

## Guild News Brief – Summer 2020

- The Guild has recently been advised that a foreign officer who holds a Certificate of Competency not issued by Canada, is employed as a Captain on a Canadian-flag tanker and we are looking into this matter. These situations are only supposed to be approved in the event that qualified Canadians are not available. We are aware that there are qualified Canadians, and any interested Canadian officers (whether they are Guild Members or not) who hold the qualifications of “**Master Near Coastal**” and have an “**Oil Tanker Endorsement Level 2**” and “**Chemical Tanker Endorsement Level 2**” should contact our Guild Labour Relations Officer Bernard Talbot at [brtalbot@GMMC-CMSG.org](mailto:brtalbot@GMMC-CMSG.org). This information will be useful as we move ahead with this matter. Names of interested officers will not be released without their permission.
- During the unprecedented Covid pandemic, Guild Members have been front-line workers facing many challenges and frustrations and high expectations to continue to perform their duties and to keep waterways safe and to ensure no interruptions in vital marine commerce moving safely in all areas of the country. Guild staff at every level have been kept extremely busy assisting Members with unique difficulties that have arisen during this period. The very effective assistance of all Guild Board Members and representatives has been absolutely essential in providing important information to the Guild about the situation in many workplaces. The contribution of Guild representatives significantly increased the effectiveness of the Guild during this pandemic and that assistance is recognized and appreciated.
- As always, Members working under Guild Collective Agreements, who are having concerns with labour-related issues should not hesitate to contact their Guild Branch office for a discussion of these matters and should not have any fear of reprisal by the employer.
- Both Branch Presidents promptly put measures in place at the outset of this pandemic to ensure that despite provincial health requirements, all Members would have uninterrupted access to service by Guild representatives. Members have provided positive feedback on the activities of Guild staff who have worked tirelessly on their behalf during the pandemic.
- The Guild regularly holds conference calls of all the employment-relations staff from across the country to leverage their knowledge on issues that are often similar, and to compare notes on the consistency of operations and situations between one region and another.
- Due to the pandemic, many Members have been frustrated and annoyed due to restrictions on shore leave and other measures put in place by employers. Members employed by Coast Guard in Newfoundland contacted the Guild requesting that we intervene in what they felt was unreasonable confinement on icebreakers secured in home port compared with the crew on icebreakers in other regions who were being permitted to go home at night provided they were always able to return within one hour if called back to work. Only after the involvement of officials at the highest levels was the matter finally addressed.

- It is necessary to recognize and commend the professionalism of Guild Members, many of whom have faced frustration and disappointment in the workplace during this pandemic.
- After the end of the current fiscal year, eligible Members at Coast Guard and DND will be credited with a further 8 hours of leave as one of the components of a damages agreement related to the dysfunction of the federal payroll system. This Memorandum of Agreement contained a number of other provisions including a requirement to increase this settlement for our Members if any other union obtains a better provision (previously referred to as a “me-too” clause). We are aware that the Public Service Alliance recently concluded an agreement on this matter with the Treasury Board and the Guild is investigating to ensure compliance with our “me-too” clause. The various provisions in these agreements are related to the significant damages that were caused by the federal payroll system and are not related to any pay that is actually owed to an employee. Those missing amounts still need to be paid and the Guild is providing individual Members with ongoing assistance in obtaining those funds on a case-by-case basis.
- The Guild has held meetings with the Deputy Minister of Defence and the Vice Chief of Defence Staff and the Commander of the Royal Canadian Navy who have announced a contract for Ocean Group in Quebec to build an initial batch of 4 new tugs to be operated by our Members employed by DND in Halifax and Esquimalt. The approximate specs for the tugs include dimensions of 80 feet by 37 feet with a draft of 17 feet and a bollard pull of 60 tons. The Admiral stated that construction is scheduled to begin this November with completion of the vessels scheduled from August 2022 through November 2023.
- Despite the pandemic, the Guild’s electronic voting system has remained fully operational and new collective agreements have recently been voted on and ratified by Members employed at AMIX Marine, and Maersk Supply Services (Masters and Chief Engineers bargaining unit) as well as the ORSI operation in Hay River NWT.
- Immediately prior to the pandemic, Members used the electronic voting system to ratify new contracts at Western Pacific Marine, Island Tug & Barge, Comtug Ltd, as well as our Members employed as Fraser River Pilots.
- Members have provided positive feedback on the Guild’s electronic voting system which has been utilized to conduct strike votes and ratification votes and elections of Executive Boards. In 2019 the system was used to conduct 21 separate votes and was also used for 29 votes in 2018. Members on the appropriate voter list are promptly notified of the vote results by e-mail after the voting period has ended.
- Collective bargaining is currently underway for Members employed at Fraser River Pile and Dredge, Seaspan ULC, Northumberland Ferries, Bay Ferries, Canship Ugland Ltd. (Umiak 1), Svitzer Canada and Rio Tinto / Port Alfred (Tug Captains).
- Negotiations have reached an impasse for Pilots employed by the Atlantic Pilotage Authority and for Lake Ontario Pilots employed by the Great Lakes Pilotage Authority. In these cases, the Guild will be proceeding with binding arbitration to obtain a new collective agreement.

- Negotiations for Guild Members employed in the Ocean Ontario Towing engineers bargaining unit, and at Newfoundland & Labrador Provincial Ferries have reached an impasse and preparations are underway to conduct strike votes.
- Guild legal counsel is still aggressively pursuing a [policy grievance](#) related to the employer's failure to complete the final payment of all retroactive wages owed to Members employed at Coast Guard and DND following the [Baxter Arbitral Award](#) despite the employer having assigned significant resources and personnel to attempt to complete the payment of all back-wages owed prior to the Labour Board scheduling an eventual hearing on this ongoing case.
- The Guild filed an application to the Canada Industrial Relations Board (CIRB) to amalgamate some of our bargaining units for Members working at Algoma. Not only would this be beneficial to Members, but it would also reduce the number of our collective agreements at Algoma by approximately half. Our Application and our Request for Reconsideration were recently rejected by the CIRB and the Guild is pursuing the matter by way of an application for judicial review by the Federal Court.
- The Guild has challenged a "random-alcohol testing" policy that has been put in place for Members employed on Marine Atlantic ferries operating between Nova Scotia and Newfoundland. Significant resources have been applied to this important case for a considerable period of time and we are awaiting the decision of the arbitrator.
- The Guild has filed a "classification grievance" on behalf of officers assigned to Canada's newest offshore fisheries science vessel. It appears that the tonnage and horsepower of this class of vessel may not be properly aligned with the classification formula for the complement of officers.
- Guild staff and representatives have continued to participate in all meetings representing Members and in many cases these meetings have been held by teleconference and by video conferences. The number and frequency of meetings has increased exponentially due to the widening use of these technologies.
- Each office of the Guild is working on a multitude of grievances on behalf of Members involved in disagreements with employers and while the Guild has reached a number of very successful settlements that have fully satisfied the Members concerned, a number of other grievances are still outstanding, and many of these have been advanced to arbitration.
- While most Guild Members were required to continue to work without interruption during the pandemic, we are keenly aware that many Guild Members have been out of work due to various restrictions on the operation of passenger vessels and other measures. In meetings with senior government officials, Guild representatives have been emphasizing the significant amount of hardship and uncertainty that this pandemic has brought to the entire marine industry. The Guild has stressed that this needs to be kept in mind and decisions cannot be arbitrary and need to be based on the best available advice and requirements of the appropriate health authorities using medical science in order to attempt to protect the health of workers and mitigate problems as much as possible given the uncertainty of the situation.

- The Guild and the ILWU are challenging the efforts of Seaspan ULC to remove Guild Members who are employed as Masters from their roles on the Occupational Health and Safety Committee. With the valuable input of a number of Members employed at Seaspan, the Guild made a very comprehensive [written submission](#) on this matter to the Ministry of Transport and at the time of writing this newsletter we are still following up in obtaining an official decision on this important matter.
- The Guild continues to participate in consultations regarding the implementation of the new Pilotage Act. We have emphasized an important new requirement which is already in effect right now - that in a compulsory pilotage area, in order to have the conduct of the ship, a pilotage Certificate holder (this is not referring to a Licensed pilot) must be a regular member of the ship's complement, which according to the [new Pilotage Act](#) means an individual who occupies a position on board the ship for the purpose of meeting the requirements of the *Marine Personnel Regulations* for safe manning in relation to a proper deck watch and the safe operation of the ship.
- We are also working closely with the [Canadian Marine Pilots' Association](#) paying particular attention to the fact that Transport Canada will be taking over the enforcement of the Act from the Pilotage Authorities and ensuring that our MOPS program for all Members in the event of a marine incident is fully comprehensive and up-to-date.
- At the outset of the pandemic, the Guild promptly posted a [bulletin](#) containing the correct links to relevant official websites being used to provide updates and awareness to particular sectors of the marine industry. We have issued reminders to Members to periodically check these sites for new information and we encourage Members to continue to do so when you have an opportunity.
- You are likely aware that there have been a number of unfortunate and serious marine accidents recently and the Guild is providing prompt legal assistance and advice to Members who find themselves involved in these incidents using our Marine Officers Protective Service (MOPS). The Guild MOPS program is functioning extremely well and we continue to receive positive feedback from Members who have utilized it. Members should always contact the Guild MOPS phone line without delay in the event of a marine incident. The toll-free number to call for MOPS remains unchanged and is 1-888-427-4477. This number is strictly for marine accidents.
- If you are aware of a Canadian who has a valid Certificate of Competency and who may be semi-retired or under-employed, they are encouraged to contact the Guild Branch office in either Vancouver (Western Canada) or St.Catharines (Eastern Canada). We are aware of opportunities for short-term relief work and other assignments. In the event that no Guild Members are available for such work, non-members can be considered for these opportunities, which could prove beneficial for everyone. In some cases, there may be a requirement to join the Guild, which is not an onerous process at all.
- Please ensure your postal mailing address is up-to-date in your Branch office. This fall, the Guild will be mailing out important reminders about the legal defence program (MOPS). The contact information for all Guild offices is listed on our website at [www.cmsq-gmmc.ca](http://www.cmsq-gmmc.ca)