

STATE REGULATION OF THE INSHORE AND INLAND  
FISHERIES OF NEWFOUNDLAND: A STUDY OF  
THE REGULATORY ROLE OF FEDERAL FISHERY OFFICERS

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THE REGULATORY ROLE OF FEDERAL FISHERY OFFICERS

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## Errata

1. page 185. In Table 4.4, the Q sign should be dropped since we are dealing with nominal variables. The .60 score should be followed by an upper case 2. This is to designate a footnote 2. The footnote should read: This is Yule's Q. Since we are dealing with nominal variables, the sign is dropped and only the magnitude should remain. This procedure is repeated in the other 2x2 tables in this text.
2. page 185. In Table 4.4, Miss should be changed to Missing.
3. page 411. Blunner should be changed to Blauner.

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## ABSTRACT

This study examines, from a sociological perspective, the relationship between human agency and social structure. It argues that the relatively isolated working conditions of federal fishery officers, based within the inshore fishery of Newfoundland, poses problems stemming from the tension between managerial control and fishery officers' discretionary and incremental policy-making role. These issues are addressed through the street-level bureaucracy perspective and insights from the sociology of organizations. Based upon interviews with fifty-one fishery officers, selected from a population of eighty-five officials, the study argues that: Indirect bureaucratic and technological controls are used to supervise fishery officers' work; despite such controls, these officials have access to discretion, but argue that they use it in order to better implement fishery policies. Finally, these officials have a limited impact upon policy-making within the Department of Fisheries and Oceans. The study concludes by examining the broader context of fishery officers' work in terms of the role of the state and Giddens' theory of structuration.

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## CHAPTER ONE

### INTRODUCTION: ISSUES RELEVANT TO THE STUDY OF THE REGULATORY ROLE OF FEDERAL FISHERY OFFICERS

#### THE EMPIRICAL PROBLEM

The purpose of this study is to provide a tentative examination of the relationship between human agency and social structure through an empirical analysis of the regulatory role of inshore based federal fishery officers in Newfoundland. Since these officers are responsible for regulating the inshore fishery in terms of the rules coming from the Canadian Department of Fisheries and Oceans (DFO), an early or uninformed consideration of their work might suggest that their actions are largely determined by the state bureaucracy which employs them. If this is the case, one may question the relevance of human agency. However, these fishery officers have access to information about both the DFO and about one of its major client groups, namely inshore fishermen. More importantly, fishery officers tend to work in a relatively isolated environment, yet they are responsible for making crucial decisions regarding the enforcement of fishing regulations (Fisheries and Oceans, 1984a:2). That is, fishery officers are dispersed throughout the Canadian coastline, but they are the lower-level officials who ostensibly make the DFO work (1984a:11). Given these circumstances, the central problems in investigating the regulatory role of fishery officers are: How is supervisory control

possible within the context of dispersed working conditions? Secondly, even if such controls exist, the isolated working conditions of fishery officers entails the making of at least some decisions without recourse to direct supervision. Consequently, the question of discretionary decision-making enters the picture. In addition, on the basis of their working conditions, fishery officers may be in a position to make some contributions to policies within the DFO. This is because the knowledge derived from their work experience may be of the 'type' not possessed by other bureaucrats and policy-makers within the DFO. In sum, the central problem of this study involves an analysis of how the dispersed working conditions of federal fishery officers is associated with a tension between managerial (i.e. supervision) and workers' control (i.e. discretion and policy-making) over the labour process within the fishery officer occupation.

On the basis of the major research findings, which are given in Chapters Four to Six inclusive, the following arguments will be made. First, federal fishery officers work in a relatively unsupervised environment, but are subject to bureaucratic controls. These controls are based upon a work plan which structures the day-to-day activities of fishery officers. This work plan acts as a substitute for direct supervision (see Chapter Four). Next, there are limits to the use of bureaucratic controls. In other words, fishery officers exercise discretion in the implementation of fishery regulations. Moreover, this discretion is linked to the need to secure the cooperation of their major client group of inshore fishermen for the purpose of implementing the resource management mandate of the DFO (see Chapter Five). Finally,

fishery officers contribute to incremental or small-scale policy changes within the resource management mandate of the DFO. These incremental policy changes are based upon proposed solutions to the problems associated with the implementation of the resource management mandate. In some ways, incremental policy-making is linked to the need to use discretion in policy implementation (see Chapter Six).

The remainder of this Introduction will contain a brief elaboration of the empirical concerns listed above, and link these concerns to the theory of street-level bureaucracy. It will be argued that this theory addresses the problems of bureaucratic control, discretion and policy-making, which is associated with lower-level officials, such as fishery officers (Prottas, 1979; Lipsky, 1980). First, prior to introducing this theory, consideration will be given to the reasons why federal fishery officers should be the subject of empirical research. Second, this will be followed by a discussion of the theory of street-level bureaucracy. This theory is useful for studying the regulatory role of front-line bureaucrats, such as fishery officers, due to the stress it places upon the relation of these bureaucrats to their clients and supervisors. However, this theory will be seen as being deficient in fully addressing the problems associated with front-line bureaucrats, who are involved with resource management policies (e.g. forest rangers, fishery officers, game wardens and park wardens). Third, the deficiencies of the theory of street-level bureaucracy will be seen as being rectified by an approach to the state which emphasizes the implications of resource management policies for front-line officials, such as fishery officers, and their major groups



of clients. Next, focus will be placed upon the degree to which the problem of human agency and social structure is relevant to the empirical study of fishery officers. The theory of street-level bureaucracy and the discussion on the role of the state will be seen as lower levels of analysis which are ultimately embraced by the relationship between human agency and social structure. Finally, the organization of this work will be outlined.

#### IMPLICATIONS OF A STUDY OF THE REGULATORY ROLE OF FEDERAL FISHERY OFFICERS

An empirical study of the regulatory role of federal fishery officers can be justified as contributing to our understanding of the current crisis in the Canadian fisheries. This crisis is characterized by a multitude of problems. Inshore fishermen working on a seasonal basis have been securing declining catches and low incomes. Moreover, they have been rapidly increasing in number due to plentiful gear subsidies, favourable vessel loans, and due to the lack of alternative employment opportunities. There has been excess capacity in the processing sector, the quality of the export product has been poor, and the top niche in the export market has been dominated by Norwegian and Icelandic firms. In response to this crisis, the federal government of Canada commissioned studies dealing with such factors as the licensing of inshore fishermen, quality control and better marketing arrangements.<sup>1</sup> The chief reports presented to the government by these study groups to Canadian fisheries are Turning the Tide: A New Policy for Canada's Pacific Fisheries (Pearse, 1982) and Navigating Trouble

Waters: A New Policy for the Atlantic Fisheries (Kirby, 1983).

Throughout the remainder of this study these reports will be referred to as the Pearse and Kirby Reports. Both of these studies had similar aims. Emphasis was placed upon the need for the government to actively participate in the restructuring of the fisheries, in order to make these fisheries commercially viable on an ongoing basis. According to such studies, the overall thrust of the remedies to the crisis lay in better 'management' of the harvesting, processing and marketing of the resource. Despite the emphasis on better resource management, only the Pearse Report provided any treatment of the role and responsibilities of fishery officers as resource managers and enforcement officials. The Kirby Report did not give any attention to fishery officers in Atlantic Canada and they are rarely mentioned in over 350 pages of text. Nevertheless, the DFO's job brochure on federal fishery officers describes them as the occupational group which makes the DFO work (1984a:11). In making their link between the management of the fishery and the regulatory role of federal fishery officers, emphasis is placed upon the strategic role fishery officers have, due to their location between the federal bureaucracy and the inshore fishing industry. Due to this location, fishery officers carry information about fishery management policies to fishermen, and inform their supervisors and other senior officials about the 'effectiveness' or 'ineffectiveness' of specific policies. In its recruitment brochure, the DFO stresses that resource management policies cannot be accomplished without the regulatory role of federal fishery officers (1984a:3, 11).

If the DFO is interested in better resource management, then a study of the regulatory role of fishery officers is particularly relevant both for an understanding of the practical concerns relating to resource management, as well as for the theoretical and empirical concerns suggested previously. The role of federal fishery officers will be examined in more detail in Chapters Four to Six of this study.

#### THE THEORY OF STREET-LEVEL BUREAUCRACY

The central problems of this dissertation, namely the degree to which supervisors control the activities of fishery officers, the discretionary powers of these officers and the impact of fishery officers upon the policy-making process within the DFO, will be examined within the context of the theory of street-level bureaucracy. This theory is concerned with the nature of the intermediate role which street-level bureaucrats (SLBs) exercise in their relations with clients and supervisors (Prottas, 1979; Lipsky, 1980). The theory emphasizes the degree to which supervisors attempt to control the activities of SLBs who tend to work in relatively unsupervised environments. It also stresses the limits to bureaucratic controls by stressing the discretionary power of SLBs in their relation to the clients of a street-level bureaucracy. This theory also focuses upon the relation of SLBs to their supervisors, and hence on the impact that SLBs have upon policy-making in public service bureaucracies.

The issue of controlling the work activities of subordinates is central to the concerns of organizations in general. This theme has been emphasized by Weberian (cf. Gouldner, 1954; Blau and Scott, 1962)

and Marxist (Braverman, 1974; Edwards, 1979) approaches to industrial organizations. According to Wilson:

Any study of organizations that is addressed to what is popularly called the 'bureaucracy problem' must have as its central focus the problem of getting the front-line worker - the teacher, nurse, diplomat, police officer or welfare administrator to do the right thing (1968:3).

In organizations concerned with commodity production, the issue of control is central in implementing management goals. For example, management is concerned with controlling foremen to ensure that assembly line workers are 'doing their job'. Similarly, in a street-level bureaucracy, supervisors are concerned with controlling SLBs so that they abide by the rules in implementing policies in their relation to their clients. The foreman and the SLB are both at the bottom of the chain of command in a bureaucracy, but they deal directly with individuals (i.e. workers or clients) that are central to the bureaucracy in question.

In contrast to foremen who may work in centralized bureaucracies, SLBs tend to work in decentralized bureaucracies which are spread over a wide geographical space. For example, police officers deal with their clients in a geographical space which may militate against close supervision. Whereas the supervisor of a foreman may be in an office at the other side of the plant, a police officer's supervisor may be on the other side of the city. Therefore, the lack of close supervision of SLBs, such as police officers, may necessitate the use of a type of bureaucratic controls which act as a substitute for direct supervision.

The measuring of output in commodity producing and service-oriented bureaucracies is often used as a means to calculate the work performance of subordinates. Due to the lack of commodity production for market exchange, work performance in public service bureaucracies cannot be measured in terms of the quality or quantity of commodities which are produced. Public service bureaucracies rely upon measures such as the filling of quotas, the number of applicants processed, arrest rates, and the number of home visits in order to determine the output of street-level bureaucrats (Lipsky, 1980:52). The measuring of output is essentially an intensification of job tasks and is used as a substitute for close supervision. In Chapter Four of this study, it will be argued that the work plan is used by the DFO to control the activities of fishery officers, who often work in an unsupervised environment.<sup>2</sup>

However, there are limits to bureaucratic controls. Even in the most highly centralized organizations it is impossible for supervisors to completely control the work activities of subordinates (cf. Edwards, 1979:152-162). Within street-level bureaucracies, the limits to supervisory control is reflected in the use of discretion by SLBs. According to street-level bureaucracy theorists, since SLBs are the only officials within a bureaucracy who have direct access to both the rules and clients of a bureaucracy, the use of discretion becomes an intrinsic aspect of their policy implementing role (Prottas, 1979:87). For our purposes, discretion is a process whereby individuals who have access to resources such as information and skills, can make use of these resources to make decisions in problematic situations. Discretion

should be distinguished from autonomy. An individual usually exercises discretion on behalf of other individuals or organizations. However, autonomy is associated with articulating one's own interest. In this study, it will be argued that even though fishery officers exercise considerable discretion, this discretion is linked to the interests of the DFO. In other words, even though there are limits to bureaucratic control, the use of discretion should not be equated with a deviation from organizational interests. SLBs may have to make use of discretion to solve the problems associated with policy implementation. Discretion may be used to secure the cooperation of clients in implementing an organization's mandate. It will be argued in Chapter Five that this is the case for federal fishery officers in their relation with inshore fishermen.

The use of discretion implies that SLBs are not restricted to strictly applying rules and regulations in their processing of clients. For example, police officers can make use of discretion in their issuing of traffic tickets. On the basis of experience they may determine what constitutes 'orderly' versus 'disorderly' conduct. SLBs do not just exercise discretion in the implementation of rules and regulations. They also exercise discretion in determining what individuals are to be processed and what rules and regulations these individuals should be processed under. This may involve the use of informal categories to complement formal ones. For example, a public housing official may be able to determine on the basis of regular contact who are 'good tenants' and what distinguishes them from 'bad tenants'. They may then use these categories as a basis for transferring 'good tenants' to areas which

have better public housing.<sup>3</sup> In Chapter Five, it will be demonstrated that fishery officers use their discretion to distinguish between 'experienced poachers' and 'inexperienced poachers' while regulating the inland fishery of Newfoundland.

A major factor affecting the relation of SLBs to their clients, as well as their use of discretion, is the impact of scarce or inadequate work resources. SLBs, such as social workers, may not have adequate time to process the number of clients to which they are responsible. For example, a client may not have enough information on his or her economic situation. This may include the lack of knowledge of the addresses of previous employers, the income earned in previous jobs as well as other factors. Such a situation may hinder the social worker's ability to process this client. However, the need to process other clients, coupled with the fact that they have to process all clients into some official category in order to meet job requirements, may necessitate the use of discretion. The fact that time is a scarce resource may be due to the lack of an adequate number of social workers to process clients (Lipsky, 1980:29). Attempts by governments to trim their deficit has the implication that public sector jobs may decrease at the same time as welfare recipients are increasing. Fiscal conservatism frequently leads to high client-SLB ratios.<sup>4</sup>

The relation of SLBs to their clients in terms of the issues of client processing, the use of discretion and the impact of scarce or inadequate resources are useful in studying the regulatory role of federal fishery officers. In Chapter Five, it will be argued that the discretionary role of federal fishery officers, is similar to other

SLBs, in that the lack of adequate work resources often presents a strict application of fishery regulations. These scarce work resources include time, manpower and the lack of adequate enforcement equipment.

According to Lipsky, the relative autonomy from organizational authority provides SLBs not only with a high level of discretion, it also gives them some impact upon the policy-making process (1980:13). The influence of SLBs upon their supervisors may range from suggesting better ways to control a particular client population to providing information on the effectiveness or ineffectiveness of certain policies. By commenting on the 'effectiveness' or 'ineffectiveness' of certain policies, SLBs are providing suggestions to solve problems associated with policy implementation. Since the problems associated with policy implementation often require the use of discretion, the incorporation of SLBs' suggestions to solve such problems implies that there is a link between discretion and policy-making (cf. Lipsky, 1980:24).<sup>5</sup> Therefore, the policy-making role of SLBs may be restricted to incremental or small-scale policy changes within firmly established policy guidelines. Consequently, rational or large-scale policy-making decisions may remain outside of the purview of SLBs (cf. Braybrooke and Lindblom, 1970). In Chapter Six, it will be demonstrated that fishery officers provide policy suggestions to help solve the problems associated with the resource management mandate of the DFO.

Even though the theory of street-level bureaucracy comments on the role of bureaucratic controls, discretion and policy-making within a street-level bureaucracy, the theory has limitations when it comes to considering other issues which are relevant to the regulatory role of



federal fishery officers. First, due to the emphasis placed upon the problems associated with policy implementation, the theory of street-level bureaucracy is limited when it comes to understanding the social origins of public policy.<sup>5</sup> In other words, what interests are behind the public policies which street-level bureaucrats implement? Clearly, the social origins of public policy is not central to the theory of street-level bureaucracy, but a consideration of this topic would be a useful adjunct to the theory. Second, the theory of street-level bureaucracy is biased towards the examination of bureaucrats who work in urban areas. Moreover, the work on bureaucrats who regulate activities in rural areas, such as Kaufman's (1960) work on forest rangers and Price's (1962; 1963) study on the Oregon Fish and Game Commissions, were not done within the context of the theory of street-level bureaucracy. There are similarities between the activities which are regulated in urban and rural areas. In both areas, bureaucrats engage in the provision of services, enforce regulations and/or regulate commercial operations. However, some bureaucrats in rural areas tend to be resource managers. Bureaucrats such as forest rangers, fishery officers, game wardens and park officials tend to deal with client groups that are harvesting a resource for commercial and/or recreational purposes. Therefore, problems associated with resource management imply that attention must be given to the social origins of the resource regime which is set up to deal with these problems. In sum, the social origins and consequences of public policy dealing with the problems associated with resource management necessitates a shift in the level of analysis from the theory of street-level bureaucracy to the role of the

state. Chapter Seven of this study will be based upon an argument that the use of the theory of street-level bureaucracy, in the study of the regulatory role of fishery officers, is complemented by focusing upon the role of the state in formulating and implementing the licensing program in the inshore fishery of Newfoundland. A brief consideration of the issues related to the state and resource management will be dealt with below.

#### THE ROLE OF THE STATE

An empirical study of fishery officers based upon the theory of street-level bureaucracy may be linked to an historical analysis of the regulation of the fishery. This in turn involves a discussion of the role of the state in resource management. This section will introduce some of the theoretical issues concerning the state that will be useful for this study.

In the past ten to fifteen years, the issue of the role of the state has become prominent in the social science literature. The state has been approached from a variety of theoretical positions ranging from pluralism, to corporatism, to Marxist and Weberian analyses.<sup>6</sup> While this is not the place to systematically analyse the differences among theories, it is useful to briefly discuss the underlying theme of each of these approaches.

Most theories of the state are concerned with the relationship between the state apparatus and the dominant social interests within society. Since theories of the state address the role of the state in capitalist society, issues concerning the autonomy or lack of autonomy

of the state in relation to the capitalist class, the role of the state in advancing or hindering the process of capital accumulation, and the role of the state in reproducing or transforming specific class relationships tend to be prevalent themes.<sup>7</sup> Each of these issues will be briefly addressed below.

Conceptualizing the autonomy of the state, and situating this autonomy within a specific historical context, demands that one address the degree to which the members of the state apparatus can implement policies independently from the interests of the members of specific social classes. Emphasis has generally been placed upon the autonomy of state officials vis a vis the members of the capitalist class (Poulantzas, 1973; Skocpol, 1982; Miliband, 1983). In focusing upon autonomy, attention should be given to specific policies devised by members of the state apparatus and the degree to which these policies are ultimately directed towards specific social classes. An important point to consider is the extent to which state policies actually reflect the interests of the state officials who helped to design such policies, or the extent to which state policies reflect the interests of specific social classes which exist outside of the state apparatus. This issue of the interests which public policies serve is important to this study. Since emphasis is being placed upon the discretionary role of federal fishery officers in implementing fishery regulations, consideration should be given to the interests which lie behind such policies. Federal fishery officers may exercise discretion in implementing policies which serve the interests of the DFO, or they may exercise discretion in implementing DFO policies which actually serve other

social interests. These considerations require that one address the issue of autonomy.

Since the relation between state autonomy and state policies usually centres on the relation of the state apparatus to the capitalist class, this relationship will be the starting point for an analysis of state autonomy. State policies may be seen as militating against the interests of specific members of the capitalist class, but as benefiting the capitalist class per se. In addition, state policies may be seen as reflecting the interests of state officials. Each of these views will be briefly dealt with below. Once this has been done the issue of state autonomy and its relevance to the study of the regulatory role of federal fishery officers will be outlined.

As an example, unemployment insurance may be seen as a policy which militates against the specific interests of the capitalist class, but defends the overall interests of that class. Unemployment insurance would mean increased payments to the state by the members of the capitalist class and hence a decline in profits. However, the overall thrust of unemployment insurance would serve to prevent upsurges in class conflict between radical elements within the working class and the capitalist class. Unemployment insurance serves to mediate class conflict and thereby preserves capitalist relations of production (Cuneo, 1980). This view of state autonomy sees social policies as means whereby the state protects the capitalist class from itself. Due to their personal drive for capital accumulation, the members of the capitalist class may not foresee the conditions necessary for the renewal of capital accumulation on a long term basis. One of these

conditions is the role of state policies in reproducing capitalist relations of production.

A second consideration of state autonomy starts from the premise that state officials have interests of their own (Block, 1977; Skocpol, 1979). In certain cases, these interests will conflict with the interests of the capitalist class. State officials can draw upon the power of the state to advance policies which they favour. Since state officials are interested in the maximization of revenue for state programs to which they are attached, they will implement policies to collect this revenue. State officials want capitalism to work optimally so that the various state organizations may be reproduced over time. For example, military expenditures may require increased taxation (in order to prevent an escalation in the government deficit). This may not be favoured by certain members of the capitalist class (e.g. those who don't receive military contracts). However, it is the state apparatus and not the capitalist class which engages in struggles with other states in an international state system. State officials who favour increased military expenditures on the basis of increased taxation may be seen as supporting the subordination of the interests of the capitalist class to the interests of the nation-state. Whereas our discussion on the state and unemployment insurance depicted the state apparatus as an epiphenomenon of class relations and as a mediator of class conflict, our discussion on military expenditures depicts the state apparatus as an organization whose members have specific interests. The former view portrays the state as being autonomous due to societal factors (e.g. the need to reproduce capitalist relations of

production), the latter view focuses upon state autonomy as being due to the initiatives and interests of state officials.

The study of the regulatory role of inshore based federal fishery officers is not directly related to the autonomy of the state in relation to the members of the capitalist class. However, since the focus of this study partially deals with the discretion federal fishery officers have in implementing state policies as well as with their influence in developing future policies, the issues surrounding the origins and nature of state policies needs to be addressed. One can inquire about the degree to which the regulatory policies in the inshore fishery are initiated by social interests (e.g. capitalists, inshore fishermen, the fishermen's union) or by state interests. This is an issue which cannot be discussed within the theoretical boundaries of street-level bureaucracy. The street-level bureaucracy perspective is not concerned with the social origins of state policy. On the contrary, street-level bureaucracy theorists deal with the consequences of existing state policies through its emphasis on the relations of street-level bureaucrats to their clients and supervisors. An analysis of the origin and development of state policies and hence state regulation of the Newfoundland fishery will be a useful adjunct to the study of fishery officers as street-level bureaucrats. An inquiry into the social origin and development of state policies requires an historical consideration of the role of the state in conditioning the process of capital accumulation and changes in the social organization of the Newfoundland fishery. These issues will be briefly considered below.

Once this has been done, the relevance of these issues to the regulatory role of federal fishery officers will be examined in further detail.

According to Marxist analysts, one of the underlying characteristics of capitalist society is the imperative of capital accumulation. They argue that the process of capital accumulation is contingent upon the production and appropriation of surplus value from the capital-wage-labour relationship. Surplus value is produced by wage-labour and is above and beyond the means necessary for the reproduction of living labour (Marx, 1967:187-198). Surplus value is appropriated by the capitalist class and becomes the basis for profit, interest and rent. State revenues, which are largely derived from taxes, may also be seen as being dependent upon surplus value production. These revenues may be used for productive investments such as state enterprises engaged in commodity production, or social expenditures such as welfare payments and unemployment insurance (O'Connor, 1973). Therefore, it is not only capitalists who are interested in capital accumulation. State officials and state apparatuses are dependent upon capital accumulation for their own survival (Block, 1977).

The process of capital accumulation is linked to issues surrounding the autonomy or lack of autonomy of the state. However, the process whereby capital accumulation is restructured may rely more upon the policies of state officials than upon the demands from specific members of the capitalist class. For example, the recent restructuring of the large independent fish companies operating in Newfoundland into a super-company (Fishery Products International) is an attempt to

restructure the process of capital accumulation within the Newfoundland fishery. This restructuring is the result of state rather than private initiatives (Evening Telegram, Dec. 19, 1983). This state initiative is based upon premises laid out in the Kirby Report which demand that a commercially viable fishery has to be attained even if this requires the displacement of private enterprise.<sup>8</sup>

The process of capital accumulation is also linked to the reproduction and transformation of class relationships over time. Within a capitalist society, the basic social relationship is the capital-wage-labour relationship. This relationship has been reproduced throughout the history of capitalism. However, a capitalist society consists of classes other than capital and wage-labour. The so-called middle classes consisting of small capitalists, independent commodity producers, professionals and other groups, are also affected by the process of capital accumulation. Since this study will emphasize the process whereby fishery officers regulate fishermen on behalf of the DFO, a brief discussion of the impact of state policies upon the social organization of the inshore fishery is helpful.

According to Matthews (1983), Sinclair (1984; 1985) and Fairley (1985), the inshore fishery of Newfoundland cannot be considered as merely consisting of producers operating from small boats.<sup>9</sup> Historical changes in the post-war period ranging from the rapid increase in catches by offshore trawlers to the provision of favourable vessel loans and gear subsidies has facilitated the emergence of a group of longliner fishermen from amongst the ranks of small boat fishermen.<sup>10</sup> Longliner fishermen operate from larger vessels (35' to 65') than small boat



fishermen (under 35'), employ more sharemen (three or more), use more complex harvesting technologies and tend to secure higher incomes (see Fairley, 1985). Moreover, at times, longliner fishermen and small boat fishermen may conflict with one another in the harvesting of fish stocks. This may occur whenever longliner fishermen intrude upon fishing areas traditionally used by inshore fishermen (cf. McCay, 1979; Sinclair 1985).

This brief analysis of the process of social differentiation in the inshore fishery has implications for this study. Fishery officers cannot be seen as regulating a homogeneous group of inshore fishermen. They have to regulate a client population that has been differentiated partly as a result of state policies, of economic circumstances, as well as other factors. Fishery officers have to use their discretion to mediate a variety of conflicts within the inshore fishery, conflicts which are partially due to the rise of a group of longliner fishermen from amongst the ranks of small boat operators. This differentiation of inshore fishermen into small boat and longliner operators will be discussed in more detail in Chapter Two (and in Chapter Seven which deals with licensing policy). The process whereby fishery officers mediate gear conflicts in the inshore fishery will be discussed in more detail in Chapter Five.

An historical analysis of the social changes within a given client population, such as inshore fishermen requires that the level of analysis be shifted from the street-level perspective to a focus on the role of the state in conditioning such social changes. One of these changes has been the introduction of licensing policy which limits the

entry of individuals into the inshore fishery. One ostensible purpose of this policy (see Chapter Two) is to raise the returns to capital and labour in the inshore fishery (Levelton, 1979). The implementation of fishery regulations, such as licensing policy, can be adequately dealt with by the street-level bureaucracy perspective. However, an inquiry into the origins and purposes of licensing policy deals with the social organization of the fishery and requires that the level of analysis be shifted to state-society relations (see Chapter Seven). Such an analysis, linking as it does, the implementation of fishery regulations to the origins and purposes of these regulations, produces a fuller understanding of the regulatory role of federal fishery officers.

#### THE RELATIONSHIP BETWEEN HUMAN AGENCY AND SOCIAL STRUCTURE

Up to this point, the discussion has involved three levels of analysis. First, the empirical problem, namely the possible discretionary role of federal fishery officers and their possible impact upon the DFO was introduced, and the reasons for investigating this problem were outlined. Second, the street-level bureaucracy approach was introduced as being an appropriate framework of analysis for investigating this empirical problem. Third, a discussion of the role of the state in capitalist societies was seen as providing a framework for understanding the development of the regulatory policies which were implemented by federal fishery officers. The theory of street-level bureaucracy enables one to consider the empirical problems surrounding policy implementation, and a focus on the role of the state enables one

to understand the historical basis of policy formulation. In this section, a more general level of analysis will be introduced dealing with the relation between human agency and social structure. It will be argued that the theoretical issues addressed by the theory of street-level bureaucracy and the role of the state are issues which largely require an understanding of the relation between human agency and social structure. A conceptualization of the relation between human agency and social structure will be introduced here. This conceptualization will then be related to the empirical and theoretical issues stated above.

In this study, human agency and social structure will be analysed from the standpoint of the role of agency and structures in the constitution of society (Giddens, 1979; 1981 and 1984). For Giddens, human agents act within the context of unacknowledged conditions and unintentional consequences.<sup>11</sup> These are the structural parameters which bond human activity. Agency may be defined as the capacity for individuals and/or groups to intervene in the social structure thereby contributing to its reproduction and/or transformation over time. Human agency becomes connected with 'knowledgeability' and 'capability' in the processes of social life (Giddens, 1979:56). Moreover, teleology becomes connected with social actors rather than with systems (1979:7). Despite the awareness which humans have about the social conditions of their society, they cannot always foresee the consequences of their social actions. The unintentional consequences of social action result in structural conditions which may place constraints upon future courses of human agency. Take, for example, Weber's analysis of the consequences of Protestant asceticism:

The Puritan wanted to work in a calling; we are forced to do so. For when asceticism was carried out of monastic cells into everyday life, it did its part in building the tremendous cosmos of the modern economic order...In Baxter's view the care for external goods should only lie on the shoulders of the "saint like a cloak, which can be thrown aside at any moment". But fate decreed that the cloak should become an iron cage (1958:181).

Here Weber's action frame of reference relapses into a structural determinism. Giddens, like Weber, refers to structural constraints which result from intentionality; but unlike Weber, Giddens emphasizes both the constraining and enabling features of structure (1979:128-129).

For Giddens, structure consists of the rules and resources used by social actors in the production and reproduction of social practices (1979:66-67). Signification, domination and legitimation are the structures which actors draw upon in their social life (i.e. structure as a medium of agency). These structures may also be linked to intentional and unintentional consequences of human agency. Signification involves the use of communication as a medium in the production and reproduction of social life. Domination deals with the capability to command people (authorization) and objects (allocation). Finally, legitimization deals with normative regulation (Giddens, 1979:100). These structures are combined within the various social institutions of our society. For example, a dominant feature of political institutions is the command over authoritative resources, which involves the control over a population within a given jurisdiction (1979:107).

These structures relate to human agency within the context of enablement and constraint (1979:128-129). For example, state officials

who generate command over authoritative resources may establish organizations to achieve their interests. This may be at the expense of individual capitalists (cf. Block, 1977). On the other hand, actions by state officials may result in policies which unintentionally inhibit the process of capital accumulation (e.g. federal fisheries policies in the 1970's).<sup>12</sup> This may place constraints upon state policies in the future. What is important here is that, at some point, even social constraints must be related back to outcomes of human agency (both intentional and unintentional) (Giddens, 1984:26-27). But this should not detract from the consideration that most human activity occurs within the context of historically derived conditions (1984:27, 141-143).<sup>13</sup>

To summarize, human agency and social structure are inextricably linked concepts. Social actors are knowledgeable individuals who may be in a position to influence developments within a particular social structure. Under certain conditions individuals may influence developments within a social structure, whereas under other conditions features of the social structure may constrain the action of individuals. Finally, the actions of individuals may result in mixes of intended and unintended consequences. The unintended consequences of social action may serve to constrain future patterns of social action. Whereas social action is influenced by social structure, it in turn may influence future social structural developments.

The human agency - social structure relationship penetrates many of the themes suggested in the theoretical analyses dealing with street-level bureaucracy and the role of the state. If one is considering the

amount of discretion fishery officers have vis a vis their clients, or the amount of influence they have upon the DFO, the problem of human agency becomes central to the overall inquiry. The ability of fishery officers as SLBs to exercise discretion in the processing of clients or influence their supervisors are examples of actions by knowledgeable social actors. Access to information from clients and rules and regulations from the bureaucracy which employs them enables SLBs to actively participate in the reproduction and/or transformation of the street-level environment. In terms of this study, fishery officers as SLBs may be seen as influencing developments in the social structure surrounding the inshore fishery. Even though fishery officers may exercise discretion in the processing of clients and influence the decisions of supervisors, these relationships may also act as social constraints. The social structure surrounding the inshore fishery may be seen as either enabling or constraining the actions of federal fishery officers in their day-to-day work. This theme will be the focus of discussion in those chapters dealing with the social relations which fishery officers encounter in their day-to-day work (Chapters Four to Six).

The issue of human agency and social structure is also present in any discussion of state autonomy. If state officials are able to initiate social policies which conflict with dominant social interests and/or influence developments surrounding the social organization of the inshore fishery, they may be seen as cognizant social actors using state resources to implement their own interests. State officials may not be able to alter capitalism, but they may be in a position to influence

developments to make capitalism work more optimally for state interests. The intention of the DFO in the recent restructuring of the East Coast Fishery was to make all aspects of this fishery more commercially viable. If the DFO is able to facilitate the emergence of a commercially viable inshore fishery in Newfoundland through the assistance of its fishery officers, one may be in a position to assert that the interests and actions of state officials was the dominant factor in influencing social structural changes in the inshore fishery (e.g. the emergence of a prosperous group of 'full-time' fishermen operating in the longliner fishery).

In Chapter Eight of this study, the implications of the regulatory role of fishery officers and the autonomous role of the DFO will be further explored in terms of the implications it has for the relationship between human agency and social structure. That chapter will be an appropriate place to summarize the empirical problems and theoretical concerns addressed throughout this study.

#### THE STRATEGY BEHIND THE THEORETICAL AND METHODOLOGICAL PROCEDURE USED IN THIS STUDY

The reader may be curious about why this study will proceed from lower to higher levels of abstraction in investigating the regulatory role of federal fishery officers. This may be addressed through reference to the nature between theoretical and empirical inquiry in the social sciences.<sup>14</sup> First, some arguments proceed from the particular to the general. For example, Moore's Social Origins of Dictatorship and Democracy (1966) is based upon comparative historical inquiry as a basis

for theoretical generalization. He focuses upon case studies of revolutions in order to develop a typology concerning the relationship between revolutionary change and liberal democracy. Moore proceeds from the particular to the general. Second, other studies proceed from theoretical generalizations towards establishing a methodology for analysing the particular. This approach is used by Wright (1980; 1985) in his theory of 'contradictory class locations' and the application of this perspective to the empirical analysis of class structure. This study is a reflection of both of these concerns. Like Moore's (1966) study, concern here is with a specific problem; namely, the relationship between managerial control and workers' decision-making within a street-level bureaucracy. However, like Wright (1980; 1985), emphasis is given to the relationship between a generalized theoretical argument and an empirical problem. The problem of the relationship between managerial control and workers' decision-making was originally introduced as an example of the relationship between human agency and social structure. Hence, this study will discuss the empirical problem in terms of the sociological literature on organizations, state-society relations and the two-way relationship between human agency and social structure. In terms of the arguments set out in this chapter, each subsequent theory encompasses the social relations put forward in the preceding theory.

Although the concerns of this study reflect the procedures used by both Moore (1966) and Wright (1980; 1984), attention is first given to the former. That is, a limited theoretical strategy is viewed as being useful for investigating concerns most immediate to the regulatory role of federal fishery officers. Hence, in Chapter Three, the street-



level bureaucracy perspective and insights from the sociology of organizations, are used to develop a theory and methodology relevant for investigating the relationship between managerial control and workers' decision-making within the fishery officer occupation (see Chapter Three). Following the method used by Moore (1966), this writer draws upon empirical insights from the sociology of organizations to develop generalizations related to the labour process of fishery officers (see Chapters Four to Six). This strategy is viewed to be most useful for discussing the issues germane to the research design and methodology discussed in Chapter Three.

Despite this strategy, since we are dealing with the regulatory role of employees associated with a state bureaucracy, it is useful to discuss the relevance of other approaches concerned with state-society relations. Since organizations like the DFO do not exist in isolation from a broader social context, it is useful to discuss matters related to that context. Therefore, a shift to higher levels of theoretical analysis and research is the basis for concluding this study. More importantly, the discussion on the theory of structuration is discussed last for several reasons, even though it is the most generalized argument used in this study.

First, Giddens (1979; 1984), like Wright (1980; 1985), engages in a generalized theoretical strategy, but unlike Wright, he does not develop a systematic methodology to empirically test his own theory. Giddens develops a metatheory (see the discussion in Chapter Eight), which to this point, cannot stand alone in the analysis of the social structure. Therefore, it is useful to operate at lower levels of

theoretical and empirical generalization prior to utilizing insights from the theory of structuration. It is only when the theory of structuration is accompanied by a systematic methodology, similar in strategy to Wright's (1980; 1985) analyses of class structure, that one may proceed from the most generalized level of argument towards the collection of evidence.

#### THE ORGANIZATION OF THIS WORK

In the study which follows, Chapter Two will trace the historical development of state management of the Newfoundland fishery and the implications this has had for the fishery officer occupation. The topic will be dealt with in three sections: Consideration will first be given to the role of the fishery officer in Post-Confederation Newfoundland; in doing so, emphasis will be placed upon the role of the fishery officer from 1949 to the mid-1970's. This will be followed by a discussion on the restructuring of the east coast fishery in the late 1970's and the impact it has had upon the fishery officer occupation. In this chapter consideration will also be given to the social organization of the inshore fishery of Newfoundland. This is necessary in order to account for the social structural environment within which fishery officers work. This historical chapter will facilitate later analysis of the relationship between state management, the development of the regulatory role of federal fishery officers, and the social organization of the inshore fishery. The overall thrust of this chapter is to depict the degree to which resource management has always been a problematic task for fishery officers.

Chapter Three will examine the critical issues related to the fishery officer occupation that are raised by the street-level bureaucracy perspective. At that time, the research population of federal fishery officers will be introduced and the research methodology used in applying the theory of street-level bureaucracy to the study of federal fishery officers will be examined. The last section of this chapter will contain a discussion of the sampling methodology and process of data collection used in this research.

Chapter Four will examine the use of bureaucratic controls within bureaucracies in general and in street-level bureaucracies in particular. It will be argued that street-level bureaucracies, such as the DFO, use controls that are based upon a work plan to structure the activities of SLBs who tend to work in unsupervised environments. An analysis of the work plan and its implications for controlling the various job tasks of fishery officers will be emphasized in this chapter. Also emphasis will be given to indirect technological controls and to the bureaucratization of the hiring process within the fishery officer occupation.

Chapter Five consists of an analysis of the relation of fishery officers as SLBs to the clients they process. This chapter will emphasize the limits to bureaucratic controls by examining the degree to which fishery officers exercise discretion in implementing fishery regulations. It will be demonstrated that discretion is not necessarily a deviation from organizational interests. On the contrary, fishery officers will be seen as using discretion to solicit the cooperation of

inshore fishermen in order to solve the problems associated with implementing the resource management mandate of the DFO.

Chapter Six will analyse the impact of fishery officers upon the policy-making process within the DFO. It will be argued that fishery officers can make use of their knowledge about DFO rules and clients to contribute to DFO resource management policies. However, their impact will be seen as being limited to incremental policy-making.

Chapter Seven will contain a general discussion of what the regulatory role of federal fishery officers can tell us about the origins and purposes of the resource management policies which they implement. This chapter will deal with the role of the state in resource management in general, and in particular, with the role of the DFO in introducing and implementing licensing policies in the inshore fishery of Newfoundland. It will be argued that licensing has implications for the social organization of the inshore fishery of Newfoundland, and hence for fishery officers' major client group of inshore fishermen. In addition, there will be analysis of the implications of licensing for the regulatory role of federal fishery officers. Evidence will be provided to show that fishery officers play a significant role in implementing licensing policies. Moreover, despite the overall agreement which these officials have with licensing policies, it will be demonstrated that they consider some of these policies to be ineffective. Overall, this chapter will analyse the extent to which a consideration of the resource management role of the state is a useful adjunct to the theory of street-level bureaucracy.

Chapter Eight will provide a discussion of what the regulatory role of fishery officers can tell us about the relationship between human agency and social structure. Even though the relationship between human agency and social structure will penetrate the central themes being pursued in this dissertation, a separate chapter is useful in order to examine the extent to which this study can shed light on this broader theoretical concern. Based upon the findings from the study of fishery officers, this chapter will examine the degree to which human agency is structured by social processes, and the extent to which human agency may in turn affect social structure.

Chapter Nine will provide a brief summary of the major arguments and findings of this study. Also, some suggestions will be provided for future research on the nature of regulatory bureaucracies.

## FOOTNOTES

- 1 See Mitchell (1981), Levelton (1981), Fisheries and Oceans Canada (1981a), Pearse (1982) and Kirby (1983).
- 2 Also, Chapter Four will emphasize the role of indirect technological controls and the bureaucratization of the hiring process within the fishery officer occupation, as measures of control within the DFO.
- 3 For example, the public housing authority in some cities have public housing in both lower income 'ghettos' comprised solely of public housing and public housing which is sprinkled throughout higher income districts. The public housing official (i.e. street-level bureaucrats) is in a position to determine which tenants are most suitable for each area. Suitability may be based upon proper maintenance of the public housing unit in which the tenants currently reside or the overall behaviour of the tenants within the public housing neighborhood. In certain cases, tenants themselves may inquire about a transfer to better public housing. The current practice in some cities now appears to be moving away from the direction of building blocks of public housing to locating such housing establishments throughout various parts of the city.
- 4 For more details on the impact of the fiscal crisis upon the provision of public welfare services, see Chapter Eleven of Lipsky (1980).
- 5 In contrast to Lipsky, who tends to equate discretion with policy-making, in Chapter Three it will be argued that although the discretionary and policy-making role of SLBs is linked to problems associated with policy implementation, there is a distinction between discretion and policy-making.
- 6 The pluralist view of politics is depicted in Truman (1952) and Dahl (1961). For the corporatist view of state-society relations, see Schmitter (1979). The various Marxist perspectives on the state include Miliband (1969; 1983) and Poulantzas (1973). The debate between Poulantzas and Miliband may be found in Blackburn, ed. (1972). This debate deals with the issue of state autonomy as well as methodological factors over what constitutes Marxist analysis. For perspectives in the Marxist tradition which focus upon the state as crisis manager, see O'Connor (1973), Habermas (1973) and Offe (1984). For a view of the state which has been influenced by Weber, see Skocpol (1979). A liberal critique of the pluralist and Marxist views of the state may be found in Nordlinger (1981).

- 7 An exception to this pattern may be found in the pluralist and corporatist concern for interest groups rather than social classes as basic units of analysis. However, the corporatist approach distinguishes itself from the pluralist approach by focusing upon interest groups as having entrenched rather than overlapping interests. See Schmitter (1979).
- 8 According to the Kirby Report, the Atlantic Fishery should be restructured on the basis of the following objectives:
  - a. Economic viability on an ongoing basis.
  - b. The maximization of employment and as reasonable income for those who are employed in the fishery.
  - c. Fish within the 200 mile limit should be harvested and processed by Canadian firms whenever possible (1983:88). On the basis of these objectives, the Kirby Report states that... the Task Force view is that the question of whether a particular activity is carried out by the public sector or the private sector is less important than the question of whether the activity moves the fishery toward the achievement of the three objectives which we have set out... Some may object that this is not a sufficiently strong defense of what many industry members call the 'free enterprise system'. Frankly, the Task Force does not understand what this phrase means in the context of the Atlantic Fishing industry. The fact that in order to avoid returning to the 'tragedy of the commons' situation, which everyone agrees resulted from unrestricted fishing in previous decades, government has to play a major role in the industry at least as the manager of the resource (1983:189).
- 9 The process of social differentiation in the inshore fishery will be outlined in Chapter Two. It will be argued that this process has had implications for the regulatory role of federal fishery officers. This analysis will be extended in Chapter Seven which deals with licensing policy.
- 10 In Newfoundland, the interest rates for fisheries loans was 3.5% during the mid to late 1970's. This increased to 12% in May 1982 (Kirby, 1983:77). The impact of low interest loans upon the increase in the number of vessels operating in the nearshore fishery will be explored in Chapter Two.
- 11 Giddens (1979:56-59) regards social action as being bounded by unacknowledged conditions and unintended consequences. It should be pointed out that the notion of unintended consequences of social action has little in common with Merton's notion of latent function. This point will be further elaborated in Chapter Eight.

- 12 This will be briefly discussed in Chapter Seven, which considers the social origins of limited entry policies.
- 13 This discussion only briefly covers Giddens' theory of structuration. The remainder of Giddens' approach will be elaborated upon in Chapter Eight, especially with regards to the relation of agency, structure and social institutions to the time-space constitution and distanciation of social systems within the context of the processes of social and system integration. However, what is presented here is sufficient for discussing the relevance of Giddens' approach for this study.
- 14 For an elaboration of this issue, see the commentary accompanying Figure 8.5.



## CHAPTER TWO

### THE DEVELOPMENT OF FISHERIES MANAGEMENT POLICIES, THE FISHERY OFFICER OCCUPATION AND THE INSHORE FISHERY IN POST-CONFEDERATION NEWFOUNDLAND

#### INTRODUCTION

The purpose of this chapter is to assess the development of fishery management policies, the fishery officer occupation, and the inshore fishery, since Newfoundland became a province of Canada in 1949. It will be argued that the ineffectiveness of fisheries management policies during the period from 1949 to 1977, helped to precipitate a major crisis in the fishery of Atlantic Canada. This crisis had implications for fishery management policies, the fishery officer occupation and the inshore fishery of Newfoundland. Since attention will be given to the regulatory role of federal fishery officers, it is important to focus upon the social origins of the fishery policies which these officers are expected to implement in their day-to-day work. Many of these policies will be seen as having their roots in the growing presence of state management of the crisis ridden east coast fishing industry during the mid-1970's. It will be argued that this crisis was largely due to the inability of the International Commission of Northwest Atlantic Fisheries (ICNAF) to control the harvesting of groundfish stocks by foreign trawlers. It will be demonstrated that this resulted in a depletion of fish stocks, which in turn affected not only the offshore fishery, but also the inshore fishery. This helped to

facilitate major social changes within the inshore fishery and these changes resulted in intervention by the state in order to attempt to solve the problem of overfishing in both the offshore and inshore fisheries. It will be argued that the combination of these factors resulted in a restructuring of fisheries management and the fishery officer occupation. By the late 1970's and early 1980's, the east coast fishery was beset by complex problems which could not be met by simple solutions. The DFO implemented a comprehensive training program for its fishery officers in the early 1980's, and it will be demonstrated that the DFO considered this program to be instrumental in helping fishery officers to deal with the complex problems associated with the fishery.

The remainder of this chapter will be divided into three substantive sections. In the first section, consideration will be given to fishery management policies in the post-Confederation period, that is from 1949 to 1977. Emphasis will be placed upon the role of fishery officers in managing the inland and inshore fisheries of the province of Newfoundland. It will be demonstrated that, in managing the inland and inshore fisheries of the province, federal fishery officers gradually became more involved with the fishing communities along the Newfoundland coast. Attention will also be given to the role of fishery officers in regulating lucrative stocks, such as salmon and lobster, stocks which would be heavily regulated by the early 1980's. Consideration will also be given to the role of ICNAF in regulating offshore harvesting. It will be argued that the ineffectiveness of ICNAF as a regulatory body ranged from factors such as the small fishing zone reserved for the inshore fishery to the international body's inability to act as an

enforcement unit. Data from contemporary fishery officers, who served as ICNAF officers during the late 1960's and early 1970's, will be used to demonstrate the inability of this organization to deal with the harvesting violations by foreign trawlers.

In the second section of this chapter, it will be demonstrated that the ineffectiveness of ICNAF helped to contribute to overfishing and a major crisis in the east coast fishery. It will be argued that the over-fishing by foreign trawlers during the first two decades of ICNAF regulations (1952-1972) had implications for the inshore fishery of Newfoundland. It will be shown that the depletion of fish stocks, coupled with investment incentives from federal and provincial governments, helped produce the emergence of the longliner fishery. They fish between the boundaries of offshore vessels and inshore vessels. The emergence of a longliner fishery coupled with the overall expansion of inshore fishermen in the late 1970's, resulted in the increased intervention of the DFO in the inshore fishery. State regulation of the inshore fishery of Newfoundland (as well as the rest of Atlantic Canada) was in the form of limited entry fishery policies. It will be demonstrated that the DFO viewed limited entry as being necessary for the restoration of conditions favourable for capital accumulation in the inshore fishery. In examining limited entry policies, emphasis will be placed upon licensing and sector management. Consideration will then shift to the implications of limited entry policies for the social organization of the inshore fishery of Newfoundland.

The third and final section of this chapter will include an analysis of the implications of new fisheries management policies for the fishery officer occupation. Attention will be given to the job tasks of contemporary fishery officers, and the extent to which these tasks reflect new fishery management policies. Emphasis will also be placed upon the development of a new training program for federal fishery officers. It will be demonstrated that this training program may be seen as a vehicle for socializing fishery officer recruits to accept contemporary fishery management policies.

#### FISHERIES MANAGEMENT FROM 1949 TO 1977

##### Confederation and Federal Jurisdiction

In 1949, upon its entry as the tenth province of Canada, Newfoundland's fisheries became subject to federal Canadian jurisdiction. Within the Canadian Confederation, the British North America Act of 1867 gave the Canadian government jurisdiction over the fisheries in the country. Historically federal jurisdiction was enforced by a staff of fishery officers and guardians who would regulate the harvesting effort in coastal and inland waters, and inspectors who regulated the processing of fish (Newfoundland, 1937:39). In 1932 the Canadian Fisheries Act was proclaimed. This act covered the regulations for the Canadian fisheries as well as the responsibilities of federal fishery officers. This act was proclaimed in Newfoundland in 1958 (Kelland, 1961). Fishery regulations provided for two occupational groups to regulate the fisheries. The Conservation and Development Branch employed fishery officers to regulate the inshore and inland

fisheries, and the Inspection Branch employed fishery officers to inspect the processing of fish (Fisheries, 1951:8).<sup>1</sup> Since this study is concerned with the regulatory role of fishery officers who manage the harvesting of fish stocks, attention will be placed upon those officers who work with the Conservation and Protection Branch of the Department of Fisheries.

### The Regulation of Inshore and Inland Waters

In 1950, more than one-third of the Department of Fisheries budget of 8.9 million dollars was spent on the regulation of the fisheries of Canada. Despite this expenditure, the fishery officers of Newfoundland were hampered by inadequate resources. The number of patrol boats available was not sufficient to carry out the various duties of these officials (Fisheries, 1951:8). Despite this, the Department of Fisheries stressed that fishery officers were performing an integral role for the organization. Since protection officers

...are advantageously placed, they are also in position to observe every development, record and represent every piece of pertinent information and suggest possible changes in procedure to enable the service to better carry out its Departmental responsibilities (Fisheries, 1955:8).

The Department of Fisheries considered that the public attitude to conservation was improving, due to the education and public relations roles of fishery officers (Fisheries, 1957:9). By 1960, the Department of Fisheries was carrying out an education program, through its fishery officers, in order to acquaint the members of inshore fishing communities (including school children) with the increasing need for conservation measures (Fisheries, 1960:28). The need to socialize

fishermen (and others) to accept conservation measures, the increasing sophistication of the inshore fishing fleet, and the growing number of violations in the commercial lobster and salmon fisheries were concerns of fishery officers.

In its 1963 Annual Report the Department of Fisheries noted that the growth in the size and efficiency of the fishing fleet and improved harvesting techniques on coastal and inland waters were a challenge to the organization (Fisheries, 1963:11). The Department of Fisheries did not elaborate on why these factors were a challenge, one reason may have been the lack of patrol vessels. Not only was there a lack of patrol boats in the early 1950's, but according to contemporary fishery officers, fishery officers seem to have been equipped with scarce resources during the past three decades. The implications of inadequate work resources for the day-to-day job tasks of federal fishery officers will be elaborated upon in Chapter Four of this study.

The Department of Fisheries was also concerned with violations in the commercial salmon and lobster fisheries. In 1959, there were fifty-three prosecutions in the lobster fishery. Most of these were in one district (Fisheries, 1959:24). Since there were only fifty-two prosecutions in the lobster fishery in 1979 despite increased fishing effort, the fifty-three prosecutions in 1958 may have seemed to have been an indication of serious difficulties in managing the commercial lobster fishery (Fisheries and Oceans, 1980:12). In 1961, the Department of Fisheries licensed all lobster fishermen. The licensing system had the effect of enabling fishery officers to identify who was fishing for lobsters (Fisheries, 1961:9). In 1963, the commercial

salmon fishery became subject to licensing. For the payment of one dollar, commercial salmon fishermen were entitled to fish for the salmon season (Fisheries, 1963:35). During the early 1960's, salmon fishermen were not observing the regulations governing the weekly closing time, and there were breaches in regulations concerning the proper mesh size for salmon nets (Fisheries, 1960:6). Licensing was seen as a means for controlling such violations. If nothing else, the licensing process made salmon and lobster fishermen more identifiable to fishery officers. By knowing who was licensed to fish, the fishery officer could keep a closer watch out for possible violations in the district for which he was responsible.

Another area of concern for the Department of Fisheries was the increasing levels of poaching on inland waters. In order to assist the fishery officers and river guardians who were assigned to protect salmon rivers, the Department of Fisheries provided these individuals with small speed boats to be able to keep pace with the increasing numbers of sports fishermen (Fisheries, 1961:11).<sup>2</sup> Along with the prevention of illegal salmon fishing, river guardians were given the responsibility of reporting on river conditions and the number of fish taken, and for removing obstructions on salmon rivers (Fisheries, 1958:33).

Even though the Department of Fisheries, through the actions of its fishery officers, was concerned with regulating the harvesting effort of inshore fishermen and educating these fishermen about conservation measures, it also had to deal with conflicts among different groups of fishermen. By 1960, fishery officers were responsible for settling gear conflicts between fishermen. They had to

settle disputes concerning the setting of distance between the fishing gear of different fishermen. They were also empowered to remove any gear that the owner neglected or refused to move (Kelland, 1961:9).<sup>3</sup> In the contemporary inshore fishery, the settling of gear disputes is still a concern of fishery officers. Sometimes fishermen complain that salmon nets are too close together, or that one individual has placed his gear in an area that has been traditionally held by another person. The latter problem tends to emerge in the cod trap fishery (cf. Martin, 1979). Whereas in the pre-Confederation period (i.e. before 1949), Newfoundland fishery officers primarily regulated the conflict between merchants and fishermen in the grading of salt fish (Newfoundland, 1933), fishery officers in post-Confederation Newfoundland have been primarily involved in regulating the conflict between different direct producers over the use of inshore fishing gear.

In summary, during the first two decades of Confederation (1949-1970), Newfoundland based fishery officers were involved in many job tasks. First, they had to regulate the harvesting of fish stocks in inshore and inland waters. Second, by the early 1960's, they were regulating the access of fishermen to the lobster and salmon fisheries. Even though the number of fishermen were not controlled, the fact that fishery officers were authorized to issue licenses to these fishermen may have enabled them to exercise more control over the harvesting process in these fisheries. Moreover, the presence of fishery officers in inshore fishing communities may have been highlighted by the activities associated with licensing inshore fishermen. Third, fishery officers were empowered to regulate gear conflict in the inshore



fishery. Finally, fishery officers were instructed to educate the members of inshore fishing communities about conservation measures such as the proper mesh size of fishing gear, proper harvesting techniques, as well as other measures. It thus appears that the fishery officer in the first two decades after Confederation was not merely an enforcement official. He was also a resource manager and public relations official.

During the first two decades of fishery management in post-Confederation Newfoundland fishery officers were not limited to coastal and inland management, some of these officers were also commissioned to serve as ICNAF officers. These officers were responsible for regulating the harvesting of offshore fish stocks. The role of ICNAF will be briefly considered here. It will be argued that the ineffectiveness of this body helped to contribute to the emergence of a crisis in the fisheries during the 1970's. This crisis will be seen as having implications for the inshore fishery of Newfoundland, the restructuring of fisheries management and the fishery officer occupation.

#### The Role of ICNAF

In 1951, the nations that were fishing in the Northwest Atlantic formed ICNAF in order to establish regulations governing the harvesting of offshore fish stocks. These nations were particularly concerned with the impact of the otter trawl upon the depletion of fish stocks (Fisheries, 1965:52). ICNAF established regulations governing the mesh size of otter trawls and similar trawls.<sup>4</sup> A fishery officer was assigned on a full-time basis to inspect the fishing gear affected by such regulations (Fisheries, 1965:52). The fishery officers, or

inspectors, who were assigned to the various fish processing plants also took part in the inspection of deep sea fishing gear (Fisheries, 1961:9). By 1965, ICNAF recognized that it was not sufficient to rely upon enforcing mesh regulations as long as fishing effort was increasing. Catch limitations were required (ICNAF, 1965:25). Between 1955 and 1965 the total catch of cod off the north and east coast of Newfoundland increased from 260,000 to over 500,000 tons (Sinclair, 1982:46). Templeman and Gulland, two ICNAF scientists, suggested the introduction of limited entry fishing in offshore waters in order to curtail overfishing. This included the establishment of open and closed seasons, closing certain areas for spawning reasons, establishing size limits for certain species, prescribing appropriate fishing gear and limiting the over catch (1965:52). In 1971, ICNAF introduced a 'Total Allowable Catch' (TAC) for each species. The TAC was divided into national allocations (Kirby, 1983:17). In its 1972 Annual Report, ICNAF commented upon the effectiveness of the TAC and national quotas (1972:22). The organization felt that it was beginning to solve problems such as the depletion of herring stocks, through the use of the TAC on the basis of national allocations.

This is the first time that national quota allocations have been agreed to in a multi-nation fishery and illustrates the capability of international bodies such as ICNAF to play an effective role in fisheries management (1972:81).

The optimism of ICNAF was not shared by its fishery officers. ICNAF officers did not have any enforcement powers. The officers who inspected foreign fishing vessels would give copies of their reports to the master of the vessel in question and one to the vessel's flag state

(ICNAF, 1970:21-22). However, the ICNAF officer could never be sure if the flag state of a vessel which incurred infractions actually penalized this vessel's master. One contemporary fishery officer, who was a former ICNAF officer, stated to this researcher that:

...when I inspected foreign vessels under ICNAF, we had language barriers and we had no enforcement powers. We reported violations to the flag state. We had one case where we were not allowed to board a Russian factory ship. (Interview No. 12)

Another former ICNAF officer indicated that he knew of only one case where a reported violation to a flag state resulted in the penalizing of the violator (Interview No. 15). The officer stated that he once reported violations by a British vessel to the United Kingdom. The next year, he discovered while boarding another British vessel, that the captain of the vessel he had found to be in violation the previous year had his license revoked. However, for the most part, an ICNAF officer could never be sure whether a vessel that was in violation of ICNAF regulations actually received penalties from its flag state.

By the early 1970's, the ineffectiveness of ICNAF was becoming apparent. Offshore fish stocks were being rapidly depleted. Overfishing was one of the factors which produced an economic crisis in the fishery of Atlantic Canada. This crisis had implications for the restructuring of the inshore fishery of Newfoundland (which was affected by overfishing in offshore waters) and for the fishery officer occupation.

THE ECONOMIC CRISIS OF THE 1970's AND ITS  
IMPLICATIONS FOR THE INSHORE FISHERY OF  
NEWFOUNDLAND AND FISHERY MANAGEMENT POLICIES

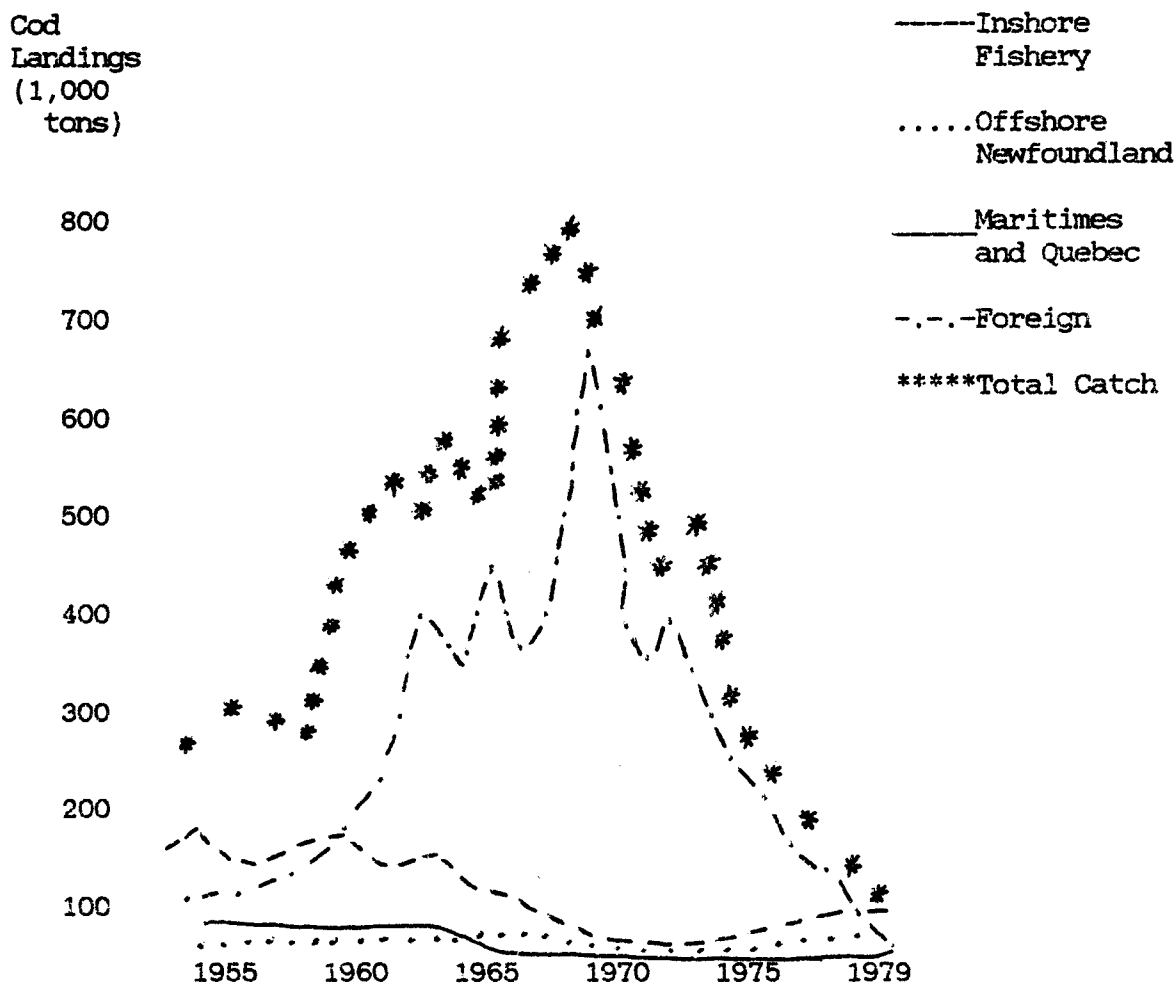
The Economic Crisis of the 1970's

From 1955 to 1968, the total catch of cod of the east and northeast coast of Newfoundland increased from just over 250,000 tons to nearly 800,000 tons. During this period the bulk of the catch was taken by foreign trawlers. In 1968, over 84 percent of the total catch was taken by such vessels. Whereas the foreign catch rapidly increased between 1955 to 1968, the catch of inshore fishermen dropped from just over 155,000 tons to approximately 100,000 tons (Sinclair, 1982: Table One). This decrease is significant given the fact that by 1970 fishermen still constituted a significant percentage of the Canadian east coast labour force. Twenty percent of the population was involved in some aspect of the harvesting of fish stocks (Matthews, 1983:174). In 1975, the percentage of the total catch taken by inshore fishermen continued to fall. Over 85 percent of the total catch of cod was taken by foreign trawlers, and only 14 percent was taken by inshore fishermen. Moreover, the total catch of cod had fallen to approximately 287,000 tons (Sinclair, 1982: Table One). The landings of cod off the east and northeast coast of Newfoundland from 1955 to 1979 is depicted in Figure 2.1.

The rapid expansion of the offshore fishing effort between 1955 to 1975 had negative implications not only for the reproduction of cod stocks, but also for the reproduction of the inshore fishery. The overfishing by foreign trawlers depicted the ineffectiveness of ICNAF, and it caused widespread concern among government officials. Kirby

FIGURE 2.1

Cod Landings off the Northeast and East  
Coasts of Newfoundland, 1955-1979



Source: Based on figures from Table One: Cod Landings (tons) from NAFO areas 2J, 3K and 3L, 1953-1979, in Peter Sinclair's 'Regulations for Crisis: State Intervention in the Newfoundland Fisheries', revised version of a paper presented at the Annual Meeting of the Rural Sociological Society, Guelph, 19-23 August, 1981.

reports that the overfishing in the 1960's and 1970's was facilitated by the use of huge factory trawlers by European nations. These vessels often stayed at sea for several months (1983:16). By 1974, the decline of fish stocks was not the only problem facing the fishing industry. The costs of harvesting the catch had risen and the markets for fish products has softened. Between 1971-1974, the federal government spent 140 million dollars in assistance to the industry (Kirby, 1983:19). Kirby describes this assistance as a "...salvage operation in which a battered industry was hauled off the rocks, but neither repaired nor strengthened" (Kirby, 1983:19).

In order to deal with this crisis, the federal government increased the territorial limit in Canadian fishing waters from twelve to 200 miles in 1977. Canada's share of the TAC increased and by 1979 the Newfoundland fleet (inshore and offshore) was taking 80 percent of the TAC within the 200 mile limit (Fisheries and Oceans, 1979:13). With the declaration of the 200 mile fishing limit, ICNAF was transformed into the North Atlantic Fisheries Organization (NAFO). This organization recognized the 200 mile limit and special areas outside of the limit (Kirby, 1983:19). These special areas included the "nose and tail" of the Grand Banks and the area known as the Flemish Cap. Since these areas are outside of the 200 mile limit, the Canadian government has no enforcement powers. Offshore fishery officers must report infractions to NAFO.<sup>5</sup>

The Implications of State Policies, Overfishing and the Economic Crisis, for the Inshore Fishery of Newfoundland

During the 1960's and 1970's, several factors facilitated social changes in the inshore fishery of Newfoundland. These factors included the overfishing by foreign trawlers, the economic crisis of the mid-1970's and the introduction of subsidies by the provincial and federal governments. It will be argued that one of the social changes which these factors helped to produce was the differentiation of inshore fishermen into two groups: longliner fishermen and small boat fishermen (cf. Matthews, 1983; Sinclair 1984, 1985; Fairley, 1985). Longliners are motorized vessels over 35' in length and are often used in conjunction with mobile fishing gear. These vessels are better able to compete with offshore trawlers in the harvesting of fish stocks than are the smaller trap skiffs and punts which are used in the inshore fishery. However, the emergence of a longliner fishery from among the ranks of inshore fishermen periodically entailed conflict between the mobile gear of longliners and the fixed gear which is dominant in the small boat fisheries. It will be demonstrated in Chapter Four, that fishery officers have to intervene in conflicts between fishermen using mobile gear and those using fixed gear. Another major change in the inshore fishery was the rapid expansion in the number of inshore fishermen in the late 1970's. Between 1978-1979, 8,000 new fishermen and 4,600 additional vessels entered the inshore fishery (Fisheries and Oceans, 1981a:3). It will be argued that this expansion was facilitated by factors such as state subsidies for vessel construction, as well as the expansion of the TAC for inshore fishermen. The expansion in the number

of inshore fishermen was met by state policies based upon limited entry fisheries management.

The factors which produced the differentiation of inshore fishermen into small boat and longliner operators, as well as the overall expansion of inshore fishermen will be examined in this section. Attention will then shift to the role of the DFO in attempting to control these developments through the restructuring of fisheries management policies and the fishery management occupation.

Prior to the mid to late 1960's, fishermen were generally fishing out of boats which were less than 35 feet. These vessels were restricted to fixed gear such as cod traps, longlines, gill nets and trawl. Small boat fishermen were also limited to fishing very close to the shore. This restricted them to the groundfish which were not harvested by offshore trawlers. In 1953, the provincial Fisheries Development Authority, with the assistance of the federal government, established a series of programs to assist fishermen in acquiring longliners (Wadel, 1969:32). However, it was not until the mid-1960's, during a period of increased fishing effort by offshore trawlers, that there was any significant development in the acquisition of longliners. Two areas which experienced the greatest transition to the longliner fishery were the northeast and northwest coasts of Newfoundland (McCay, 1979; Sinclair, 1984).

McCay points out between 1954-1963, inshore fishermen along the northeast coast experienced a 40 percent decline in cod landings per unit effort. In other words, it required more effort in 1963 to catch a certain amount of cod than it took in 1954 (1979:159). With the



emergence of resettlement policies, which were ostensibly designed to provide better social services and employment opportunities for rural Newfoundlanders (Matthews, 1976), the provincial government once again encouraged the development of a longliner fishing fleet.

Inshore fishery modernization was thus encouraged by the subsidization of improved boats and gear; gillnets rather than traps, longliners rather than trap skiffs and punts. Decline in the inshore fisheries could be met by encouraging the development of gear and technologically sophisticated vessels (McCay, 1979:161).

In 1968, the Fogo Island Cooperative (a small fishing island off the northeast coast) was established for the management and operation of a shipyard for building longliners. By 1973, the total cost of longliners was 40,000 to 60,000 dollars, whereas the cost of inshore cod trap operations was 3,000 to 5,000 dollars. Under the government subsidization program, fishermen were required to pay ten percent of the cost of longliners, and the rest of the cost was financed by government loans and subsidies. In some cases fishermen contributed their labour in building their boats as part of their down payment. The longliner enabled the inshore fisherman to extend his fishing season from three to as much as eight months, and facilitated travel to lucrative fishing grounds that were previously inaccessible (1979:162, 167).

The introduction of the longliner did not solve the problem of declining catches in the inshore fishery. A good days catch in 1969 or 1970 was 10,000 pounds of fish using fifty nets, by 1973 one hundred nets were required to harvest the same amount (1979:168). The decline in catch had implications for the inshore fishery because longliner fishermen began to intrude upon the inshore grounds which were

previously fished by only small boat fishermen. Increased capital costs and loans meant that longliner fishermen could not afford to heed customary or even formal territorial boundaries (1979:181). This meant that longliner fishermen were not only competing with offshore trawlers, they were also competing with small boat fishermen. Since longliners use a combination of fixed and mobile gear, they were in potential conflict with small boat fishermen in two ways. First, in the placement of fixed gear, such as gillnets, longliner fishermen tend to use more gillnets and the placement of these nets may crowd the fishing grounds in inshore waters. Second, when the crew of a longliner casts mobile gear, such as a purse seine, they may interfere with the placement of the fixed gear which is used by small boat fishermen. This 'gear conflict' tends to occur when fishermen using similar or different technologies compete for a limited fish resource within a restricted harvesting space. In Chapter Five, it will be demonstrated that fishery officers have to intervene to solve gear conflicts among fishermen. It should be pointed out that there are also gear conflicts among small boat fishermen. These conflicts also tend to be based upon the placement of fishing gear within restricted harvesting spaces. Attention will now be given to some of the possible reasons why the costs of operating a longliner may facilitate the emergence of situations characterized by gear conflict.

Longliners are operated by a skipper and a crew of three to four sharemen. It is customary for forty percent of the catch of a longliner to be reserved for the boat share. The remaining sixty percent is divided equally among the skipper and the crew. The boat share is taken

by the skipper to pay for depreciation costs, other operating expenses and for interest on loans. If these costs do not take the full share of the boat, the skipper is in a position to make a profit, money which may be used for reinvestment. McCay points out that a fifty-foot Fogo Island longliner in 1971 received a profit of 9.8 percent, after the deduction of capital costs, loan payments and labour shares (1979:176). Fairley also points out that longliners tend to be profit-making operations. The 179 longliner operations which were used in a sample by The Royal Commission to Inquire into the Inshore Fishery of Newfoundland had, according to Fairley, profits of approximately seven percent after the deduction of capital costs, loan payments and boat shares (1985:41). According to Fairley, the skipper of a longliner is essentially a 'small capitalist' who appropriates surplus value from the labour of his crew because he takes the boat share and the profits which may accompany it (1985). However, this argument should not detract from the consideration that the skipper (i.e. longliner owner) may also be in a position to suffer a loss if the boat share is not sufficient to cover the expenses of the fishing operation. In the attempt to harvest enough fish to make the longliner a profitable enterprise, the skipper on a longliner may conflict with the interests of small boat fishermen. This occurs whenever the mobile gear, or fixed gear, of a longliner interferes with the fixed gear used by small boat fishermen. This conflict may require the attention of the fishery officer (cf. Martin, 1979). In Chapter Five, it will be argued that fishery officers may be in a position to solve specific instances of gear conflict, but they cannot change the structural basis of such conflict as described above.

Throughout the past decade, there has been a gradual increase in the numbers of longliners. This may have been facilitated by the fact that the interest rate for fisheries loans was only 3.5 percent during the mid to late 1970's (Kirby, 1983:77). For example, Sinclair notes that, between 1967 and 1970, the number of longliners in Port aux Choix, a fishing community on the northwest coast, increased from ten to forty. By the early 1980's, there were 168 longliners in Port aux Choix, and the nearby communities. While the expansion of the longliner fleet along the northwest coast was due to the emergence of a shrimp fishery (Sinclair, 1984:41-42), most of the expansion in the longliner fleet of Newfoundland may have been due to the increased TAC allocated to the Newfoundland fleet and low loan rates. Between 1978 and 1981, longliners or nearshore vessels rapidly increased, whereas the number of small boat or inshore vessels slightly declined. The actual changes are shown in Table 2.1. During this period, the number of vessels along the northeast coast increased by 63 percent, whereas the number along the east coast increased by 98 percent. The new longliner operations were probably trying to take advantage of the fact that in 1978-1979, three-quarters of the TAC was allocated to the inshore fishery and, for such purposes, nearshore vessels such as longliners were considered to be part of the inshore fishery (Economic Council of Canada, 1980:93).

Whereas inshore fishermen only harvested 14 percent of the total cod landings of the east and northeast coast of Newfoundland in 1975, by 1979 the harvest of cod by inshore fishermen was over 50 percent of total landings (Sinclair, 1982: Table One). By 1981 the landings (including cod) among inshore fishermen had risen further, but the bulk

TABLE 2.1

Changes in the Inshore and Nearshore Groundfish  
Fleet of Newfoundland 1978-1981

Type of Fishery	Size of Vessel	<u>Number of Vessels</u>		Percentage Change
		1978	1981	
Inshore	Under 35'	6342	6318	-0.37
Nearshore	35' - 45'	590	874	48.13
	45' - 65'	457	507	10.94

Source: This Table is derived from figures in Tables 10.2 and 10.3, pp. 208-209, In Michael Kirby, Navigating Troubled Waters: A New Policy for the Atlantic Fisheries (Ottawa: Supply and Services, 1983).

of the catch was harvested by longliners. Table 2.2 shows that nearshore vessels harvested over 50 percent of the domestic catch in Newfoundland waters in 1981.

The expansion of the TAC, state subsidies and low loan rates facilitated not only the expansion of the longliner fishery, it also affected the growth in the numbers of inshore fishermen. Between 1978 and 1979, 8,000 new fishermen and 4,600 additional vessels entered the inshore fishery. This was a 20 percent increase (Fisheries and Oceans, 1981:3). In the late 1970's, the DFO allowed boats to be replaced as long as the new vessel was no more than twenty-five feet longer than the

TABLE 2.2

The Relation Between Vessel Size and  
Landings in Newfoundland 1981

Type of Fishery	Vessel Size	Landings (000 tons live weight)	Percentage of Total Catch
Inshore	Under 35'	89.8	46.4
Nearshore	35' - 65'	102.5	53.05
Offshore	65' - 100'	0.9	0.4

Source: This table is derived from figures in Table 10.6, p. 210 in Michael Kirby, Navigating Troubled Waters: A New Policy for the Atlantic Fisheries (Ottawa, Supply and Services, 1983).

old vessel. The DFO also permitted small vessels to be combined into one large vessel. At the same time the DFO was also considering a freeze on the number and size of vessels which were entering the fishery (Kirby, 1983:20, 215). Also, with the increase in the number of inshore fishermen and longliners, and the decline in fish stocks during the late 1970's, the DFO became concerned with the continuous problem of the commercial viability of inshore fishing operations. The problem of low incomes in the inshore fishery continued, despite the introduction of the 200 mile limit and the increase in the TAC for inshore fishermen. In the early 1980's, many inshore fishermen were securing incomes which

were well below the poverty line. In northeast Newfoundland, the Task Force on the Atlantic Fisheries discovered that the net income of full-time fishermen was approximately \$4,512 (Kirby, 1983:54).

The discussion will now turn to the policies which were used to restructure the inshore fishery of Newfoundland. One of the aims of these policies was to limit the numbers of inshore fishermen in order to raise the incomes of this group of workers. Once that discussion has been completed, attention will shift to the implications of these new policies for the inshore fishery of Newfoundland, and for the fishery officers occupation.

#### Limited Entry Policies and the Restructuring of Fisheries Management

By the late 1970's, the rapid expansion of inshore fishermen was drawing the attention of government policy-makers. They were concerned that fish stocks were not recovering rapidly enough to facilitate the rapidly expanding inshore fishery. In an attempt to solve this problem, policy-makers turned towards limited entry policies. The social scientific argument for these policies will be briefly examined, and then attention will shift to the implementation of limited entry policies in the inshore fishery of Newfoundland.

The field of fisheries economics has been heavily influenced by Gordon's seminal article on the economics of common property resources (1954). Gordon argues that the rent, or revenue which exceeds the costs of production, is generally dissipated in open access fisheries because fishing effort tends to be misallocated (1954:132). In other words, there tends to be more capital and labour invested in the fishery than

that which is required to commercially exploit the fishing resource. Economists argue that in open access fisheries, each fisherman cannot practice conservation because other fishermen will take what the fisherman does not catch. Since each individual feels that it is necessary to take as much as he can, more boats, gear and labour are invested in the fishery. This increase in fishing effort and capital investment leads to dissipation of economic rents and to a reduction in incomes. Fisheries economists compare this situation to that of English agriculture during the decline of feudalism. It has been referred to as the 'tragedy of the commons' (Scott and Neher, 1981:5). In a somewhat similar way to the way the enclosure of communal lands created property rights in English agriculture, the limiting of access to the fishing resources would create property rights in the fishery.<sup>6</sup> Gordon argues that, in order for common property resources to become commercially viable, they must become private or public property. This enables producers to yield rent in their exploitation of the resource (1954:135).

In the early 1970's, the concept of controlling access to the fishery through the licensing of individual fishermen was accepted by federal fisheries officials (Alexander and Storey, 1974). However, this method of licensing did not restrict the numbers of inshore fishermen. It was characterized by limiting the number of licenses for specific fisheries, vessel replacement criteria, as well as other measures (Fisheries and Oceans, 1981a:29). Nevertheless, by the mid-1970's, the Department of Fisheries and the Environment published a report which



stressed the need for a comprehensively managed fishery. The report reiterated the themes which were addressed by fisheries economists:

The central problem of the groundfisheries is rooted in a conflict between individual interests and a collective interest... In an open access, free-for-all fishery, competing fishermen try to catch all the fish available to them regardless of the consequences unless they are checked; the usual consequence is a collapse of the fishery: that is, resource extinction in the commercial sense, repeating in a fishery context 'the tragedy of the commons' (1976:39).

Despite these concerns, it was only in 1979 during the height of expansion in the number of fishermen, that federal fishery officials developed a comprehensive plan to limit entry into the inshore fishery of Newfoundland. Levelton's report entitled, Toward an Atlantic Coast Commercial Fishing Licensing System, provided the basis for contemporary limited entry policies. According to Levelton, a good licensing system should promote economic viability of fish operations, an equitable distribution of the resource, assist the development of the fleet in terms of the changing conditions of the resource and assist in fisheries conservation, administration, data collection and enforcement (1979:30). The thrust of Levelton's proposals was not just to develop a commercially viable fishing industry, he also wanted an industry which was well regulated. This latter concern was directly related to the fishery officer occupation. The implications of licensing policy for the fishery officer occupation will be discussed later in this chapter.

Levelton argued that the issuing of personal fishing licenses to "bonafide" fishermen would result in the establishment of a professional status for these fishermen (1979:50). In 1981, the DFO accepted Levelton's recommendation and established the categories of full-time

and part-time fishermen (Kirby, 1983:216). This categorization was a means to control the entry of new participants into the fishing industry, and was a step in attempting to solve the "tragedy of the commons". According to the DFO, a full-time fisherman is:

...any person who fishes consistently during the normal fishing season for his area, either as the owner/operator or crew member on a registered fishing vessel or unit, without other employment during the fishing season in his area, on a limited basis, in the primary industries (e.g. fishermen/farmer or fishermen/logger) (1981b:1).

Full-time fishermen were given a priority status in terms of access to limited entry fisheries and to government programs designed to assist fishermen (1981b:1). By 1983, there were 13,353 full-time fishermen and 15,142 part-time fishermen in Newfoundland (Kirby, 1983: Table 10.1:208).

In order to assist in the determination of full-time fishermen, former DFO minister LeBlanc, suggested the establishment of an independent review board consisting of fishermen (Matthews, 1988). As a result, Licensing Appeal Committees were established throughout Newfoundland. Each committee was expected to deal with the determination of full-time or part-time status for any fisherman who was not satisfied with the categorization given to him by the DFO. According to DFO regulations, a fisherman has to fish full-time for the fishing season in his area for two seasons, in order to be upgraded from part-time to full-time status (Fisheries and Oceans, 1981:3).

Even though licensing committees are composed of fishermen, fishery officers played a role in setting up these committees. Once the committees were established, the inshore fishermen who were elected to

these committees would deal with appeals. Fishery officers would sit on these committees only for the purpose of recording information. They might also be asked to interpret regulations. However, they would not have any input into the actual decisions which were made by the committee (personal communication with fishery officers). The role of fishery officers in the licensing process will be discussed in more detail in Chapter Seven of this study.

The full-time and part-time distinction was generally directed to controlling access to the groundfishery. However, the DFO also used this distinction to control access to other species such as lobster, salmon, crab and herring. For example, in 1985 the DFO implemented a policy to buy-back salmon licenses from part-time fishermen (personal communication with fishery officers). Whereas the Department of Fisheries during the 1960's devised a system of fees for the rights to commercially harvest lobster and salmon, by 1981 the DFO was concerned with preventing new entrants into these and other fisheries. The DFO was attempting to match the total effort expended with the available resource. In doing so, controls were placed on the transfer of licenses for restricted species from fishermen who held these licenses to prospective participants in these fisheries (personal communication with fishery officers). Some of these measures will be discussed in Chapter Seven.

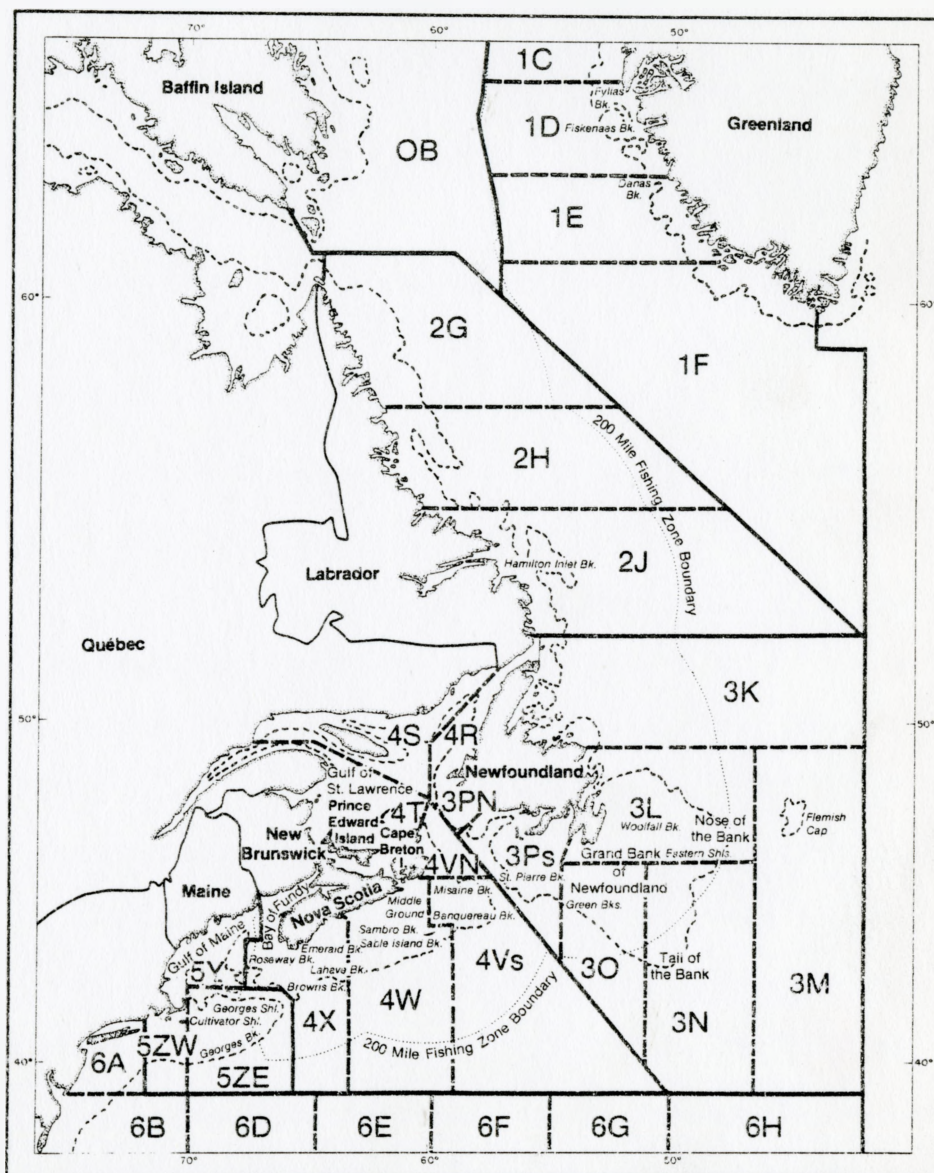
Licensing policies could only deal with controlling the number of fishermen who participated in specific fisheries. Levelton states that limiting the number of participants in the inshore fishery is not sufficient for reducing fishing (1979:31-32). This is due to the fact

that controlling the number of fishermen does not necessarily reduce the fishing effort of the remaining participants. They may use more capital and fishing time in order to harvest fish stocks. Consequently, the DFO considered it necessary to introduce other measures to reduce fishing effort. These measures ranged from the use of stock management programs on a sector basis (i.e. sector management), to controls on the number and size of vessels in the inshore fishery (Fisheries and Oceans, 1981a; Kirby, 1983:15). These issues will be briefly dealt with below.

In its approach to the inshore fisheries of Atlantic Canada, the DFO considered the institution of sector management policies as a means for matching the available stock in inshore waters to a specific fishing effort. The DFO divided inshore waters into sub-areas. Each sub-area would be allocated a specific TAC from each of the commercial fishing species. The major sub-areas included the Gulf region (4RST and 3PN), the Scotia-Fundy region (4VWX) and the Newfoundland region (2 and 3, with the exception of 3PN) (1981a:30, 47). These areas are depicted in Map One. Each of these sub-areas is supervised by an Area Manager. The role of the Area Manager was (and is) to bring the department closer to the fisheries in each sub-area (1981a:59-60). By 1982, all of the species in Atlantic Canada were covered by a resource allocation plan within the confines of sector management (Fisheries and Oceans, 1981-82:2). For example, the Atlantic Groundfish Advisory Committee produces an annual fishing plan which regulates stocks by quota, season, vessel type and gear type (Sinclair, 1982:16). The capelin fishery is a good example of a fishery which has been affected by sector management. In 1984, the capelin fishing plan divided the harvest in the Newfoundland

MAP 2.1

## The Atlantic Fishery



Source: E.P. Weeks and Anne Scmmerville, The Future of Atlantic Fisheries: An Interim Report (Montreal): The Institute for Research on Public Policy, 1982).

area into three sectors: Northeast Newfoundland and Labrador (2J and 3K), Northern Grand Bank (3L) and St. Pierre and Grand Bank (3Ps). Each of these sectors were allocated quotas for their inshore fisheries. The quota was to be divided between fixed gear fishermen and mobile gear fishermen who used purse seiners. In 1984 the TAC for the Newfoundland capelin fishery was 35,000 metric tons. Fixed gear operators were allocated 16,400 tons and mobile gear operators were allocated 18,600 metric tons. These quotas demonstrate the degree to which longliner fishermen, using mobile gear, have been able to secure a greater percentage of the TAC in a specific fishery. As was the case in many restricted fisheries, fishermen who held a capelin license in 1983 were eligible for these licenses in 1984 (Fisheries and Oceans, 1984). Federal fishery officers consider the regulation of the capelin fishery to be one of the most demanding tasks they encounter during the fishing season. The regulatory procedure associated with this fishery will be elaborated upon in subsequent chapters.

Along with licensing and sector management, the DFO has instituted a control on the number and size of vessels in the inshore fishery of Atlantic Canada. The DFO implemented a policy which stated that fishermen could only replace their existing vessel with a vessel whose length and fish hold was no longer than the original (Kirby, 1983:215). The control on vessel length has the implication that fishermen who fish from vessels less than 35 feet cannot move into longer vessels such as longliners. In order for a fisherman to finance the purchase of a longliner, it appears that this would have to be his first fishing vessel. Consideration will now be given to the

implications of limited entry policies for the social organization of the inshore fishery of Newfoundland.

The Implications of Limited Entry for the Social Organization of the Inshore Fishery of Newfoundland

Thus far, the analysis has focussed upon the introduction of limited entry policies into the inshore fishery of Newfoundland. These policies are an attempt by the DFO to control the 'tragedy of the commons' in the inshore fishery. However, these policies have been imposed upon an inshore fishery characterized by a specific (and highly traditional) social organization. Despite the social organization of the inshore fishery, limited entry policies are rooted in classical liberal conceptions, conceptions that tend to ignore social organization. Limited entry theory, like classical liberalism, treats the relations of human to nature and to each other in terms of logically prior individuals.<sup>7</sup> In dealing with the 'tragedy of the commons', economists and policy-makers are operating under the assumption that the fishery is being harvested by autonomous individuals who have equal access to the resource (cf. Barret and Davis, 1984). However, as it was pointed out in an earlier section of this chapter, factors such as overfishing, the economic crisis of the mid-1970's and state policies have facilitated a differentiation within the ranks of inshore fishermen. In other words, these factors have helped to facilitate the transformation of the social organization of the inshore fishery of Newfoundland (cf. Matthews, 1983; Sinclair, 1984, 1985; Fairley, 1985). This means that not all inshore fishermen are equal in terms of their access to the fishery. Limited entry policies may have the long-term

effect of maintaining rigid distinctions between the longliner, or nearshore, and small boat fisheries. There may be some rise in incomes, as predicted by limited entry policy-makers, but the rising incomes may be heavily slanted towards the longliner fishermen who have access to more sophisticated harvesting technologies. In fact, Kirby points out that the incomes of fishermen on vessels over 35 feet was twice the income of fishermen who fished out of small vessels (1983:Table 4.12, 62). Therefore, the vessel used by the inshore fishermen may be seen as having an impact upon his income. Due to this difference in the income levels between the longliner and small boat fisheries, fishery officers are dealing with a delicate issue when they intervene in cases of gear conflict between different groups of fishermen.

A limited entry measure which clearly entrenches the inequality between the inshore and nearshore fisheries is the policy of sector management. For example, in the capelin fishery, the longliner fishery is allocated over 50 percent of the TAC. However, longliners only constitute 11.3 percent of the total inshore/nearshore fleet of Newfoundland. Moreover, not all longliners are permitted to harvest capelin. Only those vessels which had licenses when limited entry measures were introduced are permitted to harvest them. Since small boat fishermen cannot replace their vessels with longliners, they are not in a position to capture the lucrative catch allocated to these vessels (Fisheries and Oceans, 1984b; Kirby, 1983; 208-209, 215). The only way a small boat fisherman can enter this fishery is through becoming a shareman on a longliner. The capelin fishery is particularly important to this study because it demands the close attention of



fishery officers in the opening and closing of the short fishing season, the regulation of the quota, and the regulation of gear conflict between longliner and small boat fishermen. These issues will be further discussed in Chapters Four and Five. This chapter will conclude with a discussion on the implications of new fishery management policies for the fishery officer occupation.<sup>8</sup>

## THE RESTRUCTURING OF THE FISHERY OFFICER OCCUPATION

### The Job Tasks of Fishery Officers

With the introduction of limited entry policies, the DFO found it necessary to reconsider the role of its fishery officers. Attention will be given to the division of labour within the Resource Management Branch of the DFO, the branch which is responsible for federal fishery officers in the Newfoundland region. This focus will provide details on the job tasks which fishery officers conduct during their day-to-day work, and the extent to which these tasks were affecting limited entry measures.

In Newfoundland, there are 27 full-time or senior fishery officers who regulate the inshore and inland waters of the province.<sup>9</sup> They are assisted by 54 part-time or junior fishery officers and approximately 100 guardians. In addition to the inshore personnel, there are 14 full-time offshore fishery officers. Senior fishery officers work throughout the year, junior fishery officers work for six to eight months and guardians work from ten to twelve weeks per year. The latter group tend to work during the recreational salmon fishing

season. Figure 2.2 depicts the hierarchical division of occupations within the Resource Management Branch of the DFO.

The Regional Director General is the DFO's top official in each region. The Director of Field Operations is in charge of the DFO's regulatory activities relating to the harvesting and processing of fish. The Area Manager supervises activities in one of the region's districts. There are four districts in the Newfoundland region. The District Protection Officer is closely related to the activities of fishery officers in the district to which he is responsible. He works closely with senior fishery officers and other officials in drafting the yearly work plan for the fishery officers in his district (personal communication with a district protection officer). Senior and junior fishery officers are located at the middle and lower levels of the Resource Management Branch (RMB) and have the most contact with inshore fishermen, who are the major clients of this branch of the DFO.

There are approximately 250 job tasks associated with the fishery officer occupation (Fisheries and Oceans, 1984a:4).<sup>10</sup> These tasks are grouped into eight responsibility areas: resource management, enforcement, habitat management, enhancement, public relations, supervision, administration and related duties. Each of these responsibility areas will be briefly explained in the remainder of this section, and where it is applicable, a link will be made with the impact of limited entry policies upon these responsibility areas.

The area of resource management is considered by most fishery officers to be their major responsibility area.<sup>11</sup> Resource management duties include the management of the harvesting of fish stocks by

FIGURE 2.2

The Division of Occupations Within the Resource  
Management Branch

Regional Director General  
Director of Field Operations  
Area Manager  
District Protection Officer  
Subdistrict Supervisor  
(Senior Fishery Officer)  
Full-time Inshore Fishery Officer  
(Senior Fishery Officer)  
Part-time Inshore Fishery Officer  
(Junior Fishery Officer)  
Guardian

inshore fishermen. Fishery officers participate in the opening and closing of the fishing season for restricted species within each district or area. For example, fishery officers participate in determining the opening of the capelin fishery. They monitor the catches and discards of capelin fishermen in order to manage the quota in the capelin fishery. When the quota is reached for each area, fishery officers close the fishery. Other resource management duties include the communication of harvesting information to commercial fishermen. This would include the conveying of information about how much of the quota has been harvested for each species. Fishery officers

would also collect statistics from fishermen (and in some cases from fish plants) for the DFO. These statistics would include the catch totals for each species for each fisherman in a fishery officer's area of jurisdiction. These statistics would be used by senior officials in the planning of harvesting policies for future years. Since sector management policies deal with the establishment of quotas for each area within the Newfoundland Region (as well as for other regions), the resource management job tasks of fishery officers are related to such policies. The resource management tasks of fishery officers will be emphasized in Chapters Four to Six of this study. Consideration will be given to the role of fishery officers in implementing and (in some cases) formulating policies in the area of resource management. Focus will also be placed upon the job tasks related to quota management and the relationship of quota management to the sector management policies for the Newfoundland region.

Along with resource management, enforcement is considered by federal fishery officers to be one of their most important job tasks. In fact, fishery officers consider enforcement and resource management to be closely related. The resource management task of managing quotas is also considered to be an enforcement task. Enforcement activities include the conducting of patrols, checking for legal vessel sizes, ensuring that fishermen are using legal gear, checking fishermen for their fishing license, inspecting habitat sites, processing violations and collecting evidence for court room duties. These activities are considered to be tools which are used to implement the resource management mandate. The enforcement activities of fishery officers are

influenced by sector management and licensing policies, because these involve regulations associated with the availability of the resource (i.e. quota management) and access to the resource (i.e. licensing). The enforcement activities of fishery officers will be heavily emphasized in Chapters Four to Six of this study.

The habitat management job tasks of fishery officers involve duties relating to the protection of the fish habitat. Habitat management duties involve the regulation of pulp and paper mills, sawmill operators, loggers and construction crews which work near inland and inshore waters. Most of the habitat job tasks of fishery officers deals with regulating work near the spawning grounds of the Atlantic salmon. Fishery officers are also concerned with the problem of ocean dumping of vessels and refuse, and the disposal of dead fish. These issues will be elaborated upon in Chapter Five.

Enhancement duties involve the development and regulation of proposals connected with 'enhancing' the spawning and rearing grounds of fish, particularly the Atlantic salmon. This involves the construction of fish farms and fish ladders. At present, there is not much emphasis placed upon enhancement. Fishery officers have stated to this researcher that the budget and work resources (i.e. time and manpower) are not sufficient for conducting enhancement work.<sup>12</sup> When fishery officers have participated in enhancement work, it is often in conjunction with local recreational and environmental organizations and community councils. However, due to the fact that senior officials in the DFO and the vast majority of fishery officers stated that

enhancement was not a widely practiced activity, it will not be emphasized in the remainder of this study.

The public relations role of federal fishery officers overlaps with their other job duties. It consists of providing information on DFO policy to commercial and recreational fishermen, road construction crews, pulp and paper companies, sawmill operators and to the general public. Public relations duties range from informal contacts, attending meetings with fishermen's committees, posting notices and visiting schools. The overall thrust of public relations is to promote 'a good image' of the department. Senior management views 'public relations' as being instrumental in promoting departmental goals. Public relations will be emphasized in Chapter Five.

The area of administration consists of activities such as the purchasing of office supplies, the completing of weekly reports, the keeping of a budget, the issuing of permits for work near the fish habitat and the gathering of information for the licensing of inshore fishermen. Each area or district within the Newfoundland region has a licensing coordinator who is assisted by the field work of fishery officers. Even though licensing appeal committees may be in a position to change the full-time or part-time status of a particular fisherman, fishery officers collect the information which is used in the initial categorization of each fisherman. This information is forwarded to the licensing coordinator. The role of fishery officers in the licensing program will be considered in Chapter Seven.

The supervisory relationship within the DFO's Resource Management Branch involves the coordination of activities associated

with the division of labour among senior and junior fishery officers. Supervision is related to the job tasks of federal fishery officers as well as to the work plan which senior fishery officers, the District Protection Officer and Area Manager draft for each working year. The work plan consists of assigning activities to fishery officers, such as regular checks on vessel sizes and fishing gear as well as the measurement of species harvested by inshore fishermen in order to ensure that they are of legal size. Fishery officers have to record these activities in their weekly reports for their supervisor. The work plan does not merely provide fishery officers with work activities, since these officials are placed upon a quota system for each of these activities, the work plan is a means for controlling work activities in an unsupervised work setting. Other supervisory duties include the training of staff, employee appraisals and the administration of discipline. The work plan and other supervisory activities will be discussed in Chapter Four.

The final responsibility area, or that of related duties, consists of what several fishery officers have referred to as a 'multitude of sins'. It includes activities ranging from search and rescue operations, to the operation and maintenance of equipment, to the administration of first aid. This responsibility area will not be emphasized in this study because most fishery officers considered it to be a low priority area in their day-to-day work.

Fishery officers were asked to rank each of these responsibility areas from one to eight in terms of the work time which had to be spent on these areas. The results of this ranking are depicted in Figure 2.3.

FIGURE 2.3

## Mean Ranking of Job Tasks by Federal Fishery Officers

Job Task	<u>A</u> Ranking by Senior Fishery Officer	<u>B</u> Ranking by Junior Fishery Officer	<u>C</u> Differential (A-B)	<u>D</u> Overall Ranking
Resource Management	1.8	1.6	0.2	1.7
Habitat Management	5.5	5.5	0	5.5
Enhancement	6.9	6.7	0.2	6.8
Enforcement	3.4	1.6	1.8	2.3
Public Relations	4.2	3.8	0.4	4.0
Administration	3.7	5.0	-1.3	4.4
Supervision	3.4	5.4	-2.0	4.6
Related Duties	7.0	5.8	1.2	6.3
N =	(17)	(25)		(42)

Even though there were fifty-one respondents, only forty-two were comfortable with ranking these job tasks. However, the ranking of these tasks does demonstrate some difference between senior and junior fishery officers in their perception of their day-to-day work. Column C provides us with a differential ranking. A positive score in this column depicts that this task was performed more by junior fishery officers than by senior fishery officers. The area of enforcement with



a differential score of 1.8 is the area where the job tasks of junior and senior fishery officers diverge most. Any negative differential score in Column C depicts that this task(s) was performed more by senior than by junior fishery officers. The areas with the greatest differentials in favour of senior fishery officers were those of administration and supervision. What these scores indicate is that 'enforcement' which is a field activity is performed more by subordinate personnel and that the superordinate personnel perform more non-field activities such as the delegation of jobs tasks (i.e. supervision) and the writing of reports and participation in the making of the work plan (i.e. administration). The differences between senior and junior fishery officers in the performance of these job tasks will be discussed later in this study, particularly in the discussion on control within the DFO (Chapter Four).

An examination of how fishery officers conduct these job tasks will provide the basis for considering whether they merely implement policies, or actually help to formulate regulatory policies. It will also facilitate an analysis of the degree to which fishery officers may exercise discretion in carrying out these job tasks. The degree to which fishery officers exercise discretion in some of the above stated responsibility areas will be the subject of discussion in Chapter Five.

#### Fishery Officers as Policy-Makers

The extent to which fishery officers may influence the development of fishery management policies is considered in the DFO's job brochure for fishery officers. The DFO points out that fishery

officers have a pivotal role which exists at the boundaries of the state bureaucracy and the fishing industry. Fishery officers:

...have to represent fishermen to the bureaucracy and the bureaucracy to fishermen. The fishery officer carries information about new regulations and policies from the DFO to fishermen, and in turn transmits information about local conditions back to the area manager and regional headquarters. Besides enforcing regulations, the fishery officer often helps to create them in cooperation with the fishermen...and the fishery officer OFTEN ADVISES DEPARTMENTAL MANAGERS ABOUT WHAT KIND OF MEASURES MIGHT WORK AND WHAT MIGHT FAIL...the fishery officer is what makes the department work (1984b:3,11 - emphasis added).

By emphasizing that fishery officers often advise departmental managers about the kinds of measures that will be useful in a particular situation, the DFO recognizes that fishery officers contribute to the formulation of as well as participate in, the implementation of regulatory policies. This recognition by the DFO that fishery officers play a crucial role in interacting between the state bureaucracy and the fishing industry would, by itself justify our study of the amount of discretion which fishery officers hold vis a vis participants within the inshore fishery, as well as the amount of influence they have upon supervisors within the DFO. If fishery officers contribute to the making of regulatory policies, it would exhibit an amount of influence that is usually unavailable to many lower-level bureaucrats. The method that was used to investigate the impact of fishery officers upon the policy-making process will be outlined in Chapter Three.

#### The Fishery Officer Career Program

The introduction of new fishery management policies in the late 1970's has made the job of regulation a more complex task. Fishery

officers are not only enforcers of fisheries regulations, they must also act as resource managers and public relations officials, as well as perform other tasks. Licensing policy and other limited entry measures, as well as the changes in the inshore fishery only added to a complex list of tasks. Due to these factors, the DFO recognized the need to have a comprehensive training program for its fishery officers.

Prior to 1982, fishery officers were selected in the Atlantic region on the basis of the competition process used in the Canadian civil service. Sometimes these fishery officers were former fishermen who knew a great deal about the resource and regulatory problems in a particular fishing area. The DFO considered this to be problematic in the provision of a uniform approach to the regulation of the fishing industry. Moreover, prior to 1982, outside of on-the-job training, the only training received by federal fishery officers consisted of one and two week courses relating to such areas as enforcement, first aid and navigation. In order to provide a better means for the training of fishery officers, the DFO implemented the National Training Program (NTP) in 1982. The NTP is the first phase of the Fishery Officer Career Program (FOCP). Some of the objectives of the FOCP include: directing the progress of each fishery officer's career, monitoring on-the-job training and monitoring on-the-job coaches. The latter are fishery officers who help in the training of new recruits.

The NTP phase of the FOCP covers several periods of training. During the first stage of the NTP, fishery officer recruits undergo a six week training program in Ottawa. During this time period, recruits are introduced to the role of government, public relations, resource

management, habitat management and enforcement. Four to five months after this training, there is a five week program at the regional level which deals with resources management, habitat management, etc. in a more specific manner. During the balance of the fishery officer's first two years of work, he or she trains under the supervision of a fishery officer coach.

In their second year, fishery officer recruits enter a five week training program with the RCMP in Regina, Saskatchewan. This program consists of defensive driving, firearm handling, as well as training dealing with courtroom procedures and the general role of policing. In 1977, fishery officers from the Pacific region gained access to this program (Pearse, 1981:208). In 1980, the first group of Newfoundland based fishery officers were sent to train with the RCMP. All full-time and part-time fishery officers are due to take this course.

Fishery officers are the largest occupational group in the DFO and management wants to use the career training program to assess the management potential of their officers. The mobility opportunities of fishery officers is also stressed in the brochure dealing with this occupational group (1984b:5) and in the 'Fishery Officer Career Log' (1984c). The DFO advertises the program as a vehicle which sets guidelines that pertain to all regions:

This program will set guidelines for the officer's job that pertain to all regions. The aim is not to grind down all regional variations to a rigidly uniform system; rather it is to make sure that when a fishery officer moves from one part of the country to another, there will be familiar and effective operating practices in force throughout (1984c:5).

The DFO wants to draw upon the experience which officers have in different regions in recruiting officers into top management ranks (1984c:5). Consequently, the geographic mobility of personnel is considered important in developing job experiences that can be used to assess management potential. It appears that the DFO considers the FOCP (and the NIP which is a phase of that program) to be a process which monitors the activities of individuals from the time that they become fishery officers to the time that some of them become managers in the DFO.

#### CONCLUSION

Since the overall thrust of this study is to develop an understanding of the relationship of federal fishery officers to the social structure within which they do their day-to-day work, this chapter has emphasized the development of the fishery officer occupation within the context of changes in fishery policies and the inshore fishery of Newfoundland. It has been argued that developments in the Atlantic fishery in the Post-Confederation period have had an impact upon the social organization of the inshore fishery of Newfoundland, on state policies, and on the fishery officer occupation. Since these factors are interrelated, they could not be discussed in isolation from each other. It makes little sense to discuss the role of fishery officers in implementing fishery regulations without some understanding about why these regulations exist. Moreover, one cannot discuss fishery regulations without a knowledge of the fishery to which these regulations are directed. In other words, state policies, the role of

state bureaucrats and the social structure which is regulated by these bureaucrats, should be considered together. Such an analysis provides the basis for discussing the relationship between human agency and social structure, a relationship which shall be explored in the remainder of this study. Finally, the issues which have been tentatively explored in this chapter set the foundation for investigating the central empirical issues of this study, namely the relation between managerial control and worker discretion within the fishery officer occupation, and the degree to which fishery officers are able to influence the policy-making process within the DFO. The methodology which was used as the basis for investigating these issues will be discussed in Chapter Three.

## FOOTNOTES

- 1 The name of the branch responsible for fishery officers has changed several times over the past few decades. It should also be pointed out that The Department of Fisheries became the Department of Fisheries and Forestry in the late 1960's, the Department of Fisheries and the Environment in the mid-1970's, and the Department of Fisheries and Oceans in 1979.
  - 2 Contemporary fishery officers have pointed out the difficulty of controlling poaching on inland waters because sports fishermen are becoming increasingly equipped with all terrain vehicles. For more details, see Chapter Four and Chapter Five.
  - 3 The removal of lobster pots by Nova Scotia fishery officers in 1984 resulted in a conflict between fishermen and the DFO. For more details, see David and Kasden (1984).
  - 4 An otter trawl is a cone shaped net that is towed along the ocean bottom. The name is derived from the rectangular 'doors' or otter boards that are attached to cables which are between the net and the offshore trawler. The doors keep the mouth of the net open while it is being towed. (Fisheries and Oceans, 1982b:9).
  - 5 This information was provided by a senior official in the Department of Fisheries and Oceans.
  - 6 In Capital, Marx asserts that fish are a means of production. 'It appears paradoxical to assert, that uncaught fish, for instance are a means of production in the fishing industry. But hitherto no one has discovered the art of catching fish in waters that contain none (1967:181f).'
- This is based upon the assumption that both the instruments and subject of labour are means of production (1967:181). Since fish are a subject of labour, under conditions in which this resource is exploited, it becomes a means or production or property.
- 7 The assumption that individuals exist in a state of nature prior to the development of political society is a common thread running through the works of Hobbes (1962), Locke (1952) and Rousseau (1973). The individuals in this condition have no means for protecting their property. Political society becomes a means for the protection of property rights.
  - 8 A further analysis of the implications of limited entry policy for the social organization of the inshore fishery of Newfoundland, will be conducted in Chapter Seven. This analysis will link the above stated issues to Weber (1978) and Parkin's (1980) analyses of the role of social closure in the structuring of social inequality.

- 9 Unless it is otherwise cited, the information in this section was provided by officials from the Enforcement and Regulations Branch of the DFO in Ottawa and the Resource Management Branch of the DFO in St. John's.
- 10 The information on responsibility areas was collected in discussions with federal fishery officers.
- 11 See Figure 2.3.
- 12 One senior fishery officer stated that fifty-five million dollars was cut from the budget for enhancement work for 1985 (Interview No. 30).



## CHAPTER THREE

### THE THEORY OF STREET-LEVEL BUREAUCRACY AND ITS APPLICATION TO THE REGULATORY ROLE OF FEDERAL FISHERY OFFICERS

#### INTRODUCTION

Federal fishery officers are the occupational group within the DFO which is in closest contact with the participants within the fishing industry. Therefore, it is useful to inquire about the regulatory role of federal fishery officers by using a theoretical perspective which addresses the issues of the relationship of lower-level officials to the clients which they regulate. This perspective should also facilitate an inquiry about the relationship between lower-level workers and the organizations which employ them.

In this chapter, it will be argued that the street-level bureaucracy approach articulated by Prottas (1979) and Lipsky (1980) meets the above stated requirements. To be more specific, this theory discusses the problem of supervisory control, worker discretion and policy-making within street-level bureaucracies. The first section of this chapter will elaborate upon these topics, as each is discussed by the theory of street-level bureaucracy. In addition, the theory of street-level bureaucracy will be supplemented with relevant insights from the sociology of organizations.

In section one, it will be argued that supervisory control is central to organizations in general, even though the type of control may

vary in terms of the centralized or decentralized nature of the organization in question. It will be argued that organizations tend to rely upon a combination of direct and indirect forms of supervision. In addition, it will be demonstrated that the theory of street-level bureaucracy focuses upon the use of indirect controls within the decentralized organizational framework of public service bureaucracies.

Second, it will be argued that there are limits to supervisory control. This is reflected in the use of discretion by lower-level workers. The theory of street-level bureaucracy, and other organizational theories, point out that a decentralized work environment necessitates that lower-level workers have access to discretion. There will be a brief analysis of the use of discretion in the implementation of formal rules, as well as the relevance of discretion for constructing informal categories.

It will be argued that discretion is often associated with solving problems related to the implementation of policy. Nevertheless, it will be shown that supervisors attempt to harness worker discretion for organizational purposes. To the extent that they are successful in structuring the discretionary behaviour of lower-level workers, managers can be assured that discretion is congruent with, rather than a deviation from, organization goals. Indirect bureaucratic controls, such as work reports and employee training programs will be viewed as a basis for structuring worker discretion.

Third, there will be an analysis of the impact of lower-level officials upon the policy-making process. Despite the fact that the street-level bureaucracy perspective demonstrates that lower-level

officials tend to influence the policy-making process within public service bureaucracies, there tends to be a confusion between discretion and policy-making. The street-level bureaucracy perspective tends to collapse the distinction between discretion and policy-making. It will be argued that discretion and policy-making are different levels of decision-making. Policy-making is logically prior to policy-implementation, and discretion is associated with solving problems associated with policy implementation. To develop an approach to policy-making, there will be a brief review of the 'top-down' versus 'bottom up' approaches to policy-making within the literature on organizations. It will be argued that Braybrooke and Lindblom's (1970) analysis of incremental policy-making is useful for analysing the policy-making influences of lower-level officials. The strategy of disjointed incrementalism, or the process of ad hoc changes within firmly established policy guidelines, will be seen as supplementing the weaknesses in the policy-making analysis contained within the theory of street-level bureaucracy.

The fourth topic to be covered in the first section of this chapter is the development of a model which considers the 'official' and 'unofficial' boundaries of an organization. Whereas the problems of supervisory control, discretion and policy-making are analytically separate, each is integrated within the boundaries of an organization. It will be argued that supervisory control occurs within the official boundary of an organization. This includes the extent to which management attempts to, and actually does, control the behaviour of workers. The unofficial boundary of an organization consists of the

discretionary and incremental policy-making role of lower-level workers. These factors consist of the degree to which lower-level workers can escape management control, and in turn, actually influence management. The unofficial boundary of an organization may be conceptualized as conflicting with the official boundary (e.g. class conflict) or as being an adjunct to that boundary (e.g. the use of unofficial procedures to implement official goals). In either case, though there is a relationship between the official and unofficial boundaries of an organization, this is a tenuous and dynamic relationship rather than a stable and permanent one.

Finally, on the basis of the theory of street-level bureaucracy, and relevant insights from the rest of the literature on organizations which deals with lower-level workers, three empirical propositions will be developed to analyse the regulatory role of federal fishery officers. These propositions will deal with the problems of supervisory control, worker discretion and policy-making. It will be argued that if the literature on lower-level workers is true, then federal fishery officers, as street-level bureaucrats, should be subject to indirect supervisory control and have access to discretion and have a limited impact upon the policy-making process within the DFO.

The second section of this chapter is an application of the theory of street-level bureaucracy to the regulatory role of federal fishery officers. It will be demonstrated that the official job categories within the DFO's 'Fishery Officer Career Log' (1984c) provide a basis for analysing the processes of control, discretion and policy-making, as these relate to federal fishery officers.

The third, and final section of this chapter, is a discussion of the research methodology used in this study. Attention will be given to the problems associated with sampling design, as well as gaining access to respondents in the field.

## THE STREET-LEVEL BUREAUCRACY PERSPECTIVE

### The Issue of Supervisory Control

From the outset the issue of control has been central to the sociology of organizations. Writers commenting from non-Marxist and Marxist perspectives have discussed the managerial problem of getting the front-line worker to implement organizational goals.<sup>1</sup> The problem of control can be related to a plethora of factors ranging from the geographical dispersion of the work place to the degree of bureaucratic and technological control within an organization. However, prior to discussing the control problems that are specific to street-level bureaucracies, it would be useful to analyse the issues of control which are discussed in the sociological literature on organizations. Once this has been done, it will be argued that street-level bureaucracies are atypical of organizations in that lower-level workers in these bureaucracies are relatively free from bureaucratic and technological controls.

In order to analyse the use of controls within organizations, it would be useful to focus upon the various types of organizations associated with capitalist societies and the types of controls associated with each organizational type. Figure 3.1 is a typology of

Figure 3.1

The Relationship Between Organizational  
Centralization and Organizational Type

Type of Organization<sup>2</sup>

Degree of Centralization	Commodity Producing	Service Producing
Centralized	Automated Factory	Automated Office
Decentralized	Underground Mine	Police Force

organizations. Within this typology organizations are analysed along two dimensions.

The horizontal dimension in Figure 3.1 differentiates among organizations in terms of the type of goods which are being produced. In general terms, organizations either engage in the production of commodities for market exchange or distribute services in a non-market arrangement. Commodity-producing bureaucracies may be either private or public, whereas the distribution of services in a non-market arrangement tends to be associated with public service bureaucracies.

The vertical dimension considers organizations in terms of their degree of centralization. A centralized organization may be defined as one in which there is a high level of managerial control over worker behaviour. This may be facilitated by factors such as the physical proximity of the subunits of an organization, the use of technology and formal bureaucratic rules which defines job roles and responsibilities. Moreover, these factors facilitate close supervision (cf. Edwards, 1979). A decentralized organization may be defined as one in which there is a low-level of managerial control over worker behaviour. This may be due to factors such as the geographical isolation of the subunits of an organization, the limited effect of formal bureaucratic rules and the lack of sophisticated technology (cf. Gouldner, 1954; Clement, 1981; Prottas, 1979; Lipsky, 1981).

Within this typology, there are four types of bureaucracies which will be considered below. First, attention will be given to centralized commodity-producing organizations such as automated factories. Next, there will be an analysis of centralized service organizations such as automated offices. Third, consideration will be given to decentralized commodity producing organizations such as underground mines. Finally, the discussion will turn to a consideration of the mechanisms of control associated with decentralized service or street-level bureaucracies.

Non-Marxist (Blau and Scott, 1962; Crozier, 1964; Blauner, 1967; Miller and Form, 1964; Scott, 1967) and Marxist (Marx, 1967; Braverman, 1974; Edwards, 1979) accounts of industrial organizations have focused upon the technological and bureaucratic controls associated with

commodity producing establishments. In Capital (1967), Marx argued that the level of control in industrial establishments became centralized during the transition from manufacture to modern industry. Under manufacture, control was problematic because skilled handicraftsmen had possession of the knowledge necessary for production and could use this to control the shop floor (1967:341). In his study of the Hamilton working class, Palmer, borrowing from Marx, argued that skilled workers had some power in controlling the shop floor. They had an impact upon controlling the number of apprentices who were hired as well as the delegation of job responsibilities (1979:75). Braverman argued that the control which workers had over the shop floor inhibited the ability of management to fully control the labour process (1974:58). During the transition from manufacture to modern industry, technological and bureaucratic devices are introduced which assist management in gaining greater control over the work place.<sup>3</sup>

In terms of technology, the introduction of the assembly line resulted in the deskilling of labour and gave management greater control over the labour process (cf. Blau and Scott, 1962:180). According to Marx, technology helps to solve some of the problems associated with control by making the worker 'an appendage of the machine' (1967:386). Machine-based production replaces the skills of workers and the capitalist is in a position to undermine the resistance that male operators exercised during the period of manufacture (1967:402). Whereas during the period of manufacture, the pace of work was directed by workers, under modern industry mechanization established the pace at which workers are forced to labour (Edwards, 1979:118). The assembly



line had the effect of keeping workers at a specific place and, therefore, curtailed their movement on the shop floor (1979:122).

In addition to technological control, modern industry has become associated with bureaucratic control as a means for disciplining workers. Bureaucratic controls have the effect of undermining workers' control over the shop floor and placing this control into the hands of management (Braverman, 1974:90; Edwards, 1979:98). Knowledge of the production process, as well as control over hiring and firing became associated with management during the development of the office staff. The use of formal job categories enabled management to dictate which occupations performed certain tasks. This facilitated the measurement of job performance and contributed to the supervisory role. In addition, bureaucratic controls became applied to everyone in the hierarchy of the firm (Edwards, 1979:139). These controls entailed greater predictability of workers' behaviour. As Edwards points out:

Bureaucratic control made workers' behaviour more predictable and predictability brought with it greater control for the corporation (1979:146).

Bureaucratic controls replaced the arbitrary power of foremen in the hiring and firing of workers. This discretionary power of foremen was such that the managers of a firm could never be sure if it was exercised in the interests of the firm. Therefore, the personnel staff was developed and made closely attached to management (cf. Melling, 1981:260). Hiring and firing of workers became a managerial rather than a foreman's prerogative. According to Miller and Form:

...The growth of the staff was inevitable, given the evolution of industry to higher forms of technology and greater degrees of complexity. The typical foreman was not equipped to cope adequately with specialized problems of control and engineering (1967:349).

According to Edwards, bureaucratic controls ensured that foremen supervised workers in a way which was beneficial to the firm.

...They could no longer supervise workers according to their own idiosyncratic needs or desires or ideas of how to get things done, instead company policy in the form of rules, procedures and expectations stood as the guide (1979:142).

Therefore, technological and bureaucratic controls facilitated the centralization of control within many commodity producing establishments. Technology had the impact of establishing the pace at which workers laboured. Bureaucratic controls had the impact of establishing the requirements for each occupation and reducing the arbitrary power of foremen. Both types of control resulted in wresting control away from the hands of workers and centralizing it into the hands of management.

The centralization of control has also become associated with some service bureaucracies (as well as the offices in commodity producing bureaucracies). Technological and bureaucratic controls have had the impact of reproducing conditions in the office that have occurred on the shop floor. Braverman argued that in the post-WWII period, 'white collar' work has increasingly become subject to automation.

As in the factory, the machine-pacing of work becomes increasingly available to office management as a weapon of control. The reduction of office information into standardized 'bits' and the processing by computer systems and other office equipment provides management

with an automatic accounting of the size of the workload and the amount done by each operator, section or division (1974:333-334).

The contemporary proliferation of computers in the office is a good example of how office work has become automated. For example, in an organization which provides passenger service for the handicapped, the office staff consists of telephone operators who are also data-entry clerks. These individuals take appointments for passenger rides and place these appointments directly into the computer terminal. The high demand for this service, which is the only one of its kind in a particular region, entails that the data-entry operators are tied to the computer terminal for the vast majority of each working day. This technology has the impact of centralizing management control over the office. Office workers are not free to roam around the office, on the contrary, they are tied to their desks (cf. Carchedi, 1977:193-195).

In addition to technological control, office workers are subject to bureaucratic controls. Each office position has formal rules and procedures attached to it which facilitates the ability of management to measure worker performance. For example, data-entry operators may have a quota placed upon them for the amount of entries which must be processed each working day (The Globe and Mail, November 17, 1986). This measure may serve as much as a measure of control as it is a measure of efficiency. In addition to the use of quotas, formal rules are being used to restructure supervisory control in the office. According to Braverman, the 'social office' has become replaced by an administrative office.

...The secretarial function is replaced by an integrated system which aims at centralized management, the breakdown of secretarial jobs into detail operations subdivided among production workers, and the number of secretarial workers to one-half... Among the subsidiary benefits management expects to derive from this arrangement is the reduction and thus cheapening of the skills of administrative employees, and, not the least, the squeezing out of the minutes and hours of labour power lost in the personal relations of contacts among secretaries...(1974:346-347).

Bureaucratic and technological means are used to centralize control in the office, inasmuch as these means are used to centralize control in the factory. These controls rationalize the labour process and enhance managerial control at the expense of worker autonomy.

In contrast to centralized work places, decentralized work places are characterized by the absence of direct bureaucratic and technological controls. This is associated with a lower-level of managerial control than in centralized work places and hence a greater degree of worker control over the labour process. Underground mining operations are a good example of commodity-producing organizations (or aspects of an organization) characterized by decentralized control (Gouldner, 1954b; Clement, 1981). Gouldner, in his study of industrial relations at a gypsum establishment concluded that bureaucratic and technological control was more fully established in the factory than in the underground mining operation (1954b:17). This was because of the fact that the social and physical conditions in the mine differed from those on the surface. Mining work was more hazardous than factory work and mining foremen had a greater tolerance for absenteeism in the mines than factory foremen had for their subordinates. Moreover, there was an informal rather than a formal bureaucratic arrangement in the mine.

Mine workers were in constant communication with each other and cooperated with each other in determining the pace of work (1954b:142-143). Control was decentralized and exercised by workers, rather than centralized and exercised by management. Gouldner's comparison of mine and factory workers reflects that point.

Since they themselves determined the speed at which they worked, the rest pauses they would take and the strategy they would take, and the strategy of digging the gyp out and propping the roof, the miners were in more constant communication with each other... On the surface though and especially in the board plant, the workers went through their routine at a rate determined by machines which in turn was set by the plant superintendent without the men's participation (1954b:153).

In his study of the mining operations at INCO in Sudbury, Clement (1981) reiterates some of Gouldner's themes. Prior to the mechanization and centralization of the mines, a great deal of control was exercised by foremen and their subordinates (1981:156-157). The concentration of mining in small and isolated production areas limited the ability of management to control mine work. This is reflected in the views of a Sudbury miner. He argues that the absence of close supervision is replaced by indirect supervision.

No matter what you are doing, there's very little supervision. Why you look at the mine in total perspective; how can one man be in all those different places?... What takes the place of supervision is that if you don't get the job done here, they know. You have to report in each night... There's that kind of check. It's not direct supervision (1981:160).

Nevertheless, Clement argues that mechanization helps to facilitate greater control over the labour process in the mines. Mechanization enables supervision to become more direct due to the establishment of fewer production areas. In addition, mechanization has

resulted in the splitting of job tasks (1981:160). Workers gradually lose control over the labour process due to the deskilling of labour.

Management now has more direct control over the work process, workers themselves are being ordered in a hierarchical structure, and there is a clear tendency toward the loss of craftsmanship in the art of mining (1981:161).

Mechanization and the splitting of job tasks result in the bureaucratization of the mines and the further (or real) subordination of labour to capital. This should not detract from the fact that the role of technology and formal bureaucratic arrangements has occurred at a much later date in the mines than it has in factories. In other words, decentralized control has persisted longer in mining establishments due to the existence of multiple and isolated mining sites that were not amenable to direct supervision.

Whereas bureaucratic and technological control has facilitated greater managerial control over even the most decentralized commodity producing establishments, these factors are not as powerful within decentralized service organizations or street-level bureaucracies. The argument to be advanced here is that street-level bureaucracies, in contrast to other types of organizations, are characterized by the absence of direct bureaucratic and technological controls. Instead, street-level bureaucracies are decentralized organizations subject to indirect bureaucratic and technological controls. For these reasons, street-level bureaucracies are relatively difficult to centralize. Consequently, management is always in a struggle to wrest control away from the hands of workers.

A street-level bureaucracy may be defined as a public organization which processes a segment(s) of the population, in terms of the provision of a 'legitimate' service and/or in terms of the enforcement of bureaucratic rules. Street-level bureaucracies include the police, welfare agencies, public housing agencies and resource management agencies dealing with the forestry, fishery and public recreational areas, such as national parks. The lower-level officials or street-level bureaucrats (SLBs) associated with these agencies tend to work in a highly unsupervised environment. This is usually associated with the fact that street-level bureaucracies often deal with clients over a wide geographical space. For example, the police force regulates a specific urban or rural region, that results in the dispersion of police officers, and hence their relative isolation from managerial control. The same is true for social welfare and public housing agencies (cf. Prottas, 1979:45). In referring to decentralized agencies, Blau and Scott argue that:

...physical distance decreases the degree of managerial control over subordinates and hence increases the latter's autonomy. For it reduces the opportunities for checking on the performance of subordinates, just as a wider span of control does, and it is the actual frequency of supervisory reviews rather than the official definition of the level of responsibility that governs the amount of discretion that subordinates can and, indeed, must exercise (1962:17).

Even though discretion will be discussed in more detail later, it is useful to indicate here that the lack of supervisory control in decentralized organizations increases the ability of lower-level workers to control their labour, which in turn, implies the use of discretion. Nevertheless, Lipsky (1980) adds that street-level bureaucracies are

aware of the relative autonomy which SLBs have from organizational authority, and employ indirect controls to regulate their behaviour. Since they don't engage in commodity production, street-level bureaucracies usually cannot have their output measured on a balance sheet (Lipsky, 1980:48-49). Case loads, arrest rates, home visits and worker-client ratios are measures of work activity to account for the lack of direct supervision (1980:52). These measures are an indirect form of supervision and are used to make workers accountable for their actions. For example, the use of quotas is common in the police force. This enables higher officials to have some measure of the degree to which officers 'on the beat' are actually doing their work. However, the use of quotas and the writing of regular reports are a problematic measure of supervision because SLBs are the primary source of information (1980:162). Consequently, bureaucratic controls which are not associated with close supervision have a limited degree of effectiveness. Lipsky points out that bureaucratic accountability is enhanced if agencies have clear-cut goals concerning worker behaviour, know how to measure this behaviour, compare workers to one another and uses incentives and sanctions (1980:161).<sup>4</sup>

The United States Forest Service is an example of a street-level bureaucracy which has successfully used indirect controls (Kaufman, 1960). Kaufman discovered that procedures were put into place to check the day-to-day activities of forest rangers. Forest rangers were required to keep diaries throughout the year and had to show to the nearest half-hour how each day was spent. Kaufman adds that if these forest rangers diverged from the policies of the forest service, it may



be missed by supervisors who review regular reports, but such divergences would not be missed when the diaries of forest rangers are analysed (1960:130-131). In addition, each level of the forest service inspects lower-levels within the service. These inspections involve a consideration of fiscal operations, as well as the day-to-day operations of the various branches within the forest service (1960:140-142). In Chapter Four, it will be argued that the DFO, like other street-level bureaucracies, employs the use of quotas and work reports to regulate the day-to-day activities of its fishery officers. This is because the DFO is a decentralized organization which is not conducive to direct supervision.

Whereas bureaucratic control assumes an indirect form in street-level bureaucracies, technological control is virtually absent. According to Lipsky, SLBs deal with situations which call for human judgement '...and for which machines cannot substitute' (1980:161). Moreover, the geographical dispersion of the subunits of a street-level bureaucracy means that available technology for controlling SLBs is in the form of two-way radios. This is more common in enforcement units than it is in other types of street-level bureaucracies. The supervisor may be in a position to instruct an SLB of what he or she should do in a certain situation, but the supervisor is not in a position to directly supervise the SLBs' conduct. Technological control such as the use of two-way radios is similar to bureaucratic control in that it assumes an indirect form. Street-level bureaucracies have the peculiar characteristic that bureaucratic and technological controls do not necessarily undermine the influence which SLBs have over their labour.

These controls are limited in the extent to which managers in a street-level bureaucracy can use such criteria to centralize an essentially decentralized work environment. It is this factor which distinguishes street-level bureaucracies from other types of organizations. In Chapter Four, it will be argued that the absence of an adequate communications system undermines not only the ability of supervisors to regulate the work of fishery officers, it also affects the ability of fishery officers to control their clients (mainly recreational fishermen). This limits any effective coordination among the DFO's organizational subunits.

Figure 3.2 is a typology which builds on the model depicted in Figure 3.1. Once again, the vertical dimension consists of the degree of centralization within different types of organizations and the horizontal dimension focuses upon commodity and service organizations.

What distinguishes street-level bureaucracies from other types of bureaucracies is the degree to which bureaucratic and technological control assumes an indirect form. The rationalization of the other three types of bureaucracies has been accompanied by a direct form of bureaucratic and technological control. What this indicates is that the level of control in street-level bureaucracies is limited to a greater degree than it is in other types of organizations. The labour process in such bureaucracies is still highly controlled by lower-level workers. This brings us to the problem of the discretionary role of SLBs.

Figure 3.2

The Relationship Between Centralization,  
Organizational Type and the Degree of  
Bureaucratic and Technological Control

Degree of Centralization	Type of Organization	
	Commodity Producing	Service Producing
Centralized	1. Factory  Bureaucratic Control: Direct Technological Control: Direct	2. Office  Bureaucratic Control: Direct Technological Control: Direct
Decentralized	3. Underground Mine  Bureaucratic Control: Becoming Direct Technological Control: Becoming Direct	4. Street-Level Bureaucracy  Bureaucratic Control: Indirect Technological Control: Indirect

### The Limits to Control 1: Discretion

According to Prottas (1979) and Lipsky (1980), the discretionary power of SLBs rests with the structural position they occupy between a bureaucracy and the bureaucracy's social structural environment.

Prottas argues that:

...the bureaucracy and its non-street-level employees have access to internal facts: rules, categories and procedures. The clients have access to external information: facts about themselves and their demands, only the street-level bureaucrat has routine access to both (Prottas, 1979:87).

Due to their location in the social structure, SLBs can be described as playing a 'boundary spanning role'. SLBs control clients by virtue of their access to information coming from the bureaucracy. On the other hand, SLBs can influence the bureaucracy by controlling information coming from clients (Prottas, 1979:86-88). Prior to elaborating upon the discretionary role of SLBs, it would be useful to comment upon the use of discretion in commodity producing bureaucracies.

Gouldner (1954a; 1954b), Miller and Form (1964), Blauner (1967); Scott (1967), Braverman (1974) and Edwards (1979) have argued that at a certain stage of industrial development, foremen and lower-level workers exercised considerable discretion. In his studies of industrial relations at a gypsum plant, Gouldner (1954a; 1954b), discovered that prior to bureaucratization a considerable amount of discretion was exercised by the plant supervisor. He referred to this as the 'indulgency pattern'. It consisted of managerial compliance to workers' role preferences rather than to their role prescriptions (1954a:22). In other words, leniency was used in situations such as allowing workers to

participate in job shifting, the bidding for new jobs and to check out early from work in some situations (1954b:19). The discretion of workers was enlarged because the 'indulgency pattern' decreased the amount of time they were subject to direct supervision (1954b:55). The introduction of a new plant manager resulted in the demise of the 'indulgency pattern' and the bureaucratization of the work place. Formal rules replaced informal social relations and rigid categories replaced the possibility of job shifting (1954b:63).

The literature on foremen also provides examples of how discretion was eventually curtailed by bureaucratization. Whereas the SLB is caught between the demands of clients and supervisors, foremen are caught between the demands of workers and management. Miller and Form argue that 'management and worker ideologies whipsaw the foreman' (1964:212).

The foreman like any worker in the structure does not want to win the disapproval of his boss openly by violating norms of efficient economic behaviour. Yet he must deal with workers as people. He must meet situations which clear economic thinking cannot predict (1964:212).

The foreman must use discretion in his/her relation with workers, in order to implement managerial goals. The foreman is in a marginal position in the sense that he/she is the only one in the supervisory structure who directly deals with management and workers (1964:211). Foremen are exposed to managerial and worker ideologies, but the structural position of their job militates against directly participating in either ideology. On the one hand, foremen present

managerial goals to workers, on the other hand they must present workers' views to management (1964:213).

Even though their contradictory position between labour and management (cf. Wright, 1980), necessitates that foremen use discretion, some of their other discretionary activities have become bureaucratized. It has been pointed out that the discretionary power, which foremen had in the hiring, firing and disciplining of workers, has been removed from the shop floor and become situated in personnel offices developed by management (Scott, 1967:194; Melling, 1981:260). Edwards points out that the discretionary role of foremen is undermined by bureaucratic control.

The foreman's role in the production process became one of merely enforcing a prestructured flow of work activities. Rather than being exercised openly by the foreman or supervisor, power was made invisible in the structure of work (1979:110 - Edwards' emphasis).

Whereas foremen have become subject to bureaucratic and technological control (one exception is the construction industry (Melling, 1981:263)), the use of indirect bureaucratic control has meant that SLBs still have access to a wide degree of discretion in the processing of clients. An analysis of the discretionary role of SLBs, in their relation to their clients, must include an analysis of whether these clients are processed in terms of formal bureaucratic categories or through informal processes developed and utilized by SLBs in their day-to-day work. It must also include the impact of 'work resources' upon the processing of clients. Due to the pervasiveness of rational-legal bureaucracy, most individuals in contemporary society eventually come into contact with SLBs. When we are applying for unemployment

insurance, health care benefits, or citizenship in a country, we are engaging ourselves as 'clients' of a bureaucracy. As Danet and Katz (1973:17) have pointed out, the interaction between a client and a bureaucracy may be either voluntary (e.g. applying for citizenship) or mandatory (being ticketed for speeding). What makes an individual a client in either case is the fact that a segment of his/her life is being processed on behalf of a bureaucracy by a SLB. SLBs function so as to help their bureaucracy determine the future course of events in a particular segment of an individual's life. How SLBs use formal and informal categories in the processing of clients will be briefly outlined below.

By using discretion in the implementation of formal categories, SLBs are in a position to determine whether clients are in a position to receive the goods and services provided by their bureaucracy. Prottas (1979) and Lipsky (1980) considered the activities of the Boston Housing Authority, in their consideration of how discretion may be used in the implementation of formal categories. In the late 1960's, the Boston Housing Authority (BHA) instituted a 1-2-3 rule so that prospective tenants would only be housed in areas with the three highest vacancy rates. This was instituted to ensure that public housing with high vacancy rates would be filled. However, high vacancy areas included dilapidated dwellings (Lipsky, 1980:21). The BHA also included an 'emergency status' which public housing officials could use to categorize clients who did not fit into the 1-2-3 placement scheme. Prottas states that in 1969-70, 49.7 percent of all applicants were housed as exceptional assignments (1979:48). Lipsky points out that

public housing officials exercised discretion by deciding which clients should receive certain types of housing information. These officials used their discretion to teach elderly applicants how to apply for emergency status. This facilitated the ability of the elderly to attain public housing. Public housing officials made use of their discretion to positively affect the ability of the elderly by ensuring that they fell within the high priority 'exceptional status' category used by the BHA (1980:64). In this way public housing officials used their discretion in applying formal categories toward a client population. Prottas argues that by using their discretion, public housing officials were able to circumvent the 1-2-3 system which the BHA had originally instituted to control how they placed tenants. He adds that:

...the rise of exceptional assignments stopped the accumulation of vacancies in the 'good projects' and the extraordinary turnover rates in the 'bad projects' maintained their high vacancy rates (1979:48).

The ability of BHA housing officials to circumvent the 1-2-3 system is a good example of how the use of bureaucratic controls can be ineffective in controlling the behaviour of SLBs. These controls do not reduce worker discretion. On the contrary, the very fact that the 'exceptional status' category had to be used to allow for special cases enabled public housing officials to maintain their discretion. Moreover, they used this discretion to meet client needs at the expense of organizational imperatives. Prottas argues that worker discretion in public housing is enhanced by the fact that the mandate of such organizations is implemented over a large area.



In public housing authorities the problem of effective observation of subordinate behaviour is acute. The work places of the managers and housing projects are distant and a visit from the central office is an occasion that changes the behaviour to be observed (1979:45).

In sum, the discretion of public housing officials is enhanced by their relative autonomy from organizational authority, as well as their direct access to public housing and client information. Public housing officials have a 'boundary spanning role' which is not easily bureaucratized. In Chapter Five, it will be argued that federal fishery officers use discretion in the application of formal categories towards their major client groups. However, this discretion tends to be congruent with, rather than a deviation from, the resource management mandate of the DFO.

In addition to using discretion in the application of formal categories towards a client population, SLBs may use informal categories as a substitute, or adjunct, to formal ones. For example, police officers may use their street-level experience to differentiate between 'lawful' and 'unlawful' clients. Cicourel (1974) and Werthman and Pilvian (1980) have analysed how the labelling of 'juvenile delinquents' is essentially an informal process that is socially constructed during police work. Cicourel argues that juvenile officers use their stock of knowledge, gained through previous social interaction with juvenile delinquents as a basis for dealing with juvenile suspects (1974:88). In commenting on the discretionary role of juvenile officers, Werthman and Pilvian argue that:

...if an officer decides he is dealing with a boy who is 'guilty but essentially good' or 'guilty but sometimes weak' the probability is high that he will let the boy go with a warning about the consequences of committing this crime again (1980:162).

They go on to add that informal rather than formal criteria play a heavier role in the categorization of young offenders. Once again this involves the use of discretion.

...The transformation of young people into official 'delinquents' is best looked at as an organizational rather than a legal process since policemen, probation officers and juvenile court judges often base their dispositions on a host of criteria that are virtually unrelated to the nature of the specific offence (1980:163).

The use of informal categories in the processing of clients was not readily apparent in the consideration of the discretionary role of federal fishery officers. However, on the basis of field work conducted for this study, it became apparent that in some cases fishery officers make use of some informal categories to accompany formal ones. In Chapter Five, it will be demonstrated that fishery officers follow rules and regulations to determine poaching, but they distinguish between different degrees of poaching and different types of poachers. The fishery officer's use of informal categories such as 'informal tourist poacher' and 'the experienced unemployed local poacher' may determine whether the fishery officer will use discretion or process a poacher according to the rules and regulations of the DFO.

The discretionary role of SLBs is also affected by the fact that street-level bureaucracies tend to provide fewer resources, than necessary, for SLBs to do their jobs (Lipsky, 1980:29). Scarce resources revolve around time, manpower and material resources. These

resources become scarce with the increase in the area to be covered and clients which have to be processed by SLBs. The intake worker in a public welfare agency may have to process welfare recipients and place them within certain categories during a short working period. This may be done without access to enough information about the clients they process. SLBs may be forced to use their discretion to initially determine which categories welfare recipients fall under (cf. Prottas, 1979:17-43). SLBs may also be faced with a shortage of material resources. Forest rangers, fishery officers and police officers are examples of SLBs who depend upon physical resources such as access to certain types of vehicles and equipment. These SLBs may have to process clients over a wide geographical area. For example, forest rangers have to regulate a fairly elusive clientele such as independent woodcutters. The size of the area which the forest ranger has to regulate, coupled with his/her other duties may cut into the time which is available for properly regulating a particular forest area. Leman points out that wildlife biologists with the Ontario Ministry of Natural Resources are each responsible for an estimated 9,096 square miles of territory and conservation officers each have to enforce hunting and fishing laws over 2,000 square miles (1981:15). Therefore, the relative autonomy from organizational authority in decentralized organizations may enhance worker discretion, but decentralized organizations also present their workers with a large geographical area to cover. Consequently, time and manpower become factors in the processing of clients. Whereas discretion is an enabling feature for workers in decentralized organizations such as street-level bureaucracies, this discretion is

often associated with scarce work resources which can act as constraints. Discretion within the context of scarce work resources is a good example of what Giddens refers to as the interplay between the enabling and constraining features of a social structure (1979:69-70). In Chapter Five it will be argued that the lack of resources such as manpower and proper equipment has implications for the discretionary role of fishery officers, particularly in the lobster and recreational salmon fisheries.

Despite the fact that the decentralized structure of street-level bureaucracies contributes to the discretionary role of SLBs, indirect bureaucratic controls are used to monitor discretionary as well as routine behaviour. According to Lipsky, supervisors are interested in either curtailing the discretion of SLBs, or ensuring that they use this discretion to implement organizational goals (1980:9, 25). Supervisors can attempt to control discretion by ensuring that workers record their discretionary activity in regular reports. Therefore, since discretion is not undermined or completely structured by indirect supervision, it may be crucial for supervisors to ensure that workers are socialized to identify with organizational goals (cf. Van Maanen, 1975). Socializing a worker to accept an organization's ideology may be seen as one means for ensuring that worker discretion is used in such a way as to implement organizational goals. In addition, supervisors can make use of the rewards and sanctions available to them to increase the congruence between a worker's behaviour and the policy objectives of a particular organization (Lipsky, 1980:160). Stinchcombe argues that the ideological structuring of possible upward mobility opportunities is

another means whereby organizations can attach workers to organizational goals (1975:179). In Chapter Five, it will be argued that the DFO attempts to control the discretionary power of its fishery officers through the use of work reports (i.e. indirect controls) and training programs (i.e. socialization). It will be demonstrated that the enforcement training program with the R.C.M.P., is viewed by many fishery officers, as being beneficial to their enforcement and public relations activities associated with the use of discretion.

In sum, street-level bureaucracies are decentralized organizations staffed by lower-level officials who have access to discretion. This discretion cannot be completely structured by indirect controls, therefore, SLBs exercise a great deal of control over their day-to-day work. Nevertheless, street-level bureaucracies attempt to use indirect forms of supervision and socialization techniques to ensure that SLBs use their discretion to implement organizational goals. In this way, discretion as part of the 'unofficial boundary' of an organization is attached to the official boundary or supervisory goals and controls which exist within a street-level bureaucracy. The articulation of the official and unofficial boundaries of an organization will be elaborated upon at a later point. First, it is necessary to discuss a second limitation to official control, namely; the impact of lower-level workers upon the policy-making process within street-level bureaucracies.

## The Limits to Control II: Policy-Making

The policy-making process is often viewed as a 'top-down' procedure within formal organizations. Formal organizations are hierarchical structures and organizational policy is formulated at higher levels and implemented at lower-levels. In referring to the impact of lower-level workers upon the policy-making process, Crozier (1964) and Miller and Form (1964) argue that initiative does not exist at lower-levels within organizations. Crozier states that lower-level workers may request changes, but they cannot influence policy due to their position within the structure of an organization (1964:189). For Crozier, initiative only occurs at the top of an organization and elites must compete for this right to initiate new policies (1964:201). In referring to the role of foremen, Miller and Form argue that these individuals do not participate in policy-making. Their orientation is toward workers and their problems and not toward organizational policy (1964:206). Perhaps the most famous declaration of the subordination of lower-level workers to policy directives is found in Weber's conception of bureaucracy. According to Weber:

The official is entrusted with specialized tasks and normally the mechanism cannot be put into motion or stopped by him, but only from the top. The individual bureaucrat is, above all, forged to the common interest of all the functionaries in perpetuation of the apparatus and persistence of its rationally organized domination (1978:988).

However, as Gouldner points out, Weber presents the reader with a Janus-faced account of bureaucracy. On the one hand he refers to the complete subordination of the bureaucrat to organizational discipline, yet he also refers to the bureaucrat's access to expert knowledge (1954b:22).

In the former instance the bureaucrat is subject to the official directives within an organization, whereas in the latter case the bureaucrat is arguably in a position to influence these official directives. This latter point appears in Weber's study of the relationship between politics and bureaucracy in post-WW I Germany. Weber argues that bureaucrats are experts who are faced with political dilettantes. Bureaucrats, since they have access to expert knowledge, can control the governmental machinery and undermine the effectiveness of parliament. For Weber, policy-making is a technical affair that should not be the business of civil servants (1978:1419). He notes that lower-level bureaucrats can have an impact upon the policy-making process.

...The bureaucrat has official information which is only available through administrative channels and which provides him with the facts on which he can base his actions... While lower ranks of the bureaucratic hierarchy are supervised and criticized by the higher echelons, all controls whether technical or political, over these echelons have failed completely (1978:1418).

Street-level bureaucracy theorists recognize that lower-level officials have access to knowledge which enables them to influence the policy-making process. This approach provides a 'bottom-up' conception of policy-making which recognizes that all policies are not formulated within the official boundary of an organization. On the contrary, some aspects of policy-making are often the result of actions occurring within the 'unofficial boundary' of an organization. Lipsky argues that the policy-making role of SLBs is based upon two facets of their position: their relative autonomy from organizational authority, and secondly; their high degree of discretion (1980:13). What is implicit

here is that the 'boundary spanning role' of SLBs provides them with access to specific information that is crucial to the policy-making process. Lipsky adds that:

...the fact that bureaucracies develop routines and simplifications is hardly cause for comment in itself. However, the structure of these routines and simplifications, and the structuring of the context in which they take place, are worth considerable discussion. Where policy consists of the accretion of many low-level decisions, the routines and categories developed for processing those decisions effectively determine policy within the parameters established by authorities. In this sense...street-level bureaucrats make policy (1980:83-84).

Lipsky is implying that SLBs make minor policy changes within firmly established policy guidelines. However, his analysis does not go beyond this point. In fact, at times Lipsky seems to collapse the distinction between discretion and policy-making (1980:13). If one wishes to analyse the impact of lower-level bureaucrats upon the policy-making, it is necessary to make an explicit distinction between discretion and policy-making. Policy-making is logically prior to discretion.<sup>5</sup> Discretion relates to problems associated with policy implementation, whereas policy-making is associated with finding solutions to these problems in order to facilitate the future course of policy implementation. Therefore, policy-making is a higher-level of decision-making than discretion.

Even though the street-level bureaucracy perspective recognizes the policy-making role of lower-level bureaucrats, it does not provide the analytical tools for inquiring about this role. Braybrooke and Lindblom (1970) have developed an approach to policy-making which can be used to facilitate our understanding of how lower-level bureaucrats



contribute to policy-making. They recognize that policy-making decisions per se are influenced by social structural factors.

Braybrooke and Lindblom argue that one:

...can distinguish very roughly between changes in a pattern of behaviour or policies that are limited by their containment within another 'larger' pattern of behaviour or policies and changes in the larger 'pattern' that are held in turn by variations within another still larger fixed pattern (1970:65).

Braybrooke and Lindblom develop two continuums to analyse the policy-making process. The first continuum is the level of social change occasioned by policy-making. Policy-making can facilitate either incremental or large-scale social changes. Incremental changes are 'ad hoc', or small-scale, changes within firmly established policy guidelines. Large scale changes, however, as the term implies, result in the changes in the political and social structure of a society. The second continuum associated with policy-making is the level of understanding. High-level understanding of a policy problem may result in large-scale changes whereas a low-level of understanding of a policy problem results in small changes (1970:65-70).

Figure 3.3 is a typology developed by Braybrooke and Lindblom for the purpose of understanding the policy-making process. The horizontal continuum considers policies in terms of their impact upon social change (i.e. incremental or large-scale change), and the vertical continuum considers policy changes in terms of the level of understanding. The four quadrants in the model represent the outcome of policy-making on the basis of the various relationships between understanding and social change.

Figure 3.3

The Relationship Between the Level of Understanding and the Level of Social Change Within the Policy-Making Process

	High Understanding		
Incremental Change	1 Administrative and Technical Decision Making Analytical Method: Synoptic	2 Revolutionary and Utopian Decision Making Analytical Method: None	Large Scale Change
	3 Incremental Politics Analytical Method: Disjointed Incrementalism	4 Wars, Crises, Revolutions Analytical Method: Not formalized or well understood	
	Low Understanding		

Source: David Braybrooke and Charles Lindblom, A Strategy of Decision: Policy Evaluation as a Social Process (New York: The Free Press, 1970), p. 78.

The second and fourth quadrants deal with large-scale changes. Revolutionary and utopian decision-making (quadrant two) involve a high level of understanding, but it is not present in reality. This type of decision-making is characteristic of The Republic, by Plato. The fourth quadrant involves large-scale changes associated with a low-level of understanding. For example, revolutions are large-scale changes, but the policy outcomes associated with revolutions are problematic and present revolutionary governments with problems of internal political stability.

However, since our concern is with formal organizations, the types of policies associated with the first and third quadrants are relevant to this study. The first quadrant is associated with incremental changes which are made on the basis of a high-level of understanding. Braybrooke and Lindblom argue that within the machinery of government this is rare. However, in terms of the hierarchy of social change and understanding, the incremental changes in quadrant one occur at a higher level than those in quadrant four. The analytical method is synoptic or rational in some forms of administrative and technical decision-making (quadrant one). This involves a comprehensive understanding of what is required to make a policy change (1970:69-70). Within the context of current political problems, the restructuring of the rate on the Crow's Nest Pass would be a high level of incremental change associated with an ostensibly large degree of understanding. However, most policy-making problems are associated with incremental changes characterized by a low-level of understanding. For Braybrooke and Lindblom, incremental politics is the type of decision-making

characteristic of everyday political life. Incremental politics consists of a series of small-scale changes used to solve a given problem. Moreover, these changes are based upon the possible outcome of a specific policy decision (1970:7, 73). What is implicit here is that even though incremental politics may be associated with a low-level of understanding of large-scale social change, it is characterized by a higher-level of understanding of small-scale social change. For example, the change which the Boston Housing Authority used to structure the placement of public housing clients (i.e. the 1-2-3- system described above) may be viewed as incremental policy changes. These changes did not comprehensively alter housing policy in terms of providing access to clients (see Prottas, 1979; Lipsky, 1981).

Whereas incremental changes associated with a higher level of understanding involve a coordinated set of policy decisions, such is not the case for incremental politics associated with a low-level of understanding. Incremental politics per se is characterized by disjointed incrementalism.

Analysis and evaluation are disjointed in the sense that various aspects of public policy and even various aspects of any one problem or problem area are analysed at various points with no apparent coordination and without the articulation of parts that ideally characterizes the subdivision of topics in synoptic problem-solving (1970:105-106).

Incremental politics is a useful concept for analysing the policy-making role of SLBs for several reasons. First, since SLBs do not formulate the policy mandates to which they are attached, one may assume that their policy impact is restricted to small-scale changes of existing organizational mandates. Next, since SLBs work in

decentralized organizations, their geographical isolation from management also isolates SLBs from each other. This may be associated with the fact that SLBs, such as forest rangers, fishery officers and social workers may deal with some problems that are specific to their day-to-day work, which may not be shared by other individuals within their occupation. Consequently, their impact upon policy may be characterized as uncoordinated, or individualistic. SLBs usually are not in enough contact with each other to be able to provide a coordinated approach to policy-making.<sup>6</sup> In Chapter Six, it will be argued that the policy-making suggestions of federal fishery officers are often made on the basis of the specific impact which resource management policy has upon the various areas of the Newfoundland Region. It will be demonstrated that the impact of fishery officers upon the policy-making process within the DFO is characterized by disjointed incrementalism. In other words, these officials provide small-scale changes to the resource management mandate of the DFO.

A final point should be put forward prior to summarizing the relationship among control, discretion and policy-making. In their approach to incremental politics, Braybrooke and Lindblom were concerned with associating this form of politics with senior governmental and bureaucratic officials (1970:69-70). However, incremental politics, as used here, also refers to the policy-making role of lower-level officials. This requires some qualification. Since incremental politics is situated at the lower-level of the policy making continuum in Figure 3.3, one can argue that there are subdivisions within this level (see quadrant three). The higher-levels of incremental politics,

or the formulation of policy-mandates may be associated with senior bureaucratic and governmental officials, whereas the lower-levels of incremental politics may be associated with SLBs.

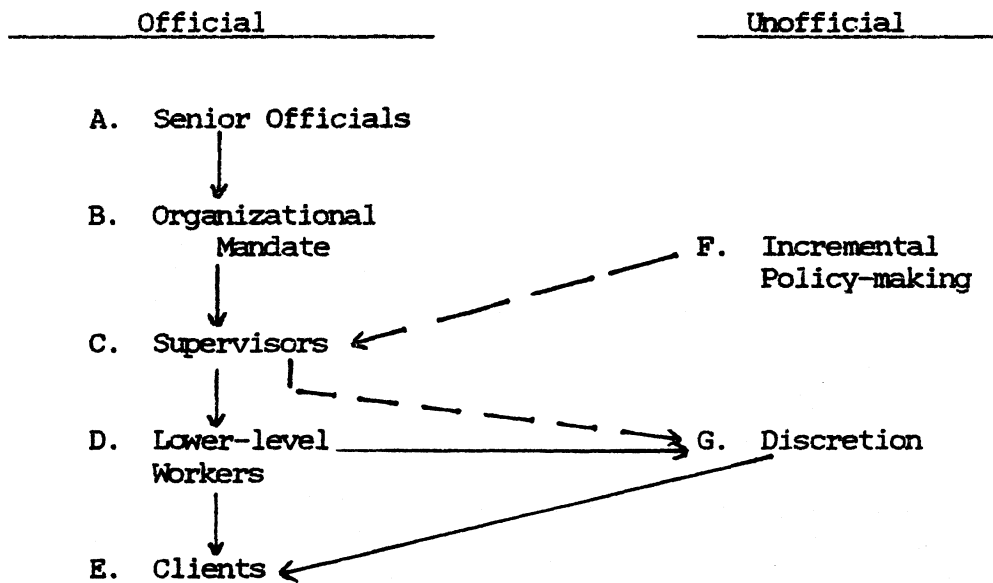
#### Control, Discretion and Policy-Making and the Official and Unofficial Boundaries of an Organization

The issue of supervisory control is included within the official boundary of most organizations. An official boundary may be defined as consisting of the formal rules and regulations which are used to direct the activities of all organizational members, especially subordinates. However, the official boundary of an organization is limited in controlling all activities. It has been argued that the discretionary and incremental policy-making role of lower-level officials is not highly structured by supervisors. Nevertheless, these activities exist and have an impact upon an organization. Discretion and policy-making are part of the 'unofficial boundary' of an organization and this boundary is integrated with an organization's official boundary. For example, if an SLB uses discretion to solve problems associated with policy implementation, he/she is using an 'unofficial activity' to influence the official goals of an organization. As Watson points out, the official and 'unofficial' boundaries of an organization are merely distinct aspects of one overall structure (1980:192).

Figure 3.4 is a model which depicts the relationship between the official and unofficial boundaries of an organization. The official boundary is structured by management prerogatives, whereas the unofficial boundary is structured by the influence of lower-level

Figure 3.4

The Relationship Between the Official  
and Unofficial Boundaries of an Organization



workers. Official activity is patterned by organizational rationality, whereas unofficial activity is patterned by the limits to organizational rationality, namely; the control of lower-level workers over their own labour.

On the basis of this model, one can construct three patterns of decision-making associated with the implementation of organizational policy. The pattern A to E would involve the strict application of policy. The solid arrows indicate the strength of senior officials' and supervisors' control over lower-level workers. Second, the pattern A-->B-->C-->D-->G-->E would involve the use of discretion. The broken arrow from supervisors to the use of discretion reflects the limited

degree to which these officials are able to control this activity. Moreover, by following this chain, the SLB would be using discretion to implement organizational interests. Third, if the pattern in the second example is followed by D-->G-->F-->C, the SLB has used his/her discretion to contribute to the policy-making process within an organization. The broken arrow from incremental policy-making to supervisors indicates that SLBs have a limited impact upon the policy-making process. These three patterns of activity will be used to inform the analysis of control, discretion and policy-making in the remainder of this study.

#### Empirical Propositions Associated with the Issues of Control, Discretion and Policy-Making

On the basis of the theory of street-level bureaucracy, and the organizational issues which were used to supplement this approach if fishery officers are SLBs, the following problems should be conducive to empirical assessment. First, since street-level bureaucracies are decentralized organizations, managers in these organizations rely upon indirect bureaucratic and technological controls. Therefore, if the DFO is a street-level bureaucracy, supervisors should rely upon indirect forms of control such as quotas and work reports to direct the work activities of fishery officers. Related to this is the use of indirect technological controls. Since automated technology cannot be used to control the work of SLBs, technological control is achieved through the use of communication systems such as two-way radios (e.g. police, forest rangers, park wardens). If fishery officers are SLBs working in a decentralized bureaucracy, then the only form of technological control



supervisors can use is a communications system. The third issue related to the problem of control is who does the hiring within an organization? The literature on organizations suggest that with the introduction of bureaucratic and technological controls hiring becomes removed from the shop floor and placed into the hands of management. However, since street-level bureaucracies are subject to indirect controls, if fishery officers are SLBs, they should have some impact upon the hiring process. Nevertheless, prior to conducting this research it was understood that hiring within the Canadian civil service is formally in the hands of senior management and conducted on the basis of the principle of competition.

Second, discretion in street-level bureaucracies is a product of the inability of supervisors to completely bureaucratize the work of SLBs. In addition, discretion is a reflection of the fact that SLBs are the only officials within a street-level bureaucracy who have knowledge of both bureaucratic and client information. This 'boundary spanning role' provides them with access to discretion. Therefore, if fishery officers are SLBs, then they should have access to discretion due to their relative autonomy from organizational controls, as well as due to their knowledge of DFO regulations and clients (i.e. mainly inshore fishermen). In addition, if fishery officers have access to discretion, and if there is some integration between the official and unofficial boundaries of the DFO, then this discretion should be used to solve problems associated with policy implementation. Next, if fishery officers have access to discretion then their supervisors will rely upon bureaucratic controls, such as regular reports, to ensure that this

discretionary activity is used to implement DFO goals. In addition, fishery officers should be subject to training programs which prepare them for the possible use of discretion. If fishery officers have access to discretion, then the DFO should be relying upon controlling this discretion through indirect supervisory controls and organization socialization.

Third, the 'boundary spanning role' of SLBs, and their relative autonomy from organizational controls, gives them access not only to discretion, it also provides them with access to incremental policy-making. If federal fishery officers are SLBs, then they should have an incremental impact upon the policy-making process within the DFO. Moreover, there should be some relation between the possible discretionary and policy-making role of these officials. Whereas discretion is used to solve problems associated with policy implementation, incremental policy-making is related to finding solutions in order to facilitate the future course of policy-implementation.

#### THE APPLICATIONS OF THE STREET-LEVEL BUREAUCRACY PERSPECTIVE TO THE STUDY OF FISHERY OFFICERS

In applying the street-level bureaucracy perspective, and other relevant insights from the sociology of organizations, to the study of the regulatory role of federal fishery officers, emphasis was placed upon the job categories used in the 'Fishery Officer Career Log' (1984c). These categories were used to assess the extent to which the issues of control, discretion and policy-making were relevant to the

study of the regulatory role of federal fishery officers. By referring to these job categories, or responsibility areas, the researcher had access to categories which may be used to process clients. In fact, as it was pointed out in Chapter Two (Figure 2.3), all fishery officers identified with these responsibility areas. However, to ensure that these categories were meaningful to the fishery officers themselves, fishery officers were asked to comment upon each of these areas as each applied to their day-to-day work. On the basis of fishery officers' conception of these responsibility areas, the researcher was in a position to empirically assess the policy-making role of federal fishery officers.

The issue of control was not originally considered for this research. This was because the researcher was more concerned with the use of discretion, and devoted a considerable part of the interview schedule (Appendix I) for assessing that phenomena. However, the first five interviews conducted for this study established that the issue of control was seriously considered by fishery officers. Three of the first six fishery officers interviewed held some supervisory capacity, and they each stressed the importance of the work plan in structuring the day-to-day work of federal fishery officers. It became apparent that this plan was a means for controlling the work activities of fishery officers who worked with a low-level of supervision. Consequently, the work plan was stressed in the remainder of the research. The work plan was useful for assessing bureaucratic control for three reasons. First, this plan stressed what activities were to be done; second, how much of each activity was to be done; and third, the

time period in which these activities were to be completed. In other words, the work plan was a set of indirect controls used by the DFC.

Whereas control was not originally considered in this research, some aspects of the research, particularly hiring, were later found to be relevant to that issue. The original intent of these questions on hiring were to determine the degree to which fishery officers could influence those who work under them. However, within the broader context of the issue of control, job recruitment is related to whether management or workers control who will be associated with an organization. The literature on organizations, particularly the discussion on foremen, has shown that hiring has historically been removed from the shop floor and placed into the hands of management (Miller and Form, 1964; Scott, 1967; Edwards, 1979). Therefore, an analysis of the extent to which federal fishery officers have an impact upon hiring, is relevant in terms of considering the degree to which hiring is based upon worker control, or has become bureaucratized. The issues of control, through the use of the work plan and the hiring of subordinates will be discussed in Chapter Four. In terms of the responsibility areas used by the DFC, these issues cover the areas of supervision and administration.

In order to analyse the degree of discretion which fishery officers may hold, emphasis was placed upon four responsibility areas. These were: (1) public relations, (2) enforcement, (3) habitat management and (4) resource management. Fishery officers were questioned concerning how they communicate information to, as well as interact with clients (public relations), process their clients

(enforcement) and regulate the harvesting and other work activities of their clients (resource and habitat management). The remaining categories, namely supervision and administration, were heavily slanted toward the relation of fishery officers to the DFO. Therefore, these areas were addressed in the examination of that relationship. As it was pointed out in Chapter Two (Figure 2.3), the areas of enhancement and related duties for fishery officers are not major activities of fishery officers in Newfoundland and thus were not stressed in this study. In the empirical assessment of the discretionary role of federal fishery officers, these officials were asked to state the degree (if any) of discretion they held in the four responsibility areas outlined above. If fishery officers exercised discretion in specific responsibility areas, they were asked to comment upon the situation where discretion was used. Fishery officers were also asked what was the basis for the DFO permitting them to use discretion. This was an attempt to uncover the degree to which discretion was merely due to the nature of work tasks or was due to encouragement from the officer's supervisors.

In addition, an attempt was made to assess the degree to which discretion was subject to indirect supervision and organizational socialization. Fishery officers were asked whether they had to report their discretionary activities to supervisors. If they did, this would serve as a basis for recognizing that discretion is not an unstructured phenomenon. Second, fishery officers were asked to comment upon the training programs in which they have participated. Even though these training programs were not originally considered as being related to discretion, it became apparent that some of these programs, particularly

the enforcement training program conducted with the R.C.M.P, was associated with some of the discretionary activities performed by fishery officers. In Chapter Five, which is on discretion, it will be argued that the training programs in which fishery officers participate are vehicles of organizational socialization. These programs effectively attached fishery officers to the DFO and its resource management mandate. Consequently, in the absence of direct supervision, organization socialization facilitates the extent to which fishery officers will use their discretion for organizational purposes.

The impact of fishery officers upon the policy-making process within the DFO was assessed by asking these officials if they had any direct or indirect impact upon the making of policies. Moreover, focus was placed upon the degree to which fishery officers had an impact upon changing existing DFO policies. This facilitated the collection of knowledge about different types of policies, and it also indicated the degree to which respondents felt that they were able to influence their immediate supervisors. In the analysis which follows, an attempt will be made to examine the relationship between discretion and policy-making (see Chapter Six).

The final area used in the examination of the relation of fishery officers to their clients was a consideration of the licensing program. Since licensing policy is crucial to all inshore fishermen, and the enforcement of such tasks is a major task of fishery officers, any study of inshore based federal fishery officers of necessity must examine the enforcement of this policy. Fishery officers were asked to give their attitude toward the policy, as well as the role which they

had in the formulation and implementation of licensing guidelines. They were also asked to comment upon the purpose of licensing. This facilitated the determination of the degree to which these officers provided either an official (i.e. departmental) or personal perspective on licensing. Fishery officers were also asked to comment upon the problems associated with licensing and limited fisheries within their jurisdiction. This assisted the researcher in understanding the degree to which licensing was actually working. In addition, emphasis was placed upon the extent to which fishery officers were involved in the allocation of personal fishing licenses and restricted species licenses (see Chapter Seven).

One aspect of the street-level bureaucracy perspective not directly examined was the degree to which fishery officers use informal versus formal categories in processing clients. At the time that the interview schedule was constructed, the significance of this issue was not readily apparent either from the existing literature on the role of SLBs or from a general understanding of the activities of fishery officers. However, numerous open-ended questions were asked and, as a result, some information was obtained indirectly about the informal categories which fishery officers use to differentiate amongst clients (see Chapters Four and Five). A further outcome of these open-ended questions was the unanticipated discovery by the researcher of a process whereby senior officials in the DFO attempt to measure work performance (see Chapter Four).

## RESEARCH DESIGN AND DATA COLLECTION

As was implied in the preceding discussion, the research which is described here is based on interviews with fishery officers responsible for 'policing' the inshore fishery of Newfoundland. What remains to be explained is the sampling process through which these fishery officers were selected to be interviewed.

For purposes of regulation, the DFO divides the inshore fishery of Newfoundland into four areas. Areas I, II and III occupy the eastern two-thirds of the island. Area IV includes all of Labrador. The west coast of the island is considered to be part of the Gulf Region, and is administered from Moncton, New Brunswick. Due to limited research funds, it was not possible to travel to Labrador. Therefore, this research is limited to a consideration of fishery officers and regulation processes in Areas I, II and III. As will be seen later, the area divisions employed by the DFO are also sociologically significant because these areas involve somewhat different types of fisheries, each with its own pattern of social organization.

There are 81 fishery officers in Areas I, II and III of the Newfoundland Region. These officers are divided into 27 full-time or senior fishery officers and 54 part-time or junior fishery officers. Among the senior fishery officers (or those who work year round) there are 7 supervisors and 20 full-time field officers.

In this research, an attempt was made to interview all senior (full-time) fishery officers in these three areas. In addition, a proportionate random sampling method was used to select 50 percent of the 54 junior fishery officers from the three administrative areas.



Using this proportionate principle, a random sample of the required size was drawn from the list of all fishery officers in each area.

Table 3.1 depicts the distribution of inshore based fishery officers from the Newfoundland region. This table provided the basis for the drawing of the sample for this study. On the basis of the proportionate sampling method used for junior fishery officers, an attempt was made to contact eight officers from Area I, seven from Area II and twelve from Area III. However, problems arose due to the geographic dispersion of junior (part-time) fishery officers. Many part-time officers are located in geographically isolated communities. This was particularly a problem in Area II where they are located in isolated communities along the south coast. The cost of reaching such fishery officers was beyond the limits of the funds available for this research. Thus, in order to rectify this discrepancy, interview schedules were mailed to the junior fishery officers in Area II, as well as to fishery officers (both senior and junior), who could not be personally contacted (i.e. due to illness or due to a busy work schedule).

Table 3.2 is based upon the distribution of respondents by fishery officer category. This table breaks respondents into those who were interviewed and those who returned a mailed questionnaire. In all, six supervisors were interviewed, thirteen full-time fishery officers were interviewed and four returned a mailed questionnaire, and twenty-seven junior fishery officers were interviewed and one returned a mailed questionnaire. Among the twenty-seven junior fishery officers interviewed, three were new recruits.<sup>7</sup> Finally, Table 3.3 indicates the

TABLE 3.1

The Distribution of Inshore Based Federal Fishery  
Officers in the Newfoundland Region  
(Row Percentages)

Fishery Officer Position	Areas			Total
	1 <sup>a</sup>	11 <sup>b</sup>	111 <sup>c</sup>	
Supervisor (Senior Fishery Officers)	3 (42.9)	2 (28.5)	2 (28.5)	7
Senior (Full-time) Inshore Fishery Officers	9 (45.0)	5 (25.0)	6 (30.0)	20
Junior (Part-time) <sup>d</sup> Inshore Fishery Officers	17 (29.3)	17 (29.3)	24 (41.4)	58
Total	29 (34.1)	24 (28.2)	32 (37.7)	85

(a) Area I consists of the territory from Cape Freels to Cape St. Mary's (the East Coast)

(b) Area II consists of the territory from Cape St. Mary's to Burgeo (the South Coast)

(c) Area III consists of the territory from Cape Bauld to Cape Freels (the Northeast Coast)

(d) There was one new recruit in Area I, two in Area II and one in Area III

TABLE 3.2

The Distribution of Respondents  
by Fishery Officer Category

Position	Area						TOTAL	
	I		II		III		N	%
	N	% <sup>a</sup>	N	%	N	%		
Supervisor								
- Interviewed	3	100	2	100	1	50.0	6	85.7
- Returned Mailed Questionnaire	0	-	0	-	0	-	0	-
Senior (Full-time) Fishery Officer								
- Interviewed	7	77.7	3	60.0	3	50.0	13	65.0
- Returned Mailed Questionnaire	2	22.3	1	20.0	1	16.6	4	20.0
Junior (Part-time) Fishery Officer								
- Interviewed	10	58.8	4	23.5	13	54.1	27	46.5
- Returned Mailed	0	-	1	5.8	0	-	1	1.7
	22		11		18		51	

a. Percentage figures are the percent of the total population of this category of fishery officers within each area.

TABLE 3.3

The Total Number of Respondents  
as a Percentage of the  
Fishery Officer Population

Position	Total Number of Fishery Officers	Total Percentage of Respondents	
		<u>N</u>	<u>%</u>
Supervisor	7	6	85.7
Senior (Full-time) Fishery Officers	20	17	85.0
Junior (Part-time) Fishery Officers	58	28	48.3
	85	51	60.0

total sample who were interviewed, or returned a mailed questionnaire, as a percentage of the overall fishery officer population.

In addition to these interviews, the national and regional offices of the DFO were contacted prior to conducting field work on fishery officers. Senior officials in the Enforcement and Protection Branch of the DFO in Ottawa were contacted for information on federal fishery officers. This information, particularly the 'Fishery Officer Career Log' (1984c) were useful for facilitating the design of the research proposal and interview schedules. Copies of the research

proposal and interview schedule were forwarded to the Resource Management Branch of the DFO in St. John's. The Resource Management Branch of the DFO contacted the Area Managers in Areas I, II and III in order to receive the names and addresses of federal fishery officers. Once the Resource Management Branch received these names, they were forwarded to this researcher who used them for the purposes of sampling. Senior officials at the Resource Management Branch contacted the Federal fishery officers by mail informing them to cooperate with this research. Prior to contacting each fishery officer, a covering letter (see Appendix II) was sent to each fishery officer which stressed that the information from each respondent would be held in the strictest confidence. In other words, no information from any particular fishery officer would be communicated to the DFO. Fishery officers were contacted during working hours and in all cases the interviews were conducted in private. This situation made fishery officers more at ease, particularly when they were discussing problems associated with the DFO. Interviews lasted approximately two hours. The interviews were conducted from May 1 to August 3, 1985.

The data were collected during the height of the inshore fishing season. This presented both problems and prospects for the researcher. Some interviews had to be rescheduled due to the heavy work load of senior fishery officers. However, conducting interviews during the height of the inshore fishing season also facilitated data collection. Since fishery officers were in the midst of doing their major tasks, they were able to draw upon their immediate experiences when discussing regulatory problems, their level of discretion or other pertinent

matters. For example, several interviews were conducted during the preparation for the capelin fishing season. Federal fishery officers were able to refer to recent activities relating to the regulation of this fishery. Moreover, the interview period was also during the height of the recreational fishing season and the road construction and forestry seasons. As a result, fishery officers were being contacted in the midst of regulating their major client groups. This situation also facilitated the collection of data relating to the impact of scarce work resources (such as time, manpower and equipment) upon the processing of client groups. The discussion shall now shift to an examination of the use of control within the DFO.

## FOOTNOTES

- 1 The non-marxist approaches include Gouldner (1954a; 1954b), Blau and Scott (1962), Crozier (1964), Blauner (1967), Miller and Form (1964), and Scott (1967). Marxist accounts include Marx (1967), Braverman (1974) and Edwards (1979).
- 2 An automated office is also associated with commodity-producing organizations. However, for analytical purposes it will be associated with service-producing bureaucracies in the remainder of this chapter.
- 3 Of course, these controls were not introduced without worker resistance. Palmer (1979) and Edwards (1979) provide empirical examples of how the shop floor was, and is, a locus of class struggle.
- 4 The use of incentives in promoting organizational identification will be elaborated upon in the discussion on discretion.
- 5 In historical terms, policy-making usually follows problems associated with policy-implementation. However, lower-level bureaucrats are usually associated with implementing policies, rather than with formulating policies.
- 6 Moreover, a coordinated attempt by SLBs to change policy may be identified as an example of class conflict in public service bureaucracies. In this study, it will be argued that this is not the case for the DFO and its federal fishery officers.
- 7 These new recruits were among the first five fishery officers to participate in the National Training Program in Ottawa. Each of these recruits were 'floaters' who were not assigned to any area for a long period of time. Three new recruits were interviewed for this study. The recruit was included in the area in which he was interviewed.

## CHAPTER FOUR

### THE USE OF CONTROLS IN A STREET-LEVEL BUREAUCRACY: SUPERVISORY CONTROL IN THE DEPARTMENT OF FISHERIES AND OCEANS

#### INTRODUCTION

This chapter provides an empirical assessment of one of the propositions deriving from the literature on street-level bureaucracy (and the comparative analysis of other literature on organizations) conducted in Chapter Three. There will be an analysis of the degree to which indirect bureaucratic and technological controls are used within the DFO for the purpose of regulating the day-to-day work of federal fishery officers. In addition, there will be an analysis of how control is reproduced. This involves a discussion of how hiring is done within the DFO.

Evidence will be provided to substantiate the following arguments. First, it will be argued that the work plan is an indirect bureaucratic control, used by supervisors, to control the decentralized nature of the work of federal fishery officers. Since constant supervision is not 'bureaucratically or technologically possible', the work plan is a substitute for direct supervision. Second, there will be a distinction made between continuous or direct and discontinuous or indirect forms of technological control. It will be argued that the use of communications to control the work of fishery officers is a discontinuous form of technological control because these officers still



can exercise a great deal of control over their labour. However, it will be argued that the inadequacies of the communications used to regulate the work of federal fishery officers, presents not only problems of supervisory control, it also inhibits the ability of fishery officers to control their clients. The third problem relating to control is the extent to which hiring is conducted from the shop floor or from personnel offices associated with management. Evidence will be given to demonstrate that control over hiring practices within the DFO has gradually been removed from the hands of fishery officers and placed into the hands of management. The Fishery Officer Career Program (FOCP), and the sub-contracting out of guardian work to a private organization has undermined the extent to which fishery officers control hiring within their occupation.

This chapter is divided into four sections. The first section contains a brief examination of the role of environmental factors, such as social and spatial structures, in determining some of the organizational features of street-level bureaucracies. It will be argued that the Resource Management Branch of the DFO, which employs federal fishery officers in the Newfoundland region, is a decentralized or street-level bureaucracy partly due to the dispersed social and spatial structure of the inshore fishery of Newfoundland. Therefore, the indirect bureaucratic and technological controls associated with the Resource Management Branch are not wholly determined by intraorganizational factors. On the contrary, environmental factors play a role in shaping organizational structure.

Given that the organizational structure of the Resource Management Branch is partially determined by environmental factors, the analysis will then shift to a consideration of indirect bureaucratic and technological controls. Section two contains a discussion of how the work plan is used to structure the day-to-day work of federal fishery officers. Specific characteristics of the work plan such as quota assigned to each officer will be seen as facilitating supervisory control. Moreover, the work plan is a dynamic element which links the relationship between hierarchy, rules relating to work tasks and organizational goals within the Resource Management Branch.

In the third section, there will be a discussion of the use of indirect 'technological' controls. A distinction will be made between continuous and discontinuous forms of technology, and the implications of each type for perpetuating managerial control. It will be argued that the lack of adequate resources, such as two-way telephones, militates against both supervisory control over the labour process of fishery officers as well as the ability of these officials to regulate their clients.

The fourth, and final section, contains a discussion on the division of labour and hiring policy within industrial organizations. It will be argued that the process of rationalization within industrial organizations has resulted in removing hiring practices from the shop floor and placing these into the hands of management. The FCCP and sub-contracting will be used as examples of how the Resource Management Branch has rationalized hiring and undermined the influence of fishery officers.

## THE ENVIRONMENT AND ORGANIZATIONAL STRUCTURE

In this section a framework for examining the relationship between the social and spatial features of the environment and organization structure will be developed, particularly in terms of how this relationship applies to street-level bureaucracies. This framework will then be applied to the Resource Management Branch of the DFO so as to better understand the association between spatial structure and organizational structure in that body.

### Social Relations, Spatial Relations and Organizational Structure

In Chapter Three, it was argued that, in contrast to other types of organizations, street-level bureaucracies are characterized by a decentralized structure. This is due to the geographical distance between the organizational subunits of such bureaucracies. Within the context of such arrangements, managerial control over subordinates could be achieved through indirect bureaucratic (e.g. quotas) and technological (e.g. communications) controls. However, in the preceding chapter, the problem of organizational control was only approached from the standpoint of comparing street-level bureaucracies to other organizational forms. Here, greater attention will be given to the role of environmental factors in shaping the organizational structure of street-level bureaucracies.

Clegg and Dunkerley (1980), in their review of the literature on organizations, have argued that organizations are not self-contained phenomena. Extra-organizational or environmental phenomena play a role

in influencing some of the traits of organizational life (1980:366). In particular, the 'raw material' associated with any organization is derived from the environment. Therefore, in order to minimize uncertainty, organizational actors attempt to subordinate this raw material for organizational needs. However, the nature of this raw material may create greater degrees of uncertainty in some organizations than in others. If a commodity producing establishment such as a mining company is able to locate its mining and refining operations in an area which is also close to major markets, the problem of uncertainty is minimized. On the other hand, street-level bureaucracies deal with raw material, or people, who are not necessarily mobile. Social workers have to visit 'welfare ghettos', police officers patrol a particular 'beat', forest rangers have to regulate distant forestry operations and game wardens have to regulate clients who are dispersed along fishing streams or on a mountainous terrain. This means that the social and spatial organization of the clients of street-level bureaucracies partially determine the organizational structures and controls associated with such bureaucracies. The preceding argument will be further developed by analysing the role of social and spatial structures.

For our purposes, social structure consists of the totality of the historically derived economic, political, ideological or cultural relations within a society. The social structures regulated by street-level bureaucracies may be based upon a particular type of production such as forestry and fishing enterprises. Street-level bureaucracies also deal with social structures removed from production processes.

This would include 'welfare ghettos' and public housing projects. The point to be made is that since social structures are often anterior to an organization, it may be argued that:

...every organization exists in a specific physical, cultural and social environment to which it must adapt. No organization is self sufficient. All depend for survival on the types of relations they establish with the larger systems of which they are a part (Scott, 1981:17).

Spatial structure is also important. Recently, sociologists (Giddens, 1979; 1981) and geographers (Massey, 1984; Gregory and Urry, 1987) have attempted to conceptualize the relationship between social and spatial structures. These broader theoretical issues will be dealt with in Chapter Eight, but suffice it to say here that spatial structure is important insofar as it contributes to organizational structure. Spatial structure is the relations among the various localities within a social structure. These localities include factories, neighborhoods, cities, regions and the nation-state (Giddens, 1984:118). When these localities are often dispersed across geographical space, regulation becomes problematic. If a social structure is dispersed across geographical space, then any organization developed in order to regulate that social structure, must adopt or at least reflect those social spatial characteristics. For this analysis this means that, since the inshore fishery is dispersed among countless fishing communities along the Newfoundland coast, then an attempt to regulate that fishery must make an accommodation to the inshore fishery's social and spatial features. The reader may argue that this is rather obvious, but the importance of environmental factors must be addressed if one wishes to

understand why street-level bureaucracies are decentralized, and require indirect bureaucratic and technological controls. To ignore environmental factors would result in limiting the analysing of street-level bureaucracies to only intraorganizational factors. Moreover, since SLBs have a 'boundary spanning role', the environment is an important factor in determining organizational structure.

Figure 4.1 illustrates the relation between organizational and environmental variables. In this instance, environmental variables are considered to be independent and organizational structure is considered as the dependent variable. However, organizational policy used to regulate a given population, in turn makes an impact on environmental factors. Since a social and spatial structure cannot be subsumed within the confines of an organization, organizational actors (e.g. SLBs) involved with policy implementation have to deal with an environment which they cannot completely control. Regulatory actors have to meet the clients of an organization, often on the clients 'home turf' and away from the watchful eye of supervisors. Since the environment is dispersed, the organization is often decentralized, and this results in the lack of constant supervision of regulatory factors who interact with an organization's environment. The regulatory role of fishery officers in the context of these variables will be outlined below. Then attention will shift to the problems of decentralized control within the Resource Management Branch of the DFO.



and their sharemen operating from longliners (35 feet or more) and 'independent commodity producers' operating from small boats (less than 35 feet). The social organization on these vessels coupled with their number results in the multiplicity of small groups of fishermen operating within a wide geographical space (i.e. the fishing grounds of each inshore fishing community). Thus, federal fishery officers have to travel large distances over the fishing grounds in order to regulate the fishing activities of inshore fishermen. In addition, the officials have to regulate the activities of many fishing communities within their jurisdiction. This researcher talked to one senior fishery officer on the northeast coast of Newfoundland, who had to regulate (with the assistance of six junior fishery officers) an area almost as large as Prince Edward Island.

A good indication of the impact of the social and spatial organization of the inshore fishery upon the Resource Management Branch can be seen by focusing upon the division of labour. Table 4.1 depicts the level of supervisory control within the three areas of the Newfoundland region which are being considered in this study. Area I consists of the east coast of Newfoundland. This area is close to St. John's, which is the regional headquarters of the DFO. Area II consists of the south coast of Newfoundland. This area includes many geographically isolated communities which are only accessible by ferry. Area III includes the long northeast coast and is the largest of the three areas. Here fishery officers are not only responsible for policing a long coastline, they are also responsible for recreational fishing grounds inland near the centre of the island.



TABLE 4.1

THE DECENTRALIZED STRUCTURE OF THE RESOURCE  
MANAGEMENT BRANCH OF THE NEWFOUNDLAND REGION

<u>Bases of Control</u>	<u>Area</u>			
	Area I	Area II	Area III	
Offices headed by Supervisors	2 (14.3)	1 ( 7.7)	2 (10.5)	5 (10.9)
Offices headed by other Senior Fishery Officers	7 (50.0)	4 (30.8)	6 (31.6)	17 (36.9)
Offices headed by <u>only</u> Junior Fishery Officers	5 (35.7)	8 (61.5)	11 (57.9)	24 (52.2)
	14 (30.4)	13 (28.3)	19 (41.3)	46 (100.0)

Within these three areas, there is a division of labour. As noted in Chapter Three, supervisors generally coordinate the activities of several subdistricts, senior fishery officers generally are in charge of a particular subdistrict, and junior fishery officers are generally supervised by senior fishery officers, but may also be in charge of a particular subdistrict. However, the further one moves from St. John's on the east coast, the greater the likelihood that offices are headed by junior fishery officers. Only 35.7 percent (n=5) of the offices in Area I are headed by junior fishery officers, whereas the corresponding

percentage for Areas II and III is 61.5 percent (n=8) and 57.9 percent (n=11) respectively. This demonstrates that the social and spatial organization of the inshore fishery has had an impact upon the organizational structure of the Resource Management Branch. In fact, over 50 percent (n=24) of all the offices in Areas I, II and III are staffed by the lowest ranking fishery officers. Not only do these junior officers have a great deal of responsibility, but they often are isolated geographically from their supervisors and the Area office to which they are attached. One junior fishery officer indicated that he had only seen his subdistrict supervisor twice in the last one and a half years (Interview No. 45). He attributed this to the geographical isolation of his office and to the workload of his supervisor.

These factors indicate that control is problematic. There is no guarantee that there will be close supervision associated with DFO policy mandates. Consequently, the central question becomes: How does the DFO, given the decentralized structure of the Resource Management Branch, and the absence of constant supervision, guarantee that fishery officers regularly implement organizational policies? In the next section, it will be argued that one such measure of control is the indirect bureaucratic influence associated with the work plan.

#### THE USE OF INDIRECT BUREAUCRATIC CONTROLS

In this section, there will be a brief analysis of the link between the hierarchy and rules concerning work responsibilities within centralized and decentralized bureaucracies. Since centralized bureaucracies engage in direct controls, the link between hierarchical

rules is facilitated by constant supervision. Decentralized bureaucracies (such as street-level bureaucracies) use indirect controls, and the link is directed by indirect supervision in the form of quotas and work reports. This indirect link will be shown to be at work within the DFO. The work plan, which consists of a report on the duties assigned to fishery officers, is the DFO's way of using indirect bureaucratic controls to implement the resource management mandate.

#### The Link Between Hierarchy Rules and Goals

According to Weber (1978), a rational-legal bureaucracy is characterized by formal rules and regulations which relate to the occupations within the bureaucracy. In addition, such a bureaucracy is associated with a hierarchy or a division of labour (1978:956-958). Consequently, one of the problems in bureaucracies, in general, is relating hierarchy to rules. For supervisors, the task at hand is ensuring that workers perform duties relating to their job description. Commodity producing bureaucracies characterized by centralized or direct control may use constant supervision to ensure that lower-level or production workers are doing their job. Heron and Storey (1986), have argued that the rise of monopoly capitalism facilitated a direct link between hierarchy and rules relating to work tasks. They contend that this involves bureaucratizing the workplace:

In the forty years before World War II, then, the labour process in Canada had been reshaped in fundamental ways. Large new corporate employers, struggling with an uncertain economic environment, had undertaken to restructure their workplaces with new technology and

more centralized authoritarian managerial systems that would wrest control of the labour process from workers on the job, especially from skilled workers and their unions (1986:18).

Once direct controls are institutionalized, the supervisor has recourse to organizational discipline to enforce the link between hierarchy and rules relating to job tasks. Edwards (1979) argues that:

...bureaucratic control is embedded in the social and organizational structure of the firm and is built into job categories, work rules, promotion procedures, discipline, wage scales, definition of responsibilities and the like. Bureaucratic control establishes the impersonal force of 'company rules' or 'company policy' as the basis for control (1979:131).

Edwards used AT and T and Polaroid as examples of corporations which have used direct bureaucratic controls to establish a link between hierarchy and rules relating to direct bureaucratic controls (1979:133-139).

The link between hierarchy and rules is not as well developed in decentralized organizations such as street-level bureaucracies due to the spatial dispersion of the subunits. However, street-level bureaucracies are rational-legal organizations, which have institutionalized formal rules relating to specific jobs within an organizational hierarchy. Since direct forms of control are not possible, or are too costly, street-level bureaucracies rely upon indirect bureaucratic controls to establish the link between hierarchy and rules (cf. Prottas, 1979; Lipsky, 1980). Whereas a supervisor may regularly check the work of a production worker in a factory, the supervisor in a street-level bureaucracy often depends upon indirect controls such as quotas. In his study of police behaviour, Wilson

(1968) argues that quotas are viewed as a 'necessary evil' for measuring worker performance. This view is depicted by a Syracuse senior police officer associated with that city's traffic division:

Nobody likes to talk about quotas, but that's what is in the back of everybody's mind. We don't tell the men they have a quota, but the deputy chief is always onto me about enforcement, enforcement, enforcement and I'm always onto the lieutenant about the same thing and he gets to the sergeant and the sergeant gets to the men (1968:97).

The quota establishes the link between hierarchy and rules within a decentralized organizational setting. Wilson adds that a new police chief came to Syracuse in 1963 and announced the need to enforce traffic laws. By the end of 1964 ticket production increased by 58 percent and between 1964-1965 it increased another 18 percent (1968:98).

Quotas, such as the number of traffic tickets issued by a policeman, the number of cases handled by a social worker, and the number of inspections conducted by a forest ranger, are not only related to supervisory control, these are also connected to the implementation of organizational goals. While organizational goals are extremely evasive<sup>1</sup> (Perrow, 1970; Clegg and Dunkerley 1980) in the final analysis all organizations have some goals (Perrow 1970:133). For example, the goals of a capitalist establishment ultimately centre around capital accumulation, at least in the long-term. In terms of the argument presented here, there is a link between hierarchy, rules and the implementation of organizational goals.

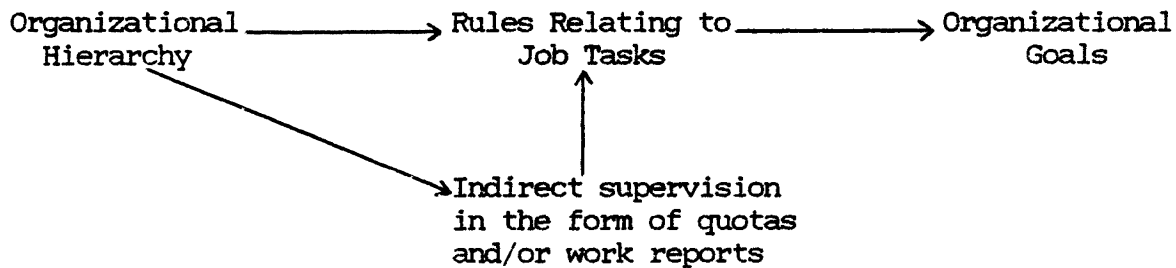
With regard to the implementation of goals, quotas in street-level bureaucracies are analogous to the putting out system during the early stages of industrial capitalism. Prior to gathering workers under

one roof, commodities were often produced in the homes of handicrafts men. The capitalist had no direct control over the labour of these sub-contractors, therefore, the only measure of efficient production was the amount of work done by each sub-contractor (Storey, 1983:87). Even though SLBs, such as policemen, are not compensated on the basis of a quota, it serves a function similar to that of the putting-out system. It is a measure of efficient production in a street-level bureaucracy.

The remainder of this Chapter will examine the relationship between hierarchy, rules and organizational goals in the day to day activities of federal fishery officers. Figure 4.2 represents the empirical relationship that will be assessed to determine how the supervisors within the Resource Management Branch of the DFO actually attempt to control the activities of fishery officers. This model indicates, that in terms of the formal structure of the organization, workers are obviously subordinate to supervisors when it comes to implementing organizational goals. However, the decentralized nature of street-level bureaucracies necessitates the use of indirect controls such as quotas and/or work reports as a substitute for direct supervision. These topics will be elaborated upon in our examination of the Resource Management Branch's work plan. However, first it is necessary to establish the relationship between hierarchy, job tasks and organizational goals within the Resource Management Branch.

FIGURE 4.2

THE RELATIONSHIP AMONG VARIABLES ASSOCIATED  
WITH ORGANIZATIONAL CONTROL IN A  
STREET-LEVEL BUREAUCRACY



Hierarchy, Rules and Goals Within  
the Resource Management Branch

The hierarchy within the Resource Management Branch was discussed in Chapters Two and Three. It will be briefly reexamined in order to emphasize the problematic relationship between hierarchy, work rules and organizational goals. The hierarchy within the Resource Management Branch includes the Regional Director General, Director of Field Operations, Area Manager, District Protection Officer, Subdistrict Supervisor, other senior fishery officers, junior fishery officers and guardians (see Figure 2.2). This discussion will only deal with the Area Manager and the job activities for which he is responsible.<sup>2</sup>

The Area Manager coordinates and supervises activities in one of the DFO's regional area divisions and works closely with the District Protection Officer. This latter official directs the activities of the

subdistrict supervisors within each area. These officials (i.e. Area Manager, District Protection Officer and Subdistrict Supervisors) work in conjunction with the other senior fishery officers within the Area.<sup>3</sup> The Area Manager is not only concerned with the resource management duties of fishery officers, he is also responsible for other activities relating to the fishery such as the work of inspection officials. It is only the District Protection Officer and lower-levels within the fishery officer occupation who are concerned exclusively with enforcing regulations associated with the inshore and inland fisheries.

The Area Manager and the other officials mentioned above are involved with making the work plan. This consists of the job tasks, and quotas associated with such tasks, relating to the various inshore and inland fisheries. As it was pointed out in Chapter Two, these job tasks or responsibility areas include resource management, habitat management, enforcement, public relations, administration, supervisory enhancement and related duties.

The work plan is basically built around the goals of the Resource Management Branch. When asked to discuss their job responsibilities, several fishery officers articulated that 'resource management is our mandate'. For these officials, the conservation and protection of the resource was their chief responsibility. One senior fishery officer argued that "...our mandate is management of the resource. Enforcement is only a tool that we hope to only have to use sparingly" (Interview No. 17). This official stated that public relations is used to 'spread the gospel' concerning the proper management of the resource to user groups and the general public. The



commitment to resource management is also reflected in the attitudes of a new recruit. For him "...as a fishery officer you should be more concerned at being a fishery manager rather than a fishery officer". This recruit went on to add: "I said in my interview for the job that I wanted them to call me a fishery manager in the community whose number one goal is to manage the resource" (Interview No. 9). Resource management received the highest overall ranking of fishery officers (1.7) in their ranking of the eight responsibility areas associated with their work (see Figure 2.3). While enforcement is ranked highly by fishery officers (2.3), both these officials and the DFO in its recruitment brochure (Fisheries and Oceans, 1984a) and training and supervisory manual (Fisheries and Oceans, 1984c), stress that enforcement is the tool used to implement the broader goal of resource management.

The specific duties relating to resource management include monitoring and controlling harvesting efforts in all fisheries. It would also include the collection of harvesting information from the chief user groups, namely inshore and recreational fishermen, for the DFO. For example, in the commercial lobster fishery, fishery officers collect statistics from inshore fishermen and lobster pounds. These statistics are used by senior officials in the planning of harvesting policies for future years.<sup>4</sup> The commitment to the goal of resource management is reflected in the way in which fishery officers perceive their other responsibility areas. One junior fishery officer indicated that his public relations duties are directly related to resource management.

You are trying to educate people so they will not unwillingly break the law - especially with children. We are trying to show them the value of the resource so they may not be inclined to waste it. Tell them about fishing seasons and regulations [and] the difference between young salmon and a brook trout, so if they do accidentally hook a young salmon they will release it unharmed. (Interview No. 30)

This quote indicates a commitment to organizational goals. However, such a commitment cannot be assumed to exist among all fishery officers.<sup>5</sup> Consequently, the structural relationship linking hierarchy, rules and organizational goals cannot by itself ensure that supervisors can control the activities of fishery officers who work in a relatively isolated environment. This is where the work plan becomes important. Insofar as this plan contains quotas relating to specific job tasks, it becomes the dynamic element in ensuring that the formal structure of the Resource Management Branch actually works in reality. The work plan functions as an indirect bureaucratic control which acts as a substitute for the inability to use close supervision within the Resource Management Branch of the DFO.

#### The Making of the Work Plan

The goals within the work plan are quotas established at the national level for each of the fishing regions within Canada. These quotas consist of checks on fishing vessel licenses, personal fishing licenses, species licenses, the mesh size of fishing gear, as well as other checks (See Appendix III). When the quota for the Newfoundland Region is established, senior officials divide the quota among the four areas within the region. Within each Area, the Area Manager, District

Protection Officer, Subdistrict Supervisors and other senior fishery officers then further divides these goals by setting objectives for each of the Area's subdistricts. One supervisor described the process whereby the work plan was made:

When we arrive at figures in the work plan, these are mutually agreed upon with other GT-3's (i.e. full-time fishery officers)... The work plan comes in from Ottawa with one big figure. In St. John's, they divide it up into Areas I to IV. We get the figures for [our Area]. Under normal conditions we sit down and say how we shall divide it up. We get the GT-3's together (i.e. with supervisors and the district protection officer) to see what we can achieve. The district protection officer and his supervisors (including the Area manager) would also sit down. When it is all done, the Area manager will sit down and send it off to St. John's. We finish it up in the spring for one year and begin to plan for the next year. (Interview No. 32)

The fact that all senior fishery officers (including full-time personnel) have an impact upon the making of the work plan is not only declared by supervisors, it has also been articulated by other senior fishery officers. According to a senior fishery officer:

Any work plan landing on my desk has involvement from me, other GT-3's, the district protection officer and supervisors. I look at manpower, the area to be covered, equipment available, the concentration of specific fisheries and the assignment of work to individual GT-1's (i.e. junior fishery officers). (Interview No. 6)

The goals within the work plan are further divided into tasks which have to be achieved for each quarter of the year. These goals range from checks on lobster fishermen, to the inshore boarding of offshore trawlers, to inspection of work near the fish habitat. However, these goals will correspond to the nature of the fishery and work tasks within each of the areas of the Newfoundland Region. For

example, Area II which consists of territory along the south coast of Newfoundland will tend to have more required inshore boardings of offshore fishing vessels, than Areas I or III. This is because eight of the twelve trawler ports in Newfoundland are located in Area II (Kirby, 1983:73). One supervisor stated that one goal of a junior fishery officer under his supervision was to do twenty-five inshore boardings of offshore trawlers (Interview No. 4). The junior fishery officer would do an equal number of these boardings during each quarter of the working year. There are only fourteen full-time fishery officers who regulate the offshore fishery, and they depend upon these inshore boarding of offshore trawlers to help them regulate the offshore fishery. During the inspection of an offshore vessel in port, inshore fishery officers will be responsible for checking the gear, catch, various licenses and area fished by the vessel. Many of these categories are inspected through a review of the captain's log.

Areas I and III tended to emphasize other work goals. For example, Area I, which constitutes the east coast of Newfoundland, will tend to have more goals oriented to the capelin fishery as the quota in the capelin fishery is higher there than in the other areas.

Similarly, goals related to the recreational fishery are more prominent in Area III than in either of the other two Areas, as that activity is greatest there. Most of the data in this study relating to the recreational fishery were collected in interviews from Area III, and it was the only Area in which there was a junior fishery officer whose duties within the work plan were virtually tied solely to the recreational fishery.

As only senior fishery officers and higher officials make the work plan, this indicates that there is a division between the conception and execution of tasks within the Resource Management Branch (cf. Braverman, 1974). This division corresponds to the split between supervisory and non-supervisory personnel.<sup>6</sup> In participating in the conception of tasks associated with the work plan, senior fishery officers help to decide what is to be done (i.e. job tasks), how much of each task is to be done (i.e. quotas) and who is responsible for performing this task (i.e. which fishery officer job category). Consequently, senior fishery officers are similar to supervisors in commodity producing establishments. Whether that product is a commodity or a quota both determine what lower-level workers are going to produce (cf. Wright, 1980). This is indicative of what Storey (1983) has referred to as managerial control over the labour process. Senior fishery officers engage in policy formulation and strategic planning and help to supervise and direct policy implementation (cf. 1983:84).

However, it is possible to overstate the impact of senior fishery officers upon the making of the work plan. Some senior fishery officers feel that although they have an input into the making of the work plan in its initial stages, the conception of the work plan is now viewed to be under the scrutiny of higher officials. Hence the making of the work plan is seen as becoming more centralized. This view is reflected in the attitude of one senior official. He stated: "Initially I have had some say in the work plan, but most of the decisions come down from above" (Interview No. 17). Another senior fishery officer stated that the image of being a professional with some impact upon the

decision-making process is associated with the occupation, but while working in the DFO "one begins to feel like a puppet" (Interview No. 38). Such statements support Poulantzas' (1978) argument that with the division between mental and manual labour (i.e. conception and execution of tasks) within capitalist society, one also encounters the mental/manual labour split occurring within mental labour itself (1978:258-259). As knowledge of the labour process becomes bureaucratized and placed within the hands of supervisors within the Resource Management Branch, the making of the work plan may become even more centralized and restricted to fewer officials.

#### The Implementation of the Work Plan

Whereas senior fishery officers participated in the making of the work plan, the implementation of the work plan is heavily associated with junior fishery officers. Senior fishery officers participated in the conception of the work plan and help to determine what tasks are to be done, how much of each task is to be done, and who is to perform these tasks. The work of junior fishery officers, however, emphasizes how each task is to be performed or executed.

Many of the tasks associated with the work plan involve the enforcement of regulations associated with resource management. Significantly, junior fishery officers gave enforcement a higher ranking (1.6) than did senior fishery officers (3.4) (see Figure 2.3). The validity of this ranking is verified by senior fishery officers, who stress that their administrative and supervisory tasks tend to reduce the time that they spend on enforcement in the field.

We are supposed to be field officers, but we have to spend a lot of time in the office for administrative purposes, drawing up work schedules for subordinate staff and to account for the goals laid down. (Interview No. 17)

A supervisor stated that "...it is getting that the GT-3 (other senior fishery officers) in the field is only there 70 percent of the time due to his supervisory capacity" (Interview No. 15).

In order to ensure that fishery officers are abiding by the quotas assigned to them, the Resource Management Branch relies upon the use of two types of weekly reports. First, fishery officers fill out reports indicating the number of goals within the work plan which were achieved during the past week. This report is based upon the coastal and inland inspection reports (see Appendices III and IV) which fishery officers complete while filling their quota. The coastal inspection report also takes account of weather conditions. In the next chapter, data will be provided to demonstrate that weather conditions are factors which permit fishery officers a certain level of discretion in carrying out their duties. Second, each week fishery officers fill out a report describing their day-to-day activities for that week. This report includes activities which are not necessarily part of the work plan. Such activities may include instances relating to gear conflict among inshore fishermen, draws among fishermen for fishing berths, and public relations activities such as meeting with sports associations and school children.

Many of the goals relating to the inshore fishery are achieved by fishery officers, but the quota associated with the recreational fishery tend to be performed by river guardians (sometimes with the

assistance of junior fishery officers). The goals relating to this fishery include angler checks, which involve checks on the type of gear, license and bag limit of each recreational fisherman. DFO regulations stipulate that an angler can only catch two salmon per day. River guardians also check the water levels and temperatures in scheduled salmon rivers. These checks help the DFO to determine whether it should close certain salmon rivers to recreational fishermen.

Despite the use of work reports to record the goals which are met by fishery officers, sometimes it is not possible to meet all of the goals within the work plan for a specified district. This may be due to weather conditions or due to the changing nature of the inshore and recreational fisheries within a district. For example, a certain district may have scheduled a specific number of angler checks in the recreational fishery. However, all of these checks may not be met due to factors such as a decrease in the number of anglers on a specific river from one year to the next, or due to the closure of the salmon fishery because of warm water temperatures and low water levels. In addition, senior fishery officers stated that they have an influence upon determining whether the goals for one quarter can be achieved, or whether these goals may have to be partially met within another quarter.

According to one supervisor:

We have objectives to meet in each quarter. If we are short one quarter we try to pick it up in the next. For example, shellfish may be down due to ice conditions. My job is to monitor the whole thing to make sure that our objectives are met. (Interview No. 32)

According to this officer, the implementation of the work plan may also include shifting goals from one subdistrict to another:



When we arrive at the figures in the work plan, these are mutually agreed upon with other GT-3's. We might be able to shift certain aspects from one subdistrict to the next. We may have an area where there is a lot of problems where we may have to do more checks than we were planning to do. (Interview No. 32).

Up to this point, the implementation of the work plan has been approached from the standpoint of the use of indirect bureaucratic controls such as quotas, and the inclusion of how much each of the quotas (relating to specific fisheries) have been filled during each week. These indirect bureaucratic controls may structure the activity of SLBs such as fishery officers. However, the level of supervisory control does not stop here. Even though fishery officers are not subject to constant supervision, they are required to meet regularly with their supervisors. In most cases, these meetings deal with 'ongoing activities' or how successfully the work plan is being implemented. Table 4.2 focuses upon how often federal fishery officers have to meet their supervisor. Despite the fact that over 50 percent of Resource Management Branch offices are headed by junior fishery officers, the data in Table 4.2 indicate that 89.3 percent of the junior fishery officers interviewed for this study, had to meet with their supervisor at least once a week. This figure needs to be clarified. First, many junior fishery officers meet with their supervisors at least once a day mainly because they work out of the same office. However, even those junior fishery officers who do not work in the same office as their supervisor see him at least once a week.

TABLE 4.2

THE TIME INTERVAL WITHIN WHICH FEDERAL FISHERY  
OFFICERS HAVE TO SEE THEIR SUPERVISOR

	<u>Job Category</u>		
	Senior Fishery Officer	Junior Fishery Officer	
Daily	7 (30.4)	15 (53.6)	22 (43.1)
Weekly	5 (21.8)	10 (35.7)	15 (29.4)
Monthly	2 ( 8.7)	0 ( 0.0)	2 ( 3.9)
Other	9 (39.1)	3 (10.7)	12 (23.6)
	23 (45.1)	28 (54.9)	51 (100.0)

$$\lambda_{yx} = .10$$

Senior fishery officers do not have to meet their superiors as often as their junior counterparts. Those senior fishery officers who see their supervisor daily tend to work in the same office as the subdistrict supervisor and/or District Protection Officer. However, some senior fishery officers are also isolated from their supervisors. One senior fishery officer stated that he is situated over 400 miles from his subdistrict supervisor and only meets with him every two months (Interview No. 38).

In contrast to workers who are employed in centralized work places such as an automated factory, federal fisheries officers work out of relatively decentralized establishments. Therefore, the level of supervision is very low. Similarly, Kaufman (1960), Price (1962) and Leman (1981) all discovered that the level of supervisory control is low for natural resource managers. Kaufman found that forest rangers have to keep regular reports of their activities as well as diaries which show to the nearest half-hour how each day was spent (1960:130-131). The reports and diaries were analysed regularly and ranger districts were visited at least once a year (1960:140-142). Like fishery officers, forest rangers are subject to indirect bureaucratic controls and low levels of direct supervision. In addition, forest rangers who supervise sub-ranger personnel are similar to senior fishery officers who supervise junior fishery officers. Like the senior fishery officer, the forest ranger is heavily involved with administrative work which limits his direct supervision of subordinates. Kaufman points out that superiors would like to free rangers from their paper work so they could more closely supervise sub-ranger personnel (1960:134).

Price's (1962) study of the Oregon Fish and Game Commission also provides data on supervision which parallels this analysis of fishery officers. The ratio of supervisors to employees is .38 in the Game Commission and .65 in the Fish Commission (1962:316). The Game Commission is similar to the Resource Management Branch in that it is geographically dispersed. As a result, supervisory control is based upon oral reports and periodic staff observation in order to ensure that organizational goals are being fulfilled (1962:320).

However, Leman (1981) found that forest rangers in Canada have to deal with high levels of bureaucracy before even making minor decisions (1981:19). He implies that the relatively isolated work conditions of Canadian forest rangers, is controlled to a greater degree, than is the case for Kaufman's forest rangers, Price's game officials and the fishery officers who are being discussed in this study.

#### The Limits of the Work Plan

Formal rules and regulations are used to guide the supervisor-subordinate relationship within the Resource Management Branch. As Edwards (1979) has argued, the formal rules associated with bureaucratic control:

...introduced the principle that workers should be evaluated on the basis of what was contained in their job descriptions. And second, those who were formerly charged with the responsibility of evaluating - foremen, supervisors and managers were themselves subject to bureaucratic control, that is, they were directed and supervised in how to evaluate their subordinates by the job description for their own jobs (1979:139).

This formal structure clearly exists within the Resource Management Branch. Area Managers supervise, and expect work reports from District Protection Officers and so on down the line. Moreover, the 'Fishery Office Career Log' (1984c) contains not only the job description for fishery officers, it also includes work sheets which are used to indicate which job categories are responsible for certain tasks.

However, the work plan itself (which includes the routine activities of these officials as opposed to their non-routine or discretionary activities) is not amenable to rigid supervisory control. Senior fishery officers have argued that discretion exists not only when they interact with their clients (which is the subject of Chapter Five) but is also present in their relationship to junior fishery officers. In discussing his relationship with his subordinates, one senior fishery officer argued that:

...the relationship we have here we can work together. It is not like being a foreman in a garage. It is a continuous working together relationship. (Interview No. 17)

This officer went on to add that the day before I had interviewed him he needed one of the junior fishery officers to do some capelin sampling to prepare for the opening of the capelin fishery.<sup>7</sup> He merely asked and one of his junior fishery officers volunteered to do this task. This relationship is similar to the one discussed by Gouldner (1954b) in his study of industrial relations at a gypsum plant. Gouldner's comparison of mine and factory work is particularly relevant.

...The obligations placed upon a subordinate were more diffuse in the mine than on the surface. For example, a group of five extra workers would line up in the morning before old Bill's office. 'One of you fellows' he would bellow 'go out and clean out the rock cruncher'. He would not specify which one of the five it should be (1954b:110).

The underground mine in Gouldner's study, like the Resource Management Branch, is a decentralized workplace. Of course the mine studied by Gouldner was not subject to formal bureaucratic rules which the Resource Management Branch is. However, within the Resource Management Branch a similar level of flexibility exists within the supervisor-subordinate relationship. For example, one senior fishery officer stated that he consults his junior fishery officers while they are meeting their quotas. He added that sometimes they have good ideas and he adheres to their suggestions.

I made a practice to have meetings with the staff under me to make them feel part of the system. I need that to prevent misunderstanding. I ask for their ideas; they may have good ideas. If they got better ideas I will accept. If they are not capable of doing that it reflects on me. (Interview No. 48)

This fishery officer was the supervisor of four junior fishery officers and three of those officers were situated in separate offices. Consequently, he felt that his supervisory role was as much consultative as it was for providing directions. The fact that junior fishery officers have some flexibility in their relationship with their superiors is reflected in the views of this official:

We are in the office day-to-day. Mostly we discuss our problems, what has been happening, who is poaching, that type of thing. It is an open exchange in this office all the time. There is no official get together - only for a serious problem. (Interview No. 40)

This officer pointed out that he was 'acting' senior fishery officer in the past and was trusted by his supervisor.

This lack of rigid adherence to the formal structure is due to several factors. First, to a considerable degree fishery officers and their supervisors are jointly responsible for the implementation of a certain number of goals relating to the work plan. Given the dispersed location of his subordinates, the senior fishery officer is not in a position to place them under close scrutiny. The senior fishery officer's chief concern is that his subordinates achieve the goals assigned to them. He cannot control how they achieve those goals. Furthermore, given the nature of specific fisheries and weather conditions, there has to be a certain amount of 'give and take' in implementing the work plan. For example, one junior fishery officer indicated that several goals may be achieved by checking a limited number of fishermen

We got so many boardings at sea, when we does boardings at sea it ties into licenses we have to check and types of licenses, we may have to do 20 ground fish boardings and 15 shell fish [i.e. for the quarter]. Sometimes a fellow has got several licenses and you kills three birds with one stone. (Interview No. 18)

A second factor which militates against rigid adherence to formal supervisory rules is that many fishery officers work very closely with their immediate supervisor. In addition, officers within a subdistrict, regardless of rank, may identify with their subdistrict more so than with their rank. Interviews No. 17, 40 and 48 indicate that a level of trust is developed between supervisors and subordinates in subdistrict offices and hence there is no need for close supervision.

The distinction between direct and indirect bureaucratic controls is useful when analysing the labour process. Direct bureaucratic controls may be applicable to centralized workplaces, but not to decentralized bureaucracies. In decentralized bureaucracies, such as street-level bureaucracies, the dynamic of constant supervision is missing. It has been argued here that the Resource Management Branch's work plan is the thread which links the hierarchy, rules and goals relating to the fishery officer occupation. But this thread is not a substitute for close supervision, and fishery officers are far from being factory workers subject to bureaucratic and technological constraints. Even when it comes to routine activities associated with the work plan, fishery officers exhibit a degree of control which is usually unavailable to lower-level workers in centralized workplaces. To be sure, as we shall see in the next section, fishery officers do experience frustrations on the job, particularly as these relate to matters which they cannot control. However, many of the frustrations experienced by fishery officers are due to the nature of their work more than to their frustration with their ability to control the labour process.

#### THE USE OF INDIRECT TECHNOLOGICAL CONTROLS

While indirect technological controls such as communications systems exist within some street-level bureaucracies, in terms of the ability of management to control the labour process, these controls are even weaker than bureaucratic controls. In this section, a distinction will be made between continuous and discontinuous forms of technological



control. Whereas continuous technological controls are used by management to set the pace of work in centralized bureaucracies, decentralized bureaucracies tend to use discontinuous technological controls which are as much controlled by the workers as by management. Consequently, despite this attempt to technologically control their work, in a street level bureaucracy the workers often can set the pace of their own work. It will be argued below that discontinuous technological controls are used within the Resource Management Branch. However, the inadequacy of these controls prevents effective managerial control over the work of fishery officers, and limits the ability of these officers to regulate the activities of their clients. Prior to conducting this analysis, it would be useful to elaborate upon the distinction between continuous and discontinuous forms of technological control.

#### Continuous and Discontinuous Forms of Technological Control

Technological controls are used by supervisors to minimize the level of uncertainty which occurs within organizational boundaries (cf. Clegg and Dunkerley, 1980; Scott, 1981). In the previous chapter, it was argued that the shift from craft types of manufacture to modern industry has been characterized by the development of technological controls within centralized organizations, particularly those which are engaged in commodity production. Such controls result in deskilling workers and placing knowledge and control of the labour process into the hands of managers who used machinery to set the pace of work (cf. Marx,

1967; Braverman, 1974; Palmer, 1979; Edwards, 1979 and Clegg and Dunkerley, 1980). Therefore, the shift from manufacture to modern industry is characterized by the shift from discontinuous or indirect technological controls, to continuous or direct technological controls by management. Edwards (1979) argues that continuous technological control only emerges when large segments of the entire production process are based upon technical arrangements (1979:117). Clegg and Dunkerley (1980) point out that technological controls are not necessarily introduced from the standpoint of technical efficiency. Such controls are frequently introduced to undermine the influence which workers have over the labour process (1980:342-343). The uncertainty associated with worker rather than managerial control over the labour process is minimized with technological controls. According to Edwards (1979):

By having the product rather than the workers move around the factory floor, technology required that workers remain at his or her post. The privilege of free movement across the production area had been eliminated, not (as in hierarchical control) by a foreman's arbitrary rule, but rather by the dictates of technology (1979:122).

In contrast to centralized workplaces, it is difficult or virtually impossible, in some cases, to subject workers in decentralized workplaces to direct technological controls. Gouldner (1954b) and Clement (1981) in their studies of the labour process in mining establishments, Melling's (1982) study of the labour process in the British engineering and building industries, and Foster's (1986) study of longshoremen, are examples of labour processes within decentralized establishments which have been relatively immune to continuous forms of

technological control. In referring to the relative autonomy of construction workers in British industry, Melling (1982) argues that:

...construction remains a relatively labour intensive and craft dominated part of British industry, with large sections of handicraft work still untouched by mass production of materials and standardized designs. Supervision is still usually trade-specific even to the case of building labourers and foremen who continue to enjoy considerable autonomy from the host of agents and technical experts found on large sites (1982:263).

Street-level bureaucracies are another example of decentralized organizations characterized by discontinuous forms of technological control. Since SLBs process people rather than commodities, the role of technology is severely limited (Lipsky, 1980:161). Discontinuous technology within some street-level bureaucracies often assumes the form of two-way radios coordinated by a dispatcher. This is particularly true for enforcement officials such as police officers, forest rangers and fishery officers. Whereas continuous forms of technological control may constrict the movement of workers, discontinuous forms of technological control do not necessarily inhibit the movement of workers. Workers in decentralized bureaucracies have to be mobile in order to do their job tasks. Discontinuous technological control in the form of two-way radios merely serves to direct the activities of workers in the absence of constant supervision. For example, a dispatcher can send an official to a location(s) during the working day and provide advice in conducting that official's activity. However, the dispatcher cannot directly control what his/her subordinates actually do. Moreover, these controls are also used by workers. For example, an enforcement official can radio for assistance during emergency

situations. The implication is that discontinuous technological controls may coordinate the labour process in street-level bureaucracies, but such controls remain as much in the hands of workers as in the hands of management.

#### Indirect Technological Controls and the Work of Federal Fishery Officers

The Resource Management Branch uses a communications system to direct the activities of fishery officers while they are involved in inshore and inland patrols. While two-way radios are used on patrol boats in the inshore fishery, fishery officers are limited to mobile telephones when they regulate the recreational fishery. Since this latter fishery presents problems not only for coordinating the activities of fishery officers, but also for fishery officers in their attempt to regulate poaching activity, it will be elaborated upon below as an example of the weakness of discontinuous technological control within the Resource Management Branch.

The recreational salmon fishery occurs from June to August. During this time period, the DFO hires (or contracts out) river guardians to assist federal fishery officers in the regulation of this fishery. The chief problem relating to the regulation of this fishery is the prevalence of poaching activity. According to one senior fishery officer:

I would say that the detection by fishery officers of 'Mr. Poacher' is insignificant to the amount that takes place. The number of fishery officers, the area to be covered, the number of poachers - you'll find some, but not enough to deter it to a great extent. (Interview No. 7)

The detection and deterrence of poaching is undermined not only by manpower shortages, it is also inhibited by the inadequate mobile telephones that are used. A junior fishery officer stated that:

...we got no communications. We got those bloody mobile phones and they are useless. We got no two-way phones. The only communications we got is to put your two hands over your mouth and bawl. (Interview No. 35)

A senior fishery officer compared the communication of fishery officers with each other as being through "the use of smoke signals and that went out with the Indians" (Interview No. 12).

The lack of a good communications system was seen as preventing the effective use of the 'Dial a Poacher Program'. This program was developed to solicit public support in the prevention of poaching. Fishery officers distributed 'Dial a Poacher' cards to the members of the communities under their jurisdiction. These cards provided a phone number which individuals could call if they suspected that someone was poaching. According to a junior fishery officer:

...the problem we have with salmon poaching is that when we report on a call (i.e. Dial a Poacher) the poacher is gone. Only on 25 percent of our calls can we catch a person. If we had more communications (i.e. two-way radios) we could do better. If I had a two-way radio, I would phone the guy who is closest to the poacher and get him. (Interview No. 33)

The lack of two-way radios is often attributed to budget cuts within the DFO. Due to these cuts, fishery officers have argued that they either have inadequate equipment such as dilapidated patrol vessels (Interviews No. 45 and 46) or lack the necessary equipment such as all-terrain vehicles which would facilitate access to inland waters (Interviews No. 19 and 48).

### The Limits of Discontinuous Technological Controls

The weakness of discontinuous controls within the Resource Management Branch has two implications which are relevant to understanding the labour process of fishery officers. First, the absence of two-way radios entails means that fishery officers and/or guardians are prevented from contacting each other during the regulation of the recreational salmon fishery, and they also cannot be contacted by their supervisors. Therefore, even the coordination of subordinate activity, which is the only strength of discontinuous technological controls from a supervisory standpoint, is absent in the Resource Management Branch. Due to this, federal fishery officers are often forced to make decisions without recourse to supervision. The isolated nature of their work is reinforced by the lack of technological control over their work. Second, fishery officers are responsible for controlling the activities of clients. The data presented above indicates that the absence of two-way radios undermines any effectiveness they have (given their limited manpower) in regulating the recreational salmon fishery.

Clegg and Dunkerley (1980) argue that technology does not necessarily determine control over the labour process, it merely sets limits to what can be controlled (1980:338). For federal fishery officers, this means that given their dispersed working conditions, discontinuous technological controls may be used to limit what they can do, but such controls cannot be used to determine how they actually do their job tasks. Another reason why technological controls per se are

limited is due to the nature of the work of fishery officers and other street-level bureaucrats. In social service organizations, universities and other decentralized work settings, the 'raw material' or people who are processed are not constant and amenable to technological control (1980:362).

In sum, indirect or discontinuous technological controls are similar to indirect bureaucratic controls in that such controls may be used by supervisors to coordinate what task is to be done and who is to do this task, but both types of controls cannot determine how lower-level workers will perform their job tasks. Indirect technological and bureaucratic controls are only substitutes for direct supervision.

#### THE PERPETUATION OF CONTROL: THE BUREAUCRATIZATION OF HIRING WITHIN THE RESOURCE MANAGEMENT BRANCH

Along with bureaucratic and technological controls, organizations also attempt to exercise control over the hiring process. In this section, it will be argued that the hiring of personnel has gradually shifted from the shop floor to the front office within industrial organizations. The bureaucratization of hiring undermines the influence exercised by foremen on the shop floor, and places control into the hands of personnel offices associated with management (cf. Miller and Form, 1967; Edwards, 1979; Melling, 1982 and Foster, 1986). This argument will be developed in the first part of this section. Then the analysis will shift to a consideration of how the Resource Management Branch (and the DFO in general) has bureaucratized hiring

policy, and hence, similarly undermined the influence of federal fishery officers.

From the Shop Floor to the Front Office:  
The Bureaucratization of Hiring

Under conditions of manufacture, Marx (1967) argues that capitalists employ wage-labour in terms of the technical conditions which exist. Control is problematic because wage-labourers under manufacture are skilled handicraftsmen who use their knowledge of the production process to control the shop floor (1967:341). As Edwards (1979) points out, this control enables foremen and supervisors to exercise influence in the hiring of new personnel (1979:32). Since management does not have access to the knowledge necessary to develop the bureaucratic and technological control which can further subordinate labour to capital, they depend upon lower-level supervisors to assist them in many facets of the enterprise, including hiring. These supervisors have discretion in the hiring process, and management can never be totally sure that this discretion is used for organizational purposes (cf. Melling, 1982).

Another factor which militates against managerial control under conditions of manufacture (and even under modern industry) is the influence of unions over the hiring process. Foster (1986), in his study of longshoremen, discovered that union hiring halls exercised a great deal of control prior to the introduction of technological changes in dockyards.



By the late 1940s, the only authority left to the employers on the U.S. Pacific coast in the area of hiring and dispatch was to request that a certain number of men be sent to them. Management was compelled to put to work any gang or labourer dispatched from the hiring hall (1986:285).

The existence of a strong hiring hall system prevented management from being able to create a standardized work force on the basis of principles of scientific management.

Bureaucratic and technological changes, especially in centralized workplaces, facilitate greater managerial control over most aspects of the labour process, including hiring. These changes result in the rationalization of the workplace and acquisition by management of control over the hiring process through personnel offices (Edwards, 1979:139; Melling, 1981:260). 'White collar' work becomes associated with management and is used to control the 'blue collar' jobs of lower-level workers. Foster (1986) provides details on how technical changes in the stevedore industry resulted in greater managerial control over the hiring of labour. With the introduction of technical changes such as containers for shipped goods and roll-on and roll-off loading devices, management wanted to standardize the labour force in terms of specific skill requirements rather than resort to hiring through the gang system (1986:294). These changes, in conjunction with a computerized dispatch system which was used to assign job tasks, enabled management to recruit labour for specific tasks. This was the case in Vancouver during the mid-1970s.

The computer is maintained and serviced by about thirty-five individuals and in the beginning required a yearly expense of upwards of 500,000 dollars to operate. The expense was well worth it to management, since the

ninety-six gangs were replaced by a system that allocated men according to the specific needs of employees. Thus the foundations for scientific management were finally laid (1986:302).

This example of the bureaucratization of hiring within the stevedore industry is relevant to this study because, like fishery officers, longshoremen work in decentralized work settings and have only recently become subject to bureaucratic and technological controls.

Prior to analysing the hiring process within the fishery officer occupation, a final point should be made. Firms do not only bureaucratize the hiring of new recruits, but such establishments often also develop internal labour markets which link new recruits to a 'career ladder'. For example,

Polaroid like other bureaucratically controlled firms establishes promotion ladders and an internal labour market. New workers are recruited from the external labour market only for the bottom rung jobs, the entry-level jobs within each skill category (Edwards, 1979:182).

That this process is also at work within the Resource Management Branch will be elaborated upon in the latter part of this section.

#### The Impact of Federal Fishery Officers Upon the Hiring of New Personnel

In order to empirically assess the impact of fishery officers upon the hiring of new personnel, two indicators were used. First, officers were asked to discuss how they found out about their job. Although, this is a crude indicator, it is some measure of the degree to which fishery officers were recruited by either other fishery officers, or those associated with personnel. In other words, even though the

competition process within the civil service uses meritocratic requirements for hiring new civil servants, discovering how federal fishery officers found out about their job would be a basis for testing the ascriptive 'strength of weak ties' (cf. Granovetter, 1972) over the strength of achievement-oriented meritocracy.

This first empirical measure may tell us about how fishery officers become recruited, but it does not assist us in determining how these individuals specifically received their jobs. Therefore, a second indicator was used. Fishery officers were also asked to discuss any impact which they had upon the hiring process of others. It will be demonstrated that the impact of these officials upon hiring is directly related to their position within the Resource Management Branch's division of labour.

Table 4.3 indicates how the respondents in this study first found out about the fishery officer occupation. Nearly 40 percent found out about the occupation through a contact with another fishery officer. In addition, 21.6 percent (n=11) of these officials found out about the job while being employed with the DFO in some other position. This indicates that nearly two thirds of the sample of respondents received knowledge about their position through contacts with the organization which employs them. This does not mean that these contacts determined that fishery officers would receive their jobs. But these contacts were influential in providing fishery officers with some of the knowledge necessary to get their position. This was particularly true for four respondents who were the sons of fishery officers. In

TABLE 4.3

HOW FISHERY OFFICERS FOUND OUT ABOUT THE  
FISHERY OFFICER OCCUPATION

<u>Source of Knowledge</u>	<u>Job Category</u>		
	Senior Fishery Officer	Junior Fishery Officer	
Another Fishery Officer	10 (43.5)	10 (35.7)	20 (39.2)
Employment with DFO	4 (17.4)	7 (25.0)	11 (21.6)
Recruitment Brochure	5 (21.7)	7 (25.0)	12 (23.5)
Other	4 (17.4)	4 (14.3)	8 (15.6)
	23 (45.1)	28 (55.9)	51 (100.0)

 $\lambda_{yx} = 0$

addition, one respondent's father and grandfather had been employed as fishery officers.

A better measure for determining the impact of fishery officers upon hiring policy is to examine the extent to which they participated in the hiring of their subordinates. Table 4.4 indicates that 65 percent of all fishery officers participated in the hiring of new personnel. However, only 47 (n=8) percent of junior fishery officers as opposed to 78.3 (n=18) percent of senior fishery officers participated in hiring their subordinates.

The hiring of new personnel is conducted through an interview board consisting of a fishery officer(s), someone from personnel and an independent person. According to one supervisor:

I sit on the interview board. It is done with personnel and us (i.e. fishery officers), supervisors, GT-3 [i.e. other senior fishery officers] and GT-1 [i.e. junior fishery officers] sit on the board to recruit guardians. A lot of our positions are intradepartmental but every now and then we go through employment agencies. (Interview No. 10)

The fact that fishery officers sit in on the interview board to hire new recruits indicates that their preferences may be met. For example, when they are hiring guardians to patrol recreational salmon rivers fishery officers often prefer individuals who have knowledge of the rivers under their (i.e. fishery officer's) jurisdiction. One supervisor argued that he '...preferred to take people from the local area. They can be the enforcement role into that particular society' (Interview No. 1).

The Resource Management Branch has also developed an internal labour market to link lower-level personnel to a 'career ladder' (Fisheries and Oceans, 1984b; 1984c). The senior fishery officer

TABLE 4.4

THE IMPACT OF FEDERAL FISHERY OFFICERS UPON  
THE HIRING OF NEW PERSONNEL

<u>Basis of Recruitment</u>	<u>Job Category</u>		
	Senior Fishery Officer	Junior Fishery Officer <sup>1</sup>	
Some is Done By Officer	18 (78.3)	8 (47.0)	26 (65.0)
All is Done by DFO	5 (21.7)	9 (53.0)	14 (35.0)
	23 (57.5)	17 (42.5)	40 (100.0)

Q = .60

Miss Observations = 11

<sup>1</sup>Eleven junior fishery officers had no subordinates who worked under them.

position is advertised internally, in order to give junior fishery officers a chance, prior to being advertised externally (Interview No. 1). Such a policy gives management some control over who will be hired for more senior positions. This enables them to build upon the experience of junior fishery officers, thereby reducing the uncertainty which is associated with personnel recruited from outside the organization.

### The Bureaucratization of Hiring

Even though the majority of federal fishery officers, have had some impact upon the hiring of new personnel, two trends have emerged in recent years which reflect the bureaucratization of hiring. First, the Fishery Officer Career Program (FOCP) has centralized the hiring (and training) of new recruits into the hands of the regional and national officers of the DFO. This involves training individuals as junior fishery officers who someday will become candidates for the senior fishery officer position (Fisheries and Oceans, 1984b; 1984c). Second, the impact of senior and junior fishery officers upon the hiring of guardians has been undermined by sub-contracting out guardian services to a private organization. This process has also curtailed the ability of fishery officers to coordinate the activities of guardians.

The FOCP was introduced in 1982 in order to provide some uniform approach to the hiring of federal fishery officers. The National Training Program (NTP) is the first phase of the FOCP. It involves recruiting individuals and training them to fill junior fishery officer positions. The FOCP is, as the title suggests, a career ladder which is used to bureaucratize the promotion process within the fishery officer occupation. This is reflected in the recruitment brochure for federal fishery officers (Fisheries and Oceans, 1984b). This point is reiterated in the Fishery Officer Career Log (FOCL). The FOCL is used to monitor the performance of federal fishery officers in order to prepare them for 'promotion' within the DFO (Fisheries and Ocean, 1984c).

The fact that the FOCP has bureaucratized the hiring process within the DFO's Resource Management Branch is reflected in the views of one supervisor:

The last couple of years, the regional office hired GT-1's [i.e. junior fishery officer] and I had little input, but the District Protection Officer from this and other Areas were on the board. They conducted interviews. Prior to the National Training Program and Regional Training Program, we had more input. (Interview No. 4)

Therefore, managerial control over hiring is such that hiring is gradually being removed from the offices in 'the field' and being concentrated in regional and national offices.

With the sub-contracting out of guardians to a private organization, fishery officers are also losing their control over the hiring of even the lowest ranking personnel within the Resource Management Branch. A supervisor pointed out that guardians were contracted out in order to create person years within the DFO for the training of new recruits under the NTP.

Since guardians are contracted out it will cut down on administration. The monitors saves person years but it costs more. You got to pay the wages and administration fees on top of that. (Interview No. 32)

While the sub-contracting out of guardians is not efficient from an economic standpoint, it appears to be related to long-term rather than to short-term goals. Since sub-contracting creates person years within the DFO for the training of new personnel, senior officials are providing space within the DFO for individuals who will be directly trained in terms of the resource management goals surrounding sector management and licensing policies (see Chapters Five and Seven).



However, the short-term problems associated with sub-contracting are directly bound with the work duties of fishery officers.

The sub-contracting out of guardians means that the supervision of these individuals is associated with the company which employs them, rather than with the fishery officers who work with them. This creates problems, particularly with regards to the regulation of the recreational salmon fishery. One senior fishery officer argued that:

We cannot tell the monitors [i.e. guardians] what to do. We got to go to their supervisors. Their supervisors are usually not available because they are covering such a large area. If they were with us (DFO) we could manage the resource more effectively. (Interview No. 48)

Other fishery officers were in general agreement with this official. They considered the use of guardians to be a 'waste of time' under the conditions associated with sub-contracting. One junior fishery officer stated that:

...it [i.e. guardian assignments] was handled perfectly within the department. Since they have been on the rivers [i.e. the private organization which employs guardians] it has been a waste of time. No overtime for them [i.e. for night patrols]. They only get eight hours a day. All the lawyers in the world could not design a more fucked up system. (Interview No. 44)

Despite what they consider to be the inefficiency of the sub-contracting system for guardians, some fishery officers try to get around this problem in order to implement the DFO's resource management mandate. The following quotes are indicative of what Merton has referred to as innovation (1968:194-195). Fishery officers accept the goal of resource management but they reject one of the means for achieving it, namely the use of guardians. One senior fishery officer

pointed out that he would circumvent regulations in order to implement the resource management goal.

If there was a real emergency for coastal patrol you would get the monitor to go without the procedure [i.e. contacting supervisors who may not be available] and put up with the consequences. If you can't do that you should not be in my position. (Interview No. 48)

This view was reiterated by a junior fishery officer:

We are not allowed to work directly with them [i.e. guardians] unless they call us for help. If I am doing a night patrol, I have to get another fishery officer, we are not supposed to take contract guardians on night patrol. I take them though. (Interview No. 41)

The data presented above suggest that even decentralized bureaucracies such as the Resource Management Branch of the DFO are experiencing a rationalization of the hiring process. Whether one is discussing the FOCP or the sub-contracting out of guardians to a private organization, the conclusion is the same. Fishery officers are losing control over the recruitment of individuals whom they have to supervise. The process of supervision within the fishery officer occupation is being removed to more senior positions. While this generation of fishery officers were themselves mostly recruited in 'the field', and subsequently participated in the recruitment of subordinate personnel, the next generation of fishery officers will live out their careers in a bureaucracy which has 'rationalized' recruitment and career promotion.

#### CONCLUSION

In this chapter, supervisory control over the labour process of federal fishery officers was analysed on the basis of three factors: indirect bureaucratic controls, technological controls, and the hiring

process. It has been argued that indirect bureaucratic controls such as the work plan provide the dynamic which links hierarchy, rules relating to work tasks, and organizational goals within the Resource Management Branch of the DFO. However, the work plan is only an indirect form of supervision and there tends to be some flexibility or discretion within the supervisor-subordinate relationship. This flexibility is based upon the fact that goals or quotas are reached at the level of the subdistrict. This has the implication that supervisors may not be concerned with how goals are achieved; they are more interested in the fact that such goals are achieved. The room for discretion that this provides will be the focus of the next chapter. Second, it was argued that indirect technological controls, such as the communications system used by fishery officers, are even weaker than indirect bureaucratic controls. The result is the lack of coordination over the labour process of fishery officers by supervisors, and the inability of these officers to effectively regulate their client group of recreational fishermen. Third, it was argued that, despite the weaknesses of indirect bureaucratic and technological controls, the Resource Management Branch (and the DFO in general) has effectively gained greater control over the hiring of fishery officers. Hiring has become bureaucratized and removed from 'field' offices to regional and national offices. Nevertheless, the bureaucratization of hiring, a process which occurred in commodity producing establishments during the rise of monopoly capitalism, has only recently occurred in a street-level bureaucracy such as the Resource Management Branch. Indeed, in terms of the mechanisms of organizational control, the street-level bureaucracy

being discussed here is not as organizationally sophisticated as most commodity producing bureaucracies.

The overall weakness in the level of control within the Resource Management Branch leads to a consideration of factors which generally exist outside the scope of organizational control. This brings us to the unofficial boundaries of a bureaucracy. The first limit to official control in a street-level bureaucracy is the existence of discretion, not as a deviation from organizational policy, but as a product of the structural relationship between a street-level bureaucracy and its environment. Whereas in the discussion of organizational control, emphasis is placed upon the relationship between SLBs and their supervisors, the discussion on discretion focuses upon the relationship of SLBs to their major groups of clients.

## FOOTNOTES

- 1 For more details, see Charles Perrow, Organizations: A Sociological Analysis (London:Tavistock, 1970) and Stewart Clegg and David Dunkerley, Organizations: Class and Control (London: Routledge and Regan Paul, 1980).
- 2 This is because the work plan, which will be discussed later in the section, is directly related to the position of Area Manager. To be sure, higher officials within the Resource Management Branch (and the DFO in general) set and approve the work plan, but the data provided by federal fishery officers suggests that their highest level of direct contact with senior officials is with the Area Manager. In many cases, this only relates to the most senior officials within the fishery officer occupation itself, namely; subdistrict supervisors.
- 3 In the remainder of this chapter, the term other senior fishery officers will be used to refer to full-time inshore fishery officers who are directly below, in the supervisory chain, to subdistrict supervisors.
- 4 It will be argued in Chapter Five that the collection of harvesting statistics is deemed to be important by fishery officers. The importance of these statistics is such that these officers are willing to use discretion in some areas of their work, so they can solicit the cooperation of fishermen for the purpose of collecting harvesting statistics.
- 5 The process whereby the DFO socializes its federal fishery officers (i.e. induces organizational commitment) will be discussed in Chapter Five. It will be argued that the job training programs, particularly those related to the Fishery Officer Career Program (FOCP) have an indirect impact upon how fishery officers will make use of their discretion.
- 6 Even though junior fishery officers supervise guardians for the twelve weeks during the recreational salmon and trout season, these guardians are officially under the control of senior fishery officers or to the organization which is gradually sub-contracting guardians to the DFO. The impact of sub-contracting upon the hiring and supervisory process within the DFO will be discussed later in this chapter.

- 7 In preparing for the capelin fishing season, fishery officers will participate in the sampling program. The DFO will hire the services of capelin fishermen in order to carry out the sampling program. These fishermen are longliner fishermen; equipped with mobile gear, such as purse seines. Fishery officers will get these fishermen to 'shool' (i.e. cast) their seines near schools of capelin. Once the catch is on board, the fishery officer will randomly select a portion of the catch for sampling. The object is to determine the percentage of roe and red feed content (i.e. food in the capelin's stomach) that is in the catch. Once fishery officers repeatedly receive samples of capelin which are at least fifteen percent roe content and no more than ten percent red feed, they will inform senior officials in the DFO that the capelin fishery is ready to be opened.

## CHAPTER FIVE

### THE LIMITS TO CONTROL 1: THE DISCRETIONARY ROLE OF FEDERAL FISHERY OFFICERS

#### INTRODUCTION

To this point, it has been argued that indirect bureaucratic and technological controls exist within the DFO, but these controls have a limited impact upon the labour process of federal fishery officers. These officials appear to have flexibility in performing even routine tasks associated with managerial demands. However, not all of the tasks performed by federal fishery officers are routine. Fishery officers participate in non-routine or discretionary activities while conducting their day-to-day work. Discretion, as used in this context, is not an individualistic attribute. On the contrary, discretion is a social product which has its origins in the 'boundary spanning role' of SLBs. This role includes the relation of SLBs to their organization as well as to their major group(s) of clients. Studies on SLBs have emphasized that discretion is structured by the work situations which confront these officials (McCleary, 1975; Prottas, 1979; Lipsky, 1980; Smith and Visher, 1981; Lynxwiler, Shover and Clelland, 1983; 1986 and Hawkins, 1984). Despite the structural determinants of discretion, which include the need to implement managerial demands and the social organization of client groups, discretion is not a social fact in the Durkheimian sense. That is, it is not entirely imposed upon individual SLBs by external

forces (cf. Durkheim, 1964). Since all social actors are 'knowledgeable' in that they understand a great deal about what is necessary to reproduce a given social structure (cf. Giddens, 1979), discretion must also be related to how individual SLBs are able to manage their work experiences.

This examination of discretion will also involve an empirical assessment of the second major proposition in this study. That is, discretion will be empirically assessed in terms of the degree to which SLBs are able to control certain aspects of their work. This is an aspect of control largely outside the purview of the indirect supervisory controls which were discussed in the previous chapter. Discretion is a product of the 'boundary spanning role' of SLBs. Prottas (1979) and Lipsky (1980) argue that the 'boundary spanning role' of SLBs consists of: (a) their relation to clients; (b) their relation to supervisors, and (c) the bureaucratic and client knowledge which they acquire on the basis of these two relations.

First the impact of client demands upon federal fishery officers will be assessed through an examination of the use of discretion in the work areas of public relations, enforcement and resource and habitat management. Since these are formal responsibility areas consisting of tasks defined by the Resource Management Branch and included in the work plan, the use of discretion in the implementation of official guidelines is an indicator of the degree to which client demands may influence the work of federal fishery officers.<sup>1</sup>

The second dimension to be considered is the impact of personal variables upon the use of discretion. The personal variables to be



discussed include the place of birth of fishery officers and/or their previous association with the inshore fishery. Even though these factors were not considered during the design of this research, the process of data collection demonstrated that, at times, fishery officers reflected upon their personal experiences when they discussed discretion. Comments like 'I used to be a fisherman', 'I'm from a fishing family' or 'work is hard to find here' were not uncommon. In particular, these comments were often given as reason for the use of discretion in the areas of enforcement and resource and habitat management.

The third set of variables which were used to empirically assess discretion include supervisory and socializing factors associated with the DFO. Even though discretion largely exists outside of the purview of managers within the DFO, this does not mean that the organization does not try to deal with discretion. Indirect bureaucratic controls, and the training programs associated with the Fishery Officer Career Program (particularly the National Training Program for recruits and the Enforcement Training Program for all fishery officers) will be viewed as measures of the impact of the organization upon the use of discretion by fishery officers. Furthermore, like the clients of fishery officers, it will be demonstrated that supervisors attempt to structure the discretionary behaviour of officers. However, it will be argued that the impact of organizational factors upon the use of discretion is limited. Even though officers have to fill out work reports on their discretionary activities, they (like other SLBs) are themselves the source of this information. This tends to place limits

on the supervisory role (cf. Lipsky, 1980:160-162). Furthermore, though training programs attempt to inculcate fishery officers with the values necessary for resource management, the extent to which these programs do so cannot be easily assessed (cf. Van Maanen, 1975).

In sum, this chapter will explore the impact of three sets of variables upon the discretionary role of federal fishery officers. These include, the impact of client demands upon the structuring of discretion, the role of personal attributes, and the impact of organizational factors such as supervision and socialization.

Prior to outlining the organization of the remainder of this chapter, it is necessary to reiterate that discretion should not be equated with a deviation from organizational interests. The data presented below indicate that, although discretion represents a limitation to managerial control over the labour process, fishery officers often use discretion in the name of organizational interests. Discretion is an adaptive strategy used by federal fishery officers to solve problems associated with unique situations. These situations are unique in that fishery officers, as 'boundary spanning officials', know the details surrounding the fishery and fish habitat in their subdistrict. The indirect bureaucratic and technological controls associated with the Resource Management Branch are not sufficient, or adequate, for directing the labour of fishery officers in such situations. The use of discretion to implement organizational goals (e.g. those associated with the work plan) is an example of how discretion is part of the 'unofficial' boundary of the Resource Management Branch of the DFO. Moreover, this boundary is linked to the

official boundary which was discussed in Chapter Four (cf. Watson, 1980). The discretionary role of federal fishery officers is not a quest for autonomy. On the contrary, autonomy is a demand for control which conflicts with organizational imperatives, whereas discretion is an adaptive strategy influenced by social conditions. It is exercised by individual SLBs in their relations with their clients. On the other hand, discretion can be a collective response by organized groups (such as trade unions) to secure group benefits.<sup>2</sup>

The remainder of this chapter will be divided into five sections. The first section will be a brief overview of the empirical work on the discretionary role of SLBs. It will be argued that SLBs are caught between the demands of clients and supervisors. Despite these factors, they are also in a position to use the knowledge deriving from their 'boundary spanning role' as a basis for discretionary decision-making. Therefore, discretion is a product of knowledgeable social actors operating under specific social conditions.

The second section of this chapter will be an empirical analysis of the discretionary role of federal fishery officers. Client demands, the personal background of fishery officers, and the knowledge of these officials, will be seen as measures which have an impact upon their use of discretion. As indicated earlier, the discretionary role of federal fishery officers will be assessed on the basis of their public relations, enforcement and resource and habitat management duties.

The third section will be an analysis of the discretionary role of federal fishery officers within the context of the literature on SLBs. It will be demonstrated that the heterogeneity of clients and

situations presented to fishery officers leads them to use a variety of discretionary strategies. Depending upon the strategy used by these officials (e.g. reactive enforcement, negotiated compliance and stereotyping), fishery officers appear to be like or different from other types of SLBs. As a result, it will be argued that discretion is not a uniform set of responses to problematic situations but is a complex phenomenon structured by a multiplicity of factors.

The fourth section will shift the analysis of discretion away from the impact of clients, to the role of organizational factors. It will be argued that, even though discretion is largely outside the purview of managers within the DFO, these managers do attempt to come to grips with this problem. The organizational factors to be considered include the role of supervision through indirect bureaucratic controls, (e.g. the reporting of discretion) and the socializing influences of training programs.

The fifth section will summarize the various factors which structure the discretionary role of federal fishery officers.

#### THE DISCRETIONARY ROLE OF STREET-LEVEL BUREAUCRATS

The discretionary role of SLBs resides in their 'boundary spanning role'. They are the only bureaucratic actors who have knowledge about clients and bureaucratic rules. It is this information which enables them to exercise discretion during problematic situations. Despite this, the literature on SLBs suggests that discretion is structured by the relationship of these officials to their clients and

supervisors (McCleary, 1975; Prottas, 1979; Lipsky, 1980; Smith and Visher, 1981; Lynxwiler, Shover and Clelland, 1983; 1986). Discretion is a social product. The factors surrounding the social production of discretion will be summarized below.

McCleary (1975) and Smith and Visher (1981), in their studies of parole officers and police officers respectively, discuss the situational determinants of discretionary behaviour. McCleary argues that what appears to be the free use of discretion on the part of parole officers, is actually behaviour determined by structural constraints. The violation in question, the demeanour of the client and the reputation of the parole office influence the use of discretion (1975:211). The parole officer may be torn between organizational and client loyalties. If the officer gets too close to his clients he may jeopardize his career, however he needs to get close enough in some situations in order to collect 'tips' which may be used by the police. This becomes an exchange of information in order to bring about the organizational goal of preventing the further incarceration of clients (1975:215-219). Similarly, in their study of the situational determinants surrounding police discretion, Smith and Visher (1981) argue that full enforcement is not possible and discretion plays a role in the social production of crime rates.

...A policy of full enforcement which uniform enforcement implies, is neither possible nor desirable because of conflicting organizational goals, diverse situational demands and the dependence of the police on the communities they serve (1981:167).

They find that factors ranging from the seriousness of the offence, the presence of bystanders and the demeanour of suspects all contribute to the police officer's use of discretion. In addition, there is an inverse relationship between the use of discretion and the seriousness of the offence (1981:172-172).

These factors are also present in the discretionary role of federal fishery officers. It will be shown in the next section that, like Smith and Visher's (1981) police officers, fishery officers are dependent upon their major client groups (especially inshore fishermen). Given this situation, fishery officers use discretion in cases of minor violations. Consequently, social considerations preclude a strict adherence to legal mandates.

Nivola (1978), in his study of housing inspectors in Boston, discovered that these officials use discretion, but on the basis of accounting for situational factors. He argues that strict enforcement would have serious side effects for lower-class tenants. This would include rent increases, displacements and abandonment of dwellings. Due to the uncertainty surrounding the strict implementation of housing inspection rules, these housing inspectors were not assigned quotas based upon productivity measures (1978:19-81). This contrasts with the use of productivity measures to supervise other SLBs (cf. Lipsky, 1980). Therefore, the discretionary role of housing inspectors seems to be structured more by the street-level rather than the organizational basis of their job. The existence of uncertainty tends to enhance the power of housing inspectors. According to Nivola:

By avoiding generalized rules of administration, cases could be dealt with on an 'ad hoc' basis, which meant deferring to what one official called the 'common sense psychology' of inspection in the men who presumably know the specifics of cases and had a better 'feel' for given situations in the 'field' (1978:78).

The SLBs discussed by McCleary (1975), Nivola (1978) and Smith and Visher (1981) tend to deal with clients which are relatively powerless. However, these clients still exercise some influence upon the discretionary role of SLBs. This ranges from situational factors, to the knowledge of some clients that is useful for SLBs (cf. McCleary, 1975).

However, some client groups exercise more power than others. Lynxwiler, Shover and Clelland's (1983; 1986) analysis of the regulation of surface coal mining in the United States focuses on the degree to which clients can exert influence upon the regulatory role of inspectors associated with the Office of Surface Mining Relations (OSM). The OSM favoured strict enforcement. However, on the basis of archival information and interviews, Lynxwiler, Shover and Clelland discovered that inspectors used a strategy based upon negotiated compliance in their relations to coal mining companies. The inspector would first issue a notice of violation for an observed violation, and might trade-off minor violations in order to get more serious ones corrected. Second, inspectors would set varying time periods for correcting violations, and third, the wording on inspection reports could influence the amount of the fine which was imposed (1983:437).

However, discretion was not structured completely on the basis of inspectors' knowledge about their clients. On the contrary, Lynxwiler, Shover and Clelland discovered that the size of the mining company had a positive impact upon the use of discretion. The large mining companies received more discretionary notices from inspectors than small companies for several reasons. The large companies would be more likely to contest violations through formal hearings which would place time constraints on the courts and inspectors. On the other hand, large companies tended to be more responsive to regulatory demands. Their resources, coupled with their need to maintain a good public image, contributes to this responsiveness. In addition, the resources of these companies enable them to hire technical specialists which structure inspector-client encounters (1983:432, 434). Shover, Clelland and Lynxwiler (1986) comment upon the possibility of inspectors being captured by the industry, a situation which is inimical to the interests of the OSM.

In practice, full implementation of inspection and enforcement was limited by available resources. In general the inspectors followed the intent of the program, although their actions showed a slight bias favouring large firms. The inspection and enforcement programs' enforced compliance was intended to prevent a watering down of the law or capture of the agency at the grass roots (1986:86).<sup>3</sup>

Hawkins (1984) found a similar pattern in his study of pollution inspectors. According to Hawkins, whenever there is a continuous relationship between regulators and those who are being regulated, the regulators have to use compliance rather than strict enforcement when it comes to implementing regulations. This ensures that the relationship



can be continued because the regulators often depend upon their clients for pertinent information (1984:45-46). Baar (1986) refers to this approach as diagnostic regulation. Under diagnostic regulation, the inspector uses a conciliatory approach to prevent future harm (1986:7).

First hand knowledge of the organization gained through a long-term relationship between the regulator and the company is essential to effective design of restitutive and conciliatory rather than a punitive response to non-compliance (1986:7).

Therefore, the stratification of clients into groups with different levels of power has an impact upon the discretionary role of SLBs. The exercise of discretion is related to the ability of groups of clients to match the knowledge which SLBs have about regulations. These observations are relevant to the discretionary role of federal fishery officers. Since these officials have a continuous relationship with their client groups, they often have to exercise discretion in some areas in order to gain cooperation in other areas. As we shall see, this is particularly true with regards to their relationship to inshore fishermen and to forestry and construction companies operating near the fish habitat.

The empirical literature relating to the 'boundary spanning role' of SLBs suggests that the discretionary role of these bureaucrats is socially constructed. Like the foremen in Wray's (1949) and Miller and Form's (1964) 'marginal man' thesis, SLBs are caught between the demands of two groups. The interests of managers and clients tends to structure their discretionary behaviour. However, the literature indicates that clients, and the social structure within which SLBs

operate, tends to be more pervasive than managerial demands in the construction of discretion. This is particularly evident in the work of Lynxwiler, Shover and Clelland (1983; 1986) and Hawkins (1984).

Drawing upon the discussion given in the preceding chapter, it can be argued that discretion is related to the limitations which supervisors exercise over the labour process of their subordinates. To be sure, managers do try to cope with discretionary behaviour on the part of SLBs. This is evident in the literature reviews of Prottas (1979) and Lipsky (1980). In addition, Shover, Clelland and Lynxwiler (1986) demonstrate that the OSM developed regulations largely on the basis of circumventing the discretionary role of its inspectors.<sup>3</sup> The organization favoured strict enforcement, but factors ranging from the continuous relationship of inspectors to coal companies, the power and responsiveness of large versus small firms and the conflict between some coal mining states and the federal government, all served to undermine strict enforcement in favour of negotiated compliance. A prevalent theme in the literature on discretion is the extent to which clients, rather than managers, structure the discretionary behaviour of SLBs.

However discretion is not a completely structured product. SLBs are 'knowledgeable social actors' who know a great deal about the conditions surrounding the reproduction of the social structure of which they are a part (cf. Giddens, 1979). For example, the patrol officers discussed by McCleary used their discretion in ignoring minor felonies to gain the cooperation of their clients (1975:215-219). Also, Nivola's (1978:70) discussion of housing inspectors demonstrates that inspectors took account of the possible consequences of their rigid use of

enforcement measures. The anticipation of the consequences of social action plays a role in how SLBs make use of discretion.

In sum, on the basis of the preceding review of empirical research using from the street-level bureaucracy approach, it is clear that client demands have a pervasive impact upon the discretionary role of these officials. Second, organizational demands though present, are not as prominent as client demands. Third, SLBs knowledge of the social structure which they regulate, a knowledge base derived from their 'boundary spanning role', is a key factor in their use of discretion. Discretion is a product of knowledgeable human agents operating within the context of specific social conditions. Attention will now shift to a consideration of the relevance of these factors to an empirical analysis of the discretionary role of federal fishery officers.

#### THE DISCRETIONARY ROLE OF FEDERAL FISHERY OFFICERS

This empirical analysis of the discretionary role of federal fishery officers is based on three of their work or responsibility areas: public relations, enforcement, and resource and habitat management (see Fisheries and Oceans, 1984c). In general terms, this involves a consideration of how they interact with their clients (public relations), implement regulations (enforcement), and regulate non-fishery related work near the fish habitat (resource and habitat management).

Even though several fishery officers argued that these work areas overlap, the data demonstrate that when asked to discuss their

discretionary activities in each of these areas, officials generally provided different examples of the use of discretion. For example, the use of discretion in the area of public relations was often associated with regulating gear conflict within the inshore fishery. Enforcement was associated with regulating the commercial lobster and recreational salmon fisheries. The discussion of discretion in resource and habitat management focused on the practices of forestry and construction companies operating near the fish habitat. It will be argued that these types of discretionary activities are highly structured by the regular contact which has to be maintained between federal fishery officers and their clients (cf. Lynxwiler, Shover and Clelland, 1983; 1986; Hawkins, 1984 and Baar, 1986). Consequently, fishery officers use compliance rather than a strict enforcement in their regulation of the inshore and inland fisheries. Moreover, they use different discretionary strategies depending upon the situation. These strategies tend to range from the need to regulate conflict, to the need to maintain compliance within a continuous relationship with clients.

The remainder of this section consists of three sub-sections related to the three responsibility areas. First, the public relations role of federal fishery officers will be examined. It will be argued that fishery officers exercise a wide range of discretion in this area, particularly in the regulation of gear conflict. This involves the regulation of class conflict between different groups of producers which use competing technologies within a restricted harvesting space. Second, attention will be given to the use of discretion in the area of enforcement. Fishery officers use a wide degree of discretion in this

area due to the need to ensure compliance with inshore fishermen. This compliance strategy is associated with flexibility in implementing regulations in the lobster fishery (which will be our example), for the purpose of receiving the cooperation of fishermen in other areas (e.g. collection of statistics on fish landings). Finally, there will be an analysis of the use of discretion in the areas of resource and habitat management. Due to factors which are beyond their control, federal fishery officers do not exercise as high a degree of discretion in this area as they do in the other two areas. Discretion in this area, is heavily structured by their relationship to forestry and construction companies which operate near the fish habitat. Such discretion is based upon the need for compliance, as well as their recognition of the implications of strict enforcement for employment in the forestry and construction industries.

The discussion which follows will highlight the impact of clients, situational factors, the knowledge of federal fishery officers and the personal background of these officials, upon the use of discretion. It will be demonstrated that the discretionary role of fishery officers is a combination of social conditions and cognizant social action within these conditions.

### Public Relations

The job description. The public relations role of federal fishery officers overlaps with their other job duties. Public relations activities include providing information on DFO policy to interested clients ranging from commercial and recreational fishermen to forestry

companies. Fishery officers often attend meetings with fishermen's committees and visit schools as part of their public relations activities. Public relations is geared towards promoting a 'good image' of the DFO.

For fishery officers, public relations is not restricted to providing information, it also is associated with conflict regulation. The regulation of gear conflict in the inshore fishery was made part of the duties of fishery officers in 1960. Fishery officers were empowered to settle disputes over the setting of distances between different types of gear (Kelland, 1961:9; Fisheries and Oceans, 1985).<sup>4</sup> Prior to discussing gear conflict as an example of the use of discretion in the area of public relations, it is necessary to provide details on the overall level of discretion exercised by fishery officers in this area.

The level of discretion exercised in the area of public relations. Fishery officers' perceptions of their degree of discretion in the area of public relations is depicted in Table 5.1, and the basis for this discretion is presented in Table 5.2. Table 5.1 indicates that over 80 percent of senior and junior fishery officers exercised discretion in at least some of their public relations activities. Therefore, as the theory of street-level bureaucracy indicates, discretion is possessed by lower-level positions within public service bureaucracies.

The main reasons given by fishery officers for using discretion in the area of public relations include the "need to be flexible" (N=14)

TABLE 5.1

Fishery Officers' Perceptions of Their Degree of  
Discretion in the Area of Public Relations

Degrees of Discretion	<u>Job Category</u>		
	Senior Fishery Officers	Junior Fishery Officers	
All Activities	7 (30.4%)	4 (14.3%)	11 (21.6%)
Some Activities	12 (52.2%)	21 (75.0%)	33 (64.7%)
No Activities	4 (17.4%)	3 (10.7%)	7 (13.7%)
	23 (45.1%)	28 (54.9%)	51 (100.0%)

$\lambda_{yx} = 0$

TABLE 5.2

The Reasons Why Fishery Officers Feel  
That the DFO Permits the Use of  
Discretion in the Area of Public Relations<sup>1</sup>

The Reasons Why Discretion is Permitted	<u>Job Category</u>		Number Citing Reason
	Senior Fishery Officers (N=19)	Junior Fishery Officers (N=25)	
Need to be Flexible	5	9	14
Associated with Job Position	7	5	12
Knowledge of Fishermen/ Area	4	5	9
Other	11	12	23
Total Number of Reasons Given	27	31	58

<sup>1</sup>Since Fishery Officers may have responded in more than one category of the dependent variable, column percentages are not used. This procedure will be repeated in tables of a similar nature throughout this study.

responsibilities which accompanied the job position (N=12) and knowledge about the fishermen and/or area within which they carry out their work (N=9) (See Table 5.2). The knowledge which fishery officers have about their clients is an area which is not subject to rigid bureaucratic



controls. The fishery officers' work environment is associated with uncertainty (cf. Crozier, 1964). Responses in the other category (N=12) in Table 5.2 range from "discretion in explaining regulations" to "a lot of people are uninformed", to "the need to maintain credibility with fishermen" and to "the need to educate school children".

Fishery officers considered the regulation of disputes among inshore fishermen, the education of inexperienced anglers to the proper methods of salmon fishing, and the introduction of school children to fishing regulations to be among the areas where they exercised discretion in their public relations role. However, over one-third of the sample of respondents who exercised discretion in the area of public relations (N=17) emphasized the regulation of gear conflict within the inshore fishery.

The regulation of gear conflict as an example of discretion in the area of public relations. There were three types of disputes which were dealt with by fishery officers in the regulation of gear conflict: disputes over who could enter cod and salmon berth draws, conflict between fixed gear operations, and conflict among fixed and mobile gear operators. A brief discussion of the latter two conflicts will be used to illustrate how fishery officers exercise discretion in this sphere. In this case, discretion becomes the regulation of intra and inter-class conflicts.

Fishery regulations require that fixed gear other than cod traps have to be fifty fathoms apart, and that cod traps have to be separated by eighty fathoms.<sup>5</sup> However, the restricted harvesting space within

many inshore fishing communities prevents fishery officers from strictly enforcing the distances between fixed gear without affecting the livelihood of inshore fishermen. Generally, fishery officers only bother to deal with disputes relating to gear conflict, if they are first contacted by inshore fishermen (cf. Martin, 1979). According to one senior fishery officer:

The fifty fathom rule for fixed gear - the rationale for the regulation is there for us to settle disputes. If you set your own nets closer we don't care, but when other people complain we intercede to try to settle it. (Interview No. 48)

In settling disputes, fishery officers try to get fishermen to 'compromise' and to 'settle it among themselves'. According to a junior fishery officer:

Settling disputes is up to yourself. You got two cod traps that are supposed to be eighty fathoms apart. You may not have enough room to move eighty fathoms apart and we try to tell them 'Now boys you can't move eighty fathoms apart, but move seventy fathoms apart'. (Interview No. 31)

This comment indicates that even though fishery officers try to get fishermen to settle gear conflicts among themselves, fishery officers use their presence to bring about this compromise.

In Chapter Two, it was argued that, in the mediation of gear conflict,<sup>4</sup> fishery officers often deal with different groups of inshore fishermen, namely; those operating from small boats and longliners. In their attempt to harvest enough stocks to make their vessels profitable enterprises, longliner fishermen may impinge upon the traditional fishing grounds of small boat fishermen (cf. McCay, 1979). Emphasis

will be placed upon the conflict between mobile and fixed gear, in order to illustrate dispute settlement in the inshore fishery.<sup>5</sup>

The conflict between mobile and fixed gear tends to occur when fishermen fishing from longliners use mobile gear such as purse seines, to harvest fish stocks in the vicinity of the fixed gear of small boat fishermen. According to fishery officers, mobile gear is not permitted to be cast any closer than 400 metres to fixed gear. The conflict between mobile and fixed gear tends to occur during the brief, but lucrative, capelin fishery in late June and early July. A junior fishery officer stated that fishery officers only intervene to enforce the distance that has to be maintained between fixed and mobile gear, if fixed gear fishermen (usually small boat fishermen) complain that their gear is being damaged by mobile gear:

Right now we are involved in the capelin fishery quite a bit and we have to see that gear conflicts are kept under control (i.e. between mobile and fixed gear)... There is a set distance for the purse seiners to operate from the traps. This year a lot of purse seiners are not doing very well and there is instances where they operate closer than 400 metres from the traps and if we don't have any complaints from the trap fishermen, we turn to one side. (Interview No. 27)

This statement indicates that this fishery officer gets involved in the relations between small boat and longliner fishermen, in order to settle gear conflict. Fishery officers argue that they settle gear conflict by playing the role of "neutral arbiters". According to one senior fishery officer, "...we are always running into gear conflicts with mobile gear tearing up fixed gear. We are always playing the referee part in all cases" (Interview No. 30). In maintaining a low profile in the

enforcement of distances between different types of gear, fishery officers exchange "law enforcement" for "the maintenance of order" and good relations with fishermen. This makes them somewhat similar to the police officers discussed by Wilson (1968). According to Wilson, police officers tend to deal with clients more so on the basis of order maintenance than on the basis of law enforcement. He argues that the order maintenance function involves the use of discretion (1986:17, 21). This is reflected in the views of one junior fishery officer. In discussing the regulation of gear conflict he argues that:

...we don't want to come down hard. We try to get them to agree with each other. Usually in the gear disputes we turn it back on the fishermen to solve it themselves. We try not to put someone in a position where they lose money in the fishery. (Interview No. 44)

This comment also indicates that this fishery officer is aware of the negative implications of strict enforcement. Like Nivola's (1978) housing inspectors, this fishery officer's use of discretion is based upon an anticipation of the consequences of a given social action.

The data also indicate that, in attempting to control gear conflict through the maintenance of order, fishery officers use a reactive rather than a proactive disposition toward fishermen (cf. Smith and Visher, 1981; Hawkins, 1984). In other words, they react to complaints from fishermen rather than use their position to look for violations. Although the work plan (see Chapter Four) is the means whereby management structures the work activity of federal fishery officers, the reactive disposition of these officials in the settling of gear conflict is an example of how their work is also structured by

clients. This reactive stance involves the use of discretion and is reflected in the views of a senior fishery officer:

This is the first year since I came here that we have not had a conflict between longliner fishermen. [Community] is so bloody small and only the centre is good for gillnetting. Too many nets are trying to get into too small an area. Sometimes you get conflicts between gillnets and trawls. We try to use reason. You only got a little arm you can piss across and you only have the middle to work in. How can you tell a fellow to take his net out of it if he is trying to make a living. The regulation says they have to be fifty fathoms apart (i.e. fixed gear), but if they are closer no problems. We won't stir up a hornet's nest. Trouble is like shit, the more you stir it, the more it stinks. (Interview No. 30)

This comment indicates that this fishery officer uses his discretion to maintain order. It appears that by attempting to maintain order this official regulates conflicts within the small boat and nearshore fisheries, as well as conflict between these fisheries.

In commenting upon the reactive stance of SLBs, Hawkins (1984) and Smith and Visher (1981) focus upon the role of situational factors. Hawkins distinction between proactive and reactive types of enforcement by water pollution inspectors highlights the social factors surrounding regulatory activity.

Where an enforcement agency actively seeks out deviance by organizing its discovery system to survey, monitor or inspect, it mobilizes resources proactively. Where outsiders not under agency control respond to rule breaking which comes to light by reporting it to the enforcement agency, investigation and enforcement work is initiated reactively (1984:90).

The routine sampling of discharges of pollutants into the water by companies would be an example of proactive enforcement. Here the inspectors are conducting the tasks specified in their job description and are seeking out deviance (1984:73). However, Hawkins notes that most cases of pollution are discovered reactively. These come to the attention of inspectors from interested bystanders such as the citizens of a community (1987:96).

According to Smith and Visher, the police tend to react to complaints concerning violations rather than seek these violations out for themselves. This is reflected in the duties which are assigned to them by the dispatcher. The police, however, tend to become involved in proactive enforcement when situations such as the presence of bystanders and the disposition of suspects comes into play. It is argued that the police have greater discretion in these activities, since these are not mobilized by the dispatcher and are not a matter of departmental record (1981:167). For example, since the police prefer to establish order rather than becoming involved in arrests, the deference of clients may influence arrest decisions (1981:172).

Whereas the police studied by Visher and Smith have more discretion in the area of proactive enforcement, the data presented above suggest that fishery officers exercise considerable discretion in the area of reactive enforcement (i.e. public relations). That is, fishery officers consider the regulation of gear conflict to be a public relations task rather than one based upon enforcement. Thus, in interviews with Fishery Officers, the question of gear conflict was usually raised by them when questioned about their public relations

role. It is also indicated in their disregard for the proper distance between various types of gear. For fishery officers, the social structure of the inshore fishery combined with restricted harvesting spaces necessitates the use of public relations activities rather than strict enforcement in the regulation of gear conflict.

Similar to Hawkins' water pollution inspectors, fishery officers also use reactive and proactive types of enforcement. The goals associated with the work plan take up much of the fishery officers' time and proactive enforcement is only used within the context of fulfilling work quotas. Since the discovery of gear conflicts is not part of the work plan, it is not surprising that fishery officers do not strictly enforce distances between different types of gear. This may be one reason why these officials consider the regulation of gear conflict to be a public relations role.

### Enforcement

The job description. When asked to rank their job tasks, fishery officers gave enforcement a mean ranking of 2.3 and it is considered by fishery officers to be one of their most important tasks. However, junior fishery officers gave this area a 1.6 ranking, whereas senior fishery officers gave it a ranking of 3.4 (see Figure 2.3). Senior fishery officers perform more supervisory and administrative tasks than their junior counterparts and are less directly involved in enforcement. Enforcement is a 'field activity' which involves a considerable amount of interaction between fishery officers and their clients. Activities in this area are heavily structured by the work

plan. Consequently, fishery officers are often involved in proactive enforcement. Enforcement activities include: the conducting of patrols, checking for legal vessel sizes, ensuring that fishermen are using legal gear, checking fishermen for licenses, processing violations and collecting evidence for courtroom duties.

The level of discretion exercised in the area of enforcement.

Fishery officers' perceptions of their degree of discretion in the area of enforcement and the reasons why they exercise this discretion is documented in Tables 5.3 and 5.4. Table 5.3 depicts that, with one exception, all fishery officers feel that they have at least some discretion in the area of enforcement.

In discussing the basis for their discretion, fishery officers referred to their "knowledge of local fishermen and the area" (N=15), "the need to be flexible" (N=14) and the "degree of the violation" (N=10). These factors reflect aspects of their role which they share with other SLBs. First, knowledge of local conditions and clients is one of the most prevalent aspects of the role of most SLBs (cf. Prottas, 1979; Lipsky, 1980). Second, a consideration of the 'need to be flexible' is indicative of the use of enforcement on the basis of compliance, rather than through the strict application of rules and regulations (cf. Hawkins, 1984; Lynxwiler, Shover and Clelland, 1983; 1986). Finally, the use of discretion on the basis of the seriousness of the violation is similar to the findings of McCleary (1975) and Smith



TABLE 5.3

**Fishery Officers' Perceptions of Their Degree of  
Discretion in the Area of Enforcement**

Degrees of Discretion	<u>Job Category</u>		
	Senior Fishery Officers	Junior Fishery <sup>1</sup> Officers	
All Activities	8 (34.8%)	7 (25.9%)	15 (30.0%)
Some Activities	15 (65.2%)	20 (74.1%)	35 (70.0%)
	23 (46.0%)	27 (54.0%)	50 (100.0%)

<sup>1</sup>One fishery officer stated that he had no discretion in this area.

TABLE 5.4

Reasons Given By Fishery Officers  
for the Use of Discretion in  
the Area of Enforcement

The Reasons Why Discretion is Permitted	<u>Job Category</u>		Number Citing Reason
	Senior Fishery Officers (N=23)	Junior Fishery Officers (N=27)	
Knowledge of Local Fishermen/Area	7	8	15
Need to be Flexible	7	7	14
Degree of the Violation	4	6	10
Economic Factors	2	4	6
To Facilitate Public Relations	0	5	5
Other	6	3	9
Total Number of Reasons Given	26	33	59

and Visher (1981). In particular, Smith and Visher discovered an inverse relationship between the use of discretion and the degree of the seriousness of the violation (1981:172-173).

The use of discretion, on the basis of knowledge of local conditions, is prevalent when it comes to matters such as the lack of a commercial fishing vessel registration number (CFV) (N=12) and the absence of a fishing license 'on the person' of inshore fishermen (N=9). Fishery officers argue that, in cases such as these, they know who the fishermen in their subdistrict are and a warning rather than "strict enforcement" is sufficient in correcting such matters. Moreover, these matters are not serious in terms of implementing the resource management mandate of the DFO. According to one junior fishery officer:

An enforcement officer has to use discretion. We got fifteen to twenty acts and regulations and if you went by the book on all of those cases you would spend all of your time in court. You have to realize that we are not dealing with criminals in a sense. Most of the time we are dealing with commercial fishermen who are doing this for their livelihood. In our regulations a fisherman must have his C.F.V. number on his boat. If you went to court with every fellow who did not, you would spend all of your time in court. It is not something (i.e. the lack of a C.F.V. number on a vessel) that is serious with regard to the conservation of the stocks. (Interview No. 22)

This officer is using his knowledge of local conditions, the lack of seriousness of the violation and the need to decrease courtroom duties as a basis for using discretion. To the extent that they use discretion in the case of minor violations, the work of fishery officers is similar to that of the parole officers discussed by McCleary (1981). He argues

that, if parole officers strictly adhered to all of the rules, they would create more work for themselves and prevent the execution of other duties. The under-reporting that is involved in parole work serves to decrease the workload in the organization (1981:183).

Fishery officers also use discretion to solicit the cooperation of their clients. The use of discretion with regard to the lobster fishery is indicative of the use of compliance as a discretionary strategy in the area of enforcement. This fishery will be elaborated upon in order to highlight how the continuous relationship between federal fishery officers and inshore fishermen involves the social construction of compliance.

An example of discretion in the area of enforcement: the lobster fishery. The lobster fishery is the first commercial fishery to begin each year (around April 20). In discussing the regulation of this fishery, fishery officers focused upon three problem areas. First they were concerned with the problem of over fishing resulting from the use of too many lobster pots by fishermen and their own lack of manpower to regulate the number of pots which were being fished.<sup>6</sup> Second, they discussed the stealing of lobsters from the pots of lobster fishermen by others.<sup>7</sup> Finally, fishery officers referred to the problems related to the catching of undersized lobsters. This problem will be emphasized below since it depicts how fishery officers enforce regulations on the basis of compliance.

The harvesting of undersized lobsters is a perennial problem in the inshore fishery of Newfoundland. According to DFO regulation, the

size of harvested lobsters must be no less than 3 and 3/16 inches in body width. Fishery officers perform regular patrols, as part of the work plan, to ensure that lobster fishermen are not harvesting undersized or berried lobsters (i.e. pregnant lobsters). According to one junior fishery officer:

The lobster fishery starts in the spring. We go around to the fishermen and check their traps to see if the lath size is in regulation (1 and 3/4 inches). After the gear is in the water, we check them for their commercial fishing vessel number and licenses. We also check the lobsters themselves to make sure they are not under the limit or berried lobsters...the regulation of the lobster fishery is important because while it (i.e. undersized lobsters) cannot be sold to a commercial buyer, it can be sold to an individual on the black market and consumed locally. The latter part of the season - the run of legal size lobsters starts to slack off. The fishermen remove their gear from the water and usually make a run on the undersized lobsters. (Interview No. 45).

In checking for undersized lobsters, fishery officers are not just concerned with the activities of lobster fishermen, they are also concerned with the buyers of small lobsters. A senior fishery officer pointed out that he had reports of local buyers shipping undersized lobsters (Interview No. 32). He stressed that, in order to control the problem of undersized lobsters, strict enforcement measures were necessary. This would involve charging fishermen and buyers who were caught with a large number of undersized lobsters in their possession. In 1980, there were 53 charges laid concerning violations in the Newfoundland lobster fishery. Only the sports fishery (200 violations)

and licensing and registration (66 violations) had more charges laid (Fisheries and Oceans, 1980:12).

Some fishery officers associated the harvesting of undersized lobsters to the poor economic conditions in rural Newfoundland. A junior fishery officer stated that the lack of manpower, coupled with their other duties, prevented them from adequately enforcing lobster regulations:

If you look at lobster - it is a costly thing to buy, but you can pick up a lobster pot anywhere. With high unemployment, it is tempting. A fishery officer may not be around to check it out. The public sees the probability of being caught as low. (Interview No. 33)

Despite these factors, fishery officers do not always attempt to strictly enforce regulations in the lobster fishery. These officials focus upon such factors as weather conditions, the presence of only a few undersized lobsters, the need to solicit cooperation from fishermen on other matters, and their knowledge of local economic conditions as reasons for using discretion in the lobster fishery.

Fishery officers use discretion in the regulation of the lobster fishery in cases where fishermen only have a few undersized lobsters. They consider this to be a minor violation. A fisherman may receive a verbal, or in most cases, a written warning. Fishery officers try to let the fisherman correct a violation rather than use strict enforcement.

...You cannot change regulations but we all have discretion. If the mounties catch you 5 MPH over the speed limit, they will probably warn you. We are the same way. If it is a minor thing, we got the discretion of warning

that person [for example, take small lobsters]. The second time he is a dead duck. (Interview No. 30)

This fishery officer is using compliance rather than sanctions; the strategy is to "prevent a harm rather than punish an evil" (cf. Hawkins, 1984:4). The use of compliance is also indicative of the views of this junior fishery officer:

Our main goal is not to get charges and violations. Our main goal is the conservation and protection of the resource. If you can conserve the resource without going to court, more power to you. You can have a regulation and it is not cut and dry... Without it (discretion) you are like a computer. Where you can accomplish the same thing with preventative enforcement use it, but if it is abused (i.e. constant violations) use punitive enforcement. (Interview No. 9)

Like McCleary's (1981) parole officers, this fishery officer is not going to use strict enforcement and "tie up the courts" and his own work time if preventative enforcement, or the use of compliance, is successful in preventing a future harm.

However, the use of discretion in the lobster fishery is not merely a cost-benefit analysis dealing with work time and going to court. It is also related to the consideration that compliance is a necessary strategy in any relationship characterized by a continuous interaction between regulators and the regulated (Hawkins, 1984; Lynxwiler, Shover and Clelland, 1983; 1986). Regulators depend upon those regulated for information necessary for the overall process of regulation. The following quotes from junior fishery officers indicate that discretion is structured by this need to maintain a cooperative relationship with inshore fishermen:

With lobsters you take a fisherman, he may have 2-3 undersized lobsters out of 100. I would not charge a man the first time for that...I would give him a warning and tell him to check more carefully... The fishermen are trying to make a living, we are not out there to crucify them. We are trying to help them. If you did not use discretion you would not get cooperation from them in other areas such as in statistics and other activities. (Interview No. 41)

There is a lot of discretion used. A full-time fisherman is out lots of time and it is blowing and he is checking his lobster. It is hard to operate a boat, haul traps and check lobsters. If he has a few you would give him a warning, especially a full-time fisherman at it for a living... It would not be very nice to charge every fisherman with small lobsters. You would lose the respect from the fishermen. (Interview No. 39)

If you start fooling around with the fishermen about insignificant things (e.g. undersized lobsters and the lack of a CFV number on their vessel) you'll soon have poor relations with them. (Interview No. 28)

Fishery officers use discretion because they depend upon fishermen for statistics on fish landings. This information would be difficult to collect if they used strict enforcement practices in all matters. The use of discretion indirectly contributes to the implementation of DFO goals. Catch statistics enables the DFO to establish quotas for particular species for each area of the Newfoundland Region. Moreover, fishery officers argue that their collection of data on fish landings can help determine the opening and closing of specific fisheries. For example, during the spring of each year, fishery officers need the help of longline fishermen to help them determine whether the capelin fishery is ready to be opened.<sup>9</sup>



Similarly, they depend upon fish statistics, collected from fishermen, to help them determine whether a fishery should be closed. The closing of the herring fishery in the early 1980s, and its reopening in 1986 to fixed gear users, is an example of a regulatory practice which depended upon information supplied by fishermen. The data presented above, suggest that the collection of information on fish landings is facilitated by the use of compliance rather than sanctions in the area of enforcement. Compliance facilitates organizational goals. Adhering to the 'spirit' rather than to the letter of resource management is functional to organizational interests.

The role which SLBs play in using discretion to implement organizational goals is present in Hawkins' (1984) study of water pollution inspectors in Great Britain and Lynxwiler, Shover and Clelland's (1983; 1986) study of inspectors associated with the Office of Surface Mining Regulation (OSM) in the United States. In both cases, the SLBs in question use compliance to implement regulations in order to fulfill their organizational mandate. Hawkins (1984) description of the relationship between enforcement officials, and those who discharge pollutants, is comparable to the relationship between fishery officers and inshore fishermen:

Frequently the officer will engage in specific preventative work: issuing warnings to dischargers about risks being posed, offering advice about essential remedial measures; supplying information about grants which may be available; and suggesting consultants... Being on good terms with dischargers is essential for the field man to do his job efficiently: it allows him access to property whenever necessary, enabling him to carry out

essential for the field man to do his job efficiently: it allows him access to property whenever necessary, enabling him to carry out inspections and to raise matters which may otherwise be sensitive (1984:45-46).

The same pattern was also discovered by Lynxwiler, Shover and Clelland (1983; 1986) in their study of the regulatory practices of the OSM. The OSM was formed in 1977 to regulate the surface coal mining industry on the basis of strict enforcement. This was aimed at removing the discretionary power away from the field personnel. However, enforcement was not attained on the basis of sanctions. It was achieved through negotiated compliance (1986:128-129).

...In the application of sanctions...the agency's performance fell short of headquarter executives' original expectations. Fines were modest in amount and collection was ineffective. The widespread reduction or abatement of fines as a reward for the abatement of violations reflected an accommodative orientation (1986:129).

These studies point out that compliance is a discretionary strategy influenced by specific social conditions. Water inspection officials, surface coal mining inspectors and the fishery officers being discussed here are all exposed to enforcement on the basis of specific guidelines. But the implementation of these guidelines occurs on an 'ad hoc' basis. Rules and regulations may guide the performance of SLBs, but as Hyder (1984) argues, the process of implementation must leave room for "innovation and correction" (1984:13). That this is the case for federal fishery officers, is reflected in their regulation of the lobster fishery (and for that matter other commercial fisheries).

Before leaving this discussion of the social construction of discretion in the area of enforcement, it is useful to consider the role of personal factors in influencing the discretionary role of federal fishery officers. Even though fishery officers are recruited on the basis of implementing the DFO's resource management mandate, in some cases their background influences their use of discretion. This is evident in their consideration of economic conditions in the inshore fishery. Among the 51 respondents included in this study, 86.3 percent (N=44) were born in rural Newfoundland,<sup>10</sup> 27.4 percent (N=14) are the sons of inshore fishermen (N=13) and 25.4 percent (N=13) are former inshore fishermen. In addition, 11.7 percent (N=6) are the sons of fishery officers.<sup>11</sup>

The data indicate that some fishery officers are influenced in their use of discretion by their experience of growing up and working in a fishing environment. Thus, the discussion of the use of discretion in the lobster fishery (and other commercial fisheries) is often supplemented with comments like "the fishermen are trying to make a living", "the fishermen are not criminals" and "we don't want to put anyone in a position whereby they'll lose money in the fishery". These economic considerations have some basis in the role change involved in becoming a fishery officer from out of the ranks of inshore fishermen (e.g. Interviews No. 28, 43, 45 and 47). One junior fishery officer explicitly stated that he used discretion on the basis of understanding the needs of full-time fishermen:

Well I know from the other side of the fence.  
I was a full-time fisherman for a long time.  
I knew how important it is to have a good

relationship with the fishery officer. If a regulation comes out the higher ups say how it should work, but the fishermen know how it will work. I relate to the fishermen as I understand them. (Interview No. 28)

Another fishery officer, who has his occupational origins from outside of the fishery, tried to identify with the needs of fishermen:

People in every community from [...] to [...] know who I am. You got a contact. It is very important. Even though you are dealing with law enforcement you are dealing with peoples' lives. I would try to put myself in his (i.e. the fisherman's) position. (Interview No. 32)

These comments are indicative of the degree to which subjective considerations, in addition to the structural factors discussed above, influence the discretionary role of fishery officers. But this should not be equated with the fishery officers being 'captured' by the interests of inshore fishermen (cf. Shover, Clelland and Lynxwiler, 1986). While they may identify with fishermen, the following quotes from former inshore fishermen who are currently fishery officers indicate that they attempt to distance their role from the fishermen whom they regulate.

The first year I found it difficult to enforce because I was doing things as a fisherman rather than as a fishery officer. Now I have settled into the role. What we usually try to do if we have a conflict with our neighbours is to get another fishery officer to handle it. (Interview No. 43)

It is difficult to be a fishery officer where you once fished. It is a lot of hassle going out to clubs... I used to fish with certain people and when I fished my views were the same as theirs. But after I got into the enforcement aspect of it I became educated to

why it was being done whereas as a fisherman I could not see why. (Interview No. 47)  
It was difficult at first. One day I was just another fisherman and the next day I was the guy who would tell them what to do. A lot of fishermen were not too crazy about that. I can't go to the clubs with my buddies anymore and have peace of mind when I am there. (Interview No. 45)

Fishery officers work under conditions which necessitate the use of discretion. However, discretion is used by fishery officers with the interests of the DFO in mind and should not be equated with a deviation from DFO interests. To some extent, these fishery officers are similar to the foremen discussed by Wray (1949) and Miller and Form (1964). They are 'marginal men' who have to regulate a group of workers to whom they once belonged. However, there are limitations to the 'marginal man thesis' when discussing the role of federal fishery officers. These officials still identify more with management, but exercise discretion in their relation to their clients. Dunkerley's (1975) and Grimm and Dunn's (1986) analyses of how foremen attached to managerial goals, may still use discretion in their relation to subordinates, is comparable to the situation of federal fishery officers.

This leads to a consideration of the impact of organizational factors upon the use of discretion. Prior to discussing these issues, it would be useful to elaborate upon the use of discretion in the recreational fishery and in the areas of resource and habitat management. These areas add to the complexity involved in the use of discretionary practices.

A second example of discretion in the area of enforcement: the regulation of the recreational salmon fishery. Whereas the regulation of the capelin fishery involved the use of a reactive enforcement strategy based upon conflict management, and the regulation of the lobster (and other commercial fisheries) was based upon a proactive enforcement strategy structured by compliance, here it will be demonstrated that the regulation of the recreational salmon fishery is conditioned by the SLB practice of stereotyping. According to Lipsky (1980:9, 25) under conditions of scarce work resources SLBs often differentiate clients on the basis of stereotypes in order to manage their workload. Here it will be argued that the use of stereotypes in the regulation of the recreational salmon fishery, is possible, since fishery officers are not involved in a continuous relationship with sports fishermen.

The recreational salmon fishery runs from June to August. During this time, the DFO hires or contracts out (see Chapter Four) river guardians to assist fishery officers in the regulation of this fishery. Fishery officers referred to two problems in regulating this fishery. First, and foremost, is the perennial problem of poaching. Second, this problem may be empirically assessed within the context of scarce work resources. Since these resource problems were discussed in Chapter Four, each will only be introduced insofar as it bears upon the use of discretion.

On the basis of their interaction with poachers, fishery officers have developed stereotypes to differentiate between two types of poachers. They referred to "experienced local poachers", and to

"inexperienced poachers". This latter group includes tourists and school children.

Fishery officers argue that the experienced poacher is the product of the perennial high unemployment in Newfoundland. During the summer months, many unemployed people turn to poaching to supplement their income. A senior fishery officer stated that:

...most of the people we get involved with are social assistance people who are around the rivers day and night. It (poached salmon) usually goes to town. Enforcement seems to be a major thing on the inland it always has been and always will be. (Interview No. 12)

A junior fishery officer pointed out that:

...poaching is a problem and a major contributor is unemployment. The young people are without a job. When the salmon is on the go, a lot of people will spend their time at it (i.e. poaching) to get a bit of money spending. (Interview No. 39)

According to one junior fishery officer:

...there are two types of poachers. The guy who has to jig the salmon or the boys will be laughing at him for a week, and the guy who tries to make his living off it. (Interview No. 31)

However, both of these types of poachers are informed poachers. They are aware of the regulations governing the recreational salmon fishery.

Other fishery officers pointed out that some poachers are uninformed, a category which includes tourists and young people. Many tourists caught poaching are unaware of the regulations governing the recreational salmon fishery. For example, whereas many local anglers will be aware that certain scheduled salmon rivers may be closed due to low water conditions, this information may not have been available to

tourists. In cases such as this, fishery officers argue that their public relations role is important. They try to contact anglers to inform them of any sudden changes in the regulations governing the recreational salmon fishery. Fishery officers also declare that young people, or school children, are often unaware of proper angling procedures. A junior fishery officer pointed out that young people are his biggest problem when it comes to poaching:

The biggest problem is youngsters. They could be anywhere from seven to sixteen. They are fishing and they are inclined to keep the smolt (i.e. young salmon) because some of them don't know the difference, and they are fishing during the closed season. (Interview No. 27)

On the basis of the data collected on poaching, a 'typology of poachers' can be developed as depicted in Figure 5.1. The types of poachers depicted in this figure are derived from the informal categories used by fishery officers. To be sure these types of poachers should be viewed as 'ideal types' and not a perfect match of reality. There may be unemployed poachers who are inexperienced and are caught poaching the first time they engage in this type of activity. Similarly, some tourist poachers may be informed of the regulations surrounding the recreational salmon fishery. Finally, the reader will notice that there is not a type of poacher who is experienced and uninformed. The existence of such a poacher is virtually impossible, given that many fishery officers have indicated that an experienced poacher knows the work hours of fishery officers and guardians. Experienced poachers who are informed about work schedules organize their activities around them.



FIGURE 5.1

The Relationship Between Knowledge of Regulations,  
Fishing Experience and the Various  
Types of Poaching

Level of Fishing Experience	Knowledge of Regulations	
	Informed	Uninformed
Experienced	Unemployed local poachers	
Inexperienced	Weekend Anglers	Some Tourists School Children

The use of 'stereotypes' by fishery officers to refer to different types of poachers is related to the conditions of scarce work resources under which they work. According to Lipsky, such a differentiation of clients in such situations enables SLBs to manage their workload (1980:106):

Whatever prejudices street-level bureaucrats do or do not have, the structure of their work appears to call for differentiation of the client population, and thus there is a structural receptivity to prejudicial attitudes (1980:115).

## Resource and Habitat Management

Job description. The areas of resource and habitat management are two separate responsibility areas for fishery officers. These were combined in the collection of data on discretion because the job description in both cases was directly associated with the management of the fishing environment. Although fishery officers argued that enforcement is a resource management tool, they referred to different types of discretionary activities when discussing enforcement and resource management respectively.

The area of resource management is considered by most fishery officers to be their major responsibility area (see Figure 2.3). Resource management duties include the management of the harvesting of fish stocks by inshore fishermen. Fishery officers also participate in the opening and closing of the fishing season for restricted species in each subdistrict and/or area. Thus, they also participate in the monitoring of quotas. Other resource management duties include the conveying of information to commercial fishermen, particularly with regard to the quotas for specific species. Even though these tasks are also discussed within the context of enforcement, when asked to discuss their resource management duties fishery officers tended to focus upon the management of quotas. On the basis of information such as this, it was considered useful to keep enforcement and resource management separate.

Though habitat management tasks are similar to resource management tasks in that both involve the management of the fishing

environment, fishery officers argued that the former was not one of their most important responsibility areas (see Table 2.3). This was because habitat management duties were not included in the work plan. Nevertheless, fishery officers viewed the preservation of the fish habitat to be instrumental to the resource management mandate. Habitat management duties included the regulation of pulp and paper mills, sawmill operators, loggers and construction crews which work near inland and inshore waters. This work generally involved regulating activity near the spawning grounds of the Atlantic salmon.

In 1977, The Fisheries Act was amended in order to strengthen its habitat provisions. This enabled the federal government to take legal action to ensure that work done near the fish habitat was deferred until it was approved by experts (including fishery officers) (Fisheries and Oceans, 1982:24). The failure of individuals or groups working near the fish habitat to contact DFO officials could result in fines up to \$50,000 and up to two years imprisonment upon conviction (Fisheries and Oceans 1983b:3). Section 58(1) of The Fisheries Act stipulated that fishery officers could seize fishing vessels, gear or equipment which were used in conjunction with unauthorized work near the fish habitat (1983b:9). Such offenses could involve construction work which may cause siltation in scheduled salmon rivers, the dumping of sawdust into such rivers and the unauthorized ocean dumping of refuse (1983b:5). Despite such powers, the evidence on discretion which follows, indicates that the power of forestry companies, the lack of employment opportunities in rural Newfoundland, and the requirement that officers in the field clear habitat violations with higher officials, places

constraints upon the strict application of rules. The data below indicate that while fishery officers have recourse to discretion in the areas of resource and habitat management, their level of discretion is less than they exercise in the areas of public relations and enforcement.

The level of discretion exercised in the areas of resource and habitat management. Tables 5.5 and 5.6 illustrate the extent to which federal fishery officers perceive that they have a degree of discretion in the areas of resource and habitat management and the basis they see for this discretion. Whereas the vast majority of senior and junior fishery officers indicated that they exercised at least some discretion in the areas of public relations and enforcement, approximately one-third (32.1 percent) of junior fishery officers indicated that they exercised no discretion in the areas of resource and habitat management. These officers argued that the existence of quotas for restricted species, and the fact that habitat work had to be approved by the habitat coordinator (a senior fishery officer), were the reasons why they exercised no discretion in this area. For example, the capelin fishery is characterized by a quota which is divided into specific fishing areas. In addition, within each of these areas the quota is divided according to mobile and fixed units of gear (Fisheries and Oceans, 1985). When the quota is reached, fishery officers close the capelin fishery in the area in question. In referring to the lack of discretionary power in the areas of resource and habitat management, a junior fishery officer stated:

TABLE 5.5

Fishery Officers Perceptions of their Degree  
of Discretion in the Areas of  
Resource and Habitat Management

Degrees of Discretion	<u>Job Category</u>		
	Senior Fishery Officers	Junior Fishery Officers	
All Activities	2 ( 8.7%)	2 ( 7.1%)	4 ( 7.8%)
Some Activities	17 (73.9%)	17 (60.7%)	34 (66.6%)
No Activities	4 (17.4%)	9 (32.1%)	13 (25.5%)
	23 (45.1%)	28 (54.9%)	51 (100.0%)

$\lambda_{yx} = 0$

TABLE 5.6

Reasons Given By Federal Fishery Officers  
for the Use of Discretion in the Areas  
of Resource and Habitat Management

The Reasons Why Discretion is Permitted	<u>Job Category</u>		Number Citing Reason
	Senior Fishery Officers (N=19)	Junior Fishery Officers (N=19)	
Need to be Flexible	9	8	17
Knowledge of Local People/Area	7	4	11
Other	7	7	14
Total Number of Reasons Given	23	19	42

In our own little area we can use discretion for CFV numbers and little stuff like that, but when we are dealing with quotas and big companies and markets, it is straight forward Acts and policies. When the season has to be closed, we go do it. (Interview No. 40)

However, Table 5.5 indicates that the majority of senior (82.6 percent) and junior (67.8 percent) fishery officers indicated that they exercised at least some discretion in the areas of resource and habitat management. Fishery officers pointed to the "need to be flexible"

(N=17) and to their "knowledge of local conditions" (N=11) as the main reasons why they exercised discretion in these areas (see Table 5.6). Other responses included the "need to maintain good public relations" and "economic conditions".

In discussing discretion in the areas of resource and habitat management, fishery officers most often referred to relatively minor habitat violations (N=13) and quota overruns during the closing of the capelin fishery (N=7). Though fishery officers generally argued that there was little discretion in the regulation of quotas in this fishery, there was still some flexibility.

The last couple of years the quota has been decided by the buyers. The market quotas dictate the end of the season. But with the capelin and the herring we try to contact the longliners by phone (i.e. to inform them about the end of the season), but if they have capelin on board they would be allowed to sell it. (Interview No. 43)

Discretion is used in this situation because the catch would have been made while the season was still open.

However, it is the regulation of the fish habitat which exposes fishery officers to clients which have not been discussed to this point, namely the forestry and construction companies. As Hawkins (1984) study of water pollution inspectors and Lynxwiler et al (1983; 1986) study of coal mining inspectors demonstrated, in such cases corporate power becomes a basis for structuring the discretionary role of SLBs.

An example of discretion in the areas of resource and habitat management: the regulation of the forestry industry. The activities associated with the forestry industry; logging, sawmilling, pulp and

paper and other wood-based industries, constituted less than three percent of Newfoundland's total employment in 1977. However, these industries make up 25 percent of the value-added in Newfoundland manufacturing (Economic Council of Canada, 1980:101). Therefore, forestry industries constitute one of the most important staple-based industries in the province. Two of the island's most prominent centres are the pulp and paper mills in Grand Falls and Corner Brook. However, in dealing with the forestry industry, fishery officers are regulating a group of clients that work near recreational salmon rivers. The reproduction of salmon stocks is a major concern of fishery officers and given the proximity of the forestry and recreational salmon industries, it is not surprising that, at times, conflicts of interest do develop. Fishery officers argue that such activity as the hauling of logs and logging equipment down scheduled salmon rivers disturbs the streambed and may damage eggs which are laid by spawning salmon. In addition, these officials are concerned with the dumping of sawdust by sawmill and pulp and paper operators, into scheduled salmon rivers (cf. Price, 1962; Pearse, 1982).

Once again, the relative autonomy of fishery officers from organizational controls puts them in a position of having to exercise discretion in their relation to their clients. This discretion tends to be structured by economic considerations ranging from the power of large pulp and paper companies, to the lack of employment opportunities in rural Newfoundland. In addition, the discretionary power of fishery officers is also partially structured by the Habitat Coordinator. Since 1982, all habitat violations within each area of the Newfoundland region



have to be reported to the habitat coordinator for the area in question (Fisheries and Oceans, 1983:10). The impact of economic factors and the role of the habitat officer upon the use of discretion in regulating the fish habitat, will be outlined below.

The power of pulp and paper companies, coupled with the job opportunities they create, has an impact upon how fishery officers use discretion in the regulation of the fish habitat. This impact is vividly portrayed in the views of this junior fishery officer:

When it comes to habitat there may be a project employed to let 30 people get their stamps. But if it is going to wipe out a spawning ground, you can't let that project go ahead. It is jobs against the habitat and you know what is going to win. In the (...) area the new pulp and paper mill will want to move in. From a habitat point of view they should not be there, but it is jobs. Organizations like the Salmon Protection Association of Western Newfoundland (SPAWN) and the Salmon Association of Eastern Newfoundland (SAEN) don't like loggers, but you got 500 fellows who can get job saying that I am not going on welfare for the sake of salmon. (Interview No. 9)

This view is also reflected in the attitude of another junior fishery officer:

...the logging and paper industry employs a lot of people in this town, so you got to use discretion. If we got to sacrifice a river to help employment in this town, we may have to...if we can restore another river. (Interview No. 31)

A senior fishery officer whose subdistrict included a salmon enhancement program pointed out that jobs are a "sacred cow" in Newfoundland and, because of this, the fishery officer has to use discretion in regulating the fish habitat (Interview No. 30). These officials are similar to the

housing inspectors discussed by Nivola (1978). Just as the housing inspectors were aware of the negative implications of fully implementing housing regulations (e.g. displacements), fishery officers are aware of the negative implications of strict enforcement. In both cases, the SLBs in question have to take account of the consequences of a given social action. Discretion in the implementation of a regulation may prevent more serious problems for SLBs.

Fishery officers are also aware of the power of large pulp and paper companies. They argue that the presence of these companies prevents the full implementation of habitat regulations:

...There are no strict guidelines. Have you ever heard of a court case with habitat. You probably never will. If you took (...) to court you would probably lose and you would get no cooperation. But we are strict with them. If they are doing something, we will talk to them and they will straighten it out.  
(Interview No. 37)

This indicates that this fishery officer has to negotiate with large pulp and paper companies in order to get them to comply with regulations. Enforcement is through compliance rather than through the strict application of rules and regulations (cf. Hawkins, 1984; Lynxwiler, Shover and Clelland, 1983; 1986). Some fishery officers are intimidated by the presence of large pulp and paper mills. According to one junior fishery officer, he refers problems in the habitat to the Habitat Coordinator in his area:

If I got any problem with the habitat, I can refer them to the habitat officer. That is better because I can sit down and talk them over with him. I don't think everyone can be a habitat officer because you have to deal with big companies. They can come in and talk

you around in circles with three or four lawyers. (Interview No. 33)

This problem is similar to the one discussed by Lynxwiler, Shover and Clelland (1983; 1986). In the inspection of surface coal mining operations, there was a difference in regulating small and large coal companies.<sup>13</sup> Small companies did not have the experts on hand who could deal with environmental regulations, whereas such salaried technicians were employed by large coal companies. Due to situations such as this:

...large mining companies benefit from the fact that inspector-client confrontations are a match between salaried technicians in which large, but not small, industry has the upperhand. (1983:431)

The development of the position of Habitat Coordinator may be viewed as an attempt to develop a special group of fishery officers who can acquire the expertise needed to regulate large pulp and paper companies, and other companies working near the fish habitat.

The regulation of the construction industry provides evidence, relating to discretion, that is similar to that presented concerning the forestry industry. Fishery officers again exercise discretion in areas where the violations are minor (Interviews No. 7, 18, 22, 30, 34 and 37) (cf. McCleary, 1975; Smith and Visher, 1981). Since the data on the regulation of the forestry and construction industries are similar, it would be repetitious to elaborate upon the use of discretion in the latter. Attention will now shift to a consideration of the various discretionary strategies employed by federal fishery officers, and the

implications these strategies have for understanding the discretionary role of SLBs.

THE USE OF DISCRETION BY FEDERAL FISHERY  
OFFICERS AND THE EMPIRICAL  
LITERATURE ON STREET-LEVEL BUREAUCRACY

The theory of street-level bureaucracy is an examination of the relationship between managerial control and worker discretion in public service bureaucracies. In the previous two chapters, this theory was supplemented with insights from the literature on the sociology of organizations. It was argued that street-level bureaucracies were decentralized organizations which relied upon indirect bureaucratic and technological controls to structure the work activity of subordinates. Data were presented in Chapter Four to demonstrate that such controls exist within the Resource Management Branch of the DFO. In particular, indirect bureaucratic controls are present in the form of a work plan which is used to structure the day-to-day activities of fishery officers. Nevertheless, it was argued that the implementation of this plan entailed a level of supervision characterized by the use of discretion in the relationship between senior and junior fishery officers.

Up to this point, this chapter has emphasized the limitations to supervisory controls by examining the impact of client demands and the knowledge of fishery officers upon the use of discretion. The data presented in the previous section show that, as lower-level employees associated with a decentralized bureaucracy, fishery officers exercise discretion in many aspects of their work. However, in contrast to the

literature on street-level bureaucracy which has examined the discretionary role of SLBs in terms of their relation to a specific group of clients, the data on the discretionary role of fishery officers indicates that they deal with a heterogeneous group of clients. The regulation of groups as diverse as nearshore fishing capitalists, 'independent commodity producers' operating from the inshore, recreational fishermen, those associated with the forestry and construction industries and school children, means that the discretionary role of federal fishery officers is characterized by the use of several strategies. These strategies depend upon several factors ranging from: (1) the nature of the client group, (2) the nature of the relationship of fishery officers to the client group, (3) the impact of the work plan, (4) the background of fishery officers, and (5) the degree to which fishery officers as knowledgeable social actors attempt to anticipate the consequence of a given social action. The combination of these factors has implications for the discretionary strategy which will be used in certain situations. Reactive enforcement in the management of gear conflicts, proactive enforcement associated with negotiated compliance in the regulation of commercial fisheries (e.g. the lobster fishery), the use of stereotypes in the differentiation of clients in the recreational salmon fishery, and the use of negotiated compliance in the regulation of the fish habitat are the basic discretionary strategies employed by fishery officers. These strategies are summarized in Figure 5.2.

The area of public relations involved the regulation of gear conflict between different groups of inshore fishermen. In Chapter Two,

FIGURE 5.2

The Discretionary Strategies Used By  
Federal Fishery Officers

Responsibility Area	Client Group(s)	Problematic Activities	Discretionary Strategy
Public Relations	Different Social Classes of In-shore Fishermen	Gear Conflict	Reactive Enforcement
Enforcement	1. Lobster Fishermen 2. Recreational Fishermen	1. Undersized Lobsters 2. Illegal Flies Lures, etc.	1. Negotiated Compliance 2. Use of Stereotypes
Resource and Habitat Management	Forestry and Construction Companies	Pollution of Scheduled Salmon Rivers	Negotiated Compliance

it was argued that the process of social differentiation in the inshore fishery of Newfoundland facilitated the emergence of gear conflict between small boat and longliner fishermen. This conflict was due to the use of competing harvesting technologies and/or overcrowding within a restricted harvesting space. Even though the job description of fishery officers includes the regulation of gear conflicts (See Kelland, 1961:9; Fisheries and Oceans, 1985), the regulation of gear conflicts is not part of the work plan. Fishery officers are not required to initiate contact in order to fill a quota. Consequently, one sees the

absence of direct intervention to regulate gear conflicts. Fishery officers use a reactive enforcement strategy to regulate such conflicts. This reactive enforcement strategy of federal fishery officers is an example of how the state regulates disputes within the inshore fishery.

Though fishery officers may not initiate the process to settle gear conflicts, when they are drawn into such situations, they have considerable discretion over how to settle these conflicts. The use of discretion in the settling of gear conflict may be related to the fact that fishery officers are involved in a continuous relationship with inshore fishermen.

In the area of enforcement, it was shown that a multiplicity of factors contributed to the use of discretionary strategy based upon negotiated compliance. According to Hawkins (1984), the existence of a permanent relationship between regulators and those being regulated precludes the possibility of strict enforcement measures. Regulators depend upon clients for access to work sites for the purposes of data collection (1984:45). Fishery officers similarly depend upon inshore fishermen for the collection of statistics on fish landings. These statistics help senior officials in the DFO to establish quotas relating to specific fisheries. Therefore, discretion over minor infringements facilitates the implementation of the DFO's resource management mandate.

However, it is not only the need to enlist the cooperation of inshore fishermen that structures the use of discretion in the area of enforcement. Background conditions, such as being a former inshore fisherman, growing up in rural Newfoundland, and knowledge of local economic conditions also influence the discretionary role of fishery

officers. These officials are similar to foremen who have been recruited from the ranks. They are "marginal men", whose identity is split between labour and management (cf. Wray, 1979; Miller and form, 1964). But these officers attempt to distance themselves from the inshore fishermen whose activities they regulate. This results in limiting their leisure activities within the communities under their jurisdiction. Similar to the 'middle class' foremen discussed by Dunherley (1975) and Grimm and Dunn (1984), they are attempting to maintain role distance from their subordinates, but still exercise discretion in their relationship to them.

The recreational fishery is an area where fishery officers exercise discretion on the basis of informal processing through the construction of stereotypes. Discretion is exercised when it comes to 'occasional weekend anglers', 'school children' or 'tourists'. Fishery officers argue that these groups may not be aware of the regulations surrounding poaching. Hence, the lack of knowledge by certain groups, or the assumed lack of knowledge by these groups, becomes the basis for discretion.

This type of discretion is similar to what Lipsky (1980:115) has referred to as the use of stereotypes to differentiate among clients. Fishery officers are similar to the police officers in the studies of juvenile delinquency conducted by Cicourel (1974) and Werthman and Pilvian (1980). According to Cicourel, the previous social interaction between juvenile officers and their clients results in a stock of knowledge used to deal with suspects (1974:88). Werthman and Pilvian argue that the transformation of clients into juvenile delinquents is a



socially constructed process involving police officers, probation offices and judges (1980:163). Fishery officers, like officials who deal with juvenile delinquents, rely upon their 'images' of offenders as a basis for processing suspects. Unofficial categories become the basis for processing clients.

Finally, the regulation of the fish habitat presents a situation which involves the use of discretion on the basis of negotiated compliance (cf. Lynxwiler, Shover and Clelland, 1983; 1986). Fishery officers also find themselves in a continuous relationship with powerful forestry and construction companies and discretion becomes a strategy of adaptation to various circumstances (cf. Hyder, 1984). Minor violations are overlooked because the forestry and construction industries create employment opportunities. Trade-offs are made between providing warnings for minor violations in order to have these corrected at a future date (cf. Hawkins, 1984; Lynxwiler, Shover and Clelland, 1983; 1986).

In other analysis of the relationship between coal mining inspectors and the coal companies Lynxwiler, Shover and Clelland (1983; 1986) use path analysis to show that there is a positive correlation between company size and the payment of fines. This involves the use of discretion (1986:83). Fishery officers (like coal mining inspectors) cannot strictly apply the rules in their relationship to forestry companies. The power of these companies, coupled with the employment they create, precludes strict enforcement and demands negotiated compliance. Despite the broad powers given to fishery officers under

The Fisheries Act, social conditions prevent the full exercise of these powers.

The first fishery officer interviewed by this researcher declared, "I don't think you can find a job more varied than ours" (Interview No. 1). At the time, the researcher was not aware of the vast implications of that statement. The data presented in this chapter show that fishery officers, on the basis of their interaction with their clients, are involved in a variety of discretionary strategies. Their use of discretion makes fishery officers similar to police officers, housing inspectors, water pollution inspectors and surface coal mining inspectors, depending upon the client group which they are regulating.

Attention will now turn to a consideration of how the DFO attempts to deal with the discretionary role of its fishery officers. Whereas the data on the impact of organizational factors upon the use of discretion, are not as substantial as that of the impact of clients, they do indicate that supervisors try to channel discretion in the direction of organizational interests.

#### THE IMPACT OF ORGANIZATIONAL FACTORS UPON THE USE OF DISCRETION

There are two indicators which can be used to empirically assess the impact of organizations upon the use of discretion by lower-level employees. Supervision is one factor. However, the worker is the source of information on discretion and can thereby influence reports relating to such activities. This observation was made by Kaufman in his study of the United States Forest Service (1960:130-131). However

the data presented below show that fishery officers who exercise discretion report these activities to their supervisors along with the quotas or goals which have been achieved within the work plan each week. In addition, it would appear that fishery officers are urged in their meetings with supervisors to practice discretion in their relation to their clients. In other words, management is aware of the discretionary role of its federal fishery officers and appears to want to promote this role for organizational purposes. In contrast to what is suggested by some street-level bureaucracy theorists (cf. Lipsky, 1980), management may recognize the prevalence of discretion and attempt to harness it for the implementation of organizational goals.

The second factor relating to the organizational control of discretion includes practices associated with organizational socialization. While the stress by supervisors that fishery officers use 'good discretion' is an example of organizational socialization, it by no means exhausts the concerns associated with this practice. Organizational socialization is a form of secondary socialization used to reshape the identities and affiliations of new organizational members (cf. Berger and Luckman, 1968; Van Maanan, 1975 and Van Maanen and Schein, 1979). Training programs are one attempt at organizational socialization and it will be argued that the training programs associated with the DFO (especially the Fishery Officer Career Program (FOCP)) are vehicles for organizational socialization. Although the evidence is tentative, it will be suggested that there is a link between these training programs and the use of discretion by federal fishery officers.

### The Role of Supervision

Chapters Three and Four argued that street-level bureaucracies depend upon indirect bureaucratic controls such as quotas or work reports to control the activities of SLBs. It has been shown that the link between hierarchy, rules and goals within the DFO was facilitated by the use of a work plan. The work plan consists of a set of quotas and ensures that fishery officers who work in an unsupervised environment are actually performing their duties.

The work plan may control the routine activities of federal fishery officers but it cannot account for uncertainty in the environment. As SLBs who know a great deal about the subdistricts to which they are attached, fishery officers are often the only bureaucratic actors who know what is necessary to solve problems in specific situations. This requires the use of discretion, a social action which largely remains outside the purview of supervisory control.

In his analysis of bureaucracy Crozier writes:

Subordinates can be considered as free agents who can discuss their own problems and bargain about them, who do not only submit to a power structure but also participate in that structure. Of course, their degree of freedom is not very great, and their conduct when viewed from the outside, may seem to a large extent to be determined by non-rational motivations. But one must never forget that to them it is rational, i.e. adaptive (1964:150).

The data presented above demonstrate that fishery officers see their discretionary activity as a rational approach to problems relating to uncertainty. Their "common-sense" rationality becomes an adjunct to the

"scientific" rationality of the DFO (cf. Garfinkel, 1974). Even so, the DFO attempts to structure the discretionary activities of these officials. Thus, fishery officers are required to give written warnings to clients who have performed violations and information on these are also submitted in weekly reports to supervisors.

In order to assess the impact of supervision upon the use of discretion, fishery officers were asked if they reported their discretionary activities in the areas of public relations, enforcement and resource and habitat management. 79.5 percent (N=35) of fishery officers reported their activities in the area of public relations, 92 percent (N=46) reported their activities in the area of enforcement, and 86.8 percent (N=33) of fishery officers who exercised discretion in the areas of resource and habitat management, reported their activities in this area.

The nature of the discretionary activity performed by fishery officers had an impact upon the reporting of discretion. This for example, explains why the reporting of discretionary activities in the area of public relations was a lower rate than the other two areas. Discretion in this area primarily involved the regulation of gear conflicts between fishermen and fishery officers used a reactive enforcement strategy. Such actions were not included in the quotas required by the work plan and was thus not structured by DFO directives to the same extent as other activities.

Such was not the case for the areas of enforcement and resource and habitat management. These areas were largely structured by the work plan. For example, fishery officers had to conduct a regular quota of

checks on inshore fishing activity. Consequently, the reporting of a discretionary activity in the lobster fishery may coincide with a regular check of a lobster fisherman. Similarly, the regulation of catch quotas in the capelin fishery is a closely monitored resource management activity. The amount of fish already taken is reported frequently during the brief capelin fishing season, and the permission to exceed the catch quota which may be given at the end of the fishery is a discretionary activity which becomes part of a formal report. While the regulation of the habitat is not included within the work plan, fishery officers have to report all violations in the habitat to the Habitat Coordinator in their area. This activity is structured by indirect bureaucratic controls. The implications of the preceding analysis is that the degree to which discretionary activities will be reported, is associated with the degree to which such activities occur within the context of work subject to indirect bureaucratic controls.

The relation between supervision and discretion is not, however, limited to work reports. SLBs may be encouraged to use discretion in order to further organizational interests. As Crozier notes:

To the impossibility of suppressing completely the discretion of the subordinate, therefore, corresponds the persistence of personal discretion in the interpretation and application of rules. Thus pressure can be applied to force the subordinates to use their discretion for the benefit of the organization (1964:160).

Both senior and junior fishery officers indicate that the use of discretion is encouraged by their supervisors. Supervisors recognize the prevalence of discretion and seek to ensure that it is used for

organizational purposes and does not deviate from the DFO's resource management mandate.

The DFO asks us to use good discretion. The onus is on the fishery officer to exercise it because lots of time they (i.e. the DFO) are not there to make the decision. (Interview No. 13).

The reason for discretion is that your credibility is tested. They take you as being a responsible person. They are going to leave you alone and work your way. If you screw up, naturally they will jump on you. The element of trust has to be there because the close supervision of the office is not there. (Interview No. 16)

These quotes are from a junior fishery officer and senior fishery officer respectively.

Despite the encouragement by management, some fishery officers feel that the use of discretion is due to their structural position between the DFO and that organization's environment:

We are the front-line people in the department. We can see the particular problem surrounding a particular violation. We are the only persons who can interpret what is going on. The further it goes up the line, the foggier things become. (Interview No. 3).

This fishery officer seems to recognize that as a SLB, he is often left to his own devices. That is, he has to interpret situations rather than resort to the strict application of rules in every case. This is something which cannot be bureaucratized. As Crozier argues:

As long as some uncertainty remains about carrying out the task, the most menial subordinate has influence. And, in a way, as long as a human being is preferred to an automatic machine there will be some uncertainty (1964:160).

### The Role of Socialization

In general terms, the process of socialization is a continuous factor in the development of any individual. While much of an individual's socialization occurs during childhood and early adolescence, the internalization of norms and values is a life-long process structured by different social contexts. There are two basic phases in the socialization process: primary and secondary socialization. Primary socialization occurs within the immediate family. The family is the first social unit to which we are attached and becomes our primary reference group. However, institutions outside of the family such as schools, peer groups and the organizations which we become attached to for employment or other purposes, also play a socializing role. In Meadian terms, the generalized other, or the attitudes of the community only become part of an individual's social psychology insofar as he/she participates in secondary socialization. Here individuals learn that they assume roles and that each of these roles relate to other roles within the community (Mead, 1964).

However, some aspects of secondary socialization remain problematic. This is particularly true for situations which involve a shift in one's occupation. Such a shift often entails the acquisition of another world view. According to Berger and Luckman:

The formal processes of secondary socialization are determined by its fundamental problem: it always presupposes a preceding process of primary socialization...Whatever new contents are now



to be internalized must somehow be superimposed upon this already present reality. There is, therefore, a problem of consistency between the original and new internalizations (1968:170).

For our purposes, in discussing the impact of training programs upon the discretionary role of federal fishery officers, the central question becomes: To what extent do training programs reflect a form of secondary socialization which successfully takes the values of the DFO and makes these the values of federal fishery officers.

In conducting the research for this study, contact was made with senior officials in the DFO's Enforcement and Regulation Branch in Ottawa. These officials stated that as of 1982 the Fishery Officer Career Program (FOCP) was instituted in order to provide a uniform process for selecting and training recruits. Prior to this date, outside of on-the-job training, the only training received by federal fishery officers consisted of one and two week courses relating to such areas as enforcement, first aid and navigation. However, the FOCP was not only initiated for the purpose of providing a better training staff of fishery officers, it also seems to be directed to attaching these individuals to the DFO. For example, the FOCP suggests that the program will be used to structure the upward mobility chances of fishery officers (Fisheries and Oceans 1984a; 1984c). This is comparable to the organizations studied by Stinchcombe (1975:129), who discovered that the promotion of possible upward mobility opportunities is one means for attaching individuals to organizations. It is also an example of what Van Maanen and Schein (1979) refer to as sequential socialization. Under sequential socialization, the individuals of an organization

remain "...'locked in', as it were to the conforming demands of others in the organization for a long period of time before the target role is reached" (1979:243). Hence it may be argued that the training programs of the DFO may indirectly influence the discretionary role of fishery officers since these officials may have some stake in career promotions within the organization. The training programs to be discussed here are the National Training Program (NTP) for recruits and the Enforcement Training Program (ETP) which all fishery officers participate in under the RCMP.

Since only three out of the 51 fishery officers in the sample of respondents had participated in the NTP at the time the data were collected, the conclusions relating to the impact of this program upon the use of discretion, are extremely tentative. The first stage of the NTP is a six week training program in Ottawa. This program introduces recruits to the various responsibility areas associated with the fishery officer occupation. Four to five months after this training, there is a five week program related to regulation at the regional level (i.e. Atlantic versus Pacific Fisheries). In addition, during the balance of a fishery officer's first two years of work, he/she works under the supervision of a coach. When the three participants in the NTP discussed their discretionary activities, they each referred to the distinction between preventative and punitive enforcement, a distinction which was acquired during their training at the national and regional levels. For these officials, preventative enforcement involved the issuing of warnings in areas where violations could be corrected at a future date. However, continuous violations by a specific client would

result in punitive enforcement. Thus during their training, recruits were encouraged to use discretion in the implementation of regulations.

When discussing the benefits of the NTP, one recruit stated:

The enforcement aspect shows that you have powers and responsibility and it is there for you to use wisely. You use your discretion wisely. (Interview No. 31)

The fact that the DFO encourages its recruits to use their discretion is also reflected in the views of a supervisor who recruited fishery officers prior to the introduction of the NTP in 1984:

When we are interviewing people for jobs, one of the things you look for in your questioning is a person who seems to know what discretion is all about. You have to know what it means - it is a very loose term. Discretion for me is - well I have certain powers under The Fisheries Act, but these powers are not always to be used - we may use them. Why should I make life miserable for someone else and myself by doing one thing if I can achieve better results by doing something else (i.e. by issuing a written warning). (Interview No. 15)

The use of discretion also seems to be reinforced by the ETP with the RCMP in Regina. In their second year, fishery officer recruits enter a five week program with the RCMP. This program consists of defensive driving, firearm handling, as well as training dealing with courtroom procedures and the general enforcement work associated with policing. In 1977, fishery officers from the Pacific region gained access to this program (Pearse, 1982:208). In 1980, the first group of Newfoundland based fishery officers were sent to train with the RCMP. All full-time and part-time fishery officers will ultimately take this course. Among the respondents interviewed for this study, 25.9 percent

(N=7) of junior fishery officers and 74 percent (N=20) of senior fishery officers had completed this program. The introductory lecture on the FOCP stressed the 'professionalism' of the RCMP program, and this is reflected in the attitudes which fishery officers have towards the program (Fisheries and Oceans, 1984d):

[The RCMP program makes you] more confident in what you were doing and how to use your powers. [It makes you] more of a professional officer. (Interview No. 42)

We have noticed a big improvement in the way enforcement has been done the past few years. They (fishery officers) are doing things in a more professional manner. The RCMP and judges have seen a marked improvement. They have also complemented us. (Interview No. 15)

It helps to instill a professional attitude. Being exposed to the RCMP, they are a good organization. It gives you professionalism in your appearance and approach. (Interview No. 8).

These notions of 'confidence' and 'professionalism' are associated with professional bodies. Being a professional entails some relative autonomy from organizational authority, and the capacity to make decisions which may involve the use of discretion. Moreover, this is based upon the monopoly, or assumed monopoly, which professionals have within a specific field (cf. Johnson, 1972; Elliot, 1972; Rueschmeyer, 1980). Despite the claims to 'professionalism', fishery officers do not constitute a collegial body which organizes to regulate the 'fishery officer occupation'. This type of organization is characteristic of both the structure and ideology of professions (Johnson, 1972:43). According to Johnson, "a profession is not...an occupation, but a means of controlling an occupation" (1972:43). Also,

professional bodies may conflict with organizational goals (Elliot, 1972:99). For example, a professional body of engineers may conflict with the goals of a specific engineering firm, since these goals may undermine the autonomy of engineers employed by the firm. Therefore, although fishery officers may argue that the RCMP program makes them more 'professional', this should not be equated with the attempts for autonomy characteristic of professionalization. According to Johnson, professional ideology may be:

...espoused, either wholly or piecemeal, by occupational groups who have not achieved and are unlikely to achieve control over their own occupational activities (1972:32).

Given that fishery officers are not organized as professionals, but articulate that they are professionals and do have the professional quality of exercising some control over their work, how does one relate the notion of professionalism to the use of discretion? This brings us back to the point that discretion should not be equated with autonomy. It appears that, on the basis of the ETP, fishery officers are undergoing a form of secondary socialization which prepares them for the use of discretion. Occupational control in the fishery officer occupation does not seem to include quests for autonomy which may conflict with organizational interests, as it is often the case for professionals. The relation of the 'professionalism', acquired through the RCMP program, to the use of discretion is reflected in the views of this senior fishery officer:

Sometimes if I detected a violation previous to the [RCMP] course, I became unsure about the job, but now after I do a said technique I know that (in the case of enforcement) if it

was not taken to court, it was not because I did not do my job. (Interview No. 7)

The implication of this statement is that the skills acquired through the RCMP program prepared this fishery officer for the use of discretion in the area of enforcement. Among the fishery officers who participated in the RCMP program, 81.4 percent (N=22) argued that this was their best training program. Since this program stresses 'professionalism' and the need to use discretion, it appears to prepare federal fishery officers for making problematic decisions on behalf of the DFO.

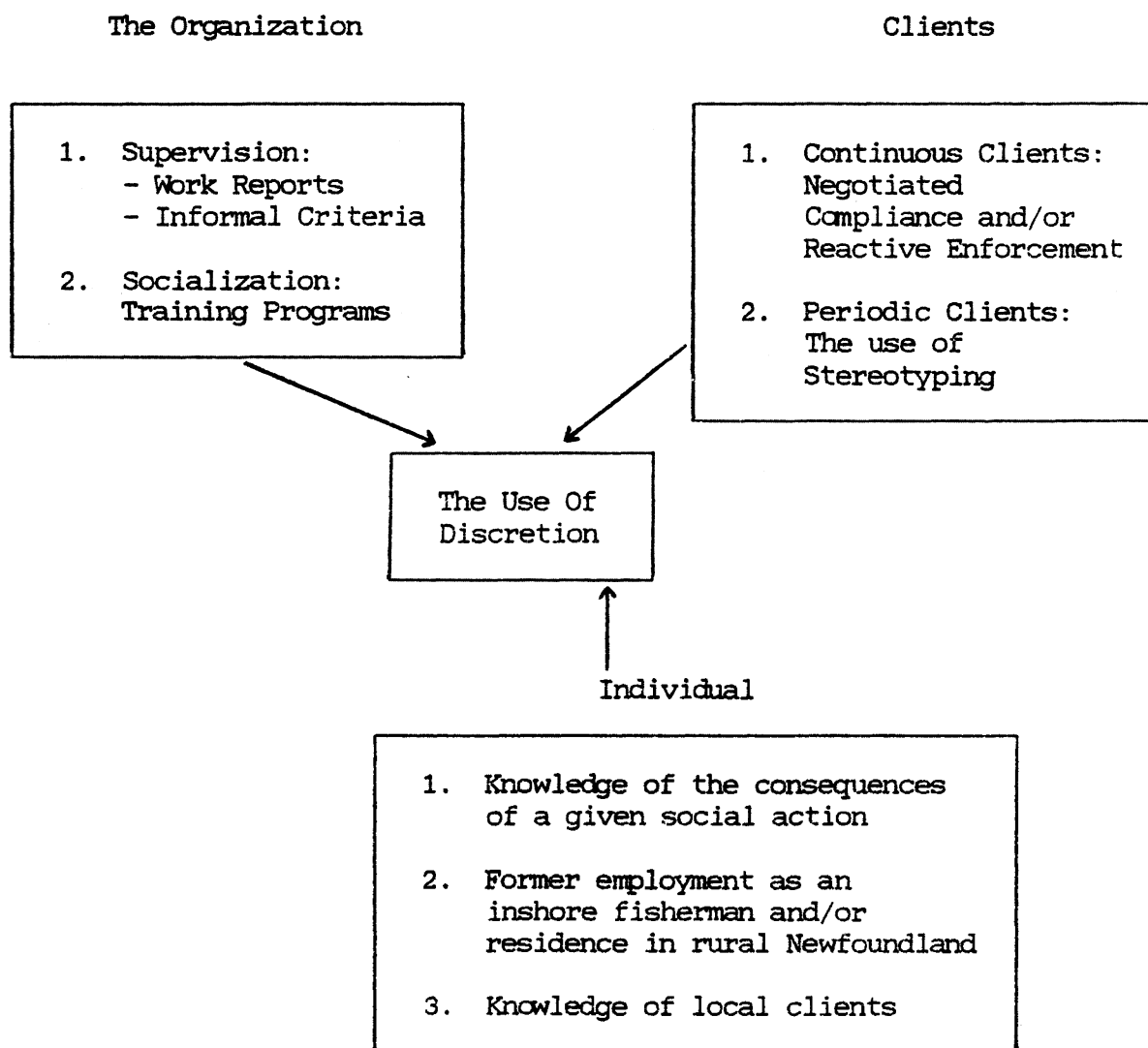
#### THE SOCIAL PRODUCTION OF DISCRETION

The underlying theme of this chapter is that, although discretion represents a limitation to the use of indirect bureaucratic and technological controls within a street-level bureaucracy, discretion is not a random or unstructured phenomena. On the contrary, discretion is a product of specific social conditions. In addition, the use of discretion is facilitated by the fact that fishery officers, as SLBs, know a great deal about the conditions surrounding the reproduction of the environment which they regulate.

In examining the discretionary role of fishery officers, an attempt was made to empirically assess the 'boundary spanning' role of SLBs. An inquiry was made into the way in which (1) their clients, (2) the DFO, and (3) the knowledge which they derived from their relation to both groups, influenced the actions of fishery officers. These factors are summarized in Figure 5.3.

FIGURE 5.3

Factors Which Affect the 'Boundary Spanning Role'  
of Federal Fishery Officers and  
their Use of Discretion



### The Impact of Clients

In regulating continuous clients, or those clients which fishery officers interacted with on a constant basis, the strategies of negotiated compliance and/or reactive enforcement were employed. Legal mandates were tempered by social considerations (cf. Lynxwiler, Shover and Clelland, 1983; 1986; Hawkins, 1984 and Baar, 1986).

In addition, fishery officers used a strategy of reactive enforcement when regulating gear conflict between different groups of fishermen. This use of reactive enforcement is related to the strategy of negotiated compliance. Fishery officers do not want to interfere with fishermen, unless this is necessary, because they depend upon fishermen for the completion of job tasks associated with the work plan.

Forestry and construction companies are another example of clients which fishery officers interact with on a regular basis. Despite the powers which fishery officers have under The Fisheries Act, these cannot be strictly applied. As it is the case for fishermen, fishery officers regulate forestry and construction companies on the basis of negotiated compliance. They overlook minor violations on the condition that these violations will not reoccur at a future date.

Finally, fishery officers regulate recreational fishermen on a periodic basis. Unlike inshore fishermen, fishery officers are not involved in a continuous relationship with recreational fishermen. As a result, negotiated compliance is replaced with the use of stereotyping as a discretionary strategy (cf. Cicourel, 1974 and Werthman and Pilvian, 1980). Fishery officers engage in the use of stereotypes on



the basis of their experiences with poachers. Scarce work resources such as lack of adequate manpower, inadequate enforcement vehicles and the absence of two-way radios also have an impact upon the use of discretion in the recreational salmon fishery. Fishery officers are not in a position to regularly contact recreational salmon fishermen, and because of this, it appears that their contacts with them may be structured by the use of stereotypes. Stereotyping become a means for handling a heavy workload given the lack of adequate resources (cf. Lipsky, 1980:115)

#### The Impact of Individual Factors

Although the knowledge of SLBs is derived from their simultaneous possession of bureaucratic and client-based knowledge, in their discussions on discretion fishery officers referred to the specific knowledge which they have whenever reference was made to their clients. It is for this reason that individual factors will be discussed prior to organizational factors.

The individual factors which influenced the discretionary role of federal fishery officers included personal factors that predated the time when fishery officers assumed their current position, but that have implications for their discretionary role. In particular, fishery officers who come from the inshore fishery are aware of the problems of making a livelihood in that industry and use their 'understanding' of inshore fishermen as a basis for exercising discretion. Fishery officers are potentially torn between two identities and have the status of 'marginal men'. Despite this, they attempt to distance themselves

from inshore fishermen outside of work commitments. Moreover, the data demonstrate that discretion is often used to implement DFO goals. This factor suggests some limitation to the 'marginal man' thesis. Comparable to the 'middle class' foremen discussed by Dunkerley (1975) and Grimm and Dunn (1986), they can become attached to managerial goals, but still exercise discretion vis-a-vis clients.

The second set of individual factors relates to the 'boundary spanning role' of fishery officers. Knowledge of local clients and cognizance of the consequences of a given social action enable fishery officers, as human agents, to take account of structural conditions in their exercise of discretion. In Weberian terms, the ability of fishery officers to calculate the ends of a social action enables them to decide upon the means which will be employed (cf. Weber, 1978). But as contemporary social action theorists have argued, human agents still act within the context of specific social conditions (cf. Parsons, 1968; Giddens, 1979 and Alexander, 1982).<sup>15</sup>

#### The Impact of the Organization

The supervisory role and the training program associated with the FOCP, were the indicators used to assess the impact of the organization (i.e. DFO) upon the discretionary role of fishery officers, as SLBs. Work reports were viewed as a means whereby supervisors could regulate the discretionary role of fishery officers. But given that fishery officers, like other SLBs, are the source of this information these reports are limited as an indirect form of bureaucratic control (cf. Lipsky, 1980). Therefore, under conditions in which discretion

cannot be suppressed, supervisors may promote the use of discretion for organizational purposes (cf. Crozier, 1964:160). The data suggest that this is the case for federal fishery officers. Discretion is promoted in meetings in the DFO and during the periodic contacts which fishery officers have with their supervisors. Nevertheless, the promotion of discretion does not ensure that this activity will be used for organizational purposes.

Organizational socialization is a process which attaches individuals to the norms and values of institutions which become their source of employment and/or their source of regular social interaction. In terms of the use of discretion, it was suggested that training programs do not merely teach individuals the rules of the DFO, these programs also partially prepare them for the use of discretion. This was evident in the NTP for recruits and the ETP with the RCMP, which is a program for all fishery officers. In particular, the notion of 'professionalism' which is associated with the RCMP program is not a quest for autonomy. On the contrary, fishery officers feel that the RCMP program makes them more 'professional' in that it prepares them for the use of discretion in problematic situations.

#### CONCLUSION

This chapter has been an empirical assessment of the second major problem of this study, namely; the extent to which discretion is an indication of the limitations to managerial control within the DFO. On the basis of the 'boundary spanning role' of SLBs, it was concluded that fishery officers exercise considerable discretion, but that this is

conditioned by their relationship to their clients, individual factors and to a lesser extent, the supervisory and socializing influences of the DFO. Moreover, discretion is a social product and not a series of random acts committed by fishery officers. Despite the structuring of discretion, fishery officers do know a great deal about the conditions necessary for the reproduction of their regulatory environment. Consequently, discretion is the product of the dialectical relationship between human agency and social structure. Next, it will be argued that due to their 'boundary spanning role', fishery officers are not only in a position to exercise discretion, they are also able to provide 'ad hoc' or incremental policy-making changes to the DFO's resource management mandate. The existence, and in many cases the necessity, of incremental policy-making by fishery officers represents a second limitation to the use of controls within the DFO.

## FOOTNOTES

- 1 Despite the differentiation of discretionary strategies in terms of the various work areas of fishery officers, in many cases these work areas overlap. For example, the regulation of commercial fisheries is simultaneously work in the areas of enforcement and resource management. In the discussion on discretion, the various commercial fisheries will be examined on the basis of the context in which fishery officers discuss each of these fisheries. Since the lobster fishery is discussed in the area of enforcement, it will be covered in the discussion of discretionary strategies in this area.
- 2 Of course, absenteeism may be viewed as a response by individual workers which may conflict with managerial goals.
- 3 Shover, Clelland and Lynxwiler (1986) situate the regulatory role of surface coal mining inspectors within the context of theories of the autonomy or lack of autonomy of the state. Even though such issues are relevant to the regulatory role of federal fishery officers, these will not be discussed in this chapter. The relevance of the 'autonomous' role of the state for the regulatory role of federal fishery officers will be discussed in Chapter Seven. In that chapter, the organizational interests of the DFO will be linked to the development and implementation of licensing policy within the inshore fishery of Newfoundland. This will be shown to be an example of how state officials, in turn attempt to promote capital accumulation, which also influences the nature of social organization.
- 4 The Royal Commission on Newfoundland (1933) reported that fishery officers often regulated disputes between merchants and inshore fishermen over the grading of salted cod (1933:126). Since higher grades resulted in higher prices, the struggle over pricing becomes an example of class conflict.
- 5 Fixed gear includes gear such as cod traps and gillnets. This gear is either attached to the shore or anchored to the ocean floor and kept upright by buoys. Mobile gear, on the other hand is attached to the vessel and cast while the vessel is in motion. This included purse seines which are used in the capelin fishery. For more details, see Fisheries and Oceans (1983c).
- 6 For a discussion on the problems associated with regulating the number of lobster pots by individual fishermen, see David and Kasden (1984). Fishery officers have argued that the absence of a tagging system for lobster pots, makes it impossible for them to ensure that individual lobster fishermen are fishing within the pot limit specified on their license.

- 7 According to fishery officers, the stealing of lobsters is an offence outside their jurisdiction. This is covered by the RCMP. However, if individuals steal undersized lobsters, they can be charged for either the theft or for fishing illegal lobsters.
- 8 The bias federal fishery officers have towards full-time fishermen is a reflection of their acceptance of DFO licensing policy. This will be discussed further in Chapter Seven.
- 9 See Footnote 7 in Chapter Four.
- 10 For our purposes, rural Newfoundland includes those areas outside of the major urban centres of St. John's, Corner Brook, Grand Falls, Gander and Stephenville. Most areas outside of these centres have at least some relation to the inshore and/or offshore fisheries. Even in cases where this is not true (e.g. Buchans which is a mining town), the problem of high unemployment is present. As we shall see, this problem has implications for the discretionary role of fishery officers.
- 11 One fishery officers' father was a wildlife officer in Sweden. This fishery officer emigrated to Newfoundland when he was sixteen.
- 12 According to another fishery officer, there were three habitat violations since 1982 and there was one conviction. The conviction was being appealed (Interview No. 35).
- 13 Small mining companies were defined as those with less than 300,000 tons of coal mined per year, medium mining companies were those with 300,000 to 1,000,000 tons of coal mined per year and all other companies were defined as large producers (Shover, Clelland and Lynxwiler, 1986:171f).
- 14 Only two out of the three Habitat Coordinators were interviewed for this study. These individuals did not deal very much with forestry companies. The Habitat Coordinator with the most interaction with these companies was ill during the collection of this data. An interview schedule was mailed to this individual, but it was not returned.
- 15 The analysis of the discretionary role of fishery officers, and SLBs in general, within the context of the relation between human agency and social structure, will be elaborated upon in Chapter Eight.

## CHAPTER SIX

### THE LIMITS TO CONTROL II: THE INCREMENTAL POLICY-MAKING ROLE OF FEDERAL FISHERY OFFICERS

#### INTRODUCTION

In the previous two chapters, emphasis was placed upon the use of controls within the DFO (Chapter Four) and the extent to which discretion on the part of federal fishery officers (Chapter Five) was an indication of the limitations to these controls. Discretion reflected the degree to which the actions of federal fishery officers were as much subject to the social structure which they regulate, as these actions were subject to the influence of supervisors. Consequently, the regulatory process within the DFO is an ongoing tension between supervisory control and worker discretion. Whereas discretion is the first indicator of the limits of control within the DFO, it does not encompass all of these limits. Another indication of the limits of supervisory control within the DFO is the incremental policy-making role of federal fishery officers.

This chapter will empirically assess the third proposition of this study. That is, if federal fishery officers are SLBs, their control over discretion should not be the only aspect of their labour over which they exercise some control. These officials should also have some impact upon the policy-making process within the DFO. Moreover,

since fishery officers are lower-level officials, this impact should be restricted to incremental changes to broad policy-mandates (cf. Lipsky, 1980:83-84). In other words, due to their lower-level position within the DFO fishery officers do not make policy per se, but on the basis of their 'boundary spanning role', they are in a position to make incremental policy changes to the DFO's resource management mandate.<sup>1</sup> This argument will be validated in this chapter through reference to the impact of fishery officers upon the lobster and capelin fisheries.

It is necessary to distinguish discretion from incremental policy-making. Whereas discretion is a socially produced response to problems associated with policy implementation, it is an unstandardized response. Discretionary decisions are not necessarily embodied in legal mandates which would guide the actions of fishery officers. However, incremental policy-changes are standardized responses to problems associated with policy implementation. These changes are embodied in legal mandates and may guide the actions of fishery officers. Even though fishery officers contribute to incremental policy changes, these may result in the unintentional consequence of providing senior officials within the DFO with the means for controlling the labour process of fishery officers (cf. Giddens, 1979:56).<sup>2</sup>

The remainder of this chapter will be divided into two sections. First, there will be a brief overview of the theory of street-level bureaucracy's concern with the policy-making role of SLBs. It will be argued that this theory recognizes that SLBs make policy changes within the context of a larger set of policies, but this theory tends to confuse policy-making with discretion (cf. Lipsky, 1980:13, 83-84). In



order to rectify the conceptual confusion between policy-making, and discretion and the weak policy-making analysis provided by the theory of street-level bureaucracy, this theory will be supplemented with concerns emanating from the incrementalist (Lindblom, 1959; 1964 and Braybrooke and Lindblom, 1970) and mixed scanning approaches to policy-making (Etzioni, 1967). It will be argued that the incrementalist and mixed scanning models are useful because both approaches focus upon adjustments which are made to broader policy mandates.

Prior to applying the concept of incremental policy-making to the regulatory role of fishery officers, the relevance of this concept to SLBs will be verified through reference to other resource managers. For this purpose examples will be drawn from Kaufman's (1960) Study of Forest Rangers and Price's (1962; 1963) study of the Oregon Fish and Game Commissions.

The second section of this chapter involves an application of the notion of incremental policy-making to the regulatory role of federal fishery officers. It will be argued that federal fishery officers, like others SLBs, make policy-making changes within the context of a broader policy-mandate (cf. Etzioni, 1967:388). This section will begin with a focus upon the relation of the incremental policy-making role of federal fishery officers to the division of labour within this occupation. Once this analysis is completed, attention will focus upon the capelin fishery and the Fishery Officer Career Program as areas where fishery officers have exercised some policy-making influences. The evidence indicates that the policy-making influences of fishery officers in these areas are mainly incremental changes to

existing mandates. This section will conclude by summarizing the data on policy-making in terms of Etzioni's (1967) distinction between incremental and fundamental decisions.

#### ISSUES RELATED TO POLICY-MAKING

##### The Policy-Making Role of Street-Level Bureaucrats

Studies of industrial bureaucracy have tended to underemphasize the impact of lower-level officials upon the policy-making process (Crozier, 1964; Miller and Form, 1964 and Weber, 1978). According to Crozier, lower-level officials may request changes, but their position within an organization precludes their ability to make policies. Initiative exists at the top of an organization and elites compete for the right to initiate policies (1964:189, 201). In referring to the role of foremen, Miller and Form argue that these individuals do not participate in policy-making. Their orientation is toward workers and not toward organizational policy (1964:206). Therefore, while Crozier and Miller and Form make reference to the discretionary role of lower-level officials, they are careful to distinguish this level of influence from the impact upon policy-making.

In contrast to these views, the street-level bureaucracy perspective recognizes that SLBs have access to policy-making as well as to discretionary forms of decision-making (see Lipsky, 1980). Since street-level bureaucracies are decentralized, it is possible to assume that there is a 'bottom up' approach to policy-making within these organizations. This recognizes that, while policy is formulated within

the upper echelons of the street-level bureaucracy, all additions to such policy are not monopolized by senior officials. According to Lipsky, the policy-making role of SLBs is based upon two facets of their position: these include their relative autonomy from organizational authority, and secondly their high degree of discretion (1980:13). The 'boundary spanning role' of SLBs provides them with access to information which is crucial to the policy-making process:

...the fact that bureaucracies develop routines and simplifications is hardly cause for comment in itself. However, the structure of these routines and simplifications and the structuring of the context in which they take place are worth considerable discussion. Where policy consists of the accretion of many low-level decisions, the routines and categories for processing those decisions effectively determine policy within the parameters established by authorities. In this sense...street-level bureaucrats make policy (1980:83-84).

Lipsky is implying that SLBs make minor policy changes within firmly established policy guidelines. However, he tends to be unclear concerning the distinction between discretion and policy-making. Though one of Lipsky's (1980) chapters is entitled 'Street-Level Bureaucrats as Policy-Makers', it deals with their discretionary role.

The approach taken here is that discretion is not the same level of decision-making as policy-making. Policy-making, at any level, provides the parameters within which discretion occurs. Discretion is the capacity of lower-level workers to make decisions about problematic situations without the presence of constant supervision or strict adherence to legal mandates.

As was established in the previous chapter, discretion is a socially produced response to problems associated with policy

implementation. It is not a set of decisions used by individual fishery officers, or other SLBs, to guide the actions of other officials. In contrast, policy-making, at any level, entails decisions which are codified for the purpose of guiding the future actions of bureaucrats. This does not mean that discretion and policy-making are unrelated forms of decision-making. On the contrary, a SLB may make a policy-making suggestion on the basis of his/her recognition of a problem which usually requires the use of discretion.<sup>3</sup>

The lack of an adequate distinction between discretion and policy-making by Lipsky (1980), leaves us short of a conceptual apparatus for analysing the policy-making role of SLBs such as fishery officers. This problem may be overcome through the use of works dealing with the incremental and mixed scanning models of decision-making.

#### Street-Level Bureaucrats As Incremental Policy-Makers

Lindblom (1959; 1964 and 1970) and Etzioni (1967) introduced the incrementalist and mixed scanning models of policy-making respectively. Despite some differences, these approaches converge in that both provide an analysis of the situational determinants of policy-making. Rather than posit a rational-comprehensive model which assumes that actors have a high degree of control over policy-making, the incrementalist and mixed scanning models both emphasize the impact of social structural considerations upon the policy-making process. Lindblom (1959, 1964) and Braybrooke and Lindblom's (1970) concern with the policy-making process emerged out of a critique of the rational-comprehensive

perspective. The rational-comprehensive model posits an 'ideal' situation in which decision-makers define the ends and means necessary to reach those ends. It assumes that policies are formulated on the basis of the collection of knowledge which may be used to calculate the costs and consequences of policies. Moreover, that model is based on the assumption that a high degree of consensus exists within the organizational system (Lindblom, 1959). To use Weberian terms, the rational comprehensive model assumes the existence of instrumental rational action within a rational-legal bureaucracy, without considering the role of extra-organizational factors.

In place of the rational-comprehensive model Lindblom (1959) offers the incrementalist or 'muddling through' thesis. This model assumes that decision-makers rarely exercise a great deal of control over their environment. Given the existence of a pluralistic political system, policy-makers have to be responsive to various electoral interests (Lindblom, 1959, Etzioni, 1967 and Rosenbloom, 1986). Braybrooke and Lindblom argue that policy-making decisions are influenced by social structural considerations.

...[One] can distinguish very roughly between changes in a pattern of behaviour or policies that are limited by their containment within another 'larger' pattern of behaviour or policies and changes in the 'larger' pattern that are held in turn by variations within another still larger fixed pattern (1970:65).

The implication here is that there are various levels of policy-making, and that actors may only have access to 'incremental' or 'small-scale' changes at certain levels. It was argued earlier (see Figure 3.3) that, for Braybrooke and Lindblom, most policy changes exist at the

incremental level because actors do not have a high degree of understanding of a given situation (1970:78). To use the terms of Giddens, incremental policy-making would occur more often than rational-comprehensive policy-making because human agents often act within the context of unacknowledged conditions (cf. 1979:59). Human agents are not in the position to 'knowingly' contribute to large-scale social changes. Therefore, they are restricted to incremental politics which are used to solve a given problem (Braybrooke and Lindblom, 1970:73). Implicit here is that incremental politics may involve a low degree of understanding of large-scale change, but a high degree of understanding of small-scale change. However, since incremental policy-making involves a series of small-scale changes, it tends to be disjointed and lacks the overall coordination implied in the rational comprehensive model (1970:105-106). Hence, the rational-comprehensive and incrementalist models are viewed as polar opposites.

Etzioni (1967) argues that his mixed scanning model avoids the abstractness of the rational-comprehensive model and the lack of overall policy direction implied by the incremental model:

...Incrementalism reduces the unrealistic aspects of rationalism by limiting the details required in fundamental decisions and contextuating rationalism helps to overcome the conservative slant of incrementalism by espousing longer run alternatives (1967:390).

Etzioni makes a distinction between fundamental and incremental policy decisions. Fundamental decisions constitute the broader context within which incremental decisions occur. For example, engaging in the Korean War was a fundamental decision by the U.S. government. The various

policy decisions relating to this war were incremental in nature (1967:388). Etzioni argues that policy-makers scan the broader context in order to formulate fundamental decisions (1967:388-389).<sup>4</sup> Once fundamental decisions are put into place, policy-makers are in a position to 'scan' particular policy problems. Through the process of mixed scanning, a model is developed which becomes a procedure for the collection of information and a strategy for the allocation of resources (1967:388-389). As we shall see, these issues are particularly relevant for the incremental policy-making role of fishery officers in their relation to the capelin fishery.

Despite these concerns with the various levels of policy-making, the debate on policy-making tends to ignore the role of lower-level officials. Smith and May argue that:

It is central to research in the field of policy and administration to understand not only how individual policy decisions are operationalized but also how decision-makers at all stages of the policy process operationalize the notion of 'decision-making itself' (1980:158).

Despite this lack of concern with the role of lower-level officials, the incremental and mixed scanning models provide insights which are useful for considering how SLBs may contribute to policy. These insights are:

1. The incremental model focuses on the extent to which policies are a product of social process (Braybrooke and Lindblom, 1970). This implies that policies emerge out of the interaction between an organization and its environment. Since SLBs are key organizational actors which link an organization to its environment, through their 'boundary spanning role', one may assume that SLBs play some role in the social process of policy-making.
2. The incremental model assumes that policy-making occurs through a series of small-scale changes. Critics claim that the concern with small-scale changes imbues the

incremental approach with a conservative bias (Dror, 1964; Etzioni, 1967 and Smith and May, 1980). However, one may argue that since SLBs make adjustments through the use of discretion in implementing policies, they are also in a position to provide 'ad hoc' or incremental changes to existing policies.

3. The mixed scanning model provides the argument that incremental changes occur within the context of fundamental decisions. Rational-comprehensive policies may not exist to guide all specific policy problems, but fundamental policies exist which may serve as a reference point for decision-makers. Therefore, if SLBs do contribute to policies, one may argue that they make incremental changes to a set of fundamental decisions. SLBs do not make policy, but they do contribute to policy changes.

In sum, policy-making is a social process developed through the mediation between an organization and its environment. In street-level bureaucracies, this mediation occurs through the 'boundary spanning role' of SLBs. All policy-makers are subject to constraints which preclude a strict adherence to policy mandates and require the use of discretion. However, policy constraints prevent decision-makers from making radical policy changes. Incremental changes are not radical changes. A SLB may not be able to alter the foundations of a specific welfare policy, but he/she may be in a position to make minor adjustments to that policy.<sup>5</sup> Prior to examining the incremental policy-making role of fishery officers, it would be useful to examine how the social process of policy-making occurs among other types of resource managers.

#### The Incremental Policy-Making Role of Resource Managers

The forest rangers discussed by Kaufman (1960), the lower-level employees in the Oregon Fish and Game Commissions which are discussed by



Price (1962; 1963) and the fishery officers in this study, are all examples of resource managers who assume a 'boundary spanning role' within street-level bureaucracies. All three of these types of resource managers represent organizational actors who are in a position to participate in the incremental policy-making process.

In his study of U.S. forest rangers, Kaufman (1960), implies that there is a link between the discretionary and policy-making role of these officials. Like other street-level bureaucracies, the decentralized nature of the forest service emphasizes local autonomy and encourages fragmentation in the policy implementation process. Kaufman describes forest rangers as:

...Resource managers with heavy responsibilities and considerable opportunities to exercise their discretion. They could go off in many directions running their districts in widely varied and unrelated fashions (1960:67).

He goes on to add that forest rangers:

...are forced to make many decisions without reference to those above them; they are thrown back upon their own resources to a larger degree than most bureaucrats (1960:72).

Kaufman provides examples of how forest rangers collected information which served as the basis for future forest policy. They also did most of the field work in drawing up functional plans relating to their specific districts (1960:100). Much of the fiscal policy in the U.S. Forest Service, at least at the time of Kaufman's study, depended upon information coming from the field. Rangers compiled lists on the projects they proposed to undertake and figured out on the basis of experience and local conditions how much labour supplies were

required (1960:114; 122). Due to their isolated working conditions and position in the Forestry Service's division of labour, forest rangers were not in a position to contribute to large-scale policy-making. Nevertheless, they provided information which contributed to small-scale changes or to incremental policy-making.

Price (1962; 1963) conducted a comparative analysis of the Oregon Fish and Game Commissions. He also provided examples of how front-line officials in these organizations helped to influence the policy-making process.

The governing boards of the Oregon Fish and Game Commissions are staffed by lay people and these boards depended upon their front-line or career employees for information (Price, 1963:367). Even though these employees did not select managerial goals, or what Etzioni refers to as fundamental decisions (1967:388), they participated in incremental decisions. This was accomplished through activities such as preparing the budget for their respective organizations. The commissioners on the governing boards had the legal authority to enact policy, but they depended upon the direction of their career employees (Price, 1963:367).

Price describes an exchange between a member of an interest group and the Chairman of The Game Commission, in order to depict the influence of career employees upon the governing board. A member of an interest group consisting of sportsmen was opposed to the issuing of a permit to drill for oil on the land of the Game Commission. The member of the interest group stated that:

'I feel that the governing board should set up a policy to guide the staff on this particular matter'.

In response to this, the Chairman of the Game Commission replied:

The governing board is not in the habit of guiding the staff, the staff normally guide the governing board (1963:372f).

Like Kaufman's (1960) forest rangers, Price's (1963) career officials were in a position to contribute to incremental policy changes.

These observations are directly relevant to a consideration of the policy-making role of federal fishery officers. It will be demonstrated below that fishery officers are in a position to contribute to incremental policy changes. These incremental changes occur within the context of fundamental decisions, or the resource management mandate of the DFO. Fishery officers do not make policy per se, but they do contribute to small-scale policy changes.

#### THE INCREMENTAL POLICY-MAKING ROLE OF FEDERAL FISHERY OFFICERS

This section will begin with a general analysis of the impact of fishery officers upon the policy-making process within the DFO. Whereas the vast majority of fishery officers (with the exception of one official) argued that they had at least some impact upon the exercise of discretion, it will be shown that policy-making influence of fishery officers is biased in favour of senior officials. This may be due to the consideration that most policy changes relate to the resource management mandate and the work plan.

The remainder of this section will involve an examination of the policy making role of federal fishery officers in the regulation of the capelin fishery and with respect to the Fishery Officer Career Program.

Evidence will be given of instances where fishery officers have been able to influence policy changes.

Policy-Making and the Division of Labour in the Fishery Officer Occupation

In its brochure on the fishery officer occupation, the DFO suggests that these officials have an incremental policy-making role. Moreover, this role is viewed within the context of the 'boundary spanning role' of federal fishery officers. Here it is useful to repeat a citation from Chapter Two:

The fishery officer carries information about new regulations and policies from the DFO to the fishermen and in turn transmits information about local conditions back to the area manager and regional headquarters. Besides enforcing regulations, the fishery officer often helps create them in cooperation with the fishermen...and the fishery officer will advise departmental managers about what kinds of measures might work and what might fail (1984a:11).

While the data presented below partially validate this statement, it indicates that the impact of fishery officers upon the policy-making process depends upon their position within the division of labour of that occupation.

Table 6.1 provides data on the extent to which fishery officers believe that they have an impact upon the making of policies. Over fifty percent of senior fishery officers (N=12) believed that they had some impact upon the making of policies. Less than twenty percent of junior fishery officers (N=5) believed that they had a similar impact. This contrasts with the data on discretion where all but one fishery

TABLE 6.1

Federal Fishery Officers Views Concerning  
Their Impact Upon the Making of Policies

Believe That They  
Have Impact Upon the  
Making of Policies

Job Category

Senior  
Fishery Officer

Junior  
Fishery Officer

Yes	12 (52.2)	5 (17.8)	17 (33.3)
No	9 (39.1)	22 (78.6)	31 (60.8)
No Comment	2 ( 8.7)	1 ( 3.6)	3 ( 5.9)
	23 (45.0)	28 (55.0)	51 (100.0)

$$\lambda_{yx} = .15$$

officer believed that they had at least some access to the use of discretion.

The data in Table 6.2 suggest that there is a direct relationship between policy-making and the work plan. Fourteen fishery officers believed that they had some impact on Resource Management

TABLE 6.2

Policy Areas Where Federal Fishery Officers  
Believe They Have Some Impact

Policy Area	Job Category		Number Citing Reason
	Senior Fishery Officer (N=23)	Junior Fishery Officer (N=28)	
Resource Management	9	5	14
Training Programs for Fishery Officers	1	1	2
Indirect Impact	2	2	4
Other <sup>1</sup>	3	1	4
Total Number of Reasons Given	15	9	24

<sup>1</sup>Includes enforcement, habitat management, public relations and the offshore seal hunt.

policy formation. This far exceeded any other area of responsibility. As was noted in Chapter Four, the resource management area is one where senior fishery officers have greatest responsibility, and this is also reflected in these data. While 9 of 23 senior officers believed that they had an impact on resource management policy, only 5 of 28 junior

fishery officers felt that they had an impact on policy in this area. Indeed, when junior officers indicated that they had contributed to resource management policies, further probing revealed that this was generally in conjunction with their supervisors. Also, resource management policies are often implemented by fishery officers as they fulfill goals relating to their work plan. Since senior fishery officers participate in the making of the work plan, there may be some indirect link between the making of this plan and contributions to incremental policy-making. The data collected on policy-making are not sufficient to verify this link, but some of what fishery officers refer to as 'resource management' suggests that they are making a link between incremental policy-making and the formation of the work plan. This is particularly relevant in terms of policy changes in the capelin fishery.

#### Examples of Incremental Policy-Making

##### THE CAPELIN FISHERY

The capelin fishery is an aspect of resource management characterized by a quota that is set with an eye to stock management and harvesting and to the demands of the Japanese market. The capelin quota is also divided into allocations for fixed and mobile gear (Fisheries and Oceans, 1985). However, the implementation of the capelin quota depends upon the knowledge which fishery officers develop on the basis of their relationship with inshore fishermen.

The data presented below demonstrate that fishery officers provided policy changes to the capelin fishing plan which: 1) altered

the opening of the fishing season, 2) provided new measures for monitoring the harvesting of capelin and 3) provided another means for recording capelin landings. All three of these policy changes emerged out of problems associated with the 1984 capelin fishing season.

First, fishery officers help to determine the opening of the capelin fishing season through a sampling program. This program is carried out in conjunction with longliner fishermen (who contract out their vessels to the DFO), in order to help determine when the capelin fishery should be opened. Fishery officers will get longliner fishermen to 'shoot' (i.e. cast) their seines near schools of capelin. Once the catch is on board, the fishery officer will randomly select a portion of the capelin for sampling. The object is to determine the percentage of roe and red feed content (i.e. food in the capelin's stomach) that is in the catch. Once fishery officers repeatedly receive samples of capelin which are at least fifteen percent roe content and no more than ten percent red feed, they will inform the Capelin Coordinator (a senior fishery officer) that the capelin fishery is ready to be opened. The Capelin Coordinator discussed the sampling program for 1984 and argued, that on the basis of his experience, changes be made for 1985.

We had input in the sampling of the capelin for this year (1985). We want at least fifteen percent roe content and a maximum of ten percent red feed before we open the season. I coordinated this sampling. The other officers will report to me. Last year (1984) we had a sampling program for capelin, but they opened the season too early. This year we decided to keep on sampling until the capelin was ready for the market. Last year there was too much red feed and that is bad for the market. (Interview No. 23)



The policy-making input of this officer was influenced by other senior fishery officers who were involved in the sampling program for the capelin fishery. They indirectly contributed to this policy. Indeed, one senior fishery officer argued that fishery officers contribute to policy changes in all fisheries (including the capelin fishery) on the basis of their reports.

At the end of every fishery you do up a report and you make recommendations on the problems you face during the fishing season. These recommendations play a part in the discussions made by the policy-makers. Sometimes that may take years to take effect and you may not know if it was your decision or someone else's. (Interview No. 26)

This fishery officer seems to be echoing Lindblom's contention that "policy does not move in leaps and bounds" (1959:84). It consists of a series of small-scale changes.

During the progress of the capelin fishery, fishery officers monitor the harvesting efforts of capelin fishermen. This is to ensure that only licensed fishermen are harvesting this species and that they are using regulation gear. Also, fishery officers have to monitor the harvesting of capelin, in order to regulate conflicts between mobile and fixed gear users. The previous chapter provided data to show how fishery officers use discretion, as a reactive enforcement strategy, in the regulation of gear conflicts. However, one junior fishery officer did not feel that discretion was sufficient in the regulation of such conflicts. This official suggested that policy changes were necessary in order to regulate gear conflict.

I did a report last year and I strongly recommended more helicopter patrols for the capelin fishery. [These patrols are] wanted to mediate disputes between fixed

gear capelin fishermen and seiners. I did a report for my supervisor and he passed it on to the area office in St. John's. (Interview No. 16)

This demonstrates that discretion and incremental policy-making are different levels of decision-making. Whereas discretion is used to regulate gear conflict, it is an unstandardized response and does not provide directions for controlling the labour of fishery officers. However, the use of additional helicopter patrols, is a recommendation which is a standardized response to the gear conflict problem. This policy may have implications for the labour process of fishery officers by being included in future work plans.

Fishery officers also monitor the landings of capelin to account for the quota in this fishery. The quota is divided among fishing areas and within each of these areas the quota is divided between fixed gear and purse seine operators. Due to these factors, it is necessary for fishery officers to keep constant checks on fish landings. One senior fishery officer (a supervisor) argued that reporting capelin landings on a daily basis was confusing and that weekly reports would be more efficient. He argued that this recommendation was derived from the information supplied to him by his subordinate staff of senior and junior fishery officers:

...Some of our management plans such as capelin we meet on how to conduct that fishery. We are always making recommendations. I received that from the field staff... I just made recommendations in the way we monitor landings for capelin. We recommend that instead of a detailed report each day, [which includes] the names of the vessels where the catch went too. Instead of doing that we would fill out our detail sheet. We said that we should send it in the mail weekly instead of on the phone daily. (Interview No. 15)

Once again, this is an incremental policy change which is aimed at solving problems associated with policy implementation.

The piecemeal changes to the capelin fishery reflect Etzioni's argument that policy-making often occurs on the basis of relating incremental changes to fundamental decisions (1967:388). The incremental changes suggested by fishery officers do nothing to alter the broader policy mandate of the capelin fishery which is based upon the provision of a good quality product for the Japanese market. This suggests that the incremental policy-making role of fishery officers, as it relates to the capelin fishery, should be seen in terms of their attempt to improve the implementation of a particular policy.

Second, since the activities associated with the opening, monitoring and closing of specific fisheries involves duties associated with the work plan, incremental changes to policies may be included in future work plans. If this is the case (and the data collected are not sufficient to verify this point), then fishery officers may be seen as indirectly contributing to indirect bureaucratic controls on the basis of their incremental policy changes.

#### CONTRIBUTIONS TO THE FISHERY OFFICER CAREER PROGRAM

Braybrooke and Lindblom (1970) argue that policy evaluation is a social process. If this claim is viewed within the context of a street-level bureaucracy, the SLBs are key mediators who are in a position to contribute to policy evaluation as a socially produced set of decisions.

The Fishery Officer Career Program (FOCP) is a policy area which has been influenced by the 'boundary spanning role' of federal fishery officers. As it was indicated in Chapter Two, this program was devised to train recruits on the basis of nationally set standards. These standards were not developed in isolation by senior bureaucrats. Senior officials depended upon information coming from the field as a basis for devising the FOCP. According to one senior fishery officer, the job brochure on federal fishery officers (Fisheries and Oceans, 1984a) and the 'Fishery Officer Career Log' (1984d) were devised on the basis of the policy-making input of fishery officers in the field:

A few years ago, we were asked to go to Ottawa for an exchange of information seminar for fishery officers. We were asked to do a presentation of our duties to senior management at the deputy minister level. From that they enumerated tasks that fishery officers do in Canada and they published a booklet [i.e. The Vital Role of Canada's Fishery Officers (Fisheries and Oceans, 1985a)]. That formed the basis of the National Career Progression Program (i.e. the seminar). (Interview No. 24)

This officer added that he had a position as an on-the-job coach. These are fishery officers who have the responsibility of training recruits at the local level. Consequently, in terms of policy-making, this official has had some impact upon the making of the FOCP and he also plays an influential role in its implementation at the local level.

For Etzioni, a fundamental decision is a policy which sets basic directions (1967:388). The contribution of fishery officers to the FOCP is an example of how SLBs may even contribute to fundamental decisions. The FOCP is a set of fundamental decisions which provides new direction for the training of fishery officers. The DFO wanted to replace what

was considered to be the inadequacy of existing programs with a comprehensive program which is applicable to all fishery officers. As fishery officers from all regions contributed to the FOCP, fundamental as well as incremental decisions were, in this sphere, influenced by them.

#### CONCLUSION

The data on the policy-making role of federal fishery officers provide examples of the limitations to control within the DFO. Like discretion, policy-making represents an area of decision-making which is not monopolized by senior officials. Due to the decentralized nature of the DFO, fishery officers are in a position to adjust policy to specific circumstances. In some cases, this involves the use of policy-making suggestions. As it was the case for fishery officers' use of discretion, their policy-making suggestions are not deviations from the resource management mandate. These suggestions are usually attempts by fishery officers to adjust this mandate to specific circumstances. Nevertheless, innovation is restricted. Most bureaucracies are not susceptible to widespread social change and the DFO is no exception. In the final analysis the policy-making role of fishery officers suggests that, for the most part, SLBS contribute to policy changes, but have only limited impact on the formation of fundamental policy.

This chapter concludes the presentation of evidence on the regulatory role of federal fishery officers from the street-level bureaucracy perspective. The policy-making role of federal fishery officers was presented as the second limitation to control within the

DFO. Together with discretion, incremental policy-making represents a form of decision-making which is not subject to the indirect bureaucratic and technological controls used within the DFO. Nevertheless, the evidence on incremental policy-making, as well as the evidence on discretion presented in the previous chapter, is indicative of a form of decision-making which is not inimical to organizational interests. On the contrary, it has been shown that incremental policy-making is conducive to the implementation of the resource management mandate.

In sum, the theory of street-level bureaucracy was useful for understanding the social processes surrounding the implementation of specific policies, but it did not provide the conceptual tools for understanding why specific policies were formulated in the first place. A fuller understanding of the relevance of the resource management mandate to the regulatory role of federal fishery officers requires that one goes beyond issues concerning implementation (i.e. control, discretion and policy-making). It is also necessary to understand the assumptions behind, and historical origin of the resource management mandate, if one wishes to have a fuller appreciation of this mandate for the regulatory role of federal fishery officers. This can be accomplished through a consideration of the role of the state in the management of common property resources. Through this discussion it will be demonstrated that the resource management mandate relates not only to the issues of control, discretion and incremental policy-making; but also to issues concerning state autonomy, capital accumulation and social class. These issues will be expanded upon in Chapter Seven,

which focuses upon the development of licensing policy as a key resource management policy which has implications for the regulatory role of federal fishery officers.

## FOOTNOTES

- 1 The broader policy mandate within which fishery officers conduct their day-to-day work is based upon studies conducted by senior officials. These include Department of Fisheries and the Environment (1976), Levelton (1979) and Kirby (1983). A detailed analysis of the historical origins of these studies (including their assumptions), as well as the implications of policies emerging from these studies for the social structure of the inshore fishery and regulatory role of federal fishery officers, necessitates that resource management is situated within the context of the role of the state. This will be conducted in Chapter Seven.
- 2 At this point, there is not enough evidence to validate that incremental policy changes do contribute to the ability of senior officials to control the labour process of federal fishery officers. However, the data on the capelin fishery do provide incremental policy changes which may be linked to future work plans. If this is the case, then these changes will have the unintentional consequence of contributing to the bureaucratization of the labour process within the fishery officer occupation.
- 3 The discussion on policy-making in the capelin fishery will provide an example of incremental policy-making relating to the regulation of gear conflict. As we have seen in Chapter Five, discretion is often used by fishery officers in the regulation of gear conflict.
- 4 Sinclair's (1985) discussion of policy-making bodies such as the Atlantic Ground Fish Advisory Committee may be viewed in terms of issues relating to fundamental decisions. For example, the resource management mandate of the DFO may be viewed as a fundamental decision. The conservation and reproduction of fish stocks through the provision of area, species, vessel and personal fishing quotas has been based upon studies which scanned the problems associated with the economic crisis of the late 1970s and early 1980s.
- 5 These points relate to the existence of structure (as a set of rules and resources) as a property used by human agents in their relation to the social structure. For Giddens, structure, as a social property, consists of enabling as well as constraining characteristics (1979:70). In this chapter, it will be demonstrated that the enabling and constraining features of structure relate to the policy-making role of federal fishery officers. The notion of structure as being involved in the processes of enablement and constraint will be discussed in greater detail in Chapter Eight. This chapter will relate the regulatory role of federal fishery officers, the theory of street-level bureaucracy and the process of state autonomy to Giddens' theory of structuration.



## CHAPTER SEVEN

### THE CONTEXT OF REGULATION: STATE POLICIES AND LIMITED ENTRY FISHING

#### INTRODUCTION

Thus far, by focusing upon how the 'resource management mandate' was implemented, DFO policies were approached from the standpoint of how such policies relate to the day-to-day work of federal fishery officers. Hence, concern was with the process of regulation. Implementation was empirically assessed in terms of the following criteria: First, emphasis was given to how the DFO controls the process of implementation through the use of indirect bureaucratic and technological controls on its federal fishery officers, coupled with its direction over the hiring process. Next, the limits to these controls were examined by focusing upon how the 'boundary spanning role' of federal fishery officers often necessitates the use of discretion. Finally, the limits to these controls were also assessed through a consideration of the way that federal fishery officers contribute to the implementation of the 'resource management mandate' on the basis of their incremental policy-making role.

The issues of control, discretion and incremental policy-making were useful in considering how policy implementation, or the process of regulation, was subject to social structural influences. However, an inquiry into the origins of policies associated with the resource

management mandate, or the context of regulation, requires that one focus upon the policy initiatives of senior state officials. This brings us beyond the day-to-day work of fishery officers and into the broader context of such work. Of interest here is the role of state policies in setting the parameters of regulation, and the implications of this for the social structure of the inshore fishery and the regulatory role of federal fishery officers.

This chapter will analyse the role of the DFO in formulating the 'resource management mandate' as a limited entry mandate, the implications of this policy for the social organization of the inshore fishery of Newfoundland, and the relation of federal fishery officers to this policy. It will be argued that senior officials within the DFO have played an autonomous role in introducing the limited entry policies associated with the 'resource management mandate', and that these policies have implications for entrenching the class position of some inshore fishermen while possibly contributing to the proletarianization of other inshore fishermen.<sup>1</sup> Moreover, the participation of federal fishery officers in the licensing of inshore fishermen, coupled with their attitudes towards this program, facilitates this process of class formation.

This chapter will be divided into three sections. The first section will provide a theoretical overview of the issues related to state autonomy. In keeping with the focus on the relationship between human agency and social structure, throughout this study, it will be argued that state officials are not mere 'bearers' of the needs of the dominant class within a social formation (cf. Giddens, 1979, 1984).

Following the insights of Block (1977), Skocpol (1979 and 1980) and Evans, Rueschemeyer and Skocpol (eds.) (1984), it will be argued that state officials have interests of their own and make use of state resources to implement those interests. Although state officials are ultimately constrained by the imperative of capital accumulation within a capitalist society, they may use state resources (e.g. taxes and legal mandates) to structure the process of capital accumulation in ways which are not necessarily congruent with dominant class interests. In addition, the structuring of capital accumulation has implications for the process of class formation. Depending upon the state policy(ies) in question, the process of capital accumulation may for example, facilitate a differentiation towards capitalism (e.g. the promotion of a petty capitalist dragger fleet in the shrimp fishery) and/or the maintenance of 'independent commodity production' (Sinclair, 1985).<sup>2</sup> It is even possible that state policy may contribute to one or more of these processes at the same time. The point to be made is that class formation should not be reduced to some inexorable law within a mode of production (e.g. the proletarianization thesis) (cf. Johnson, 1980). On the contrary, class formation often reflects the 'intentional' and 'unintentional' consequences of the actions of state officials.<sup>3</sup>

In the second part of this chapter, the notion of state autonomy will be applied to the role of the state in regulating the common property nature of the inshore fishery of Newfoundland. Limited entry policies (especially licensing) will be seen as measures used by state officials to promote capital accumulation within the inshore fisheries of Canada. These policies reflect the state autonomy view that capital

accumulation is no preserve of the capitalist class, and that attempts to promote capital accumulation cannot be reduced to pressures emanating from that class (cf. Rueschemeyer and Evans, 1985). This section will also establish that the capital accumulation, labour force management and resource conservation aspects of licensing policy have implications for the social structure of the inshore fishery of Newfoundland. In particular, the categories of 'full-time' and 'part-time' license holders, coupled with access to restricted species licenses (e.g. salmon and lobster), vessel size and quota policies, serves to create 'positively' and 'negatively' privileged groups within the inshore fishery (cf. Weber, 1978 and Parkin, 1978). 'Positively' and 'negatively' privileged groups may each consist of several social classes and/or groups. For example, under existing licensing regulations, 'part-time' fishermen regardless of their position in either the longliner or small boat fisheries, are more subject to proletarianization than 'full-time' fishermen. Hence, state-based credentials have ramifications for the structuring of social inequality.

In the third section of this chapter, emphasis will be given to the relation of federal fishery officers to licensing policy. Given that these officials do much of the work in collecting data to determine the 'full-time' or 'part-time' status of individual fishermen, they indirectly contribute to policies which have implications for the social structure. It will be shown that fishery officers, in conjunction with local fishermen's licensing appeal boards, have an influence upon the prospective class position of individual fishermen.

While all fishery officers agree with licensing policy, some of these officials consider the policy to be inefficient. Inefficiency is often attributed to the delays in issuing specific licenses, but fishery officers are also concerned that licensing has not effectively eliminated 'part-time' fishermen. It will be argued that fishery officers favour phasing out 'part-time' fishermen so that the benefits of limited entry fishing can accrue to 'full-time' fishermen as a 'positively' privileged group of producers.

#### STATE AUTONOMY, CAPITAL ACCUMULATION AND SOCIAL ORGANIZATION

This section will emphasize the role of state autonomy in initiating capital accumulation measures, and the implications of such measures for the class structure. According to Nordlinger (1981), discussions on the role of the state have been society-centred. In other words, accounts of the state have focused upon this institution as being a reactor to societal demands from interest groups or social classes (1981:42-43). Indeed, some accounts of the state have reduced this institution to a 'condensation of class relations' (Poulantzas, 1973), or to a 'bearer' of the requisites necessary for the functioning of the capitalist system (Hirsch, 1978). Such teleological accounts leave no room for the cognizant human agent.

However, recently social theorists such as Block (1977), Skocpol (1979; 1980), Nordlinger (1981) and the comparative historical sociology in the collection edited by Evans, Rueschemeyer and Skocpol (1985), have focused upon the state as being staffed by individual policy-makers with

interests of their own. These interests may or may not be congruent with those of the dominant or capitalist class. According to Nordlinger:

The preeminent feature of the state is its authority to make and apply binding decisions. The wider the decision-making freedom of public officials, the better able they are to act like and see themselves as 'state' officials (1981:37).

Nevertheless, the interests of public officials should not be conceptualized as being entirely independent of social structural influences. While state officials may take the initiative in introducing public policy measures, these measures occur within the context of a capitalist economy and the issue of capital accumulation is crucial (Block, 1977:24). O'Connor argues that state expenditures of material infrastructures such as transportation, facilitates capital accumulation, especially in the automobile industry (1973:101-110). In addition, state organizations depend upon capital accumulation within the private sector, in order to have a taxation base to support state programs (Block, 1977:25). Although state officials depend upon capital accumulation, state programs should not be reduced to the interests of the capitalist class. Even a Marxist like Miliband argues that state initiatives are not reducible to dominant class interests:

The dynamic of state action is explained by Marxism in terms of the imperative requirements of capital or the inexorable pressure of capitalists and these are indeed of great importance. But to focus exclusively on them is to leave out of account other very powerful impulses to state action generated from within by the people who are in charge of the decision-making power. These impulses undoubtedly exist, and they cannot be taken to be synonymous with the purposes of dominant classes (1983:68-69).

Skocpol's work on revolutions (1979) and her essay on the "New Deal" in the United States (1980), are examples of studies which empirically establish that the initiatives of state officials can be implemented even if these are at variance with dominant class interests. The 'New Deal' consisted of policies which were implemented in the midst of opposition from major American capitalists. One of these policies, The Wagner National Labour Relations Act, gave legal and administrative support to the establishment of industrial trade unions, although this act was opposed by members of the capitalist class (Skocpol, 1980:168-169). Since this act facilitated the growth of industrial, as opposed to craft unions it "...united broader sectors of industrial labour than at any previous period in United States history" (1980:178). On the basis of such evidence, Skocpol advances a 'state autonomy' thesis that: "...states and parties have their own structures and histories, which in turn, have their own impact upon society" (1980:200). Nevertheless, Skocpol is aware that state policies, even those which are at variance with dominant class interests, are ultimately geared towards the promotion of capital accumulation (1980:199).<sup>4</sup> Similarly, Rueschemeyer and Evans (1985) argue that state autonomy is associated with the promotion of capital accumulation. They argue that:

Some form of a rather direct assertion of collectively oriented administrative rationality as underpinning and counterpoint to the individualized rationality aggregated in the market must be seen as a 'normal' feature of capital accumulation in both advanced and industrializing countries (1985:46).

What is apparent throughout these works is that state officials may be 'autonomous' from the pressures of individual capitalists, but they are ultimately constrained by the institutional structure of capitalism.

The promotion of capital accumulation by state officials also has implications for the class structure. That is, developments within the class structure often reflect the 'intentional' and 'unintentional' consequences of the actions of state officials. For example, Skocpol's (1980) analysis of the 'New Deal' shows that The Warner National Labour Relations Act helped to organize large sections of the working class because it supported the establishment of industrial trade unions. This put workers in a better position to engage in conflicts with members of the capitalist class. Hence, the pattern of workers' politics is influenced by the role of state policies. Skocpol uses this argument to critique the Poulantzasian structuralist approach which assumes that the state always functions to organize the hegemony of the dominant fraction of the bourgeoisie and to disorganize the working class (1980:180). Instead, Skocpol argues that state policies may have 'unintentional' consequences in terms of the formation of groups with distinctive political capacities (1985:21).

The impact of the state upon class formation is also relevant to any discussion on the 'fate' of 'independent commodity producers' in the inshore fisheries of Canada. Orthodox Marxist accounts of independent commodity production have tended to be economistic, ignoring the relatively influential role of the state in structuring class relations. For example, in Volume One of Capital, Marx argues that the quest for capital accumulation undermines the position of petty commodity



producers at the expense of larger capitalists (1967:762-763). Following this argument, Johnson's (1978) study of the Canadian class structure reaches the conclusion that 'independent' commodity production will be undermined with the advance of capitalism.<sup>5</sup>

Recently Cuneo (1984), Sinclair (1985), Guppy (1986) and Clement (1986) have challenged the orthodox Marxist argument that 'independent' commodity production will disappear with the advance of the capitalist mode of production. While these authors recognize the maintenance of 'independent' commodity production, each is aware of the subordinate position 'independent' producers have vis-a-vis large-scale capital and the state. Cuneo refers to the resilience of independent commodity production, or as he puts it, the petite bourgeoisie, in these terms:

In agriculture, fishing, personal services and retail trade, there has been a relatively weak centralization in the means of production and circulation. Extensive capital is also not required to set up business (1984:295).

Hence, within a Marxist framework, Cuneo is still able to account for the maintenance of the petite bourgeoisie, by relying upon the economic nature of capitalism.

Sinclair (1985) and Guppy (1986) have accounted for the resilience of 'independent' commodity production in the Newfoundland and British Columbian fisheries respectively, by focusing upon the role of state policies. In particular, Sinclair shows that state policies which promote capital accumulation may either 'facilitate' or 'hold back' the proletarianization of 'independent commodity producers'.<sup>6</sup> Also, state policies may facilitate a differentiation towards capitalism by enabling some 'independent commodity producers' to become 'small capitalists'

employing wage-labour. Fairley (1985) discusses this as a process occurring with the development of the longliner fishery. Without access to a detailed study of the class basis of the inshore fishery (Fairley (1985) relies upon secondary data), it is difficult to ascertain whether the skippers on longliners are fully fledged fishing capitalists, structurally divorced from the inshore fishery. However, while they are participating in the longliner fishery, skippers participate in a level of capital investment which serves to differentiate them from small boat fishermen. This has been facilitated by state policies such as vessel subsidies and low loan rates (see the next section). What is pertinent, however, is that small boat fishermen were maintained while the longliner fleet developed. Sinclair's (1985) analysis of the social organization of the inshore fishery of Northwest Newfoundland provides evidence that, together with the differentiation towards capitalism, DFO policies helped contribute to the maintenance of domestic commodity production:

Capital assistance programs helped the petty capitalist dragger fishery to become established and limited entry licensing later protected the early participants. Yet programs of income support and small capital equipment grants and loans have allowed domestic commodity producers to hang on or even grow in numbers (1985:114).

In 1982, the number of domestic commodity producers in northwest Newfoundland exceeded 2,000, double the number in 1958 (1985:142-143).

Therefore, developments within the class structure of advanced capitalist societies do not correspond to some inner logic. The inshore fishery of Newfoundland demonstrates how state policies centred on capital accumulation influenced the fate of groups of inshore fishermen.

While an intentional aspect of state policy, during the late 1970s, was to promote capital accumulation, an unintentional aspect of this policy was the rapid expansion of inshore fishermen. This situation, in turn, was to be checked by limited entry measures during the early 1980s (Levelton, 1979 and Kirby, 1983). Although these policies will be discussed in greater detail in the next section of this chapter, they are mentioned here to demonstrate that, while state officials may act autonomously, the consequences of their actions may act as constraints upon state actions in the future. In other words, the unintentional consequences of social action serve as structural conditions for future courses of social action (Giddens, 1979:56-57).

Under certain conditions, state officials may assume an autonomous role in initiating public policy. Despite this role, state officials are ultimately constrained by the process of capital accumulation. However, state officials may use their position to influence the process of capital accumulation. As Giddens argues, structure should not be equated with constraint. A social structure consists of both enabling and constraining structures (1979:69-70). Whereas the need for capital accumulation constrains the actions of state officials, this process does not direct their actions. Rather, structure becomes the context of action (cf. Sinclair, 1985:147). The resources associated with the state apparatus (e.g. taxation, legal mandates) enables officials to restructure the capital accumulation process within an industry. Such actions may be at variance with dominant class interests, but may serve the interests of state officials.

Finally, the promotion of capital accumulation may have implications for the class structure. Skocpol's (1980) work on the 'New Deal' in the United States showed how state initiatives facilitated the organization of the American working class. This contrasts with the Marxist view that the state always disorganizes the working class on behalf of capital (cf. Poulantzas, 1973). Also, state initiatives were shown to be at work in simultaneously promoting the differentiation towards capitalism and the maintenance of 'independent' commodity production (Sinclair, 1985). Consequently, 'independent' commodity production does not subscribe to the proletarianization thesis advanced by orthodox Marxists. State policies may have the impact of 'holding' back or 'advancing' the proletarianization of direct producers. In the next section, it will be argued that state policies in the inshore fishery of Newfoundland have had the impact of entrenching 'independent' commodity production and may serve to undermine such production in the future.

STATE REGULATION OF A COMMON PROPERTY RESOURCE:  
THE CASE OF THE INSHORE FISHERY OF NEWFOUNDLAND

This section will reiterate some of the themes from Chapter Two. Here however, the discussion on licensing policy and other limited entry measures, will be approached from the standpoint of analysing state autonomy, and the implications which this autonomy has for the class structure of the inshore fishery of Newfoundland. Evidence will be given to show how the DFO has attempted to restructure the process of capital accumulation in the East coast fishery in general, and in the

inshore fishery of Newfoundland, in particular. It will be argued that limited entry measures impinge upon the positions of those involved in the longliner and small boat fisheries, especially those who are employed as sharemen. In particular, the 'full-time' and 'part-time' distinction within licensing policy cuts across the longliner/small boat fisheries, by introducing a state-initiated measure of social closure (cf. Weber, 1978; Parkin, 1980). That is, the 'full-time' license monopolizes fishing privileges for license holders, regardless of their participation in either the nearshore or small boat fisheries. Evidence will be given to show how licensing, in conjunction with other limited entry policies (i.e., vessel size replacement and fishing quotas), militates against the upward mobility opportunities of 'part-time' fishermen. This will demonstrate the 'autonomous' role of the state in structuring the nature of social inequality.

Regulating 'The Commons': State  
Autonomy and Public Policy

Considerations of state autonomy should not be restricted to policy measures which directly conflict with dominant class interests. On the contrary, state autonomy is reflected in public policies aimed at the structuring of capital accumulation, even in instances where dominant class interests are not directly involved. What is relevant about public policy measures surrounding the restructuring of capital accumulation in the east coast fishery during the last 1970s and early 1980s, is that these measures reflect state autonomy in terms of: a) militating against the interests of dominant fishing capitalists in

areas directly controlled by these individuals, and b) the promotion of capital accumulation in areas which were not directly controlled by these capitalists.

Even though this chapter is primarily concerned with the ramifications of limited entry policies in the inshore fishery, these policies are part of a broader set of state initiatives. It would be useful to briefly consider some of these initiatives prior to discussing limited entry measures.

Matthews (1983) argues that the individuals responsible for state policy may advance policies inimical to dominant class interests. Drawing upon the policies of former DFO minister Romeo LeBlanc, Matthews provides evidence of DFO policies which militated against the interests of dominant fishing capitalists:

[LeBlanc] and the federal government withstood intense pressure from the processing industry to allow them a greater share of the catch and to allow them to develop a freezer processing fleet which would make onshore jobs redundant (1983:209).<sup>7</sup>

In Chapter Two, it was argued that factors such as this promoted the emergence of longliner fishermen from amongst the ranks of small boat fishermen. Matthews (1983) goes on to add that many of LeBlanc's policy statements were in favour of the interests of small boat fishermen against the greater power of the processing companies. He suggests that the 'autonomy' of the DFO under LeBlanc, was largely due to the political weakness of Atlantic Canada vis-a-vis the more powerful economic and political interests of Central Canada. This enabled LeBlanc to implement federal policies which conflicted with the interests of dominant fishing capitalists (1983:212). Like Skocpol

(1980), Matthews accounts for the role of the state structure, particularly the regional divisions within the Canadian state, as playing a role in nurturing state autonomy.

Moreover, the autonomy of the DFO in relation to dominant fishing capitalists was enhanced during the economic crisis of the late 1970s and early 1980s. The Kirby Report (1983) on the east coast fishery argued that the state must play a significant role even if it is at the expense of private capital. Kirby argues that the restructuring of the east coast fishery in the early 1980s was to be done on the basis of three objectives (which related to both the inshore and offshore fisheries): a) economic viability on an ongoing basis, b) the maximization of employment and a reasonable income for those who are employed in the fishery, and c) fish within the 200 mile limit should be harvested by Canadian firms whenever possible (1983:88). On the basis of these objectives, Kirby argues:

...The Task Force view is that the question of whether a particular activity is carried out by the public sector or the private sector is less important than the question of whether the activity moves the fishery toward the achievement of the three objectives we have set out...Some may object that this is not a sufficiently strong defense of what industry members call the 'free enterprise system'. Frankly, the Task Force does not understand what this phrase means in the context of the Atlantic Fishing Industry. The fact that in order to avoid returning to the 'tragedy of the commons' situation, which everyone agrees resulted in unrestricted fishing in previous decades, government has to play a major role in the industry at least as the manager of the resource (1983:189).

There is no better example of state intervention which directly militated against the interests of dominant fishing capitalists than the formation of Fisheries Products International (FPI) in Newfoundland in

1983. Several fishing companies were reorganized into FPI even in the midst of opposition from local fishing capitalists (The Evening Telegram, December 19, 1983). State autonomy prevailed over private initiative in the promotion of capital accumulation.

The restructuring of the inshore fishery, which is more germane to this study, also reflected the autonomy of state officials. Here state policies were initiated to promote capital accumulation in a fishery which was not directly controlled by dominant fishing capitalists.<sup>8</sup> What follows is a reiteration of some of the issues which were introduced in Chapter Two.

Since the publication of Gordon's (1954) article on the economics of common property resources, the field of fisheries economics has argued that the fisheries has to be regulated in order to prevent the dissipation of economic rent. Capital accumulation is a problem in open access fisheries because economic rent, or revenue which exceeds production costs, is dissipated due to the misallocation of fishing effort (1954:132). The over entry of capital and labour in open access fisheries occurs because an individual fisherman cannot practice conservation because other fishermen will harvest what he does not catch.<sup>9</sup> Common property fisheries must become public or private property in order to yield economic rent (1954:135). This occurs through restricting the number of entrants into the fishing industry and by restricting the nature of participation.

This argument was incorporated into academic and public policy papers during the next three decades.<sup>10</sup> In particular, the Department of Fisheries and the Environment (1976), the Levelton Report (1979) and



Kirby (1983) were policy discussions which endorsed the argument that the inshore fisheries had to be 'enclosed' and that the federal state must take the initiative.

Even though the Department of Fisheries and the Environment endorsed the 'tragedy of the commons' argument in 1976 (1976:39), the introduction of licensing policy and other limited entry measures did not occur on a comprehensive basis until 1981. This was because other state policies throughout the 1970s promoted the expansion of the numbers of inshore fishermen. With the declaration of the 200 mile fishing boundary in 1977, federal measures were taken to provide more stocks to inshore fishermen. In 1978-1979, three-quarters of the TAC was allocated to the inshore fishery (Economic Council of Canada, 1980:93). In addition, low loan rates and gear subsidies helped to promote the expansion of the inshore fishery. During the late 1970s, loan rates were as low as 3.5 percent (Kirby, 1983:77). Between 1970-1981, the federal state provided a vessel construction subsidy of 35 percent of the cost of replacing an existing vessel, provided the vessel was at least eight years old. Also, especially during the late 1970s the Newfoundland Department of Fisheries provided fishing gear subsidization (Sinclair, 1985:106-108). Factors such as these contributed to increased numbers of inshore fishermen, and to the emergence of the longliner fishery. In 1978-1979, 8,000 new fishermen and 4,600 additional vessels entered the inshore fishery of Atlantic Canada (Fisheries and Oceans, 1981a:3). Also, between 1978-1981, the number of longliners in Newfoundland increased 48.1 percent in the size range between 35' to 45' and by 10.9 percent in the size range between

45' to 65' (see Table 2.1). In addition, longliners, while representing a minority of the inshore fleet, harvested over 50 percent of the total catch in 1981 (see Table 2.2).

Given the condition of rapid expansion in the inshore fishery, coupled with declining fish stocks and the maintenance of low incomes, DFO policy shifted once again to the need for limited entry policies as a means of increasing the incomes of at least some fishermen. These policies were based upon regulating the common property nature of the fishery, in terms of restricting access (licensing policy) and regulating those who have access (sector management and vessel policies). As we shall see, these policies reflect the initiative of state officials in promoting capital accumulation within a depressed industry (cf. Rueschemeyer and Evans, 1985).

With the publication of the Levelton Report (1979), licensing rapidly became the cornerstone of limited entry policy. Levelton was concerned with the conservation of fish stocks (resource management), promoting the economic viability of fishing operations (capital accumulation) and controlling the entry of participants into the industry (labour force management) (1979:50). Levelton was especially concerned with establishing a distinction between 'full-time' or 'bona-fide' fishermen and 'part-time' fishermen. It was argued that the former should have more fishing rights than the latter (1979:50). Licensing would have advantages such as allowing for increased incomes to both capital and labour thus preventing downward pressures on income caused by new entrants (1979:42-43). In short, the promotion of labour force management would promote capital accumulation in the inshore

fishery. This view was endorsed by other observers. Canning (1979) argued for the establishment of a 'professional status' for fishermen; and the Newfoundland Fishermen, Food and Allied Workers Unions (NFFAWU) argued that in the long-term licensing should remove 'non-bona-fide' fishermen from the lobster and salmon fisheries (1979:59). Also, despite some reservations on licensing policy, the Royal Commission on The Inshore Fishery of Newfoundland argued that limited entry fisheries (such as lobster and salmon) should only include 'full-time' fishermen (1981:393).

In 1981, the 'full-time' - 'part-time' distinction became DFO policy. A 'full-time' fishermen is:

...any person who fishes consistently during the normal fishing season for his area, either as the owner/operator or crew member on a registered fishing vessel or unit without other employment during the fishing season in his area or on a limited basis in the primary industries (e.g. fisherman/farmer or fisherman/logger) (Fisheries and Oceans, 1981b).

'Full-time' fishermen were also given priority in terms of access to limited entry fisheries and to government programs designed to assist inshore fishermen (1981b). For example, after 1981, only 'full-time' fishermen were eligible for new limited entry licenses such as salmon and lobster. By 1985 the DFO was engaged in a voluntary buy-back of salmon licenses held by 'part-time' fishermen. 'Part-time' fishermen who did not sell their license back to the Crown would lose it after the 1985 season (interviews with fishery officers). In addition, DFO policy made it difficult for a 'part-time' fisherman to become a 'full-time' license holder. 'Part-time' fishermen have to fish for two seasons (as the fishing season is defined in their area) as 'full-time' fishermen

prior to becoming eligible for the full-time license (Fisheries and Oceans, 1981b). Since the ground fishery has been unsuccessful in inshore fishing communities, for the past five seasons (The Sunday Express, September 20, 1987), this placed considerable hardship upon part-time license holders who wished to obtain a full-time license.<sup>11</sup>

However, inshore fishermen themselves help to determine who was eligible for 'full-time' status. In 1981, licensing appeal committees, consisting of fishermen, were established by the DFO to enable fishermen to appeal their status. With regards to these committees, LeBlanc argued that:

I want to make it clear that these are the kind of changes being proposed and requested by fishermen and not by some committee of officials in some supposed ivory tower (cited in Matthews, 1988:74).

While the state set the rules of the game, licensing appeal committees gave inshore fishermen the latitude to overturn and/or reinforce decisions made by the DFO, through its local licensing authority. In intervening in the social structure, the DFO co-opted fishermen by giving them a place within the state structure. As we shall see, in the discussion of fishery officers in the next section of this chapter, licensing appeal committees are venues of negotiation where fishery officers and inshore fishermen influence the life chances of specific fishermen. The state has put into place an organizational structure which may be used, at the local level, to determine who has access to 'full-time' fishing privileges.

While licensing helps to determine those who are eligible to participate in the inshore fishery, the nature of this participation is

further defined by sector management and vessel policies. In Chapter Two, it was shown that sector management (see Map 2.1) divides the various regions of the DFO into fishing areas. By 1982, these areas became the basis for resource allocation (Fisheries and Oceans, 1981-81:2). One such plan, the Atlantic Ground Fish Advisory Committee regulates stocks by quotas, season, vessel type and gear type (Sinclair, 1982:16). The capelin fishery, which has been discussed in some detail in this study, is affected by sector management policies. The quota (TAC) of 35,000 metric tons is divided among fishing areas and regulated in terms of a season lasting only two to three weeks. Within each of the fishing areas, the quota is divided between mobile gear users operating from longliners and fixed gear users operating from small boats (Fisheries and Oceans, 1985). In terms of the interaction between licensing policy and sector management policy, the capelin fishery has been shown to favour license holders operating from longliners. This would include small capitalists and their sharemen (see Chapter Two).

Similarly, the vessel policy of the DFO structures the nature of participation in the inshore fishery. Between 1970-1981, the federal state provided a vessel construction subsidy of 35 percent of the cost of replacing an existing vessel, on the basis that the boat was at least eight years old. However, in 1982 the vessel subsidy was reduced to twenty-five percent and the vessel had to be at least ten years old (Sinclair, 1985:106-107). Also, the DFO implemented a policy which stated that fishermen could only replace their vessel with one whose length and fish hold was no longer than the original (Kirby, 1983:215). This has the implications that those fishing from small boats cannot

move into the longliner fishery as vessel owners (cf. Sinclair, 1985:116). Prior to further assessing the implications of limited entry policies for the class structure, it would be useful to summarize the issues discussed above.

It has been argued that the restructuring of the east coast fishery in general, and the inshore fishery of Newfoundland in particular, reflects the autonomous role of state officials in restructuring the capital accumulation process. Although DFO officials were constrained by the imperatives of capital accumulation, they restructured the east coast fishery in ways which were not necessarily congruent with the interests of dominant fishing capitalists. This applies to the processing sector. State autonomy is also reflected in the ability of state officials to reorganize the inshore fishery through the use of limited entry measures. The assumption is that capital accumulation will be enhanced if the labour force is adequately managed in terms of those who can participate (Levelton, 1979). Licensing, coupled with sector management and vessel replacement policies, are tools which are used to promote this end.

In the next section, it will be shown that the imposition of limited entry policies within the inshore fishery, reflects how capital accumulation imperatives have implications for social organization. Then, emphasis will shift to how fishery officers and inshore fishermen negotiate over the implementation of licensing regulations in inshore communities, a process which shows how state policies influence social organization at the local level.

Social Closure and Changes in the Inshore Fishery:  
The Implications of Limited Entry Policies

Weber (1978) and Parkin (1979) have argued that 'property' and 'lack of property' are not the only features which structure the nature of social inequality within a society. Access to credentials or measures which provide for inclusion into, or exclusion from, social groups have implications for social inequality. In commenting on how social closure creates 'positively' and 'negatively' privileged status groups, Parkin extends Weber's analysis:

The distinguishing feature of exclusionary closure is the attempt by one group to secure for itself a privileged position at the expense of some other group through a process of subordination. That is to say, it is a form of collective social action which, intentionally or otherwise, gives rise to a social category of ineligibles or outsiders (1979:45).

For example, medical degrees provide doctors with a monopoly over the practice of medicine. The intellectual, rather than material, property associated with medical degrees enables doctors to exclude outsiders from the practice of medicine and its attendant privileges. Here it will be argued that the categories of 'full-time' and 'part-time' licenses are state-initiated credentials which serve as a form of social closure, positively and negatively affecting different groups of inshore fishermen. The next section of this chapter will demonstrate how fishery officers and inshore fishermen draw upon these credentials to protect the 'rights' of 'full-time' fishermen.

Social closure, or the process whereby one group is able to monopolize privileges in its relation to another group, relates in different ways to the possible future fate of nearshore and small boat

fishermen. The ability of the participants in either the nearshore or small boat fisheries, to avoid proletarianization, is affected by their possession of 'full-time' or 'part-time' fishing licenses. First, attention will be given to the impact of limited entry policy upon the various groups of inshore fishermen. Then reference will be given to the attitudes of academic observers and inshore fishermen towards this policy.

The capital assistance programs which helped to establish the nearshore fishery in the late 1970s and early 1980s would have put the skippers in this fishery in a position to apply for 'full-time' status in 1981 (with the introduction of licensing). In addition possession of lucrative species licenses such as capelin, shrimp and crab, by many longliner vessels, puts these individuals in a good position to secure their livelihood.<sup>12</sup> Kirby points out that the incomes of fishermen on longliners was at least twice the income of fishermen who fished from small boats (1983:Table 4.12:62). Licensing policy coupled with other limited entry policies, serves to protect the position of nearshore fishermen. In his analysis of the shrimp fishery of northwestern Newfoundland, Sinclair argues:

Limited entry licensing aims to keep a successful dragger fishery from becoming overcrowded. The seemingly intractable problem is that people have no alternative to fishing and the impact of policy has been to build administrative fences around privileged groups in northwest Newfoundland, fences that cannot be crossed (1985:116).

While the dragger fishery is distinct from the longliner fishery, the vessels in both fisheries are larger than those used in the small boat fishery. In utilizing programs such as the vessel replacement policy,



the state has initiated a process of social closure within the nearshore fishery; a process which protects the participants within that fishery and militates against mobility into the inshore dragger and longliner fisheries, from the small boat fishery.

Limited entry also has implications for the maintenance of one's position in the small boat fishery. Even though both 'full-time' and 'part-time' fishermen engaged in the small boat fishery may be referred to as 'independent commodity producers', or those who own and work the means of production (and may or may not employ sharemen), the privileges associated with 'full-time' status may serve to entrench the position of 'full-time' license holders while contributing to the possible proletarianization of 'part-time' license holders. Full-time fishermen are the only ones eligible to receive restricted species licenses, are given priority in selling their fish during glut situations and in receiving access to government assistance programs. The possession of additional species licenses serves to enhance the income opportunities of inshore fishermen. Kirby shows that fishermen with more than one species license secured a higher income than those who are restricted to the ground fish license (1983:Table 4.13:63).<sup>13</sup> In terms of class position, the social closure initiated by licensing policy is favourable towards 'independent commodity producers' with a 'full-time' license and having possession of at least one species license (e.g. lobster or salmon).

'Part-time' fishermen, who are 'independent commodity producers', are among those who are most likely to become proletarianized. Most 'part-time' fishermen in Atlantic Canada are

either 'independent commodity producers' who operate their own small boats, or they are sharemen on small boats owned by others. On the basis of his survey, Kirby found that 78.2 percent of part-time fishermen in Atlantic Canada worked on vessels less than 35' in length (1983:Table 4.12:62). In addition, the lowest incomes among inshore fishermen in Atlantic Canada was secured by 'part-time' fishermen who worked in the small boat fishery and only had access to the ground fish license (1983:Table 4.13:63).

While some 'part-time' fishermen held species licenses such as lobster and salmon prior to the introduction of licensing policy, after the introduction of this policy new 'part-time' license holders were restricted primarily to cod, the least valuable species. It is also difficult for these fishermen to qualify for 'full-time' status. To do so, 'part-time' fishermen have to fish as 'full-time' fishermen for two years, for the fishing season in their area. In addition, they cannot engage in other forms of employment, except for fishing/farming or fishing/logging, on a limited basis (Fisheries and Oceans, 1981b). It will be difficult for 'part-time' fishermen to maintain their livelihood, as 'independent commodity producers', especially given the low catch rates in the inshore fishery of Newfoundland over the past few seasons (Evening Telegram, September 29, 1986 and The Sunday Express, September 20, 1987). In addition, nearshore vessels are increasingly taking more of the catch which is allocated to domestic inshore vessels (i.e., those under 65 feet) (see Table 2.3). Since other forms of employment are rare in rural Newfoundland, it appears that 'part-time',

'independent commodity producers' will face proletarianization and unemployment.

Finally, sharemen, or those divorced from the means of production, are in a 'positively' or 'negatively' privileged position depending upon the nature of their license and their employment in the small boat or nearshore fisheries. The 'positively' privileged sharemen are those 'full-time' or 'part-time' license holders who are employed on nearshore vessels with lucrative species licenses. This would include sharemen in the shrimp fishery of northwest Newfoundland (Sinclair, 1984; 1985) and the crab fishery of northeast Newfoundland (Matthews, 1988). However, sharemen who have either a 'full-time' or a 'part-time' status in the small boat fishery, may share the same fate as 'part-time', 'independent commodity producers'. Of course, their relative prosperity is also contingent upon the availability of restricted species on what the DFO considers to be a commercially viable basis. At the local level, fishery officers have the authority to close off a fishery in order to allow stocks to replenish (Interview No. 1).

In sum, limited entry policies serve to protect the position of 'full-time' license holders in both the longliner, or nearshore, and small boat fisheries. This relates especially to the skippers, or owners and operators, of fishing vessels. However, 'part-time', 'independent commodity producers' and sharemen engaged in the small boat fishery may have their position undermined. This has two implications for the analysis given thus far: 1) Developments within the social organization of the inshore fishery reflect the consequences of attempts by the DFO to promote capital accumulation; 2) In promoting capital

accumulation, state policies introduced a measure of social closure within the inshore fishery. This has created 'positively' and 'negatively' privileged groups which cut across the division between the nearshore and small boat fisheries. That is limited entry policies do not favour either nearshore or small boat fishermen per se, but a privileged group within each group of fishermen. This may be further clarified by reference to Figure 7.1.

FIGURE 7.1

The Implications of Limited Entry Licensing  
for the Social Organization of the  
Inshore Fishery of Newfoundland

Type of License	Type of Fishery			
	Longliner		Small Boat	
	Owner	Sharemen	Owner	Sharemen
Full-Time	Inclusion	Inclusion	Inclusion/ Exclusion	Inclusion/ Exclusion
Part-Time		Inclusion/ Exclusion	Exclusion	Exclusion

In this typology, the terms inclusion and exclusion reflect the degree to which each group in question may share in the advantages associated with limited entry fishing. For the most part, the acquisition of a 'full-time' license makes its holder part of a 'positively' privileged group, regardless of the fishery they participate in. This does not mean that the distinction between the longliner and small boat fisheries is irrelevant. On the contrary, the skippers on longliners tend to be in the best position of all license holders. Their position was enhanced by state policies, and with the introduction of limited entry measures, was entrenched by state policies (cf. Sinclair, 1985:11b). They own and operate the means of production, employ sharemen and often have access to lucrative species licenses. Even if they are restricted to the ground fishery, longliner operators have more sophisticated fishing technology and harvesting capacity than small boat fishermen. This is why the possession of restricted species licenses is of importance to 'full-time', 'independent commodity producers' engaged in the small boat fishery. Those 'full-time' fishermen, in this fishery, who do not have access to such licenses may be excluded from the fishery in the future, due to their inability to compete with the nearshore fleet (hence, the use of both the terms inclusion/exclusion in Figure 7.1). Despite this, the costs of operating a longliner may impinge upon the ability of all longliner operators to successfully engage in the nearshore fishery (cf. McCay, 1979). For example, a longliner operator with a large debt load and few licenses may be in a more precarious position than a small boat fisherman with several species licenses.

### Attitudes Toward Limited Entry Fishing

Here, there will be a brief comparison between the attitudes of academic observers (Lamson, 1984 and Davis, 1984) and inshore fishermen toward limited entry fishing (Matthews and Phyne, 1988). While academics often decry the impact of limited entry, it will be shown that inshore fishermen from Newfoundland tend to favour this policy. This will set the stage for analysing the attitudes of fishery officers towards limited entry.

Lamson (1984) and Davis (1984) have argued that limited entry is not beneficial to inshore fishermen. In her discussion on the inshore fishery of Newfoundland, Lamson argues that most fishermen required access to several species licenses in order to make fishing viable (1984:121). She argues that restrictive licensing, stringent unemployment participation requirements and the vessel and gear policies of the provincial Fisheries Loan Board were cited by fishermen as limiting their income opportunities (1984:125). Similarly, Davis in his study of fishermen from Port Lameron Harbour, Nova Scotia, argues that the DFO's licensing and quota policies made earnings more difficult for inshore fishermen (1984:156). He argues:

To many fishermen, the federal government's approach to its managerial function is perceived as being insensitive to the needs and practices of the small boat fishery (1984:158).

Despite the claims of Lamson and Davis, a study conducted by Matthews and Phyne (1988) shows that the majority of fishermen in six Newfoundland communities favoured the full-time/part-time distinction within licensing policy. Over 65 percent of the respondents (N=143)

favoured licensing. Although only 24 'part-time' fishermen were interviewed, the majority of them favoured licensing (62.5 percent). This figure included some 'part-time' fishermen who were trying to attain a 'full-time' status (1988:Table 3). Most fishermen complained that 'part-time' fishermen were only 'moonlighters' who used the fishery to supplement another income. In agreement with licensing policy, they perceived the need to reduce the numbers of 'part-time' fishermen in order to increase the income opportunities of 'full-time' fishermen. In terms of the analysis presented above, inshore fishermen favoured licensing, as a policy, which would create 'positively' and 'negatively' privileged groups of fishermen. Moreover, these fishermen agreed with the DFO policy that labour force management would promote the income opportunities of 'full-time', or 'bona-fide', fishermen (Levelton, 1979:42-43). Next, it will be shown that these views are endorsed by federal fishery officers.

#### THE RELATION OF FEDERAL FISHERY OFFICERS TOWARDS LIMITED ENTRY

The previous three chapters included evidence on how fishery officers, as SLBs, related to both their supervisors and clients. In terms of regulating the latter, emphasis was placed upon the relation of fishery officers towards inshore fishermen. However, consideration was given to how these officials regulated fishermen who already had access to the resource. The implementation of the 'resource management mandate' involved the process of regulation. This process included: conducting checks on commercial fishermen in order to meet work quotas,

regulating gear conflicts between different groups of fishermen, exercising discretion in relation to lobster fishermen and suggesting policy changes for the capelin fishery.

Since this chapter is concerned with the context of regulation, emphasis goes beyond those who have access to the resource. Attention will be given to how fishery officers regulate the nature of those who are attempting to receive access to the resource. In other words, this chapter deals with the influence fishery officers have over the licensing of inshore fishermen. It will be argued that, through enforcing eligibility rules for 'full-time' status, fishery officers are indirectly promoting social closure within the inshore fishery of Newfoundland. Social closure has been shown to most likely favour longliner skippers and their sharemen, as well as 'full-time', 'independent commodity producers' in the small boat fishery. Fishery officers do not merely assist in enforcing the eligibility rules for 'full-time' status, they have definite opinions on the benefits and shortcomings of licensing policy. Like inshore fishermen, they favour phasing out 'part-time' license holders in order to facilitate the income opportunities of 'full-time' fishermen. They favour licensing policy, but tend to disagree over the 'speed' to which it is being implemented.

This section will begin with an analysis of fishery officers' participation in the implementation of licensing policy. Attention will be given to how fishery officers determine the 'full-time' status of fishermen, through their day-to-day work, relation to fishermen's committees and licensing appeal committees. It will be shown that



fishery officers, in conjunction with fishermen and the DFO's Licensing Authority, help to reinforce the implications of licensing policy for the social organization of the inshore fishery. That discussion will be followed by an analysis of the attitudes of fishery officers towards licensing policy. While the support of these officials for licensing policy is not too surprising, the attitudes of some fishery officers towards the efficiency and inefficiency of licensing policy shows how the quest for bureaucratic rationality may be higher among lower-level bureaucrats than among senior officials responsible for policy-making. In assessing the attitudes of fishery officers towards licensing policy, 'bureaucratic rationality' will be measured against 'political expediency', especially in terms of the intentional and unintentional consequences of state policies.

#### The Participation of Fishery Officers in the Licensing of Inshore Fishermen

Each fall, the Licensing Authority for each of the four administrative areas within the Newfoundland Region, sends to the senior fishery officers responsible for the subdistrict within each of these areas, a list of the fishermen in each subdistricts. For example, Area III contains six subdistricts, each supervised by a senior fishery officer. Each official receives the list for his respective subdistrict. This list identifies 'full-time' and 'part-time' fishermen. Senior fishery officers take notes during the fishing season, and on the basis of these notes, decide whether a fishermen is to be upgraded to 'full-time' status, downgraded to 'part-time' status,

or whether the fisherman's status is to remain the same. The fishery officer forwards his recommendations to the licensing coordinator. Once the licensing coordinator receives this information, licenses are sent to each fisherman indicating that individual's status.

Fishery officers argue that their knowledge of local conditions enables them to decide whether a fisherman is to be upgraded, downgraded, or to have an unchanged status. According to one senior fishery officer:

The officer has an input in changing 'part-time' to 'full-time' licenses because he is aware of instances where fishermen, during a working year, are working outside the fishery, and would initiate action to call the license into question (i.e. the 'full-time' license). If a 'part-time' fisherman has over the required number of years fished 'full-time', the fishery officer can request that the individual be upgraded from 'part-time' to 'full-time'. (Interview No. 6)

The knowledge which fishery officers have of local conditions is not restricted to their day-to-day work activities. They also depend upon local fishermen's committees for assistance in determining the status of specific individuals. Fishery officers may not encounter some fishermen while performing duties such as random checks of inshore fishing vessels. Therefore, consultation with fishermen's committees is considered important. Although the 'full-time' - 'part-time' distinction is determined by rules laid down by state officials, how these rules are implemented is subject to the interaction between fishery officers and inshore fishermen. The DFO sets the policy context which has implications for the social organization of the inshore fishery, but how this relates to the local level is subject to a negotiation between fishery officers and their client group of inshore

fishermen. This may be further clarified by reference to licensing appeal committees.

Licensing appeal committees were established at the insistence of former DFO minister, Romeo LeBlanc, so that local fishermen could have some impact upon the implementation of licensing policy (Matthews, 1988:74). The review boards were established through the assistance of federal fishery officers. Some fishery officers indicated that they sat in on the first meeting of appeal boards within their subdistrict. This meeting was used to oversee the election of an inshore fisherman as chairman, and to lay down guidelines. Although fishery officers helped to establish appeal boards, only inshore fishermen sitting on these boards were given voting rights. However, fishery officers would often act as secretaries at appeal board meetings to record the proceedings and to ensure that DFO regulations were being enforced.

Appeal boards deal with the complaints of inshore fishermen who are not satisfied with the categorization given to them by the DFO (i.e. by the local fishery officer and licensing coordinator). These fishermen can present their case to the appeal board arguing that they should be upgraded from 'part-time' to 'full-time' status, or that they should maintain their 'full-time' status. The appeal board has the power to change the categorization made by the DFO, if it feels the evidence presented by the affected fisherman (e.g. invoice slips from fish sales to confirm 'full-time' participation in the fishery) is substantial enough to require such a change. While fishery officers may not have voting power on appeal boards, they are sometimes requested to appear as witnesses before these boards. Among the respondents

interviewed for this study, 23.5 percent (N=12) have appeared as witnesses before appeal boards. A senior fishery officer stated that he was summoned to appear as a witness in a case where a fisherman wanted to be upgraded. This officer informed the appeal board that the fisherman in question should not be upgraded because he had other business activities during the fishing season. Since these activities consisted of more than self-employment on a limited basis in a primary industry (e.g. fisherman/farmer), the fishery officer argued that the fisherman should remain a part-time license holder (Interview No. 8).

These data reveal that fishery officers and inshore fishermen play an active role in the implementation of licensing policy, a role which has implications for the issues of social closure discussed in the previous section. A process of negotiation is at work whereby fishery officers and inshore fishermen depend upon each other in the determination of who is eligible for 'full-time' status. In particular, the ability of licensing appeal committees to overturn the Licensing Authority's designation of a particular fisherman as being 'part-time' has implications for the class position of that individual. For example, if a fisherman appeals his 'part-time' status and wins that appeal, he becomes eligible for the restricted species licenses which may only be acquired by 'full-time' license holders. If that fisherman is an 'independent' commodity producer, the acquisition of a 'full-time' status will further his chances of securing a livelihood in the inshore fishery. Hence, although the DFO sets the rules of the game with regards to licensing policy, appeal boards give fishermen a great deal of latitude in determining how these rules will relate to specific

individuals. The influence of such boards is apparent when one considers how fishery officers deal with licensing disputes. Table 7.1 shows that fishery officers rely heavily upon appeal boards in dealing with licensing disputes. Given the role of fishery officers, as well as the role of inshore fishermen, one may argue that appeal boards help to determine whether a fisherman is to become a member of a 'positively' or 'negatively' privileged group within the inshore fishery. That is, appeal boards help determine how the elements of social closure present in licensing policy will affect the social position of fishermen.

In sum, the impact of social closure upon the process of social organization is affected by local practices. Fishery officers and inshore fishermen make use of the rules and resources surrounding licensing policy as they intervene in the social structure surrounding the inshore fishery of Newfoundland (cf. Giddens, 1979:66-67).

#### The Attitudes of Fishery Officers Towards Licensing Policy

It has already been argued that the favouring of limited entry policies, as a means for preventing over-entry into the inshore fisheries in order to promote the capital accumulation efforts of "bona-fide" fishermen, have been accepted by DFO policy-makers and inshore fishermen in Newfoundland. All respondents in this study (N=51) agreed with licensing policy. Moreover, their reasons for agreeing with this policy reflect the assumptions provided in the Levelton Report (1979). Table 7.2 shows that resource management, labour force management and capital accumulation are the main reasons why these officials agreed

TABLE 7.1

How Fishery Officers Deal With  
Licensing Disputes<sup>1</sup>

How Disputes Are Dealt With	Senior Fishery Officers (N=21)	Junior Fishery Officers (N=25)	Number Citing Reason
Recommendations to Appeal Boards	24	22	46
Explain Licensing Policy	9	8	17
Send to Licensing Authority	0	6	6
Receive Information From Fishermen's Committees	1	4	5
Other	2	1	3
Total Number of Reasons Given	36	41	77

<sup>1</sup>Five respondents did not deal with any licensing disputes.

TABLE 7.2

Fishery Officers' Reasons For  
Agreeing With Licensing Policy

Reasons For Agreement	Senior Fishery Officers (N=23)	Junior Fishery Officers (N=28)	
Resource Management			
- Resource Management	15	13	28
- Conserve Fish Stocks	8	5	13
Labour Force Management			
- Provide Professional Status for Fishermen	3	1	4
- Control Numbers of Fishermen	12	12	24
Capital Accumulation			
- Ensure Commercial Viability of Fishery	3	3	6
Other	0	3	3
Total Number of Reasons Given	41	37	78

Source: Ralph Matthews and John Phyne, 'Regulating the Newfoundland Inshore Fishery: Traditional Values Versus State Control in the Regulation of a Common Property Resource', Journal of Canadian Studies, 1988 forthcoming, Table 1.

with licensing policy. Capital accumulation was only directly mentioned by six fishery officers, but nearly one-half of all respondents (N=24) argued that licensing was necessary to control the numbers of inshore fishermen. In that regard, fishery officers are similar to the inshore fishermen whom they regulate (see Matthews and Phyne, 1988). Both groups favour limiting the numbers of inshore fishermen (particularly 'part-timers') in order to facilitate the economic opportunities of remaining participants within the industry. Implicit in the labour force management argument is the belief that such an approach favours the promotion of capital accumulation. Some fishery officers explicitly referred to the 'tragedy of the commons' argument when stating their support for licensing policy.

[Licensing provides for] management of the resource for the maximum social and economic gain. If we had a free for all, we would have a 'tragedy of the commons'. (Interview No. 9)

[Without Licensing] you'd have every Tom, Dick and Harry out fishing. There are so many fishermen after so few salmon and lobster. It [i.e. lack of licensing] could cut into a full-time fisherman's earnings. (Interview No. 21).

A senior fishery officer, who held the position of subdistrict supervisor, argued that licensing was a management tool which benefited fishermen. Implicit in the following statement is the transfer of DFO values from federal fishery officers to inshore fishermen:

We continually promote understanding of the department role. The licensing requirements are made in terms of their (i.e. fishermen's) best interests and the long-term benefits of the fishery. If you went back five years ago [there were] a lot of those grab today and gone tomorrow attitudes. A lot of people are starting to realize that this has to change. After 1977, it was realized that a lot of our stock was in depletion. We



had to move and move quickly. We told them in 1975 (i.e. fishermen) that without changes the herring and crab fisheries would not last at present rates. They found out we were right. There seems to be a gradual understanding and appreciation for what we have done. (Interview No. 1)

While it is not too surprising that fishery officers favour licensing policy, their opinion on the effectiveness and ineffectiveness of this policy is relevant in terms of understanding the fate of 'part-time' fishermen. Table 7.3 demonstrates that, while the vast majority of fishery officers feel that licensing is effective (74 percent), over 40 percent of senior fishery officers (N=9) argue that this policy is ineffective. This is significant given that senior fishery officers do much of the work in determining the 'full-time' or 'part-time' status of individual fishermen.

Those fishery officers who considered licensing to be effective referred to issues such as resource management, labour force management and capital accumulation. They argued that licensing policy was achieving its objectives at the local level. Furthermore, some of these officials stressed the efficiency of licensing in differentiating between 'bona-fide' or 'full-time' fishermen and 'part-time' fishermen. One senior fishery officer emphasized the benefits of licensing in terms of its resource management function:

It is effective. I believe it is working. If we did not have it [i.e. Licensing] we would have twice the mess we got. At least we can close off a fishery now and let it rebuild. (Interview No. 1)

Another fishery officer emphasized that licensing was administratively efficient because of the use of a licensing coordinator within each Area

TABLE 7.3

Fishery Officers' Conceptions of the  
Effectiveness of Licensing Policy

Effectiveness of Licensing	Senior Fishery Officers <sup>1</sup>	Junior Fishery Officers	
Effective	13 (59.1%)	24 (85.7%)	37 (74.0%)
Ineffective	9 (40.9%)	4 (14.3%)	13 (26.0%)
	22 (44.0%)	28 (56.0%)	50 (100.0%)

.61

<sup>1</sup>One senior Fishery Officer refused to comment on this question.

Source: Ralph Matthews and John Phyne, 'Regulating the Newfoundland Inshore Fishery: Traditional Values Versus State Control in the Regulation of a Common Property Resource', Journal of Canadian Studies, 1988 forthcoming, Table 2.

of the Newfoundland region. While recognizing that fishery officers do play a prominent role in licensing, this official argued that the licensing coordinator (who is associated with the Licensing Authority) enabled the fishery officer to spend more time performing other duties (Interview No. 9).

However, the 40 percent of senior fishery officers (N=9) who considered licensing to be ineffective, argued that the implementation of licensing was beset with administrative problems, and that this policy has failed to phase out 'part-time' fishermen.<sup>14</sup> Since the issue of 'part-time' fishermen is relevant to the arguments discussed above, this problem will be emphasized below.

The concern over 'part-time' fishermen was so prevalent that even some fishery officers who considered licensing to be effective, argued that it would be more effective if 'part-timers' were removed more quickly from the fishery. One junior fishery officer argued that the goals of labour force management and capital accumulation have not been fulfilled due to the persistence of 'part-time' fishermen:

The idea behind licensing was to make sure that fishermen would make a fair income, but I don't know to what extent they do. They get into this 'full-time'- 'part-time' [distinction], but it is a mess...[Some] 'part-time' fishermen are holding down a lobster license and the 'full-time' don't have one. A 'part-time' fisherman can sell a license he has for thousands of dollars to a 'full-time' fisherman. Before you had to be partners to a guy to get a license. Now a 'full-time' fisherman can get a 'part-timers' license [i.e. for restricted species] and they ['part-timers'] can sell it for a lot of money. (Interview No. 29)

Even though 'part-time' fishermen were no longer eligible for restricted species licenses after 1981, those 'part-time' fishermen who had such licenses were able to retain them. These fishermen could transfer their restricted species licenses, if they so desired, but only to 'full-time' fishermen. This is where the problem of 'money under the table' enters the picture. One junior fishery officer referred to an instance where a 'part-time' fisherman promised his license to a 'full-time' fisherman.

The latter fisherman built 200 lobster pots only to see the 'part-time' fisherman sell his license to someone else (Interview No. 16). Problems such as this may disappear in the future if the DFO institutes a buy-back program of lobster licenses from 'part-time' fishermen, similar to the buy-back program for salmon licenses which was instituted in 1985. Such a program may be favoured by 'full-time' fishermen. Moreover, federal fishery officers favour phasing 'part-time' fishermen out of the inshore fishery in order to more effectively implement the goals of licensing policy. This is implicit in the following statements:

'Part-time' fishermen can be a school teacher or a storekeeper. Right now they are taking the salmon license away from 'part-time' fishermen and the lobster license may be next. They got to try to phase out the 'part-time' fishermen. (Interview No. 33)

I think the 'part-time' and 'full-time' distinction can be improved. If a fellow is holding a restricted license and holding another job, he should not be allowed to have that license. The lobster license should be taken away from 'part-time' fishermen as well as the salmon license whether he works the summer months or winter months [in areas outside of the fishery]. (Interview No. 36)

Another junior fishery officer related the problem of undersized lobsters (see Chapter Five) to the possession of restricted licenses by 'part-time' fishermen:

If I get anyone with small lobsters - enough to lay a charge - nine chances out of ten it will be a welfare recipient or someone on old age pension. They are half-assed and out to destroy the resource. We got a good group of 'full-time' fishermen in this area. Good fishermen will not bring in small lobsters. (Interview No. 40)

In endorsing the DFO policy that 'part-time' fishermen should be removed from the fishery, fishery officers are supporting a policy which

will have repercussions in rural Newfoundland. Unemployment will probably rise, due to the lack of alternative employment opportunities for 'part-time' fishermen forced out of the inshore fishery. This support for DFO policy is given although 86.3 percent of the respondents included in this study (N=44) were born in rural Newfoundland, 27.4 percent (N=14) are the sons of inshore fishermen, and 25.4 percent (N=13) were former fishermen.

What is particularly evident is that fishery officers favour speeding up the implementation of licensing policy. They are not satisfied with the persistence of 'part-time' fishermen. On the basis of their training with the DFO, fishery officers have been socialized to accept limited entry fishery policies as the basis of resource management. However, they confront an environment which, to some of these officials, appears to be inimical to the achievement of those objectives. But senior officials may incur the wrath of local communities if limited entry policies were not phased in over a lengthy period of time.

Given the political repercussions of incidents such as the 'Pubnico Affair' in Nova Scotia, DFO officials may be wary of implementing licensing measures too quickly. In the 'Pubnico Affair', two federal fisheries patrol vessels were sunk by fishermen protesting the removal of untagged lobster pots from inshore fishing waters (David and Kasdan, 1984:119). Davis and Kasdan pointed out that the DFO was attempting to limit the number of lobster pots per fishermen by removing untagged pots from the water. But the removal of untagged pots from the

water without reaching an agreement with inshore fishermen infuriated this group (1984:118). According to Davis and Kasdan:

To the fishermen this constituted unnecessary harassment and, more importantly, continued violations of their own practices. That is, no individual is to handle another's gear once it is set (1984:119).

In light of circumstances like this, the DFO may wish to be more careful in implementing licensing policy. Hence, the fishery officer's desire for bureaucratic rationality is outweighed by political constraints.

In terms of the intentional and unintentional consequences of state policies, it is clear that an intentional outcome of limited entry would be the promotion of capital accumulation. But this is on the basis of placing restrictions on participants. Clearly, by not rapidly implementing limited entry measures which would force many fishermen from the inshore fishery, the DFO may be attempting to prevent conflicts with inshore fishermen. This is relevant given that, in 1981, with the introduction of limited entry licensing, 42.6 percent of the fishermen in Atlantic Canada held 'part-time' licenses (Kirby, 1983:Table 4.1:48).

However, as Weber (1958), Merton (1968) and Giddens (1979) have argued, human agency often results in unintentional consequences. While the DFO may be attempting to prevent overt conflicts with inshore fishermen, limited entry policies based upon promoting capital accumulation may precipitate conflicts between different groups of fishermen. In Chapter Five, it was argued that the differentiation between small boat fishermen and longliner fishermen facilitated gear conflicts, conflicts which had to be resolved by fishery officers. The entrenchment of these distinctions, through limited entry policies, has

the implications that fishery officers will likely be forced to intervene in more gear conflicts in the future. Incidents of gear conflict may increase especially if competition increases for limited fish stocks. For state officials, this would be an unintentional consequence of limited entry policies. If this is the case, it would provide empirical support for Giddens' claim that human agency is often bounded by structural conditions which are occasioned by the unintentional consequences of social action (1979:56).

#### CONCLUSION

In this chapter, two arguments have been made about the nature of state autonomy. First, it has been argued that state officials play an autonomous role in promoting capital accumulation. Such actions may or may not be at variance with dominant class concerns. The crucial point is that the promotion of capital accumulation is no preserve of the dominant class (cf. Rueschemeyer and Evans, 1985). Second, the promotion of capital accumulation by state officials was viewed to have implications for the social structure. In particular, developments within the class structure of capitalist societies were seen as not corresponding to some inner logic. On the contrary, the fate of social classes within specific industries reflects the relatively independent role of state policy as a variable in societal processes (cf. Skocpol, 1979; 1980 and 1985). Despite the autonomous role of the state, the consequences of state policy should not be seen as being congruent with the intentions of such policy. Human agency is often bounded by unintentional consequences (Giddens, 1979:56).

These observations were applied to state regulation of the inshore fishery of Newfoundland. The purpose of this chapter was to trace the contemporary development of state - social structural relations within the inshore fishery of Newfoundland. This was done in order to provide the broader context within which federal fishery officers perform their day-to-day work.

It was argued that, with the economic crisis in the east coast fishery during the late 1970s and early 1980s, DFO officials assumed an autonomous role in restructuring the process of capital accumulation within that industry. This had implications for the processing and harvesting sectors. State-initiated accumulation strategies were shown to be at variance with dominant class interests (i.e. the processing sector) and to have implications for the social structure of the inshore fishery (i.e. harvesting). Evidence was given to illustrate the argument that the fate of direct producers within the inshore fishery did not correspond to 'the logic' of the capitalist mode of production (cf. Sinclair, 1985). Limited entry measures, as a capital accumulation strategy, were shown to favour 'full-time' fishermen as a 'positively' privileged group. Within this group, nearshore fishermen and 'independent commodity producers' in the small boat fishery (with access to restricted species licenses) were seen to be in a favourable position. Prior to limited entry policies, state actions simultaneously facilitated the development of the longliner fishery and the maintenance of the small boat fishery. However, after the introduction of limited entry policies, state actions entrenched the distinction between the longliner and small boat fisheries (cf. Sinclair, 1985).



It was also argued that limited entry policies were implemented at the local level, often through a process of negotiation between federal fishery officers and inshore fishermen. These groups were able to use state policies to help determine who was eligible to become part of the 'positively' privileged group of 'full-time' fishermen. Also, both fishery officers and inshore fishermen favoured limited entry policies (especially licensing) as a means to promote capital accumulation for 'full-time' fishermen. Moreover, federal fishery officers were in favour of phasing out 'part-time' license holders at a quicker rate than what was occurring.

However, state officials may be wary of the consequences of rapidly phasing out 'part-time' fishermen. Given incidents such as the 'Pubnico Affair' (David and Kasdan, 1984), state officials may be attempting to avoid the political repercussions of strictly enforcing limited entry policies. Capital accumulation is at odds with political constraints. Despite the fact that state officials may attempt to foresee the consequences of state policies, unintentional consequences may still occur and place constraints upon state officials and bureaucrats. Since limited entry measures serve to entrench the distinction between the nearshore and small boat fisheries, and that participants from these different fisheries have been competing for declining fish stocks, gear conflicts may increase in the future. Hence fishery officers may have to spend more time mediating such conflicts. This may be one of the unintentional consequences of limited entry policies.

Up to this point, this study has analysed the regulatory role of federal fishery officers from the street-level bureaucracy perspective in conjunction with relevant insights from the social scientific literature on organizations. In addition, the broader context of the regulatory role of fishery officers was assessed from the standpoint of state-society relations. The relation between human agency and social structure was emphasized in both of the levels of analysis discussed thus far. The next chapter will provide a comprehensive discussion of the implications of human agency and social structure for the empirical and theoretical concerns of this study. This will be done primarily in terms of Giddens' (1979 and 1984) theory of structuration.

## FOOTNOTES

- 1 Proletarianization refers to the process whereby direct producers are divorced from the means of production and forced to sell their labour to others in exchange for wages. The process of proletarianization is documented in the discussion of the enclosure movement in English agriculture. See Dobb (1963), Moore (1966), Marx (1967) and Hobsbawm (1968) for discussions on enclosure.
- 2 Sinclair (1985) uses the term domestic commodity production to refer to individuals who own and operate the means of production, who may employ others and depend upon subsistence production within the family unit. Moreover, Sinclair argues that domestic commodity production is subordinate to the production and circulation processes which occur within capitalist societies (1985:17-19). The term 'independent' commodity production, which is used in this study, relates to the same characteristics which Sinclair attributes to domestic commodity production. While this writer agrees with Sinclair that 'independent commodity producers' are subordinate to the basic processes within capitalist society, the term 'independent' is retained because it also relates to the ideological disposition of such producers. "I'm my own boss" is one of the main criteria of job satisfaction used by inshore fishermen when assessing their occupation (cf. Matthews, 1988).
- 3 The intentional and unintentional consequences of state policies will be discussed towards the end of this chapter, as well as in Chapter Eight.
- 4 Skocpol argues that many New Deal policies would have failed without the military buildup leading to the Second World War. Hence, capital accumulation depended upon international events beyond the control of state officials (1980:199).
- 5 To Johnson's credit, he does provide data which shows the decline of the petite bourgeoisie up to 1971. But Cuneo (1984) argues that the National Revenue Data used by Johnson magnifies the drop in size of the petite bourgeoisie. This data does not permit distinguishing between members of the petite bourgeoisie who employ wage-labour and those who do not (1984:294).
- 6 Although Sinclair (1985) uses the term domestic commodity production, reference to those who own and operate the means of production and who may employ others, will be restricted in this study to either 'independent' commodity production or the petite bourgeoisie.

- 7 Of course the Conservative government of Brian Mulrooney has allowed National Sea Products to operate the factory freezer trawler, the Cape North. But even this government has not permitted the development of a large fleet of such vessels.
- 8 Large fishing corporations do not control the labour of small boat fishermen, but they control the products of the labour of these fishermen. For a fuller discussion of the relations among fishing corporations and small boat fishermen, see Clement (1984; 1986).
- 9 Despite the fisheries economics argument, other studies have documented that inshore fishing communities provide informal mechanisms to regulate access to the inshore fishery. Hence, in so-called open access fisheries, there is an element of collective rationality. For more details, see Martin (1972), David (1984) and Matthews and Phyne (1988).
- 10 For a comprehensive review of this literature, see Matthews (1988).
- 11 A particularly fruitful study could be done on the number of 'part-time' fishermen, since 1981, who have become 'full-time' license holders and experienced a change in their income.
- 12 Matthews (1988), provides an analysis of how access to crab licenses makes some longliner fishermen 'highliners' in their communities.
- 13 Also, part-time fishermen secured a lower income level than full-time fishermen regardless of the number of licenses held. Kirby shows that only part-time fishermen with five or more licenses come close to the income level of full-time fishermen with only one license (1983:Table 4.13:63). These figures are only averages and one should consider the fact that a minority of part-time fishermen, employed on longliners, often secure higher incomes than full-time 'independent commodity producers'.
- 14 The chief administrative problems, relating to licensing policy included delays in the issuing of species, vessel and personal fishing licenses. Licenses are issued by the licensing coordinator in each area. However, delays in the issuing of licenses creates enforcement problems. For example, a fishery officer may be conducting his checks of lobster fishermen and will discover that several fishermen are without lobster licenses. The officer will be reluctant to charge these fishermen because they may be legitimate holders of lobster licenses. The fishery officer will have to check the licensing coordinator to see if the fishermen in question are legitimate. This is a source of frustration because fishery officers would like to make decisions in the field.

## CHAPTER EIGHT

### LINKING THE LEVELS OF ANALYSIS: THE RELEVANCE OF GIDDENS' THEORY OF STRUCTURATION

#### INTRODUCTION

This chapter will provide an outline of Giddens' theory of structuration as a relevant framework for linking the three levels of analysis discussed in this study. It will be argued that Giddens' attempt to dialectically combine human agency and social structure is a metatheoretical endeavour which informs lower-levels of analysis. That is, Giddens provides concepts which are useful for assessing the merits of lower-levels of analysis such as the state autonomy approach, the street-level bureaucracy perspective and the empirical problems associated with the regulatory role of federal fishery officers. In particular, concepts such as agency and structure relate to state autonomy and the constraints of capital accumulation, worker discretion and managerial control, and to the relatively unsupervised work environment of federal fishery officers. Human agency may be defined as the capacity for individuals and/or groups to intervene in the social structure thereby contributing to its reproduction and/or transformation over time. Human agency becomes connected with 'knowledgeability' and 'capability' in the processes of social life (Giddens, 1979:56).

While the concepts of agency and structure are relevant for understanding lower-levels of theoretical analysis, it will be argued

that these concepts are not reducible to these levels. On the contrary, it will be argued that agency and structure are concepts relevant to sociological theory per se. However, specific theories may discuss such concepts in different ways. Hence, human agency for a Marxist involves praxis, while the same concept for a Weberian consists of meaningful social action oriented towards others. What is implicit in both approaches is the transformative capacity of human agency in relation to social structural conditions. The same point is stressed by Alexander in his study of the metatheoretical foundations of action and order:

...[A]ction and order constitute the 'structural' properties of social theory. They are not, as such, the elements of any particular theory. They cannot be eliminated from one theory, nor are they subject to change depending on historical circumstances (1982:114-115).

For our purposes, agency and structure are not historically limited categories. These concepts are relevant to different historical periods, as well as to different theories.

This chapter will be divided into three sections. The first section will provide a critical assessment of Giddens' theory of structuration. There will be an analysis of how human agency is bounded by structural conditions, followed by an analysis of the structures in which human agents relate in their social practices. It will be argued that the structures of domination, signification and legitimation are involved in the production and reproduction of social structures. In terms of the duality of structure, such structures will be seen as being involved in the medium and outcome of various courses of human agency. As a medium of human agency, structures may be either enabling or

constraining; as an outcome of such agency, structures may be either intentional or unintentional consequences of social action. Finally, human agency and structure sets (i.e. the various combinations of domination, legitimation and signification in various social institutions) will be related to social structures, as regularized social practices, which are reproduced across time-space. It will be argued that, for Giddens, time and space are not mere 'containers' within which human activity and social structure occur (i.e. in the Kantian sense of being a priori). Instead, time and space are expressions of the relationship between human agency and social structure. As a result, Giddens refers to the time-space constitution and distanciation of social systems (i.e. the stretching of social systems across time-space).<sup>1</sup>

The second section of this chapter will relate Giddens' theory of structuration, as a metatheory, to substantive theoretical and empirical concerns. In doing so, a distinction will be made among metatheory, substantive theory and the empirical. It will be argued that metatheory is useful for expressing the parallel concerns within different substantive traditions.

The third section of this chapter, will relate some of the major concepts of the theory of structuration, to the substantive approaches used in this study. In particular, the duality of structure will be discussed in some detail. The enabling and constraining features of structure will be seen as being implicated in the major concepts and empirical findings of the state autonomy and street-level bureaucracy perspectives, especially in terms of their relation to this study.

Here, structure will be treated as a medium human agency. In addition, the intentional, but especially unintentional, aspects of structure will be discussed in terms of both of the above substantive approaches. Here, structure will be treated as an outcome of human agency. Finally, the concepts associated with the time-space constitution of social systems, particularly relations between social and system integration, will be considered as a means for linking the more historically grounded concerns of the state autonomy approach to the more limited concerns of the street-level bureaucracy perspective. To be more precise, the concepts of social and system integration relate the context of regulation (i.e. state-social structure relations) to the process of regulation (i.e. the role of SLBs).

#### GIDDENS' THEORY OF STRUCTURATION

By structuration, Giddens refers to the "...conditions governing the continuity or transformation of structures and therefore the reproduction of social systems" (1979:66). The theory of structuration is concerned with the conditions whereby societies are produced and reproduced over time. At first glance, this is not necessarily a novel approach in social theory. For instance, in his The Division of Labour in Society (1933), Durkheim was concerned not merely with the structural differentiation in the labour force during the transition from mechanical to organic solidarity, but he was also concerned with the waning of the collective conscience and the necessity to replace it with another locus of social integration. The development of occupational corporations, and the nurturing of moral individualism were means



whereby the reproduction of organic solidarity could be ensured. What is novel in Giddens' theory of structuration is his attempt to critically assess three concepts that have been central to sociology: action, structure and system. These concepts will be analysed below in terms of the structural bounding of social action, the use of structures in the production and reproduction of social action, and the relation of social action and structures to the time-space constitution of social systems.

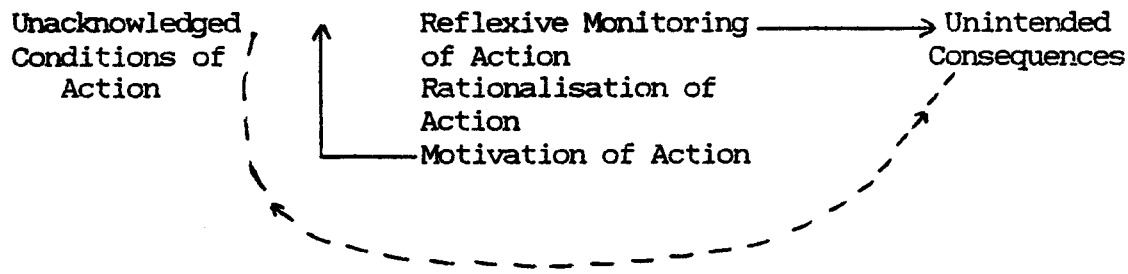
#### The Structural Bounding of Social Action

A persistent theme in Giddens' work is that human agents are knowledgeable and, hence, understand a great deal about what is necessary to produce and reproduce a given society (1976:160; 1979:5 and 1984:2-3). However, the notion of social action, or human agency, logically implies that of structure, since humans intervene in a social world which is already made. In linking human agency to structure, Giddens reworks both concepts (1979:53). These concepts may be clarified through reference to the 'stratification model' of human agency (see Figure 8.1). This model focuses upon the three components of human agency and the structural context within which these components operate.

Giddens refers to agency or action as "...the stream of contemplated causal interventions of corporeal beings in the ongoing process of events-in-the-world' (1976:75). This implies the role of knowledgeability and capability in the performance of social action. The existence of 'capability' means that social action should not be equated with intentions (e.g. Weber (1978)). It means that the social

FIGURE 8.1

## A Stratification Model of Human Agency



Source: Anthony Giddens, Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis (Berkeley: University of California Press, 1979), Figure 2.1, p. 56.

actor was capable of doing otherwise (1979:56). The 'stratification model' of human agency situates the 'knowledgeable' and 'capable' social actor within; (1) the context of the reflexive monitoring of action, (2) the rationalization of action and (3) the motivation of action. These attributes of action are linked to unacknowledged conditions and unintended consequences, which are structural conditions.

The reflexive monitoring of action refers to the purposive character of human behaviour. This includes the '...monitoring of the setting of interaction and not just the behaviour of the particular actors taken separately' (1979:57). However, as Figure 8.1 indicates, the reflexive monitoring of action, (i.e. intentionality) may result in unintentional consequences. These consequences may set the conditions

for future courses of social action. Of course, (and this is not specified by Giddens) intentional consequences of social action may set the course for social action in the future. The point to be emphasized here is that action is logically tied to structure.

The rationalization of action includes the reasons and motives given for any particular mode of action. Rationalization is connected with moral accountability or the norms involved in social action (1979:57). Since norms are connected with the structure of legitimation, the rationalization of social action is also structurally connected.

The motivation of action refers more to the potential for action, rather than the mode within which it is carried out (1984:6). Motivation is connected with needs and wants, and above all to factors which may reside in the unconscious.<sup>2</sup> In addition, Giddens refers to motivation as being connected with the unacknowledged conditions of action (1979:58). However, much of Giddens' theory of structuration is based upon social action which occurs on the basis of practical consciousness. That is, he emphasizes the reflexive monitoring and rationalization of action.

There are problems in reconciling Giddens' notion of human agency and structure. For example, it is not clear how one accounts for the existence of 'knowledgeable' human agency within the context of unacknowledged conditions and unintended consequences of social action. Second, (see Figure 8.1) it is not specified just how unintended consequences become unacknowledged conditions. These issues are tentatively addressed through reference to the characteristics of

structure, and the role of agency and structure in the time-space constitution of social systems.

### The Concept of Structure

Giddens tends to refer to structure in several senses. First, he discusses structure as the set of rules and resources involved in recursive social practices. Second, such structures are viewed as being enabling as well as constraining. Third, structures are both the medium and outcome of social action. Structures are used by social actors in their mediation with the social system. For Giddens, structures are the rules and resources used by social actors in the production and reproduction of regular social practices (1979:66-67). These regular social practices may consist of the social relations embodied in institutions (1984:191-192). Structures are characterized by the 'absence of a subject' (1979:66), and are only present in memory traces and in the 'instantiation' or occurrence in social practices. Therefore, structure is much more internal than is assumed in the Durkheimian sense (Giddens, 1984:25).

In the structuration of social systems, Giddens refers to three structural features of social life: signification, legitimation and domination (1979:97). These are the structures involved in the mediation between human agency and the social system. Signification is the theory of coding. As a structure, signification involves the use of communication as a medium in the structuration of social systems. Legitimation deals with the theory of normative regulation, or the extent to which norms are utilized in the maintenance of a society.

Finally, domination deals with the theory of authorization, or the capability to generate command over persons, and the theory of allocation, or the capability to generate command over objects. In Marxist theory, control over allocative resources is associated with control over authoritative resources. That is, those who control the means of production control the products of labour-power (Giddens, 1979:100).

The various combinations of signification, legitimation and domination result in the production of social institutions. Figure 8.2 relates Giddens' conception of structure to social institutions. These social institutions are the arena within which human agents make use of structures. To reiterate, structures as rules and resources are characterized by the 'absence of a subject' and are only present as memory traces and in the performance of social practices (1984:25). Take for example ideology. Ideology is structured by communication practices, involved with the dissemination of ideas. These ideas cannot be seen unless the process of signification becomes part of a social practice. What can be seen are social institutions such as the mass media which articulate certain ideological messages. Individuals involved in the mass media may make use of symbols such as 'the free market' in the communication of a laissez-faire ideology in public broadcasts. In linking human agency, structure and social institutions, one can say that a reporter participates in a process of signification (i.e. structure) in contributing to the production of a symbolic order (i.e. structure set) which is disseminated through the mass media.

These structures and structure sets (see Figure 3.2) may be related to human agency on the basis of enablement and constraint. Giddens argues that the identification of structure with constraint is a theoretical mistake made by 'functionalist' and 'structuralist' sociologies (1979:70). To reintroduce some earlier points, in the reflexive monitoring of action, social actors may act in ways which produce intended and unintended results. When the structural conditions of social action are unintended consequences of social action, one may refer to these structural conditions as being constraining (1977:128-129). Take, for example, social actions associated with an economic institution such as the stock market. Here human agents are concerned with control over allocative resources. However, individuals may buy stock in a company which goes out of business after a short period of time. The losses they incur may constrain their ability to make future investments. Here structure is constraining, it appears as the unintentional consequence of a social action. On the other hand, structures may be intentional outcomes of social action. State officials are in charge of authoritative resources, that is control over people. They may set up a state apparatus which furthers the interests of the state at the expense of individual capitalists (cf. Block, 1977). To the extent they are able to do so, structure is the intentional outcome of a social action. These points suggest that the enabling and constraining characteristics of structure are to be conceptualized together. What may be enabling for one social actor may be constraining for another.

FIGURE 8.2

## Structures and Social Institutions

S-D-L	Symbolic Orders/Modes of Discourse
D (auth)-S-L	Political Institutions
D (alloc)-S-L	Economic Institutions
L-D-S	Law/Modes of Sanction

S = Signification  
 D = Domination  
 L = Legitimation

Source: Anthony Giddens, Central Problems in Social Theory: Action, Structure and Contradiction in Social Analysis (Berkeley: University of California Press, 1979), Figure 3.2, p. 107.

Finally, structures are both the medium and outcome of human agency. This is what Giddens refers to as the duality of structure (1979:81-84). Structures are the rules and resources which social actors draw upon in their intervention with the social world. Thus, structures are the medium for social action. However, since the possibility for social change is implied in the reflexive monitoring of action, structures are also the outcome of human agency. For Giddens:

According to the notion of the duality of structure, rules and resources are drawn upon by actors in the production of interaction, but are also reconstituted through such interaction (1979:71).

Figure 8.3 links the concepts of human agency, structure and social institutions. Since human agents make use of structures in their relation to the social world, one can see the link between the reflexive monitoring of action and the duality of structure in the mediation and transformation of social institutions. In addition, the figure implies that the various aspects of structure have an impact upon the reflexive monitoring of action or intentional conduct. That is, actors choose to 'act', but not the conditions within which they do 'act' (1976:160). Each of these themes will be elaborated upon below.

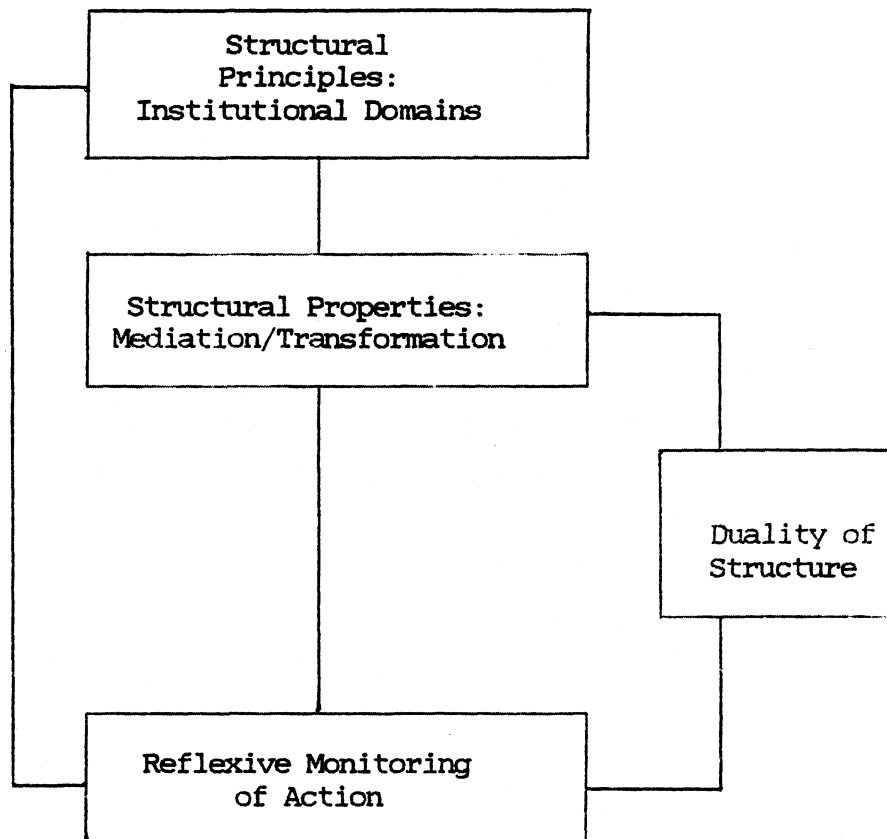
Since structure is the medium and outcome of human agency (duality of structure), the reflexive monitoring of action consists of the use of a structure (e.g. domination based upon authoritative resources) in the mediation with or transformation of a particular social institution (e.g. the state). For example, a state official is a knowledgeable social actor who has access to authoritative resources such as the powers of taxation. These may be used to create new state institutions or to reinforce existing ones.

Since structure has an impact upon human agency, this implies that social institutions play a role in setting the foundations of human agency. In reference to Figure 8.1, this may consist of the unacknowledged conditions of social action. That is, human agents may act within the context of social conditions of which they may be partially aware. An unemployed individual may be aware of some of the conditions surrounding unemployment (e.g. plant closures), but he or she may not be aware of the broader social and historical context within



FIGURE 8.3

The Reflexive Monitoring of Action  
and its Relation to Structure and  
Social Institutions



Source: Anthony Giddens, The Constitution of Society: Outline of the Theory of Structuration (Berkeley: University of California Press, 1984), Figure 11, p. 191.

which unemployment is created (e.g. monetarism, trade policies, the rise of 'new' industrialized nations).

Whereas this discussion of structure has shed some light on the intentional and unintentional consequences of social action as structural conditions for future courses of social action, we are still left with the problem of unacknowledged conditions. How can we account for cognizant human agency within the context of unacknowledged conditions for such agency? Giddens undertakes to resolve this apparent contradiction through reference to the time-space constitution of social systems.

#### The Time-Space Constitution of Social Systems

Within the theory of structuration, time and space are not a priori categories in the Kantian sense. That is, time and space are not a priori in the sense of organizing human experience. Rather, these categories are expressions of human activity and are involved in the recursive social practices within society (1981:30). Giddens argues that time should not be identified with social change (1979:198). Time relates to social order as well as to social change. Moreover, time is associated with 'presencing'. 'Presencing' is the fourth dimension which brings the past, present and future together (1981:30, 32). This implies that the actor may be cognizant of some of the conditions surrounding social reproduction (i.e. maintenance of social order) and social transformation (i.e. social change). In addition, through

'presencing', social actors are aware of the impact of the past upon the present (1981:35). For Giddens:

Human beings do not just live in time, they have an awareness of the passing of time which is incorporated in the nature of their social institutions (1981:36).

Consequently, the reflexive monitoring and rationalization of action is related to how time is incorporated in social practices (1981:35-36). Agency and structure are related to social institutions and this is facilitated by time which is not a 'container', but a conscious experience which links human agents to the past, or the conditions of their existence.

Giddens relates time to space through the concepts of presence/absence, locale and regionalization. Presence/absence is linked to time-space in terms of how subjects can relate to distances '...from a particular set of experiences or events' (1981:38). Primitive societies are characterized by high-presence availability. That is, individuals in such societies can only relate to time and space in terms of the immediate presence of others. However, technological changes have reduced the distances involved in presence-availability. Contemporary societies are characterized by low-presence availability. Individuals can relate to other individuals who may be absent due to their access to various forms of communication (1981:39-40).

Individuals also relate to space in terms of locales or a physical region which is the setting of social interaction and the processes of regionalization which occur within and between such locales (1984:118-119). Regionalization is related to how the zoning of time-space encounters is accomplished within different settings (1984:124).

In relating regionalization to locales, Giddens refers to how regionalization or zoning is relevant to different social settings:

Locales may range from a room in a house, a street corner, the shop floor of a factory, towns and cities to the territorially demarcated areas occupied by nation-states. But locales are typically internally regionalized, and the regions within them are of critical importance in constituting contexts of interaction (1984:118).

In elaborating upon the character of regionalization, Giddens discusses how the household becomes divided from the work place during the development of capitalism:

...In many societies the 'home', the dwelling, has been the physical focus of family relationships and also of production, carried on in either parts of the dwelling itself or in closely adjoining gardens or plots of land. The development of modern capitalism, however, brings about a differentiation between the home and the work place, this differentiation having considerable implications for the overall organization of production systems and other major institutional features of society (1984:122).

The implication of this statement is that regionalization relates not only to the time-space constitution of the various institutions within a social system, it also relates to the time-space distancing of social systems. That is, regionalization is involved in the stretching of social systems across time and space.<sup>3</sup>

In discussing 'social systems', Giddens attempts to conceptualize society in a non-functionalist manner and discusses the maintenance of social systems in terms of social and system integration. A social system is a regularised set of practices between actors or collectivities. Individual actors or collectivities make use of structures in the production and reproduction of a social system

(1979:66). For example, an employer makes use of a structural resource at his disposal, the domination over property and people, to reproduce the practices necessary to maintain his enterprise. These practices in conjunction with practices of a similar kind facilitate the reproduction of the capitalist system. Capitalism as a system is a regularised set of practices produced and reproduced through time-space. The important thing to note here is that Giddens has attempted to strip away the organic analogy which is usually connected with the concept of system. This includes the removal of teleology from the social system.

According to the theory of structuration, social systems have no purposes, reasons or needs whatsoever; only human individuals do so. Any explanation of social reproduction which imputes teleology to social systems must be declared invalid (1979:7).

The structures which are involved in the production and reproduction of the social system are utilized by social actors through processes of social and system integration. Social integration is achieved through the 'reciprocity of practices' in the presence of others. That is, social integration deals with societal reproduction through face-to-face interaction (1984:64). However, system integration is related to the time-space constitution and distancing of social systems. It refers to the '...reciprocity between actors or collectivities across extended time-space'. Moreover, it "...refers to connections with those who are physically absent in time or space" (1984:28). The relation between social and system integration is used by Giddens to transcend the distinction between 'micro' and 'macro' sociologies. The 'micro' - 'macro' division has the implications that one level of analysis has to be chosen for sociological analysis

(1987:139). For Giddens, social integration and system integration are linked through the process of regionalization:

The connections between social and system integration can be traced by examining the modes of regionalization which channel, and are channelled by the time-space paths that the members of a community or society follow in their day-to-day activities. Such paths are strongly influenced by and also reproduce, basic institutional parameters of the social systems in which they are implicated (1984:142-143).

Even though social and system integration are linked in class-divided (e.g. feudal) and class societies (i.e. capitalist), the time-space distancing of such societies implies a differentiation between these two modes of integration. For example, the division of the city and the countryside and the institutional separation, yet overlapping of state and economic institutions are examples of how social and system integration become differentiated (1984:183).<sup>4</sup> The practice of system integration performed by state officials consists of a set of policies to control a population within a given territory. These officials can achieve system integration without participating in social integration with all of the members of a given society. Nevertheless, at some level social and system integration are related to each other.

Figure 8.4 links the major concepts which have been discussed so far. This figure can be used to summarize the relations among human agency, structures, social institutions, social systems and the processes of regionalization and social/system integration involved in the time-space constitution and distancing of social systems. As the reader will notice, this figure builds upon the relations specified in

FIGURE 8.4

A Summary of the Relations Among the Central  
Concepts in The Theory of Structuration

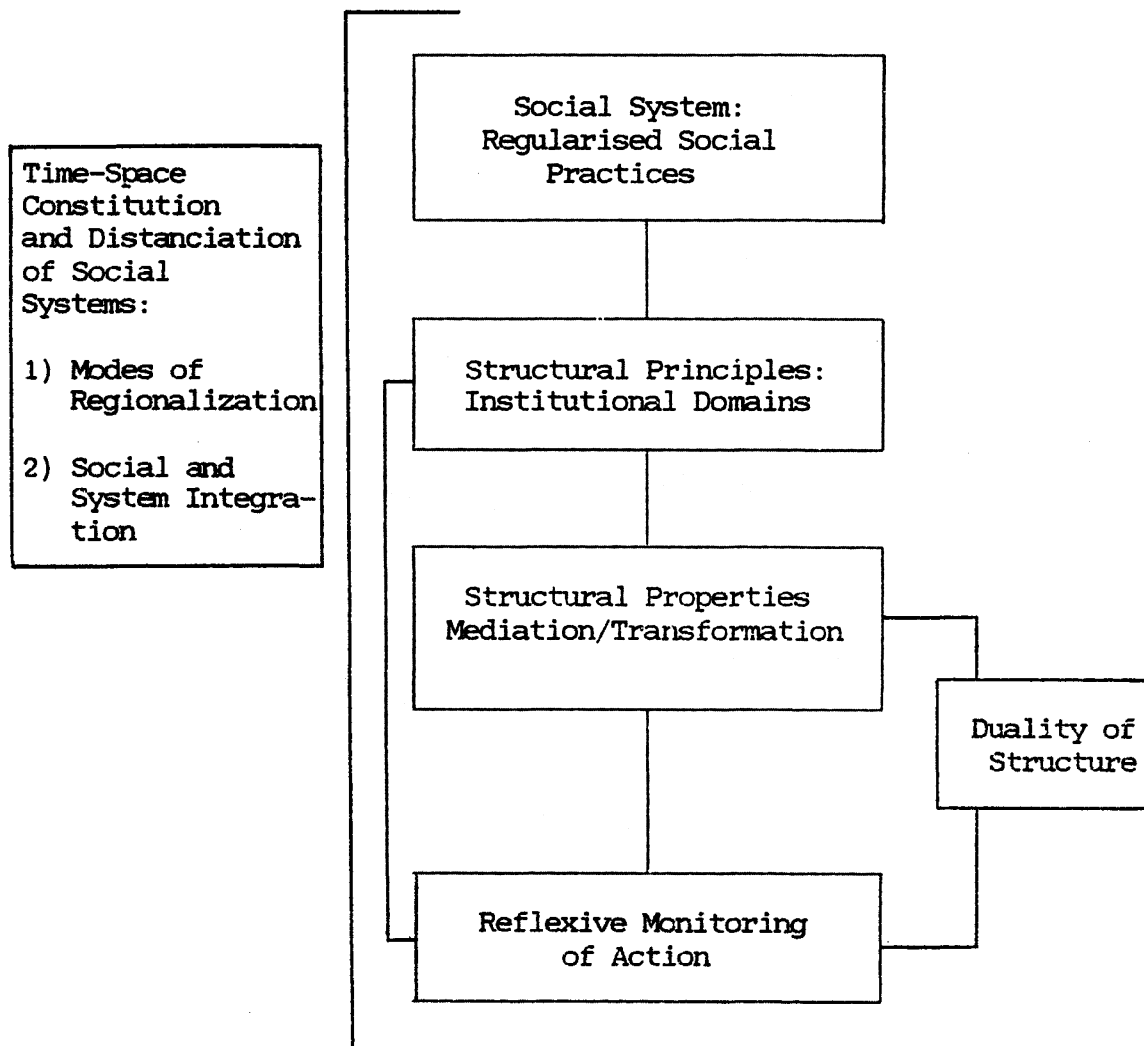


Figure 8.3. More specifically, Figure 8.4 provides the broader institutional context within which the relations specified in Figure 8.3 operate.

Human agents make use of structures in the mediation/transformation of social institutions. Through the duality of structure, structures (see Figure 8.4) are the medium and outcome of human agency. Structures exist as memory traces and in the instantiation of social practices. These structures are involved in the production and reproduction of social institutions. These social institutions are what comprise a social system. Hence, agency is related to structure and to system. The social system is in turn constituted and distanced through time-space. Regionalization is the process whereby social systems become stretched or distanced across time-space. The various locales within a social system are internally regionalized. Hence, one can refer to how regionalization relates to zoning within a city, to the distinction between urban and rural areas or to the regional differences within a society. However, since the time-space constitution and distancing of a society also include the processes of social and system integration, regionalization may occur but the process of system integration fostered by institutions such as the state facilitates societal reproduction. However, this is the accomplishment of knowledgeable social actors and not some teleological attribute associated with the social system. To reiterate an earlier point, social systems have no purposes, only human agents have purposes. These purposes are the products of the reflexive monitoring of action which is involved in the relation between structure and system.



Prior to assessing the relevance of the theory of structuration to the theoretical approaches used in this study, an argument will be developed concerning the status of metatheory within social scientific inquiry. In doing so, some parallels will be drawn between the metatheoretical endeavors of Giddens (1979 and 1984) and Alexander (1982).<sup>5</sup>

#### THE STATUS OF METATHEORY IN SOCIAL SCIENTIFIC INQUIRY

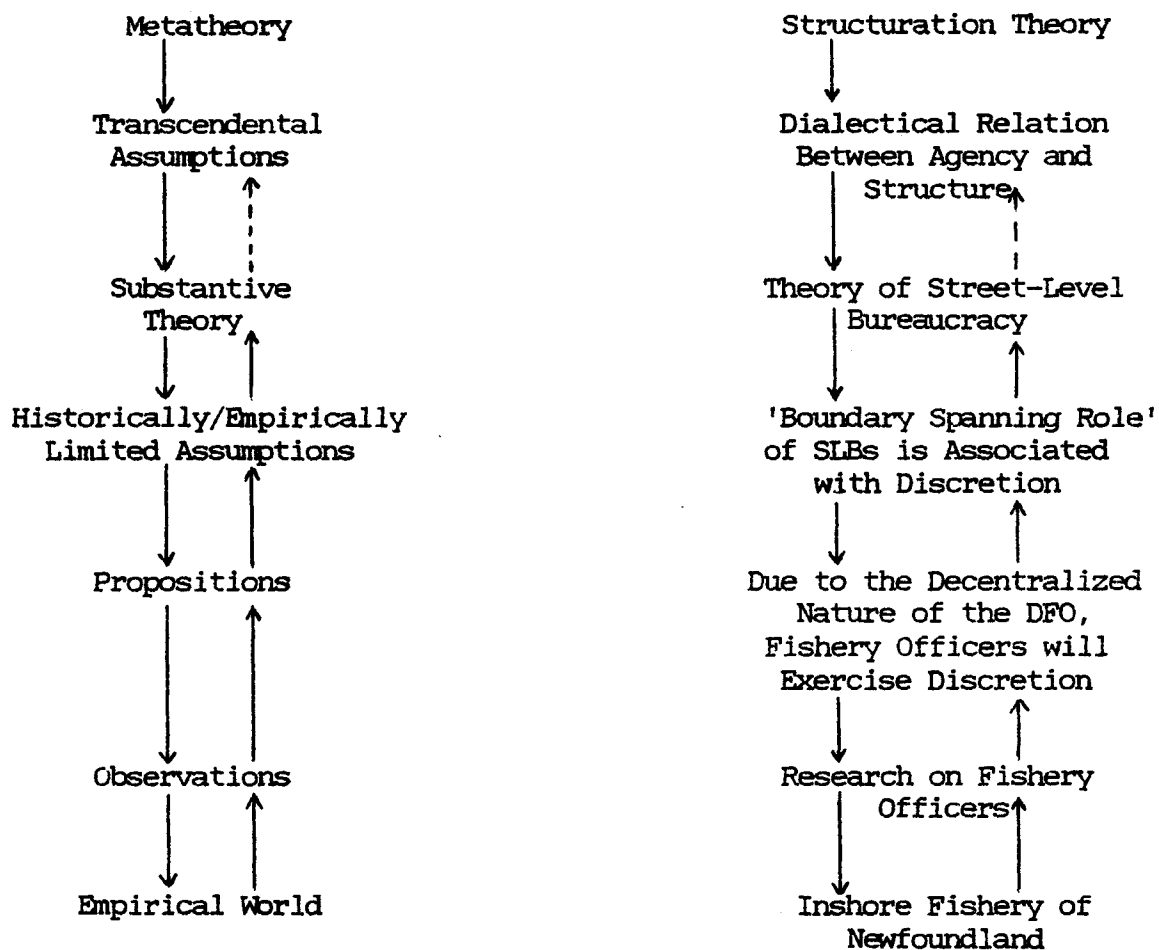
For our purposes, metatheory may be defined as an interrelated set of assumptions concerning social phenomena which informs the discourse of lower-levels of theoretical analysis and empirical inquiry. These assumptions are transcendental and are not tied to any specific historical or empirical context. Giddens' theory of structuration (1979 and 1984) and Alexander's (1982) multidimensional approach are metatheoretical in the sense that agency and structure for Giddens, and action and order for Alexander, are concepts which are relevant to social theory per se. These concepts are not the preserve of any social theory, but specific theories may articulate such concepts in different ways. For example, Poulantzas (1975) and Wright (1979) are structuralists (from the Marxist tradition) who pay limited attention to human agency, but they argue that classes exist only in the class struggle. The notion of 'class struggle' would seem to imply the existence of human agency. Similarly, also in the Marxist tradition, the historian Thompson (1963) argues that class is not a 'category' or a 'thing', but a phenomenon imbued with conscious activity. However,

Thompson's The Making of the English Working Class (1963) documents the extent to which human agency led to the structural changes that produced the English working class. That is, the structuralists implicitly deal with agency, while the Marxist historian implicitly deals with structure. Only a metatheory explicitly accounts for both. This brings us to the relevance of Giddens' approach.

Archer (1982), Turner (1986) and Urry (1986) argue that Giddens' theory of structuration is either non-propositional or inadequate for specific forms of empirical inquiry. For example, Archer argues that Giddens does not specify when structure is either constraining or enabling (1982:459-61). In some ways, this is an unfair criticism. Since Giddens is dealing with concepts relevant to social theory in general he may articulate that such concepts relate to each other, but he cannot specify such relations. Structuration theory, is a metatheory, and deals with transcendental assumptions which are not tied to specific contexts and hence is unlikely to be expressed in propositional form. In contrast, substantive theories, or approaches which relate to specific historical or empirical contexts, are in a far better position to put forward propositions. That is why metatheory is contingent upon substantive approaches. The former articulates assumptions at the most generalized level; the latter implicitly deals with such assumptions and specifies the relations among concepts at a lower-level of analysis. Figure 8.5 drawn from Alexander's work, summarizes the relations among metatheory, substantive theory(ies) and the empirical world.

FIGURE 8.5

## Metatheory and Social Scientific Inquiry



Source: This figure is derived from the arguments presented in Jeffrey C. Alexander, Theoretical Logic in Sociology: Volume One: Positivism, Presuppositions and Current Controversies. (Berkeley: University of California Press, 1982). See especially, Figure Three, p. 40.

Like Alexander (1982), this writer views the social scientific process as being two-directional. The left-hand side of Figure 8.5 refers to the basic nature of this process as outlined by Alexander. The right-hand side of the diagram relates this process to the theory of structuration, the street-level bureaucracy perspective, and to research on federal fishery officers (a similar model could be developed for the state autonomy approach). Agency and structure are transcendental assumptions relevant to the limited assumptions of the street-level bureaucracy perspective. Existing at the most generalized level, agency and structure relate to the ontological conditions of society. However, when one inquires about the social conditions surrounding discretion, or to the 'boundary spanning role' of SLBs, agency and structure are specified within an empirical context. While discretion is associated with the concept of human agency, it is not as generalized as the latter concept. The theory of structuration may not be in a position to make propositions, but the central assumptions of this theory are implicitly involved in propositions derived from the substantive theory, or the theory of street-level bureaucracy. These propositions have been applied to the regulatory role of federal fishery officers. Finally, the empirical world, or the inshore fishery of Newfoundland, relates to the day-to-day context within which these officials operate. Even at this level, the concepts of agency and structure are relevant. Fishery officers may not refer to such concepts, but as "knowledgeable" social actors they are aware of the capabilities and constraints which penetrate their day-to-day activities. As Giddens argues, every social actor is a practical social theorist (1976:162).

Inasmuch as the theoretical informs the empirical, the empirical also informs the theoretical. However, the empirical informs the theoretical in a limited sense. The broken arrows from substantive theory back to metatheory mean that, although the former bears on the later, it cannot radically alter the central assumptions of metatheory. To reiterate an earlier argument, agency and structure are concepts relevant to social theory per se, substantive theory may shed light on the relation between these concepts, but it cannot remove these concepts from social theory (cf. Alexander, 1982:114-115).

Now that the relation between metatheory and social scientific inquiry has been established, we are in a position to assess the relevance of Giddens' theory of structuration to the substantive theories and empirical concerns of this study. The following should not be treated as an attempt to invoke theoretical closure within sociology; on the contrary, the theory of structuration will be used as a heuristic guide which facilitates an understanding of the relations among ostensibly unrelated substantive theories.

#### THE RELEVANCE OF THE THEORY OF STRUCTURATION

In this section, an attempt will be made to link the concepts surrounding (i) the duality of structure, and (ii) the time-space constitution of social systems, to the state autonomy and street-level bureaucracy approaches.

The duality of structure, or the consideration of structure as the medium and outcome of human agency, will be assessed in terms of

enablement and constraint (i.e. structure as a medium of human agency) and the intentional and unintentional consequences of social action (i.e. structure as an outcome of human agency). The enabling and constraining features will be related to the tensions between state autonomy and capital accumulation and between managerial control and worker discretion. Structure as an intentional and/or unintentional consequence of social action will be related to the consequences of state policy for the class structure of the inshore fishery of Newfoundland, and to the consequences of the discretionary actions of fishery officers for their day-to-day relations with their clients. This analysis will be done keeping in mind that, although structure is both the medium and outcome of human agency, social actors operate under conditions not of their own choosing. That is, society is an historically derived entity, but within that entity human agents draw upon structures which relate to the process of social reproduction.

The time-space constitution of social systems, particularly the dimensions of social and system integration, is relevant for understanding the relations between the state autonomy and street-level bureaucracy perspectives. Seen in terms of the reciprocity of practices, and the reciprocity of these practices between actors and collectivities divided across time and space, social and system integration is a means for cojoining some of the common concerns of the two substantive approaches used in this study. After all, the state autonomy and street-level bureaucracy perspectives deal with different dimensions of 'the state' in its relation to the social structure. The question then is: how can problems such as state autonomy and worker

discretion be linked within the same discourse? This issue is dealt with later in this chapter by linking together 'macro' and 'micro' levels of analysis (cf. Giddens, 1984:139). This problem will be elaborated upon towards the end of this chapter. Emphasis will now shift to the relevance of the duality of structure.

### The Duality of Structure

#### Structure as a Medium of Human Agency: Enablement and Constraint

The state autonomy approach focuses upon the autonomous role of state officials vis a vis dominant class concerns. This is considered in the context of the imperative of capital accumulation (Block, 1977; Skocpol, 1979, 1980 and Rueschemeyer and Evans, 1985). Whereas the enabling and constraining features of structure exist in an indeterminate relation in the theory of structuration, the specification of when structure is enabling or constraining is implicit within the state autonomy approach. The argument that state officials may assume an autonomous role under certain conditions, enables state autonomy theorists to develop limited assumptions and propositions. State autonomy theorists assume the existence of a capitalist economy, a state structure divorced from the dominant class and conditions such as economic crises, the participation of the state in an international state system and/or wars (Skocpol, 1979; 1980 and 1985; Rueschemeyer and Evans, 1985). Empirical problems and propositions relate to such conditions. The enabling and constraining features of structure are

present in Skocpol's attempt to historically situate the problem of state autonomy in relation to dominant class concerns:

What capacities do states have to change the behaviour or oppose the demands of such actors or to reform recalcitrant structures? Answers lie not only in features of states themselves, but also in the balance of states' resources and situational advantages compared with those of non-state actors (1985:19)

Skocpol's concern is with how structural conditions may facilitate or enable state officials to achieve their interests, and engages in comparative historical research to answer this problem (Skocpol, 1979; 1980 and Weir and Skocpol, 1985). Since her research is concerned with state autonomy under the presence or absence of certain conditions, Skocpol is able to specify conditions where structure is enabling for state officials and when it is constraining.

Similarly, in assessing the role of the DFO in restructuring the East Coast fishery in general, and the inshore fishery of Newfoundland in particular, tentative conclusions can be drawn concerning the relation between the enabling and constraining features of structure. It was argued, following the state autonomy thesis, that the restructuring of the East Coast Fishery occurred during a period of economic crisis, and thus state officials were in a position to restructure the process of capital accumulation within that industry. This restructuring occurred in ways which were not reducible to dominant class concerns. The economic crisis enabled state officials to implement their interests through the formation of FPI, a crown corporation which displaced private enterprise.<sup>6</sup> It also showed how the promotion of capital accumulation is an endeavour facilitated by state



intervention (cf. Rueschmeyer and Evans, 1985). Despite the enabling features of structure, the restructuring of the east Coast fishery also demonstrated that state officials, though autonomous, were constrained by the imperative of capital accumulation. In terms of the social scientific model presented in Figure 8.5, the discussion has traced the enabling and constraining features of structure from the level of transcendental assumptions to observations made about the empirical world. This method will be continued below.

The constraining and enabling features of structure are also present in the discussion on the tension between managerial control and worker discretion in street-level bureaucracies (Prottas, 1979 and Lipsky, 1980). Supervisors may set the limits or constraints upon worker behaviour, but within those limits workers were seen to have considerable latitude.

It was argued that, due to the decentralized nature of street-level bureaucracies, supervisory control was only possible through the provision of indirect bureaucratic and technological controls (see Chapter Four). Due to the relatively unsupervised work environment of SLBs such as policemen and forest rangers, supervisors often required quotas and regular work reports in order to account for the day-to-day work activities of their subordinates (cf. Wilson 1968 and Kaufman, 1960). This contrasted with centralized commodity producing establishments, which were able to use direct bureaucratic and technological controls to coordinate the labour process and thereby reduce worker discretion (cf. Edwards, 1979).

Indirect bureaucratic controls were the major constraints available to supervisors in street-level bureaucracies, but these constraints had a limited ability to undermine workers' autonomy. Indirect bureaucratic controls such as quotas and work reports are problematic because SLBs are the primary source of information (Lipsky, 1980:162). Quotas may serve to constrain the day-to-day activities of SLBs, but how these quotas are achieved may be within the confines of worker discretion. Supervisors may determine what is to be done (i.e. constraints), but how this activity is to be done may be outside of supervisory control due to the decentralized nature of a street-level bureaucracy (i.e. structure is also enabling).

Whereas direct forms of technological control are possible within centralized commodity producing bureaucracies, such controls when present in a decentralized bureaucracy, usually assume an indirect form. The use of two-way radios to coordinate the labour process of police officers is the best example of technological control within a street-level bureaucracy. Such controls may be used to coordinate the activities of police officers in terms of what is to be done, but how this activity is to be done may be determined by individual police officers. Indirect technological controls constitute both constraining and enabling features of structure.

The constraining and enabling features of structure are also present in the day-to-day work of federal fishery officers. The DFO's work plan represents an indirect bureaucratic control. This plan consists of quotas in specific fisheries, which fishery officers have to meet within each quarter of the year. However, the constraining aspect

of the work plan is limited. Quotas may specify what fishery officers are going to do, but how each individual fishery officer goes about fulfilling such quotas is beyond supervisory control. Senior officials may designate quotas for each subdistrict within the Newfoundland Region, but the senior and junior fishery officers within such subdistricts can take account of local conditions (e.g. ice conditions) to determine the extent to which certain quotas can be filled. Although senior management sets the overall quota or the constraints which fishery officers have to work under, the meeting of this quota is an enabling structural feature of the fishery officer occupation.

Indirect technological controls also exist within the DFO's Resource Management Branch. Two-way radios are used to coordinate patrol activities in the inshore fishery, whereas fishery officers are restricted to mobile telephones while working on the inland fishery. Fishery officers argue that mobile telephones act as constraints upon their ability to regulate the inland fishery. It prevents fishery officers from contacting their peers while they are attempting to regulate poaching activity on scheduled salmon rivers. These officials argue that they have to use discretion, due to the fact that supervisors cannot be reached. Mobile telephones may enable fishery officers to use discretion, but they prefer to be directed by their supervisors especially while working on the isolated conditions of the inland fishery.

In sum, while indirect bureaucratic and technological controls place constraints upon the day-to-day work activities of SLBs, the decentralized nature of street-level bureaucracies enables SLBs to

decide how such constraints are to be met. The enabling and constraining features of structure are also present in discussions on the discretionary role of SLBs.

The "boundary spanning role" of SLBs means that they are the only bureaucratic officials who have access to both bureaucratic rules and information about clients (Prottas, 1979:87). This aspect of their structural position, combined with their relative autonomy from organizational authority, enhances the discretionary power of SLBs. The structural position of SLBs facilitates their ability to use bureaucratic rules in the processing of client groups. Here structure is enabling. Since SLBs have simultaneous access to bureaucratic rules and information about clients, they are in a position to determine which clients receive relevant types of bureaucratic information. This was present in Prottas' (1979) and Lipsky's (1980) discussions of how public housing officials facilitated the ability of elderly housing applicants to apply for emergency status. The enabling feature of structure is also present in the ability of SLBs to differentiate among clients. Although the existence of scarce resources such as high worker-client ratios necessitates the use of discretion, in terms of differentiating among clients (Lipsky, 1980:29), SLBs also make such distinctions on the basis of their experience. Cicourel's (1974) and Werthman and Piliavan's (1980) analyses of juvenile delinquency are examples of the power which SLBs have in differentiating between 'lawful' and 'unlawful' clients (see also McCleary, 1975). SLBs involved in the process of juvenile justice use their 'stocks of knowledge' as a basis for discriminating in favour of some clients over others.

As a medium of social action, the structure of discretion also presents SLBs with constraints. Depending upon the circumstances they are in, SLBs make use of discretion as an enabling feature of social action or such practice is a constraint necessary in the performance of day-to-day tasks. While the relative autonomy from indirect bureaucratic and technological controls facilitates SLBs' use of discretion, the need to implement organizational mandates and to maintain an ongoing relationship with client groups necessitates that SLBs use discretion. This latter point is made in Hawkins' (1984) study of water pollution inspectors and Shover, Clelland and Lynxwiler's (1983, 1986) study of surface coal mining inspectors. Both studies refer to the fact that, in order to perform routine tasks such as the collection of statistics for their bureaucracy, SLBs had to use a conciliatory approach based upon negotiated compliance rather than resort to strict enforcement. Minor offences were overlooked in exchange for correcting major pollution problems. By doing so, SLBs were able to maintain an ongoing relationship with their clients and satisfy managerial demands for information or regulatory sites.

On the basis of the data presented in Chapter Five, it was argued that fishery officers regulate a heterogeneous group of clients which place varying demands and constraints upon the discretionary practices of these officials. The enabling or constraining aspects of structure were present in the discretionary strategies of reactive enforcement, the use of stereotypes and negotiated compliance.

When fishery officers made use of reactive enforcement, their situation facilitated the use of discretion as an enabling aspect of

their regulatory role. The regulation of gear conflict between different social classes of inshore fishermen was a reactive strategy prompted by requests from those who were affected. Fishery officers were not required to regulate gear conflict as part of the DFO's work plan. As a result, they were regulating such conflict free from managerial demands. They were able to use discretion in enforcing the distances between different gear types which were utilized by different social classes. Fishery officers recognized that the geography of many inshore fishing communities precluded the strict enforcement of distances between different gear types, and got fishermen to agree amongst themselves over which distances should be enforced.

The regulation of the inland fishery is another area where the use of discretion was an enabling structural feature of the fishery officer's regulatory role. Here fishery officers made use of stereotypes to differentiate amongst recreational fishermen. Like the SLBs studied by Cicourel (1974) and Werthman and Piliavan (1980), fishery officers differentiated between 'lawful' and 'unlawful' recreational fishermen. On the basis of their experience fishery officers argued that most poachers were 'unemployed' or on 'welfare', who poached regularly, and knew the regulations surrounding the inshore fishery. In this case, no discretion was exercised. On the other hand, tourists and school children may be 'poachers', but without knowledge of the regulations. Here fishery officers give these individuals a 'second chance', and explained to them the regulations surrounding the inland fishery (see Figure 5.1). The lack of work resources such as the number of officers and guardians assigned to salmon rivers, coupled with the

consideration that recreational fishermen are not continuous clients of fishery officers, may be listed as other factors which facilitated the discretionary role of federal fishery officers in the inland fishery.

Whenever fishery officers relate to inshore fishermen in particular, but also to forestry and construction companies, they are dealing with a continuous group of clients and the use of discretion exists as a social constraint. The regulation of the inshore fishery results in the intersection of demands from supervisors and clients. Fishery officers have to meet work goals, but they cannot use strict enforcement because of the need to maintain an ongoing relationship with inshore fishermen (cf. Hawkins, 1984; Shover, Clelland and Lynxwiler, 1983, 1986). Fishery officers exercise discretion in areas such as the harvesting of small lobsters and the lack of a commercial fishing vessel registration number on inshore boats because they depend upon inshore fishermen to supply them with information such as fish catch statistics and fishing conditions. This information is used in DFO policy reports. In addition, fishery officers in their relations with forestry companies argue that the power and size of these companies militates against strict enforcement. Fishery officers exchange a pardon on minor offences in order to get these companies to correct major problems. Discretion in this area is also structured by the attempt by fishery officers to foresee the consequences of their actions. This will be dealt with in conjunction with the discussion on the intentional and unintentional consequences of social action.

Therefore, while enablement and constraint as a medium of human agency exist in an indeterminate relation at the level of the theory of

structuration, the substantive theoretical assumptions and empirical observations derived from the state autonomy and street-level bureaucracy perspectives enable one to specify the existence of enabling and/or constraining structures within specific social contexts. The same general argument will next be advanced in the context of the consequences of social action.

Structure as an Outcome of Human Agency:  
Intentional and Unintentional Consequences

In terms of the duality of structure, the enabling and constraining aspects of structure, as mediums of social action, are logically related to intentional and unintentional consequences (see Figure 8.1). According to Giddens, such consequences are products of the reflexive monitoring of action, or the purposive character of human agency (1979:56). This means that even enabling structural factors may result in unintentional consequences.<sup>7</sup> The intentional and/or unintentional outcomes of human agency relate to the discussion on state autonomy in terms of the consequences of "autonomous" state actions for developments within the class structure of advanced capitalist societies.

Proponents of the state autonomy approach have stressed that developments within the class structure do not correspond to an inner logic attributed to the capitalist mode of production (cf. Skocpol, 1980 and Sinclair, 1982 and 1985). The fate of, and organizational capacities of social classes are often attributed to the intentional and unintentional outcomes of state policies. For example, Skocpol (1980)



argues that Marxist structuralists view the state in terms of how it organizes the hegemony of the dominant class and disorganizes subordinate classes, especially the working class. Yet, an outcome of state policy during the "New Deal" was legislation facilitating the development of industrial unions and hence the organization of the working class. Furthermore, this class was in a better position to engage in struggles with the capitalist class (1980:178). One observation emanating from the state autonomy approach is that developments within socioeconomic settings, including the organizational capacities of various social classes, may be viewed as either intentional or unintentional outcomes of state policy.

In terms of this study, state policies surrounding the restructuring of the inshore fishery of Newfoundland were seen to result in a mix of intended and unintended consequences. An unintentional consequence of state policy during the late 1970s was the rapid expansion of the inshore fishery. This resulted in the emergence of the longliner fishery from the small boat fishery coupled with a general economic malaise. Such unintentional consequences were counteracted by the attempt to reorganize the process of capital accumulation through limited entry measures. One of the aims of limited entry was to phase out 'part-time' producers and entrench the position of 'full-time' producers. The evidence presented in Chapter Seven demonstrated that this may be achieved. That is, limited entry policy has intentional outcomes. However, unintentional outcomes also result from limited entry policy. This policy serves to maintain the distinction between the nearshore and small boat fisheries. Such a distinction may result

in increased gear conflicts in the future, due to the continuing economic problems of the inshore fishery. In sum, limited entry policy reflects the ability of state officials to independently influence the process of capital accumulation and developments within the social organization of the inshore fishery of Newfoundland. But this policy results in a mix of intentional and unintentional consequences, which may place constraints upon state policy in the future. In terms of the duality of structure, the enabling features of social action may produce unintentional consequences which may result in the production of constraints for future courses of social action. Once again the transcendental assumptions of structuration theory have been traversed through substantive theory and its accompanying empirical observations.

Turning to the theory of street-level bureaucracy, discretion exists not only as an enabling or constraining aspect of the social action of SLBs, but the exercise of discretion may also result in intentional or unintentional consequences. Empirical studies of street-level bureaucracies stress how SLBs attempt to predict the consequences of their social action. In his study of housing inspectors, Nivola argued that the strict enforcement of housing inspection rules would mean rent increases and the possible displacement of tenants (1978:78-81). While strict enforcement may meet agency goals, such practices would have the unintentional consequence of displacing tenants. The attempt to avoid unintentional consequences of social action is also apparent among the SLBs studied by Hawkins (1984) and by Shover, Clelland and Lynxwiler (1983, 1986). Strict enforcement may meet some agency goals, but militates against ongoing relationship with client

groups necessary for routine matters and hence the achievement of other agency objectives. Although SLBs may be in a position whereby they are constrained to use discretion, this should not be conceptualized as some force which operates behind the "backs of actors" (cf. Giddens, 1984:171-172). As knowledgeable human agents, SLBs recognize that the practice of strict enforcement would produce unintentional consequences for them and greater constraints in the future. This connects the enabling and constraining features of structure, as a medium of social action, to the intentional and unintentional consequences of social action. For SLBs, the duality of structure is implicated in the knowledgeable reproduction of social relations, and hence of the street-level environment.

Federal fishery officers also attempt to predict the consequences of their actions. Like other SLBs, they attempt to avoid actions which may produce consequences that serve as structural constraints on future courses of social action. This is linked to their discretionary behaviour. As knowledgeable social actors, fishery officers know that strict enforcement may result in unintentional consequences, especially in terms of their relation to continuous clients such as inshore fishermen, forestry companies and construction companies. Thus discretion, as a practice, is a constraint necessitated by the intersection between managerial demands and the need to reproduce relations with continuous clients. Fishery officers accept this constraint because the exercise of strict enforcement may produce unintentional consequences or further constraints. The need to exercise discretion also exists because fishery officers know that strict

enforcement may have deleterious consequences for inshore fishermen and the employees of forestry and construction firms (cf. Nivola, 1978). Fishery officers argue that fishermen are 'trying to make a living', and they 'don't want to put anyone in a position whereby they might lose money in the fishery'. In addition, they are aware that strict enforcement in the regulation of the fish habitat may close down road construction operations. This would produce unemployment during a time of the year when employment opportunities are at their peak in rural Newfoundland. These are consequences which fishery officers try to avoid. Despite these considerations, the exercise of discretion in order to avoid unintentional consequences should not be reduced to a humanistic concern. The DFO, and its fishery officers, are aware that strict enforcement would place them in conflict with various groups and place increased workloads upon the organization, especially in terms of court room duty (cf. McCleary, 1975). In terms of avoiding the unintentional consequences of social action, discretion should be seen as being structured by organizational, as well as client demands.<sup>8</sup>

Social and System Integration: The Relation Between  
the Two Substantive Approaches Used in This Study

To this point, the various components of the duality of structure have been related to the state autonomy and street-level bureaucracy perspectives, and the research findings from this study relevant to both approaches. The substantive theories have been treated separately, but no systematic attempt has been made to link one substantive approach to the other. Given the arguments in Chapter

Seven, that the context of regulation relates to the process of regulation, this implies that some relation must exist between the state autonomy and street-level bureaucracy approaches.

At first glance, it would appear that these approaches correspond to 'macro' and 'micro' divisions within sociology. The state autonomy approach deals with structural conditions and the relation of the state to socioeconomic groupings. The street-level bureaucracy approach deals with the day-to-day interactions of SLBs with their supervisor and clients. It will be argued here that the two levels can be related through the notions of social and system integration. However, prior to doing so, it is necessary to return to and elaborate upon Giddens' treatment of these concepts in the context of his overall theory.

Beginning with New Rules of Sociological Method (1976) and culminating in The Constitution of Society (1984), Giddens argues against the division between institutional and interactionist sociologies or between "macro" and "micro" approaches. He contends that it is erroneous to associate the 'macro' dimension only with structural constraints and the 'micro' dimension only in terms of meaningful social action. Structure consists of constraining and enabling features and both are implicated in the state autonomy and street-level bureaucracy perspectives. Both perspectives may be linked, especially in terms of the relation between state autonomy and work discretion, through reference to the way in which the time-space distanciation of social systems and the process of regionalization are implicated in the relation between social and system integration.

According to Giddens, contemporary capitalist societies are characterized by the time-space distancing of social systems (1984:181-185). The stretching of social systems across time-space means that institutions like the state can play an integral role in regulating those who are physically absent (1984:183-184). Modern capitalist societies are characterized by time-space distancing, and this is implicated in the differentiation between social and system integration. In discussing this differentiation, Giddens conceptualizes social reproduction in a non-functionalist manner:

"Integration" may be understood as involving reciprocity of practices (of autonomy and dependence) between actors or collectivities. Social Integration then means systemness at the level of face-to-face integration. System Integration refers to connections to those who are physically absent in time or space (1984:28).

The problem is: How are the connections associated with system integration made? Moreover, how can one refer to such connections and still maintain the dialectical relation between human agency and social structure? To answer these questions, it is necessary to discuss regionalization.

In the time-space distancing of social systems, one encounters regionalization or a process whereby society becomes divided into locales which are different settings of social interaction (1984:118-119). The divisions between city and countryside, the workplace and the home, various regions of a nation-state, and for our purposes, between the DFO's senior management and fishery officers working in isolated communities, are aspects of regionalization. These are related, but separate, sites of social interaction distanced

across time-space. The time-space distancing of social systems results in regionalization, but social systems are constituted, or maintained, across time-space through the overlapping of social and system integration. These concepts will be used to link state autonomy to worker discretion. In doing so, attention is given to the way in which human agency and social structure are integrated in relation to different sites, or regions, of social interaction.

According to Giddens:

Surveillance - the coding of information relevant to the administration of subject populations, plus the direct supervision by officials and administrators of all sorts - becomes a key mechanism furthering a breaking away of system from social integration. Traditional practices are dispersed (without, of course, disappearing altogether) under the impact of the penetration of day-to-day life by codified administrative procedures (1984:183-184).

This is what the regulation of the inshore fishery of Newfoundland is all about. State officials have increasingly intervened in traditional fishing practices (e.g. limited entry fishing) and removed decision-making practices such as access rights, away from inshore fishing communities, and placed these into their own hands. A fishery which used to be characterized largely by social integration is increasingly subject to system integration. Even though inshore fishermen are regulated by fishery officers, they are subject to administrative procedures from those who are physically absent. The regulation of the inshore fishery of Newfoundland occurs within the context of the differentiation between social and system integration.

The separation of state autonomy from the discretionary practices of federal fishery officers is intrinsic to the

regionalization of the regulatory process. The makers of policies are separated in space and time from those who implement such policies. Despite these factors, the practice of discretion may be logically linked to the notion of state autonomy.

Some studies find the practices of autonomy and discretion to be at odds with one another. For example, Shover, Clelland and Lynxwiler (1986), in their study of surface coal mining inspectors, argue that state autonomy decreased with increased worker discretion. The more clients 'capture' inspectors, the less resilient is state legislation based upon strict enforcement. Immediate bureaucratic goals may be reached, but state autonomy declines.

In contrast to that study, the findings of this study indicate that, even though the regulation of the inshore fishery of Newfoundland is distanced across time-space, fishery officers exercise discretion in terms of what they perceive to be managerial goals. Chapter Seven has demonstrated that such goals are linked to the reorganization of capital accumulation within the inshore fishery of Newfoundland, especially through the implementation of limited entry measures. When fishery officers argue that they use discretion in order to implement the 'resource management' mandate, they are indirectly promoting state policies aimed at restoring capital accumulation to a restructured inshore fishery. This is consistent with a central theme used in this study; discretion is not congruent with autonomy, but it is exercised on behalf of the interests of others. There is not necessarily a zero-sum relation between worker discretion and state autonomy (as implied by Shover, Clelland and Lynxwiler); on the contrary, while worker



discretion and state autonomy are distanced across time-space and located in different sites of social interaction, the former may complement the latter. This is implicit in the following quote:

...The fishermen are trying to make a living, we are not out there to crucify them. We are trying to help them. If you did not use discretion you would not get cooperation from them in other areas such as statistics and other activities. (Interview No. 41)

This indirectly relates to state autonomy. If the state plays an autonomous role in structuring capital accumulation, how this relates to specific fisheries may be contingent upon the day-to-day activities of federal fishery officers.

In terms of structuration theory, the discretionary practices of fishery officers facilitate the reproduction of social integration, or the day-to-day regulation of the inshore fishery of Newfoundland. This, in turn, directly facilitates system integration or the achievement of state policies in relation to the social structure surrounding the inshore fishery. Worker discretion and state autonomy represent a reciprocity of practices between actors and collectivities across extended time-space, and within different regions of social interaction. Social and system integration may be differentiated across time-space, but the former is implicated in the latter (Giddens, 1984:36-37; 143).

In terms of the overall concerns of this study, this means that state autonomy is reflected in state policies; from these policies comes the work plan which structures the day-to-day activities of federal fishery officers. These officials exercise discretion in implementing the work plan. Discretion indirectly contributes to the achievement of state autonomy. While the context of regulation (state policy in

relation to the social structure) determines conditions surrounding the process of regulation (the regulatory role of federal fishery officers), human agency and social structure are combined in both contexts.

#### CONCLUSION

This chapter provided an assessment of the theory of structuration and related it to the major concerns of this study. It was argued that Giddens' theory of structuration involved a reworking of the concepts agency, structure and system. Attention was given to the duality of structure, or the dialectical link between agency and structure in terms of the latter being both a medium and outcome of human agency. In particular, the enabling and constraining features of structure (structure as a medium of human agency) and the intentional and unintentional consequences of human agency (structure as an outcome) were specified. Agency and structure were also related to the social institutions derived from the structures of domination, legitimation and signification. Alongside these concepts, emphasis was given to the time-space constitution of social systems and the differentiation between social and system integration. Rather than view social systems as holistic entities consisting of anthropomorphic qualities, Giddens considers social systems in terms of the reciprocity between actors and collectivities across extended time-space. In doing so, social systems are related to the dialectical relation between agency and structure.

The theory of structuration was viewed as a metatheory which informed lower-levels of theoretical analysis. In terms of this study, the central concepts of the theory of structuration were viewed to exist

in an indeterminate relation. The relations among these concepts were specified in terms of the substantive theoretical and empirical concerns of this study. Thus, the enabling and constraining features of structure were linked to: the relation between state autonomy and capital accumulation, the limitations of indirect bureaucratic and technological controls and to the conditions surrounding worker discretion. The intentional and unintentional consequences of human agency were linked to the implications of state autonomy for the class structure of advanced capitalist societies, and to the consequences of discretion for the reproduction of worker-client relations within street-level bureaucracies. In sum, the duality of structure was linked to the substantive approaches used in this study, as well as to the empirical findings on the regulatory role of federal fishery officers.

While the duality of structure was used to make reference to how the relation between human agency and social structure was implicit in the theories of state autonomy and street-level bureaucracy, both approaches were linked through the relation between social and system integration within the time-space distancing of social systems. Worker discretion and state autonomy originate within different locales, but activities occurring within the street-level environment may complement state autonomy. In terms of this study, social integration is partially a product of fishery officers' use of discretion in regulating the inshore fishery of Newfoundland. This facilitates system integration, or the relation of state autonomy to the social structure surrounding the inshore fishery. Nevertheless, the process of integration ultimately occurs within the context of regulation. Agency

and structure are dialectically combined, but must be understood in terms of historically derived conditions.

## FOOTNOTES

- 1 Giddens uses the term social system to refer to regularised social practices. Hence, he attempts to strip away the organic connotation associated with this concept (1979:66). In elaborating upon Giddens' theory of structuration, the term social system will be used, but this author prefers the term social structure. Social structure is not widely identified with organic connotations. It is used by both systems and non-systems theorists. Despite Giddens' attempt to reformulate the concept social system, it is still associated with teleological attributes in much of the sociological literature. Hence, even a critic of Parsons such as Habermas (1973), uses the term system widely in his major writings, even though he is concerned with rejuvenating the knowledgeable social actor as his major theoretical project.
- 2 The motivation of action in terms of the unconscious is not very well developed in Giddens' conception of the structural bounding of action. As we shall see, his analysis operates much better when making the link between practical consciousness (e.g. reflexive monitoring of action) and the consequences of such consciousness.
- 3 For example, regionalization within Canadian society is characterized by a zoning between different provinces as locales. However, the specific ways in which the capitalist mode of production has articulated with other forms of production also has an impact upon regionalization in terms of different regions with specific production systems.
- 4 In contrast to the differentiation between social and system integration within class-divided and class societies, Giddens refers to the fusion of these elements within tribal societies:

In tribal societies or small oral cultures the dominant structural principle operates along an axis relating tradition and kinship, embedding themselves in time and space. In these societies the media of social and system integration are the same, depending overwhelmingly upon interaction in the settings of locales of high presence availability (1984:182).
- 5 Much of the discussion in the following section draws upon the arguments of Jeffrey Alexander (1982). Like Giddens, Alexander is committed to theoretical reconstruction in sociology. He develops a model of scientific inquiry which relates the metaphysical to the empirical. In doing so, he argues for the necessary linkages among presuppositions, lower-levels of theoretical analysis and empirical research. Alexander argues against the positivist persuasion which

attempts to reduce theory to fact because, amongst other reasons, all scientific data are theoretically informed (1982:30). For Alexander, generalized theoretical arguments are implicit in even the most inductive arguments (1982:5-14). In addition, Alexander criticizes lower-levels of theoretical analysis such as conflict and consensus theories, and post positivist theories in general, for diverging from each other without recognizing their common theoretical problems (1982:37-39). These problems, namely action and order, can only be assessed through reference to a generalized logic which is not reducible to lower-levels of analysis. For Alexander:

Action and order represent the true presuppositions of sociological debate; they establish a general framework that cannot be subsumed under other kinds of theoretical dispute and; at the same time, they manifest properties that decisively affect sociological thought at every level of the intellectual continuum (1982:65).

Alexander's generalized logic is a multidimensional framework, which seeks to combine action and order, through a balance of idealism and materialism. This is summarized in the figure below.

Presuppositions	Social Dimension	
	Normative	Material
Action	Non-rational	Rational
Order	Internal	External

Like any metatheoretical argument, Alexander's multidimensional approach articulates the relations among key concepts, but does not specify these relations in a determinate manner. This is because metatheory, due to its transcendental character, cannot establish propositions. Propositions may only be made by lower-levels of theoretical analysis concerned with specific historical and empirical situations.

- 6 FPI was privatized in 1987, but only after successfully restoring capital accumulation as a state-owned enterprise.

- 7 The concern with the unintentional consequences of social action dates back to Weber's (1957) analysis of the relation between Protestant asceticism and the rationalization of the western world. Weber writes in The Protestant Ethic and the Spirit of Capitalism (1958) that: 'The Puritan wanted to work in a calling, we are forced to do so'; the meaningful social action of the Puritan helped facilitate the development of rational-legal capitalism, a social order which no longer depended upon that original meaning. Also, Merton (1957) writes about the unintentional consequences of social action in his distinction between manifest and latent functions. For Giddens, Merton's conception of latent function is found wanting because he imputes teleological attributes to that concept (1979:211). The latent function facilitates social integration while social actors are unaware of this occurrence. Giddens argues that this is present in Merton's treatment of the Hopi rain dance. The manifest function is to produce rainfall, but since this rarely occurs the continuance of this ceremony is located in its latent function. This ceremony fulfills a societal need (1979:213). In response to this Giddens argues:

We cannot even assume that social analysts were the first to discern the effects of ceremonial upon group integration. On the contrary, it seems more likely that religious leaders, and perhaps even lay participants, have often been aware of the phenomenon, and have sought to cultivate it (1979:214).

Therefore, latent functions are more manifest than what Merton would have us believe. The analysis which follows will treat unintended consequences of social action, not as teleological attributes filling some system need, but as structural outcomes of recursive social practices. Such outcomes may be what actors may have tried to avoid. Moreover, unintentional consequences do not necessarily fill some system need. On the contrary, such outcomes of human agency may be disruptive and produce contradictions or conflicts within a social structure. As we shall see, this may be the case for the implications of limited entry fishing for the class structure of the inshore fishery of Newfoundland.

- 8 The reader may notice that no attempt has been made to discuss unacknowledged conditions, or to link these conditions with unintentional consequences (see Figure 8.1). This is due to the scope of this study. While different levels of analysis have been used, the time frame being discussed is contemporary. In terms of their day-to-day work, fishery officers do not choose the structural conditions of their action, but they are aware of those conditions. The study of unacknowledged conditions of human agency, or the process whereby day-to-day activities and structures become reified, requires that such activities and structures are subject to analyses of long-term social change. For example,

contemporary fishery officers are aware of the conditions which made limited entry policies possible. However, future generations of fishery officers may treat limited entry policy in a reified fashion; they may see it as a policy which, more or less, has always been in use and is "natural" in the regulation of the inshore fishery. While these officials may be considered as knowledgeable social actors in terms of their day-to-day activities, they would be operating under unacknowledged conditions. Consequently, Giddens' conception of the link between unintentional consequences of human agency and unacknowledged conditions may be too tight. It is equally possible that intentional courses of human agency in the present may be sedimented into structures which serve as the basis for unacknowledged conditions in the future.

- 9 As it was indicated in an earlier portion of this chapter, time-space distanciation relates to both class-divided (i.e. pre-capitalist class-based societies) and class societies (i.e. capitalist societies). In both types of society, the patterns of social and system integration are stretched across time-space. The reproduction of class relations can occur without the existence of face-to-face contact in all situations. In this regard, Giddens discusses the role of the state, especially in terms of the institutional separation yet overlapping of political and economic institutions across time-space. Therefore, the historical and geographical features of modern capitalism may be understood in terms of this relation. For more details, see Giddens (1981; 1984).



## CHAPTER NINE

### CONCLUSION

#### A SUMMARY OF THE MAJOR FINDINGS

This study was a tentative examination of the relationship between human agency and social structure, through an empirical analysis of the regulatory role of federal fishery officers based in Newfoundland. The theoretical and empirical issues, relevant to this study, were assessed within the context of three approaches: the street-level bureaucracy, state autonomy and structuration perspectives.

The major findings of this study were examined in terms of the street-level bureaucracy perspective and relevant insights from the sociology of organizations. It was argued that the issues of managerial control, worker discretion and incremental policy-making were relevant to studying the regulatory role of federal fishery officers. Moreover, these theoretical issues addressed the central problem of this study, namely; the degree to which managerial control within the DFO was counterbalanced by the discretionary and incremental policy-making role of federal fishery officers.

The data demonstrated that indirect bureaucratic controls, indirect technological controls and increased control over the hiring process within the Resource Management Branch of the DFO, were the chief forms of managerial control. Despite these controls, or the quotas and

periodic reports associated with the work plan, it was argued that even the strongest of controls were not sufficient in fully supervising the routine activities of fishery officers. The decentralized nature of the DFO, coupled with informal relations between senior and junior fishery officers, demanded flexibility in implementing the yearly work plan.

The first limitation to supervisory controls was the discretionary role of federal fishery officers in relation to their clients. It was argued that the 'boundary spanning' role of these officials facilitated, but also necessitated, the use of discretion. In contrast to other SLBs, who often deal with a single client group (e.g. public housing inspectors), fishery officers were shown to be involved with several types of client groups. The nature of the relation between the client group in question and fishery officers was seen to have an impact upon the type of discretionary strategy chosen by the latter during problematic situations. When regulating continuous clients such as inshore fishermen, forestry companies or road construction crews, fishery officers practiced either reactive enforcement or negotiated compliance. Reactive enforcement was used to regulate conflicts between different groups of fishermen. Negotiated compliance was used to regulate the harvesting activities of inshore fishermen and the activities of forestry and construction companies.

Fishery officers argued that the need to maintain relations with these clients (especially inshore fishermen) for the purpose of conducting routine activities for the DFO, precluded the strict use of law enforcement. Hence, discretion was structured by social considerations. In contrast to their relation to continuous clients,

when dealing with periodic clients such as inland or recreational anglers, fishery officers resort to the use of 'stereotypes' rather than practice negotiated compliance. On the basis of their previous interaction with recreational anglers fishery officers divide "law breakers' in this group into 'experienced' and 'inexperienced' poachers. Strict enforcement and discretion is meted out to the 'experienced' and 'inexperienced' poachers respectively.

It was also established that discretion was influenced by the supervisory and socializing techniques used within the DFO. Reports on discretionary activity coupled with training programs were seen as methods used by the DFO to channel discretion for organizational purposes. Despite these organization influences, it was shown that fishery officers considered their discretionary activities to be congruent with, rather than a deviation from, organizational interests.

The second limitation to control was fishery officers' contribution to incremental policy-making. While the making of policy was not as prevalent as the use of discretion, it was shown that fishery officers (especially senior officials) provided incremental changes to existing mandates, especially in the area of resource management. The regulation of the capelin fishery was one area which demonstrated the policy-making influences of fishery officers.

The issues of control, discretion and incremental policy-making involved the process of regulation. These issues were seen as being encompassed by the formulation of the 'resource management' mandate which involved state-society relations, or the context of regulation. The autonomous role of state officials in restructuring the east coast

fishery in general, and the inshore fishery of Newfoundland in particular, was viewed in terms of providing the parameters within which fishery officers performed their day-to-day work. The DFO was considered to play an autonomous role in restructuring the process of capital accumulation within the inshore fisheries of Atlantic Canada, through the introduction of limited entry measures. These measures were seen as having implications for the social organization of the inshore fishery of Newfoundland and the regulatory role of federal fishery officers. In particular, limited entry regulations introduced a measure of social closure. The 'full-time' and 'part-time' distinction within licensing policy has the effect of dividing inshore fishermen into 'positively' and 'negatively' privileged status groups, regardless of their position in either the nearshore fishery or the small boat fishery. The intersection of status and social position on a fishing vessel, means that some groups of fishermen will have their position within the inshore fishery entrenched (i.e., skippers on longliners and their sharemen, as well as 'full-time' 'independent commodity producers' in the small boat fishery who have access to restricted species licenses), while other groups will have their position undermined (i.e., 'part-time' license holders in the small boat fishery).

The relation of fishery officers towards licensing policy, coupled with their attitudes towards this policy, was seen as contributing to the processes described above. Fishery officers' relation to Licensing Appeal Committees and fishermen's committees helped determine how the process of social closure occurred within specific communities. Moreover, like inshore fishermen, fishery

officers were in favour of limited entry fishing. Many of them considered the need to phase out 'part-time' producers as being intrinsic to the income opportunities of 'full-time' fishermen.

While the process of regulation considered the activities of fishery officers in relation to inshore fishermen who had access to the resource; the analysis of the context of regulation demonstrated the role of state policy and fishery officers in relation to those attempting to receive access (or further access) to the inshore fishery. The context of regulation provides the boundaries for a fuller understanding of the process of regulation.

Finally, issues relevant to the street-level bureaucracy and state autonomy perspectives, and regulatory role of federal fishery officers, were linked to Giddens' theory of structuration. It was argued that structuration theory was a metatheoretical endeavour which informed lower-levels of theoretical and empirical analysis. In particular, issues such as the tension between worker discretion and managerial control and state autonomy and capital accumulation, especially as these related to fishery officers and the DFO, were seen within the context of enabling and constraining features of structure and the intentional and unintentional consequences of social action. This demonstrated that the ostensibly divergent issues within the street-level bureaucracy and state autonomy approaches, were linked by structuration theory's concern with the dialectical relation between human agency and social structure.

In addition, Giddens' conception of social and system integration, together with the concepts of regionalization and the time-

space constitution of social systems, were seen as being useful in linking the state autonomy and street-level bureaucracy perspectives. State autonomy and worker discretion are distanced across time-space and occur within different locales, but the latter was shown to complement the former. In terms of the regulatory role of federal fishery officers, their discretionary practices facilitated social integration with their clients, a practice which, in turn, contributed to system integration or state regulation of the social structure surrounding the inshore fishery of Newfoundland.

#### SUGGESTIONS FOR FUTURE RESEARCH

This study emphasized the complexities involved in state regulation of the inshore fishery of Newfoundland. Consideration was given to different theoretical approaches as being useful for understanding different aspects of regulation. These various approaches were seen as being complementary rather than conflicting perspectives.

Future research on regulatory bureaucracies should strive for an integrated approach to the nature of regulation. This would ideally link together theories of the state, regulatory regimes and street-level bureaucracy within the context of comparative social research. The relevance of such an approach is given in the nature of the above stated theories. Regulation is either implicitly or explicitly involved in state-society relations, regulatory regimes aimed at specific industries and street-level bureaucracies engaged in a variety of pursuits. An integrated approach to regulation could be used to compare the regulation of natural resource industries such as the fishing and

forestry industries. One could refer to the relation of the state to rural social structures, the role of common property resource management regimes, together with the relations between resource managers and their clients. Within an urban context, one can address the role of the state in revitalizing capital accumulation within the inner city, the role of programs associated with gentrification and the consequences of such programs for SLBs (such as social welfare workers and public housing officials) and their clients. Social research requires good theories, and an integration of theories with overlapping interests and related assumptions may often prove to be more fruitful than a strict adherence to one theory.

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APPENDIX I

## APPENDIX I

Community \_\_\_\_\_

## \*\*\* FISHERY OFFICER STUDY: INTERVIEW SCHEDULE \*\*\*

## 1. Sex of Respondent

1. male \_\_\_\_\_
2. female \_\_\_\_\_

\_\_\_\_\_ ( )

## SECTION ONE: RESPONDENT'S BACKGROUND INFORMATION

## 2. Age: How old are you?

- |                      |                     |
|----------------------|---------------------|
| 1. 19 or under _____ | 5. 50 - 59 _____    |
| 2. 20 - 29 _____     | 6. 60 - 64 _____    |
| 3. 30 - 39 _____     | 7. 65 or more _____ |
| 4. 40 - 49 _____     |                     |

\_\_\_\_\_ ( )

## 3a. Where were you born?

1. in present community \_\_\_\_\_
2. elsewhere in Newfoundland \_\_\_\_\_  
(specify)
3. in another part of Canada \_\_\_\_\_  
(specify)
4. other \_\_\_\_\_  
(specify)

\_\_\_\_\_ ( )

## b. How long have you lived in this community?

- |                     |                          |
|---------------------|--------------------------|
| 1. 0- 5 yrs. _____  | 4. 30 - 30 yrs. _____    |
| 2. 6-10 yrs. _____  | 5. 30 or more yrs. _____ |
| 3. 11-19 yrs. _____ |                          |

\_\_\_\_\_ ( )

## 4a. Have you ever lived anywhere else?

1. yes \_\_\_\_\_
2. no \_\_\_\_\_

\_\_\_\_\_ ( )

4b. If Yes: Where else have you lived?

Place	Community	How Long
Elsewhere in Newfoundland	1. 2.	1. 2.
Elsewhere in Canada	1. 2.	1. 2.
Outside of Canada	1. 2.	1. 2.

\_\_\_\_\_  
( ) ( )

5a. What is the highest grade you got in school?

1. 0 - 5 \_\_\_\_\_  
2. 6 - 8 \_\_\_\_\_

3. 9 - 10 \_\_\_\_\_  
4. 11 or above \_\_\_\_\_

\_\_\_\_\_  
( )

b. Have you had any other training?

1. yes \_\_\_\_\_  
2. no \_\_\_\_\_

\_\_\_\_\_  
( )

c. If yes: What training do you have?

1. Trades School \_\_\_\_\_  
(Specify trade and any diploma or certification)

\_\_\_\_\_  
( )

2. Fisheries College \_\_\_\_\_  
(Specify trade and any diploma or certification)

\_\_\_\_\_  
( )

3. University \_\_\_\_\_  
(Specify course and any degree and diploma)

\_\_\_\_\_  
( )

4. On-the-job training \_\_\_\_\_  
(Specify any certification)

\_\_\_\_\_  
( )

5. Apprenticeship \_\_\_\_\_  
(Specify any certification)

\_\_\_\_\_  
( )

6. DFO's National Training Program \_\_\_\_\_  
(Specify any certification)

\_\_\_\_\_  
( )

7. Other \_\_\_\_\_  
(Specify any certification)

\_\_\_\_\_  
( )



6a. What is your present marital status?

- 1. Married \_\_\_\_\_
- 2. Single \_\_\_\_\_
- 3. Widowed \_\_\_\_\_
- 4. Separated or divorced \_\_\_\_\_
- 5. Other \_\_\_\_\_ ( )

b. If married: Where was your wife/husband born?

- 1. In this community \_\_\_\_\_
- 2. In nearby community \_\_\_\_\_ (specify)
- 3. Elsewhere in Newfoundland \_\_\_\_\_ (specify)
- 4. Outside Newfoundland \_\_\_\_\_ (specify) ( )

SECTION TWO: OCCUPATIONAL HISTORY PRIOR TO BECOMING A FISHERY OFFICER

7a. Before you became a fishery officer: Did you have any other job(s)?

- 1. Yes \_\_\_\_\_
- 2. No \_\_\_\_\_ Skip to Question 10 ( )

b. If yes: Would you tell me which types of jobs you have held and your employment status in each of those jobs? (Probe for employed, self-employed and employed others)

Job	Employment Status
1.	
2.	
3.	
4.	
5.	

( ) ( )

8. If respondent was previously employed in the fishery: Would you tell me the type of fishery related work you were employed at, the community(ies) you worked in, when you were employed in this work, the job position(s) you held and the company(ies) which employed you?

Type of Work	Community	When	Job Position	Company
Inshore Fishery Yes No ____	1. 2. 3.			
Offshore Fishery Yes No ____	1. 2. 3.			
Fish Plant Work Yes No ____	1. 2. 3.			

\_\_\_\_\_  
( ) ( )

SECTION THREE: Now I would like to ask you some questions relating to your career as a fishery officer

9. How many years have you been a fishery officer?

- |                             |                          |
|-----------------------------|--------------------------|
| 1. less than one year _____ | 5. 10 - 19 yrs. _____    |
| 2. 1 - 2 yrs. _____         | 6. 20 - 29 yrs. _____    |
| 3. 3 - 5 yrs. _____         | 7. 30 - 39 yrs. _____    |
| 4. 6 - 9 yrs. _____         | 8. 40 or more yrs. _____ |

\_\_\_\_\_  
( )

10. Which fishery officer position do you currently hold?

- |                            |                   |
|----------------------------|-------------------|
| 1. full-time inshore _____ | 5. warden _____   |
| 2. part-time inshore _____ | 6. guardian _____ |
| 3. offshore _____          | 7. other _____    |
| 4. supervisor _____        |                   |

\_\_\_\_\_  
( )

11. How long have you held this position?

- |                             |                          |
|-----------------------------|--------------------------|
| 1. less than one year _____ | 5. 10 - 19 yrs. _____    |
| 2. 1 - 2 yrs. _____         | 6. 20 - 29 yrs. _____    |
| 3. 3 - 5 yrs. _____         | 7. 30 - 39 yrs. _____    |
| 4. 6 - 9 yrs. _____         | 8. 40 or more yrs. _____ |
- ( )

12a. Have you held any other fishery officer positions in the past?

1. yes \_\_\_\_\_
2. no \_\_\_\_\_
- ( )

b. If yes: Which fishery officer position(s) did you hold in the past, where were you located when you served in this position(s) and when have you served in this position(s)?

Position	Where	When
1. 2.	1. 2.	1. 2.
1. 2.	1. 2.	1. 2.
1. 2.	1. 2.	1. 2.

( ) ( )

## SECTION FOUR: JOB TASKS

Now I would like to ask you some questions on the job tasks which you perform on a regular basis:

13. Would you tell me the job tasks which you perform on a day-to-day basis?

- |          |           |
|----------|-----------|
| 1. _____ | 7. _____  |
| 2. _____ | 8. _____  |
| 3. _____ | 9. _____  |
| 4. _____ | 10. _____ |
| 5. _____ | 11. _____ |
| 6. _____ | 12. _____ |

\_\_\_\_\_  
( ) ( )

14. According to the Department of Fisheries and Oceans, the job tasks of federal fishery officers are covered by the following responsibility areas (hand respondent the responsibility areas card)

a. Is the following list comprehensive in terms of the job tasks you do on a day-to-day basis?

1. Yes \_\_\_\_\_
2. No \_\_\_\_\_

b. If no: Which job task(s) done by you is/are not covered by one of these responsibility areas?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

15. If yes to 14a.: Would you rank these tasks from 1 to 8 in terms of the work time you have to spent on each of them?

Responsibility Areas Used by the DFO	Rank in Terms of Work Time
1. Resource Management	_____
2. Habitat Management	_____
3. Enhancement	_____
4. Enforcement	_____
5. Public Relations	_____
6. Administration	_____
7. Supervision	_____
8. Related Duties	_____

(Probe: Why are some tasks done more than others?)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

16. If respondent indicates that he/she does no public relations activities: You have just indicated that you do not do any Public Relations activities: Is there any reason why you don't do any public relations activities?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If the respondent lists one or more of his job tasks under the public relations responsibility area in Question 13, ASK QUESTIONS 17 to 21. IF RESPONDENT HAS NO PUBLIC RELATIONS TASKS, GO TO QUESTION 22.

Now I would like to ask you some questions concerning the public relations aspects of your job?

17a. When you are working in the area of public relations, what groups of people are you most likely to deal with?

Group

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

\_\_\_\_\_  
( ) ( )

17b. What sorts of things do you do to initiate and maintain public relations with each of these groups? (probe for personal contact, call meetings, etc. and record comments)

TYPE OF PUBLIC RELATIONS

Groups	Personal Contact	Call Meeting	Post Notices	Use Media	Dist. Lit.	All of the Above	Other
1.							
2.							
3.							
4.							
5.							
6.							

\_\_\_\_\_  
( ) ( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

18a. Do you think that public relations are important?

- 1. yes \_\_\_\_\_
  - 2. no \_\_\_\_\_
  - 3. don't know \_\_\_\_\_
  - 4. no comment \_\_\_\_\_
- ( )

b. If yes: Why? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

( )

c. If no: Why not? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

( )

19. Roughly, how much of your overall working time each year is spent on public relations activities?

- 1. most (over 50%) \_\_\_\_\_
  - 2. half \_\_\_\_\_
  - 3. more than one quarter \_\_\_\_\_
  - 4. one quarter \_\_\_\_\_
  - 5. less than one quarter \_\_\_\_\_
- ( )

20a. When you do your public relations activities, do you exercise discretion in the performance of any of these activities or are all of these activities strictly guided by what the Department of Fisheries and Oceans tells you to do?

- 1. all activities are governed by strict guidelines \_\_\_\_\_
  - 2. discretion in the performance of some activities \_\_\_\_\_
  - 3. discretion in the performance of all activities \_\_\_\_\_
- ( )

20b. If the respondent has discretion in the performance of all or some activities: What public relations activities do you have discretion over and why do you think that the Department of Fisheries and Oceans gives you this discretion?

Activities	Reason for Discretion
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

( ) ( )

21a. If the respondent has discretion in some or all public relations activities: Even though you exercise discretion in these public relations activities, do you have to report the results of any of these activities to your supervisor?

1. yes \_\_\_\_\_

2. no \_\_\_\_\_

( )

b. If yes: What activities do you report and how often do you have to report these activities?

Activities	How often Activities are Reported
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

( ) ( )



Now I would like to ask you some questions concerning the enforcement aspects of your job.

22. When you are dealing in the area of enforcement: What groups of people are you most likely to deal with?

Group

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

\_\_\_\_\_ ( ) ( )

23. Would you list two or three situations where enforcement is important, tell me why enforcement is important in these situations and state which of the groups you have just mentioned are dealt with in these situations?

Situation	Why it is Important	Groups dealt with
1.		
2.		
3.		

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

24. Roughly speaking, how much of your overall working time each year is spent on enforcement activities?

1. most \_\_\_\_\_
2. half \_\_\_\_\_
3. more than one quarter \_\_\_\_\_
4. one quarter \_\_\_\_\_
5. less than one quarter \_\_\_\_\_

\_\_\_\_\_ ( )

25a. In the performance of enforcement activities: Would you say that all of these activities are covered by strict guidelines laid down by the Department of Fisheries and Oceans, or do you have discretion in the performance of some of these activities?

- 1. all activities are governed by strict guidelines \_\_\_\_\_
- 2. have discretion in the performance of some activities \_\_\_\_\_
- 3. have discretion in the performance of all activities \_\_\_\_\_ ( )

b. If the respondent has discretion in the performance of all or some activities: What enforcement activities do you have discretion over and why do you think that the Department of Fisheries and Oceans gives you this discretion?

Activities	Reason for Discretion
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

( ) ( )

26a. If the respondent has discretion in some or all enforcement activities: Even though you exercise discretion in these enforcement activities, do you have to report the results of any of these activities to your supervisor?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_ ( )

26b. If yes: What activities do you report and how often do you have to report these activities?

Activities	How often Activities are Reported
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

\_\_\_\_\_ ( ) ( )

27a. When you first became a Fishery Officer: Did you rely more upon enforcement or more upon public relations than you do now or is it about the same now as it was in the past?

- 1. relied more upon enforcement \_\_\_\_\_
  - 2. relied more upon public relations \_\_\_\_\_
  - 3. about the same \_\_\_\_\_
- \_\_\_\_\_ ( )

b. If respondent used enforcement more in the past: Why did you rely more upon enforcement and less upon public relations? (use multiple ticks)

- 1. I needed to establish my presence \_\_\_\_\_
  - 2. fishermen constantly broke the rules \_\_\_\_\_
  - 3. fishermen tried to take advantage of me \_\_\_\_\_
  - 4. public relations were ineffective \_\_\_\_\_
  - 5. other \_\_\_\_\_
- (specify)
- \_\_\_\_\_ ( )

c. If respondent used public relations more in the past: Why did you rely more upon public relations and less upon enforcement? (use multiple ticks)

- 1. in order to establish a good working relationship with fishermen \_\_\_\_\_
  - 2. more useful in providing information about regulations \_\_\_\_\_
  - 3. more useful in helping fishermen to become law abiding \_\_\_\_\_
  - 4. other \_\_\_\_\_
- (specify)
- \_\_\_\_\_ ( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

( )

28a. On the basis of your experience, have you come across any situations where there is a conflict of interest between the use of public relations and the use of enforcement?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_
- 3. no comment \_\_\_\_\_

( )

b. If yes: Would you list two or three of these situations and provide some details on why you think there is a conflict of interest in each of these situations?

Situations	Why there is a conflict of Interest
1.	
2.	
3.	

( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

29a. Do you think fishery officers should be more involved in educating the public about Fisheries management or should they be limited to an enforcement role? (record comments)

- 1. more involved in educating the public \_\_\_\_\_
- 2. limited to enforcement \_\_\_\_\_
- 3. no comment \_\_\_\_\_

( )

29b. If respondent feels that fishery officers should be more involved in educating the public: Why do you think that fishery officers should be more involved in educating the public? (use multiple ticks)

- 1. in order to make them more environmentally conscious \_\_\_\_\_
- 2. in order to help people understand the department's role \_\_\_\_\_
- 3. it is more effective than enforcement when it comes to conveying information \_\_\_\_\_
- 4. other \_\_\_\_\_ (specify) \_\_\_\_\_ ( ) ( )

c. If the respondent feels that fishery officers should be limited to enforcement: Why do you think that fishery officers should be limited to enforcement? (use multiple ticks)

- 1. it is more effective than public relations \_\_\_\_\_
- 2. it is hard to do both effectively \_\_\_\_\_
- 3. don't like public relations duties \_\_\_\_\_
- 4. other \_\_\_\_\_ (specify) \_\_\_\_\_ ( ) ( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

30a. Do you think that there should be a special unit of fishery officers for enforcement and another responsible for educating the public on fishery management matters? (record comments)

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_
- 3. no comment \_\_\_\_\_ ( )

b. If yes: Why! (use multiple ticks)

- 1. it is hard to do both effectively \_\_\_\_\_
- 2. I don't like enforcement duties \_\_\_\_\_
- 3. I don't like educating the public \_\_\_\_\_
- 4. other \_\_\_\_\_ (specify) \_\_\_\_\_ ( ) ( )

30c. If no: Why not? (use multiple ticks)

- 1. both are needed to do the job effectively \_\_\_\_\_
- 2. both give the officer greater control over his/her work \_\_\_\_\_
- 3. other \_\_\_\_\_ (specify) \_\_\_\_\_ ( ) ( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

31. If enforcement duties and duties related to educating the public were split into different jobs: Which job would you prefer?

- 1. enforcement \_\_\_\_\_
- 2. educating the public \_\_\_\_\_
- 3. don't know \_\_\_\_\_
- 4. no comment \_\_\_\_\_ ( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

32. If respondent does not do any resource management and habitat management tasks: In your answer to a previous question, you indicated that you do not do any resource management and habitat management job tasks: Is there any reason why you don't do any resource management and habitat management job tasks?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

( )

If the respondent lists one or more of his/her job tasks under the resource management and/or habitat management responsibility areas in Question 13, ASK QUESTIONS 33 to 40: IF RESPONDENT HAS NO TASKS IN HABITAT MANAGEMENT AND RESOURCE MANAGEMENT, GO TO QUESTION 41a.

Now I would like to ask some questions relating to the resource management and/or habitat management aspects of your job.

33. When you are working in the areas of resource management and/or habitat management: What groups of people are you most likely to deal with? (probe for Resource Planning Groups)

Group

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

\_\_\_\_\_  
( ) ( )

34. Would you list two or three situations where resource management and/or habitat management is important, tell me why resource management and/or habitat management is important in these situations and state which of the groups you have just mentioned are dealt with in these situations?

Situation	Why it is Important	Groups dealt with
1.		
2.		
3.		

\_\_\_\_\_  
( ) ( )

COMMENTS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

35. Roughly speaking, how much of your overall working time each year is spent on resource management and habitat management activities?

1. most \_\_\_\_\_
2. half \_\_\_\_\_
3. more than one quarter \_\_\_\_\_
4. one quarter \_\_\_\_\_
5. less than one quarter \_\_\_\_\_

\_\_\_\_\_  
( )

36a. In the performance of your resource management and habitat management activities: Would you say that all of these activities are covered by strict guidelines laid down by the Department of Fisheries and Oceans, or do you have discretion in the performance of some of these activities?

- 1. all activities are governed by strict guidelines \_\_\_\_\_
- 2. discretion in the performance of some activities \_\_\_\_\_
- 3. discretion in the performance of all activities \_\_\_\_\_ ( )

b. If the respondent has discretion in the performance of all or some resource management and habitat management activities: What resource management and/or habitat management activities do you have discretion over and why do you think that the Department of Fisheries and Oceans gives you this discretion?

Activities	Reason for Discretion
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

( ) ( )

37a. If the respondent has discretion in some or all resource management and habitat management activities: Even though you exercise discretion in these resource management and habitat management activities, do you have to report the results of any of these activities to your supervisor?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_ ( )



37b. If yes: What activities do you report and how often do you have to report these activities?

Activities	How often Activities are Reported
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
	_____ ( ) ( )

38a. Do you find it difficult to be a resource management and habitat management officer and an enforcement officer at the same time? (record comments)

- 1. yes \_\_\_\_\_
  - 2. no \_\_\_\_\_
  - 3. sometimes \_\_\_\_\_
  - 4. no comment \_\_\_\_\_
- \_\_\_\_\_  
( )

b. If the respondent replies yes or states that sometimes it is difficult: Why? (use multiple ticks)

- 1. too much time needs to be spent on resource and habitat management \_\_\_\_\_
  - 2. too much time needs to be spent on enforcement \_\_\_\_\_
  - 3. I don't like resource and habitat management duties \_\_\_\_\_
  - 4. I don't like enforcement duties \_\_\_\_\_
  - 5. other \_\_\_\_\_  
(specify)
- \_\_\_\_\_  
( ) ( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

39a. Would you prefer to see resource management and habitat management and enforcement split into two jobs and handled by different persons? (record comments)

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_
- 3. don't know \_\_\_\_\_
- 4. no comment \_\_\_\_\_

\_\_\_\_\_ ( )

b. If yes: Why? (use multiple ticks)

- 1. it is not possible to do both effectively \_\_\_\_\_
- 2. I don't like enforcement duties \_\_\_\_\_
- 3. I don't like resource management and habitat management duties \_\_\_\_\_
- 4. other \_\_\_\_\_  
(specify)

\_\_\_\_\_ ( )

c. If no: Why not: (use multiple ticks)

- 1. fishery officer needs to do both \_\_\_\_\_
- 2. I like both job tasks \_\_\_\_\_
- 3. other \_\_\_\_\_  
(specify)

\_\_\_\_\_ ( ) ( )

COMMENTS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

40. If the respondent would like to see resource management and habitat management as one job and enforcement duties as another job: If resource management and habitat management and enforcement were split into two jobs and handled by different persons: Which job would you prefer?

- 1. resource management and habitat management \_\_\_\_\_
- 2. enforcement \_\_\_\_\_
- 3. don't know \_\_\_\_\_
- 4. no comment \_\_\_\_\_

\_\_\_\_\_ ( )

COMMENTS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SECTION FIVE: RELATIONS WITH SUPERVISORS AND SUBORDINATES

Now I would like to ask you some questions on your relation to your supervisor and to the people who work under you:

41a. Do you have any people who work under you?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_

\_\_\_\_\_ ( )

b. If no: Why are there no people who work under you?

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Skip to Q. 49

c. If yes: Would you list the job positions of the individuals who work under you and the number of people in each of these positions.

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

\_\_\_\_\_ ( ) ( )

42a. Do you do the recruiting for any of these job positions or are the individuals for these positions recruited by his/her officials in the Department of Fisheries and Oceans?

- 1. all recruiting is done by me \_\_\_\_\_
- 2. some recruiting is done by me \_\_\_\_\_
- 3. all recruiting is done by the DFO \_\_\_\_\_

Skip to Q. 45a.

\_\_\_\_\_ ( )

42b. If the DFO and the Fishery Officer both do some recruiting: Would you tell me which job positions are recruited by the DFO and which job positions are recruited by you?

Job Position	Recruited by DFO	Recruited by Fishery Officer
1.		
2.		
3.		
4.		

\_\_\_\_\_ ( )

43a. If the Fishery Officer does at least some recruiting: When you are recruiting people to work under you, how do you go about getting applicants? (use multiple ticks)

1. personal contact \_\_\_\_\_
2. advertising \_\_\_\_\_
3. through employment centre \_\_\_\_\_
4. other \_\_\_\_\_  
(specify)

\_\_\_\_\_ ( )

b. What criteria do you use to select workers from among these applicants? (use multiple ticks)

1. proper qualifications \_\_\_\_\_
2. experience in enforcement related work \_\_\_\_\_
3. experience in some aspect of the fishery \_\_\_\_\_
4. other \_\_\_\_\_  
(specify)

\_\_\_\_\_ ( ) ( )

44a. If all or some recruiting is done by higher officials in the Department of Fisheries and Oceans: Even though higher officials in the Department of Fisheries and Oceans recruits for all or some of the job positions which are placed under your supervision: Do you have any say in recommending who should be assigned to these job positions?

1. yes \_\_\_\_\_
2. no \_\_\_\_\_
3. no comment \_\_\_\_\_

\_\_\_\_\_ ( )

44b. If yes: What criteria do you use in your recommendations?

Criteria Used

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

\_\_\_\_\_  
( ) ( )

45a. Can you refuse any of the individuals who are assigned to work under you?

1. yes \_\_\_\_\_
2. no \_\_\_\_\_
3. no comment \_\_\_\_\_

\_\_\_\_\_  
( )

b. If yes: What criteria do you use in refusing certain individuals who are assigned to you?

Criteria Used

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

\_\_\_\_\_  
( ) ( )

46a. Do you train any of the people who work under you?

1. yes \_\_\_\_\_
2. no \_\_\_\_\_

\_\_\_\_\_  
( )

46b. If yes: Which job positions do you train and what is involved in your training sessions? (probe for classroom instruction and on-the-job training)

TRAINING METHODS

Job Positions	Formal Instruction	On-the-Job	Other
1.			
2.			
3.			
4.			

\_\_\_\_\_  
( ) ( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

47a. Do you assign any of the job tasks of the people who work under you?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_

\_\_\_\_\_  
( )

b. If yes: Which job tasks do you assign and which job positions do you assign these tasks to?

Job Tasks	Job Positions
1. _____	1. _____ 2. _____ 3. _____
2. _____	1. _____ 2. _____ 3. _____
3. _____	1. _____ 2. _____ 3. _____

4. _____	1. _____
	2. _____
	3. _____
5. _____	1. _____
	2. _____
	3. _____
6. _____	1. _____
	2. _____
	3. _____

( ) ( )

48a. How often do you have to file reports for your supervisor?

- 1. daily \_\_\_\_\_
- 2. weekly \_\_\_\_\_
- 3. bi-monthly \_\_\_\_\_
- 3. monthly \_\_\_\_\_
- 5. other \_\_\_\_\_

\_\_\_\_\_ ( )

b. How often do you have to meet with your supervisor?

- 1. daily \_\_\_\_\_
- 2. weekly \_\_\_\_\_
- 3. bi-monthly \_\_\_\_\_
- 3. monthly \_\_\_\_\_
- 5. other \_\_\_\_\_

\_\_\_\_\_ ( )

c. When you meet with your supervisor: What issues are usually discussed?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ ( ) ( )

49a. Did you ever have to deal with Department of Fisheries and Oceans officials who are located in St. John's/Moncton?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_

\_\_\_\_\_ ( )

49b. If yes: How often have you dealt with these officials:

- |                    |                           |     |
|--------------------|---------------------------|-----|
| 1. once _____      | 3. 6-9 times _____        |     |
| 2. 2-5 times _____ | 4. 10 or more times _____ | ( ) |

c. When you have dealt with these officials: Did you file reports, meet them in person, etc.? (use multiple ticks)

- |                              |                   |         |
|------------------------------|-------------------|---------|
| 1. file reports _____        | 3. did both _____ |         |
| 2. meet them in person _____ | 4. other _____    | ( ) ( ) |
|                              | (specify)         |         |

d. When you have dealt with Department of Fisheries and Oceans officials in St. John's/Moncton: What issues were dealt with?

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( ) ( )

50a. Did you ever have to deal with Department of Fisheries and Oceans officials who are located in Ottawa?

- |              |     |
|--------------|-----|
| 1. yes _____ |     |
| 2. no _____  | ( ) |

b. If yes: How often have you dealt with these officials?

- |                    |                           |     |
|--------------------|---------------------------|-----|
| 1. once _____      | 3. 6-9 times _____        |     |
| 2. 2-5 times _____ | 4. 10 or more times _____ | ( ) |

c. When you have dealt with these officials: Did you file reports, meet them in person, etc.? (use multiple ticks)

- |                              |                   |         |
|------------------------------|-------------------|---------|
| 1. file reports _____        | 3. did both _____ |         |
| 2. meet them in person _____ | 4. other _____    | ( ) ( ) |
|                              | (specify)         |         |



50d. When you have dealt with Department of Fisheries and Oceans officials in Ottawa: What issues were dealt with?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ ( ) ( )

I have already asked you some questions concerning the level of discretion you exercise in some of your job tasks. Now I would like to ask you some general questions on the overall level of discretion you have.

51a. Would you say that you exercise more or less discretion over what you do than other fishery officers? Or would you say that your level of discretion is about the same?

- 1. more \_\_\_\_\_
- 2. less \_\_\_\_\_
- 3. don't know \_\_\_\_\_
- 4. about the same \_\_\_\_\_

\_\_\_\_\_ ( )

b. If respondent states more: What do you think are the reasons why you exercise more discretion over what you do than other fishery officers? (use multiple ticks)

- 1. job position \_\_\_\_\_
- 2. training \_\_\_\_\_
- 3. job experience \_\_\_\_\_
- 4. permission of supervisor \_\_\_\_\_
- 5. nature of tasks \_\_\_\_\_
- 6. isolation \_\_\_\_\_
- 7. other \_\_\_\_\_ (specify)
- 8. don't know \_\_\_\_\_

\_\_\_\_\_ ( ) ( )

c. If the respondent states less: What do you think are the reasons why you exercise less discretion over what you do than other fishery officers? (use multiple ticks)

- 1. job position \_\_\_\_\_
- 2. training \_\_\_\_\_
- 3. job experience \_\_\_\_\_
- 4. permission of supervisor \_\_\_\_\_
- 5. nature of tasks \_\_\_\_\_
- 6. isolation \_\_\_\_\_
- 7. other \_\_\_\_\_ (specify)
- 8. don't know \_\_\_\_\_

\_\_\_\_\_ ( ) ( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

52a. Have you ever influenced the introduction of new policies and job tasks or the change in existing policies and job tasks? (use multiple ticks and record comments)

- 1. helped to introduce new policies and job tasks \_\_\_\_\_
- 2. helped to change existing policies and job tasks \_\_\_\_\_
- 3. no influence \_\_\_\_\_
- 4. no comment \_\_\_\_\_

\_\_\_\_\_ ( ) ( )

b. If the respondent has had influence in introducing new policies and job tasks: Which policies and/or job tasks were you influential in introducing?

Policies/Job Tasks

- |          |          |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

\_\_\_\_\_ ( ) ( )

c. If respondent has had influence in changing existing policies and job tasks: Which policies and/or job tasks have you had influence in changing?

Policies/Job Tasks

How these tasks were changed

- |          |          |
|----------|----------|
| 1. _____ | 1. _____ |
| 2. _____ | 2. _____ |
| 3. _____ | 3. _____ |
| 4. _____ | 4. _____ |
| 5. _____ | 5. _____ |
| 6. _____ | 6. _____ |

\_\_\_\_\_ ( ) ( )

53. If the respondent has had influence in introducing new job tasks and policies or in changing existing job tasks and policies: How did you go about initiating the introduction of new job tasks and policies and/or changes in existing job tasks and policies? (use multiple ticks and rank the order in which each was done)

Type of Procedure	Order in which it was done
1. Personal contact with higher officials	
2. Informal meetings with other fishery officers	
3. Formal meetings with other fishery officers	
4. Contacted sub district supervisor	
5. Contacted district protection officer	
6. Contacted area manager	
7. Contacted DFO in St. John's	
8. Contacted DFO in Ottawa	
9. Other  _____ (specify)	

( ) ( )

- 54a. Do you ever participate in informal discussion with other fishery officers to review work related matters?

1. yes \_\_\_\_\_  
 2. no \_\_\_\_\_  
 3. no comment \_\_\_\_\_

( )

- b. If yes: How many fishery officers do you usually have contact with in the course of a month?

1. less than 5 \_\_\_\_\_  
 2. 5 - 10 \_\_\_\_\_  
 3. more than 10 \_\_\_\_\_  
 4. other \_\_\_\_\_ (specify)

54c. If respondent participates in informal discussions: How do you and other fishery officers initiate these informal discussions, how often do you have them and what sorts of issues do you discuss?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ ( ) ( )

SECTION SIX: LICENSING AND LIMITED FISHERIES

Now I would like to ask you some questions on your relationship to the inshore fishermen and licensing policy in the district which you regulate

55. What do you consider to be the purpose of licensing? (use multiple ticks and record comments)

- 1. to conserve fish stocks \_\_\_\_\_
- 2. to control the numbers of inshore fishermen \_\_\_\_\_
- 3. to make the inshore fishery commercially viable \_\_\_\_\_
- 4. other \_\_\_\_\_

(specify)

\_\_\_\_\_ ( ) ( )

COMMENTS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

56a. Are there any restricted species in the district which you regulate?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_

Skip to Q. 59a.

\_\_\_\_\_ ( )

b. If yes: Which species? (use multiple ticks)

- 1. salmon \_\_\_\_\_
- 2. lobster \_\_\_\_\_
- 3. crab \_\_\_\_\_
- 4. shrimp \_\_\_\_\_
- 5. herring \_\_\_\_\_
- 6. other \_\_\_\_\_

(specify)

\_\_\_\_\_ ( ) ( )

57a. Do you ever encounter any problems in your attempts to regulate any of these restricted species? (record comments)

- 1. yes \_\_\_\_\_
- 2. No \_\_\_\_\_

\_\_\_\_\_ ( )

b. If yes: Would you tell me which species you have problems in regulating and how you deal with each of these problems:

Species	Problems	How Problems are dealt with
1.	1. 2. 3.	1. 2. 3.
2.	1. 2. 3.	1. 2. 3.
3.	1. 2. 3.	1. 2. 3.
4.	1. 2. 3.	1. 2. 3.

\_\_\_\_\_ ( ) ( )

c. If no: Would you tell me why you have no problems in regulating restricted species? (use multiple ticks)

- 1. fishermen are law abiding \_\_\_\_\_
- 2. poachers are not a problem \_\_\_\_\_
- 3. fishermen use legal gear \_\_\_\_\_
- 4. fishermen abide by quotas \_\_\_\_\_

\_\_\_\_\_ ( ) ( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

58a. Are you involved in any way in the allocation of either general fishing licenses or restricted species licenses? (record comments)

1. yes \_\_\_\_\_
2. no \_\_\_\_\_

\_\_\_\_\_ ( )

b. If yes: Which licenses do you participate in allocating?

1. general fishing \_\_\_\_\_
2. restricted species \_\_\_\_\_
3. both \_\_\_\_\_
4. neither \_\_\_\_\_

\_\_\_\_\_ ( )

c. If yes: What is the nature of your participation? (use multiple ticks)

1. recommendations \_\_\_\_\_
2. supply information to appeal boards \_\_\_\_\_
3. help determine switches from part-time to full-time \_\_\_\_\_
4. help determine who gets species licenses \_\_\_\_\_
5. other \_\_\_\_\_

(specify)

\_\_\_\_\_ ( ) ( )

COMMENTS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

59a. Do you ever deal with disputes over licenses?

1. yes \_\_\_\_\_
2. no \_\_\_\_\_

\_\_\_\_\_ ( )

59b. If yes: What licenses do you deal with and what is the nature of your involvement?

License	Nature of Involvement
1.	
2.	
3.	
4.	

\_\_\_\_\_  
( ) ( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

60a. Have you ever appeared as a witness before a licensing appeal committee? (record comments)

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_

\_\_\_\_\_  
( )

b. If yes: How often have you appeared:

- 1. once \_\_\_\_\_
- 2. 2-5 times \_\_\_\_\_
- 3. 6-9 times \_\_\_\_\_
- 4. 10 or more times \_\_\_\_\_

(specify) \_\_\_\_\_  
( )

c. If yes: When you have appeared before licensing appeal boards: What types of problems have been dealt with? (use multiple ticks)

- 1. disputes over part-time and full-time status \_\_\_\_\_
- 2. allocation of restricted species licenses \_\_\_\_\_
- 3. other \_\_\_\_\_

(specify) \_\_\_\_\_  
( ) ( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

61a. Do you agree with the general principal that all inshore fishermen should be licensed?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_
- 3. don't know \_\_\_\_\_
- 4. no comment \_\_\_\_\_

\_\_\_\_\_ ( )

b. If yes: Why?

- 1. helps to conserve fish stocks \_\_\_\_\_
- 2. helps to control the numbers of inshore fishermen \_\_\_\_\_
- 3. it is necessary in order to make the inshore fishery commercially viable \_\_\_\_\_
- 4. other \_\_\_\_\_  
(specify)

\_\_\_\_\_ ( ) ( )

c. If no: Why not?

- 1. everyone has the right to fish \_\_\_\_\_
- 2. it is not helping to conserve fish stocks \_\_\_\_\_
- 3. it is not making the inshore fishery commercially viable \_\_\_\_\_
- 4. other \_\_\_\_\_  
(specify)

\_\_\_\_\_ ( ) ( )

COMMENTS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

62a. Do you think that the present form of licensing is effective?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_

\_\_\_\_\_ ( )

b. If no: Why is it ineffective and how can it be improved?

Why it is ineffective

How it can be improved

1.	
2.	
3.	

\_\_\_\_\_ ( ) ( )



COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Now I would like to ask you some questions on the seal hunt.

63a. Have you ever participated in the regulation of the seal hunt?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_ Skip to Q. 66 \_\_\_\_\_ ( )

b. If yes: When did you participate in regulating the seal hunt?  
 (specify number of years and use multiple ticks)

- 1. 1935 - 44 \_\_\_\_\_
  - 2. 1945 - 54 \_\_\_\_\_
  - 3. 1955 - 64 \_\_\_\_\_
  - 4. 1965 - 74 \_\_\_\_\_
  - 5. 1975 - 83 \_\_\_\_\_
- \_\_\_\_\_ ( ) ( )

c. What do/did you do when you participate(d) in regulating the seal hunt?

Job Tasks

- 1. \_\_\_\_\_
  - 2. \_\_\_\_\_
  - 3. \_\_\_\_\_
  - 4. \_\_\_\_\_
  - 5. \_\_\_\_\_
  - 6. \_\_\_\_\_
- \_\_\_\_\_ ( ) ( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

64a. Have you encountered any problems when you participated in regulating the seal hunt?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_ \_\_\_\_\_ ( )

64b. If yes: What was the nature of these problems and how were they dealt with?

Problems	How they were dealt with
1. _____	1. _____ 2. _____ 3. _____
2. _____	1. _____ 2. _____ 3. _____
3. _____	1. _____ 2. _____ 3. _____
4. _____	1. _____ 2. _____ 3. _____

( ) ( )

Now I would like to focus upon any contacts you may have had with Canadian-based offshore fishing vessels.

65a. Have you ever inspected a Canadian-based offshore fishing vessel(s)?

1. yes \_\_\_\_\_

2. no \_\_\_\_\_                      Skip to Q. 69

( )

b. If yes: How many vessels have you inspected?

1. one \_\_\_\_\_

2. 2-5 \_\_\_\_\_

3. 6-9 \_\_\_\_\_

4. 10 or more \_\_\_\_\_ (specify) ( )

66. What are your job tasks during inspection? (use multiple ticks)

1. checking gear \_\_\_\_\_

2. checking species licence(s) \_\_\_\_\_

3. checking vessel license \_\_\_\_\_

4. checking species quotas \_\_\_\_\_

5. inspecting catch \_\_\_\_\_

6. all of the above \_\_\_\_\_

7. other \_\_\_\_\_ (specify)

67a. Have you ever encountered any problems when you have inspected offshore vessels?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_

\_\_\_\_\_ ( )

b. If yes: What was the nature of those problems and how were those problems dealt with?

Problems	How Problems were dealt with
1. _____	1. _____ 2. _____ 3. _____
2. _____	1. _____ 2. _____ 3. _____
3. _____	1. _____ 2. _____ 3. _____
4. _____	1. _____ 2. _____ 3. _____

\_\_\_\_\_ ( ) ( )

COMMENTS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I will finish this section by asking you some questions on your contacts with community leaders, businessmen and political representatives.

68a. Have you ever been in contact with community leaders, businessmen or political representatives during the course of fulfilling your job tasks?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_

Skip to Q. 72

\_\_\_\_\_ ( )

68b. If yes: Who have you been in contact with, what was the nature of this contact and what sorts of issues did you deal with?

Individual contacted	Nature of contact	Issues dealt with
1.		
2.		
3.		
4.		

\_\_\_\_\_ ( ) ( )

69a. Have community leaders, businessmen or political representatives ever attempted to influence the way you do your job?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_

\_\_\_\_\_ ( )

b. If yes: How have these individuals attempted to influence you?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SECTION SEVEN: RECRUITMENT AND TRAINING

Now I would like to ask you some questions dealing with how you became interested in the fishery officer occupation, how you were recruited into that job and how your training has affected your day-to-day work.

70. How did you first find out about the fishery officer occupation? (use multiple ticks)

- 1. at school \_\_\_\_\_
- 2. at the Canada Employment Centre \_\_\_\_\_
- 3. at the Career Service provided by Memorial University of Newfoundland \_\_\_\_\_
- 4. job brochure \_\_\_\_\_
- 5. other \_\_\_\_\_

(specify)

\_\_\_\_\_ ( ) ( )

71. Would you tell me how each of these sources of information presented the fishery officer occupation? (probe for positive image versus negative image, good career, etc.)

Source of Information	How the Occupation was Presented
1.	
2.	
3.	
4.	

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

72. How did you get the job of fishery officer? (use multiple ticks)

- 1. I applied for the job \_\_\_\_\_
- 2. received the job through the competition process in the civil service \_\_\_\_\_
- 3. the DFO recruited in my community \_\_\_\_\_
- 4. I was recommended by another fishery officer \_\_\_\_\_
- 5. other \_\_\_\_\_ (specify) \_\_\_\_\_ ( ) ( )

COMMENTS \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

73. What fishery officer job training programs have you participated in? (use multiple ticks)

- 1. National Training Program \_\_\_\_\_
- 2. Regional Training Program \_\_\_\_\_
- 3. Enforcement Program with the RCMP \_\_\_\_\_
- 4. On-the-Job training \_\_\_\_\_
- 5. Other \_\_\_\_\_ (specify) \_\_\_\_\_ ( ) ( )

74a. If the respondent has participated in the National Training Program: Would you list some of the job skills which were learned in the National Training Program?

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

\_\_\_\_\_  
( ) ( )

b. Has this program helped you in the performance of any of your important job tasks?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_

\_\_\_\_\_  
( )

c. If Yes: Would you tell me how this program has helped you in the performance of these tasks?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
( ) ( )

75a. If the respondent has participated in the Regional Training Program: Would you list some of the job skills which you learned in the Regional Training Program?

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

\_\_\_\_\_  
( ) ( )

b. Has this program helped you in the performance of any of your important job tasks?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_

\_\_\_\_\_  
( )

75c. If Yes: Would you tell me how this program has helped you in the performance of these tasks?

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

( ) ( )

76a. If the respondent has participated in the Enforcement Training Program with the RCMP: Would you list some of the job skills which you learned in the Enforcement Training Program?

1. \_\_\_\_\_ 4. \_\_\_\_\_
2. \_\_\_\_\_ 5. \_\_\_\_\_
3. \_\_\_\_\_ 6. \_\_\_\_\_

( ) ( )

b. Has this program helped you in the performance of any of your important job tasks?

1. yes \_\_\_\_
2. no \_\_\_\_

( )

c. If Yes: Would you tell me how this program has helped you in the performance of these tasks?

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

( )

77a. If the respondent has participated in on-the-job training: Would you list some of the job skills which you learned during your on-the-job training?

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

\_\_\_\_\_  
( ) ( )

b. Has this program helped you in the performance of any of your important job tasks?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_

\_\_\_\_\_  
( )

c. If Yes: Would you tell me how this program has helped you in the performance of these tasks?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
( ) ( )

78. Which of your job training programs has been the most helpful to you in your work?

- 1. National Training Program \_\_\_\_\_
- 2. Regional Training Program \_\_\_\_\_
- 3. Enforcement Program with the RCMP \_\_\_\_\_
- 4. on-the-job training \_\_\_\_\_
- 5. all have been helpful \_\_\_\_\_
- 6. no comment \_\_\_\_\_

\_\_\_\_\_  
( ) ( )

COMMENTS \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



79a. Are there any training programs which have not been of much help?

- 1. yes \_\_\_\_\_
- 2. no \_\_\_\_\_
- 3. no comment \_\_\_\_\_

\_\_\_\_\_ ( )

b. If Yes: Which programs have not been of much help? (use multiple ticks)

- 1. National Training Program \_\_\_\_\_
- 2. Regional Training Program \_\_\_\_\_
- 3. Enforcement Program with the RCMP \_\_\_\_\_
- 4. on-the-job training \_\_\_\_\_
- 5. no programs have been of much help \_\_\_\_\_
- 6. no comment \_\_\_\_\_

\_\_\_\_\_ ( ) ( )

c. Why have these programs been unhelpful? \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ ( ) ( )

**SECTION EIGHT: BACKGROUND INFORMATION**

I would like to finish by asking you some questions on background information about yourself?

80a. What was your father's main occupation when you were a teenager? (probe for industry and job description and use multiple ticks)

- |                                     |                                |
|-------------------------------------|--------------------------------|
| 1. Fishery Officer (inshore) _____  | 8. road construction _____     |
| 2. Fishery Officer (offshore) _____ | 9. building construction _____ |
| 3. inshore fishermen _____          | 10. miner _____                |
| 4. offshore fishermen _____         | 11. tradesman _____            |
| 5. fishermen and other _____        | 12. store clerk _____          |
| 6. fish plant worker _____          | 13. government employee _____  |
| 7. logger/woodwork _____            | 14. other _____                |

(specify)

\_\_\_\_\_ ( ) ( )

b. Did he work for himself or was he employed by someone else? (probe for employed others)

- 1. self-employed \_\_\_\_\_
- 2. self-employed and employed others \_\_\_\_\_
- 3. employee \_\_\_\_\_

\_\_\_\_\_ ( )

81a. If father was employed as a fishery officer: When you were a teenager what fishery officer position(s) did your father hold?

- |                            |                   |       |
|----------------------------|-------------------|-------|
| 1. full-time inshore _____ | 5. warden _____   |       |
| 2. part-time inshore _____ | 6. guardian _____ |       |
| 3. offshore _____          | 7. other _____    | _____ |
| 4. supervisor _____        |                   | ( )   |

b. Is he still employed as a fishery officer?

- |              |       |
|--------------|-------|
| 1. yes _____ |       |
| 2. no _____  | _____ |
|              | ( )   |

c. If Yes: What is his job position?

- |                            |                   |       |
|----------------------------|-------------------|-------|
| 1. full-time inshore _____ | 5. warden _____   |       |
| 2. part-time inshore _____ | 6. guardian _____ |       |
| 3. offshore _____          | 7. other _____    | _____ |
| 4. supervisor _____        |                   | ( )   |

82a. What grade did your father receive in school?

- |                |       |
|----------------|-------|
| 1. 0 - 5 _____ |       |
| 2. 6 - 8 _____ |       |
| 3. 9 -10 _____ |       |
| 4. 11 _____    | _____ |
|                | ( )   |

b. Did he have any other training?

- |              |       |
|--------------|-------|
| 1. yes _____ |       |
| 2. no _____  | _____ |
|              | ( )   |

c. If Yes: What training did he receive?

- |                              |  |       |
|------------------------------|--|-------|
| 1. Trades School _____       | (Specify trade and any diploma or certification) | _____ |
|                              |  | ( )   |
| 2. Fisheries College _____   | (Specify trade and any diploma or certification) | _____ |
|                              |  | ( )   |
| 3. University _____          | (Specify course and any degree and diploma)      | _____ |
|                              |  | ( )   |
| 4. On-the-job training _____ | (Specify any certification)                      | _____ |
|                              |  | ( )   |

5. Apprenticeship \_\_\_\_\_  
 (Specify any certification) ( )

6. Other \_\_\_\_\_  
 (Specify any certification) ( )

83a. Was your mother employed outside the home when you were a teenager?

1. yes \_\_\_\_\_  
 2. no \_\_\_\_\_ ( )

b. If Yes: What was your mother's main occupation?

1. fish plant worker \_\_\_\_\_  
 2. helped prepare spouse's fish \_\_\_\_\_  
 3. domestic \_\_\_\_\_  
 4. teacher \_\_\_\_\_  
 5. nurse \_\_\_\_\_  
 6. nurse's aid \_\_\_\_\_  
 7. shop clerk \_\_\_\_\_  
 8. other \_\_\_\_\_ ( ) ( )

c. Did she work for herself or was she employed by someone else?  
 (probe for employed others)

1. self-employed \_\_\_\_\_  
 2. employee \_\_\_\_\_  
 3. self-employed and employed others \_\_\_\_\_ ( )

84a. What grade did your mother receive in school?

1. 0 - 5 \_\_\_\_\_  
 2. 6 - 8 \_\_\_\_\_  
 3. 9 -10 \_\_\_\_\_  
 4. 11 \_\_\_\_\_ ( )

b. Did she have any other training?

1. yes \_\_\_\_\_  
 2. no \_\_\_\_\_ ( )

c. If Yes: What training did she receive?

1. Trades School \_\_\_\_\_  
 (Specify trade and any diploma or certification) ( )

2. Fisheries College \_\_\_\_\_  
 (Specify trade and any diploma or certification) ( )

- 3. University \_\_\_\_\_  
(Specify course and any degree and diploma) ( )
- 4. On-the-job training \_\_\_\_\_  
(Specify any certification) ( )
- 5. Apprenticeship \_\_\_\_\_  
(Specify any certification) ( )
- 6. Other \_\_\_\_\_  
(Specify any certification) ( )

85a. (Besides your Father) Do you have any relatives who are also employed as fishery officers?

- 1. yes \_\_\_\_\_
  - 2. no \_\_\_\_\_
  - 3. no comment \_\_\_\_\_
- ( )

b. If Yes: What is their relation to you, job position and length of employment?

Relation	Job Position	Length of Employment

( ) ( )

86. If respondent was formerly employed as an inshore fishermen: Are any of the people you use to fish with employed as inshore fishermen in the district which you supervise?

- 1. yes \_\_\_\_\_
  - 2. no \_\_\_\_\_
  - 3. no comment \_\_\_\_\_
- ( )

87a. Roughly what was your income as a fishery officer last year?

- |                          |                          |       |
|--------------------------|--------------------------|-------|
| 1. 12,500 - 15,000 _____ | 5. 22,501 - 25,000 _____ |       |
| 2. 15,001 - 17,500 _____ | 6. 25,001 - 27,500 _____ |       |
| 3. 17,501 - 20,000 _____ | 7. 27,501 - 30,000 _____ |       |
| 4. 20,001 - 22,500 _____ | 8. 30,000 or more _____  | _____ |
|                          |                          | ( )   |

b. Did you have any other income last year?

- |              |       |
|--------------|-------|
| 1. yes _____ |       |
| 2. no _____  | _____ |
|              | ( )   |

c. If Yes: Would you list the sources of income you had and how much income you received from each source? (probe for other jobs and family allowance)

Source of Income	Income
1.	
2.	
3.	
4.	
5.	
	Total _____
	( )

88. Is there anything relating to the work role of a federal fishery officer which we have not discussed, but which you think may be important?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

( )

Thank you very much for your time and co-operation.

APPENDIX II

John Phyne  
Pre-Doctoral Fellow  
Institute of Social  
and Economic Research  
Memorial University  
St. John's, Newfoundland

Dear

I am a native Newfoundlander who is a doctoral student at McMaster University in Hamilton, Ontario. Recently, I have received a pre-doctoral fellowship from the Institute of Social and Economic Research located at Memorial University of Newfoundland. I am using this fellowship to conduct a study of the work role of Federal Fishery Officers. Your name has been chosen at random from among the names of full-time and seasonal Fishery Officers. During the next few weeks, I will be calling upon you to discuss matters relating to your occupational history, present work role and contributions you have made to Federal Fishery regulations. The interview will last approximately one hour.

Although the Department of Fisheries and Oceans is aware of my research, I would like to emphasize that I am in no way affiliated with that department. I would also like to emphasize that I have no affiliation with either the Fishermen's Union or with any fish company. Any information you give me will be held in strictest confidence. The data that I will obtain from people such as yourself will be written up in aggregate form so that the replies of any one person will not be identifiable.

I look forward to meeting you and hope that you can take some time to talk with me.

Yours sincerely,

John Phyne

APPENDIX III



## APPENDIX III

COASTAL INSPECTION REPORT

TIME \_\_\_\_\_ DATE \_\_\_\_\_ WEATHER CONDITIONS \_\_\_\_\_

VESSEL INSPECTION

AT SEA BOARDING \_\_\_\_\_ IN-PORT BOARDING \_\_\_\_\_

MAIN SPECIES FISHED AT TIME OF INSPECTION

G	S	SH	O

CFV CHECKED: YES \_\_\_\_\_ NO \_\_\_\_\_

CFV # \_\_\_\_\_ CFV VALID: YES \_\_\_\_\_ NO \_\_\_\_\_

CFV DISPLAYED ON VESSEL: YES \_\_\_\_\_ NO \_\_\_\_\_

REGISTERED LENGTH VERIFIED: YES \_\_\_\_\_ NO \_\_\_\_\_

SPECIFY VESSEL LENGTH MEASURED \_\_\_\_\_

LICENCE INSPECTION

FISHERMEN'S REGISTRATION CHECKED: YES \_\_\_\_\_ NO \_\_\_\_\_

LIMITED FISHERY LICENCE CHECKED: YES \_\_\_\_\_ NO \_\_\_\_\_ SPECIES \_\_\_\_\_

LICENCE CONDITIONS VALID: AREA \_\_\_\_\_ QUANTITY OF GEAR \_\_\_\_\_

FISHING GEAR INSPECTION

TYPE OF GEAR \_\_\_\_\_ NUMBER OF UNITS CHECKED \_\_\_\_\_

MESH SIZE VALID: YES \_\_\_\_\_ NO \_\_\_\_\_

LATH SIZE VALID: YES \_\_\_\_\_ NO \_\_\_\_\_

GEAR MARKINGS PRESENT: YES \_\_\_\_\_ NO \_\_\_\_\_

CFV #'s OF GEAR CHECKED: \_\_\_\_\_


## APPENDIX III (Continued)

OTHER

CATCH CHECK: YES \_\_\_ NO \_\_\_

LOGBOOK INSPECTION:

LOGBOOK ONBOARD: YES \_\_\_ NO \_\_\_ LAST DATE COMPLETED \_\_\_\_\_

FISHING AREA RECORDED VALID: YES \_\_\_ NO \_\_\_

APPARENT VIOLATIONS \_\_\_\_\_

WARNINGS ISSUED \_\_\_\_\_

FISHERY OFFICER: (SIGNATURE) \_\_\_\_\_

VESSEL OPERATOR: (SIGNATURE) \_\_\_\_\_

APPENDIX IV

## APPENDIX IV

## INLAND INSPECTION REPORT

NAME OF ANGLER \_\_\_\_\_ S.I.N. \_\_\_\_\_

ADDRESS: \_\_\_\_\_ BADGE # \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AREA \_\_\_\_\_ TIME \_\_\_\_\_ DATE \_\_\_\_\_

WEATHER \_\_\_\_\_ TYPE OF GEAR \_\_\_\_\_

CATCH CHECK \_\_\_\_\_ LICENCE CHECK \_\_\_\_\_

QUANTITY \_\_\_\_\_ VALID \_\_\_\_\_

APPARENT VIOLATIONS: \_\_\_\_\_  
\_\_\_\_\_WARNINGS: \_\_\_\_\_  
\_\_\_\_\_

FISHERY OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

(SIGNATURE)

ANGLER \_\_\_\_\_ DATE \_\_\_\_\_

(SIGNATURE)