

# NATIONAL SHIPPING RULES

EFFECTIVE JULY 1, 2007



*Ride The Wave  
Suivez La Vague*

BROTHERHOOD OF THE SEA  
**SEAFARERS'**  
**INTERNATIONAL UNION**  
**OF CANADA**

**Michel Desjardins**  
President

**James Given**  
Executive Vice-President

## **PREAMBLE**

Every member of the Seafarers' International Union of Canada (hereinafter called the "Union" or the "S.I.U.") seeking employment through the Union Dispatch Halls shall be shipped in accordance with these National Shipping Rules (hereinafter sometimes referred to as "these shipping rules"), subject to conditions and restrictions on employment contained in contractual agreements between the Union and employers.

In these shipping rules, words in the singular include the plural and words in the plural include the singular. The masculine gender includes the feminine gender. Unless otherwise stipulated in these shipping rules, the meanings and definitions of the words shall be the same as in the Constitution of the Union. For the purposes of these shipping rules, the term "Union official" includes elected officers, appointed officers and patrolmen, dispatchers, representatives and other personnel at Headquarters or the Branches, employed by the Union.

These shipping rules shall not be interpreted nor applied so as to discriminate against any member because of race, creed, colour, nationality, sex, ancestry or place of origin.

These shipping rules shall not apply to those jobs which the Union is attempting to bring under contract during an organizational campaign.

Any member who fails to comply with any requirement of these shipping rules is guilty of an offence under Article XXIV of the Constitution of the Union.

A **Union Dispatch Hall** means a place where referrals of members to employment are made within the meaning of Section 69 of the Canada Labour Code, R.S.C. 1985, c.L-2.

A copy of these shipping rules shall be posted at all times in a prominent position on the notice board at all Union Dispatch Halls.

**ARTICLE 1 - UNION DISPATCH HALLS  
- BUSINESS HOURS**

- (a) The Union Dispatch Halls may be open from 9:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday. The Dispatch Halls may be closed for short periods due to Union business and organizing activities.
- (b) All Federal and Provincial statutory holidays shall be recognized and observed. When such a holiday falls on a Saturday or Sunday, the following Monday shall be observed as the holiday.
- (c) Dispatching shall be conducted at all ports in accordance with the above-stated hours, Monday through Friday.
- (d) Registration shall be from 9:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday.
- (e) All members, except officers and employees of the Union, must show proof of membership and register on the daily roster sheet upon entering S.I.U. premises in Canada.

**ARTICLE 2 - JURISDICTION, HEADQUARTERS  
AND BRANCHES**

Jobs shall be called and dispatched from the following ports for the sectors indicated:

Quebec City - East of Deschaillons including the Maritime Provinces, Newfoundland and Labrador;

Montreal - Deschaillons to Kingston as well as Eastern Arctic ports;

Thorold - West of Kingston to the western limits of Lake Superior; and

Vancouver - West Coast, Alaska as well as Western Arctic ports.

If other ports are established under the Constitution, their area of jurisdiction shall be determined by the Executive Board and the area of the other port or ports affected shall be modified accordingly.

Any jobs that cannot be filled by members at one Union Dispatch Hall shall be immediately transferred to the next best-situated Union Dispatch Hall, provided time permits, to fill the job.

### **ARTICLE 3 - REGISTRATION AND SHIPPING - PROCEDURES**

- (a) All registration cards and dispatch slips shall be printed and serially numbered by Headquarters. Each branch shall keep an accurate record of members registered and of members dispatched. Registration can be made within one (1) rating only. When registered for employment, a member shall receive a serially numbered registration card and a duplicate shall be posted on the Registration Board. When throwing in for a job, a member must produce their registration card. Should the original registration card be lost, a member may obtain a duplicate copy prior to the job call.
- (b) All members must register to ship and all jobs must be filled through the Union Dispatch Halls. A member's registration card shall remain valid for a period of nine (9) months, following which it expires and the member must re-register. For the purposes of this Article 3(b), the period of nine (9) months shall be calculated as follows:
  - (i) counting forward nine (9) months from the month indicated on the registration card, without including that month; and
  - (ii) up to and including the last month calculated under paragraph (i), the last call of the day that bears the same calendar number as the calendar number indicated on the registration card or, if that month has no day with the same calendar number, the last day of that month; for example,
    - 1) if August 19, 2005 is the date indicated on the registration card, the card remains valid up to and including the last call of May 19, 2006; or
    - 2) if May 31, 2005 is the date indicated on the registration card, the card remains valid up to and including the last call of February 28, 2006.
- (b.1) Members may register in person at a Union Dispatch Hall or by telephone.
- (b.2) Registration by telephone shall be done in the following manner:

the member must give the Union official to whom they are speaking their full name, Union number, Social Insurance Number, last ship on which they sailed and the date of discharge, details of medical certificate, details of MED and other required certificates and/or

documents, as well as their telephone number and address;

if the member is in good standing with the Union and is eligible to be registered for the rating in question, the Union official shall register the member to ship, fill out the registration card, advise the member of the number, put the card on the Registration Board and keep the member's copy of the card so that it can be picked up, in person, by the member at the Union Dispatch Hall.

- (b.3) The member shall have their registration card removed from the Registration Board if, at the time of registration, they provide false information.
- (c) All full-book and probationary members must be members in good standing with the Union as of the date of registration, in order to register to ship. Members may be required to produce their discharge book, union book or card, their last separation slip and any other relevant documentation required in order to register.
- (d) Subject to these shipping rules, dispatching shall be on a rotary basis, that is, the member with the lowest serially numbered registration card (sometimes referred to as the "most senior registration card") for the rating being called shall have priority for the job.
- (e) The full-book membership is the substantive membership of the Union, and shall be given priority on all jobs called through the Union Dispatch Halls. Only full-book members may compete for any job for which they can prove their qualifications, provided they are registered and in good standing with the Union. However, when registered in a rating other than the job being called, a full-book member cannot compete against another full-book member who is registered for the same rating as the job being called. Where two (2) or more full-book members compete for jobs outside of their regular rating, their qualifications being equal, the member with the lowest serially numbered registration card (i.e. the most senior registration card) shall be dispatched to the job.
- (f) The probationary membership, with the constitutional requirement of providing qualification by specification for full-book membership, shall have shipping rights subject to the effective employment of full-book members of the Union. No probationary member shall be given priority for a job over a full-book member who is registered,

qualified to fill the job and who is in good standing with the Union.

- (g) When a probationary member applies for a full-book membership and the application is accepted, the member shall, upon receipt of the membership book, re-register as of that date as a full-book member.
- (h) When a member decides to leave the port where they are registered, they must notify a Union official in that port and hand in their registration card. A member proven to be registered in more than one (1) port shall have all registration cards cancelled and must re-register in the port from which they intend to ship.
- (i) For registration and job purposes, the following ratings shall be regarded as the same:
  - i) an able seaman and a wheelsman;
  - ii) a bosun and a leading seaman;
  - iii) a deckhand and an ordinary seaman;
  - iv) an oiler and a mechanical assistant; and
  - v) a messman and a porter.
- (j) Before registering or dispatching any member for any rating, the Union official at the Union Dispatch Hall where the member is registered must satisfy themselves that the member has the necessary qualifications for that rating.
- (k) When jobs are called in mixed sex classifications, such as the steward's department, the most senior job shall be called first. The sex of the successful bidder for the senior job shall determine the sex of the subsequent classifications, subject to accommodation limitations. This rule shall only apply on full-crew department calls. When replacement calls are made, the accommodations arrangements in relation to the sex of those classifications already used shall determine the specifications of the replacement job. Subject to the above, wherever possible, the principle of the most senior registration card shall be applied.
- (l) When dispatched to a job, the member shall be given a serially numbered dispatch slip to be submitted to the Head of the Department and then report to the Union delegate. A member dispatched to a job must report to the vessel or the company office at the time and place requested. If the member is not accepted, the member

must obtain a written reason for the refusal from the officer in charge and immediately telephone the nearest Union Dispatch Hall and advise the Union of the refusal.

- (m) All members must remain aboard their vessel until properly relieved by a Union member.
- (n) Subject to the specific provisions in the applicable collective agreement, no member aboard ship shall move into another job unless the Union has been contacted and is unable to supply.

#### **ARTICLE 4 - REGULAR JOB CALLS**

- (a) All job calls in the ports of Quebec, Montreal and Thorold shall be made, Monday through Friday, at 10:00 a.m. and 3:00 p.m. All job calls in the port of Vancouver shall be made, Monday through Friday, at 10:00 a.m.
- (b) All jobs dispatched from the Union Dispatch Hall shall be posted on the Shipping Board before being announced. With respect to jobs called after-hours, on the weekends or holidays, the member's name who took the job shall be indicated on the Shipping Board on the first day the Union Dispatch Hall is open following that dispatch.
- (c) When a member is dispatched to a permanent job on board a vessel or returns to a vessel which is laid up by virtue of a Letter of Intent, and the vessel unexpectedly lays up within a period of thirty (30) days from the time the member joins the vessel, the member's original registration card shall be returned.

#### **ARTICLE 5 - AFTER-HOURS CALLS**

- (a) After-hours calls are calls that are made during the week, after business hours, when the Union Dispatch Hall is closed.
- (b) After-hours calls shall be made according to the order of the members position on the Registration Board in the required rating. The member with the lowest serially numbered registration card shall have priority (i.e. the member with the most senior registration card shall have priority).
- (c) Only members within a one hundred (100) kilometre radius from the Union Dispatch Hall making the call shall be eligible for after-hours calls.

#### **ARTICLE 6 - WEEKEND AND HOLIDAY CALLS**

- (a) On the day prior to a weekend or a holiday, a list shall be

established in each port for each rating, consisting of the names of members registered to ship who want to be called, should a job become available.

- (b) Such member must submit, in person at the Union Dispatch Hall, their name and telephone number to be placed on the list.
- (c) In the event of a job becoming available on a weekend or holiday, members on the list shall be called by telephone according to the order of the members position on the Registration Board in the required rating. The member with the lowest serially numbered registration card shall have priority (i.e. the member with the most senior registration card shall have priority).

## **ARTICLE 7 - OPEN CALLS**

Notwithstanding what is set out at Articles 3, 4, 5 and 6 of these shipping rules, a job may be posted as "Open Call" to avoid sailing short-handed. A job is subject to an "Open Call" when that job must be filled as quickly as possible during regular business hours. The Union official in charge of dispatching shall observe the following procedure with respect to "Open Calls":

- (a) the Union official shall provide ten (10) minutes notice of the "Open Call";
- (b) the Union official shall dispatch a member according to the order of the member's position on the Registration Board in the required rating, the member with the lowest serially numbered registration card having priority (i.e. the member with the most senior registration card shall have priority);
- (c) if there is no member available in the required rating, the Union official shall dispatch a member registered in any other rating, according to the earliest date of registration on the Registration Board, provided the member has the necessary qualifications; and
- (d) if the Union official does not succeed in dispatching a member for the "Open Call" using the procedures set out above, the Union official may then dispatch any member who is qualified, even if the member is not registered or an applicant who is available.

## **ARTICLE 8 - RELIEF**

- (a) Relief may be provided in the following circumstances:

- i) The minimum period of time for which a relief job shall be provided shall be thirty (30) days and the maximum period shall be seventy (70) days;
  - ii) Subject to illness or injury to himself or a member of his immediate family, that is, his spouse, brother, sister, children, parents, parents-in-law and grandparents, such medical relief may be granted for a minimum of fifteen (15) days provided there is a suitable qualified relief available and provided the leave is supported by the required documentation prior to the member's return.
  - iii) When a member is dispatched as a second relief, the minimum guarantee of thirty (30) days shall not apply;
  - iv) When a member doing a relief job leaves the vessel for reasons of illness or injury to themselves or to a member of their immediate family (as defined in the applicable collective agreement), and the member or such family member is hospitalized or under medical care, the member shall inform the Union and periodically update it on the situation. Upon the member's being able to resume work, the member has seven (7) days in which to report in person or advise the Union in writing, providing sufficient medical documentation to that effect. Advising the Union in writing shall be done either by fax or by registered mail. Upon verifying that all is in order, a Union official shall return the original registration card to the member.
- (b) After submitting a written request to the captain and/or chief engineer for a replacement, specifying the number of days to be taken off, the member must remain aboard the vessel until properly relieved by a Union member. Any member quitting before being properly relieved by a member shall not be entitled to reclaim the job under any circumstances and must wait thirty (30) days before re-registering.
- (c) Any member who is off the vessel on relief forfeits all rights to the job during this entire period and cannot register for a period of thirty (30) days from the time the intent to register is given to the Union official.
- (d) Any member who accepts a relief job pursuant to this Article must remain aboard the vessel for the duration of the time the relieved member is off. The member's original registration card shall be retained for up to a

maximum of seventy (70) days. Where a lay-day system applies, the relieving member's registration card is forfeited after fifteen (15) days of employment and said member must re-register to ship.

- (e) A Union official at the Union Dispatch Hall where the member is registered shall brief the member dispatched as relief with all available information relative to the relief job being called.
- (f) Unless otherwise provided for in the applicable collective agreement, the relieved member, when returning to the job, must pay the relieving member, in cash, for full transportation costs back to the Union Dispatch Hall where the relief was obtained, including airfare when more than four (4) hours are spent travelling. When more than eight (8) hours are spent travelling, the relieving member shall also be entitled to proper accommodations and meals at a rate equal to that stated in the collective agreement. If the relieved member refuses to pay in cash upon returning to the job, said member shall not be entitled to the job and the relieving member shall replace him permanently.
- (g) A relieved member returning from leave must so inform by telephone or in person the Union Dispatch Hall closest to the port where the job is located.
- (h) Any member dispatched to a relief job who does not complete the relief for reasons other than sickness, injury, unjust dismissal or other valid reason, shall forfeit their original registration card and must re-register.
- (i) Subject to the specific provisions in the applicable collective agreement, a relieving member may not transfer into another permanent job or temporary job, but may retain the job to which they were assigned permanently if the relieved member does not return.
- (j) Any member taking a job without having been dispatched by the Union must leave the job upon arrival of a member dispatched by the Union.
- (k) Subject to the specific provisions in the applicable collective agreement, any member returning to a job after being off on relief must advise the company office or the relieving member twenty-four (24) hours in advance. Where notice is not given, the relieved member shall pay one (1) day's basic wages to the relieving member upon boarding the vessel.
- (l) In order to retain their original registration card, after

finishing a relief job the member has seven (7) days in which to report to the Union Dispatch Hall from which the member was dispatched, in person or in writing, by registered mail or by fax, and providing the necessary documents to establish that the relief job was properly completed.

## **ARTICLE 9 - TEMPORARY JOBS**

- (a) When a temporary job is called, any registered member possessing the necessary qualifications may compete for the job.
- (b) Any member employed in shore maintenance shall not be allowed to sail on tow jobs (i.e. tugs, barges, scows, salvage vessels, etc.)
- (c) When employed as extra help or on a temporary job, a member shall forfeit the original registration card after seventy (70) days. Where the lay-day system applies, a member's registration card is forfeited after fifteen (15) days and said member must re-register.
- (d) No member taking a temporary job shall be allowed to take any other job unless dispatched through the Union Dispatch Hall.

## **ARTICLE 10 - MEETINGS**

- (a) All full-book and probationary members who are registered to ship must attend the regular quarterly meetings.
- (b) Any member having a valid reason may be excused from a regular quarterly meeting by submitting a request in writing or by fax to that effect to a Union official at the Union Dispatch Hall where the member is registered, at least four (4) hours before the meeting is called to order. The said request shall be brought before the Excuse Committee for action.
- (c) A member attending training courses recognized by the Union and for which such member has notified the Union, shall be automatically excused from the Union's regular quarterly meeting without having to submit a written excuse.
- (d) In accordance with this article, and as a consequence of not attending a regular quarterly meeting without being excused, a full-book or probationary member's registration card shall be forfeited and re-registration shall be necessary.

- (e) All full-book and probationary members must attend shipboard meetings.

**ARTICLE 11 - LIQUOR, ILLEGAL NARCOTICS  
AND GAMBLING**

No member in possession or under the influence of liquor or illegal narcotics shall be admitted to any Union Dispatch Hall or any property belonging to the Union, nor shall such member be permitted to report on board a vessel or to any employer's office. No liquor, illegal narcotics or gambling shall be permitted on any Union property.

**ARTICLE 12 - SEAFARERS' APPEAL  
AND REVIEW BOARD**

The Seafarers' Appeal and Review Board is established under the Constitution of the Seafarers' International Union of Canada. The Board shall hear and determine the following matters:

- (a) GRIEVANCES alleging that the Union has wrongfully acted in such a manner as to affect, to the detriment of the member:
- i) the member's ability to obtain or continue employment with employers with whom the Union has a collective agreement;
  - ii) the member's standing as a member of the Union.

Grievances must be submitted in writing to the arbitrator at the address indicated in notices posted at Headquarters and the various branches within thirty (30) days of the occurrence of the event giving rise to the grievance.

- (b) REVIEW of the decisions of Trial Committees of the Union within the delay provided for at Article XXVII, Section 3, of the Constitution, but only after the member has exhausted all the appeals and other remedies set out in the Constitution.

The address of the Seafarers' Appeal and Review Board is the following:

**HON. JOSEPH R. NUSS, Q.C.  
SEAFARERS' APPEAL AND REVIEW BOARD  
STATION H, P.O. BOX 664  
MONTREAL, QUEBEC  
H3G 2M6**

## **ARTICLE 13 - AMENDMENTS**

These National Shipping Rules may be amended by a majority vote of the membership.

In the event of any changes in Canadian laws, or in any case where the welfare of the Union is concerned, where immediate action is considered necessary, the Executive Board has the authority to alter or modify these shipping rules. However, any such amendments must be ratified by a majority vote of the membership at the next quarterly meeting.

The adoption of these National Shipping Rules by the membership shall have the effect of superseding and/or repealing all previous National Shipping Rules and all motions, resolutions and actions taken by the membership applying thereto.

## **ARTICLE 14 - TRANSITION CLAUSE**

It is the purpose and intent of this Article to provide for an orderly transition from the application of the National Shipping Rules in effect prior to the adoption of these shipping rules and the application of these shipping rules.

These shipping rules shall come into effect on the first day of July, two thousand and seven (July 1<sup>st</sup>, 2007). Without limiting the generality of the foregoing, all methods and means of registration, dispatch, calls, relief, and other procedures set out in these shipping rules shall come into effect on July 1<sup>st</sup>, 2007.

# Addresses

## **Headquarters**

Seafarers' International Union

200 - 1333 rue St-Jacques

Montreal, QC H3C 4K2

Tel.: (514) 931-7859

Fax: (514) 931-3667

## **Records Department**

9300 Henri-Bourassa Ouest, Suite 280

Montreal, QC, H4S 1L5

Tel.: (514) 931-7859

Fax: (514) 931-3667

## **Newfoundland**

1601 Station C

St. Johns'

NFLD,

A1C 5P3

## **Quebec**

207 - 1009 Route de l'Église

Quebec, QC G1V 3V8

Tel.: (418) 529-6801

Fax: (418) 529-3024

## **Thorold (Great Lakes)**

70 St.David S. East

Thorold, ON L2V 4V4

Tel.: (905) 227-5212

FaX: (905) 227-0130

## **Vancouver**

Unit 201 - 267 West Esplanade

North Vancouver, B.C. V7M 1A5

Tel.: (604) 687-6699

Fax: (604) 687-6897