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Seafarers' medical certificates

When the *Canada Shipping Act, 2001* (CSA 2001) received Royal Assent, a regulatory reform was launched to develop the supporting regulations required for the Act to take effect. These changes have had significant repercussions for marine personnel, notably in terms of seafarers' medical certificates.

In this fourth regulatory column, I propose an overview of Part 2, Division 8 of the *Marine Personnel Regulations* (MPR), which discusses seafarers' medical examinations and the solutions proposed by Transport Canada managers.

Obligation to hold a medical certificate

All certificated personnel and personnel working aboard a vessel of at least 200 gross tonnage, engaged in a commercial operation and on an unlimited voyage or a near coastal voyage, Class 1 (ss. 200 (7) and 269 MPR) must hold a valid permanent or provisional medical certificate.

Any seafarer whose medical certificate has expired and who is not in compliance with the Regulations could be subject to an administrative monetary penalty of \$1250 to \$5000.

Exceptions

Among others, the following are exempt from this requirement:

- Master, Limited, vessel of under 60 gross tonnage, not passenger-carrying;
- Chief Mate, Limited, vessel of under 60 gross tonnage;
- Small Vessel Machinery Operator;
- Non-certificated personnel working aboard a vessel on a near coastal voyage, Class 2 or in sheltered waters.

Also, a recent Transport Canada policy exempts holders of a Proficiency in Survival Craft and Rescue Boats other than Fast Rescue Boats, Certificate and Endorsement, with limitations, from having to hold a medical certificate.

Process for obtaining a medical certificate

Under CSA 2001, all Canadian maritime documents must be issued by the Canadian Minister of Transport. This is why, since the regulatory reform, the process is divided into two parts: 1) a provisional certificate is issued by a medical examiner and 2) a permanent certificate is issued by the Minister.

Before applying for a medical examination, it is important to have the Candidate Document Number (CDN) that Transport Canada assigns when opening a new seafarer's file. From now on, the CDN must be indicated on the provisional medical certificate to facilitate its processing and issuance of the permanent medical certificate.

Seafarers must contact a medical examiner authorized by Transport Canada for a medical examination. The list of *Marine Medical Examiners* is available on the Transport Canada website: www.tc.gc.ca.

In the examination, the seafarer will be evaluated according to the medical standards published by the International Labour Organization and World Health Organization entitled *Guidelines for conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers* and the requirements of s. 270 of the MPR.

After the medical examination, the marine medical examiner issues either a provisional medical certificate with no limitations, valid six (6) months or a provisional medical certificate with limitations, valid six (6) months or a provisional letter certifying the medical examiner's refusal to issue a provisional medical certificate and indicating the reasons why the seafarer is considered unfit for sea service.

The seafarer's employer or prospective employer may contest the medical examination's results, should it be considered unsatisfactory, by submitting a memorandum to the Minister.

Medical certificate issued by the Minister

After reviewing the seafarer's entire file, the Minister issues a certificate stating that the seafarer is fit for sea service, with or without limitations, or a letter refusing to issue a medical certificate and indicating the reasons why he considers the seafarer unfit for sea service and that he refuses to issue this Canadian maritime document.

The medical certificate, with or without limitations, is valid for a period of up to two (2) years after the date of issue unless the seafarer is under age 18, in which case, it is valid one (1) year.

Problems and solutions

The regulatory reform generated an additional administrative step in the seafarers' medical certificate issuance process. Transport Canada managers admit this new step needs adjustment to meet demand within a reasonable amount of time. To avoid having seafarers with expired medical certificates, they are asking shipping companies to send the Marine Safety of Transport Canada the list of their employees with provisional certification expiring within two (2) months so that these files can be given priority processing.

The Regulations also allow seafarers to renew their provisional medical certificate medical by re-applying for a medical examination. However, they must pay for any examination or medical tests they undergo.