

GENERAL INFORMATION	
KEYWORDS	Marine medical certificate, cannabis
FILE NO.	MP-0631-28
SECTOR (Marine or Aviation)	Marine
SPECIFIC JOB	Marine engineer
DIAGNOSIS (Primary, Secondary, etc.)	Regular use of marijuana
REVIEW	
DATE OF DETERMINATION	March 16, 2022
MEMBER	Dr. Christopher Brooks
DETERMINATION	The member is referring the matter back to the Minister of Transport for reconsideration.
REASONS FOR THE DETERMINATION	
<p>Refusal to issue a marine medical certificate (MMC) — The applicant is a seafarer who has been a marine engineer for 40 years. The applicant reported to his marine medical examiner (MME) that he was a regular THC user who counselled him that he must discontinue his use 48 hours prior to reporting for duty on his vessel. Even though he was recognized as a THC user, his MME considered the applicant fit for sea and issued him a limited MMC. The reason for the limitation was not for the THC use, but for several other health issues not relevant to this review. Over six months later, after having accepted that he was fit for sea, Transport Canada (TC) declared him unfit to hold an MMC. The applicant was in a safety-critical job and therefore in keeping with paragraph 278(4)(b) of the <i>Marine Personnel Regulations (MPRs)</i>, his medical status had been reviewed and he was assessed as unfit to hold an MMC due to his regular use of THC. The applicant’s position is that TC had morphed his THC admission into a full-blown addiction case. The member considers TC’s decision to withdraw the applicant’s MMC unreasonable. Over a period of six months, TC had already considered the applicant fit, with the known fact that he was a regular THC user. There was no evidence that the applicant’s situation had changed. As the applicant correctly noted, if TC had thought he was a safety hazard, it had the opportunity of withdrawing his MMC upon receipt of the applicant’s Marine Medical Examination Report. The member also needs to determine whether it was reasonable for TC to apply, “Fitness criteria for common medical conditions” to the applicant’s case, namely “drug dependence / persistent substance abuse,” as referenced in the International Labour Organization and International Maritime Organization <i>Guidelines on the medical examinations of seafarers</i>. The member finds that there were no grounds for suggesting that the applicant was suffering from drug dependency and persistent substance abuse, and that the application of the <i>MPRs</i> was premature and unreasonable. In the applicant’s case, this ultimately caused him to lose his certification, which impacted his retirement plans, after 40 years at sea. The member has no alternative but to refer the matter back to the Minister of Transport for reconsideration.</p>	
APPEAL	
DATE OF DECISION	
MEMBERS	
DECISION	
REASONS FOR THE DECISION	
OTHER/COMMENTS	