

*Although work performed on a fishing vessel is excluded from the scope of the **Act Respecting Industrial Accidents and the Occupational Health and Safety Act**, the master owner has obligations towards the members of crew he hires as employees and the latter towards him and the other members of the crew.*

So there is indeed an employer-employee relationship on the boat where everyone has rights and obligations.

What are the employer's obligations in the context of managing the COVID-19 pandemic?

Needless to say, laws and regulations and government directives must be followed.

The employer must take the necessary measures to protect the health, safety and physical well-being of his worker. He has a duty of due diligence.

Due diligence can be defined according to the following three duties:

Duty of foresight: the development of concrete preventive measures combined with clear and appropriate directives communicated to crew members by effective means of communication: The directives must be known and understood by the crew members

Duty of efficiency: demonstrate the monitoring carried out on the boat in order to ensure that effective and concrete measures are put in place to eliminate or, in the case of this pandemic, to control the risks to the health of the crew

Duty of Authority: Exercise your authority firmly in cases of non-compliance with the procedures established due to COVID-19, it is your responsibility and you will be accused of any tolerance or passivity. So Firmness in cases of non-compliance with procedures!

It should also be remembered that section 217.1 of the *Criminal Code of Canada* states that "it is the responsibility of anyone who directs or is empowered to perform or perform a task prevent the resulting bodily injury to others."

What are the employee's obligations?

1. Find out about the preventive measures applicable to it;
2. Take the necessary measures to protect his health, safety or physical well-being;
3. Take care not to endanger the health, safety or physical well-being of other persons on or near the boat;
4. Submit to the health examinations required for the application of preventive measures;
5. Participate in the identification and elimination of the risks of contamination on the boat;

The only real way to make sure that a crew member does not represent a source of contamination for other crew members is to perform total preventive isolation (without spouse or child) or to isolate oneself with all the crew members with whom he will leave for 14 days.

Consequently, failing each of the crew members to carry out such preventive isolation, preventive measures must therefore be applied on the boat in the same way as elsewhere, with the necessary adaptations.

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As the requirement in relation to the physical distance of 2 meters (6 feet) is impracticable, preventive measures which may include Personal Protective Equipment must therefore be put in place by the employer.

As the skipper/owner is the employer, it is therefore the latter's responsibility to assume all of the responsibilities in this regard. The master must therefore assess the risk and establish safety procedures. But above all to **show the example**, as by small gestures: washing your hands with soap and water for at least 20 seconds or use an alcohol- based hand sanitizer (minimum content of 70% alcohol) very often, sneezing in your elbow, staying away from people, etc.