Court File No:
Vancouver Registry
Affidavit of G. Johnston #1
Sworn June 22, 2020

FORM 80

IN THE FEDERAL COURT OF CANADA

IN THE MATTER OF THE *CANADA SHIPPING ACT*, 2001 S.C. 2001, C. 26,
THE *MARINE PERSONNEL REGULATIONS* (SOR/ 2007-115)

Between:

BRITISH COLUMBIA FERRY AND MARINE WORKER'S UNION

Applicant

and

CANADA (MINISTER OF TRANSPORT)

Respondent

and

BRITISH COLUMBIA FERRY SERVICES INC.

Respondent

AFFIDAVIT OF G. JOHNSTON

I, Graeme Johnston, of the City of Nanaimo, BC, am an employee of BC Ferry Services Inc (BC Ferries), and the president of the British Columbia Ferry and Marine Workers Union (BCFMWU) and as such have personal knowledge of the facts and matters hereinafter deposed to, save and except where the same are stated to be made on information and belief, and where so stated I verily believe them to be true.

1. The BCFMWU is a trade union and the certified bargaining agent under the British Columbia *Labour Relations Code* for BC Ferries employees operating and maintaining the vessels and terminals of BC Ferries fleet.

2. The number of crew that are assigned to work on each vessel and their roles and responsibilities are fundamental working conditions of these employees.

3. The minimum crew size for each BC Ferries vessel is set by Transport Canada pursuant to the *Marine Personnel Regulations (MPR)* and is recorded on a Minimum Safe Manning (MSM) Document.

4. Part of my role as BCFMWU president is to represent the interests of BCFMWU members in regulatory issues with Transport Canada. The primary way that BCFMWU engages with Transport Canada is through the Canadian Marine Advisory Council (CMAC).

5. CMAC is comprised of industry and labour stakeholders in the marine transportation sector. It meets twice per year nationally in Ottawa with additional regional meetings.

6. I am advised by members of the BCFMWU that MSM levels for BC Ferries vessels from at least 2009 to 2019 were set by Transport Canada (TC) Marine Safety Inspectors who followed the *Annex A Work Instruction Document Minimum Safe Manning Evaluation Form*, dated October 25, 2009 (commonly known as the Matrix). A true copy of the Matrix is attached to this my affidavit as **Exhibit A.**

7. The Matrix **Exhibit A** includes the following directions to Marine Safety Inspectors:

> *5. This "Minimum Safe Manning Evaluation Form" (the Form) reflects the requirements of the MPR, section 207 and provides a systematic approach to comply with such requirements.*
>
> *6 It shall be demonstrated to the satisfaction of a Marine Safety Inspector that the final complement arrived at is the minimum complement sufficient and competent to perform all the safety functions as required by MPR, section 207.*

8. Performance based crew numbers used in the Form are empirical, and work well in most situations (mostly in Tables: 2c and 3). Marine Safety Inspectors shall be satisfied that the crew numbers are sufficient and competent for a particular vessel. Actual demonstration may warrant higher or lower crew numbers

9. The process in place until this year for establishing a MSM Document, noted above as **Exhibit A** included the involvement of the crew through demonstrations and drills observed by TC where necessary to ensure the appropriate staffing.

10. The process and factors considered by were discussed and allowed for stakeholder input through feedback at CMAC.

11. If a vessel owner disagreed with the Marine Safety Inspector, the owner could seek an exemption form the Transport Canada Marine Technical Review Board (MTRB).

12. The BCMFWU has a significant concern however that the MTRB does not allow for the concerns of crew to be heard. BCFMWU sought to raise this issue through the CMAC process. A true copy of the agenda item regarding is attached to this my affidavit as **Exhibit B.**

13. Unfortunately, the MTRB has not been willing to allow representatives of the crew on vessels standing at review hearings.

14. MSM documents have been a long-standing concern of the BCFMWU because of the fundamental impacts on safety, working conditions, and employment that flow from those documents.

15. On or about November 7, 2018 at CMAC, Transport Canada announced that it intended to change the MSM process to move away from the Matrix to allow vessel operators with Safety Management Systems to submit a proposed MSM with their intended crew.

16. This change moved the determination of the MSM from Transport Canada to the operator. A true copy of the agenda for this meeting attached to this my affidavit as **Exhibit C.**

17. Transport Canada released the "MPR Stakeholder Consultation Discussion Draft Concerning Amendments to the MPRs" (Draft MPRs) at CMAC. A true copy of the Draft MPRs attached to this my affidavit as **Exhibit D.**

18. The **Exhibit D** Draft MPRs included amendments regarding the Minimum Safe Manning Document (Canadian Vessels: Application in Respect of a Canadian Vessel – Section 203).

19. The **Exhibit D** Draft MPRs also included this "Note":

> *Note to reader:*
>
> *Issuance process of the minimum safe manning document is now formalized in the regulations.*
>
> *Determination of minimum safe manning aligns with IMO Resolution A.1047.*
>
> *Rules governing minimum manning approval to be set out in a Minister's document. This document will be developed using the existing Annex A - Minimum Manning Evaluation Form (also commonly referred to as the Matrix) and will be further adapted for cable ferries and fishing vessels.*
>
> *This new guidance document can be readily updated to account for new technological and system innovations.*
>
> *Vessels other than fishing vessels, between 5 and 15 GT will still be required to have a minimum vessel complement of 2.*

20. The proposed amended process indicated Transport Canada could readily update the issuance process without stakeholder consultation, while Authorized Representatives could apply for MSM Documents with a "goal based approach," where the goals for Minimum Safe Manning are set, evaluated, and scored without any requirement for stakeholder input.

21. This process was deeply concerning to BCFMWU because of the myriad and fundamental safety and workplace impacts that flow from MSM Documents.

22. Transport Canada provided a Safe Manning Determination Presentation dated Dec 17, 2019 to BCFMWU The presentation was delivered at various CMAC Secretariat Fatigue Management Training & Safe Manning Info Sessions, including one attended by BCFMWU personnel on January 6, 2020 at the BCIT Marine Campus in North Vancouver. A true copy of the presentation is attached to this my affidavit as **Exhibit E.**

23. BCFMWU raised the importance of stakeholder involvement verbally at the Fall 2018, Spring 2019, and Fall 2019 CMAC meetings, at Pacific Region CMAC meetings during this time, and as part of our written submissions under the MPR Stakeholder Consultation Process. A true copy of BCMFWU submission is attached to this my affidavit as **Exhibit F.**

24. A similar submission was made by the Canadian Merchant Service Guild. A true copy of BCMFWU submission is attached to this my affidavit as **Exhibit G.**

25. At the April 2019 CMAC meeting, Transport Canada issued the Report of the Personnel Standing Committee in which the new MSM Process was discussed. A true copy of the April 16, 2019 Report of the Personnel Standing Committee is attached to this my affidavit as **Exhibit H.**

26. Transport Canada did not provide any role for the crews or their unions to participate in the matrix, application or guidelines training as set out in **Exhibit H**

> *TC is anticipating to have a new draft matrix, application and guidelines in a month or two.*
>
> *Once finalized, training and information sessions (half day on safe manning and half day on fatigue guidelines) will be held across Canada with both our TC inspectors and industry. Information regarding these sessions will be sent via the CMAC distribution list.*

27. Transport Canada issued draft instructions for Annex A forms – for SOLAS convention vessels and though with a Safety Management System. A true copy of the Annex A draft instructions is attached to this my affidavit as **Exhibit I.**

28. BCFWMU was concerned that the **Exhibit I** instructions included the direction that there be "no practical demonstration of a Boat and Fire Drill as the review of the Muster List should validate that exercise."

29. Transport Canada issued draft instructions for Annex forms – for non SOLAS convention vessels and those without a Safety Management System. A true copy of the Annex B draft instructions is attached to this my affidavit as **Exhibit J.**

30. I sought to raise the lack of stakeholder involvement and transparency at that November 2019 CMAC Meeting. A true copy of the agenda item I submitted is attached to this my affidavit as **Exhibit K.**

31. The stakeholder comments on the changes to the MSM Process were referred at the 2019 Fall CMAC, but there was not substantive discussion or attempt to address the concerns of stakeholders or provide any meaningful input into the MSM Process for crews or their representatives. A true copy of the stakeholder comment summary is attached to this my affidavit as **Exhibit L.**

32. The CMAC update to stakeholders on MSM consisted of 3 points on a PowerPoint presentation: "Revised application process, Revised process for making safe manning determination, Revised matrix and tools". A true copy of the CMAC presentation is attached to this my affidavit as **Exhibit M.**

33. BCFMWU was not successful in our efforts to achieve stakeholder involvement in the issue of MSM documents, despite these repeated pleas and submissions. We remain deeply concerned Transport Canada does not invite stakeholder input at any point during the issuance process for these documents.

34. Transport Canada issued a new Form A application which union such as the BCFMWU had no role in developing and no understanding of how it is used by Transport Canada. Many of the elements of the draft Annex A (**Exhibit I**) are not on the new Form A. A true copy of the new Form A is attached to this my affidavit as **Exhibit N.**

35. BCFMWU is concerned that the MSM process does not meet several of the required elements of the IMO Resolution A.1047(27) Adopted on 30 November 2011 PRINCIPLES OF MINIMUM SAFE MANNING. A true copy of IMO Resolution A.1047(27) attached to this my affidavit as **Exhibit 0.**

36. Resolution A.1047(27) expressly recognizes the = importance of instruments adopted by ILO, ITU and WHO relevant to maritime safety. One key document is the ILO Maritime Labour Convention, 2006. A true copy of Regulation 2. 7 of the ILO Maritime Labour Convention (2006) attached to this my affidavit as **Exhibit P.**

37. Regulation 2.7 of the Maritime Labour Convention requires that ships must be crewed with a sufficient number of seafarers to ensure the safety of the ship under all operating conditions.

> *Standard A2.7 – Manning levels*
>
> *1. Each Member shall require that all ships that fly its flag have a sufficient number of seafarers on board to ensure that ships are operated safely, efficiently and with due regard to security. Every ship shall be manned by a crew that is adequate, in terms of size and qualifications, to ensure the safety and security of the ship and its personnel, under all operating conditions, in accordance with the minimum safe manning document or an equivalent issued by the competent authority, and to comply with the standards of this Convention.*

38. Guideline B2.7.1 of the Maritime Labour Convention requires a dispute resolution mechanism in the even that unions representing crews disagree with the manning levels set by the state.

> *Guideline B2.7.1 – Dispute settlement*
>
> *1. Each Member should maintain, or satisfy itself that there is maintained, efficient machinery for the investigation and settlement of complaints or disputes concerning the manning levels on a ship.*
>
> *2. Representatives of shipowners' and seafarers' organizations should participate, with or without other persons or authorities, in the operation of such machinery.*

39. Transport Canada has not provided any means for seafarer organizations such as BCMFWU to be involved with the determination of the MSM or to challenge such a determination.

SWORN BEFORE ME at Vancouver, British Columbia on June 22, 2020

Commissioner for taking Affidavits

Graeme Johnston

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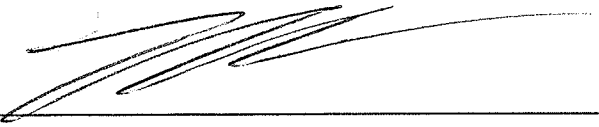
This is **Exhibit A** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia



A Commissioner for taking Affidavits within British Columbia

October 15, 2009

MARINE SAFETY MANAGEMENT SYSTEM
TIER III- WORK INSTRUCTION
DETERMINATION OF MINIMUM COMPLEMENT

Annex A

MINIMUM SAFE MANNING

EVALUATION FORM

Assessment of Minimum Complement

for Canadian vessels in accordance with

CSA 2001 and the Marine Personnel Regulations

RDIM # 3868273

Explanatory Notes

1. **Sufficient and Competent Staff** - Canada Shipping Act, 2001 (CSA 2001), sub-section 82 (2) No master of a Canadian vessel shall operate it unless it is staffed with a crew that is sufficient and competent for the safe operation of the vessel on its intended voyage, and is kept so staffed during the voyage.

2. *Marine Personnel Regulations* (MPR), Division 2 applies in respect of self-propelled Canadian vessels, other than cable ferries to which only section 205 applies, that are engaged on a voyage.

3. MPR, sub-section 207 (1) requires the authorized representative of a self-propelled Canadian vessel to ensure that the minimum complement (also known as minimum safe manning) of the vessel meets the requirements of section 207.

4. The determination of the minimum complement of a vessel should be based on performance of the functions as specified in the MPR, section 207, taking into account of technical developments and to special types of vessels and trades.

5. This "Minimum Safe Manning Evaluation Form" (the Form) reflects the requirements of the MPR, section 207 and provides a systematic approach to comply with such requirements.

6. It shall be demonstrated to the satisfaction of a Marine Safety Inspector that the final complement arrived at is the minimum complement sufficient and competent to perform all the safety functions as required by MPR, section 207.

7. Any alternative arrangements for the prescriptive requirements shall be supported by a Marine Technical Review Board Decision (mostly in Tables: 1a, 1b, 1c, 2a, 2b and 4).

8. Performance based crew numbers used in the Form are empirical, and work well in most situations (mostly in Tables: 2c and 3). Marine Safety Inspectors shall be satisfied that the crew numbers are sufficient and competent for a particular vessel. Actual demonstration may warrant higher or lower crew numbers.

9. It is noted that the Form is just a tool to facilitate a Marine Safety Inspector to evaluate the minimum complement on board a vessel while maintaining national consistency among various regions. It is not a substitute for the MPR, or for professional judgment and the application of general seamanship in the determination of sufficient and competent staff on board a vessel.

VESSEL INFORMATION

Vessel's Name	
Type of Vessel	
File Number	
Official Number	
Owner / Operator	
Year Keel Laid	
Gross Tonnage	
Length Overall	
Voyage Class	
Voyage Distance	
Max. Distance from Land	
Voyage Duration	
Propulsive Power	
E.R.–24hrs - Fuel. - Lube. - Bridge control	YES / NO
E.R. – UMS Status	YES / NO
Unobstructed all-round view	YES / NO
LSER	NEW / EXISTING
LSER Class	
FD&EER Class	
# of Decks accessible to, and passengers : -NOT allowed	
-Allowed	
# of passenger lounges	
# of assembly stations	
Relevant Board Decisions #	

# of Passengers	
Height: Embarkation Deck to Waterline	
Davit-launched life rafts, capacity x number	
# of Embarkation Stations	
Throw over life rafts capacity x number	
# of Embarkation Stations	
Embarkation Ladder	YES / NO
Capacity x number of life boats	
Capacity x number of MES	
# of liferafts to be brought to MES	
Type: SINGLE or TWIN	SLIDES or CHUTES
Capacity x number of emergency or rescue boats	
# of jets of water	
Hose size	
Structural Fire Protection in areas of muster and embarkation stations	A60 or OTHER details:
Watch System	Day Vessel/Shift operation
	24 hours: 2-watch
	24 hours: 3-watch

NORMAL OPERATION (Table 1)

Minimum crew required for normal operation shall be the sum of Table 1a, Table 1b and Table 1c.

Table 1a Deck Crew (MPR s. 207(3)(a), s. 207(3)(b), s. 213 – s. 216) –For additional deck watch crew needed for continuous operation and to meet hours of work/rest requirements, **See Table 1c.**

Tonnage	Number of Passengers	Master	Chief Mate	Additional Person	2nd Additional Person	TOTAL **Table 1a**
< 5	N/A	1 (A) (F)				
≥ 5 and < 500	≤ 50	1 (A) (F)		1 (C)		
≥ 5 and < 500	> 50	1 (A)	1	1 (C)		
≥ 500 and ≤ 1,000	N/A	1 (A)	1	1 (C) (E)		
> 1,000 and < 3,000	N/A	1 (B)	1	1 (E)	0 (B) or 1 (D) (E)	
≥ 3,000	N/A	1	1	1 (E)	1 (D) (E)	

(A): The Master may be counted as a member of the deck watch (MPR s. 215(2)(a) and s. 215(2)(b)).

(B): If at least three deck watches are established, the Master may be counted as a member of the deck watch (MPR s. 215(2)(c)). In those cases the requirement 2nd Additional Person is met without increasing complement. Daily shift arrangement is considered equivalent to three watch system.

(C): An additional person is not required if the criteria of MPR s. 216.(3)* are met.
* in MPR 216.(3)(c) term *"Tug assisting...."* refers to harbour tug used to assist a vessel to dock or undock.

(D): A second additional person may or may not be required, refer to MPR s. 216(5) and s. 216(6).

(E): For qualification of additional person and second additional person, refer to MPR s. 216(2)(b), s. 216(2)(c) and s. 216(4).

(F): Master is required in all cases, however on certain small vessels that person does not require to hold a certificate:

- For fishing vessels not more than 60 gross tonnage, transition phase-in period: beginning on November 7, 2008 and until November 7, 2016 (MPR s. 212(1)).
- Until November 7, 2010 for vessels not more than 10 gross tonnage that are not fishing or passenger-carrying vessels (MPR s. 212(2)).
- Until November 7, 2009 for passenger-carrying vessels not more than 5 gross tonnage or not more than 8 m in overall length (MPR s. 212(3)).

Notes:

(1) Radio Watch requirements (MPR s. 266 – s. 267) fulfilled by Deck Watch crew complement.
(2) For Master and Mates Certificates, refer to MPR s. 212.

Table 1b – Engineering Crew (MPR s. 207(3)(c), s. 223 – s. 225)
For additional engineering watch crew needed for continuous operation and to meet hours of work/rest requirements **see Table 1c.**

Power in kW	Voyage Type	Person in charge of the machinery	Person in charge of the engineering watch	Additional person (ERR)	TOTAL **Table 1b**
passenger-carrying vessel ≤ 75 kW (MPR s. 207(3)(c)(i))	all voyages				
not passenger-carrying vessel ≤ 750 kW (MPR s. 207(3)(c)(ii))	all voyages				
(a) vessels < 5 GT; (b) vessels of open construction; and (c) vessels propelled by portable outboard engines (MPR s. 207(3)(c)(iii) and s. 217)	all voyages				
passenger-carrying vessel > 75 kW to ≤ 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1	0 or 1 (G)		
passenger-carrying vessel > 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1	0 or 1 (G)	1 (H)	
fishing or cargo vessel > 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1	0 or 1 (G)	1 (H)	
tug > 750 kW to < 1,500 kW (MPR s. 207(3)(c) and s. 224)	limited NC2 or sheltered waters	1 (Note (2))		1 (H)	
tug > 750 kW to < 1,500 kW (MPR s. 207(3)(c) and s. 224)	other than limited NC2 or sheltered waters	1	0 or 1 (G)	1 (H)	
tug ≥ 1,500 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (Note (2))	0 or 1 (G)	1 (H)	

(G): One (1) if two engineer certificates are required in MPR s. 219, s. 220, s. 221 or s. 222 (for passenger-carrying vessels, cargo vessels, tugs or fishing vessels respectively), otherwise zero (0).
(H): Engine-room Rating is not required if criteria of MPR ss. 224(3) are met.
For the purpose of MPR p. 224. (3)(a), where an entire voyage duration is limited to less than 24 hrs, the voyage duration is considered equivalent to the "at least 24 hours" requirement.

Notes:
(1) On vessel ≤ 20 m, if criteria of MPR s. 226 are met, the Master may act in dual capacity of Master and Engineer.
(2) On tugs operating within the scope of Marine Safety Management System, TIER I-policy ***"Additional person for the deck watch and dual capacity on board harbour tugs of at least 300 gross tonnage but less than 500 gross tonnage"*** (RDIMS # 5058352), additional person from Table 1a, who holds appropriate engineer's certificate may act in dual capacity as the additional person and the engineer.
(3) **The condition specified in MPR 226(2)(b)(ii) and item 3.2.j in the habour tug policy, means the full bridge control including ability to adjust any fitted systems that regulate or adjust cooling, lubricating oil, gearboxes and the like from the steering station.** The condition is not met if the engine has any operational adjustments that can only be effected by leaving the steering station (Examples: recirculation cooling systems, clutching in/out of shafting or gearboxes, stop/start of emergency cooling pumps, lubricating oil pumps, fuel pumps etc)
(4) For minimum manning purposes the person in charge of the machinery may be also counted as a person in charge of the engineering watch.
(5) For Engineer Certificates, refer to MPR s. 218 – s. 222.

Table 1c – Other Crew (MPR s. 207(3)(e), (f), (g), (h), (i) and s. 227)

Other Crew		**Additional Crew Required**	
Qualification Met with crew as in table 1a or table 1b:	**Yes / No**		
Fire Patrol: MPR s. 207(3)(e) and FD&EER s. 21(1) & s. 37(1) - required on some of Class A and B Ships. ***Note: one or more may be required on a single watch*** FD&EER, Schedule I. Item 1. (d)			
Medical Care: MPR s. 207(3)(f)			
First Aid: MPR s. 207(3)(g)			
Fast Rescue Boat: MPR s. 207(3)(h)			
Additional crew for normal safe operation, including docking, anchoring and fuelling: MPR s. 207(3)(i)			
Ship's Cook: MPR s. 227			
Additional DECK WATCH crew to fulfill: deck watch maintenance standards and hours of work/rest requirements (MPR s. 213, 216 and 319 to 322), **sufficient and competent crew requirement** (CSA 2001, ss. 82(2)), **or the ordinary practice of seamen.**		OOW	RATING
Additional ENGINEERING WATCH crew to fulfill: engineering watch maintenance standards and hours of work/rest requirements (MPR s. 223, 224 and 319 to 322), **sufficient and competent crew requirement** (CSA 2001, ss. 82(2)), **or the ordinary practice of seamen.**		OOW	RATING
Additional fire patrol crew to meet hours of work/rest requirements: MPR 319 to 322			
Ship Security Officer as required (ISPS Code Part A 12.1)			
	TOTAL **Table 1c**		

MINIMUM CREW – NORMAL OPERATION	**1a + 1b + 1c =**	

EMERGENCY (Table 2)

Minimum crew required during emergency (fire) shall be the sum of numbers as determined in Table 2a, Table 2b and Table 2c.

Table 2a Master, Deck Watch and Radio Watch

Tonnage	Three watch system or equivalent	Master	Person in charge of the Deck Watch	Additional Person	2nd Additional Person	TOTAL **Table 1a**
< 5	N/A	1 (J)				
≥ 5 and < 300 /or ≤ 500 see (K*)	N/A	1 (J)		(K) (K*)		
≥ 300 /or >500 see (K*) and ≤ 1,000	N/A	1 (J)		1 (I)		
> 1,000 and < 3,000	YES	1 (J)		1 (J)	(L)	
> 1,000 and < 3,000	NO	1 (J)	1	1 (J)	(L)	
≥ 3,000	N/A	1	1	1 (J)	1 (J)	

(J): References and Notes as in **Table 1a.**

(K): Vessel < 300 GT, the additional person may also be assigned to other duties (MPR s. 207(4)(b)(i)).

* On tugs operating within the scope of Marine Safety Management System, TIER I-policy ***"Additional person for the deck watch and dual capacity on board harbour tugs of at least 300 gross tonnage but less than 500 gross tonnage"*** (RDIMS # 5058352), the additional person may be assigned to other duties in an emergency situation.

(L): Vessel < 3,000 GT, the second additional person may also be assigned to other duties (MPR s. 207(4)(b)(i)).

Table 2b Engineering Watch

Power in kW	Voyage Type	Person in charge of the engineering watch	Additional person (ERR)	TOTAL **Table 2b**
passenger-carrying vessel ≤ 75 kW (MPR s. 207(3)(c)(i))	all voyages			
not passenger-carrying vessel ≤ 750 kW (MPR s. 207(3)(c)(ii))	all voyages			
(a) vessels < 5 GT; **(b)** vessels of open construction; and **(c)** vessels propelled by portable outboard engines (MPR s. 207(3)(c)(iii) and s. 217)	all voyages			
passenger-carrying vessel > 75 kW to ≤ 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (M)		
passenger-carrying vessel > 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (M)	1 (M)	
fishing or cargo vessel > 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (M)	1 (M)	
tug > 750 kW to < 1,500 kW (MPR s. 207(3)(c) and s. 224)	limited NC2 or sheltered waters		1 (M)	
tug > 750 kW to < 1,500 kW (MPR s. 207(3)(c) and s. 224)	other than limited NC2 or sheltered waters	1 (M)	1 (M)	
tug ≥ 1,500 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (M)	1 (M)	

(M): Footnote H *(ERR)* and Notes 1, 2 & 4 *(dual capacity & certification)* from table1b apply.

Table 2c Other Persons Required in an Emergency Situation

PRINCIPAL COMMUNICATOR (MPR s. 207(4)(c) and s. 267).			
FIRE FIGHTING TEAM (MPR s. 207(4)(d)(i), refer to the table below).			
PREPARE FOR LAUNCHING SURVIVAL CRAFT (MPR s. 207(4)(d)(ii))			
OPERATE VESSEL'S PUMPING AND EMERGENCY POWER SYSTEM (MPR s. 207(4)(d)(iii))			
PASSENGER CONTROL (MPR s. 207 (4)(d)(iv))	**A= 1 crew for each compartment normally occupied by passengers. Where compartment includes: lounges, open decks, car decks or vertical fire zones on passenger cabin decks.**	**A=** **B=** **C= A+ B** C=	**Higher of C or F**
	B= 1 crew (for sweeping and searching) for every 3 decks accessible but not normally occupied by passengers		
	D= 1 crew for each muster station	**D=** **E=** **F= D+E** F=	
	E= 1 crew for every 150 passengers in excess of 150 passengers at each muster station		
Crew to provide COMMUNICATION between master and passenger control crew (RUNNER) (MPR s. 207(4)(d)(v))			
TOTAL **Table 2c**			

Fire Fighting Team (MPR s. 207(4)(d)(i))

Passenger Ship Class as per FD&EER, length, tonnage, type.	# of Jets of Water required	Fire Fighting Team	
		2½" fire hoses	1½" fire hoses
Class A, > 76.2 m	2	7	5
Class A, ≤ 76.2 m	2	7	5
Class B	1	3	2
Class C > 22.9 m	1	3	2
Class C ≤ 22.9 m	-	(1)*	(1)*
Class E	-	(1)*	(1)*
Class G ≥ 2000 GT	2	7	5
Class G >1000 GT, < 2000 GT	2	7	5
Class G ≤ 1000 GT	2	7	5
Class H > 45.5 m & > 500 GT, Tanker	2	7	5
Class H > 45.7 m & > 500 GT, Not Tanker	1	3	2
Class H > 45.7 m & ≤ 500 GT, Tanker	2	7	5
Class H > 45.7 m & ≤ 500 GT, Not Tanker	1	3	2
Class H > 10.7 m & ≤ 45.7 m	1	3	2
Class H, Open Ship ≤ 15.2 m)	-	(1)*	(1)*

To man 2½" fire hose: 3 crew members are required (2 at the nozzle, and 1 to handle the hose length).
To man 1½"or less fire hose: 2 crew members are required (1 at the nozzle, and 1 to handle the hose length).
A person in charge is required if two jets of water are required to fight a fire.
* Vessels, which do not require jets of water, shall have a crew member to fight a fire with other fire fighting equipment on board.

MINIMUM CREW - EMERGENCY	**2a + 2b + 2c =**	

EVACUATION (ABANDONING SHIP) [N] (Table 3)

PERSON IN CHARGE OF OVERALL EVACUATION				1 or 0 [P]
LIFEBOAT	Lifeboat of ≤ 50 persons capacity: 2 certificated persons (MPR s. 208(1)(a)) Lifeboat of > 50 persons capacity: 3 certificated persons (MPR s. 208(1)(b))		X Number of lifeboats	
For motorized lifeboat, there must be a person assigned who has received training to operate the motor and carry out minor adjustments to it {may be the same person as above} (MPR s. 208(2)).				
THROW OVER LIFE RAFTS	2 crew per embarkation station, or number of crew required to throw over the life rafts	For passenger–carrying vessel only: + 1 crew at the bottom of the ladder if embarkation ladder is required	X Number of embarkation stations	
DAVIT-LAUNCHED LIFE RAFTS	3 crew (1 crew for davit + 2 crew for life rafts) per embarkation station, or number of crew required to position the life rafts + one to operate the davit.		X Number of embarkation stations	
MES SLIDE single or double if embarkation deck is less than 4 m above the waterline in the lightest seagoing condition	1 crew as "feeder" on top per slide + 1 crew per 150 passengers for crowd control	Any additional crew(s) for handling life raft(s) if required	X Number of MES	
MES SINGLE SLIDE or CHUTE if embarkation deck is 4 m or more above the waterline in the lightest seagoing condition	1 crew as "feeder" on top per single slide or chute + 1 crew per 150 passengers for crowd control	1 crew as "receiver" + additional crew(s) for handling life raft(s) if required	X Number of MES	

MES TWIN SLIDES or CHUTES **if embarkation deck is 4 m or more above the waterline in the lightest seagoing condition**	**2 crew as "feeder" on top per twin slides or chutes + 1 crew per 150 passengers for crowd control**	**+ the number of crew to operate MES as demonstrated during capacity rating, or + 2 crew as "receiver" + additional crew(s) for handling life rafts if required**	**X Number of MES**	
Emergency Boat or Rescue Boat	**2 certificated persons per emergency or rescue boat, for NC 2 or sheltered waters voyage** (MPR s. 209(1)(a)) **3 certificated persons per emergency or rescue boat, for unlimited or NC 1** voyage (MPR s. 209(1)(b))		**X Number of emergency/rescue boats required during evacuation**	
Fast Rescue Boat	**2 crew per fast rescue boat on NC 2 or sheltered waters voyage** (MPR s. 209(2)(a) and s. 207(7)) **3 crew per fast rescue boat on unlimited or NC 1 voyage** (MPR s. 209(2)(b) and s. 207(7))		**X Number of fast rescue boats required during evacuation**	

(N) The table includes all crew required to operate the equipment and control passengers during the evacuation. The manning of survival crafts after completion of the evacuation process is a separate regulatory requirement and therefore does not affect the assessment at this phase.

(P) One (1) if a person is required to be in charge in order to coordinate overall evacuation, otherwise zero (0) and in that case the Master may be assigned to an individual evacuation station.

Note:

LIFE SAVING EQUIPMENT REGULATIONS

Evacuation Procedures

111. Every passenger ship shall have an evacuation procedure for the safe evacuation of the complement from the ship within 30 minutes after the abandon-ship signal is given.

The requirement is performance based. The equipment and/or evacuation stations do not have to be operated simultaneously as long as total evacuation time does not exceed 30 minutes

MINIMUM CREW – EVACUATION (ABANDONING SHIP)	

POST-ABANDONMENT (Table 4)

Minimum number of certificated/trained persons required on board shall be sufficient and competent to man survival crafts after abandonment, as required by the Marine Personnel Regulations.

LIFEBOATS	**Lifeboat of ≤ 50 persons capacity: 2 certificated persons** (MPR s. 208(1)(a)) **Lifeboat of > 50 persons capacity: 3 certificated persons** (MPR s. 208(1)(b))	**2 crew** **or** **3 crew**	**X Number of lifeboat**	
For motorized lifeboat, there must be a person assigned who has received training to operate the motor and carry out minor adjustments to it {may be the same person as above} (MPR s. 208(2)).				
INFLATABLE LIFERAFTS **or** **INFLATABLE RESCUE PLATFORMS**	(a) **Passenger-carrying vessel on sheltered waters voyage, 1 certificated person per two inflatable liferafts or inflatable rescue platforms with ≤ 25 persons capacity** (MPR s. 210(1)(a)(i)). (b) **Passenger-carrying vessel on sheltered waters voyage, 1 certificated person per inflatable liferaft or inflatable rescue platform with > 25 persons capacity** (MPR s. 210(1)(a)(ii)). (c) **In all other cases, 1 certificated person per inflatable life raft or inflatable rescue platform** (MPR s. 210(1)(b)). (d) **Vessel on NC 2 or sheltered waters voyage, at minimum 75 % certificated persons and remainder of the crew complement familiarized with operation of survival craft** (MPR s. 210(2)). (e) **Vessel on sheltered waters voyage, replacement of the certificated person by a person who holds an appropriate training certificate in MED** (MPR s. 210(3)).			
EMERGENCY BOATS, or RESCUE BOATS	**Only apply if used as survival craft** (MPR s. 209(3))	**2 crew per boat on NC 2 or sheltered waters voyage** (MPR s. 209(1)(a)). **3 crew per boat on unlimited or NC 1 voyage** (MPR s. 209(1)(b)).	**X Number of boats**	
FAST RESCUE BOATS	**Only apply if used as survival craft**	**2 crew per boat on NC 2 or sheltered waters voyage** (MPR s. 209(2)(a) and s. 207(7)). **3 crew per boat on unlimited or NC 1 voyage** (MPR s. 209(2)(b) and s. 207(7)).	**X Number of boats**	

MINIMUM CREW – POST-ABANDONMENT	

Summary:

Normal Operation			
1a =	1b =	1c =	Total :

Emergency			
2a =	2b =	2c =	Total :

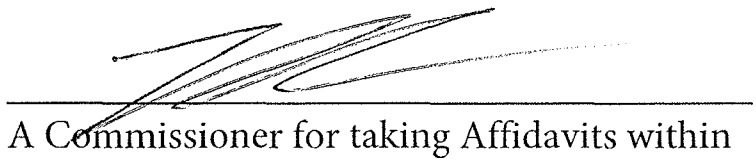
Evacuation (Abandoning Ship)	
	Total:

Post-Abandonment	
	Total:

Minimum Safe Manning	
The Minimum Safe Manning is the highest number of the above four scenarios.	Total *:
* Subject to the satisfaction of the attending Marine Safety Inspector	

Prepared by:
Date:

This is **Exhibit B** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia



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Transport Canada / Transports Canada

Submission Form for Proposed Agenda Item for Spring 2018 National Canadian Marine Advisory Council (CMAC) Meeting

Please complete this form and provide supporting documentation for the item to be considered for inclusion in the agenda.

Please submit your form before March 29, 2018

Please note if for some reason the deadline is not met or the number of agenda items submitted surpasses the allotted meeting time, the agenda item(s) may be deferred to the next CMAC meeting.

Proposed Agenda Item: EXCLUSION FROM LABOUR GROUPS IN MTRB DECISION PROCESS

Proposed Agenda Item for the following meeting(s):

- [x] Plenary Session (Day 1)
- [ ] Fishing Vessel Safety Regulatory Issues (Working Group)
- [ ] Vessel Construction and Equipment Regulations (Working Group)
- [ ] Recreational Boating (Standing Committee)
- [x] Domestic Vessel Regulatory Oversight – Large Vessels (Standing Committee)
- [ ] Domestic Vessel Regulatory Oversight – Small Vessels (Standing Committee)
- [ ] Personnel (Standing Committee)
- [ ] Marine Security (Standing Committee)
- [ ] Environment (Standing Committee)
- [x] Construction and Equipment (Standing Committee)
- [ ] Navigation and Operations (Standing Committee)
- [ ] Fishing Vessel Safety (Standing Committee)
- [ ] Navigation Safety Regulations (Working Group)

Rationale for Proposing the Agenda Item:

Decisions of MTRB often affect our members, however the MTRB only seems to listen to ARs and ROs, which often provide only one side of the story. Our concerns are not kept in mind when making a decision

Number of Attachment(s) addressing the proposed agenda item: 7

Name: EDUARDO MUNOZ

Company/Organization: B.C. FERRY AND MARINE WORKERS' UNION

Mailing Address: 1511 STEWART AVENUE NANAIMO, B.C V9S 4E3

Telephone: 250-668-9965

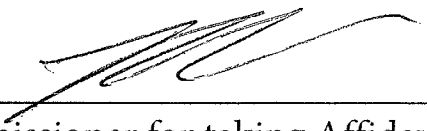
E-Mail: eduardomunoz@bcfmwu.com

Fax: 250-716-3455

Please email to:
CMAC Secretariat
cmac-ccmc@tc.gc.ca

Fax: 613-998-9010

This is **Exhibit C** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia



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Regulations Prevail

(4) In the event of an inconsistency between a provision of these Regulations and a document that is incorporated by reference into these Regulations, the provision prevails to the extent of the inconsistency.

Prohibition

201 No Canadian vessel shall navigate anywhere and no foreign vessel shall navigate in Canadian waters unless the requirements of this Part are met.

(x) No person shall perform watchkeeping duties or duties that involve designated safety, prevention of pollution and security duties

(a) within 4 hours after consuming an alcoholic beverage;

(b) while under the influence of alcohol; or

(c) while using any drug that impairs the person's faculties to the extent that the safety of the vessel or of persons on board the vessel is endangered in any way.

Division 1

Subpart 2 - Minimum Safe Manning Document — Regulation 14 of Chapter V of SOLAS

Minimum Safe Manning Document

Note to reader:

Issuance process of the minimum safe manning document is now formalized in the regulations.

Determination of minimum safe manning aligns with IMO Resolution A.1047.

Rules governing minimum manning approval to be set out in a Minister's document. This document will be developed using the existing *Annex A - Minimum Manning Evaluation Form* (also commonly referred to as the Matrix) and will be further adapted for cable ferries and fishing vessels.

This new guidance document can be readily updated to account for new technological and system innovations.

Vessels other than fishing vessels, between 5 and 15 GT will still be required to have a minimum vessel complement of 2.

202 (1) The authorized representative of a vessel must ensure that the vessel has on board a minimum safe manning document issued in respect of the vessel and that the minimum complement conforms to the minimum safe manning document, if the vessel is

This is **Exhibit D** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia

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Canadian Marine Advisory Council (CMAC)

AGENDA
STANDING COMMITTEE ON PERSONNEL

Chaired by: **Elisabeth Bertrand, Marine Safety and Security, TC**
Date: **Wednesday, November 14, 2018**
Time: **8:30 am to 4:00 pm**
Room: **Room 206/208**

1. *(08:30 – 08:45) Introduction and Approval of Agenda* (Elisabeth Bertrand)

2. *(08:45 – 09:15) E-learning (Mario Lavoie)*

3. *(09:15 – 09:45) Guidelines on Fatigue (Mario Lavoie)*

4. *(09:45 – 12:00) Update on the Amendments to the Marine Personnel Regulations* (Elisabeth Bertrand, Scott Weatherdon, Mario Lavoie, Bernard Leclerc)

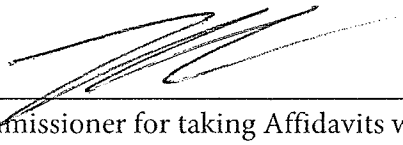
5. *(13:00 – 14:15) Update on the Amendments to the Marine Personnel Regulations* (Elisabeth Bertrand, Scott Weatherdon, Mario Lavoie, Bernard Leclerc)

6. *(14:15 – 14:45)* Coffee Break

7. *(14:45– 15:45) Stakeholder Submissions & Other Business*
   - Safe Manning Document
   - Shortage of Seafarers

8. *(15:45 – 16:00) Closing Remarks* (Elisabeth Bertrand)

This is **Exhibit E** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia



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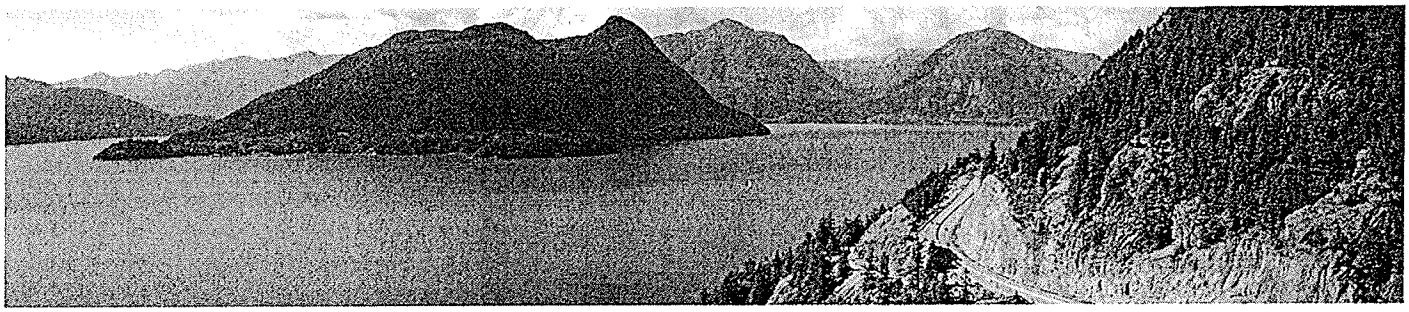
SAFE MANNING DETERMINATION – INFORMATION SESSIONS

RDIMS: 16046934



The Safe Manning Requirement

- Subsection 82 (2) of the *Canada Shipping Act, 2001* requires that Canadian vessels be staffed with a crew that is sufficient and competent for the safe operation of the vessel.

- The Marine Personnel Regulations requires the authorized representative of the following vessels to apply to the Minister for a Safe Manning Document (SMD),
  - safety convention vessel;
  - a foreign vessel applying for a coasting trade licence; and
  - a Canadian vessel that is required to carry an inspection certificate.

- The Minister issues the SMD for a 5 year period.

Proposed Changes

- The current Annex A evaluation form requires modernization to properly consider:
  - the new *Vessel Fire Safety Regulations*;
  - the incorporation of IMO Resolution A 1047(27);
  - automation, modern technology, alternative arrangements and additional equipment; and
  - safety management systems and risk analysis reports.

The Revised SMD Approach

- Category 1 - The Safe Manning Team will process all SMD applications for the following vessels:
  - Safety Convention vessels; and
  - vessels with a Safety Management System.

- Category 2 - Regional offices will issue SMDs for:
  - vessels that are not Safety Convention vessels;
  - fishing vessels; and
  - cable ferries carrying less than 100 passengers and engaged on voyages of less than 1000 meters.

Composition of the Safe Manning Team

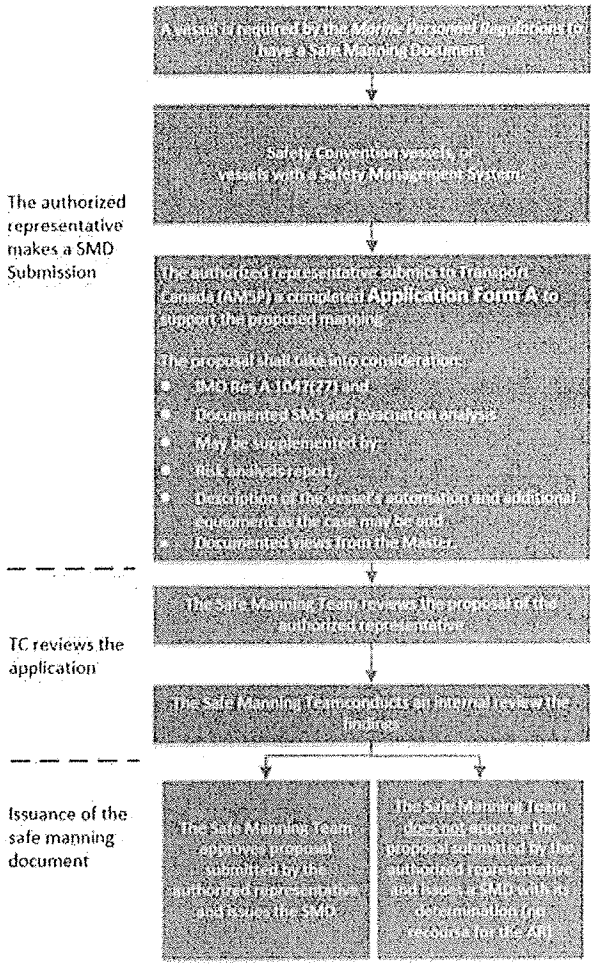
- 2 representatives from Ottawa (AMSP)
- 2 representatives from the region

Advantages of this approach

- Cross pollination of ideas
- Promote greater consistency in the determination of minimum safe manning numbers across Canada

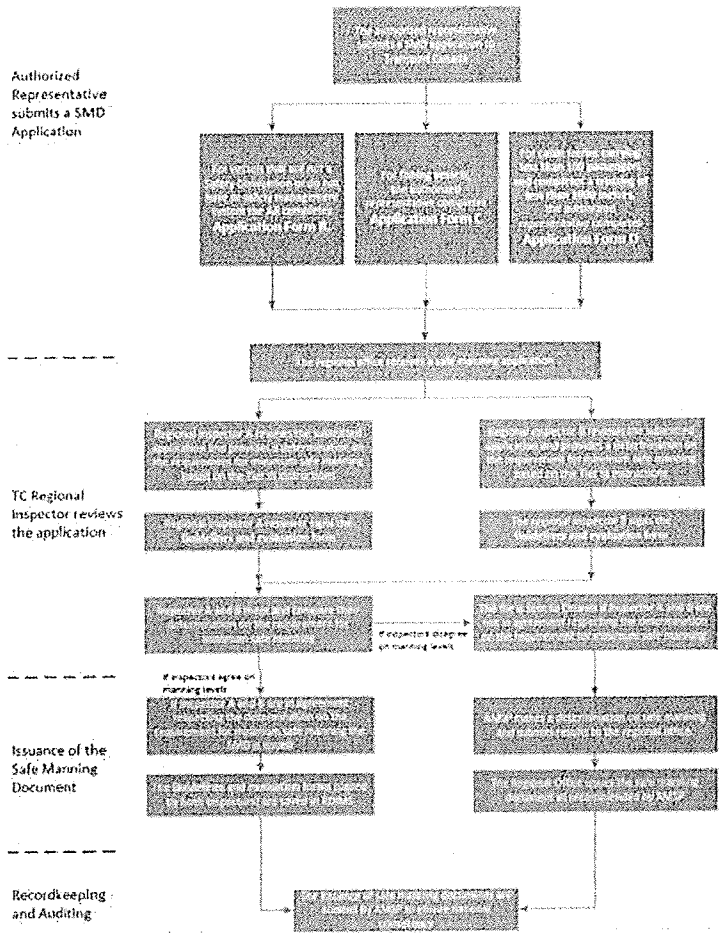
SMD Application Process for Safety Convention Vessels and Vessels with Safety Management System

(Category 1 Vessels)



SMD Application Process for Vessels that are not a Safety Convention Vessel

(Category 2 Vessels)



Revised Documentation

- 5 SMD applications instead of the 1 currently in use which better reflects various vessel types. The one-sized approach does not work.

- Each application form has its own customized evaluation form (annex).

Revised Documentation

Each application form has its own customized evaluation form (annex)

SMD Application Form A - Category 1 vessel

Who it is for

- Safety Convention vessel; or
- Vessel with a safety management system (ISM)

Highlights

- Will be reviewed by a national SM Team
- Contains 17 sections
- The application can be supported with the following plans:
  - Fire detection and fighting
  - Fire control plan
  - Lifesaving equipment
  - General arrangement

Revised Documentation

SMD Application Form B - Category 2 vessel

Who is it for?

- A vessel that is not a Safety Convention vessel or does not have a safety management system

Highlights

- Contains 12 sections
- Evaluation is conducted exclusively in the region

SMD Application Form C – Category 2 vessel

Who is it for?

- Fishing vessel

Highlights

- Contains 7 sections
- Evaluation is conducted exclusively in the region

Revised Documentation

SMD Application Form D – Category 2 vessel

Who is it for?

- Cable ferry carrying 100 passengers or less and complete a crossing less than 1000 metres

Highlights

- Contains 8 sections
- Evaluation is conducted exclusively in the region

SMD Application Form E – Renewal Application for all vessels without changes to :

a) The original application form;
b) The vessel's area of operation;
c) The construction of the vessel; and
d) The machinery or equipment of the vessel.

Advantages of this Revised Approach

- The level of SMD scrutiny is scaled to reflect risk.
- The application and evaluation forms permit the consideration of automatization and modern technology when determining manning levels.
- The application forms now reflects the need to provide a Muster List (crew required to perform duties during emergencies).
- Greater national consistency as a result of,
  - internal reviews; and
  - establishment of a national Safe Manning Team.

Questions

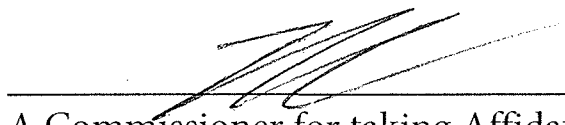
Elisabeth Bertrand

A/Exec. Director Marine Personnel & Certification

elisabeth.bertrand@tc.gc.ca

613-998-4278

This is **Exhibit F** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia



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BC FERRY & MARINE WORKERS' UNION

1511 Stewart Avenue
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Division 1 Subpart 2 – Minimum Safe Manning Document — Canadian Vessels

Application in Respect of a Canadian Vessel

Section 203(3)

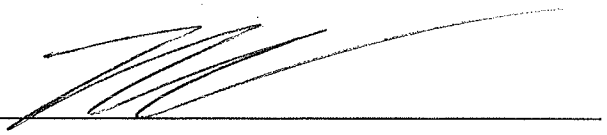
Recognizing the importance of regulations being able to "account for new technological and systems innovations," this flexibility should be subject to an increased level examination to ensure the Minister is upholding their duty to public and environmental safety while maintaining consistency of decisions. In the context of Transport Canada's Minimum Safe Manning [MSM] evaluations, stakeholder input prior to the release of any MSM document will provide the Minister at least three key benefits:

1. Better understanding of the practical effects of technology and systems that may be used in safety critical situations essential to the maintenance of public and environmental safety.
2. Building public trust by meeting the Minister's mandate for openness and transparency.
3. Using stakeholders and public oversight to help maintain consistency of MSM decisions across the regions.

Therefore, BCFMWU proposes amending Division 1 Subpart 2 (3) *Evaluation of Application* to make all MSM Applications publicly available for stakeholder comment, limited to issues of operational, public, and environmental safety, prior to the evaluation of application.

In the alternative, BCFMWU proposes amending Division 1 Subpart 2 (3) *Evaluation of Application* to make evaluations of MSM applications publicly available for stakeholder comment, limited to issues of operational, public, and environmental safety, prior to the issuance of the Minimum Safe Manning Document.

This is **Exhibit G** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia



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The Canadian Merchant Service Guild
A NATIONAL ASSOCIATION OF MASTERS - MATES – PILOTS – ENGINEERS AND OTHER MARINE OFFICERS
La Guilde de la Marine Marchande du Canada
FOUNDED 1917
ASSOCIATION NATIONALE DES CAPITAINES – OFFICIERS DE PONT – PILOTES – MÉCANICIENS ET AUTRES OFFICIERS MARINS
AFFILIATED WITH / AFFILIÉE À
INTERNATIONAL MARITIME PILOTS' ASSOCIATION - INTERNATIONAL TRANSPORT WORKERS' FEDERATION - NATIONAL JOINT COUNCIL OF CANADA
ASSOCIATION INTERNATIONALE DES PILOTES MARITIMES - FÉDÉRATION INTERNATIONALE DES OUVRIERS DU TRANSPORT - CONSEIL NATIONAL MIXTE DU CANADA
OTTAWA – VANCOUVER – THOROLD – QUÉBEC – DARTMOUTH – ST. JOHN'S

February 18, 2019

Elisabeth Bertrand
Director of Personnel Certification and Standards
Marine Safety and Security, Transport Canada

elisabeth.bertrand@tc.gc.ca

Dear Ms. Bertrand,

Re: Transport Canada's Document Concerning Draft Amendments to the Marine Personnel Regulations

The Canadian Merchant Service Guild ("the Guild") is the labour and safety representative for most of the officers employed on ships and tugs across the country. Our 4,000 members include Masters, Mates, Pilots, Engineers and other marine officers engaged in every segment of shipping from offshore supply vessels to tankers, freighters, towboats, lakers, deep sea vessels, passenger ferries and pilotage operations in every part of Canada. The Guild is committed to ensuring the safety of life at sea and the well-being of seafarers and we participate on all committees involved in the development of marine regulations and matters affecting seafarers.

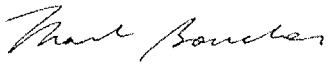
The Marine Personnel Regulations (MPRs), issued under the authority of the *Canada Shipping Act (2001)*, are of vital importance to Guild members, in that they set out the requirements for the qualifications, training and certification of crew members. In addition to promoting a safe and efficient marine transport system, and ensuring Canada meets its international obligations, and protecting the environment, the MPRs also set out conditions which affect the health and well-being of individual crewmembers.

The Guild is focussed on those proposed MPR amendments in Transport Canada's recent draft document that could affect safe operations, or impact positions that Canadian officers could hold, or conditions pertaining to their employment. As such, the attached submission primarily addresses issues related to safe manning and certificates of competency. Some sections of the proposed amendments have also been identified in our submission as requiring clarification.

A general concern, reflected in our submission but deserving emphasis, is the need for robust and objective "minimum safe manning" standards by competent Canadian personnel. More specifically, any changes that may be championed by some stakeholders, for the purpose of addressing personnel shortages, are in our view especially wrong-headed. Our submission emphasizes the importance of alternative strategies to address recruitment of Canadians and career development issues which need to be exhaustively pursued. This would result in safer operations, and a healthier, more competitive industry.

Given the importance of the MPRs and the Guild's role as the representative of many marine officers, we appreciate the opportunity to provide input to the revision of the MPRs currently being undertaken by Transport Canada. We recognize that the revision of the Regulations is a work in progress, and we look forward to further discussions.

Yours truly,



Mark Boucher
National President

cc: International Transport Workers' Federation (ITF)

Submission by the Canadian Merchant Service Guild

re: Transport Canada's Draft Document Concerning Amendments to the Marine Personnel Regulations

February 2019

Section 124 - Small Vessel Operator

Serious safety concerns have been raised during consultations with stakeholders regarding the very minimal level of training and sea-time experience requirement of the proposed new Small Vessel Operator (SVO) Certificate, particularly with regard to the risks involved with the operation of tugs.

Other Canadian Officers and Pilots operating much larger vessels, often with restricted maneuverability, in tight quarters such as the Fraser River and other challenging and congested waterways, need to rely on the Regulator to ensure that as much as possible, the commercial craft that they encounter are operated by individuals who are competent and experienced.

With these concerns in mind, clearly **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.**

Sections 137 to 143 - Engineering Certificates of Competency

Third Class and Fourth Class Engineers

In aligning the Engineering Certificates of Competency with the international standards of the STCW Convention 2010, the proposed amendments to the MPRs eliminate certain Engineering Certificates. The Guild's position is that this change should not result in current holders of Third Class and Fourth Class Certificates being unable to continue to serve in positions they now occupy. Nor should it require them to be classified at a lower pay grade.

Accordingly, the proposed certificate exchange program, as set out in Transport Canada's exchange table, should reflect the principle that engineers are deemed qualified to continue to serve in positions they have occupied, and for which they have satisfactorily carried out the duties, in most cases for many years. This approach is consistent with Canada's past practice of granting grandfather status to individuals who have already safely proven their competence prior to the introduction of changes in regulations that can impact their certification or livelihood. It also reflects international practice, where transitional arrangements to protect current certificate holders are the norm.

In Resolutions from the STCW 2010 Manila Amendments, recognition is given to the "*need for all ships to be manned and operated by properly trained and certified seafarers*". Even though some of the more mature holders of Canadian Third Class and Fourth Class Engineering Certificates may not have completed all of the new courses that would be required under the amended MPRs, they do have Certificates that are valid under the current MPRs, as well as, decades of experience which meets the intent of having properly trained and certified seafarers manning vessels.

The STCW Code lists the minimum knowledge, understanding and proficiency required for certification including the methods for demonstrating competence in the following table:

Examination and assessment of evidence obtained from one or more of the following:

1 approved in-service experience
2 approved training ship experience
3 approved simulator training, where appropriate
4 approved laboratory equipment training

The STCW Code allows for approved in-service experience, which clearly these officers have obtained during their tenure in their current positions.

Resolution 12 further addresses the importance of retaining seafarers in the maritime profession by providing an adequate exchange of certificates to allow them to continue sailing in their present positions.

In practical terms, this would mean **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.**

Section 144 - Small Vessel Machinery Operator (SVMO)

The "Note to Reader" regarding Section 144 states that the Small Vessel Machinery Operator Certificate of Competency is *"being re-designed to reflect realities on vessels greater than 750 kW. A Small Vessel Machinery Operator Certificate of Competency restricted will be introduced."* It is not at all clear what those "realities" are. The amended MPRs do not state the intended use of the SVMO restricted certificate. Because of this, it is not possible to assess the value or efficacy of the re-design, or whether there is even a need to introduce a restricted certificate.

If the introduction of a restricted certificate is intended to address a real or perceived personnel shortage, it should be so stated, and the extent and nature of the shortage be examined. Otherwise, the effectiveness of the proposed changes cannot be assessed. In any event, it is arguable that changing personnel requirements and qualifications that can have an important impact on the safe operation of vessels is not the right way to address such shortages. Instead, examining recruitment practices, career advancement, compensation, training, and other conditions of employment should be pursued.

An example of how the introduction of a re-designed certificate could impact safety is illustrated by the fact that in the proposed draft new MPRs, the **1 month** of sea service required to obtain the SVMO certificate no longer stipulates that any of that sea service include engine room duties, and yet the SVMO Certificate of Competency is an engine room certificate.

Any systematic reduction of certificate requirements or reduction of positions on vessels may provide short term relief, however, this is not sustainable and is a disservice to the marine industry in the long run by leading to a shortage of qualified personnel. Vessels are becoming more complex every year, thus requiring more knowledge and a higher skill set rather than minimal qualifications.

Taken as a whole, reducing certificate requirements and the number of positions on vessels are clear threats to safety, and should only be considered if a compelling case has been made for them, and only if other remedies are not effective. **Absent a justification for the introduction of a new certificate (Small Vessel Machinery Operator Certificate – Restricted), the proposed MPRs should provide only for a certificate of competency for the Small Vessel Machinery Operator category. The Guild is not in favour of expanding the "validity" or "area of operation" of the SVMO certificate beyond that already specified in the current MPRs.**

Sections 201 to 205 - Minimum Safe Manning

Vessels That Will Require a Minimum Safe Manning Document

In earlier stakeholder consultations, the necessity was understood for all tugs engaged in commercial activities to be included in the requirement for a "minimum safe manning document", as set out in Section 202 (1). Consistent with this intention, such vessels should ***not*** be identified for exception under 202 (1) (b) regardless of tonnage or length; especially given cases of inconsistent or manipulative construction alterations / measurements of gross tonnage that sometimes exist to avoid certain regulatory requirements.

While we recognize that the proposed amendments to the new regulations have been rolled out as a draft document, it appears that an exemption may have been included under 202 (1) (b) for commercial vessels under 15 tons, which is already an area of numerous very serious safety concerns in the marine industry.

For greater clarity, all tugs should be specifically identified in Section 202 (1) as requiring a minimum safe manning document. Accordingly, a new subsection should be added to read as follows: **201 (1)(e) "any tug engaged in commercial activities."**

Sufficient Personnel on Board to Prevent Fatigue and to Recover a Person Falling Overboard

The ability to recover a person falling overboard is a crucial consideration when determining an appropriate manning level. Therefore, the explanation of how the proposed manning level is sufficient to deal with emergency situations should explicitly include the recovery of a person falling overboard from the vessel, under normal operating conditions of wind and tide and ice and current.

At meetings of the Canadian Marine Advisory Council, since 2010, labour representatives affiliated with the ITF, including the Guild, have raised our serious concerns, in this era of reduced crew sizes, of the vital importance of commercial vessels being crewed by a sufficient number of persons to be able to respond to emergencies on board, to prevent accidents due to fatigue, and to be able to recover a person falling overboard. These requirements need to be stipulated in the new MPRs by requiring that high-horsepower, multi-deck ship berthing tugs should have a sufficient minimum safe manning level of at least 3 seafarers on board, even in sheltered waters, in order to be able to prove the capability to respond to all emergencies on their vessel.

The recovery of a person falling overboard should be added as an explicit example of an emergency situation for which there must be sufficient manning at all times when the vessel is underway. The section in question would then read as follows: Section 203 (2)(b) "an explanation of how the minimum safe manning level proposed in the application is sufficient to deal with emergency situations, including the evacuation of passengers **and the recovery of a person falling overboard from the vessel.**"

Criteria for the Issuance of a Minimum Safe Manning Document - the need to specifically emphasize fatigue, emergencies, and watchkeeping

To the greatest extent possible, the issuance of the minimum safe manning document should be based on meeting criteria that are specific, objective, and commonly understood. For this to be the case, the requirements should be clearly stated in the relevant section of the regulations.

To be more explicit, the section in question would then read as follows: Section 203 (4)(c) "the proposal satisfies the requirements for the vessel's minimum safe manning level specified **in Section 319 respecting hours of rest to prevent accidents due to fatigue; Section 236 requiring two-person watchkeeping in those situations as identified in Ship Safety Bulletin No. 7, 2017; and, Section 203 (2)(b) related to minimum complement to deal with emergency situations."**

Sections 211 and 212 - Foreign Certificates of Competency

An ongoing matter of special interest for all Canadian maritime organizations is the availability of qualified and well-trained marine personnel, not only to staff Canadian vessels, but also to create a pool of candidates for a variety of essential, senior positions in both the public and private sectors needed to maintain safe, efficient maritime operations.

The need for competent and qualified seafarers is self-evident, insofar as Canada's domestic fleet cannot operate without such individuals. What is not always as obvious is the fact that these mariners are a crucial source for succession to key positions in the broader maritime sector.

Any initiative that opens the door to a decrease in the number of jobs for Canadian seafarers would also have significant impacts on income tax revenue, spinoff losses from spending effects in the Canadian economy, and detrimental impacts on marine training institutes.

In our view, there is a serious risk that the new Section 211 of the draft MPR document as proposed would introduce an unacceptable "permanent foreign worker program" with no restrictions around the use of foreign certificates on board Canadian-flag vessels. "Temporary foreign worker" programs in other sectors of Canada have been problematic enough, let alone a permanent one. In the Guild's view, a temporary foreign worker program on Canadian-flag vessels would introduce the following risks that would not be in the National Interest:

- the risk of decreasing the commitment by some Canadian employers to training and recruitment and certificate upgrading of Canadian candidates for seafaring positions; i.e. less incentive for Canadian companies to continue to allocate profits to significantly contribute to marine training and upgrading (and thus the continued employment of Canadians)

- risks to the eight Canadian marine training institutes, certified by Transport Canada, which rely on demand from qualified Canadian candidates to generate student enrollment. The gradual introduction of foreign seafarers on Canadian-flag vessels will reduce the need for these training centres which currently provide more than 240 full-time equivalent jobs in teaching, administration and management and over $18 million in annual wages.

One of the generally-accepted principles governing the current MPRs is that Canadian-flag vessels be manned by Canadians holding the appropriate certificates. In circumstances when a certificate holder is not available, a provision exists in the current MPRs for the Minister to issue a dispensation to authorize an individual who does not hold the required certificate of competency to temporarily perform the duties in question until a properly qualified Canadian becomes available. We are not aware of abuses of the current dispensation system and Transport Canada has proposed to include the existing dispensation system in the new MPRs.

Whenever possible, dispensations should only be issued to Canadian seafarers, however, the Guild recognizes that there may be instances in the future when such a person is not immediately available. In those cases, an individual holding a foreign certificate of competency could be granted a dispensation.

However, prior to introducing any dispensation for temporary foreign workers on board Canadian-flag vessels, alternative initiatives to address personnel shortages need to be exhausted and the following prerequisites need to be fully explored to ensure priority is given to Canadian seafarers:

- convincing proof of extensive advertising of marine job vacancies across Canada using both internet-based and traditional platforms, to provide awareness of opportunities to unemployed or under-employed Canadians

- possible apprentice opportunities for Canadians to gain experience on board Canadian vessels or undertake training to eventually become qualified for future similar opportunities

- expand the possibilities for employment aboard ships having vacant berths for seafarers serving as apprentices / supernumeraries / cadets in order to obtain experience and sea-time toward specialized qualifications such as oil tanker endorsements

- fast-tracking foreign nationals to become Canadians and obtain Canadian marine qualifications

- introduce a transparent system similar to the Canada Transportation Agency's application procedure which is used to request a temporary Coasting Trade License (for a foreign ship on Canadian voyages when a Canadian-flag vessel is not available) - similarly, any request for a "dispensation" to employ a foreign national on a Canadian-flag vessel would be required to be distributed in advance by e-mail to a wide cross-section of interested parties and stakeholders in the Canadian marine industry

- create a publicly accessible internet database of applications (and approvals) for foreign nationals on Canadian-flag vessels (not containing personal information identifying individuals) to be maintained in chronological order with advance notice, of a specified number of business days, for new applications that are "pending approval" should there be no qualified Canadians available

It is the strongly-held position of the Guild that it is in the National Interest to continue to employ Canadians in safety-sensitive marine positions to ensure a strong stake in protecting the environment and a vested interest in being familiar with local conditions and complying with Canadian regulations and legislation. Accordingly, the Guild is **not** in favour of introducing temporary foreign workers on Canadian-flag vessels until all other alternatives have been thoroughly pursued and exhausted.

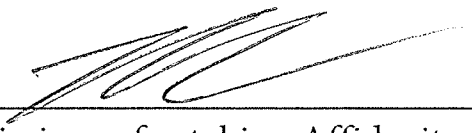
To better reflect this approach, it is recommended that the new **Section 211 of the proposed draft MPRs be deleted, and that instead, the following be added to Section 212**, which would then read as follows:

> 212 (1) "In circumstances of exceptional necessity, the authorized representative of a vessel may make a written request to the Minister for a grant of a dispensation authorizing a person to occupy a position on board the vessel without holding a Canadian Maritime Document that a person in that position is required to hold under these Regulations."
>
> 212 (2) "The Minister may, if the circumstances justify it, grant a dispensation in accordance with Article VIII of the STCW Convention, authorizing a person to perform the duties of a position on board a vessel without holding the required Canadian maritime document. **In circumstances where a Canadian cannot be identified to perform the duties of the position in question, the Minister may direct, under subsection 89 (1) of the *Canada Shipping Act*, that a person holding a certificate of competency issued by the government of a foreign state be granted a dispensation. Such a dispensation would only be granted to an individual holding a valid work permit issued by the Minister of Refugees, Immigration and Citizenship authorizing the person to work in Canada. The Master of a vessel must ensure that the foreign certificate of competency is accompanied by an endorsement of recognition issued by the Minister of Transport in respect of that certificate when the holder presents the certificate to the Master."**
>
> 212 (3) "A dispensation granted by the Minister is valid until the earlier of:
>
> (a) The day on which a holder of the required Canadian Maritime Document is available **or, in the case of a foreign certificate holder, when a Canadian with a dispensation granted by the Minister becomes available; or,**
> (b) 6 months after the date on which the dispensation is granted."

Section 218 - Engineer Certificates Table – Vessels Other Than Fishing Vessels

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.

This is **Exhibit H** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia



A Commissioner for taking Affidavits within British Columbia

RDIMS : 15281358

REPORT OF THE PERSONNEL STANDING COMMITTEE

Chaired by: Elisabeth Bertrand, Acting Executive Director, Marine Personnel Standards and Certification
Date: April 16, 2019
Time: 10:30 – 16:00
Room: 214

1. **Introduction and Approval of Agenda**
   The agenda was approved without any changes.

2. **Update on the *Marine Personnel Regulations* (MPR) Amendment Project**

   - The Chair provided an overview on the status of the MPR amendments. The delays are due to a lack of drafting lawyers (from 3 teams down to 1) and because of other competing priorities. A consolidated draft should be available by end of summer, which will be shared. We are hoping to go to the *Canada Gazette* process in late fall.
   - Consultation sessions to discuss the proposed amendments were held across Canada in fall 2018/winter 2019. Following the consultations, a number of submissions were received, which were looked at very carefully and were assessed. We will be responding to everyone who submitted comments.
   - . We will be sending documents fairly often and will be asking for advice / recommendations and/or identification of issues/concerns. Please continue to send us your comments. Should anyone want to discuss further, please contact us. It will be a pleasure for us to discuss with you or meet in person, if need be.

Update on Nautical - Mario Lavoie, Manager, National Marine Safety Program:

- The Direct Entry Process for foreign seafarers wishing to obtain a Canadian Certificate of Competency has been streamlined.
- Mario reminded everyone to make sure that seafarers take only TC-approved courses from our approved marine training institutions. Please reference TP 10655 before taking training.
- Mario informed everyone that we are working on a new TP for passenger-carrying vessels (PSM/SPSM). It will be shared soon for comments.
- Once this new TP enters into force, you will need to be able to provide documentation that the individual has kept his/her competency up to date. Companies will be required to keep a database or records to show that the seafarers have kept up with their training. With this new regime, you will not be required to go to the TC offices to renew the certificates; you will simply need to provide documentary evidence.

Update on Engineering - Bernard Leclerc, Manager, Engineering Certification and Personnel Safety:

- The Direct Entry Process for engineers has also been streamlined.
- Bernard explained the changes to the engineering flow chart regarding the combined engineering certification.
- SVMO – Bernard explained the new approach for SVMO – 2 months of qualifying service.
- Bernard referred to the skills/abilities found in the draft of TP 2293.
- Bernard confirmed that ERR is maintained.
- 4M to 2M will be 12 months in new MPR.

3. TC/USCG MOU Revised Draft – E. Bertrand:

- A copy of the MOU was posted on the CMAC drop box. TC has had an existing MOU with USCG since 2002 regarding "Mutual Domestic Mariner Qualifications". TC is currently in the process of revising it (replacing "Crewing Regulations" with "Marine Personnel Regulations", etc. to bring it up to date. Please send us any comments you may have.
- Once completed and signed, it will be posted on the website.
- The definition of domestic waters in this case only applies to the MPR, for safe manning purposes, etc.

4. TP 2293 Revised Draft – E. Bertrand

- A draft copy was posted on the CMAC drop box.
- A modernized approach was taken, which reduces it from 300 pages to approximately 80 pages.
- The TP lists the qualifications and criteria only. The details are found in the Convention or will appear in the Guidelines document we will be producing.
- TC will ensure that the proposed amendments reflect the validity period.
- Sea service is currently going through some changes – more to follow on that soon.

5. Update on Marine Medical Unit – J. Bédard, Director, Marine Pilotage Program:

2019 objectives are to:

- Go electronic (May) with the Marine Medical Application with the Medical Doctors;
- Work more closely with medical examiners (via seminars, etc.); and
- Update TP 3341.

6. Update on Issuance of Safe Manning document (SMD) Project - E. Bertrand:

- TC is looking to make changes in the determination of safe manning numbers.
- TC hired a consultant (former TC inspector, Serge Théoret), who was responsible in 2007 for establishing the existing Matrix and procedures regarding safe manning when this new requirement took effect.
- An international study was also undertaken, the results will be shared.

- TC is anticipating to have a new draft matrix, application and guidelines in a month or two.
- Once finalized, training and information sessions (half day on safe manning and half day on fatigue guidelines) will be held across Canada with both our TC inspectors and industry. Information regarding these sessions will be sent via the CMAC distribution list.
- Amendments to the MPR are not required to implement the way that we determine safe manning levels. TC will be looking carefully at the hours of rest in the determination of safe manning.

7. Guidelines on Fatigue – E. Bertrand:

- IMO approved the guidelines on Fatigue. These will be distributed via a Ship Safety Bulletin in the next couple of weeks.
- Half day sessions to discuss the importance of these guidelines will be held across Canada. Information regarding these sessions will be sent via the CMAC distribution list.

8. Shortage of Seafarers - E. Bertrand:

- The direct entry process has been considerably streamlined.
- There is now a fast-track process at Immigration, Refugees and Citizenship Canada. If someone identifies themselves as a seafarer, they will be fast-tracked at Immigration with the new process.
- TC also has a project with the Canadian Royal Navy to determine what is required for these mariners to obtain commercial certification.
- The Ocean Protection Plan (OPP) is undertaking a marine training program.
- All seafarers with a Class I to IV fishing certificate can also obtain a Certificate of Competency for a Master Limited 60 GRT.
- A Seafarer Welfare Meeting will be taking place on Wednesday at CMAC to discuss seafarers' welfare issues and concerns, MLC, STCW, MPR and discuss any regulations/changes affecting the welfare and well-being of seafarers.

9. MPR Submissions – S. Weatherdon, Project Manager

- Scott presented the list of issues / concerns / suggestions received from stakeholders.
- Those who have written in will be receiving responses to their letters and/or emails.
- There is still time to send in your comments.
- If you wish to discuss your comments or suggestions further, please contact us.

10. Closing Remarks – E. Bertrand:

Elisabeth thanked everyone for attending and for providing their comments and suggestions.

This is **Exhibit I** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia

A Commissioner for taking Affidavits within British Columbia

Transport Canada Transports Canada

ANNEX A - MINIMUM SAFE MANNING EVALUATION FORM

(as per the Application Form « A » for Minimum Safe Manning Document for Safety Convention Vessels or Vessels with a Safety Management System)

Assessment of Minimum Complement for Canadian vessels in accordance with CSA 2001 and the *Marine Personnel Regulations*

Canada

Explanatory Notes

1. **Sufficient and Competent Staff** - Canada Shipping Act, 2001 (CSA 2001), sub-section 82 (2) No master of a Canadian vessel shall operate it unless it is staffed with a crew that is sufficient and competent for the safe operation of the vessel on its intended voyage, and is kept so staffed during the voyage.

2. *Marine Personnel Regulations* (MPR), Part 2, Division 2 applies in respect of self-propelled Canadian vessels, other than cable ferries to which only section 205 applies, that are engaged on a voyage..

3. MPR, sub-section 207 (1) requires the authorized representative of a self-propelled Canadian vessel to ensure that the minimum complement (also known as minimum safe manning) of the vessel meets the requirements of section 207.

4. MPR, Part 2, Division 1 section 202 requires the authorized representative to submit an application for a minimum safe manning document to the Minister containing a proposal determined by following the guidelines set out in Annex 1 and 2 of *IMO resolution A.1047(27)*.

5. The determination of the minimum complement of a vessel should be based on ensuring that the proposed complement:

   (a) conforms to the requirements of Part 2;

   (b) contains the number of persons having received the training or having the required documents and that are able to fulfil the tasks, duties and responsibilities required for the safe operation of the vessel, for its security, for protection of the marine environment and for dealing with emergency situations; and

   (c) is sufficient to respect the requirements concerning the hours of work and hours of rest established in Part 3 of these Regulations for the master and every crew member.

6. The determination of the minimum complement of a vessel should be based on the authorized representative assessments provided and containing;
   - the assessment of the tasks, duties and responsibilities of the vessel's complement must undertake to ensure the vessel's
     - safe operation,
     - its security,
     - the protection of the marine environment, and
     - for dealing with emergency situations

- the assessment of the positions that must be occupied on board the vessel and their number to ensure the vessel's
- safe operation,
- its security,
- the protection of the marine environment, and
- for dealing with emergency situations, including the evacuation of passengers.

7. This "Minimum Safe Manning Evaluation Form A" reflects the requirements of the MPR, Part 2 and 3 and provides a systematic approach to comply with such requirements.

8. It shall be demonstrated to the satisfaction of the Safe Manning Team that the final complement arrived at is the minimum complement sufficient and competent to perform all the safety functions as required by MPR, section 207.

9. Details explanations of how the minimum safe manning level proposed in the application is sufficient to deal with emergency situations, including the evacuation of passengers must be documented with the vessel ISM Safety Management System and may be supplemented by
   (i) risk analysis report if available, and
   (ii) if applicable description of the vessel' automation that could enhance the level of safety or the required regulated equipment.

10. Any alternative arrangements for the prescriptive requirements shall be supported by a Marine Technical Review Board Decision (mostly in Tables: 1a, 1b, 1c, 2a, 2b and 4).

11. Performance based crew numbers used in the Form are empirical, and work well in most situations (mostly in Tables: 2c and 3). The Safe Manning Team having completed a review of the AR proposal, including the analysis of items related to Section 16 and the Muster List, shall be satisfied that the crew numbers are sufficient and competent for a particular vessel. Actual demonstration of automation, additional equipment may warrant higher or lower crew numbers. There shall be no practical demonstration of a Boat and Fire Drill as the review of the Muster List should validate that exercise.

12. It is noted that the Form is just a tool to facilitate the Safe Manning Team to evaluate the minimum complement on board a vessel while maintaining national consistency among various regions. It is not a substitute for the MPR, or for professional judgment and the application of general seamanship in the determination of sufficient and competent staff on board a vessel.

VESSEL INFORMATION:

(to be supplemented by the application form)

Vessel's Name _____

File Number _____

Relevant Board Decisions #_____

NORMAL OPERATION (Table 1)

Minimum crew required for normal operation shall be the sum of Table 1a, Table 1b and Table 1c.

Table 1a Deck Crew (MPR s. 207(3)(a), s. 207(3)(b), s. 213 – s. 216) –For additional deck watch crew needed for continuous operation and to meet hours of work/rest requirements, **See Table 1c.**

Position That Must Be Occupied on Board				Deck or Navigational Watch, (Radio Watch see Note)			
Tonnage	Number of Passengers	Master	Chief Mate	Officer in charge of the deck or navigational watch	Additional Person	2nd Additional Person	TOTAL Table 1a
< 5	N/A	1(A)					
≥ 5 and < 500	≤ 50	1(A)		1(A)	1 (C)		
≥ 5 and < 500	> 50	1(A)	1	1(A)	1 (C)		
≥ 500 and ≤ 1,000	N/A	1(A)	1	1(A)	1 (C)(E)		
> 1,000 and < 3,000	N/A	1(B)	1	1(B)	1	0(B) or 1(D) (E)	
≥ 3,000	N/A	1	1	1	1	1 (D) (E)	

(A): The Master may be counted as a member of the deck watch (MPR s. 215(2)(a) and s. 215(2)(b).

(B): If at least three deck watches are established, the Master may be counted as a member of the deck watch (MPR s. 215(2) (c)). In those cases, the requirement 2nd Additional Person is met without increasing complement. Daily shift arrangement is considered equivalent to three watch system.

(C): An additional person is not required if the criteria of MPR s. 216.(3)* are met. * In MPR 216(3) (c) term *"Tug assisting...."* refers to harbour tug used to assist a vessel to dock or undock.

(D): A second additional person may or may not be required, refer to MPR s. 216(5) and s. 216(6).

(E): For qualification of additional person and second additional person, refer to MPR s. 216(2) (b), s. 216(2) (c) and s. 216(4).

Note:

(1) Radio Watch requirements (MPR s. 266 – s. 267) fulfilled by Deck Watch crew complement.
(2) For Master and Mates Certificates, refer to MPR s. 212.

Table 1b – Engineering Crew (MPR s. 207(3) (c), s. 223 – s. 225)

For additional engineering watch crew needed for continuous operation and to meet hours of work/rest requirements **see Table 1c.**

Power in kW	Voyage Type	Person in charge of the machinery	Person in charge of the engineering watch	Additional person (ERR)	TOTAL Table 1b
passenger-carrying vessel ≤ 75 kW (MPR s. 207(3)(c)(i))	all voyages				
not passenger-carrying vessel ≤ 750 kW (MPR s. 207(3)(c)(ii))	all voyages				
(a) vessels < 5 GT; (b) vessels of open construction; and (c) vessels propelled by portable outboard engines (MPR s. 207(3)(c)(iii) and s. 217)	all voyages				
passenger-carrying vessel > 75 kW to ≤ 750 kW	all voyages	1	0 or 1 (G)		

(MPR s. 207(3)(c) and s. 224)					
passenger-carrying vessel > 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1	0 or 1 (G)	1 (H)	
fishing or cargo vessel > 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1	0 or 1 (G)	1 (H)	
tug > 750 kW to < 1,500 kW (MPR s. 207(3)(c) and s. 224)	limited NC2 or sheltered waters	1 (Note (2))		1 (H)	
tug > 750 kW to < 1,500 kW (MPR s. 207(3)(c) and s. 224)	other than limited NC2 or sheltered waters	1	0 or 1 (G)	1 (H)	
tug ≥ 1,500 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (Note (2))	0 or 1 (G)	1 (H)	

(G): One (1) if two engineer certificates are required in MPR s. 219, s. 220, s. 221 or s. 222 (for passenger-carrying vessels, cargo vessels, tugs or fishing vessels respectively), otherwise zero (0).

(H): Engine-room Rating is not required if criteria of MPR ss. 224(3) are met.
For the purpose of MPR p. 224. (3)(a), where an entire voyage duration is limited to less than 24 hrs, the voyage duration is considered equivalent to the "at least 24 hours" requirement.

Notes:
(1) On vessel ≤ 20 m, if criteria of MPR s. 226 are met, the Master may act in dual capacity of Master and Engineer.
(2) Dual capacity MPR s. 226 does not forbid a crew member to act in dual capacity i.e. first officer and engineer if the minimum complement is not impaired nor the required deck and engineering watches.
(3) On tugs operating within the scope of Marine Safety Management System, TIER I-policy ***"Additional person for the deck watch and dual capacity on board harbour tugs of at least 300 gross tonnage but less than 500 gross tonnage"*** (RDIMS # 5058352), additional person from Table 1a, who holds appropriate engineer's certificate may act in dual capacity as the additional person and the engineer.

(4) **The condition specified in MPR 226(2)(b)(ii) and item 3.2.j in the habour tug policy, means the full bridge control including ability to adjust any fitted systems that regulate or adjust cooling, lubricating oil, gearboxes and the like from the steering station.** The condition is not met if the engine has any operational adjustments that can only be effected by leaving the steering station (Examples: recirculation cooling systems, clutching in/out of shafting or gearboxes, stop/start of emergency cooling pumps, lubricating oil pumps, fuel pumps etc)
(5) For minimum manning purposes the person in charge of the machinery may be also counted as a person in charge of the engineering watch.
(6) For Engineer Certificates, refer to MPR s. 218 – s. 222.

Table 1c – Additional Crew (MPR s. 207(3) (e), (f), (g), (h), (i) and s. 227)

Additional Crew		Additional Crew Required	
Qualification met with crew as in table 1a or table 1b:	Yes / No		
Fire Patrol on Passenger Vessel: If the Vessel Fire Safety Regulations require the vessel to have a fire patrol, the number of persons required to perform the fire patrol in accordance with subsection 117(2) of the Vessel Fire Safety Regulations.			
Medical Care: MPR s. 207(3)(f)			
First Aid: MPR s. 207(3)(g)			
Fast Rescue Boat: MPR s. 207(3)(h) See note Q			
Additional crew for normal safe operation, including docking, anchoring and fueling: MPR s. 207(3)(i)			
Ship's Cook: MPR s. 227			
Additional DECK WATCH crew to fulfill: deck watch maintenance standards and hours of work/rest requirements (MPR s. 213, 216 and 319 to 322), **sufficient and competent crew requirement** (CSA 2001, ss. 82(2)), **or the ordinary practice of seamen.**		OOW	RATING
		OOW	RATING

Additional ENGINEERING WATCH crew to fulfill: engineering watch maintenance standards and hours of work/rest requirements (MPR s. 223, 224 and 319 to 322), sufficient and competent crew requirement (CSA 2001, ss. 82(2)), or the ordinary practice of seamen.			
Additional fire patrol crew to meet hours of work/rest requirements: MPR 319 to 322			
Ship Security Officer as required (ISPS Code Part A 12.1)			
TOTAL **Table 1c**			

117 (1) Regulation 7.8.1 applies in respect of a vessel that is not a Safety Convention vessel only if it
(a) is carrying more than 50 passengers or more than 25 berthed passengers; or
(b) is carrying more than 100 unberthed passengers and is on a voyage during which it is more than 15 nautical miles from the point of departure or 5 nautical miles from shore.
(2) The fire patrols required by regulation 7.8.1 must be performed at least once every hour and must include a patrol of the entire vessel.

Q: MPRs. 207 (3) (h) (ii) it is to be taken into account that for <u>each</u> fast rescue boat (FRB) on board there shall be 2 teams of 2 persons for NC2 or Sheltered waters voyage and 2 team of 3 persons for unlimited or NC1 voyage, holding a Proficiency in FRB. As per MPRs. 209 (3) the crew assigned during evacuation and/or post-abandonment shall only be 2 or 3 which will be part of the minimum complement needed for safe manning. The number of crew is not increased only the number with proficiency in FRB is.
A single FRB is required on Safety Convention Ro-Ro passenger vessel (SOLAS Chapter III-26.3).
A vessel not required to carry a FRB but do carry it must comply with MPRs. 207 and 209.

MINIMUM CREW – NORMAL OPERATION **1a + 1b + 1c =**	

EMERGENCY (Table 2)

Minimum crew required during emergency (fire) shall be the sum of numbers as determined in Table 2a, Table 2b and Table 2c.

Table 2a Master, Deck Watch and Radio Watch

Tonnage	Three watch system or equivalent	Master	Person in charge of the Deck Watch	Additional Person	2nd Additional Person	TOTAL Table 1a
< 5	N/A	1(J)				
≥ 5 and < 300 /or ≤ 500 see (K*)	N/A	1(J)		(K) (K*)		
≥ 300 /or >500 see (K*) and ≤ 1,000	N/A	1(J)		1(J)		
> 1,000 and < 3,000	YES	1 (J)		1(J)		
> 1,000 and < 3,000	NO	1 (J)	1	1(J)		
≥ 3,000	N/A	1	1	1(J)	1 (J)	

(J): References and Notes as in **Table 1a.**

(K): Vessel < 300 GT, the additional person may also be assigned to other duties (MPR s. 207(4) (b)(i)).
* On tugs operating within the scope of Marine Safety Management System, TIER I-policy *"Additional person for the deck watch and dual capacity on board harbour tugs of at least 300 gross tonnage but less than 500 gross tonnage"* (RDIMS # 5058352), the additional person may be assigned to other duties in an emergency situation.

(L): Vessel < 3,000 GT, the second additional person may also be assigned to other duties (MPR s. 207(4) (b)(i)).

Table 2b Engineering Watch

Power in kW	Voyage Type	Person in charge of the engineering watch	Additional person (ERR)	TOTAL Table 2b
passenger-carrying vessel ≤ 75 kW (MPR s. 207(3)(c)(i))	all voyages			
not passenger-carrying vessel ≤ 750 kW (MPR s. 207(3)(c)(ii))	all voyages			
(a) vessels < 5 GT; (b) vessels of open construction; and (c) vessels propelled by portable outboard engines (MPR s. 207(3)(c)(iii) and s. 217)	all voyages			
passenger-carrying vessel > 75 kW to ≤ 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (M)		
passenger-carrying vessel > 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (M)	1 (M)	
fishing or cargo vessel > 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (M)	1 (M)	
tug > 750 kW to < 1,500 kW (MPR s. 207(3)(c) and s. 224)	limited NC2 or sheltered waters		1 (M)	
tug > 750 kW to < 1,500 kW (MPR s. 207(3)(c) and s. 224)	other than limited NC2 or sheltered waters	1 (M)	1 (M)	
tug ≥ 1,500 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (M)	1 (M)	

(M): Footnote H *(ERR)* and Notes 1, 2 & 4 *(dual capacity & certification)* from table1b apply.

Table 2c Other Persons Required in an Emergency Situation

This part of the evaluation form will provide the necessary regulatory elements to work out the crew required during emergency for a specific vessel to cover any other person required

Crowd control
Option 1: the number of crew required for crowd control should be C or F whichever is greater.
Option 2: if validated by the Safe Manning Team.
On vessels where the Master has a clear view of the deck normally accessible to passengers, the Master may perform this task.
On vessels where the steering position is located in the passenger area and the Master has the steering under control, the Master may be the one directing or controlling passengers.

Fire Fighting
On vessels fitted with remotely operated fire monitors, a reduction in personnel affected to the fire-fighting team may be acceptable.
Considering the composition of the crew and redundancy of equipment, the person in charge of the engineering watch required under table 2 b may be assigned to other duties if the engine room watch is not compromise.
Option 1: vessel with fire-extinguishing equipment or fire-extinguishing systems installed or available on board as required by or approved under the Vessel Fire Safety Regulations.

Option 2: vessel being a Grandfathered vessel under Section 103 of the Vessel Fire Safety Regulations the Table from the previous regulations to be used instead.
In determining the personnel needed to fight a fire, there must be a sufficient number of persons to operate rapidly and simultaneously the number of hoses (water jets) required to the vessel to bring to bear, depending on its class.

Option 3: if validated by the Safe Manning Team.

PRINCIPAL COMMUNICATOR ON PASSENGER VESSEL (MPR s. 207(4) (c) and s. 267).	X
FIRE PATROL ON PASSENGER VESSEL If the Vessel Fire Safety Regulations require the vessel to have a fire patrol, the number of persons required to perform the fire patrol in accordance with subsection 117(2) of the Vessel Fire Safety Regulations. 117.(1) Regulation 7.8.1 applies in respect of a vessel that is not a Safety Convention vessel only if it (a) is carrying more than 50 passengers or more than 25 berthed passengers; or (b) is carrying more than 100 unberthed passengers and is on a voyage during which it is more than 15 nautical miles from the point of departure or 5 nautical miles from shore. (2) The fire patrols required by regulation 7.8.1 must be performed at least once every hour and must include a patrol of the entire vessel.	
DUTIES TO BE CARRIED OUT SIMULTANEOUSLY	

PREPARE AND LAUNCH SURVIVAL CRAFT (MPR s. 207(4) (d)(ii)) (prepare for launching - 30 min. except for SOLAS non passenger vessels which is 10 minutes)	X
OPERATE OR USE THE FIRE-EXTINGUISHING EQUIPMENT AND SYSTEM (MPR s. 207(4) (d)(i))	Option (1 or 2 or 3)

Option 1. A vessel with fire-extinguishing equipment or fire-extinguishing systems installed or available on board as required by or approved under the *Vessel Fire Safety Regulations*	3 persons for every hose that is 63.5 mm (2 1/2' inches) or more in diameter and that is required to satisfy the number of jets required to simultaneously reach all locations on a vessel 2 persons for every hose that is less than 63.5 mm (2 1/2' inches) in diameter and that is required to satisfy the number of jets required to simultaneously reach all locations on a vessel. 1 additional person per two hoses, if the Regulations require 2 jets of water from two hoses to reach the same spot, in order to supervise their operation. At least 2 jets of water shall reach any part of the vessel. A cargo vessel of less than 500 gross tonnage or a passenger vessel of less than 500 gross tonnage that is not a Safety Convention vessel, the number and position of hydrants must be such that one jet of water can reach any part of the vessel.

Option 2. Grandfathered vessels:
If a vessel is a Grandfathered vessel under Section 103 of the Vessel Fire Safety Regulations the Table below may be used instead.

Option 3. Crew assigned on the Muster List to provide the ability to operate the fire-fighting and emergency equipment.

Validated by the Safe manning Team according to the assessments and explanations provided on the application form including Section 16.

◯ Yes ◯ No

<table>
<tr><td colspan="3">OPERATE VESSEL'S PUMPING AND EMERGENCY POWER SYSTEMS AND CARRY OUT VENTILATION MANAGEMENT (MPR s. 207(4)(d)(iii))

Crew assigned on the Muster List to provide the ability to operate the Pumping and emergency power system and carry out ventilation management.

Validated by the Safe manning Team according to the assessments and explanations provided on the application form including Section 16.

◯ Yes ◯ No</td><td></td></tr>
<tr><td colspan="3">DIRECT AND CONTROL THE PASSENGERS WHO ARE ON BOARD (MPR s. 207(4)(d)(iv))</td><td></td></tr>
<tr><td rowspan="4">PASSENGER CONTROL Option 1
(MPR s. 207 (4)(d)(iv))</td><td>A= 1 crew for each compartment normally occupied by passengers. Where compartment includes: lounges, open decks, car decks or vertical fire zones on passenger cabin decks.</td><td>A=

B=

C= A+ B

C=</td><td rowspan="2">The higher of

C or F

(see note on crowd control)</td></tr>
<tr><td>B= 1 crew (for sweeping and searching) for every 3 decks accessible but not normally occupied by passengers</td></tr>
<tr><td>D= 1 crew for each muster station</td><td>D=

E=</td><td></td></tr>
<tr><td>E= 1 crew for every 150 passengers in excess of 150 passengers at each muster station i.e. Muster station with up to 150 passengers (D = 1) + (E = 0) = F is 1 crew; Muster station with up to 300 passengers (D = 1) + (E = 1) = F is 2 crew; Muster station with 400 passengers (D = 1) + (E = 2) = F is 3 crew.</td><td>F= D+E

F=</td><td></td></tr>
<tr><td colspan="3">Option 2: Crew assigned on the Muster List to provide the ability to direct and control the passengers who are on board.

Validated by the Safe manning Team according to the assessments and explanations provided on the application form including Section 16.

◯ Yes ◯ No</td><td></td></tr>
<tr><td colspan="3">TOTAL Table 2c</td><td></td></tr>
</table>

Grandfathered Vessel - Fire Fighting Team (MPR s. 207(4)(d)(i))

Passenger Ship Class as per FD&EER, length, tonnage, type.	# of Jets of Water required	Fire Fighting Team	
		2½" fire hoses	1½" fire hoses
Class A, > 76.2 m	2	7	5
Class A, ≤ 76.2 m	2	7	5
Class B	1	3	2
Class C > 22.9 m	1	3	2
Class C ≤ 22.9 m	-	(1)*	(1)*
Class E	-	(1)*	(1)*
Class G ≥ 2000 GT	2	7	5
Class G >1000 GT, < 2000 GT	2	7	5
Class G ≤ 1000 GT	2	7	5
Class H > 45.5 m & > 500 GT, Tanker	2	7	5
Class H > 45.7 m & > 500 GT, Not Tanker	1	3	2
Class H > 45.7 m & ≤ 500 GT, Tanker	2	7	5
Class H > 45.7 m & ≤ 500 GT, Not Tanker	1	3	2
Class H > 10.7 m & ≤ 45.7 m	1	3	2
Class H, Open Ship ≤ 15.2 m)	-	(1)*	(1)*

To man 2½" fire hose: 3 crew members are required (2 at the nozzle, and 1 to handle the hose length).To man 1½"or less fire hose: 2 crew members are required (1 at the nozzle, and 1 to handle the hose length).

A person in charge is required if two jets of water are required to fight a fire.

* Vessels, which do not require jets of water, shall have a crew member to fight a fire with other fire-fighting equipment on board.

MINIMUM CREW - EMERGENCY	2a + 2b + 2c =	

EVACUATION (ABANDONING SHIP) [N] (Table 3 Option 1)

PERSON IN CHARGE OF OVERALL EVACUATION				1 or 0 [P]
LIFEBOAT	Lifeboat of ≤ 50 persons capacity: 2 certificated persons (MPR s. 208(1)(a)) Lifeboat of > 50 persons capacity: 3 certificated persons (MPR s. 208(1)(b))		X Number of lifeboats	
For motorized lifeboat, there must be a person assigned who has received training to operate the motor and carry out minor adjustments to it (may be the same person as above (MPR s. 208(2)).				
THROW OVER LIFE RAFTS	2 crew per embarkation station, or number of crew required to throw over the life rafts	For passenger-carrying vessel only: + 1 crew at the bottom of the ladder if embarkation ladder is required	X Number of embarkation stations	
DAVIT-LAUNCHED LIFE RAFTS	3 crew (1 crew for davit + 2 crew for life rafts) per embarkation station, or number of crew required to position the life rafts + one to operate the davit.		X Number of embarkation stations	
MES SLIDE single or double if embarkation deck is less than 4 m above the waterline in the lightest seagoing condition	1 crew as "feeder" on top per slide + 1 crew per 150 passengers for crowd control	Any additional crew(s) for handling life raft(s) if required	X Number of MES	

MES SINGLE SLIDE or CHUTE if embarkation deck is 4 m or more above the waterline in the lightest seagoing condition	1 crew as "feeder" on top per single slide or chute + 1 crew per 150 passengers for crowd control	1 crew as "receiver" + additional crew(s) for handling life raft(s) if required	X Number of MES	

MES TWIN SLIDES or CHUTES if embarkation deck is 4 m or more above the waterline in the lightest seagoing condition	2 crew as "feeder" on top per twin slides or chutes + 1 crew per 150 passengers for crowd control	+ the number of crew to operate MES as demonstrated during capacity rating, or + 2 crew as "receiver" + additional crew(s) for handling life rafts if required	X Number of MES	
Emergency Boat or Rescue Boat	2 certificated persons per emergency or rescue boat, for NC 2 or sheltered waters voyage (MPR s. 209(1)(a)) 3 certificated persons per emergency or rescue boat, for unlimited or NC 1 voyage (MPR s. 209(1)(b))		X Number of emergency/rescue boat required during evacuation	
Fast Rescue Boat	2 crew per fast rescue boat on NC 2 or sheltered waters voyage (MPR s. 209(2)(a) and s. 207(7)) 3 crew per fast rescue boat on unlimited or NC 1 voyage (MPR s. 209(2)(b) and s. 207(7))		X Number of fast rescue boat required during evacuation	

(N) The table includes all crew required to operate the equipment and control passengers during the evacuation. The manning of survival crafts after completion of the evacuation process is a separate regulatory requirement and therefore does not affect the assessment at this phase.

(P) One (1) if a person is required to be in charge in order to coordinate overall evacuation, otherwise zero (0) and in that case the Master may be assigned to an individual evacuation station.

Except that on vessels where the Master has a clear view of a deck normally accessible to passengers or on vessels where the steering position is located in the passenger area, the Master may be the one directing or controlling passengers in this area.

For a SLIDE (single or double), if embarkation deck is less than 4 m above the waterline in the lightest seagoing condition, 1 crew as "feeder" on top per slide + 1 crew per 150 passengers for crowd control and any additional crew(s) for handling life raft(s) if required.

For a SINGLE SLIDE or CHUTE, if embarkation deck is 4 m or more above the waterline in the lightest seagoing condition, 1 crew as "feeder" on top per single slide or chute + 1 crew per 150 passengers for crowd control and 1 crew as "receiver" + additional crew(s) for handling life raft(s) if required.

For TWIN SLIDES or CHUTES, if embarkation deck is 4 m or more above the waterline in the lightest seagoing condition, 2 crew as "feeder" on top per twin slides or chutes + 1 crew per 150 passengers for crowd control and the number of crew to operate MES as demonstrated during capacity rating, or + 2 crew as "receiver" + additional crew(s) for handling life rafts if required.

EVACUATION (ABANDONING SHIP). (Table 3 Option 2).

For every survival craft on board:	Number of crew:
LIFE BOAT: ◯ Yes ◯ N/A	
THROW OVER LIFE RAFTS: ◯ Yes ◯ N/A	
DAVIT- LAUNCHED LIFE RAFTS: ◯ Yes ◯ N/A	
MES SLIDE single or double: ◯ Yes ◯ N/A	

if embarkation deck is less than 4 m above the waterline in the lightest seagoing condition MES SINGLE SLIDE or CHUTE: ◯ Yes ◯ N/A if embarkation deck is 4 m or more above the waterline in the lightest seagoing condition MES TWIN SLIDES or CHUTES: ◯ Yes ◯ N/A if embarkation deck is 4 m or more above the waterline in the lightest seagoing condition EMERGENCY BOAT or RESCUE BOAT: ◯ Yes ◯ N/A FAST RESCUE BOAT: ◯ Yes ◯ N/A Crew assigned on the Muster List to provide the ability to carry out an evacuation direct and control the passengers who are on board (MPR s. 305 (1) (vi) & (xiv)). Validated by the Safe manning Team according to the assessments and explanations provided on the application form including Section 16. ◯ Yes ◯ No	

Note:

LIFE SAVING EQUIPMENT REGULATIONS

Evacuation Procedures

111. Every passenger ship shall have an evacuation procedure for the safe evacuation of the complement from the ship within 30 minutes after the abandon-ship signal is given.

112 The survival craft required for a new ship that is a Class IX ship shall be capable of being launched with their full complement and equipment within 10 minutes after the abandon-ship signal is given.

The requirement is performance based. The equipment and/or evacuation stations do not have to be operated simultaneously as long as total evacuation time does not exceed 30 minutes

MINIMUM CREW – EVACUATION (ABANDONING SHIP) ◯ Option 1 ◯ Option 2	

POST-ABANDONMENT (Table 4 Option 1)

Minimum number of certificated/trained persons required on board shall be sufficient and competent to man survival crafts after abandonment, as required by the Marine Personnel Regulations.

LIFEBOATS	Take charge of a lifeboat after launch (a) 2 certificated persons for each lifeboat that is carried on board to meet the requirements of those Regulations and that is approved to carry a number of persons that is 50 or less; and (b) 3 certificated persons for each lifeboat that is carried on board to meet the requirements of those Regulations and that is approved to carry more than 50 persons.	2 crew or 3 crew	X Number of lifeboat	
For motorized lifeboat, there must be a person assigned who has received training to operate the motor and carry out minor adjustments to it (may be the same person as above) (*MPR s. 208(2)*).				

INFLATABLE LIFERAFTS or INFLATABLE RESCUE PLATFORMS	(a) Passenger-carrying vessel on sheltered waters voyage, 1 certificated person per two inflatable liferaft or inflatable rescue platforms with ≤ 25 persons capacity (MPR s. 210(1)(a)(i)). (b) Passenger-carrying vessel on sheltered waters voyage, 1 certificated person per inflatable liferaft or inflatable rescue platform with > 25 persons capacity (MPR s. 210(1) (a)(ii)). (c) In all other cases, 1 certificated person per inflatable life raft or inflatable rescue platform (MPR s. 210(1) b)). (d) Vessel on NC 2 or sheltered waters voyage, at minimum 75 % certificated persons and remainder of the crew complement familiarized with operation of survival craft (MPR s. 210(2)). (e) Vessel on sheltered waters voyage, replacement of the certificated person by a person who holds an appropriate training certificate in MED (MPR s. 210(3)).			
Suitable boat, EMERGENCY BOATS, or RESCUE BOATS	Only apply if used as survival craft (MPR s. 209(3))	2 crew per boat on NC 2 or sheltered waters voyage (MPR s. 209(1) (a)). 3 crew per boat on unlimited or NC 1 voyage (MPR s. 209(1) (b)).	X Number of boats	
FAST RESCUE BOATS	Only apply if used as survival craft	2 crew per boat on NC 2 or sheltered waters voyage (MPR s. 209(2)(a) and s. 207(7)). 3 crew per boat on unlimited or NC 1 voyage (MPR s. 209(2) (b) and s. 207(7)).	X Number of boats	

POST-ABANDONMENT (Table 4 Option 2)

For every survival craft on board: LIFE BOAT: ◯ Yes ◯ N/A LIFE RAFTS: ◯ Yes ◯ N/A EMERGENCY BOAT or RESCUE BOAT: ◯ Yes ◯ N/A FAST RESCUE BOAT: ◯ Yes ◯ N/A Crew assigned on the Muster List to provide the ability to take charge of the survival craft after launch. Validated by the Safe manning Team according to the assessments and explanations provided on the application form including Section 16. ◯ Yes ◯ No	

MINIMUM CREW - POST-ABANDONMENT ◯ Option 1 ◯ Option 2	

Summary:

Normal Operation			
1a =	1b =	1c =	Total:

Emergency			
2a =	2b =	2c = Option 1, 2 or 3	Total :

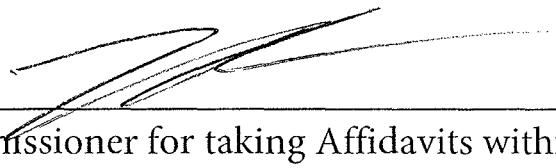
Evacuation (Abandoning Ship)	
Option 1 or 2	Total:

Post-Abandonment	
Option 1 or 2	Total:

Minimum Safe Manning	
The Minimum Safe Manning is the highest number of the above four scenarios.	Total *:
* Subject to the satisfaction of the Safe Manning Team	

Prepared by:
Date:

This is **Exhibit J** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia



A Commissioner for taking Affidavits within British Columbia

Transport Canada Transports Canada

ANNEX B - MINIMUM SAFE MANNING EVALUATION FORM

(as per the Application Form « B » for Minimum Safe Manning Document for non-Safety Convention Vessels other than fishing vessels or cable ferries)

Assessment of Minimum Complement for Canadian vessels in accordance with

CSA 2001 and the *Marine Personnel Regulations*

Canada

Explanatory Notes

1. **Sufficient and Competent Staff** - Canada Shipping Act, 2001 (CSA 2001), sub-section 82 (2) No master of a Canadian vessel shall operate it unless it is staffed with a crew that is sufficient and competent for the safe operation of the vessel on its intended voyage, and is kept so staffed during the voyage.

2. *Marine Personnel Regulations* (MPR), Division 2 applies in respect of self-propelled Canadian vessels, other than cable ferries to which only section 205 applies, that are engaged on a voyage. Division 1, section 202. (3) (b) does apply to a non-Safety Convention vessel that is required to carry an inspection certificate therefore apply to a cable ferry.

3. MPR, sub-section 207 (1) requires the authorized representative of a self-propelled Canadian vessel to ensure that the minimum complement (also known as minimum safe manning) of the vessel meets the requirements of section 207.

4. The determination of the minimum complement of a vessel should be based on the authorized representative application provided and containing;
   (a) A proposal following the requirements of Division 2 and 3 of the MPR ; and
   (b) An explanation of how the proposed minimum safe manning complement in the application is sufficient to deal with emergency situations, including the evacuation of passengers.

5. The determination of the minimum complement of a vessel should be based on ensuring that the proposed complement:

   (a) conforms to the requirements of Part 2;

   (b) contains the number of persons having received the training or having the required documents and that are able to fulfil the tasks, duties and responsibilities required for the safe operation of the vessel, for its security, for protection of the marine environment and for dealing with emergency situations; and

   (c) is sufficient to respect the requirements concerning the hours of work and hours of rest established in Part 3 of these Regulations for the master and every crew member.

6. The determination of the minimum complement of a vessel should be based on the authorized representative assessments of the *Muster List* provided which shall take into account that:
   - there is sufficient crew assigned to provide the ability to operate the fire-fighting and emergency equipment, and
   - there is sufficient crew assigned with the ability to muster and disembark all persons on board.

7. This "Minimum Safe Manning Evaluation Form B" reflects the requirements of the MPR, Part 2 and 3 and provides a systematic approach to comply with such requirements.

8. It shall be demonstrated to the satisfaction of The Minister (Marine Safety and Security Inspector) that the final complement arrived at is the minimum complement sufficient and competent to perform all the safety functions required by the *MPR*207.

9.It is noted that Form B is just a tool to facilitate a Marine Safety and Security Inspector to evaluate the minimum complement on board a vessel while maintaining national consistency among various regions. It is not a substitute for the *MPR*, or for professional judgment and the application of general seamanship in the determination of sufficient and competent staff on board a vessel.

VESSEL INFORMATION

(to be supplemented by the application Form B)

Vessel's Name	
File Number	
Relevant Board Decisions #	

WATCHKEEPING AND NORMAL OPERATION (Table 1)

Minimum crew required for watchkeeping and normal operation shall be the sum of Table 1a, Table 1b and Table 1c.

Table 1a Deck Crew (MPR s. 207(3)(a), s. 207(3)(b), s. 213 – s. 216) – For additional deck watch crew needed for continuous operation and to meet hours of work/rest requirements, See Table 1c.

Position That Must Be Occupied on Board				Deck or Navigational Watch			
Tonnage	Number of Passengers	Master	Chief Mate	Officer in charge of the deck or navigational watch	Rating	2nd Additional Person	TOTAL Table 1a
< 5	N/A	1(A)					
≥ 5 and < 500	≤ 50	1(A)		1(A)	1(C))		
≥ 5 and < 500	> 50	1(A)	1	1(A)	1 (C)		
≥ 500 and ≤ 1,000	N/A	1(A)	1	1(A)	1(C)		
> 1,000 and < 3,000	N/A	1(B)	1	1(B)	1	0 or 1 (D)	
≥ 3,000	N/A	1	1	1	1(E)	1(D)	

(A) (MPR s. 215 (2) (b) The master may be counted as a member of the deck watch if the vessel is not more than 1 000 ;

(B) (MPR s. 215 (2) (c) The master may be counted as a member of the deck watch if the vessel has a GT of over 1 000 but under 3 000 and is operating with a three-watch system. In those

cases the requirement 2nd Additional Person is met without increasing complement. Daily shift arrangement is considered equivalent to three watch system.

(C): An additional person is not required if the criteria of MPR s s. 216.(3)* are met.

* in MPR 216.(3)(c) term "Tug assisting...." refers to harbour tug used to assist a vessel to dock or undock.

(D): A second additional person may or may not be required, refer to MPR s. 216(5) and 216(6)..

Note: Radio Watch requirements ((MPR s. 266 – s. 267) fulfilled by Deck Watch crew complement.

(2) For Master and Mates Certificates, refer to MPR s. 212.

Table 1b – Engineering Crew (MPR s. 207(3)(c), s. 223 – s. 225)

For additional engineering watch crew needed for continuous operation and to meet hours of work/rest requirements see **Table 1c.**

Power in kW	Voyage Type	Person in charge of the machinery	Person in charge of the engineering watch	Additional person (ERR)	TOTAL Table 1b
passenger-carrying vessel ≤ 75 kW (MPR s. 207(3)(c)(i))	all voyages				
not passenger-carrying vessel ≤ 750 kW (MPR s. 207(3)(c)(ii))	all voyages				
(a) vessels < 5 GT; (b) vessels of open construction; and (c) vessels propelled by portable outboard engines (MPR s. 207(3)(c)(iii) and s. 217)	all voyages				
passenger-carrying vessel > 75 kW to ≤ 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1	0 or 1 (G)		
passenger-carrying vessel > 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1	0 or 1 (G)	1 (H)	
fishing or cargo vessel > 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1	0 or 1 (G)	1 (H)	
tug > 750 kW to < 1,500 kW (MPR s. 207(3)(c) and s. 224)	limited NC2 or sheltered waters	1 (Note (2))		1 (H)	
tug > 750 kW to < 1,500 kW	other than limited	1	0 or 1 (G)	1 (H)	

(MPR s. 207(3)(c) and s. 224)	NC2 or sheltered waters				
tug ≥ 1,500 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (Note (2))	0 or 1 (G)	1 (H)	

(G): One (1) if two engineer certificates are required in MPR s. 219, s. 220, s. 221 or s. 222 (for passenger-carrying vessels, cargo vessels, tugs or fishing vessels respectively), otherwise zero (0).

(H): Engine-room Rating is not required if criteria of MPR ss. 224(3) are met.
For the purpose of MPR p. 224. (3)(a), where an entire voyage duration is limited to less than 24 hrs, the voyage duration is considered equivalent to the "at least 24 hours" requirement.

Notes:

(1) On vessel ≤ 20 m, if criteria of MPR s. 226 are met, the Master may act in dual capacity of Master and Engineer.
(2) Dual capacity MPR s. 226 does not forbid a crew member to act in dual capacity i.e. first officer and engineer if the minimum complement is not impaired nor the required deck and engineering watches.
(3) On tugs operating within the scope of Marine Safety Management System, TIER I-policy ***"Additional person for the deck watch and dual capacity on board harbour tugs of at least 300 gross tonnage but less than 500 gross tonnage"*** (RDIMS # 5058352), additional person from Table 1a, who holds appropriate engineer's certificate may act in dual capacity as the additional person and the engineer.
(4) **The condition specified in MPR 226(2)(b)(ii) and item 3.2.j in the habour tug policy, means the full bridge control including ability to adjust any fitted systems that regulate or adjust cooling, lubricating oil, gearboxes and the like from the steering station.** The condition is not met if the engine has any operational adjustments that can only be effected by leaving the steering station (Examples: recirculation cooling systems, clutching in/out of shafting or gearboxes, stop/start of emergency cooling pumps, lubricating oil pumps, fuel pumps etc)
(5) For minimum manning purposes the person in charge of the machinery may be also counted as a person in charge of the engineering watch.
(6) For Engineer Certificates, refer to MPR s. 218 – s. 222.

Table 1c – Additional Crew (MPR s. 207(3) (e), (f), (g), (h), (i) and s. 227)

Additional Crew		Additional Crew Required	
Qualification Met with crew as in table 1a or table 1b:	Yes / No		
Fire Patrol on Passenger Vessel: If the Vessel Fire Safety Regulations require the vessel to have a fire patrol, the number of persons required to perform the fire patrol in accordance with subsection 117(2) of the Vessel Fire Safety Regulations.			
Medical Care: MPR s. 207(3)(f)			
First Aid: MPR s. 207(3)(g)			
Fast Rescue Boat: MPR s. 207(3)(h) see note Q			
Additional crew for normal safe operation, including docking, anchoring and fueling: MPR s. 207(3)(i)			
Ship's Cook: MPR s. 227			
Additional DECK WATCH crew to fulfill: deck watch maintenance standards and hours of work/rest requirements (MPR s. 213, 216 and 319 to 322), sufficient and competent crew requirement (CSA 2001, ss. 82(2)), or the ordinary practice of seamen.		OOW	RATING
Additional ENGINEERING WATCH crew to fulfill: engineering watch maintenance standards and hours of work/rest requirements (MPR s. 223, 224 and 319 to 322), sufficient and competent crew requirement (CSA 2001, ss. 82(2)), or the ordinary practice of seamen.		OOW	RATING
Additional fire patrol crew to meet hours of work/rest requirements: MPR 319 to 322			
Ship Security Officer as required (ISPS Code Part A 12.1)			
TOTAL Table 1c			

117 (1) Regulation 7.8.1 applies in respect of a vessel that is not a Safety Convention vessel only if it

(a) is carrying more than 50 passengers or more than 25 berthed passengers; or

(b) is carrying more than 100 unberthed passengers and is on a voyage during which it is more than 15 nautical miles from the point of departure or 5 nautical miles from shore.

(2) The fire patrols required by regulation 7.8.1 must be performed at least once every hour and must include a patrol of the entire vessel.

Q: MPRs. 207 (3) (h) (ii) it is to be taken into account that for each fast rescue boat (FRB) on board there shall be 2 teams of 2 persons for NC2 or Sheltered waters voyage and 2 team of 3 persons for unlimited or NC1 voyage, holding a Proficiency in FRB. As per MPRs. 209 (3) the crew assigned during evacuation and/or post-abandonment shall only be 2 or 3 which will be part of the minimum complement needed for safe manning. The number of crew is not increased only the number with proficiency in FRB is.

A single FRB is required on Safety Convention Ro-Ro passenger vessel (SOLAS Chapter III-26.3).

A vessel not required to carry a FRB but do carry it must comply with MPRs. 207 and 209.

MINIMUM CREW - NORMAL OPERATION 1a + 1b + 1c =	

EMERGENCY (Table 2)

Minimum crew required during emergency (fire) shall be the sum of numbers as determined in Table 2a, Table 2b and Table 2c.

Table 2a Master, Deck Watch and Radio Watch

Tonnage	Three watch system or equivalent	Master	Person in charge of the Deck Watch	Additional Person	2nd Additional Person	TOTAL Table 1a
< 5	N/A	1(J)				
≥ 5 and < 300 /or ≤ 500 see (K*)	N/A	1(J)		(K) (K*)		
≥ 300 /or >500 see (K*) and ≤ 1,000	N/A	1(J)		1(J)		
> 1,000 and < 3,000	YES	1 (J)		1(J)		
> 1,000 and < 3,000	NO	1 (J)	1	1(J)		
≥ 3,000	N/A	1	1	1(J)	1 (J)	

(J): References and Notes as in **Table 1a.**

(K): Vessel < 300 GT, the additional person may also be assigned to other duties (MPR s. 207(4)(b)(i)).
* On tugs operating within the scope of Marine Safety Management System, TIER I-policy *"Additional person for the deck watch and dual capacity on board harbour tugs of at least 300 gross tonnage but less than 500 gross tonnage"* (RDIMS # 5058352), the additional person may be assigned to other duties in an emergency situation.

(L): Vessel < 3,000 GT, the second additional person may also be assigned to other duties (MPR s. 207(4)(b)(i)).

Table 2b Engineering Watch

Power in kW	Voyage Type	Person in charge of the engineering watch	Additional person (ERR)	TOTAL Table 2b
passenger-carrying vessel ≤ 75 kW (MPR s. 207(3)(c)(i))	all voyages			
not passenger-carrying vessel ≤ 750 kW (MPR s. 207(3)(c)(ii))	all voyages			
(a) vessels < 5 GT; (b) vessels of open construction; and (c) vessels propelled by portable outboard engines (MPR s. 207(3)(c)(iii) and s. 217)	all voyages			
passenger-carrying vessel > 75 kW to ≤ 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (M)		
passenger-carrying vessel > 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (M)	1 (M)	
fishing or cargo vessel > 750 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (M)	1 (M)	
tug > 750 kW to < 1,500 kW (MPR s. 207(3)(c) and s. 224)	limited NC2 or sheltered waters		1 (M)	
tug > 750 kW to < 1,500 kW (MPR s. 207(3)(c) and s. 224)	other than limited NC2 or sheltered waters	1 (M)	1 (M)	
tug ≥ 1,500 kW (MPR s. 207(3)(c) and s. 224)	all voyages	1 (M)	1 (M)	

(M): Footnote H *(ERR)* and Notes 1, 2 & 4 *(dual capacity & certification)* from table1b apply.

Table 2c Other Persons Required in an Emergency Situation

This part of the evaluation form will provide the necessary regulatory elements to work out the crew required during emergency for a specific vessel to cover any other person required.

Crowd control

The number of crew required for crowd control should be C or F whichever is greater.

On vessels where the Master has a clear view of the deck normally accessible to passengers, the Master may perform this task.

On vessels where the steering position is located in the passenger area and the Master has the steering under control, the Master may be the one directing or controlling passengers.

Fire Fighting

On vessels fitted with remotely operated fire monitors, a reduction in personnel affected to the fire-fighting team may be acceptable.

Considering the composition of the crew and redundancy of equipment, the person in charge of the engineering watch required under table 2 b may be assigned to other duties if the engine room watch is not compromise.

Option 1: vessel with fire-extinguishing equipment or fire-extinguishing systems installed or available on board as required by or approved under the Vessel Fire Safety Regulations.

Option 2: vessel being a Grandfathered vessel under Section 103 of the Vessel Fire Safety Regulations the Table from the previous regulations to be used instead.

In determining the personnel needed to fight a fire, there must be a sufficient number of persons to operate rapidly and simultaneously the number of hoses (water jets) required to the vessel to bring to bear, depending on its class.

PRINCIPAL COMMUNICATOR ON PASSENGER VESSEL (MPR s. 207(4) (c) and s. 267).	

FIRE PATROL ON PASSENGER VESSEL If the Vessel Fire Safety Regulations require the vessel to have a fire patrol, the number of persons required to perform the fire patrol in accordance with subsection 117(2) of the Vessel Fire Safety Regulations. 117 (1) Regulation 7.8.1 applies in respect of a vessel that is not a Safety Convention vessel only if it (a) is carrying more than 50 passengers or more than 25 berthed passengers; or (b) is carrying more than 100 unberthed passengers and is on a voyage during which it is more than 15 nautical miles from the point of departure or 5 nautical miles from shore. (2) The fire patrols required by regulation 7.8.1 must be performed at least once every hour and must include a patrol of the entire vessel.	
DUTIES TO BE CARRIED OUT SIMULTANEOUSLY	
(x) PREPARE AND LAUNCH SURVIVAL CRAFT (MPR s. 207(4)(d)(ii)) (prepare for launching – 30 min. except for SOLAS non passenger vessels which is 10 minutes)	
(xi) OPERATE OR USE THE FIRE-EXTINGUISHING EQUIPMENT AND SYSTEM	

Option 1, A vessel with fire-extinguishing equipment or fire-extinguishing systems installed or available on board as required by or approved under the *Vessel Fire Safety Regulations*	3 persons for every hose that is 63.5 mm (2 1/2' inches) or more in diameter and that is required to satisfy the number of jets required to simultaneously reach all locations on a vessel 2 persons for every hose that is less than 63.5 mm (2 1/2' inches) in diameter and that is required to satisfy the number of jets required to simultaneously reach all locations on a vessel. 1 additional person per two hoses, if the Regulations require 2 jets of water from two hoses to reach the same spot, in order to supervise their operation. At least 2 jets of water shall reach any part of the vessel. A cargo vessel of less than 500 gross tonnage or a passenger vessel of less than 500 gross tonnage that is not a Safety Convention vessel, the number and position of hydrants must be such that one jet of water can reach any part of the vessel.	

Option 2 Grandfathered vessels:

If a vessel is a Grandfathered vessel under Section 103 of the Vessel Fire Safety Regulations the Table below may be used instead.

(xii) OPERATE VESSEL'S PUMPING AND EMERGENCY POWER SYSTEMS AND CARRY OUT VENTILATION MANAGEMENT (MPR s. 207(4)(d)(iii))			
(xiii) DIRECT AND CONTROL THE PASSENGERS WHO ARE ON BOARD (xiii))			
PASSENGER CONTROL (MPR s. 207 (4)(d)(iv))	A= 1 crew for each compartment normally occupied by passengers. Where compartment includes: lounges, open decks, car decks or vertical fire zones on passenger cabin decks.	A= B=	The higher of C or F (see note on crowd control)
	B= 1 crew (for sweeping and searching) for every 3 decks accessible but not normally occupied by passengers	C= A+ B C=	
	D= 1 crew for each muster station	D= E=	

	E= 1 crew for every 150 passengers in excess of 150 passengers at each muster station. i.e. Muster station with up to 150 passengers (D = 1) + (E = 0) = F is 1 crew; Muster station with up to 300 passengers (D = 1) + (E = 1) = F is 2 crew; Muster station with 400 passengers (D = 1) + (E = 2) = F is 3 crew.	F= D+E F=	
		TOTAL Table 2c	

Grandfathered Vessel - Fire Fighting Team (MPR s. 207(4)(d)(i))

Passenger Ship Class as per FD&EER, length, tonnage, type.	# of Jets of Water required	Fire Fighting Team	
		2½" fire hoses	1½" fire hoses
Class A, > 76.2 m	2	7	5
Class A, ≤ 76.2 m	2	7	5
Class B	1	3	2
Class C > 22.9 m	1	3	2
Class C ≤ 22.9 m	-	(1)*	(1)*
Class E	-	(1)*	(1)*
Class G ≥ 2000 GT	2	7	5
Class G >1000 GT, < 2000 GT	2	7	5
Class G ≤ 1000 GT	2	7	5
Class H > 45.5 m & > 500 GT, Tanker	2	7	5
Class H > 45.7 m & > 500 GT, Not Tanker	1	3	2
Class H > 45.7 m & ≤ 500 GT, Tanker	2	7	5
Class H > 45.7 m & ≤ 500 GT, Not Tanker	1	3	2
Class H > 10.7 m & ≤ 45.7 m	1	3	2
Class H, Open Ship ≤ 15.2 m)	-	(1)*	(1)*

To man 2½" fire hose: 3 crew members are required (2 at the nozzle, and 1 to handle the hose length).

To man 1½"or less fire hose: 2 crew members are required (1 at the nozzle, and 1 to handle the hose length).

A person in charge is required if two jets of water are required to fight a fire.

* Vessels, which do not require jets of water, shall have a crew member to fight a fire with other fire fighting equipment on board.

Emergency Duties

Footnote: Except that on vessels where the Master has a clear view of a deck normally accessible to passengers or on vessels where the steering position is located in the passenger area, the Master may be the one directing or controlling passengers in this area.

MINIMUM CREW - EMERGENCY	2a + 2b + 2c =	

EVACUATION (ABANDONING SHIP) [N] (Table 3)

PERSON IN CHARGE OF OVERALL EVACUATION				1 or 0 [P]
LIFEBOAT	Lifeboat of ≤ 50 persons capacity: 2 certificated persons (MPR s. 208(1)(a)) Lifeboat of > 50 persons capacity: 3 certificated persons (MPR 208(1)(b))		X Number of lifeboats	
For motorized lifeboat, there must be a person assigned who has received training to operate the motor and carry out minor adjustments to it (may be the same person as above) (MPR s. 208(2)).				
THROW OVER LIFE RAFTS	2 crew per embarkation station, or number of crew required to throw over the life rafts	For passenger-carrying vessel only: + 1 crew at the bottom of the ladder if embarkation ladder is required	X Number of embarkation stations	
DAVIT-LAUNCHED LIFE RAFTS	3 crew (1 crew for davit + 2 crew for life rafts) per embarkation station, or number of crew required to position the life rafts + one to operate the davit.		**X Number of embarkation stations**	
MES SLIDE single or double if embarkation deck is less than 4 m above the waterline in the lightest seagoing condition	1 crew as "feeder" on top per slide + 1 crew per 150 passengers for crowd control	Any additional crew(s) for handling life raft(s) if required	X Number of MES	

MES SINGLE SLIDE or CHUTE if embarkation deck is 4 m or more above the waterline in the lightest seagoing condition	1 crew as "feeder" on top per single slide or chute + 1 crew per 150 passengers for crowd control	1 crew as "receiver" + additional crew(s) for handling life raft(s) if required	X Number of MES	

MES TWIN SLIDES or CHUTES if embarkation deck is 4 m or more above the waterline in the lightest seagoing condition	2 crew as "feeder" on top per twin slides or chutes + 1 crew per 150 passengers for crowd control	+ the number of crew to operate MES as demonstrated during capacity rating, or + 2 crew as "receiver" + additional crew(s) for handling life rafts if required	X Number of MES	
Emergency Boat or Rescue Boat	2 certificated persons per emergency or rescue boat, for NC 2 or sheltered waters voyage (MPR s. 209(1)(a)) 3 certificated persons per emergency or rescue boat, for unlimited or NC 1 voyage (MPR s. 209(1)(b))		X Number of emergency / rescue boat required during evacuation	
Fast Rescue Boat	2 crew per fast rescue boat on NC 2 or sheltered waters voyage (MPR s. 209(2)(a) and s. 207(7)) 3 crew per fast rescue boat on unlimited or NC 1 voyage (MPR s. 209(2)(b)) and s. 207(7))		X Number of fast rescue boat required during evacuation	

(N) The table includes all crew required to operate the equipment and control passengers during the evacuation. The manning of survival crafts after completion of the evacuation process is a separate regulatory requirement and therefore does not affect the assessment at this phase.

(P) One (1) if a person is required to be in charge in order to coordinate overall evacuation, otherwise zero (0) and in that case the Master may be assigned to an individual evacuation station.

Except that on vessels where the Master has a clear view of a deck normally accessible to passengers or on vessels where the steering position is located in the passenger area, the Master may be the one directing or controlling passengers in this area.

For a SLIDE (single or double), if embarkation deck is less than 4 m above the waterline in the lightest seagoing condition, 1 crew as "feeder" on top per slide + 1 crew per 150 passengers for crowd control and any additional crew(s) for handling life raft(s) if required.

For a SINGLE SLIDE or CHUTE, if embarkation deck is 4 m or more above the waterline in the lightest seagoing condition, 1 crew as "feeder" on top per single slide or chute + 1 crew per 150 passengers for crowd control and 1 crew as "receiver" + additional crew(s) for handling life raft(s) if required.

For TWIN SLIDES or CHUTES, if embarkation deck is 4 m or more above the waterline in the lightest seagoing condition, 2 crew as "feeder" on top per twin slides or chutes + 1 crew per 150 passengers for crowd control and the number of crew to operate MES as demonstrated during capacity rating, or + 2 crew as "receiver" + additional crew(s) for handling life rafts if required.

Note:

LIFE SAVING EQUIPMENT REGULATIONS

Evacuation Procedures

111. Every passenger ship shall have an evacuation procedure for the safe evacuation of the complement from the ship within 30 minutes after the abandon-ship signal is given.

112 The survival craft required for a new ship that is a Class IX ship shall be capable of being launched with their full complement and equipment within 10 minutes after the abandon-ship signal is given.

The requirement is performance based. The equipment and/or evacuation stations do not have to be operated simultaneously as long as total evacuation time does not exceed 30 minutes

MINIMUM CREW - EVACUATION (ABANDONING SHIP)	

POST-ABANDONMENT (Table 4)

Minimum number of certificated/trained persons required on board shall be sufficient and competent to man survival crafts after abandonment, as required by the Marine Personnel Regulations.

LIFEBOATS	Take charge of a lifeboat after launch (a) 2 certificated persons for each lifeboat that is carried on board to meet the requirements of those Regulations and that is approved to carry a number of persons that is 50 or less; and (b) 3 certificated persons for each lifeboat that is carried on board to meet the requirements of those Regulations and that is approved to carry more than 50 persons.	2 crew or 3 crew	X Number of lifeboat	
For motorized lifeboat, there must be a person assigned who has received training to operate the motor and carry out minor adjustments to it {may be the same person as above} ***(MPR s. 208(2).***				
INFLATABLE LIFERAFTS or INFLATABLE RESCUE PLATFORMS	(a) Passenger-carrying vessel on sheltered waters voyage, 1 certificated person per two inflatable liferafts or inflatable rescue platforms with ≤ 25 persons capacity (MPR s. 210(1)(a)(i)). (b) Passenger-carrying vessel on sheltered waters voyage, 1 certificated person per inflatable liferaft or inflatable rescue platform with > 25 persons capacity (MPR s. 210(1)(a)(ii)). (c) In all other cases, 1 certificated person per inflatable life raft or inflatable rescue platform (MPR s. 210(1)(b)). (d) Vessel on NC 2 or sheltered waters voyage, at minimum 75 % certificated persons and remainder of the crew complement familiarized with operation of survival craft (MPR s. 210(2)). (e) Vessel on sheltered waters voyage, replacement of the certificated person by a person who holds an appropriate training certificate in MED (MPR s. 210(3)).			
Suitable boat, EMERGENCY BOATS, or RESCUE BOATS	Only apply if used as survival craft (MPR s. 209(3))	2 crew per boat on NC 2 or sheltered waters voyage (MPR s. 209(1)(a)). 3 crew per boat on unlimited or NC 1 voyage (MPR s. 209(1) (b)).	X Number of boats	
FAST RESCUE BOATS	Only apply if used as survival craft	2 crew per boat on NC 2 or sheltered waters voyage (MPR s. 209(2) (a) and s. 207(7)). 3 crew per boat on unlimited or NC 1 voyage (MPR s. 209(2) (b) and s. 207(7)).	X Number of boats	

MINIMUM CREW - POST-ABANDONMENT	

Summary:

Normal Operation			
1a =	1b =	1c =	**Total:**

Emergency			
2a =	2b =	2c =	**Total:**

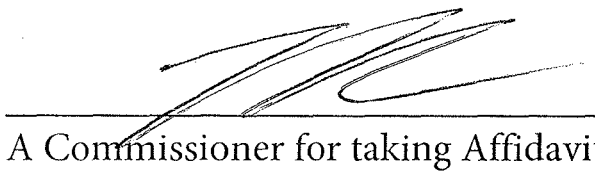
Evacuation (Abandoning Ship)	
	Total:

Post-Abandonment	
	Total:

Minimum Safe Manning	
The Minimum Safe Manning is the highest number of the above four scenarios.	**Total *:**
*** Subject to the satisfaction of the attending Marine Safety Inspector**	

Prepared by: MSSI ……. MSSI …….
Date:

This is **Exhibit K** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia



A Commissioner for taking Affidavits within British Columbia

Submission Form for Proposed Agenda Item for Fall 2019 National Canadian Marine Advisory Council (CMAC) Meeting November 5, 6 and 7, 2019 at the Shaw Centre in Ottawa (Ontario)

Please complete this form and provide supporting documentation for the item to be considered for inclusion in the agenda.

Please submit your form before September 13, 2019

Please note if for some reason the deadline is not met or the number of agenda items submitted surpasses the allotted meeting time, the agenda item(s) may be deferred to the next CMAC meeting.

Proposed Agenda Item: The "Note to Reader" at the beginning of Division 1 Subpart 2 of the Draft MPRs states that, "Rules governing minimum manning approval to be set out in a Minister's document. This document will be developed using the existing *Annex A - Minimum Manning Evaluation Form* (also commonly referred to as the Matrix) and will be further adapted for cable ferries and fishing vessels. This new guidance document can be readily updated to account for new technological and system innovations" At last National CMAC, we were told there would be consultation on this matter prior to any letter or order being handed down. Our last update on this matter was at the Pacific Region CMAC on March 7th 2019, where Yvette Myers told the room that TC would give temporary variances to regulations to promote efficiencies and innovations through a Minister's Order. We have not heard anything more. Could you please provide an update on this matter, and where and when these consultations will happen?

Proposed Agenda Item for the following meeting(s):

- ☐ Marine Security (Standing Committee)
- ☐ Fishing Vessel Safety Regulatory Issues (Working Group)
- ☐ Fishing Vessel Safety (Standing Committee)
- ☐ Recreational Boating (Standing Committee)
- ☐ Domestic Vessel Regulatory Oversight (Standing Committee)
- ☒ Personnel (Standing Committee)
- ☐ Marine Occupational Health and Safety meeting (MOHS)
- ☐ Seafarer Welfare
- ☐ Environment (Standing Committee)
- ☐ Construction and Equipment (Standing Committee)
- ☐ Navigation and Operations (Standing Committee)
- ☐ Marine Research and Development and Innovation
- ☐ Oceans Protection Plan Update
- ☐ Pilotage

Rationale for Proposing the Agenda Item:

MSM is fundamental for the interests of Industry, Labour, and Government. This proposed Minister's document could have significant impact on determining MSM levels moving forward. An update on this matter would be appreciated, as we are certain all stakeholders have valuable input to provide on the initial document, what updates to this document look like moving forward, and the process in which those updates are made.

Number of Attachment(s) addressing the proposed agenda item: 1

Name: Graeme Johnston

Company/Organization: BC Ferry & Marine Workers' Union

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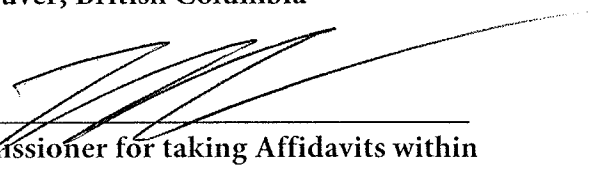
CMAC Secretariat
cmac-ccmc@tc.gc.ca

Fax: 613-991-5670

This is Exhibit L **referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia**



A Commissioner for taking Affidavits within British Columbia

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	Division 1 Subpart 2 – minimum Safe manning document – Canadian Vessels 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. Division 1 Subpart 2 – Regulation 14 of Chapter V of SOLAS Engineering Department (Canadian Vessels) 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]
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 19th of November 2018
Seafarer (Engineer)	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. 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] I implore you to limit numerous exceptions for certain "squeaky wheels" and ask for uniformity across all marine markets in Canada. 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. The objective of Division 7 – recognizing certificates issued by Canadian Coast Guard and Department of National Defense requires clarity. Clear language is required regarding the recognition of sea time 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] 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.

Stakeholder	Issues Raised by Stakeholders
Recognized Institution	- 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 *Canada Gazette,* 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 *Marine Personnel Regulations* 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	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.
Seafarer Engineer	The proposed changes are not based on any risk analysis, but a rather quick attempt to bring Canada's manning and certification requirements down to reflect STCW requirements. For example: - 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. 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. 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 not a requirement of the STCW convention, nor do administrations generally require the full 36 months to be on vessels over 750kW. 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. 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 Equivalents allows this).

Stakeholder	Issues Raised by Stakeholders
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	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 *Marine Personnel Regulations* it is important to ensure that the rewritten regulations do not discourage or place roadblocks for women in the industry. 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.
Shipowner / Ship Operator	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. 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. https://olympiccoast.noaa.gov/protect/incidentresponse/atbamap.html
Seafarer Union	Areas of concern: - 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	Section 124 - Small Vessel Operator – 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." Sections 137 to 143 - Engineering Certificates of Competency - 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." Sections 201 to 205 - Minimum Safe Manning Is of the view to specifically emphasize fatigue, emergencies, and watchkeeping when developing the minimum safe manning document. [This issue was raised by one other piece of correspondence]

Stakeholder	Issues Raised by Stakeholders
	Sections 211 and 212 - Foreign Certificates of Competency 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] Section 218 - Engineer Certificates Table – Vessels Other Than Fishing Vessels 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.
Shipowner / Ship Operator	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. When will a vessel be required to have an Able Seafarer Engine onboard and what is the training requirement? 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.
Industry Association	Confirm that is length between perpendiculars and not length overall (LOA) or spared length.
Shipowner / Ship Operator	**Part 1 - Division 5 COP:** Survival Craft and Rescue Boats • What are the requirements of the refresher course? **Part 2 – Cable Ferries** • 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? Engineering • 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. o 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. o 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

Stakeholder	Issues Raised by Stakeholders

	SHIP SAFETY BULLETIN 09/2017
	• Requirement for endorsement for diesel electric vessels over 1000V
	  o Transport Canada to confirm the endorsement is only required for NC1 and unlimited voyages.
	  o Will in-house training be acceptable to meet the requirement?
	
	Sea Time Record Keeping
	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.
	
	• 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.
	  o This can create an impediment for the sea time accrual for Engineers working as Chief Engineers on vessels <3000 kW.
	
	NEW STCW COURSEWORK REQUIREMENTS
	• 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.
	
	3,000kW POWER RATING THRESHOLD
	
	• 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)?

Stakeholder (a holder of a Engineer CoC)	**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. **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. **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. **Exam Fees.** Please consider substantial increases to examination fees. **Progression.** Please ensure that equivalencies and paths for advancement are clear between the existing cadre of Canadian CoCs, and the new STCW CoCs.

Stakeholder	Issues Raised by Stakeholders
Labour union	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. 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.
Stakeholder	What international convention and provision thereof, do the Canadian Marine Personnel Regulations need to be in step with? What are the specific domestic safety concerns related to certification, training and medical fitness of seafarer? Consultations on these proposed amendments have been few. What other opportunities are there to provide comment? Would like to see a lengthen timeframe With respect to the Small Vessel Operator Certificate of Competency: • 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; 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? 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. 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? Regarding regards to the hours and work and hours of rest provisions articulated by paragraph 319(1)(c) • 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	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.
Seafarer Union	Part 3 – Maritime Labour Standards - Division 3 – Hours of Work and Hours of Rest 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...".

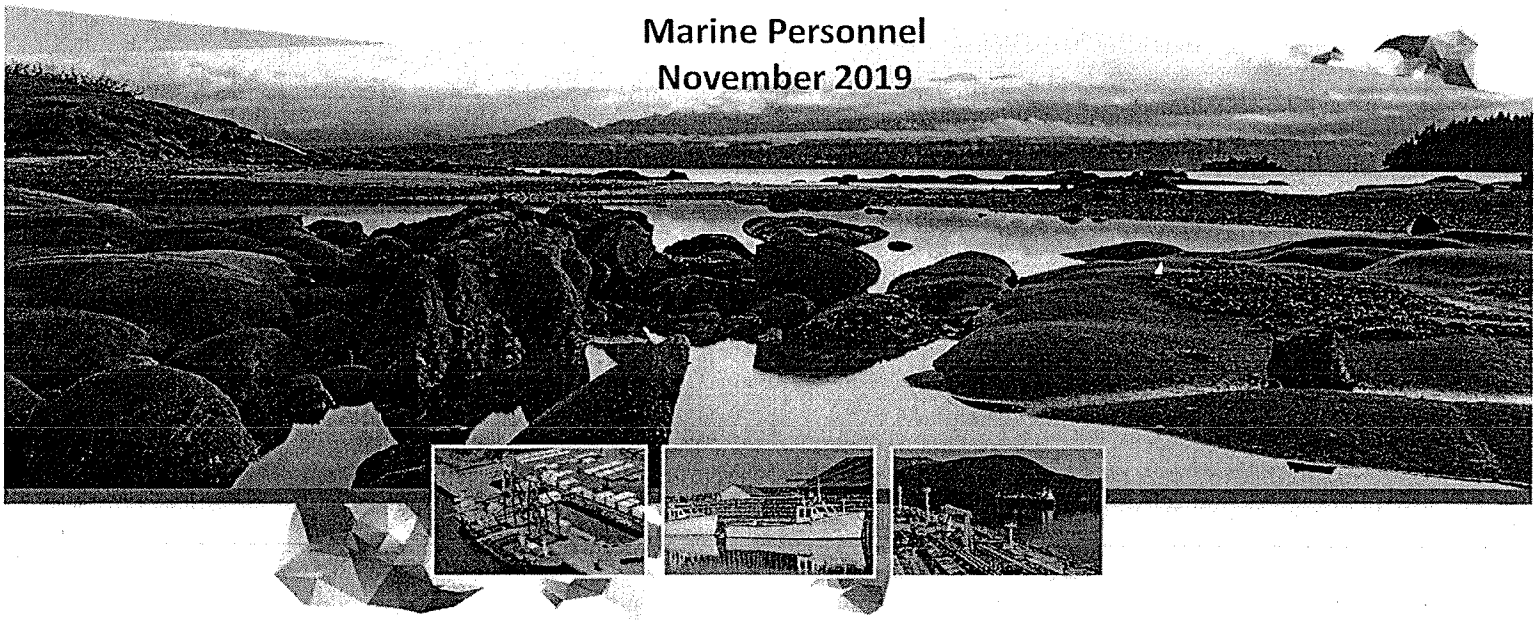
Stakeholder	Issues Raised by Stakeholders
	Section 322 be redrafted to read, ***"2) Consideration shall also be given to the maximum number of consecutive days worked, respecting the MLC 2006, As Amended, Regulation 2.4 – Entitlement to leave, Regulation 2.5 – Repatriation, and Guideline B2.5 – Repatriation, for foreign vessels engaged in Coasting Trade.*** Division 6 - Maritime Labour Certificates and Declaration of Compliance 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.
Shipowner / Ship Operator	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. 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. 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? Section 162 should include STCW Regulation V/1-1 (4) 2.2 as a qualifier for Advanced Training for Oil Tanker Cargo operations. 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." Section 195, division 7, Department of National Defense and Canadian Coast Guard requires more detail regarding the process of the exchange of certificates. 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.
Seafarer	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?

This is **Exhibit M** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia

A Commissioner for taking Affidavits within British Columbia

MARINE **SAFETY** and **SECURITY**
SÉCURITÉ et **SÛRETÉ** MARITIMES

Marine Personnel
November 2019



OVERVIEW

- Seafarer Welfare Board
- Update on the Marine Personnel Regulations (MPR)
- Seafarer Shortage
- Safe Manning Determination Process
- Fatigue Management
- Next Steps

SEAFARER WELFARE BOARD

- Creation of the Seafarer Welfare Board
- Proposed Terms of Reference
- Board Composition
- Board Objectives
- Next Steps

UPDATE ON THE MARINE PERSONNEL REGS

- Update on drafting
- Next Steps

SEAFARER SHORTAGE

- Streamlined Direct Entry Process
- Dispensations
- Seafarer Recruitment Agencies
- Reciprocal Agreements with other countries

SAFE MANNING DETERMINATION PROCESS

- Revised application process
- Revised process for making safe manning determination
- Revised matrix and tools

FATIGUE MANAGEMENT

- Fatigue management training sessions
- Important element in the safe manning determination
- Next steps

OTHER PRIORITIES

- E-LEARNING
- Updating all Transport Publications (TPs)
- Developing Guidelines, tools, training material, etc.

Questions

?

Elisabeth Bertrand

A/Executive Director Marine Personnel and Certification

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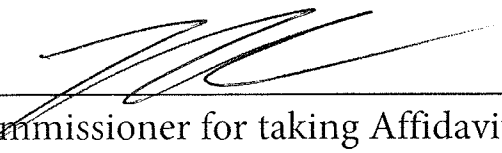
This is **Exhibit N** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia



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SAFE MANNING DOCUMENT APPLICATION FORM A - CATEGORY 1 VESSEL

Safe Manning Document (SMD) Application for:

- Safety Convention vessel; or
- Vessel with a safety management system.

SECTION 1 VESSEL CONTACT DETAILS

Name of the authorized representative			
Address			
Mailing address (if different from above)			
Name of contact person			
Phone	Mobile	Fax	E-mail

SECTION 2 VESSEL PARTICULARS

Name of the vessel	Port of registry	Year built	Official number	IMO number
Vessel type	Sub-type			
Unusual characteristics, features of the vessel				
Unobstructed all-round view at the conning position ◯ Yes ◯ No				
Gross tonnage	Principal dimensions (LOA x B x Draught)	Classification society	Call sign	

Class of voyage

☐ Unlimited[1] ☐ Near coastal, Class 1[1] ☐ Near coastal, Class 2[1] ☐ Sheltered waters[1] ☐ Polar waters[2]

Trading area, length and nature of voyage (if applicable)

Number of passengers	Number of special personnel[3]	Number of industrial personnel[4]	Auto Steering ◯ Yes ◯ No

[1] has the same meaning as in section 1 of the *Vessel Certifcate Regulations*

[2] has the same meaning as regulation 1.4 of Chapter XIV of SOLAS

[3] has the same meaning as in chapter 1 of the *Code of Safety for Special Purpose Ships, 2008*

[4] has the same meaning as in paragraph 6 of the IMO Resolution 418(97)

Canada

Does emergency steering in the wheelhouse require a person at the wheel?	How many persons are required to perform emergency steering in the steering gear compartment? 129
◯ Yes ◯ No	

Is the vessel using a type approved electronic chart display and information system (ECDIS)?

◯ Yes ◯ No

Details of internal communication

☐ PA System ☐ Internal phone exchange ☐ Radio ☐ Other (specify): _____

Vessel is fitted with self-tension mooring winches?

◯ Yes ◯ No

SECTION 3 MAINTAIN A SAFE RADIO WATCH

External communication	Radio maintenance agreement
◯ GMDSS ◯ MF/HF ◯ VHF	◯ Onboard ◯ Shore based

Who is the primary GMDSS operator?

SECTION 4 MAINTAIN A SAFE BRIDGE WATCH AT SEA

Planned deck watch arrangement

◯ 2-watch ◯ 3-watch ◯ Day-system ◯ Other (specify): _____

According to the vessel's tonnage, is there a provision of qualified deck or navigational watch officer to ensure that it is not necessary for the master to keep regular watches by adopting a three-watch system?

◯ Yes ◯ No ◯ N/A Details: _____

Will the master undertake a navigational watch? ◯ Yes ◯ No

If affirmative give details

Will the master be required to undertake the vessel's pilotage? ◯ Yes ◯ No

If affirmative give details

SECTION 5 MAINTAIN A SAFE ENGINEERING WATCH

Planned engine room watch arrangement

◯ 2-watch ◯ 3-watch ◯ Day-system ◯ Other (specify): _____

Machinery space is fitted with fire detection?

◯ Yes ◯ No

Canada

SECTION 6 MACHINERY

130

Propulsion type

Motor | Turbine

Is the vessel subject to the International Code of Safety for Ship using Gases or Other Low-flashpoint Fuels (IGF Code)?

◯ Yes ◯ No

Propulsive power (kW)[1 & 2]	Is the vessel equipped with high voltage systems above 1,000 volt?	Number of propellers or podded propellers	Fixed or controllable pitch propellers	Number of thrusters Bow: Stern:

Auxiliary heating system	Number of main propelling machinery space	If more than one, independent?

Engine control room (ECR) location	If not adjacent, number of decks above and specify location

Centralized engine control room notation?	Number of machinery spaces

Is there a valid unattended machinery space (UMS) notation?	Does the Chief Engineer stand a watch or perform designated duties in UMS?
◯ Yes (provide a copy of a valid UMS notation) ◯ No	

All machinery spaces are covered by a bilge alarm system	Engine room watch alarm system	Fire pumps capable of remote control
◯ Yes ◯ No	◯ Yes ◯ No	◯ Yes ◯ No

Does the machinery essential to the safe operation of the vessel have automatic operational features that, while the machinery is in operation, provides fuel to the machinery and lubricates from a supply of lubricant that is sufficient to enable the machinery to operate continuously at full load for a period of at least 24 hours?

◯ Yes ◯ No

SECTION 7 OPERATE AND MAINTAIN IN A SAFE CONDITION MACHINERY SPACES

Who will undertake machinery space cleaning?

Who will assist in the event of repairs in the engine room?

SECTION 8 MAINTAIN SAFETY IN ALL VESSEL OPERATIONS IN PORT

What cargo handling gear is fitted to the vessel?

Who undertakes cargo operations?	Who secures cargo?

[1] If the propulsion machinery power is de-rated or adjusted downward, documentation covering the new power must be provided with the Application for minimum safe manning.

[2] The propulsive power must be as per the Certificate of Registry or provide explanatory.

Canada

SECTION 9 MEDICAL CARE

Describe medical care provided on board

SECTION 10 HOURS OF WORK AND HOURS OF REST

Give details of the intended work and rest schedule in port and at sea, ensuring that the work arrangements allow for sufficient rest periods to avoid fatigue

At sea

In port

SECTION 11 SAFETY EQUIPMENT

Life Saving Equipment (LSE) Regulations

◯ New ship ◯ Existing ship LSE regulation Class: _____

Means of embarkation (type)

Height of embarkation deck to the water line

Number and capacity of each lifeboat (open or closed)

Number and capacity of each life raft (inflatable/rigid)

Number and capacity of each rescue boat

Canada

Number and capacity of each fast rescue boat 132

Number and details of the marine evacuation system (MES)

Type of launching appliances for all survival crafts

Number of decks accessible to passengers

◯ Allowed _____ ◯ Not allowed _____

Number and capacity of each muster station

Structural fire protection in areas of muster station and embarkation station

◯ A60 ◯ Other

SECTION 12 OTHERS

Cook

Does the vessel have a cook on board who holds a Ship's Cook certificate? ◯ Yes ◯ No ◯ N/A

If no, who performs the cooking duties? _____

Security (if applicable)

Which qualified member of the crew is designated "ship security officer"? _____

How many members of the crew have security responsibilities? _____

Provide a copy of the *Muster List* and the *rescue boat Muster List* required under the ***Fire and Boat Drills Regulations*** taking into account that:

i) there shall be sufficient crew assigned on the *Muster List* to provide the ability to operate the fire-fighting and emergency equipment, and

ii) there shall be sufficient crew assigned on the *Muster List* with the ability to muster and disembark all persons on board.

Unless clearly identified on the Muster List, provide information of the specific duties assigned to each crew member when the general emergency alarm signal or the fire alarm signal is sounded, including:

(1) closing the watertight doors, fire doors, valves, scuppers, side scuttles, skylights, portholes and other similar openings in the vessel;

(2) equipping the survival craft and the other life saving appliances;

(3) ensuring that the radio life saving equipment is placed on board the appropriate survival craft;

(4) preparing and launching the survival craft;

(5) preparing the other life saving appliances;

(6) mustering the passengers;

(7) using the radio communication equipment, including the principal communicator;

(8) performing the duties of fire parties; and

(9) performing any special duties assigned in respect of the use of the fire fighting equipment and installations.

On a vessel that carries passengers, **unless clearly identified** on the *Muster List,* provide information of the specific duties assigned to each crew member and to be performed by them in relation to the passengers during an emergency, including:

(1) warning passengers of the emergency;

(2) ensuring passengers are adequately dressed for protection against exposure and have donned their lifejackets correctly;

(3) assembling passengers at their designated muster stations;

(4) locating and rescuing passengers who are trapped in their staterooms or who are otherwise unaccounted for during an emergency;

(5) keeping order in passageways and on stairways and generally controlling the movements of passengers; and

(6) ensuring that a supply of blankets is taken to the survival craft.

Canada

SECTION 13 PROPOSED MANNING LIST

Grade/Capacity	Certificate - Endorsement - Qualification (STCW)	Number of Persons
Master		
Chief Mate		
Officer in Charge of the Deck or Navigational Watch		
Deck or Navigational Watch Rating		
Deck Rating Able Seafarer Deck		
Chief Engineer		
Second Engineer		
Officer in Charge of the Engineering Watch		
Able Seafarer Engine		
Engine-Room Rating		
Electro-Technical Officer		
Electro-Technical Rating		
Rating		
Cook		

SECTION 14 ADDITIONAL INFORMATION FOR VESSEL

Certificate of Competency/Proficiency	Number of crew identified in section 14
Person(s) required to hold valid training certificate in Passenger Safety Management	
Person(s) required to hold valid training certificate in Specialized Passenger Management (Ro-Ro Vessel)	
Person(s) required to hold a Certificate of Proficiency in Advance Fire-fighting	

What medical aid qualifications does the person assigned to provide first aid on board hold?

SECTION 15 ADDITIONAL INFORMATION TO SUPPORT THE PROPOSED MANNING

The authorized representative shall provide a proposal that takes into consideration IMO Resolution A.1047(27) when making the following assessments (additional pages should be attached if the space provided is insufficient)

An assessment of the tasks, duties and responsibilities that the vessel's complement must undertake to ensure the vessel's:

a) safe operation;

b) its security;

c) the protection of the marine environment; and

d) plan for dealing with emergency situations.

An assessment of the positions that must be occupied on board the vessel and their number to ensure the vessel's:

a) safe operation;

b) its security;

c) the protection of the marine environment; and

d) plan for dealing with emergency, including the evacuation of passengers.

Canada

Evidence that the minimum safe manning level is sufficient to deal with emergency situations, including the evacuation of passengers. 134

- ☐ documented ISM Safety Management System;
- ☐ any risk analysis report supporting the proposed manning of the vessel;
- ☐ description of the vessel's automation that could enhance the level of safety; and
- ☐ description of the required regulated equipment.

SECTION 16 SUBMISSION OF PLANS

Plans submitted with this application include

☐ Fire detection and fighting ☐ Fire control plan ☐ Life saving equipment ☐ General arrangement

☐ Other (specify): _____

SECTION 17 DECLARATION

I CERTIFY to the best of my knowledge, the information given by me on this safe manning document application form, including supporting documentation is correct.

I AGREE TO RESPECT THE DETERMINATION MADE BY THE SAFE MANNING TEAM.

_____ _____

Print name Date (dd-mm-yyyy)

_____

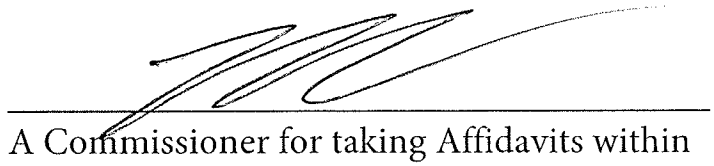
Signature (owner or authorized representative)

Canada

Canada

Canada

This is **Exhibit O** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia



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INTERNATIONAL MARITIME ORGANIZATION

E

ASSEMBLY
27th session
Agenda item 9

A 27/Res.1047
20 December 2011
Original: ENGLISH

Resolution A.1047(27)

Adopted on 30 November 2011
(Agenda item 9)

PRINCIPLES OF MINIMUM SAFE MANNING

THE ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization regarding the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING ALSO Article 28(a) of that Convention which requires the Maritime Safety Committee to consider, inter alia, the manning of seagoing ships from a safety standpoint,

NOTING that safe manning is a function of the number of qualified and experienced seafarers necessary for the safety and security of the ship, crew, passengers, cargo and property and for the protection of the marine environment,

RECOGNIZING the importance of the requirements of the pertinent IMO instruments as well as those adopted by ILO, ITU and WHO relevant to maritime safety and protection of the marine environment,

MINDFUL of the requirements of SOLAS regulation V/14, as amended, with respect to the issue of an appropriate safe manning document or equivalent as evidence of minimum safe manning,

ALSO MINDFUL of the requirements of SOLAS chapter XI-2 and the International Ship and Port Facility Security (ISPS) Code relating to the security of ships and port facilities,

BEING AWARE that the ability of seafarers to maintain observance of these requirements is dependent upon their continued efficiency through conditions relating to training, hours of work and rest, occupational safety, health and hygiene and the proper provision of food,

BELIEVING that international acceptance of broad principles as a framework for administrations to determine the safe manning of ships would materially enhance maritime safety, security and protection of the marine environment,

HAVING CONSIDERED the recommendation made by the Maritime Safety Committee at its eighty-eighth session,

1. ADOPTS the Principles of Minimum Safe Manning, consisting of *Guidelines for the application of principles of safe manning*; *Guidelines for determination of minimum safe manning*; *Responsibilities in the application of principles of minimum safe manning*; *Guidance on contents and model form of minimum safe manning document* and *Framework for determining minimum safe manning*, as set out in Annexes 1, 2, 3, 4 and 5, respectively, to the present resolution;

2. RECOMMENDS that Governments, in establishing the minimum safe manning levels for ships flying their country's flag, observe the principles set out in Annex 1 and the procedures set out in Annex 5 and take into account the guidelines set out in Annexes 2 and 3;

3. URGES Governments to ensure that minimum safe manning documents contain, as a minimum, the information set out in Annex 4;

4. URGES FURTHER Governments, when exercising port State control functions under international conventions in force with respect to foreign ships visiting their ports, to regard compliance with minimum safe manning documents as evidence that such ships are safely manned;

5. REQUESTS the Maritime Safety Committee to keep this resolution under review and to amend its provisions as necessary;

6. REVOKES resolutions A.890(21) and A.955(23).

Annex 1

GUIDELINES FOR THE APPLICATION OF PRINCIPLES OF MINIMUM SAFE MANNING

1 Introduction

1.1 These Guidelines should be used in applying the principles of minimum safe manning set out in section 3 to ensure the safe operation of ships to which article III of the 1978 STCW Convention, as amended, applies, and the security of ships to which chapter XI-2 of the 1974 SOLAS Convention, as amended, applies, and for the protection of the marine environment.

1.2 The Administration may retain or adopt arrangements which differ from the provisions herein recommended and which are especially adapted to technical developments and to special types of ships and trades. However, at all times the Administration should satisfy itself that the detailed manning arrangements ensure a degree of safety at least equivalent to that established by these Guidelines.

2 Objectives

The objectives of these Guidelines are to ensure that a ship is sufficiently, effectively and efficiently manned to provide safety and security of the ship, safe navigation and operations at sea, safe operations in port, prevention of human injury or loss of life, the avoidance of damage to the marine environment and to property, and to ensure the welfare and health of seafarers through the avoidance of fatigue. These objectives can be achieved through the following:

.1 adoption of a goal-based approach;

.2 standard procedures for effective implementation; and

.3 effective enforcement.

3 Principles of minimum safe manning

3.1 The following principles should be observed in determining the minimum safe manning of a ship:

.1 the capability to:

.1 maintain safe navigational, port, engineering and radio watches in accordance with regulation VIII/2 of the 1978 STCW Convention, as amended, and also maintain general surveillance of the ship;

.2 moor and unmoor the ship safely;

.3 manage the safety functions of the ship when employed in a stationary or near-stationary mode at sea;

.4 perform operations, as appropriate, for the prevention of damage to the marine environment;

.5 maintain the safety arrangements and the cleanliness of all accessible spaces to minimize the risk of fire;

.6 provide for medical care on board ship;

.7 ensure safe carriage of cargo during transit;

.8 inspect and maintain, as appropriate, the structural integrity of the ship; and

.9 operate in accordance with the approved Ship's Security Plan; and

.2 the ability to:

.1 operate all watertight closing arrangements and maintain them in effective condition, and also deploy a competent damage control party;

.2 operate all onboard fire-fighting and emergency equipment and life-saving appliances, carry out such maintenance of this equipment as is required to be done at sea, and muster and disembark all persons on board; and

.3 operate the main propulsion and auxiliary machinery including pollution prevention equipment and maintain them in a safe condition to enable the ship to overcome the foreseeable perils of the voyage.

3.2 The following onboard functions, when applicable, should also be taken into account:

.1 ongoing training requirements for all personnel, including the operation and use of fire-fighting and emergency equipment, life-saving appliances and watertight closing arrangements;

.2 specialized training requirements for particular types of ships and in instances where crew members are engaged in shipboard tasks that cross departmental boundaries;

.3 provision of proper food and drinking water;

.4 need to undertake emergency duties and responsibilities; and

.5 need to provide training opportunities for entrant seafarers to allow them to gain the training and experience needed.

Annex 2

GUIDELINES FOR DETERMINATION OF MINIMUM SAFE MANNING

1.1 The minimum safe manning of a ship should be established taking into account all relevant factors, including the following:

.1 size and type of ship;

.2 number, size and type of main propulsion units and auxiliaries;

.3 level of ship automation;

.4 construction and equipment of the ship;

.5 method of maintenance used;

.6 cargo to be carried;

.7 frequency of port calls, length and nature of voyages to be undertaken;

.8 trading area(s), waters and operations in which the ship is involved;

.9 extent to which training activities are conducted on board;

.10 degree of shoreside support provided to the ship by the company;

.11 applicable work hour limits and/or rest requirements; and

.12 the provisions of the approved Ship's Security Plan.

1.2 The determination of the minimum safe manning of a ship should be based on performance of the functions at the appropriate level(s) of responsibility, as specified in the STCW Code, which include the following:

.1 navigation, comprising the tasks, duties and responsibilities required to:

.1 plan and conduct safe navigation;

.2 maintain a safe navigational watch in accordance with the requirements of the STCW Code;

.3 manoeuvre and handle the ship in all conditions; and

.4 moor and unmoor the ship safely;

.2 cargo handling and stowage, comprising the tasks, duties and responsibilities required to plan, monitor and ensure safe loading, stowage, securing, care during the voyage and unloading of cargo to be carried on the ship;

.3 operation of the ship and care for persons on board, comprising the tasks, duties and responsibilities required to:

.1 maintain the safety and security of all persons on board and keep life-saving, fire-fighting and other safety systems in operational condition;

.2 operate and maintain all watertight closing arrangements;

.3 perform operations, as appropriate, to muster and disembark all persons on board;

.4 perform operations, as appropriate, to ensure protection of the marine environment;

.5 provide for medical care on board the ship; and

.6 undertake administrative tasks required for the safe operation and the security of the ship;

.4 marine engineering, comprising the tasks, duties and responsibilities required to:

.1 operate and monitor the ship's main propulsion and auxiliary machinery and evaluate the performance of such machinery;

.2 maintain a safe engineering watch in accordance with the requirements of the STCW Code;

.3 manage and perform fuel and ballast operations; and

.4 maintain safety of the ship's engine equipment, systems and services;

.5 electrical, electronic and control engineering, comprising the tasks, duties and responsibilities required to:

.1 operate the ship's electrical and electronic equipment; and

.2 maintain the safety of the ship's electrical and electronic systems;

.6 radiocommunications, comprising the tasks, duties and responsibilities required to:

.1 transmit and receive information using the radio equipment of the ship;

.2 maintain a safe radio watch in accordance with the requirements of the ITU Radio Regulations and the 1974 SOLAS Convention, as amended; and

.3 provide radio services in emergencies; and

.7 maintenance and repair, comprising the tasks, duties and responsibilities required to carry out maintenance and repair work to the ship and its machinery, equipment and systems, as appropriate to the method of maintenance and repair used.

1.3 In addition to the factors and functions in paragraphs 1.1 and 1.2, the determination of the minimum safe manning should also take into account:

.1 the management of the safety, security and protection of the environment functions of a ship at sea when not under way;

.2 except in ships of limited size, the provision of qualified deck officers to ensure that it is not necessary for the master to keep regular watches by adopting a three-watch system;

.3 except in ships of limited propulsion power or operating under provisions for unattended machinery spaces, the provision of qualified engineer officers to ensure that it is not necessary for the chief engineer to keep regular watches by adopting a three-watch system;

.4 the maintenance of applicable occupational health and hygiene standards on board; and

.5 the provision of proper food and drinking water for all persons on board, as required.

1.4 In determining the minimum safe manning of a ship, consideration should also be given to:

.1 the number of qualified and other personnel required to meet peak workload situations and conditions, with due regard to the number of hours of shipboard duties and rest periods assigned to seafarers; and

.2 the capability of the master and the ship's complement to coordinate the activities necessary for the safe operation and for the security of the ship and for the protection of the marine environment.

Annex 3

RESPONSIBILITIES IN THE APPLICATION OF PRINCIPLES OF MINIMUM SAFE MANNING

1 Responsibilities of companies

1.1 The Administration may require the company responsible for the operation of the ship to prepare and submit its proposal for the minimum safe manning of a ship in accordance with a form specified by the Administration.

1.2 In preparing a proposal for the minimum safe manning of a ship, the company should apply the principles, recommendations and guidelines contained in this resolution and should be required to:

.1 make an assessment of the tasks, duties and responsibilities of the ship's complement required for its safe operation, for its security, for protection of the marine environment, and for dealing with emergency situations;

.2 ensure that fitness for duty provisions and record of hours are implemented;

.3 make an assessment of numbers and grades/capacities in the ship's complement required for its safe operation, for its security, for protection of the marine environment, and for dealing with emergency situations;

.4 prepare and submit to the Administration a proposal for the minimum safe manning based upon the assessment of the numbers and grades/capacities in the ship's complement required for its safe operation, for its security and for protection of the marine environment, justifying the proposal by explaining how the proposed ship's complement will deal with emergency situations, including the evacuation of passengers, where necessary;

.5 ensure that the minimum safe manning is adequate at all times and in all respects, including meeting peak workload situations, conditions and requirements, and is in accordance with the principles, recommendations and guidelines contained in this resolution; and

.6 prepare and submit to the Administration a new proposal for the minimum safe manning of a ship in the case of changes in trading area(s), construction, machinery, equipment, operation and maintenance or management of the ship, which may affect the safe manning.

2 Approval by the Administration

2.1 A proposal for the minimum safe manning of a ship submitted by a company to the Administration should be evaluated by the Administration to ensure that:

.1 the proposed ship's complement contains the number and grades/capacities of personnel to fulfil the tasks, duties and responsibilities required for the safe operation of the ship, for its security, for protection of the marine environment and for dealing with emergency situations; and

.2 the master, officers and other members of the ship's complement are not required to work more hours than is safe in relation to the performance of their duties and the safety of the ship and that the requirements for work and rest hours, in accordance with applicable national regulations, can be complied with.

2.2 In applying such principles, Administrations should take proper account of existing IMO, ILO, ITU and WHO instruments in force which deal with:

.1 watchkeeping;
.2 hours of work or rest;
.3 safety management;
.4 certification of seafarers;
.5 training of seafarers;
.6 occupational safety, health and hygiene;
.7 crew accommodation and food;
.8 security; and
.9 radiocommunications.

2.3 The Administration should require a company to amend a proposal for the minimum safe manning of a ship if, after evaluation of the original proposal submitted by the company, the Administration is unable to approve the proposed composition of the ship's complement.

2.4 The Administration should only approve a proposal for the minimum safe manning of a ship and issue accordingly a minimum safe manning document if it is fully satisfied that the proposed ship's complement is established in accordance with the principles, recommendations and guidelines contained in this resolution, and is adequate in all respects for the safe operation and the security of the ship and for the protection of the marine environment.

2.5 The Administration may withdraw the minimum safe manning document of a ship if the company fails to submit a new proposal for the ship's minimum safe manning when changes in trading area(s), construction, machinery, equipment or operation and maintenance of the ship have taken place which affect the minimum safe manning.

2.6 The Administration should review and may withdraw, as appropriate, the minimum safe manning document of a ship which persistently fails to be in compliance with rest hours requirements.

2.7 The Administration should consider the circumstances very carefully before allowing a minimum safe manning document to contain provisions for less than three qualified officers in charge of a navigational watch, while taking into account all the principles for establishing safe manning.

Annex 4

GUIDANCE ON CONTENTS AND MODEL FORM OF MINIMUM SAFE MANNING DOCUMENT

1 The following information should be included in the minimum safe manning document issued by the Administration specifying the minimum safe manning:

.1 a clear statement of the ship's name, port of registry, distinctive number or letters, IMO number, gross tonnage, main propulsion power, type and trading area, whether or not the machinery space is unattended and company as defined in the ISM Code;

.2 a table showing the number and grades/capacities of the personnel required to be carried, together with any special conditions or other remarks;

.3 a formal statement by the Administration that, in accordance with the principles and guidelines set out in Annexes 1 and 2, the ship named in the document is considered to be safely manned if, whenever it proceeds to sea, it carries not less than the number and grades/capacities of personnel shown in the document, subject to any special conditions stated therein;

.4 a statement as to any limitations on the validity of the document by reference to particulars of the individual ship and the nature of service upon which it is engaged; and

.5 the date of issue and any expiry date of the document together with a signature for and the seal of the Administration.

2 It is recommended that the minimum safe manning document be drawn up in the form corresponding to the model given in the appendix to this Annex. If the language used is not English, the information given should include a translation into English.

APPENDIX

MODEL FORM OF MINIMUM SAFE MANNING DOCUMENT

MINIMUM SAFE MANNING DOCUMENT

(Official seal) (State)

Issued under the provisions of regulation V/14 of the
INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1974, as amended

under the authority of the Government of

(Name of the State)

by

(Administration)

Particulars of ship*
Name of ship .....
Distinctive number or letters .....
IMO number .....
Port of registry .....
Gross tonnage:
National .....
International Tonnage Convention, 1969 .....
Main propulsion power (kW) .....
Type of ship .....

Periodically unattended machinery space yes/no

Operating Company
.....

* Alternatively the particulars of the ship may be placed horizontally.

Trading area**

The ship named in this document is considered to be safely manned if, when it proceeds to sea, it carries not less than the number and grades/capacities of personnel specified in the table(s) below.

Grade/capacity	Certificate (STCW regulation)	Number of persons

Special requirements or conditions, if any:

Issued at ..... on the ..... day of .....
(month and year)

Date of expiry (if any) .....

(Seal of the Administration)

.....
(Signature for and on behalf of the Administration)

** Where a trading area other than unlimited is shown, a clear description or map of the trading area should be included in the document.

Annex 5

FRAMEWORK FOR DETERMINING MINIMUM SAFE MANNING

PREAMBLE

This framework has been developed to assist Administrations and companies in determining minimum safe manning.

STEPS FOR DETERMINING MINIMUM SAFE MANNING

1 Submission from the company

1.1 Submission of a proposal from the company for minimum safe manning defining the nature of the operation of the ship.

1.2 Submission needs to take into account the requirements of Annexes 2 and 3 in the context of the management of the safety, security and protection of the marine environment functions of a ship.

1.3 The process outlined below should enable companies to achieve greater depth and insight into the interdependencies and interactions of operational elements that influence the amounts of crew member workload and, ultimately, the proposed minimum safe manning level.

Operational functions

1.4 Beginning this process requires the breakdown of the operational elements into functions. Annex 2 provides guidance on the relevant functions that need to be considered, however, this list is not exclusive. Each function can then be broken down into a task list that includes the attributes listed below.

.1 **Duration**: What is the time required to execute each task? Time in this case is measurement of total man hours versus the actual duration taken for task completion, since some tasks can be done in a shorter time by using multiple individuals.

.2 **Frequency**: How often is the task performed? This can be categorized using some form of standard interval (i.e. hourly, daily, weekly, etc.).

.3 **Competence**: What are the skills, training and qualifications needed to consistently perform the task properly?

.4 **Importance**: What is the risk or consequence associated with improper performance?

Operational factors

1.5 Once a function is broken down into specific tasks and their attributes, it is then necessary to determine the specific personnel qualifications, operational policy and procedures, and infrastructure/technology necessary to perform each task. It is important to recognize that these elements may increase or decrease manning levels depending on availability and appropriate procedures and of specific capability enabling technology/ automation.

Task capability

1.6 The information generated in defining the operational factors and functions should be used to determine how many tasks can be executed by an individual under the possible range of operational conditions. Critical considerations, while conducting this step, are human element limitations and relevant standards and regulations. These include sleep and circadian requirements, physical and mental workload associated with each task, and exposure limits to shipboard environmental conditions such as noise, temperature and toxins.

Workload assessments

1.7 Once steps relating to operational functions, operational factors and task capability have been conducted, the information is then used to determine whether workload will not exceed the minimum hours of rest and/or work as provided in relevant national and international regulations. Considerations, while performing this step, include work period lengths, work schedule designs and whether a single crew member can execute the tasks set in a specific work period or work period(s) per work day.

2 Evaluation by the Administration

2.1 The Administration should evaluate/approve the submission of the company against relevant national and international regulatory requirements and guidelines.

2.2 Having evaluated and approved the proposal the Administration should issue a minimum safe manning document including special requirements and conditions.

3 Maintenance of minimum safe manning document

A company should advise the Administration of any changes that would affect the minimum safe manning document, and in such circumstances prepare and submit a new proposal taking into account Annex 3.

4 Compliance monitoring

The Administration should periodically review the minimum safe manning arrangements.

This is **Exhibit P** referred to in the Affidavit of Graeme Johnston sworn this 22nd day of June, 2020 at Vancouver, British Columbia

A Commissioner for taking Affidavits within British Columbia

Including 2016 amendments

INTERNATIONAL LABOUR CONFERENCE

MARITIME LABOUR CONVENTION, 2006, as amended

INTERNATIONAL LABOUR CONFERENCE

MARITIME LABOUR CONVENTION, 2006, as amended

Consolidated text established by the International Labour Office, including the Amendments of 2014 and 2016 to the Code of the Convention.

2019

INTERNATIONAL LABOUR CONFERENCE

Contents

MARITIME LABOUR CONVENTION, 2006, as amended

Adopted by the International Labour Conference at its 94th (Maritime) Session (2006)
Amendments approved by the International Labour Conference at its 103rd Session (2014)
Amendments approved by the International Labour Conference at its 105th Session (2016)

PREAMBLE

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Ninety-fourth Session on 7 February 2006, and

Desiring to create a single, coherent instrument embodying as far as possible all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as the fundamental principles to be found in other international labour Conventions, in particular:

- the Forced Labour Convention, 1930 (No. 29);
- the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);
- the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);
- the Equal Remuneration Convention, 1951 (No. 100);
- the Abolition of Forced Labour Convention, 1957 (No. 105);
- the Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- the Minimum Age Convention, 1973 (No. 138);
- the Worst Forms of Child Labour Convention, 1999 (No. 182); and

Mindful of the core mandate of the Organization, which is to promote decent conditions of work, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work, 1998, and

Mindful also that seafarers are covered by the provisions of other ILO instruments and have other rights which are established as fundamental rights and freedoms applicable to all persons, and

Considering that, given the global nature of the shipping industry, seafarers need special protection, and

Mindful also of the international standards on ship safety, human security and quality ship management in the International Convention for the Safety of Life at Sea, 1974, as amended, the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended, and the seafarer training and competency requirements in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended, and

Recalling that the United Nations Convention on the Law of the Sea, 1982, sets out a general legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, and

Recalling that Article 94 of the United Nations Convention on the Law of the Sea, 1982, establishes the duties and obligations of a flag State with regard to, inter alia, labour conditions, crewing and social matters on ships that fly its flag, and

Recalling paragraph 8 of article 19 of the Constitution of the International Labour Organisation which provides that in no case shall the adoption of any Convention or Recommendation by the Conference or the ratification of any Convention by any Member be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation, and

Determined that this new instrument should be designed to secure the widest possible acceptability among governments, shipowners and seafarers committed to the principles of decent work, that it should be readily updateable and that it should lend itself to effective implementation and enforcement, and

Having decided upon the adoption of certain proposals for the realization of such an instrument, which is the only item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this twenty-third day of February of the year two thousand and six the following Convention, which may be cited as the Maritime Labour Convention, 2006.

General obligations

Article I

1. Each Member which ratifies this Convention undertakes to give complete effect to its provisions in the manner set out in Article VI in order to secure the right of all seafarers to decent employment.

2. Members shall cooperate with each other for the purpose of ensuring the effective implementation and enforcement of this Convention.

Definitions and scope of application

Article II

1. For the purpose of this Convention and unless provided otherwise in particular provisions, the term:

(a) *competent authority* means the minister, government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned;

(b) *declaration of maritime labour compliance* means the declaration referred to in Regulation 5.1.3;

(c) *gross tonnage* means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in Annex I to the International Convention on Tonnage Measurement of Ships, 1969, or any successor Convention; for ships covered by the tonnage measurement interim scheme adopted by the International Maritime Organization, the gross tonnage is that which is included in the REMARKS column of the International Tonnage Certificate (1969);

(d) *maritime labour certificate* means the certificate referred to in Regulation 5.1.3;

(e) *requirements of this Convention* refers to the requirements in these Articles and in the Regulations and Part A of the Code of this Convention;

(f) *seafarer* means any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies;

(g) *seafarers' employment agreement* includes both a contract of employment and articles of agreement;

(h) *seafarer recruitment and placement service* means any person, company, institution, agency or other organization, in the public or the private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners;

(i) *ship* means a ship other than one which navigates exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;

(j) *shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on shipowners in accordance with this Convention, regardless of whether any other organization or persons fulfil certain of the duties or responsibilities on behalf of the shipowner.

2. Except as expressly provided otherwise, this Convention applies to all seafarers.

3. In the event of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned with this question.

4. Except as expressly provided otherwise, this Convention applies to all ships, whether publicly or privately owned, ordinarily engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks. This Convention does not apply to warships or naval auxiliaries.

5. In the event of doubt as to whether this Convention applies to a ship or particular category of ships, the question shall be determined by the competent authority in each Member after consultation with the shipowners' and seafarers' organizations concerned.

6. Where the competent authority determines that it would not be reasonable or practicable at the present time to apply certain details of the Code referred to in Article VI, paragraph 1, to a ship or particular categories of ships flying the flag of the Member, the relevant provisions of the Code shall not apply to the extent that the subject matter is dealt with differently by national laws or regulations or collective bargaining

agreements or other measures. Such a determination may only be made in consultation with the shipowners' and seafarers' organizations concerned and may only be made with respect to ships of less than 200 gross tonnage not engaged in international voyages.

7. Any determinations made by a Member under paragraph 3 or 5 or 6 of this Article shall be communicated to the Director-General of the International Labour Office, who shall notify the Members of the Organization.

8. Unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to the Regulations and the Code.

FUNDAMENTAL RIGHTS AND PRINCIPLES

Article III

Each Member shall satisfy itself that the provisions of its law and regulations respect, in the context of this Convention, the fundamental rights to:

(a) freedom of association and the effective recognition of the right to collective bargaining;

(b) the elimination of all forms of forced or compulsory labour;

(c) the effective abolition of child labour; and

(d) the elimination of discrimination in respect of employment and occupation.

SEAFARERS' EMPLOYMENT AND SOCIAL RIGHTS

Article IV

1. Every seafarer has the right to a safe and secure workplace that complies with safety standards.

2. Every seafarer has a right to fair terms of employment.

3. Every seafarer has a right to decent working and living conditions on board ship.

4. Every seafarer has a right to health protection, medical care, welfare measures and other forms of social protection.

5. Each Member shall ensure, within the limits of its jurisdiction, that the seafarers' employment and social rights set out in the preceding paragraphs of this Article are fully implemented in accordance with the requirements of this Convention. Unless specified otherwise in the Convention, such implementation may be achieved through national laws or regulations, through applicable collective bargaining agreements or through other measures or in practice.

IMPLEMENTATION AND ENFORCEMENT RESPONSIBILITIES

Article V

1. Each Member shall implement and enforce laws or regulations or other measures that it has adopted to fulfil its commitments under this Convention with respect to ships and seafarers under its jurisdiction.

2. Each Member shall effectively exercise its jurisdiction and control over ships that fly its flag by establishing a system for ensuring compliance with the requirements of this Convention, including regular inspections, reporting, monitoring and legal proceedings under the applicable laws.

3. 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.

4. A ship to which this Convention applies may, in accordance with international law, be inspected by a Member other than the flag State, when the ship is in one of its ports, to determine whether the ship is in compliance with the requirements of this Convention.

5. Each Member shall effectively exercise its jurisdiction and control over seafarer recruitment and placement services, if these are established in its territory.

6. Each Member shall prohibit violations of the requirements of this Convention and shall, in accordance with international law, establish sanctions or require the adoption of corrective measures under its laws which are adequate to discourage such violations.

7. Each Member shall implement its responsibilities under this Convention in such a way as to ensure that the ships that fly the flag of any State that has not ratified this Convention do not receive more favourable treatment than the ships that fly the flag of any State that has ratified it.

Regulations and Parts A and B of the Code

Article VI

1. The Regulations and the provisions of Part A of the Code are mandatory. The provisions of Part B of the Code are not mandatory.

2. Each Member undertakes to respect the rights and principles set out in the Regulations and to implement each Regulation in the manner set out in the corresponding provisions of Part A of the Code. In addition, the Member shall give due consideration to implementing its responsibilities in the manner provided for in Part B of the Code.

3. A Member which is not in a position to implement the rights and principles in the manner set out in Part A of the Code may, unless expressly provided otherwise in this Convention, implement Part A through provisions in its laws and regulations or other measures which are substantially equivalent to the provisions of Part A.

4. For the sole purpose of paragraph 3 of this Article, any law, regulation, collective agreement or other implementing measure shall be considered to be substantially equivalent, in the context of this Convention, if the Member satisfies itself that:

(a) it is conducive to the full achievement of the general object and purpose of the provision or provisions of Part A of the Code concerned; and

(b) it gives effect to the provision or provisions of Part A of the Code concerned.

CONSULTATION WITH SHIPOWNERS' AND SEAFARERS' ORGANIZATIONS

Article VII

Any derogation, exemption or other flexible application of this Convention for which the Convention requires consultation with shipowners' and seafarers' organizations may, in cases where representative organizations of shipowners or of seafarers do not exist within a Member, only be decided by that Member through consultation with the Committee referred to in Article XIII.

ENTRY INTO FORCE

Article VIII

1. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

2. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered by the Director-General.

3. This Convention shall come into force 12 months after the date on which there have been registered ratifications by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent.

4. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

DENUNCIATION

Article IX

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which does not, within the year following the expiration of the period of ten years mentioned in paragraph 1 of this Article, exercise the right of denunciation provided for in this Article, shall be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each new period of ten years under the terms provided for in this Article.

EFFECT OF ENTRY INTO FORCE

Article X

This Convention revises the following Conventions:

Minimum Age (Sea) Convention, 1920 (No. 7)

Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)

Placing of Seamen Convention, 1920 (No. 9)
Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
Seamen's Articles of Agreement Convention, 1926 (No. 22)
Repatriation of Seamen Convention, 1926 (No. 23)
Officers' Competency Certificates Convention, 1936 (No. 53)
Holidays with Pay (Sea) Convention, 1936 (No. 54)
Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)
Sickness Insurance (Sea) Convention, 1936 (No. 56)
Hours of Work and Manning (Sea) Convention, 1936 (No. 57)
Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
Food and Catering (Ships' Crews) Convention, 1946 (No. 68)
Certification of Ships' Cooks Convention, 1946 (No. 69)
Social Security (Seafarers) Convention, 1946 (No. 70)
Paid Vacations (Seafarers) Convention, 1946 (No. 72)
Medical Examination (Seafarers) Convention, 1946 (No. 73)
Certification of Able Seamen Convention, 1946 (No. 74)
Accommodation of Crews Convention, 1946 (No. 75)
Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76)
Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)
Accommodation of Crews Convention (Revised), 1949 (No. 92)
Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)
Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)
Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)
Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)
Continuity of Employment (Seafarers) Convention, 1976 (No. 145)
Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)
Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)
Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)
Seafarers' Welfare Convention, 1987 (No. 163)
Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)
Social Security (Seafarers) Convention (Revised), 1987 (No. 165)
Repatriation of Seafarers Convention (Revised), 1987 (No. 166)
Labour Inspection (Seafarers) Convention, 1996 (No. 178)
Recruitment and Placement of Seafarers Convention, 1996 (No. 179)
Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180).

DEPOSITARY FUNCTIONS

Article XI

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications, acceptances and denunciations under this Convention.

2. When the conditions provided for in paragraph 3 of Article VIII have been fulfilled, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article XII

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, acceptances and denunciations registered under this Convention.

SPECIAL TRIPARTITE COMMITTEE

Article XIII

1. The Governing Body of the International Labour Office shall keep the working of this Convention under continuous review through a committee established by it with special competence in the area of maritime labour standards.

2. For matters dealt with in accordance with this Convention, the Committee shall consist of two representatives nominated by the Government of each Member which has ratified this Convention, and the representatives of Shipowners and Seafarers appointed by the Governing Body after consultation with the Joint Maritime Commission.

3. The Government representatives of Members which have not yet ratified this Convention may participate in the Committee but shall have no right to vote on any matter dealt with in accordance with this Convention. The Governing Body may invite other organizations or entities to be represented on the Committee by observers.

4. The votes of each Shipowner and Seafarer representative in the Committee shall be weighted so as to ensure that the Shipowners' group and the Seafarers' group each have half the voting power of the total number of governments which are represented at the meeting concerned and entitled to vote.

AMENDMENT OF THIS CONVENTION

Article XIV

1. Amendments to any of the provisions of this Convention may be adopted by the General Conference of the International Labour Organization in the framework of article 19 of the Constitution of the International Labour Organisation and the rules and procedures of the Organization for the adoption of Conventions. Amendments to the Code may also be adopted following the procedures in Article XV.

2. In the case of Members whose ratifications of this Convention were registered before the adoption of the amendment, the text of the amendment shall be communicated to them for ratification.

3. In the case of other Members of the Organization, the text of the Convention as amended shall be communicated to them for ratification in accordance with article 19 of the Constitution.

4. An amendment shall be deemed to have been accepted on the date when there have been registered ratifications, of the amendment or of the Convention as amended, as the case may be, by at least 30 Members with a total share in the world gross tonnage of ships of at least 33 per cent.

5. An amendment adopted in the framework of article 19 of the Constitution shall be binding only upon those Members of the Organization whose ratifications have been registered by the Director-General of the International Labour Office.

6. For any Member referred to in paragraph 2 of this Article, an amendment shall come into force 12 months after the date of acceptance referred to in paragraph 4 of this Article or 12 months after the date on which its ratification of the amendment has been registered, whichever date is later.

7. Subject to paragraph 9 of this Article, for Members referred to in paragraph 3 of this Article, the Convention as amended shall come into force 12 months after the date of acceptance referred to in paragraph 4 of this Article or 12 months after the date on which their ratifications of the Convention have been registered, whichever date is later.

8. For those Members whose ratification of this Convention was registered before the adoption of an amendment but which have not ratified the amendment, this Convention shall remain in force without the amendment concerned.

9. Any Member whose ratification of this Convention is registered after the adoption of the amendment but before the date referred to in paragraph 4 of this Article may, in a declaration accompanying the instrument of ratification, specify that its ratification relates to the Convention without the amendment concerned. In the case of a ratification with such a declaration, the Convention shall come into force for the Member concerned 12 months after the date on which the ratification was registered. Where an instrument of ratification is not accompanied by such a declaration, or where the ratification is registered on or after the date referred to in paragraph 4, the Convention shall come into force for the Member concerned 12 months after the date on which the ratification was registered and, upon its entry into force in accordance with paragraph 7 of this Article, the amendment shall be binding on the Member concerned unless the amendment provides otherwise.

AMENDMENTS TO THE CODE

Article XV

1. The Code may be amended either by the procedure set out in Article XIV or, unless expressly provided otherwise, in accordance with the procedure set out in the present Article.

2. An amendment to the Code may be proposed to the Director-General of the International Labour Office by the government of any Member of the Organization

or by the group of Shipowner representatives or the group of Seafarer representatives who have been appointed to the Committee referred to in Article XIII. An amendment proposed by a government must have been proposed by, or be supported by, at least five governments of Members that have ratified the Convention or by the group of Shipowner or Seafarer representatives referred to in this paragraph.

3. Having verified that the proposal for amendment meets the requirements of paragraph 2 of this Article, the Director-General shall promptly communicate the proposal, accompanied by any comments or suggestions deemed appropriate, to all Members of the Organization, with an invitation to them to transmit their observations or suggestions concerning the proposal within a period of six months or such other period (which shall not be less than three months nor more than nine months) prescribed by the Governing Body.

4. At the end of the period referred to in paragraph 3 of this Article, the proposal, accompanied by a summary of any observations or suggestions made under that paragraph, shall be transmitted to the Committee for consideration at a meeting. An amendment shall be considered adopted by the Committee if:

(a) at least half the governments of Members that have ratified this Convention are represented in the meeting at which the proposal is considered; and

(b) a majority of at least two-thirds of the Committee members vote in favour of the amendment; and

(c) this majority comprises the votes in favour of at least half the government voting power, half the Shipowner voting power and half the Seafarer voting power of the Committee members registered at the meeting when the proposal is put to the vote.

5. Amendments adopted in accordance with paragraph 4 of this Article shall be submitted to the next session of the Conference for approval. Such approval shall require a majority of two-thirds of the votes cast by the delegates present. If such majority is not obtained, the proposed amendment shall be referred back to the Committee for reconsideration should the Committee so wish.

6. Amendments approved by the Conference shall be notified by the Director-General to each of the Members whose ratifications of this Convention were registered before the date of such approval by the Conference. These Members are referred to below as "the ratifying Members". The notification shall contain a reference to the present Article and shall prescribe the period for the communication of any formal disagreement. This period shall be two years from the date of the notification unless, at the time of approval, the Conference has set a different period, which shall be a period of at least one year. A copy of the notification shall be communicated to the other Members of the Organization for their information.

7. An amendment approved by the Conference shall be deemed to have been accepted unless, by the end of the prescribed period, formal expressions of disagreement have been received by the Director-General from more than 40 per cent of the Members which have ratified the Convention and which represent not less than 40 per cent of the gross tonnage of the ships of the Members which have ratified the Convention.

8. An amendment deemed to have been accepted shall come into force six months after the end of the prescribed period for all the ratifying Members except those which had formally expressed their disagreement in accordance with paragraph 7

of this Article and have not withdrawn such disagreement in accordance with paragraph 11. However:

(a) before the end of the prescribed period, any ratifying Member may give notice to the Director-General that it shall be bound by the amendment only after a subsequent express notification of its acceptance; and

(b) before the date of entry into force of the amendment, any ratifying Member may give notice to the Director-General that it will not give effect to that amendment for a specified period.

9. An amendment which is the subject of a notice referred to in paragraph 8(a) of this Article shall enter into force for the Member giving such notice six months after the Member has notified the Director-General of its acceptance of the amendment or on the date on which the amendment first comes into force, whichever date is later.

10. The period referred to in paragraph 8(b) of this Article shall not go beyond one year from the date of entry into force of the amendment or beyond any longer period determined by the Conference at the time of approval of the amendment.

11. A Member that has formally expressed disagreement with an amendment may withdraw its disagreement at any time. If notice of such withdrawal is received by the Director-General after the amendment has entered into force, the amendment shall enter into force for the Member six months after the date on which the notice was registered.

12. After entry into force of an amendment, the Convention may only be ratified in its amended form.

13. To the extent that a maritime labour certificate relates to matters covered by an amendment to the Convention which has entered into force:

(a) a Member that has accepted that amendment shall not be obliged to extend the benefit of the Convention in respect of the maritime labour certificates issued to ships flying the flag of another Member which:
  (i) pursuant to paragraph 7 of this Article, has formally expressed disagreement to the amendment and has not withdrawn such disagreement; or
  (ii) pursuant to paragraph 8(a) of this Article, has given notice that its acceptance is subject to its subsequent express notification and has not accepted the amendment; and

(b) a Member that has accepted the amendment shall extend the benefit of the Convention in respect of the maritime labour certificates issued to ships flying the flag of another Member that has given notice, pursuant to paragraph 8(b) of this Article, that it will not give effect to that amendment for the period specified in accordance with paragraph 10 of this Article.

AUTHORITATIVE LANGUAGES

Article XVI

The English and French versions of the text of this Convention are equally authoritative.

EXPLANATORY NOTE TO THE REGULATIONS AND CODE OF THE MARITIME LABOUR CONVENTION

1. This explanatory note, which does not form part of the Maritime Labour Convention, is intended as a general guide to the Convention.

2. The Convention comprises three different but related parts: the Articles, the Regulations and the Code.

3. The Articles and Regulations set out the core rights and principles and the basic obligations of Members ratifying the Convention. The Articles and Regulations can only be changed by the Conference in the framework of article 19 of the Constitution of the International Labour Organisation (see Article XIV of the Convention).

4. The Code contains the details for the implementation of the Regulations. It comprises Part A (mandatory Standards) and Part B (non-mandatory Guidelines). The Code can be amended through the simplified procedure set out in Article XV of the Convention. Since the Code relates to detailed implementation, amendments to it must remain within the general scope of the Articles and Regulations.

5. The Regulations and the Code are organized into general areas under five Titles:

Title 1: Minimum requirements for seafarers to work on a ship

Title 2: Conditions of employment

Title 3: Accommodation, recreational facilities, food and catering

Title 4: Health protection, medical care, welfare and social security protection

Title 5: Compliance and enforcement

6. Each Title contains groups of provisions relating to a particular right or principle (or enforcement measure in Title 5), with connected numbering. The first group in Title 1, for example, consists of Regulation 1.1, Standard A1.1 and Guideline B1.1, relating to minimum age.

7. The Convention has three underlying purposes:

(a) to lay down, in its Articles and Regulations, a firm set of rights and principles;

(b) to allow, through the Code, a considerable degree of flexibility in the way Members implement those rights and principles; and

(c) to ensure, through Title 5, that the rights and principles are properly complied with and enforced.

8. There are two main areas for flexibility in implementation: one is the possibility for a Member, where necessary (see Article VI, paragraph 3), to give effect to the detailed requirements of Part A of the Code through substantial equivalence (as defined in Article VI, paragraph 4).

9. The second area of flexibility in implementation is provided by formulating the mandatory requirements of many provisions in Part A in a more general way,

thus leaving a wider scope for discretion as to the precise action to be provided for at the national level. In such cases, guidance on implementation is given in the non-mandatory Part B of the Code. In this way, Members which have ratified this Convention can ascertain the kind of action that might be expected of them under the corresponding general obligation in Part A, as well as action that would not necessarily be required. For example, Standard A4.1 requires all ships to provide prompt access to the necessary medicines for medical care on board ship (paragraph 1(b)) and to "carry a medicine chest" (paragraph 4(a)). The fulfilment in good faith of this latter obligation clearly means something more than simply having a medicine chest on board each ship. A more precise indication of what is involved is provided in the corresponding Guideline B4.1.1 (paragraph 4) so as to ensure that the contents of the chest are properly stored, used and maintained.

10. Members which have ratified this Convention are not bound by the guidance concerned and, as indicated in the provisions in Title 5 on port State control, inspections would deal only with the relevant requirements of this Convention (Articles, Regulations and the Standards in Part A). However, Members are required under paragraph 2 of Article VI to give due consideration to implementing their responsibilities under Part A of the Code in the manner provided for in Part B. If, having duly considered the relevant Guidelines, a Member decides to provide for different arrangements which ensure the proper storage, use and maintenance of the contents of the medicine chest, to take the example given above, as required by the Standard in Part A, then that is acceptable. On the other hand, by following the guidance provided in Part B, the Member concerned, as well as the ILO bodies responsible for reviewing implementation of international labour Conventions, can be sure without further consideration that the arrangements the Member has provided for are adequate to implement the responsibilities under Part A to which the Guideline relates.

Guideline B2.5.3 – Financial security

1. In implementation of paragraph 8 of Standard A2.5.2, if time is needed to check the validity of certain aspects of the request of the seafarer or the seafarer's nominated representative, this should not prevent the seafarer from immediately receiving such part of the assistance requested as is recognized as justified.

Regulation 2.6 – Seafarer compensation for the ship's loss or foundering

Purpose: To ensure that seafarers are compensated when a ship is lost or has foundered

1. Seafarers are entitled to adequate compensation in the case of injury, loss or unemployment arising from the ship's loss or foundering.

Standard A2.6 – Seafarer compensation for the ship's loss or foundering

1. Each Member shall make rules ensuring that, in every case of loss or foundering of any ship, the shipowner shall pay to each seafarer on board an indemnity against unemployment resulting from such loss or foundering.

2. The rules referred to in paragraph 1 of this Standard shall be without prejudice to any other rights a seafarer may have under the national law of the Member concerned for losses or injuries arising from a ship's loss or foundering.

Guideline B2.6 – Seafarer compensation for the ship's loss or foundering

Guideline B2.6.1 – Calculation of indemnity against unemployment

1. The indemnity against unemployment resulting from a ship's foundering or loss should be paid for the days during which the seafarer remains in fact unemployed at the same rate as the wages payable under the employment agreement, but the total indemnity payable to any one seafarer may be limited to two months' wages.

2. Each Member should ensure that seafarers have the same legal remedies for recovering such indemnities as they have for recovering arrears of wages earned during the service.

Regulation 2.7 – Manning levels

Purpose: To ensure that seafarers work on board ships with sufficient personnel for the safe, efficient and secure operation of the ship

1. Each Member shall require that all ships that fly its flag have a sufficient number of seafarers employed on board to ensure that ships are operated safely, efficiently and with due regard to security under all conditions, taking into account concerns about seafarer fatigue and the particular nature and conditions of the voyage.

Standard A2.7 – Manning levels

1. Each Member shall require that all ships that fly its flag have a sufficient number of seafarers on board to ensure that ships are operated safely, efficiently and

with due regard to security. Every ship shall be manned by a crew that is adequate, in terms of size and qualifications, to ensure the safety and security of the ship and its personnel, under all operating conditions, in accordance with the minimum safe manning document or an equivalent issued by the competent authority, and to comply with the standards of this Convention.

2. When determining, approving or revising manning levels, the competent authority shall take into account the need to avoid or minimize excessive hours of work to ensure sufficient rest and to limit fatigue, as well as the principles in applicable international instruments, especially those of the International Maritime Organization, on manning levels.

3. When determining manning levels, the competent authority shall take into account all the requirements within Regulation 3.2 and Standard A3.2 concerning food and catering.

Guideline B2.7 – Manning levels

Guideline B2.7.1 – Dispute settlement

1. Each Member should maintain, or satisfy itself that there is maintained, efficient machinery for the investigation and settlement of complaints or disputes concerning the manning levels on a ship.

2. Representatives of shipowners' and seafarers' organizations should participate, with or without other persons or authorities, in the operation of such machinery.

Regulation 2.8 – Career and skill development and opportunities for seafarers' employment

Purpose: To promote career and skill development and employment opportunities for seafarers

1. Each Member shall have national policies to promote employment in the maritime sector and to encourage career and skill development and greater employment opportunities for seafarers domiciled in its territory.

Standard A2.8 – Career and skill development and employment opportunities for seafarers

1. Each Member shall have national policies that encourage career and skill development and employment opportunities for seafarers, in order to provide the maritime sector with a stable and competent workforce.

2. The aim of the policies referred to in paragraph 1 of this Standard shall be to help seafarers strengthen their competencies, qualifications and employment opportunities.

3. Each Member shall, after consulting the shipowners' and seafarers' organizations concerned, establish clear objectives for the vocational guidance, education and training of seafarers whose duties on board ship primarily relate to the safe operation and navigation of the ship, including ongoing training.