



THE CANADIAN MERCHANT SERVICE GUILD

Marine Officers Protective Service

MEMBER UPDATE – December 2012

On a regular and continuing basis, the Guild's "Marine Officers Protective Service" provides legal defence to eligible members involved in marine incidents. This includes a number of unfortunate marine accidents that have occurred recently. Some of these have been serious incidents and others have been of a minor nature. The members involved have been able to rely on the Guild to provide valuable assistance during their difficulties.

Enclosed is a wallet-size card with reminders regarding this legal defence plan and newly-updated phone numbers to use in the event of a marine incident. Previous versions of the wallet card should be discarded.

This is also an opportunity to provide important information for all Guild members, especially those members working as CMPA pilots.

The details regarding an accident that a member provides to the Guild are for the Guild's internal use only and are not released to the public or other individuals. On the other hand, the information that CMPA pilots provide to a pilotage authority regarding an incident or mishap is subject to being released by the pilotage authority to other individuals or organizations in accordance with access-to-information legislation. This release of information can occur without obtaining the permission of the pilot or the Guild. Such information could eventually be used for purposes not related to improving safety.

For this reason, it is important for CMPA pilots to continue to follow their existing protocols to utilize the Guild's legal defence program to receive advice prior to providing any information regarding an accident, (apart from an initial report via a radio ship reporting station) including completing an accident report form for a pilotage authority.

The Guild's legal defence plan continues to be a robust and successful program and an important benefit for many members. In the event of a marine occurrence, a member who is paying full monthly Guild dues is eligible for protection under the legal defence program if the member is working in an official capacity as:

1. a ship's master or a ship's officer; or
2. a CMPA member licensed to furnish pilotage services in the district in which the marine occurrence takes place; or
3. a Guild member working in a position that is identified in a CMSG collective agreement

The Guild has recently been asked to provide clarification of whether legal defence would be provided in the event of a marine incident for a **non-CMPA** member paying full monthly Guild dues who is employed as a "pilot". While this is a very specific set of circumstances, the matter has in fact been fully addressed in the Guild's Legal Defence Benefit Program; and the answer is: "only if the member is working in a position that is specifically identified in a CMSG collective agreement".

Should further information be required regarding the Marine Officers Protective Service, please contact your nearest Guild office.