

GENERAL INFORMATION	
KEYWORDS	Marine medical certificate, depression, substance use disorder
FILE NO.	MA-0591-28
SECTOR (Marine or Aviation)	Marine
SPECIFIC JOB	Deckhand
DIAGNOSIS (Primary, Secondary, etc.)	Depression, substance abuse
REVIEW	
DATE OF DETERMINATION	May 27, 2022
MEMBER	Dr. Christopher Brooks
DETERMINATION	The member is confirming the decision of the Minister of Transport not to issue the applicant a marine medical certificate.
REASONS FOR THE DETERMINATION	
<p>The refusal to issue a marine medical certificate (MMC) — The applicant is a seafarer who was issued an MMC for a deckhand in 2016. An occupational health assessment report received from Health Canada in 2018 noted that the applicant was experiencing health issues that may impact marine safety. Subsequently, the applicant was enrolled in a Transport Canada (TC) substance abuse monitoring program which required a monitoring report every three months for a minimum of two years. Included in this program was a request for the applicant to provide an updated report from his psychiatrist concerning his depression and list of medications. The applicant was issued with a short-term MMC to allow him to provide the requested information. This MMC limited him to “no watchkeeping” and expired in August 2018. A new marine medical examination report was completed by a marine medical examiner in December 2018. Since the information requested was not forthcoming from the applicant, in accordance with paragraph 278(4)(b) of the <i>Marine Personnel Regulations (MPRs)</i>, he was determined to be “unfit” to hold an MMC. The applicant’s provisional certificate was no longer valid, and this was considered a refusal to issue an MMC, under paragraph 16(4)(a) of the <i>Canada Shipping Act, 2001</i>. The prime reason for the refusal of the applicant’s MMC was that TC was concerned with seafarers who have issues with alcohol and drugs due to their impact on one’s judgment which can compromise safety and critical duties. The applicant has ignored the directions from TC to follow up with a substance abuse counsellor. In his own testimony, he claims he is fit and has not used marijuana since September 2018 and is under no medical care or treatment at this time. TC made it clear that when it issued a short-term MMC to the applicant, in his wellness plan to get back to work, he was to submit quarterly reports on his progress to TC and this was not done. TC has justified its decision to refuse to issue based on the <i>MPRs</i> and the International Labour Organization (ILO) and International Marine Organization (IMO) <i>Guidelines on the medical examinations of seafarers</i>. The member finds that the applicant does not meet the requirement under paragraph 270(1)(d) of the <i>MPRs</i> related to physical and mental fitness. He fully agrees with the decision not to issue the applicant’s MMC.</p>	
APPEAL	
DATE OF DECISION	
MEMBERS	
DECISION	
REASONS FOR THE DECISION	
OTHER/COMMENTS	