



THE CANADIAN MERCHANT SERVICE GUILD



A NATIONAL ASSOCIATION OF PILOTS, MASTERS,
MATES, ENGINEERS AND OTHER MARINE OFFICERS

CMSG Marine Officers Protective Service (MOPS)

June, 2022 – Member Update

On a regular and continuing basis, the Guild's "Marine Officers Protective Service" provides legal defence for eligible members involved in marine incidents. This includes a number of unfortunate marine accidents that have occurred recently. Some of these have been very 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 and many members have provided the Guild with positive feedback.

With the ongoing rollout of the new *Pilotage Act*, Transport Canada has taken over the issuance of pilotage licenses and pilotage certificates and has announced that licenses will no longer be issued for "Non-Compulsory Areas". As one would expect, questions have arisen with regard to eligibility for Guild MOPS protection in the event that a member is conducting pilotage in an area or a port for which the member is not the holder of a valid pilot license or pilot certificate. In such situations, legal defence protection is not available from the Guild MOPS program. However, such MOPS coverage is available to pilots who may find themselves involved in a marine incident aboard a vessel that is transiting to or from the compulsory area where the pilot is in fact licensed and to which he was dispatched. While the pilot may not have the conduct of the vessel during the transit of these areas, to or from the compulsory area, the pilot may be aboard the vessel for reasons of practicality, and may require legal assistance in the event that the vessel is involved in an incident during an extended inbound or outbound transit.

The Guild's legal defence plan continues to be a robust, successful program and an important benefit for members. All Members are reminded that 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 Guild member working in a position that is specifically identified in a CMSG collective agreement and performing duties in accordance with their Transport Canada certification; or
3. a CMPA member licensed to furnish pilotage services in the area in which the marine occurrence takes place;

In the event that Guild members have been performing pilotage services in a port where Transport Canada has indicated a risk assessment will take place to determine whether the port should be subject to compulsory pilotage, the Guild continues to provide MOPS coverage to such members until a final determination of the status of the port has been made by Transport Canada.

Important Reminder:

If you are involved in a marine incident, it is important to contact the Guild promptly, in order to be provided with legal advice in a timely manner, prior to being interviewed by officials investigating the incident.

Further information about the legal defence program is available from your Branch Guild office.