REPORT OF THE STANDING COMMITTEE ON PERSONNEL

1. INTRODUCTION AND APPROVAL OF AGENDA

On behalf of Transport Canada (TC), Richard Garber, Executive Director, Marine Personnel Standards, Pilotage and Medicine, welcomed attendees to the Standing Committee on Personnel. He provided the audience with general information on housekeeping points and indicated that this was a bilingual forum, therefore, dialogue was welcomed in their preferred language of choice.

He highlighted that the agenda was ambitious. As a result, the opportunity for questions and answers would be permitted following each agenda item, however, the opportunity for individual perspectives would be limited.

Other TC employees at the head table were introduced: Mario Lavoie, Manager of Nautical Certification and Pilotage, Bruno Duguay, Manager of Engineering Certification and MOSH, Denis Bélanger, Senior Marine Inspector and Scott Weatherdon, A/Chief, Regulatory Issues.

The agenda was approved without modification.

2. REPORT ON IMO HTW3, FEBRUARY 2016

Richard Garber, TC, reported on the February 2016 session of the IMO’s Health Elements of Training and Watchkeeping, HTW3 meeting. He indicated that Canada’s delegation was co-led with the Canadian Coast Guard (CCG), a very beneficial collaborative effort. Key discussions of the meeting focussed on the acceptance and implementation of changes of the STCW Manila 2010 Convention required for January 2017. Like Canada, other countries are facing challenges with regards to implementation of their regulatory regime addressing the Manila changes.

Mr. Garber also addressed the issue of fatigue management. He advised that there are differing perspectives around the world regarding the responsibilities of fatigue, and that there is a lack of evidence and analysis to manage the issue, enhance safety issues, and to minimize accidents. As a result, there is a push for conducting analysis for better
understanding of fatigue issues in the maritime industry.

He concluded his report by saying that model courses are being developed regarding polar operations to form a basis of training worldwide.

3. REPORT ON THE MARINE PERSONNEL REGULATIONS – REGULATORY UPDATE

Scott Weatherdon, TC, provided an update on the progress of the Marine Personnel Regulations (MPR).

Although the regulatory project will not be ready by the end of December 2016, he reiterated that the MPR is important as it implements elements of three important international conventions, STCW Manila 2010, STCW-F, and 2014 amendments to the MLC 2006.

There are currently four drafting teams in TC assigned to regulatory projects, and the MPR project is one of the many competing priorities in the Department. Mr. Weatherdon assured the Standing Committee that the MPR is a priority and has made significant progress, is continuously moving forward, and that stakeholders would be informed of the draft regulations as soon as possible. The Regulatory Forward Plan is available on the TC website, which provides timelines and progress of regulatory projects. Spring 2017 is now the target date for Gazette 1.

He advised stakeholders that they can contact him directly for any questions. Although he is not a technical expert, he has a broad understanding of what is required. He committed to ensuring that the MPR is allowed at least 30 days for consultation. Stakeholders voiced their concern that they are not provided the opportunity to consult adequately before a draft is published. Mr. Garber responded that they are concurrently drafting in both official languages for efficiency purposes, causing some delays, but this is producing a better quality document. Stakeholders will be provided a good draft, including all critical elements, for consultation. He added that Ship Safety Bulletins may also be used to provide urgent and critical information.

4. STCW 2010 CONVENTION – COMING INTO FORCE JANUARY 2017

Richard Garber, TC, noted that there are many hurdles when incorporating international standards into domestic law. TC has some concerns about some of the obstacles that it is
facing so ensuring industry partners have an appreciation of those pressures is important.

Denis Bélanger, TC, reiterated that TC is aware that January 2017 is an important date and that the Department’s intention is to minimize the impact on seafarers. It is clear that we may not be ready for January 2017 and that we will have to operate without updated legislation. He provided an update on what TC has done to facilitate the transition to the January 2017 STCW implementation date.

A policy was published allowing TC to issue certificates of competency (CoC)s that are in compliance with STCW. Persons in cadet programs will be complying with the new requirements smoothly as competencies have been incorporated in the programs of Recognized Institutions. Persons affected are persons already working as officers on ships, who will require additional training. TC is working diligently with Recognized Institutions to have courses in place by the end of the year. Additional policies will be published, as required.

Ship Safety Bulletin (SSB) #92015 was published advising industry/seafarers on the documentation required for January 2017. Although the SSB is not perfect and many questions are arising, Marine Safety and Security staff is doing their best to answer and to provide required clarification.

A Frequently Asked Questions (FAQ) document has been prepared and will be posted online soon to provide additional clarification.

To date, the transition measures adopted to issue STCW certificates seem to be efficient. TCC staff have been instructed to assist seafarers, and to help them understand what they require, and what they should be asking for to be in compliance.

Stakeholders had many questions on the requirements regarding renewal of certificates, and refresher training for MED. Denis Bélanger took a few minutes to discuss the process of renewing certificates. He advised that everyone must comply with current MPR requirements. The only new thing is the requirement for a Certificate of Proficiency (CoP) in MED if sailing in STCW voyages, as proof is required of qualifications in MED. If sailing domestically a CoP in MED is not required. It is acceptable to demonstrate competencies through drills for domestic voyages, but not STCW voyages.

5. MARINE PERSONNEL REGULATIONS – UPDATE ON STANDARDS (DRAFTING PROCESS)
**Domestic/STCW Operation Zone**

Denis Bélanger, TC, introduced the proposed Domestic/STCW operation zone. He started by mentioning that there appears to be confusion with the SOLAS convention and STCW convention, and as result, it can be difficult to comprehend the requirements for application of operation zones. He clarified that the SOLAS applies to vessels and STCW applies to mariners on vessels that are not in sheltered waters voyages.

The new proposed Domestic operation zones are a result of many comments from industry requesting to fix donut holes in specific geographic areas in Canada where the 25 NM from shore for Near Coastal 2 voyages is not practical from an operational perspective. In addition, the last IMO audit gave TC a non-conformity for domestic certificates, as a result of these donut holes.

The intended proposal for the MPR is to create domestic zones where all STCW and MLC requirements will apply. These new domestic zones will benefit from some exemptions as follows; MED refresher will not be required for domestic waters, medical certificates will not be required, and hours of rest will be readjusted.

Richard Garber, TC, noted that Canada is fully supportive of STCW requirements, but is aware that Canada has unique features and geography where we have the opportunity to improve circumstances for seafarers. At this time, TC is sharing with stakeholders the initial concept for the new domestic operation zones, but this is a work-in-progress with much work still to do to define final zones.

**Hours of Work and Rest**

Denis Bélanger, TC, next introduced the proposed decision on Hours of Work and Rest. This directly applies to the proposed new domestic zones, where one standard will be introduced for STCW and MLC hours of rest for vessels sailing domestically. The current standard will be kept and the Executive Director, Marine Personnel Standards, Pilotage and Medicine has signed a letter, available on the CMAC website explaining the decision to keep the current standards.

**Proposed Part I Elements**

Denis Bélanger, TC, provided an update on the proposed Part I elements of the MPR.
Part I should be ready within next few weeks. There is an ongoing issue regarding the issue of demonstration of competency and how it will be done under the new Part 1. TC is working with lawyers of the Department of Justice to define the best way to ensure flexibility to define qualifications as required. Currently the Minister has the power to set qualifications required for seafarers. In the Canada Shipping Act, 2001, the power for setting qualifications is given to Governor in Council, therefore, we need to adopt in the MPR. The Justice lawyers have agreed that qualifications can be set in the MPR, and the process/manner will be set in TP 2293.

Work on Part 2 will start soon, and Part 3 is being drafted by a separate team. TC anticipates that draft documents will be ready to present to stakeholders in autumn 2016.

**Qualifying Service for Engineers under STCW**

Bruno Duguay, TC, introduced the requirements for qualifying service for Engineers under the STCW. He noted that three new domestic certificates have been introduced for Engineers, and that competencies established for domestic engineers shall be in line with STCW. However, TC has not yet defined what the requirements shall be for qualifications, type of sea service/qualifying service. He also noted that a Policy would be published once the requirements have been defined.

He concluded by noting that under the SCTW-F, there is requirement to develop a fishing engineer certificate. There are specific qualifications for engineers, however, there is no problematic if the engineer currently holds a STCW certificate.

6. **MARINE PERSONNEL REGULATIONS – UPDATE ON CURRENT REGULATIONS**

**Safe Manning and Hours of rest and work**

The representative of a union presented concerns regarding safe manning of vessels with less than three crew. He noted that there has been a significant growth in the use of two and three manned vessels (i.e. tugboats) on the west coast operating unnoticed in wider areas, and who have very little concern for safety. The TC Regional offices have advised these operators that they can operate for 48 hours then take a rest for the whole crew, but this is not happening. The representative identified that some seafarers work in excess of 30 days without the vessel tying up, equating to 16 hours of work/day for 1 month.
The representative identified that this has become an ongoing issue, and properly run companies have to compete with other companies not following the required operation of vessels manned with 3 persons. With the sinking of 6 tugboats in recent years, groups of persons on the BC coast are opposed to marine projects as a result (ie LNG projects) as they maintain that traffic is not safe. Ultimately the growth of the Canadian economy, specifically in BC, is going to be harmed.

The representative is asking TC that something be done in this regard to ensure adequate regulation, and therefore, safe traffic on coastal waters.

Richard Garber, TC, thanked him for bringing his concerns to the Standing Committee. He advised that this is what the forum is for and invited him to further elaborate offline. TC will need to understand if this is a National issue, and will work closely with the representative moving forward.

**Small Vessel Operator Certificate**

Mario Lavoie, TC, provided an update on the Small Vessel Operator Certificate, which will be a CoC. Currently, the training is called SVOP, and will become a CoC with the new MPR. This will come into effect when the MPR has become law.

Comments received from industry requested that the validity of the certificate be changed. TC is looking for the opportunity to bring the validity to less than 12 metres, if carrying no passengers. Mr. Lavoie advised that stakeholders would be kept apprised of the progress.

**Cable Ferries**

Richard Garber, TC, introduced the subject by announcing that TC is partnering with the Canadian Ferry Operators Association (CFOA) to organize a meeting on safe manning requirements for cable ferries to be held on September 21 and 22nd in Ottawa.

All stakeholders will be invited to participate including unions, academics, ferry operators and government officials.

CFOA and TC will identify key information to gather and share with all stakeholders prior to the meeting. CFOA will undertake the research.

The meeting will be used to review the information, examine the matrix used by TC to determine safe manning for cable ferries and make suggestions related to improvements.
of the matrix.

TC will make sure that all stakeholders will be invited in order to have a productive session in an open and transparent process.

Mario Lavoie, TC, provided an update on the discussions currently underway regarding the particular issues facing both regulators and operators of cable ferries in Canada. He explained that there are approximately 70 cable ferries in Canada, crossing distances of 100 metres to 2 KM, and may be manned with one to four persons. There are no current regulations addressing the inconsistency issue vis-à-vis crew complement. The Ferry Cable Regulation is part of the Navigable Waters Protection Act, and not the CSA 2001, and states that someone will be operating. In the safe manning section of the MPR, the person manning the vessel needs to have proper MED certification.

The Transportation Safety Board (TSB) website has posted reports for only 3 incidents, with the cause of the accident being attributed to improper maintenance or overload of the ferry. There has been no issue identified relating to the person operating the cable ferry.

TC needs to further evaluate the area of operation, persons operating, crossing distance, and equipment requirements.

7. MARINE PERSONNEL REGULATIONS – UPDATE ON MEDICAL CERTIFICATES

Jonathan Wolfenden, TC, reported on the challenges currently faced when issuing marine medical certificates. The division has lost 2/3 of its staff, including one physician. Staffing challenges are being addressed with the hiring of another nurse and some administrative support. The division continues to use registered mail to send marine medical certificates to seafarers, including courier services for urgent requirements. The Marine Medicine division is aware of the requirement for STCW compliance by January 2017 and is working diligently to ensure the marine medical certificate will comply.

Participants of the Standing Committee asked if it was possible to streamline the distribution of certificates, and requests for change of addresses where seafarers are now required to travel to a TCC office. Richard Garber, TC, replied advising that with new requirements of the ILO and IMO, the marine medical certificate must be signed by the seafarer. Further discussion will be required, but it is possible that the seafarer will have to come to a TCC office to pick-up the certificate. Consequently, the current practice of
mailing may stop. He noted that this would be an inconvenience for seafarers, and that TC would have to develop a common sense solution.

The Standing Committee body also thanked the marine medical team for their efforts, but voiced their concerns over the tardiness of issuance of certificates, causing seafarers to miss opportunities for employment. It was suggested that TC look at solutions, for example, issue provisional certificates only to persons who have limitations on certificates, and issue marine medical certificates to those who are fit, rather than a provisional. The current process creates excessive workload in Ottawa. Another solution could be to change the provisional validity from 6 to 9 months.

Richard Garber, TC, advised that TC is restricted by the CSA, 2001 on what can be done, and that Marine Medical Examiners who are not employees of Canada cannot issue certificates on behalf of the Government of Canada, for example. TC is investigating new technology to assist with the triaging process.

Another question from the body was whether TC had investigated what is being done in other countries. Mr. Garber advised that yes, but again, our regulatory regime restricts what can be done.

8. VESSELS USING GASES OR OTHER LOW-FLASHPOINT FUELS – INTRODUCING PROPOSED STANDARDS

Bruno Duguay, TC, introduced the agenda item by noting that vessels propelled by LNG fuels are coming to Canada. These vessels do not fall under the current regulatory scheme. Canada needs to develop specific training for personnel onboard these vessels, and the proposed MPR will introduce requirements. He introduced Toni Becherrawi, TC, as the OPI for Canada on this issue.

Industry training for personnel onboard ships using gases or other low-flashpoint fuels

Richard Garber introduced a representative from Seaspan.

The Seaspan representative thanked the Standing Committee for the opportunity to speak on this topic, given that as a cargo ship operator, they have limited opportunities to speak on their operations. He advised that his company is a non-passenger ferry company with an aging fleet. They have 2 vessels that are being built with LNG fuel, which is currently
prohibited in Canada under the CSA, 2001. The vessels are hybrid with battery back-up. BC ferries is also bringing LNG vessels to the West Coast.

He noted that the MPR provides for training and familiarization but has nothing for LNG. Companies using LNG need to use the MTRB route which has flagged an STCW guideline for basic & advanced training.

As an operator, Seaspan has built a program to ensure seafarers can operate vessels safely as training programs were not available on the market. The program is based on familiarization and IMO requirements, and provides base level training. The operator is trying to find subject matters experts on LNG to provide training, and to set a standard for training.

TC has been collaborating with Seaspan by attending training and providing feedback. Seaspan hopes that this training will provide the benchmark for the country.

**Introducing proposed Guide/TC Policy**

Toni Becherrawi, TC, presented special training requirements for seafarers on ships subject to the IGF code, specifically using gases or low flash point fuels.

He provided some background on this new initiative. He discussed that minimum requirements were established at the IMO level and adopted under Chapter 5 of the STCW convention. An offer was tabled to develop a model course and Norway took the lead in the project and submitted a paper to the IMO that was circulated to all parties. It was noted that Seaspan went beyond requirements adopted by IMO to adopt safety requirements.

In Canada, a National training standard was developed, providing the opportunity to propose and introduce this type of training in the MPR. TC has worked with the Recognized Institutions to develop the most effective way to demonstrate knowledge, by either using simulators, or classroom teaching.

LNG will be a two-level training program, basic and advanced, and will have two CoPs, basic and advanced.

**9. STANDING COMMITTEE ON PERSONNEL – QUEBEC**
Report on marine personnel regulatory workshop

Richard Garber, TC, invited a representative of the Comité sectoriel de main d'oeuvre de l'industrie maritime, to make his presentation.

Similar to last year’s presentation, the representative provided insight to his Organization, their mission to develop competencies, manage human resources, organize events, career plan, and conduct studies and analysis on workforce.

Since 2008, the Comité sectoriel has organized each year a workshop on the Marine personnel regulatory issues. This forum supplements CMAC by addressing specific marine personnel issues. Le Comité sectoriel collaborated with TC to organize a meeting in Quebec in February 2016, to discuss important issues, which was attended by more than 70 persons. This type of forum contributes to an improved consultation process where meeting reports and issues can be brought to TC for action via the regional CMAC. The Report from the 2016 sector council workshop included issues such as, the STCW Manila 2010, hours of work, SMS, marine medical certificates, MED, SVOP, and sea service. He was pleased to see that most issues are being addressed in the agenda of the April 2016 Standing Committee.

The representative reiterated that the consultation process regarding personnel issues has not always been exhaustive, and that it is essential that the consultation process be effective in regards to the MPR.

He concluded by thanking TC employees who have assisted the sector council to organize and deliver the workshop and asked that TC improve their consultation and feedback process.

10. TCMSS APPROVED TRAINING PROGRAM AND COURSES

Introducing new program and course approval process

Mario Lavoie and Bruno Duguay, TC, introduced new program and course approval processes under TC budgetary constraint. They indicated that the current financial situation has imposed pressures on how courses and programs are approved.

Subsequent to the amendment of STCW, they worked with Recognized Institutions to update TP 8911 to ensure that training is in line with Manila 2010. Integration has been
completed for the Engineering Program. For the Nautical Program cadet program, consultation has occurred with all Institutions to ensure that requirements of TP 5562, as per the Convention and the IMO model course have been integrated.

Mario Lavoie and Bruno Duguay, TC, provided an update on the current approved Training Programs and Courses. They were pleased to advise that TP10655 includes all course providers, courses and programs delivered across Canada, for both the Nautical and Engineering Programs. They noted that the realignment of the Nautical and Engineering programs to meet STCW standards was challenging and openly thanked the Recognized Institutions that have worked diligently to ensure the training programs delivered meet requirements of the STCW Manila 2010.

**Report on the current approved Training Programs and Courses**

**Update on TPs review**

Mario Lavoie introduced Sarah Graham, TC, who provided an update on TPs currently being updated.

The first one discussed was TP 13024 – Training Standards for Personnel upon Passenger Carrying vessels. Proposed changes include:

- 2 level training program to change to 4 levels for passenger training
- Training will be done once, and every 5 years proof will be required that competency has been maintained.
- 4 levels that are not progressive, but all has to be completed, depending on what the job is
  - Passenger Ship Emergency Familiarization
  - Passenger Ship crown management training
  - Passenger Ship crisis management & human behaviour training
  - Passenger Ship cargo safety & hull integrity training

Ms. Graham then introduced TP 4958 - Simulated Electronic as per STCW and STCW-F. Proposed changes include:

- Simulated Electronic Navigation – Limited
- Simulated Electronic Navigation Fishing – brand new course
- SEN 1 will become SEN-Operational Level
- SEN 2 will become SEN Management Level
- Electronic Chart Display and Information System (ECDIS)
Mario Lavoie, TC, provided updates on 5 other TPs. TP 4957 is a new standard being developed. It is currently a 230 page document and includes all training refreshers that seafarers must take. Although the TP is still a work-in-progress, a draft copy is available upon request.

TP 13008 – Marine Advanced First Aid and Marine Medical Care is almost completed. It should be published some time in 2017.

TP 2293 will be incorporated by the new MPR and requires a major revamp. Since this TP is outdated TC cannot use modernized examination questions, as candidates need to study updated subjects for new examinations.

He also mentioned that they are working on a new TP on Blended Learning and E-Learning, and a TP on Electro-Technical Rating.

11. TCMSS RECOGNIZED TRAINING INSTITUTIONS

Report on Recognized Institutions - CAMTI

Richard Garber, TC, introduced the representative of CAMTI, and invited her to make her presentation.

She thanked TC for the opportunity to speak on behalf of CAMTI. She presented the CAMTI membership, noting that it is comprised of publicly funded institutions in Canada. Their institutions deliver cadet programs, block credit courses, MED, Simulation, Tanker, and Security courses.

She advised that CAMTI has regular meetings with TC, and over the past years have been working together to modernize cadet programs and TPs to ensure that programs meet Manila standards.

CAMTI members have mutually signed an Agreement for course sharing. This is a joint submission with joint approval which streamlines the approval process for TC with a better product for the clients. To date, approximately 800 seafarers across Canada have received refresher training and it is estimated that another 1,200 will be trained before the end of 2016.

Report on Recognized Institutions – Western Maritime Institute

A representative of the Western Maritime Institute provided a short report on their activities. He thanked TC for the opportunity to say a few words.
He advised that his Institute is the only private marine training college offering a block credit course. They offer 45 courses, including all MED training, and are upgrading their facilities to include survival craft training in open waters, and a marine and deck engine simulator.

He noted that the draft TPs are a major issue and that it is difficult to develop training with a moving target. Furthermore, provincial jurisdiction is also a problem for private colleges as they are audited by Provincial, Federal, and International bodies.

Expanding a program comes with considerable cost pressures, as new requirements are expensive. He noted that when looking at new changes, the cost of the courses should be fully considered.

He thanked TC for all their support.

12. TCMSS – PROCESSES OF EVALUATION FOR THE QUALIFICATION OF DND PERSONNEL

Richard Garber provided the audience with some context. He noted that with the maritime industry making clear the need for ever increasing human resources, TC was looking for ways to reduce barriers to skilled operators joining the industry.

He introduced George Ianiev, TC, as the lead on TC’s efforts to redress the absence of a coherent process to transition qualified and experienced Royal Canadian Navy officers from military to civilian service.

Report on accomplishments to date and upcoming plans

Mr. Ianiev provided background on the Royal Canadian Navy and the pilot project to provide a professional pool of officers willing to join maritime industry, and a competent pool of instructors willing to join the existing training institutions.

Last, but not least, Mr. Garber introduced the Director of the Military Employment Transition Program (MET), and invited him to say a few words.

He was pleased to announce that TC is the first Federal Department to volunteer as a MET participant, and has just employed the first MET graduate.

He noted that the MET program helps military personnel to transition into civilian jobs, and
that it recognizes military training, and transferability of military skills. To date, 110 occupations currently can transfer to civilian occupations. The MET is a human resource tool for employers looking for good people.

The Program has 6,000 transitioning vets available for work. He encouraged the audience to hire them not because they are a vet, but because it makes good business sense. As he stated, “You are welcome to join the MET coalition!”

13. TENTATIVE AGENDA ITEMS FOR THE NEXT NATIONAL CMAC MEETING

Richard Garber opened the floor for closing comments.

A few issues were raised. The first was in regards to the need for clarification for the date of the next planned CMAC. It was felt that it is not reasonable to have it in 18 months as heard in the opening plenary, and it was requested that this concern be addressed with organizers of the CMAC forum. Mr. Garber responded that the message is heard, and added that TC is in challenging economic times, and as a result he could not speculate on the frequency of future meetings.

Another suggestion was for TC to improve communication on the availability of TP documents by having a central repository for all TPs, with notification to stakeholders when changes are made. Mario Lavoie responded that IT requirements restrict TC from adding documents that are in excess of 20 pages or more. TC does have, however, a secure server that can be used to post TPs. He committed to doing a better job of using the server to transmit documents to course providers. He invited stakeholders to also send e-mails to AMSP when information is required.

There was a question in regards to the working group for fishing vessel certification. This used to be a good forum for discussing fishing vessels certification and training issues, and it was requested that the working group be reinstated at the next CMAC. Mario Lavoie responded that TC did not see a need for the working group this year, as not many comments were received from last year’s updates, however, would include information for fishing vessel certification for future years.

A concern was raised about the fact that the issue of refresher training for fast rescue boats was not discussed at this CMAC. Some questions needed answering, for example, ‘Will this training need to be completed?’ Mario Lavoie advised that course providers across Canada are approved to give refresher training for fast rescue boats.
Finally, two recommendations were put forward in regards to the Standing Committee on Personnel:

- to have a larger room at the next CMAC; and
- to realign scheduling to limit conflicts with other Standing Committees.

Richard Garber thanked everyone who contributed to the success of this year’s Standing Committee on Personnel, and adjourned the session.