



SHIP SAFETY BULLETIN

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Subject: Measures to Mitigate the Spread of COVID-19 on Canadian Vessels and Foreign Passenger Vessels Operating in Canadian Waters

Purpose

The purpose of this bulletin is to outline requirements for Authorized Representatives, crew, and other persons, aside from passengers, on board vessels subject to [Interim Order No.7 Respecting Passenger Vessel Restrictions Due to the Coronavirus Disease 2019 \(COVID-19\)](#).

Scope

This bulletin applies to the Authorized Representative of any Canadian vessels that meet one of the following criteria, or belongs to a fleet of vessels where at least one vessel meets the following criteria:

- A vessel, operating anywhere, that operates with 12 or more crew on board, including ferry vessels and passenger vessels that provide essential services (see the Schedule of Interim Order No.7 for further details); or
- A passenger vessel, operating anywhere, on voyages of 24 hours or more, excluding ferry vessels and passenger vessels that provides essential services.

This bulletin also applies to:

- the Authorized Representative of a foreign passenger vessel on a voyage of 24 hours or more, operating in Canadian waters, excluding a passenger vessel that provides essential services or ferry vessels; and
- persons, other than passengers boarding such vessels, and to marine Pilots boarding any vessel in Canadian waters.

Requirements in Interim Order No. 7 do not apply to:

Keywords:

1. Coronavirus
2. Passenger
3. Vaccination

Questions concerning this Bulletin should be addressed to:

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- pleasure craft;
- foreign vessels exercising right of innocent passage; and
- vessels providing emergency rescue to vessels in distress are all excluded from these requirements.

Background

The COVID-19 pandemic has had a devastating impact on Canada's transportation sector, and while public health measures, including social distancing and masking, have been critical to combatting the spread of the virus, COVID-19 and its variants continue to pose a significant public health risk to Canadians. Vaccination is one of the most effective tools available to reduce the risk of COVID-19 for Canadians and to prevent future outbreaks. As such, vaccination requirements in the marine sector are needed to maintain the safe operation of marine vessels to the greatest extent possible, while not interfering with the essential movement of goods and people.

Requirements

Key Vaccination Dates

In order to meet the requirements of Interim Order No. 7, the Authorized Representative of vessels subject to the order will need to ensure that, prior to boarding the vessel, crew and other non-passengers such as Marine Pilots, have met the following milestones:

- **Starting November 15, 2021:** All persons, aside from passengers, who wish to board a vessel will be required to have evidence demonstrating that they received their first dose of a COVID-19 vaccine.
- **Starting January 24, 2022:** All persons, aside from passengers, who wish to board a vessel will be required to have evidence demonstrating that they received the recommended number of doses, or the acceptable combination of doses of a COVID-19 vaccine, at least 14 days prior to boarding.

Passenger Vessels that Provide Essential Services and Ferry Vessels

Passenger vessels that provide essential services or ferry vessels will, in addition, continue to be required to either reduce passenger capacity by 50% **OR** implement alternative practices to reduce the spread of COVID-19, as outlined in [Ship Safety Bulletin No.: 12/2020 Measures to mitigate the spread of COVID-19 on passenger vessels and ferries](#).

Testing Requirements

As of November 15, 2021, those that are not yet fully vaccinated because they have only received their first dose or provided evidence that they are unable to be vaccinated for medical contraindication or sincerely held religious beliefs, will be required to provide the following test results to the Authorized Representative, prior to boarding the vessel:

- A negative COVID-19 test result that was performed no more than 72 hours prior to the person boarding the vessel; or
- A positive COVID-19 test result that was performed at least 14 days, but no more than 180 days, prior to boarding the vessel.

Those persons seeking to board the vessel, other than passengers or pilots who receive a positive result for a COVID-19 test must not board the vessel for a period of 14 days after the day on which the specimen on which the test was performed was collected unless they receive a negative result from a COVID-19 molecular test that was performed on a specimen collected from the person no more than 72 hours before the person boards the vessel.

For voyages of 6 days or more, any persons on board the vessel who are not fully vaccinated, and who have a negative test result for a COVID-19 test that was performed on a specimen collected from the person no more than 72 hours before the person boards the vessel will be required to be tested every 3 days.

Unable to Board

Starting November 15, 2021, individuals who are not fully vaccinated and who have not provided one of the required test results will not be allowed to board a vessel subject to Interim Order No. 7.

Vaccination Policy

Authorized Representatives of Canadian vessels subject to Interim Order No. 7 will be required to implement vaccination policies for crew and other non-passengers on board all vessels in their fleet. The vaccination policy must include details concerning:

- Responsibilities of the Authorized Representative to ensure the appropriate vaccination of crew and other persons, aside from a passenger, before boarding a vessel.
- Measures taken to ensure compliance with local public health guidelines to prevent the spread of COVID-19.
- Processes for verifying evidence that individuals are unable to receive a vaccine due to medical contraindication or sincerely held religious beliefs.
- Testing requirements for crew who are not fully vaccinated.
- Measures to maintain physical distancing between persons who work on board the vessel and persons employed by the authorized representative who are not fully vaccinated.
- Measures to ensure the safety of crew should an individual test positive for COVID-19 while a vessel is in transit.
- Procedures for collecting information on workplace interactions between persons who work on board a vessel or cruise ship and other persons employed by the authorized representative who are unvaccinated or have an unknown vaccination status.

Following the implementation of the vaccination policy, Authorized Representatives must ensure the following are kept onboard the vessel:

- a copy of the vaccination policy
- records demonstrating that all persons, aside from passengers, on board have familiarized themselves with the vaccination policy

The Authorized Representative must also maintain and kept on board records collected under their vaccination policy and procedures, such as:

- Records demonstrating that all persons, aside from passengers, on board the vessel are in compliance with the vaccination policy.
- Records demonstrating that all persons, aside from passengers, onboard the vessel have evidence their vaccination status and/or the results of a COVID-19 test.
- Records of evidence provided by a person who is subject to the policy who has not completed a COVID-19 vaccine dosage regimen due to a medical contraindication or their sincerely held religious belief.
- Records of information collected with respect to an in-person interaction in the workplace between a person who works on board the vessel or cruise ship and a person employed by the authorized representative who is unvaccinated or whose vaccination status is unknown.

All documents and implementation information referred above for the policy must be made available to the Minister on request.

As a basic guideline for administering vaccination policies, Authorized Representatives are encouraged to refer to the [Treasury Board Framework](#) for the Implementation of the Policy on COVID-19 Vaccination for the Core Public Administration.

Exceptions

As part of their vaccination policy Authorized Representatives must include a review process for evidence from employees who are unable to be vaccinated for medical contraindication or sincerely held religious beliefs. Template forms that can be used by individuals seeking to provide evidence of this are available at the link [Guidance for marine industry](#).

Authorized Representatives are encouraged to consult the Duty to accommodate section of the [Treasury Board Framework](#) when developing their policies around medical and religious exceptions. Additional guidance on developing this section can be found below.

Reporting

Confirmation

Authorized Representatives of Canadian vessels subject to the Interim Order are required to confirm to Transport Canada as of **November 1 until November 15, 2021**, that a vaccination policy has been implemented. Confirmation must be submitted through this online tool:

[Reporting on the Federal COVID-19 Vaccination Mandate](#) which was shared via email from the CMAC Secretariat on October 30, 2021.

Please note this link works with the following web applications: Google Chrome, Firefox and Internet Explorer.

Reports

Authorized Representatives of Canadian vessels subject to the Interim Order will be required to submit periodical reports to Transport Canada via a web application that will be shared with Authorized Representatives in the upcoming week detailing the implementation of their vaccination policy. The first reports are due to Transport Canada on **November 15, 2021**.

Authorized Representatives who apply vaccination requirements only to persons on board vessels subject to the Interim Order must submit their reports to Transport Canada on a **weekly basis**. The reports must contain the following information:

- The name of the vessels, including cruise ships, which are the subject of the report.
- The number of persons employed by the Authorized Representative.
- The number of employed persons who are fully, partially, and not vaccinated.
- The number of these persons who received an exemption from the Interim Order's vaccination requirements, the type of exemption (medical contraindication or sincerely held religious belief), and a record confirming they provided evidence confirming their eligibility for the exemption.
- The number of persons employed by the Authorized Representative who are unable to work because of COVID-19.
- The number of persons employed by the Authorized Representative whose responsibilities require them to be on board a vessel subject to the Interim Order, and the number among these persons who are fully, partially, and not vaccinated.
- The number of persons employed by the Authorized Representative whose responsibilities require them to be on board a vessel subject to the Interim Order who received an exemption from the Interim Order's vaccination requirements, and the mitigation measures implemented in respect of these persons.
- The number of persons who are scheduled to be on board a vessel subject to the Interim Order, but are not permitted on board due to not meeting the Interim Order's vaccination requirements.
- The number of instances where information was collected in respect of a workplace interaction between crew and other employees who are unvaccinated or whose vaccination status is unknown to support contact-tracing.

Authorized Representatives who apply vaccination requirements to all employees within their organization only need to report to Transport Canada on a **monthly basis**, with reduced reporting requirements, namely:

- The name of the vessels, including cruise ships, which are the subject of the report.
- The number of persons employed by the Authorized Representative.
- The number of employed persons who are fully, partially, and not vaccinated.

- The number of these persons who received an exemption from the Interim Order's vaccination requirements, the type of exemption (medical contraindication or sincerely held religious belief), and a record confirming they provided evidence confirming their eligibility for the exemption.

Foreign Passenger Vessels

Foreign passenger vessels operating in Canadian waters, on voyages of 24 hours or more will be required to provide the Minister 60 days' notice prior to the date in which they arrive in Canadian waters.

Failure to Comply

An Authorized Representative of a vessel subject to the Interim Order who operates their vessel without verifying the vaccination status of their employees, without attesting to having an acceptable vaccination policy in place, or without providing Transport Canada with weekly or monthly reports as the case may be, will be in violation of the Interim Order. Any such Authorized Representative could then be subject to Administrative Monetary Penalties up to \$250,000 per day under the *Canada Shipping Act, 2001*.

Guidance for verifying Medical and Religious Exceptions from Vaccination Requirements

Due to the complex nature of implementing vaccination policies with respect to the obligations Authorized Representatives may have under the *Canadian Human Rights Act* or other applicable legislation, Transport Canada will work closely with Authorized Representatives to promote effective implementation.

Exceptions for Medical Reasons

When developing a process for verifying exceptions from vaccination requirements in their vaccination policies, Authorized Representatives should stay abreast of [guidance](#) from the National Advisory Committee on Immunization (NACI).

At present exceptions from vaccination requirements for medical reasons should be considered in certain conditions, namely if the individual:

- 1) Has a medical contraindication to full vaccination against COVID-19 with mRNA vaccine (Pfizer-BioNTech or Moderna vaccines) based on recommendation of the NACI and whether the condition is permanent or time limited and in effect until a certain date:
 - History of anaphylaxis after previous administration of an mRNA COVID-19 vaccine

- Confirmed allergy to polyethylene glycol (PEG) which is found in the Pfizer-BioNTech and Moderna COVID-19 vaccines (Note that if the patient is allergic to tromethamine which is found in Moderna, they can receive the Pfizer-BioNTech product)
- 2) Has a medical reason for delay of full vaccination against COVID-19 as described by the NACI and how long that reason is in effect:
 - A History of myocarditis/pericarditis following the first dose of an mRNA vaccine
 - Due to an immunocompromising condition or medication, waiting to vaccinate when immune response can be maximized (i.e., waiting to vaccinate when immunocompromised state / medication is lower)
 - 3) Has a medical reason precluding full vaccination against COVID-19 not covered above, a description of the reason, and whether that reason is permanent or time-limited and in effect until a certain date.

Exceptions for Religious Reasons

Authorized Representatives should be verifying exceptions from vaccination requirements for sincerely held religious beliefs on a case-by-case basis. Authorized Representatives should consider the information provided by the employee to substantiate the exception, and ensure it clearly demonstrates the following three elements:

- 1) The belief is religious in nature
 - Religion typically involves a particular and comprehensive system of faith and worship as well as the belief in a divine, superhuman or controlling power (e.g., “I don’t believe in vaccination” would not in itself be a reason).
 - It does not apply to beliefs, convictions or practices that are secular, socially based or only conscientiously held; nor does it protect false empirical beliefs about the development, the contents, effects, or purpose of the vaccines.

Note: it is not necessary for the employee to prove that the religious belief is objectively recognized as valid by other members of the same religion or that it is required by official religious dogma or is in conformity with the position of religious officials (e.g., confirmation by a priest, rabbi, imam or other spiritual leader).

- 2) The belief prevents full vaccination
 - The information provided by the employee must demonstrate how the religious belief prevents vaccination.
 - It is not sufficient for the employee to say they have a certain religious belief and they cannot be vaccinated. They must explain how vaccination would conflict with their religious belief in a way that is not trivial or insubstantial (i.e., being vaccinated conflicts with the employee’s genuine connection with the divine).

- 3) The belief is sincerely held
- If the employee provides a sworn affidavit, this can be a sign of the sincerity of the belief since this becomes a record with legal standing. The seriousness with which an affidavit is sworn before a Commissioner of Oaths is a safeguard of the accuracy of the information contained within.
 - If the employee does not provide a sworn affidavit, but provides information in another format, this should be considered.
 - Factors that indicate whether the belief is sincere could include: the overall credibility of the employee's statement as well as the consistency of the belief with the employee's other current religious practices (it is, however, inappropriate to rigorously focus on past religious practices since these can evolve over time).

Privacy Considerations – Transport Canada Policies on Vaccination Mandates in the Transportation Sector

Companies/Operators must ensure that personal information is only created, collected, retained, used, disclosed, and disposed of in a manner that respects the provisions set out in applicable Canadian privacy legislation and other applicable legislation. As such, companies/operators should consider privacy issue at the earliest opportunity and implement best privacy practices in order to properly protect the personal information that will be processed.

Please note that the privacy tips below are provided solely as general privacy considerations and do not constitute legal advice. For specific advice on compliance with applicable privacy laws, please contact your legal counsel, privacy professional and/or consult with the applicable Privacy Commissioner.

Privacy considerations:

- Document a defined purpose and authority for the collection and use of this personal information.
- Be transparent with employees and persons other than passengers on board the vessel and inform them about the reasons for collection, use, disclosure (including but not limited to the disclosure to Transport Canada), retention and disposal of their personal information and the consequences for not providing the requested personal information, through a concise, transparent, intelligible and easily accessible Privacy Notice Statement (“PNS”), as required under applicable Canadian privacy legislation.
 - Employees and persons other than passengers on board the vessel should also be informed and provided with a contact to request access to, and correction of, any personal information available or to make an inquiry or complaint about the handling of their personal information, including the contact for the Privacy Commissioner of the relevant jurisdiction and accountable individual who can respond to questions and concerns regarding the vaccine requirements.
 - Provide a link to your vaccination policies for employees and persons other than passengers on board the vessel, as applicable.

- The necessity, effectiveness, proportionality and data minimization principles should be applied so that the least amount of personal information is collected, used or disclosed, for example: unnecessary data fields within a form.
- Data related to vaccination status of employees and persons other than passengers on board the vessel is only used for the purposes it was collected for, retained for a specific period of time and can only be accessed on a need to know basis.
- All company/operator personnel handling personal information, including managers, are aware of their responsibilities and adhere to applicable Canadian privacy legislation and other applicable legislation.
- Consider conducting a Privacy Impact Assessment or other meaningful privacy analyses.
- Privacy breach plans and procedures are up to date.
- Personal information is appropriately protected against unauthorized access and that technical, physical and administrative safeguards are put in place and are appropriate given the sensitivity of the personal information to be collected, used or disclosed through the requirement.

Relevant Links:

- Joint Statement issued by the Privacy Commissioner of Canada and his Provincial and Territorial counterparts in May 2021 on [Privacy and COVID-19 Vaccine Passports](#) (The Statement).
- [Provincial and territorial privacy laws and oversight](#): List of the provincial and territorial privacy laws as well as the privacy commissioner offices responsible for their enforcement issued by the Office of the Privacy Commissioner of Canada.