

Correspondence from Stakeholders on the MPR Discussion Document

Stakeholder	Issues Raised by Stakeholders
Ship owner / Operator	Is it correct to say that a 294 ton vessel that is 23.9 meters will require a master less than 24 Meters irrespective of tonnage?
Seafarer Union	<p><u>Division 1 Subpart 2 – minimum Safe manning document – Canadian Vessels</u> It is proposed that division 1 Subpart 2 (3) to make all Minimum Safe Manning (MSM) Applications publicly available for stakeholder comment, limited to issues of operational, public and environmental safety, prior to the evaluation of application.</p> <p><u>Division 1 Subpart 2 – Regulation 14 of Chapter V of SOLAS Engineering Department (Canadian Vessels)</u> Passenger ships above 1499KW and below 2000 KW are of significant size and present the various unique challenges of carrying large volumes of passenger, vehicle, and cargo. We do not believe the Small Vessel Machinery Operator (SVMO) is appropriate for passenger vessels in this power range, thus we propose the elimination of the SVMO certification, in line with STCW. [Questions regarding the SMVO were raised by 4 additional pieces of correspondence]</p>
Seafarer Union	Limiting approved sea time for Bridge Watch Ratings to water other than sheltered water poses a problem. Given the latitude provided in STCW Convention Section A-II4, it is recommended the accrual of bridge watch sea time for sheltered water continue, as discussed in the consultation on the 19 th of November 2018
Seafarer (Engineer)	<p>Is not in favour of placing new IMO engineering requirements into an already burdensome process. This has produced many barriers that have restricted new entrants and upgrading, leading to untenable situation in the marine industry in Canada.</p> <p>I would like to see the draft TP 2293 at the earliest opportunity. [A request for an early look at TP293 has been made in 2 other pieces of correspondence]</p> <p>I implore you to limit numerous exceptions for certain “squeaky wheels” and ask for uniformity across all marine markets in Canada.</p> <p>Concerned with the recognition of Certificate of Competency issued by non-Canadian sources: there was considerable discussion on this topic at the recent consultation session as attendees recognize this to be a slippery slope. I understand that section 212 (dispensation) is only to be taken in extremely rare circumstances. I am, however, concerned that this may be misinterpreted in the future and poorly applied.</p> <p>The objective of Division 7 – recognizing certificates issued by Canadian Coast Guard and Department of National Defense requires clarity.</p> <p>Clear language is required regarding the recognition of sea time</p> <p>Section 201 – Alcohol prohibition. I suggest that no alcohol consumption for 4 hr (section a) prior to watchkeeping duties, is tenebrous at best. I believe the standards of impairment are clearly defined and should suffice. [The issue of alcohol was raised in one other piece of correspondence]</p> <p>Section 309 – I understand that Canada has two official languages but to require the Bargaining Agreement be supplied in both official languages to unrealistic in the Canadian workplace from my experience. I realize this applies to a very small amount of ships, but seems onerous.</p>

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Recognized Institution	<ul style="list-style-type: none"> - Is this proposal a complete replacement of Parts 1, 2 and 3 of the Regulations - The standard for TP 4958 has now changed at least 4 time, but schools must develop courses that will have to be revised again once the final version of the TP is established. This places a burden on schools that is unnecessary, but also must be accounted for in the cost-benefit analysis. - It would be useful to see the cost benefit analysis prior to publication in <i>Canada Gazette</i>, Part I. I believe there may be costs that TC is not aware of—mostly applying to small vessels. - The term “length” is not defined in the consultation document. Does that mean that the definitions from the current regulations will form part of the new regulation? Also, the conversion of tonnage to length raises other issues. For instance, a person holding a 150 GT Domestic certificate who operated a 149 GT vessel, might run into problems if the vessel was more than 24 metres in length. - The <i>Marine Personnel Regulations</i> have a problem when referring to the STCW Code. By specifying the actual Part and Regulation numbers, the Regulations are pointing at a moving target. - There is no definition of the term Domestic in either the draft or in the existing regulations.
Ship owner / Operator	<p>Under the proposed regulations there would only be 24 months sea time and one exam standing between graduates of a 3.5 marine engineering diploma program and a chief engineer license. This is not enough time to obtain the experience and in some cases maturity required to be responsible for the machinery and technical staff onboard a large, powerful, seagoing vessel.</p>
Seafarer Engineer	<p>The proposed changes are not based on any risk analysis, but a rather quick attempt to bring Canada’s manning and certification requirements <u>down</u> to reflect STCW requirements. For example:</p> <ul style="list-style-type: none"> - Under the present Marine Personnel Regulations (MPR,) and specifically Part 2 of the MPR, passenger vessels have a different requirement for engineering certification than do cargo vessels. This has been in place for years and recognises the risks associated with carrying passengers. - The new proposed regulations lump cargo vessels, passenger vessels and tugs together and don’t appear to appreciate the different risks associated with carrying passengers. - The proposed regulations indicate that any vessel (cargo or passenger) that has a propulsion power of less than 750kW doesn’t need a certificated engineer. While this reflects present cargo vessels requirements under the MPR, it moves the cut off for carrying a certificated engineer from 75kW to 750kW for passenger vessels. <p>The references to STCW and specific STCW regulations included on certificates doesn’t reflect Canadian domestic operation. My suggestion is to retain the present certificate names and continue to place STCW endorsements on Canadian certificates – indicating clearly the STCW validity of the certificate.</p> <p>The proposed regulations for this certificate require, that only sea time on vessels over 750 kW can be counted towards the Officer of the Watch (OOW). This requirement is <u>not</u> a requirement of the STCW convention, nor do administrations generally require the full 36 months to be on vessels over 750kW.</p> <p>If this requirement remains in place, large numbers of prospective engineers will never be able to obtain the OOW certificate. The UK only asks for either 6 or 9 months (depending on the candidates experience/training) out of the 36 months to be on vessels over 750kW and allows the rest to be gained on vessels over 350kW.</p> <p>Given that Canada still appears to require Engine Room Simulation Training (Management and Operational levels) which is far in excess of the STCW.....we should continue to make the most of this....reducing sea time to compensate (STCW Article IX Equivalent allows this).</p>

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Shipowner / Ship Operator	Could TC further extend the boundaries of the west coast domestic limits for domestic waters.
Shipowner / Ship Operator	What will happen to the 3000 ton Domestic license NC 2 limited to a minor waters voyage license (Old Master Minor Water's license)? Will it be an exchange or a renewal?
Seafarer	<p>I believe that in an industry that is facing unprecedented personnel shortages we should be encouraging women to explore a career in the marine industry and develop their marine careers. As we go forward with the new <i>Marine Personnel Regulations</i> it is important to ensure that the rewritten regulations do not discourage or place roadblocks for women in the industry.</p> <p>Transport Canada is wanting to change regulations so that the 90 days in one year will no longer apply. Now an officer will need 90 days in the 6 months before their certificate expires or 360 days in 5 years. If a woman chooses to have 2 children in a 5-year period and cannot sail for a period of the pregnancy plus takes 1 year of maternity leave with each birth (Canadian government standard) getting 360 days while working on the coast will be difficult.</p>
Shipowner / Ship Operator	<p>The International Maritime Organization (IMO) designated an Area to be Avoided (ATBA) on the Olympic Coast of Washington States, which applies to ships and barges that carry oil in bulk, as well as all ships over 400GT. This boundary is 25 nm offshore, which means that a vessel transiting south on a Near Coastal 2 (NC2) voyage from Cape Flattery must dip into an Near Coastal Class 1 (NC1) voyage to observe the ATBA, and although compliance with the ATBA is "voluntary", vessels are monitored by Vessel Traffic Services (VTS) who notify USCG if they go inside the boundary.</p> <p>Is it possible, to include an amendment in the MPR domestic voyage limits on the Pacific Coast to accommodate compliance with the ATBA and remain within a NC2 voyage.</p> <p>https://olympiccoast.noaa.gov/protect/incidentresponse/atbamap.html</p>
Seafarer Union	<p>Areas of concern:</p> <ul style="list-style-type: none"> - The changing requirements for direct-entry candidate; i.e. those outside of recognized cadet programs; [This issue has been raised by 2 different industry associations, and 1 certificated engineer] - Renewal requirements for existing certificates; - Qualifying sea service for certification; including "sea-time", power requirements, service and ship type – especially where ship type may impact safety requirements; - Levels of certification for engineering personnel on various ship types and voyage classification; and - The detailed development of TP2293 and other necessary standards.
Seafarer Union	<p><u>Section 124 - Small Vessel Operator</u> – Is in favour of "the extremely narrow validity of the proposed new SVO certificate that was rolled out in previous consultation sessions (tugs or workboats limited to a maximum length of 12 metres and under 350 kilowatts propulsive power, operating within a very narrowly-defined construction zone) needs to be added to Section 124 of the new MPRs."</p> <p><u>Sections 137 to 143 - Engineering Certificates of Competency</u></p> <p>- Is in favour of "those engineering officers currently holding Third Class or Fourth Class Certificates and working as Second Engineers and Third Engineers on Canadian-flag vessels, would be permitted to continue to maintain these positions while sailing in Canadian waters."</p> <p><u>Sections 201 to 205 - Minimum Safe Manning</u></p> <p>Is of the view to specifically emphasize fatigue, emergencies, and watchkeeping when developing the minimum safe manning document.</p> <p>[This issue was raised by one other piece of correspondence]</p>

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	<p><u>Sections 211 and 212 - Foreign Certificates of Competency</u> Not in favour of introducing temporary foreign workers on Canadian-flag vessels until all other alternatives have been thoroughly pursued and exhausted [This issue was raised by 3 additional pieces of correspondence]</p> <p><u>Section 218 - Engineer Certificates Table – Vessels Other Than Fishing Vessels</u> In the table included in Section 218 (1), it is unclear what constitutes the category “Domestic Voyage” (Column A), in that “Near Coastal 2” voyages (Column A) are also domestic voyages.</p>
Shipowner / Ship Operator	<p>Would like to see TC recognize sea service on a vessel engaged on a sheltered water voyage be accepted in lieu of a vessel engaged on a Near Coastal, Class 2 voyage.</p> <p>When will a vessel be required to have an Able Seafarer Engine onboard and what is the training requirement?</p> <p>Concerned with the addition of the radio operator certificates to be held onboard and would prefer the radio watch requirements refer to radio zones that relate to the type of voyage rather than the equipment available on board the vessel.</p>
Industry Association	<p>Confirm that is length between perpendiculars and not length overall (LOA) or spared length.</p>
Shipowner / Ship Operator	<p>Part 1 - Division 5 COP: Survival Craft and Rescue Boats other than fast rescue Boats</p> <ul style="list-style-type: none"> • What are the requirements of the refresher course? <p>Part 2 – Cable Ferries</p> <ul style="list-style-type: none"> • The proposed regulation only applies to cable ferries under 100 passengers and less than 100m distance of transit. Will clarification of requirements for cable ferries above these parameters be provided? <p>Engineering</p> <ul style="list-style-type: none"> • What is the difference between a Second Engineer and the “Officer in Charge of an Engineering Watch” and the current MPR 224 (1) (a) “a person in charge of the engineering watch?” • The consultation draft does not have an Interpretations section. This should have been included to assist with understanding the changes. <ul style="list-style-type: none"> ○ the “Officer in Charge of an Engineering Watch” is not defined in MPR or in STCW but the term is used in the new MPR and in the consultation materials. ○ Is it correct to conclude that the “OCEW” or “EOOW” in these documents would align with the current MPR definition of an “engineer,” however in the new requirements this function does require an Engineer certificate

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	<p>SHIP SAFETY BULLETIN 09/2017</p> <ul style="list-style-type: none"> • Requirement for endorsement for diesel electric vessels over 1000V <ul style="list-style-type: none"> ○ Transport Canada to confirm the endorsement is only required for NC1 and unlimited voyages. ○ Will in-house training be acceptable to meet the requirement? <p>Sea Time Record Keeping</p> <p>There is a need to be able to carry over the agreements on the attribution of sea time as Officer in Charge of the Watch on our large vessels with Chief, 1st and 3rd Engineers.</p> <ul style="list-style-type: none"> • 12 hour watchkeeping days have been pro-rated to 1.5 days for sea time accrual. Does this practice continue? • Second Engineer Officer. The requirement for 3 months sea service to be on vessels above 3 000 kW is higher than the current requirement of 750 kW. <ul style="list-style-type: none"> ○ This can create an impediment for the sea time accrual for Engineers working as Chief Engineers on vessels <3000 kW. <p>NEW STCW COURSEWORK REQUIREMENTS</p> <ul style="list-style-type: none"> • Can equivalency be established for Mechanical Engineering or Electrical Engineering Diploma courses to satisfy some of the new academic course requirements for the Engineer in Charge of a Watch certificate? • This would allow us to do a gap analysis with such schools for graduates of these programs for purpose of recruitment and acceleration of their marine engineering certification. <p>3,000kW POWER RATING THRESHOLD</p> <ul style="list-style-type: none"> • There is an apparent discrepancy in the current MPR whereby a Third Class Motor can serve as CE up to 3,999 kW on an NC2 voyage, but only up to 2,999 kW on a “Limited” NC2 or SW voyage (i.e. higher ticket required for a more restricted voyage) – is this what is intended by the regulations? This seems to be an anomaly for vessels in the 3,000 – 3,999kW range. • What defines a “Limited” NC2 voyage (vs. “unlimited” NC2)?
<p>Stakeholder (a holder of a Engineer CoC)</p>	<p>Oral Exams. Table 137 is not explicit about requiring a comprehensive oral exam to obtain a CoC. The oral exams are a critical, final step in ensuring that competence does in fact underpin a Certificate of Competency. In no way are written exams, together with sea service, an acceptable substitute for successfully passing an oral exam.</p> <p>Level 1 and Level 2 exams. I understand that STCW-2010 streamlines engineering officers into two levels, Operational and Management. But if Transport Canada combines the written exams for Chief’s and Second’s (particularly for Motor and General) there is serious potential to dilute the value of the existing First Class Engineer CoC. The new MPR should preserve the distinction and the standard that have long set the First Class CoC apart from the Second Class CoC.</p> <p>High Voltage Limitation. The accepted threshold for high voltage needs to be clarified as 1000V. There lacks a definition of where the voltage is to be measured: ie, at the point of generation, the main bus board, the switchgear, etc. Specific exclusions to this criterion should be explained, such as searchlight arc striking voltages and portable scientific equipment with locally-generated high voltages.</p> <p>Exam Fees. Please consider substantial increases to examination fees.</p> <p>Progression. Please ensure that equivalencies and paths for advancement are clear between the existing cadre of Canadian CoCs, and the new STCW CoCs.</p>

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Labour union	<p>Proposed changes made in the MPR to the SVMO certificate will add yet another barrier to those seeking to access professional development and obtain certification. By removing the requirement for a second engineer to be on board vessels, the proposed regulations are also removing a stepping-stone for engineers that require a sufficient level of sea time hours to acquire higher certificates.</p> <p>The proposal to remove the third class certification on board will also reduce the ability to address emergencies on board in an efficient and timely manner, putting the vessel's surrounding environment, and the species and communities that depend on it, at risk. In line with the important work being done on the OPP, ensuring the safest handling of passenger ships is essential to protecting against accidents that could be devastating to the waters, species and surrounding environments.</p>
Stakeholder	<p>What international convention and provision thereof, do the Canadian Marine Personnel Regulations need to be in step with?</p> <p>What are the specific domestic safety concerns related to certification, training and medical fitness of seafarer?</p> <p>Consultations on these proposed amendments have been few. What other opportunities are there to provide comment? Would like to see a lengthen timeframe</p> <p>With respect to the Small Vessel Operator Certificate of Competency:</p> <ul style="list-style-type: none"> • Pre-requisite sea service is insufficient, increase sea service requirements from 2 months to 6 months • Concerned with the maturity of a 16 year old person, this should be raised to 18; <p>Is it correct to believe that anything between 18 and 24 metres would require a 24 metre certification and anything below 18 metres the 60 ton certification?</p> <p>With respect to the Able Seafarer Deck and Able Seafarer Engine, I believe that person should be at least 18 years of age on the day the certificate is issued.</p> <p>Why are the master and mate certificate for Vessel more than 60 Gross Tons and less Than 60 Gross Tons not included in the renewals of old certificates?</p> <p>Regarding regards to the hours and work and hours of rest provisions articulated by paragraph 319(1)(c)</p> <ul style="list-style-type: none"> • Neither the master nor employers can dictate to an employee where that employee resides; • No consistent hours of rest frame can be attributed to each person • Generates a liability issue for the master and employer
Academic	<p>Work-related mobility has created significant social consequences for the work and fatigue level experienced by Canadian seafarers. I would like to suggest that that the rest period for every master and crew member must exclude travel to and from the person's place of rest for both crew with and without accommodation on board.</p>
Seafarer Union	<p><u>Part 3 – Maritime Labour Standards - Division 3 – Hours of Work and Hours of Rest</u></p> <p>Confined waterways, frequent port calls and repeated call-outs from rest, coupled often with difficult weather conditions, all weigh heavily on the workload of seafarers in Canada. This issue is compounded greatly for foreign seafarers who are not as accustomed to this work environment. We believe that more can be accomplished to regulate the maximum number of days worked in a calendar year for seafarers on board foreign vessels engaged in Coasting Trade. Restricting the maximum consecutive number of days worked would also support Guideline B2.5 of the MLC 2006, as amended which states "... in determining the maximum duration of service periods on board following which a seafarer is entitled to repatriation, in accordance with the Code, account should be taken of factors affecting the seafarers' working environment...".</p>

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	<p>Section 322 be redrafted to read, <i>"2) Consideration shall also be given to the maximum number of consecutive days worked, respecting the MLC 2006, As Amended, Regulation 2.4 – Entitlement to leave, Regulation 2.5 – Repatriation, and Guideline B2.5 – Repatriation, for foreign vessels engaged in Coasting Trade.</i></p> <p><u>Division 6 - Maritime Labour Certificates and Declaration of Compliance</u> It is unclear why the maritime labour certificate requirements do not apply to all Canadian vessels of a prescribed tonnage, regardless of area of operation. In MLC 2006, as amended, Implementation and Enforcement Responsibilities, Article V, Section 3 the convention clearly states "Each member shall ensure that ships that fly its flag carry a maritime labour certificate and a declaration of maritime labour compliance as required by this Convention.</p>
Shipowner / Ship Operator	<p>Would like to see amendment to the MPR to allow for the accumulation of partial days of sea service for those person working mandatory overtime, including the prorating of days of sea service between the ratio of 1 and 1.5.</p> <p>Sea service time for a person employed temporarily under special circumstances at a level higher than their certificate of competency should be counted at the higher level.</p> <p>Holders of a third and fourth class engineer certificate should not be negatively impacted by these amendments, and should be permitted to continue to work in the position they currently hold. What is the transition plan?</p> <p>Section 162 should include STCW Regulation V/1-1 (4) 2.2 as a qualifier for Advanced Training for Oil Tanker Cargo operations.</p> <p>Will the interpretation of the term "acceptable ice conditions" include winter ice navigation in the Gulf of St. Lawrence and the Great lakes? It is proposed that sections 180 to 181 should state that these two areas are "acceptable ice conditions."</p> <p>Section 195, division 7, Department of National Defense and Canadian Coast Guard requires more detail regarding the process of the exchange of certificates.</p> <p>Regarding Domestic Voyage Limits, it is recommended that the current domestic voyage limits along the Atlantic Coast be further extended out from the Gulf of St. Lawrence to include 25nm miles off all waters of New Brunswick, Nova Scotia and Newfoundland and Labrador.</p>
Seafarer	<p>I completed a cadet program in 2007 and I currently hold a Second Class Motor certificate and have two of the Part A exams complete. With the upcoming changes, what will I have to do to obtain my first class certification?</p>