

Right of Refusal Template

When you become a PADI Pro the training you receive includes learning how to deny service to divers who are ill-prepared or unfit to dive.

Of course, refusing to accept a paying customer is not an easy decision for any professional to make.

Plus, enforcing the "right-to-deny" policy might also cause outrage with some clients - as well as the owner of the business.

Even so, it's important for dive professionals to stand by the rights and obligations meant for this type of challenging situation.

Furthermore, it is wrong to think that scuba diving contraindications, or certification issues, are the only reasons that you should be denying training. In fact, nothing could be further from the truth!

By and large, the right of refusal in scuba diving is a decision based around solid and consistent grounds for safety and as part of risk management policies.

This part is important:

Dive professionals can choose not to take people diving if they believe they will be exposing others to unmitigated risk. The denial can occur (any):

- Before clients register.
- After reaching the dive site or while they are reporting to the boat.
- At any other stage of scheduled dive activities.

For that reason, your right of refusal for scuba diving activities should be clear and concise. It should be visible at the dive shop and on the company website. A good example of a brief statement could be:

We, the staff of XYZ dive centre reserve the right to refuse anyone from any or all in-water activities should we consider it as being in the best interest of our staff, that particular person, and any other individuals affected.

We may also refuse to take someone diving altogether or cancel a dive in progress if we believe that it may cause a danger to others - or to themselves.

Pro Tip: Another section contains extra tips for new dive center owners with expert advice for avoiding failure in a brand new diving enterprise.

Be Consistent and make Appropriate Decisions

Either the business owner or an individual dive professional (e.g. Divemeaster, Instructor) is ultimately responsible for the safety and welfare of divers engaged in recreational scuba diving activities.

As such, you should consider any of the following scenarios as being appropriate grounds for refusing service to a client. The right to deny scuba policy addresses divers who:

- Is under the influence of alcohol, drugs, other stimulants, unfit to dive, exhibiting breathlessness, or beyond your ability to manage their situation in medical distress.
- Is incapable of managing the dive gear in a proper manner or shows signs of breathlessness when performing basic scuba functions.
- Fails to get the required clearance from a dive medicine physician for preexisting conditions or fails to use a systematic instrument (e.g. the Recreational Scuba Training Council medical statement). If the circumstances are extreme, you can still refuse service to someone who already has a certificate that validates their medical fitness to dive.
- Has some physical infirmity (e.g. due to advanced old age).
- Has a medical condition, including:
 - A cold
 - Confusion
 - Congestion
 - Difficulty breathing
 - Lack of balance
 - Physical injuries
- Other issues that might jeopardise their own health and safety.
- Displays aggressive or reckless behaviour, fails to follow dive briefings or safety requirements, or refuses to follow instructions given by a dive professional or the boat captain.
- Does not have adequate certification, experience level, or an apparent incompetence for the type of diving scheduled for the client.
- Fails to use in-water skills required for undertaking a specific kind of scuba diving activity.
- Has a physical or mental disability that makes it difficult or impossible for you to safely manage them (e.g. if you are unable to employ reasonable accommodative techniques).
- Lacks sufficient knowledge of the equipment (e.g. on a demanding dive) or has damaged dive equipment or gear that has been compromised.

Pro Tip: During boat dives, the skipper or the boat captain has the final say! Typical reasons would be adverse weather conditions or strong water currents.

In Conclusion

All diving professionals should have the necessary training and equipment to conduct the activities as intended, including the ability to administer first aid treatments for injured divers.

It's fair to say that using common sense addresses many of the decisions faced by dive staff and boat crew. But, you should also ensure that your conduct and withholding policies are consistent with local laws.

Important: Learning how to make money scuba diving is only one of the steps for running a successful enterprise. You may also need to obtain legal advice from someone who is knowledgeable in the various laws and regulations.