



## PERSONAL OPTIONAL PROTECTION (POP) OPTIONAL COVERAGE FOR VESSEL OWNERS AND SPOUSES

If the vessel owner is operating as a proprietorship or a partnership, then the proprietor and the proprietor's spouse and each partner are not covered when less than 10% of the value of the catch is sold to a commercial buyer in BC. In these instances, a form of insurance is available from WorkSafeBC, at the proprietor or a partner's option.

Call the Assessment Department for details at 1-888-922-2768.

### FREQUENTLY ASKED QUESTIONS:

#### Research Charters:

When a vessel is chartered for the purposes of a research fishery, typically the assessments are paid through the normal channel of the BC commercial buyer. However, if the charter is paid for directly, rather than by the proceeds from the sale of the fish, then the contractor of the charter must be registered and pay assessments based on the labour component of the charter.

#### Land Workers:

A land worker is not considered a commercial fisherman if he does not participate on board the vessel in catching or landing of fish. If a vessel owner employs a worker who does not work on board at the time of catching or landing of fish, then the vessel owner must register and pay assessments on the land worker.

#### Repair and Maintenance

A commercial fisherman who is engaged in the maintenance or minor repair of a fishing vessel is covered, as these activities are considered incidental to the fishing operations. However, if a vessel owner hires a person who is not a commercial fisherman to perform maintenance or minor repairs, the vessel owner must register with WorkSafeBC.

If a vessel owner is doing major repairs on a vessel (greater than 25% of replacement value), that owner would not be covered unless Personal Optional Protection was obtained. In addition, if that vessel owner hires help to assist in the major repair of the vessel, the owner would be required to register as an employer. The exception, in this instance, is when the person hired is part of a registered firm that already has its coverage through WorkSafeBC.

#### Distress at Sea

A fisherman, who would otherwise be covered during the fishery he is engaged in, would also be covered in the event of an injury suffered while responding to a distress call.



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# DO WE HAVE YOU COVERED?



## Who is covered by WorkSafeBC?

With very few exceptions, all workers in the Province of BC are covered by WorkSafeBC (Workers' Compensation Board).

In the case of an injury, a crew member, master or vessel owner who actively participates in the catching and landing of fish in BC is generally covered by WorkSafeBC. For the purposes of this document, a master is defined as a non-owner skipper of a fishing vessel.

### IN CASE OF AN INJURY, YOU ARE COVERED BY WORKSAFEBC IF:

- ▶ You are a crew member, master or vessel owner actively involved in the catching or landing of fish in BC and you sell 10% or more of the value of the fish caught to a commercial buyer in BC.  
*or*
- ▶ You are a crew member or master actively involved in catching fish and you sell less than 10% of the value of your vessel's catch to a commercial buyer in BC; and you have not been fishing outside of the province for more than 6 consecutive months at the time of your injury.  
*or*
- ▶ You are a vessel owner operating as a proprietorship or a partnership (not a limited company) who has purchased Personal Optional Protection.  
*or*
- ▶ You are an owner of an incorporated company that owns a vessel and you have registered your company with WorkSafeBC and you either catch or land fish in BC.

### IN CASE OF AN INJURY, YOU ARE NOT COVERED BY WORKSAFEBC IF:

- ▶ You neither catch fish in BC waters nor sell fish to a commercial buyer in BC.  
*or*
- ▶ You are a crew member or master who fishes outside of BC waters for more than six consecutive months and sells less than 10% of the value of the catch to a commercial buyer in BC.  
*or*
- ▶ You are a vessel owner operating as a proprietorship or a partnership and you sell less than 10% of the value of the fish caught to a commercial buyer in BC and you have not purchased Personal Optional Protection coverage from WorkSafeBC.  
*or*
- ▶ You are an owner of an incorporated company that owns a vessel and you have not registered your company with WorkSafeBC and you sell less than 10% of the value of your fish to a commercial buyer in BC.

**The measure of the percentage of fish landed in BC generally refers to the value of the fish landed by the vessel in the twelve months prior to the date of injury.**

### WHEN MUST A VESSEL OWNER REGISTER AND PAY ASSESSMENTS?

In most instances a vessel owner does not have to register and pay assessments. Generally fish caught and landed at BC ports are sold to WorkSafeBC registered commercial buyers who pay assessments based on the value of the catch or the labour component.

Any vessel owner that sells less than 100% of the total value of his catch to a commercial buyer in BC (i.e., a purchaser or recipient who determines the market value of the fish), must register with WorkSafeBC and pay premiums on the value or labour component of the catch not sold to a commercial buyer in BC. **Failure to register may result in the costs of an injury to a crew member being charged directly to the vessel owner. These costs often add up to hundreds of thousands of dollars.**

**Direct Sales/Custom Processing:** If the vessel owner delivers or sells the catch to someone other than a commercial buyer in BC, the vessel owner must register. For example, when a vessel owner uses a custom processor and the custom processor does not buy the catch, the vessel owner must register and pay assessments on that portion of the catch. In addition, if the fish is sold directly from the vessel to the public then the vessel owner must register.

**Offshore Sales (foreign buyers):** If a vessel owner delivers or sells any part of a catch to a foreign buyer, then the owner must register and pay assessments on that portion of the catch. Fish caught in BC and sold directly to an offshore buyer provides no protection to the vessel owner from being charged the full costs of a claim, unless the vessel owner has registered with WorkSafeBC.

**Packers:** A vessel owner who packs wild fish to a commercial buyer in BC does not need to register; however, if packing is done for the Fin Fish Farming industry or for foreign buyers not registered with WorkSafeBC, then the vessel owner must register and pay assessments on that portion of the packing.

