

GENERAL INFORMATION	
KEYWORDS	Marine medical certificate, hemophilia, geographical limitations
FILE NO.	MA-0578-21
SECTOR (Marine or Aviation)	Marine
SPECIFIC JOB	Marine engineer
DIAGNOSIS (Primary, Secondary, etc.)	Hemophilia A
REVIEW	
DATE OF DETERMINATION	November 26, 2021
MEMBER	Dr. Christopher Brooks
DETERMINATION	The member is referring the matter back to the Minister of Transport for reconsideration.
REASONS FOR THE DETERMINATION	
<p>The issuance of a marine medical certificate (MMC) with the limitation of “Sheltered Waters Voyage” — Following a marine medical examination, the applicant was deemed to be fit with the limitation of Near Coastal Voyage Class 2 (NC-2). The report noted his diagnosis of moderate hemophilia Factor VIII, treated as mild with no recent treatment required and that he had previously been issued an MMC with the limitation of NC-2 for the same diagnosis. The position of the Minister of Transport (Minister) is that the applicant has hemophilia and does not meet the required medical standards for the issuance of an unrestricted MMC. To mitigate the risk associated with serious trauma and potential life-threatening bleeding and taking into consideration the working environment that exists aboard ship, Transport Canada (TC) had assigned him a limitation of “Sheltered Waters Voyage” on his MMC. The applicant acknowledges that he is unfit to hold an unlimited MMC with a diagnosis of hemophilia and was satisfied when TC assigned him an NC-2 restriction as he can find useful employment with that restriction. However, following his marine medical examination, he was surprised that after being assigned the same limitation, he was reassigned with a more severe “Sheltered Waters Voyage” category. In summary, the member finds that there was not sufficient evidence to suggest a more stringent “Sheltered Waters Voyage” category be applied to the applicant’s MMC. The member is aware that there was a previous NC-2 restriction, the details for which or justification for is unknown (and is indirectly relevant to the current issue before the Tribunal). However, the Minister’s evidence to support any further restriction, mainly that the recommended treatment indicated by the applicant’s doctor came as a surprise, is very weak, as the applicant had been under her care since 2016. The evidence suggests the information concerning the treatment of hemophilia and the risks of being aboard ship were all available to TC in 2017, hence the decision letter produced at this date that had changed his original Near Coastal Voyage Class 1 restriction to NC-2. The information provided by his doctor supports the notion that a restriction to “Sheltered Waters Voyage” is not necessary and, more importantly, alleges that her recommendations, upon which the Minister relied, should not have led to a further restriction on the applicant’s MMC. The member finds that the International Labour Organization (ILO) and International Maritime Organization (IMO) <i>Guidelines on the medical examinations of seafarers</i> have been applied, but concludes that the restriction imposed as a result, is not reasonable in this case and cannot find that there is sufficient justification for further restricting the applicant. The member is referring the matter back to the Minister for reconsideration.</p>	
APPEAL	
DATE OF DECISION	
MEMBERS	
DECISION	
REASONS FOR THE DECISION	

OTHER/COMMENTS