

GENERAL INFORMATION	
KEYWORDS	Marine medical certificate, mental capacity
FILE NO.	MO-0523-28
SECTOR (Marine or Aviation)	Marine
SPECIFIC JOB	Unknown
DIAGNOSIS (Primary, Secondary, etc.)	Illiteracy
REVIEW	
DATE OF DETERMINATION	July 16, 2019
MEMBER	Dr. Brian Wagg
DETERMINATION	The matter is referred back to the Minister for reconsideration.
REASONS FOR THE DETERMINATION	Refusal to issue a marine medical certificate — The Transport Canada (TC) marine medical examiner provided a marine medical examination report with inadequate and misleading details of the applicant's mental capacity. TC was slow to take the necessary action to clarify the applicant's status and eventually took actions which were both inappropriate and unnecessary. The medical guidelines (both national and international) provided to medical examiners and in use by TC, in the case of mental deficiencies and illiteracy, would seem to be lacking, insufficient, or irrelevant. Functional literacy is a distinct (but related) issue, the importance of which, in the safe and reliable performance of the seafarer's work, needs to be addressed as a matter of policy. TC Marine Medicine received notification on September 24, 2018 of the applicant's intent to request a review. Clearly, time and resources would have been spent more effectively and efficiently at that time by clarifying the applicant's status, before it needed to be done by a tribunal hearing and determination. The Minister of Transport should reconsider the applicant's fitness in regard to specific guidelines for mental capacity and competence in relation to the requirements of the job performed.
APPEAL	
DATE OF DECISION	
MEMBERS	
DECISION	
REASONS FOR THE DECISION	
OTHER/COMMENTS	