



SHIP SAFETY BULLETIN

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Subject: Maximum period of service on board and repatriating seafarers during COVID-19

Purpose

The purpose of this bulletin is to remind shipowners of their continued responsibility and obligation to respect a seafarers' right to return to their home country (repatriation), even during the COVID-19 pandemic.

Scope

This bulletin applies to all foreign vessels that operate in Canadian waters.

What you need to know

Due to the travel restrictions related to COVID-19, there are reports of seafarers long overdue for repatriation and stranded on board ships around the world. Issues of fatigue and mental health of seafarers may have deteriorated to a point that they may endanger health and safety.

In Canada, seafarers are considered as workers in the marine transportation sector who are essential for the movement of goods by vessel during the COVID-19 pandemic. Transport Canada is working closely with Immigration, Refugees and Citizenship Canada and the Canada Border Services Agency to help with crew changes.

Canada as a signatory to international conventions such as the *Maritime Labour Convention, 2006 (MLC 2006)*, has certain obligations to enforce the provisions of the Convention and the protection of seafarers rights.

Keywords:

1. Maritime Labour Convention
2. Seafarer Employment Agreement
3. COVID-19

Questions concerning this Bulletin should be addressed to:

AMSE
Transport Canada
Marine Safety and Security
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330 Sparks Street, 11th Floor
Ottawa, Ontario K1A 0N8

Contact us at: marinesafety-securitemaritime@tc.gc.ca or 1-855-859-3123 (Toll Free).

Since the start of the pandemic, Canada has used a pragmatic approach to deal with the issue of extending service periods on board ships. This work has been guided by the International Labour Organization (ILO), and relevant Port State Control Memoranda of Understanding.

To this end, Transport Canada Port State Control Officers will continue to promptly respond to any complaint or indication that a vessel is not operating in accordance with the requirements of the *Maritime Labour Convention, 2006* respecting the right of seafarers to repatriation.

Seafarer employment agreements (SEA)

The latest [Information note on maritime labour issues and COVID-19](#) from the ILO, indicates that the competent authority (e.g. flag State) can authorize exemptions to *the MLC 2006* for imperative reasons of public health emergency and situations of force majeure.

As a foreign vessel operating in Canadian waters, remember:

- you must comply with the *Maritime Labour Convention, 2006* at all times
- you must have a valid Seafarer Employment Agreement (SEA) on board for each crew member
 - this agreement must be signed by both the seafarer and shipowner, or a representative of the shipowner
 - the seafarer must be given enough time to review and get advice on the agreement (or extension), and freely accepts the terms and conditions before signing
 - each seafarer must have a valid employment agreement until they are repatriated
- All efforts must be made by the shipowner to repatriate crew members to ensure they are not serving longer than 11 months from the date of joining the vessel.

Foreign vessels in Canadian waters operating without a valid SEA for all crew members will be subject to enforcement action such as, but not limited to, detention and/or Administrative Monetary Penalty.

If your vessel has seafarers that have been onboard **more than 11 months**, you need to show that:

- all possible efforts have been made to repatriate the seafarer and that there are unforeseen event(s) beyond the control of the ship-owner that have made it impossible to perform crew change
- the seafarer has freely accepted the extension
- you have a plan, approved by your vessel's flag State, to return the seafarer to their home country (repatriate) that you will put into action as soon as possible
- you have taken action to protect the mental health of seafarers and fight fatigue

Port state control inspections

As a foreign vessel operating in Canadian waters, your vessel can be inspected to make sure you are complying with the *Canada Shipping Act, 2001* and international conventions.

During port state control inspections, the PSC Officers will check on any crew who have been on board more than 11 months. The officers will verify, among others:

- the date of joining
- the number and length of consecutive contracts that the seafarer has signed
- why crew change was not planned or done in Canada
- whether or not the vessel was recently in a port where crew could have changed

If there are any issues, the officers won't allow the vessel to proceed to sea until the non-conformities have been rectified, or until they accept a flag State-approved plan of action to rectify such non-conformities and is satisfied that the plan will be put in place as soon as possible.

Questions?

If you have any questions or would like to submit a complaint about living conditions on board foreign vessels in Canadian waters, please email the Port State and Cargo Inspections Group: TC.PSCCanada-CNEPCanada.TC@tc.gc.ca.