



SHIP SAFETY BULLETIN

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Subject: Measures for Persons (other than passengers) on Cruise Ships on International Voyages while Operating in Canadian Waters to Mitigate the Spread of COVID-19 (formerly titled: Measures for Persons (other than passengers) on Canadian Vessels and Foreign Passenger Vessels Operating in Canadian Waters to Mitigate the Spread of COVID-19) (modified June 20, 2022)

Purpose

The purpose of this bulletin is to outline requirements for Authorized Representatives of cruise ships engaged in international voyages while they are operating in Canadian waters, and persons other than passengers on board those vessels. These requirements are made pursuant to Transport Canada's *Interim Order Respecting Cruise Ship Restrictions and Vaccination Requirements Due to the Coronavirus Disease 2019 (COVID-19)* and aim to mitigate the risks of COVID-19 transmission, and the severity of the disease, on board the cruise ship.

Scope

This bulletin applies to the Authorized Representative of a cruise ship operating in Canadian waters. For the purposes of this Bulletin, the vessel needs to meet the following criteria:

- is a passenger vessel certified to carry more than 12 passengers, other than a ferry vessel or passenger vessel that provides essential services;
- carries passengers who are scheduled to be on board for 24 hours or more; and
- is on a voyage from a port in Canada that includes a scheduled stop at one or more ports of call in a country other than Canada; or
- is on a voyage from a port of call in a foreign country that includes a scheduled stop at one or more ports of call in Canada.

Requirements in the *Interim Order Respecting Cruise Ship Restrictions and Vaccination Requirements Due to the Coronavirus Disease 2019 (COVID-19)* do not apply to:

Keywords:

1. Coronavirus
2. Passenger
3. Vaccination

Questions concerning this Bulletin should be addressed to:

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

- a cruise ship that is a foreign vessel exercising right of innocent passage; and a vessel that is operated for the purpose of saving lives, securing the safety of another vessel or preventing the immediate loss of another vessel

Requirements

In order to meet the requirements of the Interim Order, Authorized Representatives of cruise ships will need to ensure that, prior to boarding the ship, crew and other non-passengers, are fully vaccinated and meet the testing requirements outlined below.

Testing Requirements

Pre-embarkation Testing

Persons, other than passengers or a fully vaccinated pilot, are required to provide the following to the cruise ship's Authorized Representative, regardless of their vaccination status:

- Evidence of a negative COVID-19 molecular test (e.g. PCR test) performed on a specimen collected from the person no more than 72 hours prior to being on board the cruise ship in Canadian waters;
- Evidence of a negative COVID-19 antigen test (e.g. RAT) performed on a specimen collected from the person no more than 2 days before being on board the cruise ship in Canadian waters; or
- Evidence of a positive COVID-19 molecular test that was performed on a specimen collected from the person at least 10 days and no more than 180 days before the person is on board the cruise ship in Canadian waters.

Those persons seeking to board the cruise ship, other than passengers, who receive a positive result for a COVID-19 test must not board the ship for a period of 10 days after the day on which the specimen on which the test was performed was collected unless they receive a subsequent 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 ship.

Persons, other than a passenger, who are scheduled to be onboard the vessel for 24 hours or less while the vessel is in a port, anchorage or lock, are not subject to pre-embarkation testing requirements.

Persons, other than a passenger, who are not fully vaccinated due to a medical contraindication or sincere religious reasons, and who are scheduled to be onboard the vessel for 24 hours or less while the vessel is in a port, anchorage or lock, will be required to meet the embarkation day testing requirements.

Pre-embarkation testing requirements for passengers onboard cruise ships are outlined in [Ship Safety Bulletin No. 18/2021](#)

Embarkation Day

Persons, other than passengers, who are not vaccinated due to a medical contraindication or sincere religious reasons will also be required to provide the following to the cruise ship's Authorized Representative on the initial day of embarkation:

- Evidence of a negative COVID-19 antigen test performed on a specimen collected from the person on the day of embarkation.

Persons, other than passengers, who are not fully vaccinated and who have provided evidence of a positive COVID-19 molecular test that was performed on a specimen collected from the person at least 10 days and no more than 180 days before the person is on board the cruise ship in Canadian waters, will not be required to provide an additional test on embarkation day.

Embarkation day testing requirements for passengers onboard cruise ships are outlined in [Ship Safety Bulletin 18/2021](#).

Continued Testing

For voyages of 6 days or more, any persons, other than a passenger, on board the cruise ship who are not fully vaccinated, and who have either a negative test result for a COVID-19 molecular test that was performed on a specimen collected from the person no more than 72 hours before the person is onboard the ship in Canadian waters **OR** a negative COVID-19 antigen test result that was performed on a specimen collected from the person no more than 2 days prior to being on board the ship in Canadian waters will be required to provide the results of a COVID-19 molecular test or antigen test every 3 days. If the cruise ship has exited Canadian waters, the person will be required to provide the results of a COVID-19 molecular test or antigen upon re-entering Canadian waters, **only** if it has been 3 days or more since they last provided test results. They will then be required to continue meeting the testing requirements while in Canadian waters.

For additional information on implementing COVID-19 antigen tests in the workplace, you may refer to [guidance](#) put forward by the Canadian Centre for Occupational Health and Safety.

Additional Testing Requirements Onboard Cruise Ships

The following additional testing measures will be required for persons, other than passengers, onboard Cruise Ships subject to the Interim Order:

- All persons with signs and symptoms of COVID-19 must take either a COVID-19 molecular test or a COVID-19 antigen test.
 - A person who is awaiting test results for a COVID-19 molecular test must isolate while awaiting the result.
 - A person who receives a positive antigen test must isolate for 24 hours and retest with a molecular test.
 - If the results of a COVID-19 molecular test are negative, the person can be released from COVID-19 isolation requirements.
 - If the results of a COVID-19 molecular test are positive, the person must isolate for 10 days (including the original 24 hours)

Additional testing requirements for passengers onboard cruise ship are outlined in [Ship Safety Bulletin 18/21](#).

Close Contacts

A person, other than a passenger, who is a close contact of a positive COVID-19 case is required to take a COVID-19 molecular or a COVID-19 antigen test 48 hours after contact with the positive case.

Isolation Measures

The applicable conditions for the place of isolation on board the cruise ship are the following:

- (a) it allows the person to remain in isolation during the applicable isolation period;
- (b) it allows the person to avoid all contact with other persons;
- (c) it allows the person to avoid all contact with any other people unless they are required or are directed to go to a place to seek medical care;
- (d) it allows the person to have access to a bedroom that is separate from those used by all other persons;

- (e) it allows the person to have access to a bathroom that is separate from those used by all other persons
- (f) it allows the person to have access to the necessities of life without leaving that place;

The isolation requirements outlined above are required for isolation on board the cruise ship. Persons who disembark the cruise ship to isolate should refer to requirements outlined under the *Minimizing the Risk of Exposure to COVID-19 in Canada Order* or any Order in Council that replaces it. Authorized Representatives are responsible for the isolation costs as well as providing a suitable location for isolation, coordinating and providing private transportation to the isolation location for persons who do not have suitable isolation arrangements in place and arranging for daily meals for persons in isolation. This will ensure persons who are at risk of transmitting COVID-19 can be safely removed from the cruise ship and can complete their isolation on shore.

Exceptions (Employees)

Authorized Representatives of Canadian cruise ships subject to the Interim Order must include a 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 these links:

- [Medical Exemption Request Form](#)
- [Religious Exemption Request Form](#)

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.

Failure to Comply

An Authorized Representative of a cruise ship subject to the Interim Order who operates without verifying the vaccination status of persons other than passengers 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 (Employees)

Due to the complex nature with respect to the obligations Authorized Representatives of Canadian cruise ships 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 - Employees

When developing a process for verifying exceptions from vaccination requirements, 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 - Employees

Authorized Representatives of Canadian cruise ships 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 personal 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 cruise ship 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 cruise ship 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.
- 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 cruise ship 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.