

RIGHT OF REFUSAL

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Dive operators and professionals often think that medical or certification concerns are the only ways they can deny someone from training or diving with them. This is not the case. You can refuse service if the decision is based on sound, consistent and safety-related reasons.

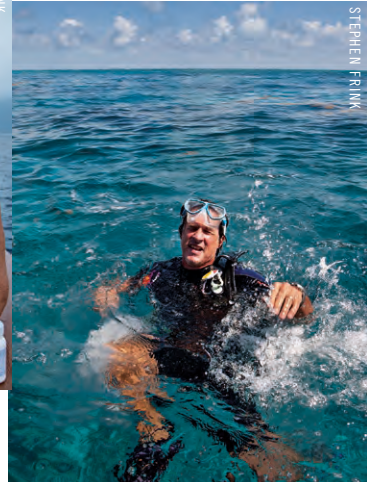
You may decline to take people diving if you believe they will expose you, other clients or your staff to risks that cannot be suitably mitigated. This refusal can apply before the client registers or upon reporting to the boat, reaching the dive site or at any stage of the dive operation.

Use the following considerations as good practice to make consistent and appropriate decisions to refuse a client

- who is clearly unfit to dive, exhibits breathlessness or is beyond your ability to manage them if in medical distress
- who is unable to manage gear or is out of breath when performing basic functions
- who is under the influence of alcohol, drugs or other stimulants
- who is medically unfit to dive (Require clearance from a dive medicine physician for preexisting conditions, or use a systematic instrument such as the Recreational Scuba Training Council medical statement for all clients. In extreme circumstances you can still refuse service even if the diver has a medical fitness-to-dive certificate.)
- who has physical infirmity due to advanced age
- who has a medical condition such as a cold, congestion, difficulty breathing, lack of balance, confusion, physical injuries or other issues that may jeopardize the client's health and safety
- who exhibits behavior such as aggression, recklessness, not following briefings or refusing instructions from the dive professional or the boat captain
- who has inadequate certification, experience levels or apparent competence for the dives you will be doing
- whose in-water skills show a lack of ability to undertake a specific dive activity
- who has difficulty following the safety requirements
- who has a disability that precludes your ability to safely manage them or that you cannot reasonably accommodate



Dive professionals can decline to provide service to clients who may expose the business, their staff, other divers or themselves to risk.



- who lacks knowledge of the equipment, especially on a demanding dive
- who has dive equipment that is clearly compromised or damaged

Another reason to refuse service is if the weather, current, forecast or other external conditions might affect everyone's safety.

None of these scenarios reduces the requirement for you to be properly trained and equipped to support the intended dive activities, including the ability to administer first aid or the provision of additional support staff or safety equipment needed to manage specific diving operations.

Post a clear, concise policy that includes the scope of your services in a visible place in your shop and on your website. Include in your promotional materials a brief statement such as the following: *Please note that we reserve the right to refuse to take someone diving or to stop a dive in progress if we deem there could be a danger to anyone's safety.*

While much of these decisions are common sense, it is critical to ensure that your policies and conduct are consistent with any local, state or federal laws, including the Americans with Disabilities Act if it applies to you. Consider obtaining legal advice from a business lawyer well-versed in the various laws and regulations that might apply.

The possibility of a citation or lawsuit always exists, however, even with a clear policy in place. To best protect yourself and your business, canceling a dive or refusing service to a diver must be consistent with your stated policy, be absent of any prejudice or personal influence and based on one reason: safety. **AD**