

GENERAL INFORMATION	
KEYWORDS	Marine medical certificate, bipolar disorder
FILE NO.	MA-0671-28
SECTOR (Marine or Aviation)	Marine
SPECIFIC JOB	
DIAGNOSIS (Primary, Secondary, etc.)	Bipolar disorder type 1
REVIEW	
DATE OF DETERMINATION	July 13, 2022
MEMBER	Dr. Colin MacKay
DETERMINATION	The member confirms 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 was advised by Transport Canada (TC) that she had been assessed as “unfit” to hold an MMC due to a diagnosis of bipolar disorder type 1. A psychiatrist’s report was received by TC which reported that he had been treating the applicant since 2018, when she presented with bipolar disorder type 1 and functional limitations of being unable to work. TC noted that that this diagnosis has the potential to significantly impact one’s function and this was a paramount importance for those in safety-critical roles. It was also noted that the environment on board ship with the cramped quarters, intense relationships with a limited number of people, inability to have time alone, constant noise, disrupted sleep schedule, and separation from supportive influences is very difficult for such individuals. On distant voyages, there are no professional services available on board ship to monitor one’s medication. Even a patient stable on medication may be destabilized in such an environment. Subsection 270(1) of the <i>Marine Personnel Regulations (MPRs)</i> states that the seafarer must be fit for sea service, and it lists specific required medical standards, including paragraph 270(1)(d): the physical and mental fitness to meet the occupational and operational requirements of the position. Subsection 278(5) of the <i>MPRs</i> provides further criteria to be considered, including the occupational and operational requirements of the position that the seafarer occupies or seeks to occupy, and the level of risk involved in the position. In addition, subsection 270(1) of the <i>MPRs</i> incorporates by reference the medical standards set out in the International Labour Organization (ILO) and World Health Organization publication entitled <i>Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers</i>. These guidelines have been superseded by the ILO and International Maritime Organization (IMO) <i>Guidelines on the medical examinations of seafarers</i> (ILO/IMO guidelines). Since these guidelines are incorporated by reference in our domestic regulations, Canada is bound to apply them. The ILO/IMO guidelines do provide the possibility for a seafarer diagnosed with psychosis, including bipolar disorder type 1, to be provided with an unrestricted or a restricted MMC, if certain criteria are met. The applicant does not meet the criteria for an unrestricted certificate because it has been less than five years since the applicant’s last incident. Although the applicant’s psychiatrist did not provide details about when the last incident ended, which is what the guidelines are based upon, evidence does show that it was still ongoing in July 2018, which is less than five years from the date of the Minister of Transport’s August 2021 decision. The member concluded that the applicant has a history of diagnosis of bipolar disorder type 1, with one confirmed episode involving functional limitations of being unable to work, and two other episodes for which there is limited information. He also found that there is an ongoing risk of recurrence of her illness. It was clear from the evidence that the seafarer’s particular situation and position sought have been taken into consideration per the requirements of the <i>MPRs</i>. TC has identified some safety risk situations that the applicant might reasonably be expected to encounter. As such, the member finds it reasonable, on the balance of probabilities, for TC to</p>	

refuse to issue the applicant an MMC, provided the criteria for fitness with or without restrictions are not met.	
APPEAL	
DATE OF DECISION	
MEMBERS	
DECISION	
REASONS FOR THE DECISION	
OTHER/COMMENTS	