Merchant Navy Veterans – War Veterans Allowance Program

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Purpose

This policy provides guidance on determining if an individual's war service satisfies the service requirements to be recognized as a Merchant Navy Veteran, as defined in section 37 of the *War Veterans Allowance Act* (WVA Act).

Policy

Service Eligibility - World War II

1. An individual satisfies the service requirement to qualify as a Merchant Navy Veteran if, during World War II, the person:
    a. served on board a Canadian ship while it was making:
        i. a voyage for which a war risk bonus was available (see paragraphs 5 to 9);
        ii. a foreign voyage per paragraphs 10 and 11;
        iii. a home-trade voyage per paragraphs 12 to 16, or
        iv. a voyage during the course of which
            - the ship served on, or another Canadian or allied ship in the vicinity of the ship served on, was attacked by the enemy, or
            - the ship served on was attacked or damaged by friendly forces engaging the enemy, or marine hazards due to war;
    b. made a trip by sea, land or air through or over a theatre of actual war for the purpose of
        i. proceeding to a Canadian ship in order to serve on a voyage described in paragraphs 1.a)i., ii., or iii; or
        ii. returning to Canada, or to the country of which the person was a citizen or national, from having made a voyage described in paragraphs 1.a)i., ii., iii, or iv, or from serving in a theatre of actual war as a member of the merchant navy manning pool established under Order in Council P.C. 14/3550 of May 19, 1941.(i.e., Canadian manning pool per subsection 37(7.1) of the WVA Act);
    c. served in a theatre of actual war as a member of a Canadian manning pool;
    d. is in receipt of a pension, has accepted a commuted pension, or is declared eligible for, or awarded, a pension subsequent to the person's death, for an injury or disease incurred or aggravated during service as a Canadian merchant mariner of World War II within the meaning of section 21.1 of the *Pension Act*; or
    e. was domiciled in Canada and
        i. served on board an allied ship while it was making a voyage described in paragraphs 1.a)i., ii., iii, or iv;
        ii. made a trip by sea, land or air through or over a theatre of actual war for the purpose of
            - proceeding to an allied ship in order to serve on a voyage described in paragraphs 1.a)i., ii., or iii; or
            - returning to Canada from having made a voyage described in paragraphs 1.a)i., ii., iii, or iv, or from serving in a theatre of actual war as a member of an allied manning pool; or
        iii. was a distressed mariner.

Service Eligibility - Korean War

2. A Canadian Merchant Navy Veteran of the Korean War is:
    a. any person who at any time during the period from June 25, 1950 to July 27, 1953, served on board a Canadian ship in any of the waters, including gulfs, bays and inlets, lying between
        i. the coasts of Siberia, Korea and China; and,
        ii. a line beginning at a point on the coast of Siberia at longitude 135° East; thence south to a point at latitude 38° 30' North and longitude 135° East; thence southwesterly to a point 30° North and longitude 124° East; thence south to Shokoto Sho; thence westerly to Shichisei Seki; and thence westerly to a point on the coast of China at latitude 23° North, or
    b. any person who is in receipt of a pension, has accepted a commuted pension, or is declared eligible for, or awarded, a pension subsequent to the person's death, for an injury or disease incurred or aggravated during service as a Canadian merchant mariner of the Korean War within the meaning of

section 21.1 of the *Pension Act*.

3. Canadian ships involved in the Korean War include:
    a. Argovan
    b. Digby County
    c. Islandside
    d. Lake Atlin
    e. Lake Kootenay
    f. Lake Minnewanka
    g. Lake Pennask
    h. Lake Sicamous
    i. Lakeside
    j. Lake Winnipeg
    k. World Trotter

Non-qualifying service

4. Service on ships:
    a. engaged in the fishing industry; or
    b. not registered or licensed as Canadian, Newfoundland, or allied ships,
    c. cannot be recognized for the purposes of establishing service eligibility.

War Risk Bonus

5. A pay supplement known as “war risk bonus” was authorized to be paid by shipping companies to ships’ crew serving in dangerous waters (essentially anywhere at sea), under rulings of the National War Labour Board beginning in 1940 and continuing throughout the war. Employers had to have the permission of this government agency to pay because wage increases fell under their control.
6. Authority for decisions, findings or directions by the National War Labour Board were made pursuant to:
    a. the *Wartime Wages and Cost of Living Bonus Order*, Order in Council P.C. 8253 of October 24, 1941,
    b. the *Wartime Wages Control Order*, Order in Council P.C. 5963 of July 10, 1942, or
    c. the *Wartime Wages Control Order*, 1943, Order in Council P.C. 9384 of December 9, 1943, as those respective orders read at the relevant time; or 1937, as those regulations read at the relevant time.
7. In relation to service by persons who were with Coast Guard or Transport Canada the Government issued a higher rate of pay in consideration of the danger they experienced per Order in Council P.C. 122/7359 of August 19, 1942. Unfortunately, the records for those who served on these respective vessels have proven difficult to locate; hence, it is necessary for applicants who served in this capacity to furnish as much information as possible to assist in their claim for consideration as a Merchant Navy Veteran. If documents are provided that they served on a ship making a qualifying voyage after August 19, 1942, it can readily be assumed that they would have received a war risk bonus.

Evidence that a war risk bonus was payable

8. The following possible sources should be examined to determine whether the war risk bonus was payable:
    a. Articles of Agreement;
    b. Pay stubs;
    c. Ships’ logs;
    d. Discharge Certificates;

e. Statement of Earnings on Government ships.

9. Experience has shown that there were inconsistencies evident in the payment of the war risk bonus. In some cases, even though there was a "direction" or an "authorization" issued by the National War Labour Board to make this payment, the respective shipping company may not have complied. If the applicant fails to qualify as a Merchant Navy Veteran (after due consideration was given to the other qualifying considerations) and it appears that a direction or authorization existed for the war risk bonus to be paid, then the Veteran may satisfy service requirements. It will be necessary, in all such instances, to confirm this possibility with the Merchant Navy Registry office where such records are maintained.

Foreign Voyage

10. Per section 37(7.1) of the WVA Act, a foreign voyage is a voyage extending outside the area of a home-trade voyage (i.e. a voyage any part of which was outside the territorial waters of Canada or of any other country). In all situations some part of the voyage would have had to cross international waters.
11. On a related note, and in the context of a home-trade voyage, the legislation makes reference to a point drawn off the coast at 36° North latitude. Using this line of demarcation, it is possible to differentiate between a home-trade voyage and a foreign voyage. The following examples are noted:
    a. A vessel travelling from Halifax to Boston would be a qualifying home trade voyage but not a foreign voyage. It involved crossing international waters and was also outside each country's territorial waters. In this instance, the voyage was north of the line drawn at 36° North latitude.
    b. A vessel travelling from Halifax to Miami would be a foreign voyage. It involved crossing international waters and was also outside each country's territorial waters. In this instance, the voyage was south of the line drawn at 36° North latitude.
    c. All voyages from Canada to Great Britain, Russia, and Europe, would be considered a foreign voyage.

Home-trade Voyage

12. Per section 37(7.1) of the *War Veterans Allowance Act*, home-trade voyage means any voyage within the area of North America where the ship did not travel south of 36° North latitude, or through the Bering Strait.
13. A qualifying home-trade voyage is a voyage any part of which went outside the territorial waters of Canada or of any other country, including entering into international waters, and that was between:
    a. a place in Canada and a place in the United States;
    b. a place in one province and a place in another province; or
    c. a place in Newfoundland and Labrador, or Saint Pierre and Miquelon, and a place outside Newfoundland and Labrador, and Saint Pierre and Miquelon;
    d. any place where an applicant can establish he was a member of a search and rescue, salvage, cable-laying or cable-repairing operation.
14. Specifically, with respect to a qualifying home-trade voyage between Canada and the United States:
    a. a voyage between Canada and the United States that qualifies would be a trip from Halifax to Boston. This is because it was outside the territorial waters of either country and it crossed international waters.
    b. a voyage between Canada and the United States that does not qualify would be a trip from Vancouver to Seattle. This is because the voyage was not outside the territorial waters of either country.
15. Specifically, a qualifying home-trade voyage is involved where some part of the trip involved inter-provincial travel. Examples:

a. a voyage that would qualify as a home-trade voyage for purposes of recognizing an applicant as a Merchant Navy Veteran would be a trip from Quebec City to Halifax.
b. a voyage that would qualify as a home-trade voyage for purposes of recognizing an applicant as a Merchant Navy Veteran would be a trip from Charlottetown to Sydney.

16. Persons with home-trade service within a province (intra-provincial) will not normally qualify as a Merchant Navy Veteran. Some examples are:
    a. service off the coast of British Columbia;
    b. service between the island of Newfoundland and mainland Labrador;
    c. service between Quebec City and the Gaspé Peninsula.

Campaign medals

17. Receipt of any campaign medal (e.g. the 1939-45 Star) is not necessary to establish service eligibility as a Merchant Navy Veteran.

Merchant Navy Veteran Special Benefit

18. On February 1, 2000, the Minister of Veterans Affairs announced a tax-free financial benefit for Canada's Merchant Navy Veterans and surviving spouses. The Merchant Navy Veteran Special Benefit represents compensation in lieu of postwar demobilization benefits that were available to former members of the Canadian Armed Forces, but not to Merchant Navy Veterans, once they finished their wartime service. The compensation package is not only correcting the absence of re-establishment credits and war service gratuities, but also the lost opportunities which may have resulted from not being able to take advantage, for the most part, of the major benefits such as the *Veterans Land Act* and university education.
19. Adjudicators should not base a decision of merchant navy service eligibility for WVA on a ruling related to entitlement for the Merchant Navy Special Benefit. There are differences between eligibility for WVA and entitlement to the one-time Special Benefit. For example:
    a. For WVA purposes, the traditional dates for cessation of hostilities in the European and Pacific theatres are May 8, 1945, and August 15, 1945, respectively. Entitlement to the one-time Special Benefit on the basis of dates stipulate September 3, 1939, and September 2, 1945. These dates reflect the dates of eligibility to qualify for the 1939-45 Star.
    b. The statutory declaration process is not accepted for purposes of establishing entitlement to the one-time Special Benefit but, in unusual circumstances, it can be used to support eligibility for WVA (so long as proof of registration of the ship is evident).

Service on Allied Ships

20. In order for a person who served on an allied ship to qualify as a Merchant Navy Veteran, they must have either been domiciled in Canada immediately preceding the outbreak of the war, or became domiciled in Canada during service.
21. It is unnecessary for a Merchant Navy Veteran in this circumstance to satisfy the requirements associated with being a "Canadian National."
22. Persons who served in the merchant marines of an allied country, and who immigrated to Canada after the war, cannot satisfy the definition of a Merchant Navy Veteran contained in the *War Veterans Allowance Act*.

Allied or Associated Countries

23. The following countries were allied with Canada during World War II: Australia, Belgium, China, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, France, Great Britain, Greece, Guatemala, Haiti, Honduras, India, Iraq, Luxembourg, Mexico, The Netherlands, New Zealand, Nicaragua, Norway, Panama, Philippines, Poland, El Salvador, South Africa, U.S.S.R., United States, and Yugoslavia.
24. In some instances a ship might have belonged to the government of an enemy-occupied country, or to a person resident in an enemy-occupied country that was placed under Canadian control. If these facts are present, the ship can be considered an “allied ship.”

Service in a Theatre of Actual War

25. It would be rare for an individual to establish entitlement as a Merchant Navy Veteran based on this criterion. An example would be where a person had to travel from Canada to Britain by air to assume duties on a ship which was to be engaged in a foreign voyage, but through some unusual circumstance this did not occur. Because the person had travelled outside Canada’s territorial waters, that passage would count as service in a theatre of actual war.

Territorial Waters - World War II

26. In reference to inlets, bays and harbours, other than the two exceptions noted in the definition, territorial waters will extend three miles seaward from a straight line across the bay or harbour in the part nearest the entrance at the first point where the width does not exceed ten miles.

Sea Time

27. The reference to “sea time” is important in the context of establishing service eligibility for an applicant claiming Merchant Navy Veteran service. This would apply in the following cases:
    a. a sea-going ship;
    b. a defensively equipped merchant ship; or,
    c. a ship employed in harbour, other than a boom defence scow, gate vessel, depot ship or harbour craft.
28. An example of how this might be helpful in establishing service eligibility would be where the person, as a member of a manning pool, was on board a vessel scheduled to sail out of Halifax harbour, but their services became no longer required before the vessel eventually left port.

Confirmation of Sea Service

29. Confirmation of Merchant Navy Veteran sea service is the responsibility of Veterans Affairs Canada (VAC) staff.
30. Confirmation of Merchant Navy Veteran service for those who served on Canadian or Newfoundland registered vessels will require the completion of information on a "Confirmation of Wartime Sea Service for Merchant Navy Veterans" (VAC 332) departmental form.

Contact Addresses

31. The pertinent contact addresses are:
    a. Ships of Canadian Registry:
    World War II and Korean War:

Merchant Navy Registry
Veterans Affairs Canada
P.O. Box 7700
Charlottetown, PE C1A 8M9
Fax: (902) 368-0564 Tel: 1-888-289-8512 (Toll-free service)

b. Ships of Newfoundland Registry (World War II):
Veterans Affairs Canada
P.O. Box 5068
10 Barters Hill
John Cabot Building
St. John's, NF A1C 5V4

32. Confirmation of service on allied vessels will be conducted by letter. Documentary evidence can be obtained by first giving all available details such as rank or status, service number, dates and areas of service, ships served on and any other pertinent information available. The contact points are:\
    a. United Kingdom Registered ships:
    Registry of Shipping and Seamen
    Anchor Court, Keen Road
    P.O Box 420,
    Cardiff, Wales
    CF24 5JW
    United Kingdom
    Email: seafarers_registry@mcga.gov.uk
    b. United States Registered ships:
    National Maritime Center
    Attn.: Correspondence (NMC-41)
    100 Forbes Drive, Martinsburg, WV
    25404
    Email: See web site for National Maritime Center (hyperlinked above)
    c. Norwegian Registered ships:
    The Norwegian Ship Registers
    P.O.Box 1013
    Sentrum
    NO-5808 Bergen
    Norway
    d. Other foreign registered ships: For ships of other foreign registry, please contact the Registrar of Shipping of the country concerned.

Proof of Service

33. The following are acceptable as proof of the ship's registry and service on it:
    a. government records, e.g. confirmation by the Merchant Navy Registry office,
    b. Articles of Agreement;
    c. ships' log books;
    d. seamen's log books;
    e. seamen's discharge certificates;
    f. ships' crew lists;
    g. insurance policies;
    h. ships' protests;

i. pilots’ station records;
j. tug boats’ records;
k. shipping agents.

Official Records

34. Official records, in most instances, means government records. However, a "ship's protest" on file in a notary's office concerning an accident involving a ship would constitute an official record; as would an insurance policy or receipt for supplies. The records from a pilot’s station, if a given ship is named, are sufficient evidence that the ship existed.
35. One of the key features of the shipping legislation since its Victorian origins has been the requirement that mariners must be formally engaged and registered as members of the crew using official documents known as "Articles of Agreement." These documents were retained by shipping masters and are now held in the Merchant Navy Registry office. They may be relied upon as conclusive evidence that the applicant was a member of the crew of a particular ship.
36. Once registration of the ship is established an applicant could produce pay records, mail sent to the person in care of the ship, customs or records of places sailed to, and statutory declarations by others confirming the service of the person on such a ship.

Statutory Declarations

37. The legislation authorizes Merchant Navy Veteran applicants to submit statutory declarations as proof of service where official records are unavailable. The following considerations are noted:
    a. statutory declarations should **not** be used if better evidence is available, such as where records are available relating to the ship or the claimed service. (It might be the case that the ship was repaired, and records from the dry dock or other company are available); and
    b. it is not necessary that the Veteran’s declaration be supported by a person who is considered "disinterested" in the matter. This is because the adjudicator must always base the decision on all of the evidence provided.

References

War Veterans Allowance Act

Pension Act

Civilian War-related Benefits Act

Veterans Land Act

Distressed Seamen Regulations

Wartime Wages and Cost of Living Bonus Order

Wartime Wages Control Order