based technologies may be accelerating these activities, they are also an extension of older practices located in the informal economy. In section three, research participants detail how they understand and experience the impacts of alleged informal charter fishing operations and the ways in which these practices subvert existing rules and regulations. It is argued that while access to on-demand, informal charter fishing services may be financially beneficial to consumers, it comes with significant safety risks.

Furthermore, while consumers may benefit from short-term financial gain, there may be longer-term consequences for those legitimately operating recreational charter fishing services without evading and avoiding a range of rules that govern this activity. The concluding portion of this paper notes the limitations of this research, identifying future avenues of investigation that may provide a fuller account of the challenges and strategies utilized by charter fishing operators to resist “uberization”.

### **Lake Ontario Charter Fishing: Background and Context**

Data for this article is drawn from ethnographic research conducted with eight charter fishing boat owners and operators over the period May to October 2017. Interviews were conducted at one Lake Ontario marina with four boat captains (John, Mark, Frank, Jerry) and four first mates (Bill, Mike, Chuck, Adam) of independently operated recreational fishing vessels. As boat owners and operators, captains are ultimately responsible for the seaworthiness of their vessel, passenger safety, ensuring compliance with marine laws and regulations and crew management. First mates (FMs) are second-in-command and ultimately responsible for ensuring the safety of the vessel and welfare of the passengers. In the event of injury or illness to the captain, FMs are tasked with implementing emergency procedures to get passengers back to shore safely or to contact first responders. In the case of the four charter fishing operations discussed here, two FMs were responsible for operating the fishing equipment, while the captain plotted fishing routes and navigated the vessel. In the other two cases, these roles were reversed, with FMs largely responsible for navigating the vessel, and captains hosting passengers and facilitating the fishing.

The Lake Ontario charter fishing industry generally operates from mid-May to early-October. Passenger minimums range from four to six persons and the maximum can be up to twelve, with individual rates averaging \$120–140, although this could increase if food and beverage packages are included. Each vessel operates a maximum of two fishing expeditions per day, 6 a.m. to 12 p.m. and/or 2 p.m. to 8 p.m. The charter operations target rainbow trout, brown trout and lake trout, as well as king salmon, coho salmon and Atlantic salmon. All passengers fishing on board are required to have an Ontario fishing license, and charter operators must ensure possession limitations are followed, including, in the case

of Atlantic salmon, size restrictions. All fishing equipment, such as rods, reels, downriggers, spoons, flashers and more are provided by the operators, with fishing taking place anywhere from one-half kilometre offshore in early and late season to ten kilometres out in the middle of the summer.

In total, twenty-four interviews, one with each captain and FM in the spring, summer and fall, were conducted over this period. Each of the captains that took part in this study were sole proprietor owners, and three of four indicated that income derived from charter fishing operations was a primary source of income during these months, with one supplementing his income in off-charter days by working in the building trades. During the off-season, two indicated that they worked full-time in the construction industry, one as a tow truck driver and the other providing ice fishing services. Each of the FMs indicated that income derived from charter fishing during these months was their primary source of income. During the off-season, one indicated being enrolled in post-secondary education full-time, two worked in the building trades full-time, and one indicated working occasionally at an auto mechanic shop. The captains and FMs were men ranging in age from 24 to 62 years. Along with the names of all captains and FMs, the names of marinas and cities have been changed to protect their identity. The size of boats ranged from 35 to 48 feet, while charter fishing experience ranged from 5 to 25 years. In all cases, the boat owner was also the boat captain, and each had one permanent FM. All of the vessels were two-person operations.

An open-ended interview approach was utilized which sought to gain a deeper understanding of the charter fishing industry, its everyday practices and the challenges facing charter operators. The use of an open-ended approach is consistent with the observation that researchers rarely know what the most important issues or questions are (Acocella, 2012). To make use of a survey-style questionnaire would have required determining *a priori* what the most important questions and issues were. In this regard, an open-ended approach allowed those being interviewed to decide what is most central to their own “life stories” (Silver, 2006). Follow-up interviews sought to gain a deeper understanding of concerns discussed previously, in addition to drilling-down on specific issues highlighted earlier, such as the concerns about safety and potential impacts on the fishery.

As will become clearer in the pages that follow, the aim

of this exploratory research is to investigate how licensed charter fishing boat operators understand and experience the ill effects of unregulated recreational charter fishing activity at one Lake Ontario marina. In recounting the firsthand experiences of charter boat operators, I seek to gain a deeper understanding of how they are coping with the informal “uberization” of the charter fishing industry, including the implications this has on operators’ own livelihoods, as well as potential risks this poses for consumers and fisheries health more widely. This research also explores how licensed charter fishing operators confronted and challenged alleged informal charter fishing activity in a labour market increasingly characterized by gig economy labour that straddles the margins of the informal economy.

Recreational fishing for salmon and trout on Lake Ontario got its start in the early 1970s as New York State and Ontario introduced the species to help control overabundant alewife (a non-native, invasive fish species), which were dying off and washing ashore by the millions (Brown and Connelly, 1991; 2009; Kuehn et al., 2005). In the half-century since their introduction, it is estimated that Lake Ontario’s sport fisheries now contribute some \$112 million annually in local economic development for the state of New York (NYDEC, 2016: 28). Research conducted elsewhere suggests measures of local economic development could be much higher when extending beyond anglers’ direct purchases. This is because the businesses that sell goods and services are in turn stimulated to use additional labour and purchase additional materials, starting a “chain reaction of spending and re-spending that has a cumulative impact of the level of sales, jobs and other economic components of the local economy” (Brown and Connelly, 2009: 21). Ontario’s fisheries and its supporting industries are estimated to contribute more than \$2.5 billion annually to the province’s economy, although figures citing the individual significance of Lake Ontario are not available (MNRF, 2015: 6).

There are few estimates of total charter fishing activity in the Great Lakes region, and even fewer for Lake Ontario specifically. The most notable includes research undertaken as part of the Great Lakes Sea Grant Network, which estimates there were 1,696 captains operating as small businesses across the Great Lakes in 2011 (Lichtkoppler et al., 2011). Comparably, the Great Lakes Environmental Assessment and Mapping Project (GLEAM) identified 1,813 charter fishing operations (GLEAM, 2010). For

Lake Ontario, charter fishing operations in US waters are estimated to have grown from 33 in 1975 to 450 in the mid-1980s, before falling to around 200 small businesses in the early 2000s (Dawson, 1991; Lichtkoppler and Kuehn, 2003). GLEAM estimates there are currently 143 recreational charter fishing operations on Lake Ontario in both US and Canadian waters, although this number could be much higher when considering informal charter boat activity.

With the exception of the odd scholarly article and grey literature, general information about the recreational charter fishing industry on Lake Ontario can be found in the annual interjurisdictional reports prepared by the Lake Ontario Committee for the Great Lakes Fishery Commission (NYDEC, 2016). These reports summarize cooperative research and monitoring activities conducted on Lake Ontario and the St. Lawrence River by the New York State Department of Environmental Conservation (NYDEC), Ontario Ministry of Natural Resources and Fisheries (OMNRF), U.S. Geological Survey, U.S. Fish and Wildlife Service, Fisheries and Oceans Canada, State University of New York College of Environmental Science and Forestry, and Cornell University. This research finds that charter boats tend to have more anglers on board, fish for longer periods of time, are more likely to target salmon and trout, have higher catch rates and harvest a significantly higher percentage of the catch. In 2016, charter boats accounted for roughly 19 per cent of the total number of fishing boat trips, but close to 48 per cent of the total salmon and trout harvested from the lake (NYDEC, 2016: 33).

Some variables examined indicate that angling quality was lower in 2016, with declines in the number of charter vessels harvesting their maximum daily catch limits across all species — close to a 44 per cent decrease compared to the previous 10-year average (NYDEC, 2016: 37). Likewise, research by Lichtkoppler and colleagues exploring charter fishing activity in the US waters of the Great Lakes finds that charter trips declined 27 per cent, from over 103,000 in 2002 to less than 76,000 in 2011, while total revenue declined over this period by 24 per cent, from \$48 million to \$36 million, after values were adjusted for inflation. The authors note that respondents from Lake Ontario declined from 16 per cent of the total in 2002 to 6 per cent in their 2011 survey. Their research finds that respondents actually increased the mean number of trips by 23 per cent, and their mean revenues increased by 78 per

cent. However, they caution that there was a large standard error ( $\pm 13.4$  for trips and  $\pm \$8,034$  for revenues) for the Lake Ontario respondents. As such, it is not clear how generalizable individual lake results are (see Lichtkoppler et al., 2011: 204-206). Charter fishing operations declined more than 12 per cent when compared with 2002 (Lichtkoppler et al., 2011: 203-04). As will be discussed shortly, this is significant because it is unclear what effect informal charter activity may be having on the health of the fishery and financial viability of licensed charter fishing operations.

Responsibility for fisheries management and charter fishing activity is divided between the federal government, which has authority over the seacoast and inland fisheries, and the provinces, which have authority over natural resources, management and sale of public lands, and property and civil rights. At the federal level, Fisheries and Oceans Canada (DFO) has primary responsibility for fisheries; in Ontario, the primary agency is the Ministry of Natural Resources and Forestry (MNRF). Other agencies and levels of government also have mandates that include aspects of fisheries management, such as Transport Canada (federal), which monitors and enforces vessel safety, ports and harbours, including navigation and radio communication, training, testing and certification of marine personnel. Other regulatory bodies include the Ontario Ministry of the Environment and Climate Change, Ontario's Conservation Authorities, national and provincial parks, and municipalities. Coordination of the Great Lakes region occurs under the auspices of the Great Lakes Fishery Commission and all state, provincial, federal and First Nations natural resource management agencies in the Great Lakes basin are signatories to the Joint Strategic Plan for Management of Great Lakes Fisheries (MNRF, 2015: 15-18).

### **The Gig and Informal Economies**

One estimate by the McKinsey Global Institute (2016) found that some 20-30 per cent of the working-age population in the United States and the European Union, roughly 162 million people, engage in some form of independent contract labour. However, when one isolates on-demand, online work platforms for paid gigs, this number falls dramatically to just 6 per cent of the independent workers surveyed. Advocates of the gig economy argue that "the choice facing employers is now between gig workers and robots, or at least technology... Robots are an attractive way to get the



work done, given that they work cheap, do not demand benefits, never whine about needing a work-life balance and are not going to get drunk at the holiday party. In the same way, a gig worker (who you do not provide with benefits or invite to the party) may be competition for the robots” (Nazareth, 2017). Writing in *Forbes* magazine, Jia Wertz (2018) claims that “the gig economy isn’t made up of unemployed people looking for work. In fact, the majority of workers in this economy aren’t even interested in a long-term position... By 2027, freelancers are expected to become the majority of the workforce, based on the current growth rate, due to factors such as automation, freedom, flexibility and the ability to earn extra money... Highly qualified workers are ready and willing to be deployed to accomplish clearly defined outcomes. This, in turn creates both time and cost efficiencies that translate into bottom line profits for companies of all sizes.”

Absent from the idealistic approaches of both Nazareth and Werth is the stark reality that much of what passes as the “gig economy,” otherwise known as informal labour, exists in a legal vacuum designed in a manner that excludes employees from basic employment standards protections. As a growing body of research has found, gig workers tend disproportionately to be younger workers, those from historically marginalized communities, women and recent immigrants; in other words, vulnerable populations with few choices other than to endure the exploitative conditions of informal labour, with recent evidence suggesting this has pushed down wage growth across the labour market as a whole (Srnicek, 2016; Stewart and Stanford, 2017; Slee, 2016). For gig economy boosters, this is a labour market devoid of power relations, where class and its intersections of race, gender, sexuality and so forth are immaterial, or worse, irrelevant.

While new web- and smartphone application-enabled technologies have facilitated greater peer-to-peer exchange, what really distinguishes the gig economy from the labour market of the postwar era is a return to the “standard” employment relationship that dominated the pre-Keynesian era; one characterized by widespread precarity of job tenure, insecurity, limited social benefits and absence of trade unions, as well as evasion and avoidance of statutory entitlements in an increasingly atomized labour market with diminished worker bargaining power. “These practices are as old as capitalism, perhaps even older. The creation of more precarious

jobs, including those associated with digital platforms, reflects the evolution of broad social relationships and power balances, as much as technological innovation in its own right” (Stanford, 2017: 383). Capitalist control of the workplace increasingly took hold of the process of production as market forces came to dominate under what conditions production would occur (Rinehart, 2006). In other words, over time workers no longer sold a finished product to merchants but rather their capacity to labour for a given amount of time (Perelman, 2000; Fanelli and Noonan, 2018).

The exploitation of casual labour has been a historical constant of capitalism that can be traced back to the putting-out system of the sixteenth century (Quinlin, 2012; Finkin, 2016; Valenduc and Vendramin, 2016). New technologies extended older methods of workplace rationalization such as Taylorism, which sought to separate conception from execution on a continuous basis by breaking down tasks into discrete “gigs” in the context of an on-demand workforce deprived of broader social welfare entitlements extended via hard-won capitalist class concessions (Braverman, 1998; Huws, 2016, Srnicek, 2016; Riley, 2017). In other words, while the form of temporary, contractual and precarious labour has changed, its function remains the same: to drive down wages, weaken statutory protections and diminish collective means of worker resistance (Queenan, 2016; Sherk, 2016 Calo and Rosenblat, 2017). If there is such a thing as a “standard” (capitalist) employment relationship, it is one much more closely related to the exploitation of labour described by Marx in the mid-nineteenth century, than that of its thirty-year mid-twentieth century interlude.

Among the most notable participants in the gig economy are ride-hailing services like Uber and Lyft, food delivery services like Deliveroo and Foodora, coding, programming and graphic design applications such as Toptal and Behance, cleaning and DIY services like TaskRabbit and Rent-A-Husband, as well as accommodation, vehicle and tool rental services such as Airbnb, Turo and ToolCity. While the work arrangements across these diverse platforms vary, “these companies attempt to both maintain, and distance themselves from, responsibility over the markets their apps create” (Healy et al., 2017: 232). As is often said, there is now an “Uber and Airbnb” for nearly everything, which includes consulting work, freelance writing, dog walking, babysitting and virtual assistance, to name but a few (Kenney and Zysman, 2016; Ravenelle, 2016).

Uber is perhaps the most well-known company in this regard, insisting that it is not a direct employer but rather that its drivers are independent contractors. However, this position has been widely criticized since, like most traditional taxi companies, the Uber app sets the fare and route, collects payment from passengers, supervises, disciplines and returns a portion of revenue to drivers based on predetermined distance and time factors. What is more, even though Uber drivers must provide their own vehicles and pay for all related expenses (e.g., maintenance, fuel, amortization) with no guaranteed hourly or daily income, they cannot see the passenger's destination before they accept a trip or opt out without a penalty. Drivers also run legal risks and fines: "What Uber does not do is ask drivers to comply with local laws; rather the company makes it their explicit policy to break local laws until local jurisdictions bend to their will. If they don't do so, then Uber pulls out" (Zwick, 2017: 7).

In the case of the Lake Ontario charter fishing industry, not all operators are created equally. As study participants noted, their livelihoods, consumer safety and fisheries health are under threat from what they refer to as Great Lakes "pirates". As they describe below, pirates are the unregulated (and presumably unlicensed) fishing charter boats of the Great Lakes, the Uber-like operators of Lake Ontario's waterways. In most cases, these are private boat owners who, for a fee, will take a group fishing or pleasure cruising for the day. Most of these operators, respondents noted, advertise on places like Kijiji and Facebook and, in rarer cases, have their own websites. In this regard, it is probable that the charter fishing industry of Lake Ontario (and elsewhere) is undergoing a process of what might be called incipient "uberization" — that is to say, the early stages of "gigification".

However, while unlicensed charter fishing vessels certainly benefit from platform-enabled web services in ways they could not before, there are relatively few smartphone applications thus far catering to the recreational charter fishing industry of Lake Ontario, although indications suggest this is rapidly growing elsewhere. UberBoats, for instance, recently launched seasonal on-demand services in Boston, Cannes, Istanbul, Miami and Baltimore, with permanent services in Croatia that are expected to grow across Europe and North America (Carney, 2017). Other Uber-like applications for boats have proliferated across more than a dozen countries, such as HOBA (Hop on a Boat Anywhere), EZ Waves,

GetMyBoat and Boatsetter, with software developers like Space Technologies specifically targeting companies looking to create “rent-a-boat” applications (Ryan, 2017; O’Brien, 2018; Lariviere, 2015).

Both GetMyBoat and Boatsetter currently operate in the Canadian market, with charter fishing services available on Lake Ontario. While it is probably not possible to show in this paper that unregulated charter fishing vessels are benefitting from Uber-like applications that evade, avoid or challenge regulatory laws, data gathered from interviews with licensed charter fishing operators suggests that this informal activity is having a significant impact on their operations. However, whether this is primarily occurring through traditional informal channels such as word of mouth, or websites or smartphone applications remains an open question that future research will need to explore. In this sense, this paper is primarily concerned with the presumed impacts of the shadow charter fishing industry on licensed operators. It is informed by the firsthand accounts of small business operators and the self-identified impacts of this alleged underground activity on their everyday lives. In the view of these operators, unlicensed charter fishing services are likely to involve some form of illegality and/or noncompliance with existing administrative rules, regulations and commercial licensing requirements — “working without papers” as Captain John put it.

### **Lake Ontario Pirates**

When asked to explain who pirates are, Captain Mark observed: “A pirate’s the guy that runs without proper paperwork, proper safety equipment and takes money from people illegally, not by the letter of the law or by any commercial regulations that are in place by Transport Canada.” Illegality and evasion of Transport Canada rules were common concerns among nearly all study participants. Captain Frank was blunter in his assessment, saying: “They’re criminals. They’re fisherman that want their fishing paid for. That’s all they are. They have jobs, they have fuckin’ all this other stuff. They just want their boating and fishing expenses paid for.” While the alleged evasion and avoidance of Transport Canada marine regulations, such as a having a proper captain’s licence or safety equipment were common themes, others also raised concerns about an “unlevel playing field” (FM Adam), with informal operators benefitting from tax evasion: “Do you think those people would

fucking claim anything? Of course they don't; it's all cash business" (Captain Jerry). "It goes straight to his [illegal operator] personal bank account," noted Captain Jerry. As the discussion of Uber above noted with regards to their ability to offer lower fares over taxis at the expense of breaking existing laws, pirates are believed to be able to offer cost savings by undercutting their competitors — "stealing our business" (FM Bill) — at the expense of existing laws and regulations. "You can drive that [55-foot] boat personally with just your regular boater's license but you can't charter passengers without the proper paperwork" (Captain John).

One operator noted that since commercial charters are not organized collectively, pirates have been able to fly under the radar due to their reduced visibility and lack of regulatory enforcement. "What am I supposed to do by myself out here in the middle of Lake Ontario? Nobody finds them, like Transport Canada. If they don't know their name, they're not gonna find them. But Transport Canada just has to look out to make sure that they're following the rules, that they're licensed, but the fact that they're operating a business illegally, that's not their business. So that would go under somebody else's jurisdiction" (Captain Jerry). FM Mike added: "Revenue Canada... They would have to be a licensed business, like an incorporated business or something. That's even separate from having the proper paperwork [licensing]." Given the mobility of charter vessels and ease with which presumed unregistered businesses and unlicensed operators could now advertise on their own websites or places like Kijiji, when asked whether these illegal operators shared parallels with Uber, FM Adam responded, "Absolutely, but I don't know if there's an Uber that's gonna do it but they might fucking expand into this area, you never know." Captain Mark also agreed when asked the same question, responding with some surprise, "Yeah, I guess they're doing to us what Uber did to taxis. Shit... I'm not gonna use them anymore."

There was also a feeling that legitimate charter operators were disproportionately targeted by MNRF conservation officers: "We operate in plain sight, open to the public. They're hidden away in a marina, right? Come here and the game warden is standing right there when we come in with our fish and he says, 'Do you have licenses?'" (FM Adam). Captain John added, "COs [conservation officers] rarely go out there [into the lake], these guys [pirates] are hidden in a marina behind locked gates. How's Transport Canada

even supposed to know he's a fucking charter boat. He's just out there floating around." Others also raised concerns about the difficulty identifying recreational charter fishing boats from recreational non-charter fishing boats, since there are "no visible signs and if anyone asks, they're my 'friends'" (FM Mike).

A common view was that because most pirates were presumed to be occasional gig workers, with other forms of primary employment, these informal operators benefitted from not having to make both short- and longer-term investments for their business to grow. This includes, for instance, the absence of a fixed marine dock, along with liability and commercial vessel insurance. Captain Mark noted: "A licensed charter boat always carries commercial liability... \$5 million a head, at least, minimum." Captain John explained further: "And we have to pay the insurance on the dock... and it depends on the size of your boat. These docks are \$73 a foot times the size of your boat." With the size of study participants' boats ranging from 35 to 48 feet, respondents noted that this additional cost could range anywhere from \$2,500 to \$3,500 per annum. Captain John explains further:

*It depends on the boat, it depends on how many passengers you can carry, everything. Sure, my insurance is not gonna be the same as somebody that's only gonna carry six when I could carry 12. And then some of the pirates don't even know the rules. Commercial vessel with our licenses are only allowed 12 people max, no matter what your boat says. Mine's rated for 26 people. It doesn't matter. 12 is max. Anything over that you start to get into different paperwork, and then you need more crew every time. Two crew is good for up to 12, anything over, you need an extra person.*

In other words, licensed charter operators were required to have both commercial liability insurance once their vessel leaves the marina, and dock insurance in case passengers injured themselves while boarding or leaving their docks. "These other people [pirates] probably just have regular boater's insurance" (FM Chuck), which is not mandatory for non-charter boats to have. Some also questioned whether any injured passengers on an unlicensed and uninsured charter boat would be covered by non-charter recreational insurance,

“because we’re insured to carry customers, paying passengers” (FM Adam). Similar concerns have been raised in the case of an accident and/or injury for both Uber drivers and passengers, with the Insurance Bureau of Canada cautioning people to be careful if they are using their vehicle as a cab but without commercial insurance, which is more comprehensive and costly form of coverage carried by licensed taxi drivers. While insurance rules vary by jurisdiction, Ontario and Alberta have recently extended a hybrid form of personal-commercial coverage to Uber drivers with similar plans elsewhere (Jones, 2016; The Economist, 2018).

Related, Captain Frank noted that unlicensed charter operators “might stay here [at this marina] for a month and then they might go east or west for another month...moving around.” Pirates are seen as profiting off of the backs of legitimate charter operators since they are presumed not to be investing in the communities out of which they run their operations. “One day they might use the public ramp at Paradise Marina, another day use the public ramp in Gotham City, and one out of ten times they might pay \$20 to use a private marina’s ramp for the day” (FM Mike). Captain Mark also noted that the dock rates for commercial operators and regular boats differed drastically: “Over the years my dock has ranged from \$2,000-3,000, versus those guys [pirates] which will pay a fraction of that because they’re private.” Depending on the size of the vessel, there may be additional safety regulations, such as requirements about personnel training in marine first aid, extinguishers and axes in the case of a fire, life jackets, which are different from personal flotation devices (PFDs) because they keep your face out of the water by turning you on your back in the case of a loss of consciousness or inflate upon impact with water. “What happens with a PFD is, if you’re unconscious it will not right you, you can still drown. If you get knocked unconscious, your face goes in the water and you can drown. With an actual life jacket, what it does is it flips you over on your back and keeps your head above water. And the vest-type have a collar on it, so it keeps your head out of the water. And it has to have Solas tape on it” (Captain Jerry).

Other respondents raised concerns about following the procedures regarding on-board alcohol consumption, as well as life rafts in the case of an emergency. “You need your smart serve in order to have alcohol on board. And passengers can’t consume it unless you are moored to a dock or anchored” (Captain Mark).

In a similar vein, Captain Mark notes, “If you have more than one boat and you run two, you’re considered a fleet, and then you got to pay Transport Canada navigation costs for the blue markers, radio airwaves usage for the commercial channels.” Some respondents also raised concerns about changing requirements from Transport Canada. Captain John quipped, “Every year they change shit. Even my fucking engineering permit. One year they said I needed it, I got it and next year they said, ‘Oh, you don’t need it.’ They made everybody buy new life jackets with whistles on them. Then the year after they said, ‘Oh, you don’t need the whistles.’” While in a few cases respondents indicated that these safety measures were seen as burdensome, many were most concerned with the health and safety risks not following these rules posed for consumers, as well as the additional costs of licensing and registration required of them.

Study participants went to great lengths to stress the significance of marine licensing requirements, such as Small Vessel Operator Proficiency (SVOP) or master’s licences. Before one is eligible to become a registered boat captain, it is necessary to have two years’ experience as a FM. “It’s based on the honour system, someone who is a captain vouching for you (FM Chuck). Captain Frank added, “Before I became a captain, I had to get Captain Larry [his former employer] to sign a paper from Transport Canada declaring that I worked for him for so many hours on the water.” Captain Jerry outlined the steps that are needed before one can be accredited as a charter boat master: “First you need your boating card, then you get your SVOP or captain’s papers, MED [Marine Emergency Duties] and radio certificate.” And marine first aid was understood as going beyond traditional first aid certification in the sense that “I can’t just tape it up and call an ambulance. I’m an hour offshore. We don’t have help, we gotta deal with it in the middle of nowhere” (FM Mike). FM Adam also noted that one person on the boat has to have an MED, “You need two or more every 12 persons, I think...and they need to be 13 metres from the helm at all times.”

Respondents also stressed the importance of engineering certification in the event of mechanical breakdown, or the ability to find their way back to shore in the event of a power loss or equipment failure, as licensed charter operators are trained to do using an old-fashioned compass and map. “You learn about climatology, weather patterns, charting and navigation... Say your instruments go down, you have to be able to take a chart out and figure out where you are



on the lake and for an emergency” (Captain John). One captain also expressed that in the event of a power failure, charter boat captains are expected to be able to navigate back to the marina “knowing the stars. Because if your vessel breaks down and there’s no help around and it suddenly gets dark, and you have a problem... It’s not like when your car breaks down and you can get out and walk or call another cab” (Captain Mark). Then there’s the rules of the road, added FM Bill, “like overtaking vessels, who has the right-of-way when two boats are approaching each other, what side of the channel markers you’re supposed to be on going up and down the river.”

Depending on the length and weight of the vessel, some charter boat captains may also be required to have their master’s limited licence (an advanced certificate of competency). “I had to take a Transport Canada inspector out on my boat to get certified and show them that I can handle and maneuver my vessel, know where all the fuel shut offs are, and have an emergency procedure in place” (Captain Frank). “And you have to apply when you get your licence for Transport Canada, and you have to tell them how many people will be on board the boat, and what kind of cruise you’re gonna take. If it’s inter-coastal, if it’s two miles offshore, if it’s 25 miles offshore, there’s classes of cruises that you take, and you have to apply for that, and then they go over your information, tell you yes or no” (Captain Jerry).

Respondents also noted that since Transport Canada mandates that charter vessels have emergency procedures in place in the event of an emergency, there is no way to know if illegal charter boat operators are prepared in the same manner:

*You have to have emergency protocol procedures in place, that if there is something wrong, you have to have other boats stand-by that you can call in an emergency to come out and help you. In case something happens to me, or anybody, a [first] mate, the customers can grab this book and be like, “Okay this is the situation. This is what needs to get done,” type of thing. Like last year, when she had the seizure, Captain Monica, she was on the floor shaking, her mate brought the boat back. Well, he had a little help. Because I was on the phone with him the whole time. As well as I had the ambulance come down right away. (Captain John)*

Charter boat operators estimated that there were anywhere from a handful to close to a dozen illegal charter vessels currently operating out of the marina they were stationed at. And, in their view, this comes with a great risk not only to their livelihoods but to consumer safety, including the loss of important information about the health of the fishery. Respondents noted that accidents like those involving *True North II* and *Northern Spirit* are stark reminders of what can go wrong on the Great Lakes. In June 2000, the glass-bottomed *True North II* sank in Georgian Bay while ferrying visiting Grade 7 students. Eighteen individuals were rescued, although two children died as a result of the accident (Appleby and McLaughlin, 2000). And in June 2015, a passenger fell off the *Northern Spirit*, operated by Mariposa Cruises. His body wasn't recovered until eighteen days later. A subsequent investigation by the Transportation Safety Board of Canada said the crew's response was *ad hoc* and disorganized (National Post, 2016). Speaking on the aftermath of these two tragedies, Captain Jerry noted, "When the guy fell off the Mariposa [*Northern Spirit*] there was a big crackdown on us by Transport Canada." Many shared similar insights, observing, "When there's a big accident and somebody dies, it's going to be disastrous for the entire industry. People will be less likely to go for a charter; some are already too scared" (FM Chuck). These sentiments were shared by Captain Frank, who bluntly remarked, "Nothing is going to get done [to resolve this problem of pirates] until another *Edmund Fitzgerald* happens," referring to the infamous US-based Great Lakes freighter that sank in Lake Superior with all 29 crew members on board in 1976.

*Before that [Edmund Fitzgerald accident], no life rafts were required on board because they figured, "Ah, a Great Lake, what the fuck is a lake. It's never going to blow up enough to sink one of those 150-foot lakers [freighter boats]." Superior tossed her around in November and look what happened, they didn't think a lake could take her [the boat] down. But our lakes aren't like the oceans where you have 20-foot swells 300 feet apart so you could ride them out... Here that tanker's gonna take 10 rogue waves at once. (Captain Frank)*

In addition to being a risk to consumer safety, which threatened the viability of their own operations should a significant accident occur, the absence of required safety equipment on board was also understood as a financial requirement that illegal operators benefited from by not having to make. “Another thing, they [pirates] don’t have to pay for a life raft. That costs me \$2,000 every year, depending on the age of the raft. If it’s twenty years or older you gotta do it every year, if it’s under you gotta do it every two years” (Captain John). While new life rafts can cost up to \$10,000 (Captain Frank), life rafts are not required on all charter boats. “You don’t have to have a life raft, you can have other stuff. It depends... You can have survival [floatation] suits for everybody...or they have eight-man life rafts in like a duffel bag... It expands automatically. It’s like those inflatable life vests” (Captain Mark). FM Bill adds, “Ours also has a flare kit and emergency rations.” As all study respondents noted, the potential absence of requisite safety equipment on board presents significant risks for consumer safety in the absence of regulatory bodies ensuring compliance.

With reference to the impact of informal charter boat operations on his own business, Captain Frank asked rhetorically, “You’re taking people [passengers] that don’t know anything about boats. What happens if something happens to you [the illegal charter operator] because you’re by yourself? They don’t know how to fucking drive it.” Respondents also pointed out that “these guys [pirates] come and charge \$80-100 a person, undercut everybody by 20-30 per cent. Drives the cost down, and they don’t have to pay anybody, or any of the other shit” (FM Adam). FM Mike commented: “I saw one pirate’s website. He specifically says right there that he only has the fucking mate certificate. He says specifically, ‘MED A3 certified Transport Canada.’ Doesn’t allow you to be a captain. You’re a mate, can’t drive. You have to have your captain’s licence if you’re going take people out commercially.”

Finally, respondents spoke of their extensive knowledge of the Great Lakes, often honed over decades, informing the MNR of changes in marine health, communicable fish diseases and invasive species that feed on commercially important fish. “You want to ensure a healthy fishery, right? You don’t want these fucking pirates coming in here and taking out all kinds of fish. If you’re not checking if people have fishing licences, because you don’t even have your own fuckin licences, then they’re not contributing money for fish

to be restocked” (Captain Jerry). FM Bill added, “The MNRF asks us what kinds of fish we caught, at what depths, their length... This information goes towards helping understand what is happening to the fishery. They probably don’t get that shit from pirates... Who knows if they’re poaching, or if they’re keeping undersized Atlantics [salmon]... They [MNRF] even take samples of fish, check if they have nose tags in them, transmitters.”

Concerns about unlicensed operators undermining the sustainability and conservation of Lake Ontario’s fishery were widespread. Take sea lampreys, for instance, which use their mouths to attach themselves to fish and drain their blood. “One sea lamprey can consume more than 40 pounds of fish over the course of its life,” noted Captain Mark, with dire consequences across the food web as a whole. Some also pointed to invasive Asian carp, “which will be the end of our industry” (FM Chuck) since they voraciously consume prey fish, zebra and quagga mussels “that eat all the zooplankton bait fish rely on” (Captain Frank). Charter fishing operators indicated a great deal of concern for the long-term viability of the Lake Ontario fishery, not only as a matter of sustaining their livelihoods, but of ensuring the continued health of marine life as a matter of environmental conservation.

## **Conclusion and Directions for Future Research**

This paper has explored how Lake Ontario charter fishing operators interpret and understand the ill effects of informal charter fishing activity. Respondents noted that the informal charter fishing market threatens the financial viability of their operations and consumer safety, as well as jeopardizes fisheries protection. There was a pronounced sentiment among study participants that undocumented charter fishing activity was being facilitated by increasingly available on-demand services procured through web- and application-enabled technologies, although this was not possible to determine in this paper. Respondents noted that the charter fishing industry is being undermined in ways similar to that of the taxi industry by Uber.

Since this article is informed by the perspectives of those impacted by undocumented charter fishing operations, future research will need to explore the perspectives of those currently operating in the informal economy to gain clarity about their own motives and understanding. One explanation may be that presumed

pirates are responding in individualized ways to a labour market increasingly characterized by insecure and precarious forms of work. However, given the significant financial investments required in procuring a boat, trailer, fishing gear and other required tools of the trade, which could easily run into the tens, even hundreds, of thousands of dollars, it is unlikely that such activity shares similarities with the economically disadvantaged populations that have been a characteristic of Uber and many other on-demand services.

A somewhat surprising finding, or lack thereof, was the absence of greater confrontations between charter boat operators and “pirates”. The general sentiment among respondents was that “there is nothing we could do” (Captain Jerry), although one FM (Bill) spoke of “accidentally on purpose” driving over a suspected pirate’s fishing lines while out on the water. Others noted they responded in more passive aggressive ways, such as asking suspected illegal operators where they received their captain’s license, or “telling their customers to go the wrong way” (Captain Mark) when asking for directions at the marina. It was expected that, like the widely publicized direct confrontations between Uber and taxi drivers, conflicts would abound. However, the fact that most charter fishing companies are independently owned and operated and that there is no governing body or lobbying association, helps to explain why active forms of resistance took individualized as opposed to collective means. Future research will need to explore forms of resistance more fully, including charter operators’ own beliefs on why collective forms of resistance have been slow to grow.

In general, respondents were undecided on the most appropriate means of combatting alleged informal charter boat services. One suggested that local marine police services crack down on vessels that do not follow the “rules of the waterway” (FM Alex), although it is unclear what wider impact this would have on any illegal operations besides potentially making pirates better at avoiding identification. Captain Mike suggested Transport Canada and the OMNRF step up its proactive enforcement, although in the same breath noted both are “underfunded.” Given the mobility and ability of charter vessels to hide in plain sight, it is necessary for future research to explore this question more fully with a wider range of charter fishing operators.

Finally, most respondents in this study noted that charter fishing services were their primary means of employment and

income for at least half the year. Follow-up studies will need to explore whether this is a common or exceptional occurrence across the charter fishing industry, especially in the context of one report which found that a majority of charter fishing operations did so as a means of secondary income (Lichtkoppler et al., 2011). Although other studies exploring how online and platform applications are restructuring local fishing charters (and the marine taxi industry more generally) have been slow to emerge, this paper is written in the spirit of spurring that conversation forward. Are there ways of incorporating the best elements of gig work (e.g., flexible hours, diverse work, autonomy) without the insecurity and low wages? How might effective reforms to employment standards legislation mitigate employee misclassification, evasion and avoidance of basic protections? Are there alternative online platforms that might serve as a model? And what might collective forms of resistance look like in online labour platforms? These questions and others are central as workers continue to look for ways to challenge exploitation in the gig economy on and off the water.

### **Endnote**

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