

husband. If the wife actually shares in the proceeds, her share will be credited to her husband for contribution purposes.

(9) There will not be any wage ceiling for fishermen. In view of the continual shifting in status and the fact that the fishermen sell to different employers in the course of a year, there is no practicable way of determining when a fisherman's earnings have exceeded a prescribed amount. In practice a ceiling could only be applied to wage earners and this would create anomalies between wage earners on the one hand and share fishermen and lone workers on the other. Fishermen therefore will not be excluded from coverage by the \$4,800 ceiling in section 27(q) of the Act.

(10) A fisherman will not be excluded from coverage because of being a shareholder or officer of a corporation. In certain cases fishing vessels are incorporated as companies and the skipper and possibly other members of the crew are shareholders or directors. As it is desirable that all members of the crew of a fishing vessel should be insured, the rule in the regular scheme, section 27 (n), excluding certain shareholders and officers of corporations, will not apply.

Now coming to the most difficult part of this whole scheme, which is to determine who the employer should be.

Employer

Broadly speaking, the rule for determining who is the employer responsible for making contributions for a fisherman is as follows:

(1) *First buyer.* As most fishermen have no actual employer the general rule is that the person who first buys the catch makes the contributions for all the fishermen who are deriving earnings from the catch that he buys, whether he does this directly or through a representative.

(2) *Actual employer.* The major exception to the general rule is that where a fisherman is employed under a contract of service (that is, working for wages or wages plus a share of the catch, etc.) and has an actual employer who is not a person actively engaged in the catch (for example, a company that owns the boat) the actual employer makes the contributions.

In both the above cases the "employer" is a person who acquires the catch from the fishermen but is not himself one of the persons doing the actual fishing. It follows that the "employer" insures the whole crew including the skipper or head fisherman even in cases where the skipper is the real employer. However, there will be cases where the buyer cannot be treated as the employer because of distance and there is no such person as described in subparagraph (2). In such case the skipper or head fisherman will be the employer even though he is a person taking part in the fishing operation and he will not be insured himself.

Lone workers will generally be insured by the first buyer of their catch. If the buyer cannot be treated as the employer because of distance, a person who acts as agent for such fishermen in shipping their catch to a buyer will be treated as the employer. Failing such person, the fishermen cannot acquire contributions.

The following will illustrate the operation of the above rules. There is a common arrangement among lobster fishermen whereby the head fisherman employs a helper for wages and sells the joint catch at so much a pound. It is necessary that both the fisherman and his helper be insured and it is preferable that the buyer be made responsible for doing so. In these cases the rule