

JOINT REPORT OF CARRIAGE OF PASSENGERS AND SEAFARERS COMMITTEES

The Carriage of Passengers and Seafarers Committees of The Canadian Maritime Law Association have proposed and the Association has agreed with the following answers to the CMI Questionnaire on Pandemic Response and the Effect on Seafarers and Passengers at Sea.

Questions and Answers:

1. Is your jurisdiction a member of the World Health Organization?

Yes, Canada is a member of the WHO.

2. Has your jurisdiction given effect under its domestic law to the International Health Regulations (2005)?

Yes, Canada has confirmed its ability to meet the public health core capacities requirements needed to collaborate in IHR global efforts, including the ability to carry out: surveillance, reporting, notification, verification, response and collaboration activities across the country and at points of entry (designated airports, ports, and ground crossings with international traffic).

Canada has established an IHR National Focal Point (NFP) as required under the IHR (Art. 4) for rapid communication with Canadian public health authorities, the WHO and its regional office, the Pan-American Health Organization (PAHO), and other countries. The NFP is accessible at all times for communications with the WHO concerning global public health risks. The IHR NFP for Canada is located at the Public Health Agency of Canada (PHAC).

The IHR NFP is responsible for coordinating the implementation of the IHR (2005) on behalf of the Government of Canada. It provides dependable and timely monitoring, distributes information domestically and internationally on global public health risks, and notifies the WHO of potential PHEIC. It also develops guidance documents, communications protocols, and tools for stakeholder groups, to help build public health and inter-sectorial collaboration, so Canada can continue to meet its IHR obligations.

Canada continues to work towards strengthening and improving its public health core capacities through an IHR National Action Plan. This includes promoting the purpose and role of the IHR to all Canadian public health professionals.

Source: <http://www.phac-aspc.gc.ca/ep-mu/ihr-rsi/index-eng.php>

3. Has your jurisdiction ratified the IMO-MLC 2006 Convention?

Yes, Canada Ratified the IMO-MLC 2006 on June 15, 2010.

4. What steps have been taken within your jurisdiction to give effect to the IMO-MLC 2006 Convention?

In accordance with Standard A4.5 (2) and (10), the Government has specified the following branches of social security coverage to apply to the Labour standards implemented by the MLC:

- medical care;
- sickness benefit;
- unemployment benefit;
- old-age benefit;
- employment injury benefit;
- family benefit;
- maternity benefit;
- invalidity benefit; and
- survivors' benefit.

The Canadian Authority overseeing the implementation of these standards in the industry is Transport Canada, Safety and Security division.

Source:

http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:80021:0::NO::P80021_COUNTRY_ID:102582

5. Has your jurisdiction ratified the IMO Facilitation of Maritime Traffic Convention 1965 (FAL Convention)?

Yes, although as Canada's constitution does not require the treaty to be ratified by the head of state, Canada has instead deposited an "Instrument of Acceptance" of the FAL. This was done in August of 1967.

The "instrument of acceptance" of the treaty has the same legal effect as ratification and consequently express Canada's consent to be bound by the treaty.

Source: <https://imo.amsa.gov.au/public/circular-titles/fal.html>

6. What steps have been taken within your jurisdiction to give effect to the FAL Convention?

The provisions of the FAL convention are enforced through the express inclusion of the Convention and its requirements under the *Canada Shipping Act, 2001*, SC 2001, c 26, as well as through the enactment of the *Quarantine Act* (S.C. 2005, c. 20).

7. Are you aware if your jurisdiction has denied free pratique to a vessel during any of the following pandemics: Avian flu; SARS; Chikungunya or MERS?

Not that we are aware of.

8. Are you aware if your jurisdiction has taken any steps to establish the care capacities identified in Sections A and B of Annex 1 of the International Health Regulations, and in particular a “national public health emergency response plan” in compliance with the International Health Regulations?

Yes. On an annual basis, Canada re-assesses its core capacities and reports to the WHO. Canada continues to meet all of its State Party obligations under the *IHR*.

In addition, the Government of Canada has a Federal Emergency Response Plan (FERP), established to address an all hazards approach. The FERP is supported by the Health Portfolio Emergency Response Plan, the Federal Health Portfolio’s departmental emergency response plan.

9. (a) What measures were taken by your jurisdiction during the recent Ebola outbreak?

(b) Which Department of State or organisation in your jurisdiction was responsible for implementing those measures during the recent Ebola outbreak?

With respect to (a) and (b) above: For more information on Canada’s Ebola response, please refer to the “Health Portfolio: Framework for Action on the 2014 Ebola Virus Disease Outbreak”:

<http://healthycanadians.gc.ca/diseases-conditions-maladies-affections/disease-maladie-ebola/response-reponse/cadre-ebola-framework-eng.php>.

- (c) **Were maritime administrations within your jurisdiction consulted in relation to decisions taken within your jurisdiction during the Ebola outbreak?**

Yes; other relevant Federal governmental departments, including Transport Canada, were consulted.

- (d) **Were those who took decisions in your jurisdiction during the Ebola outbreak aware of the requirements of:**

- (i) **International Health Regulations 2005; and**
- (ii) **The FAL Convention 1965 (As Amended); and**
- (iii) **The ILO MLC 2006 Convention?**

Canada is aware of these international instruments and they were taken into account.

- (e) **Were those making the decisions in your jurisdiction in relation to the Ebola outbreak aware of the potential conflict in the requirements between those Regulations and Conventions?**

The specified international instruments were taken into account. Should you have specific concerns about the above requirements, please elaborate.

DATED AT HALIFAX, THIS 18TH DAY OF JUNE 2016

THE CANADIAN MARITIME LAW ASSOCIATION

Per:



David G. Colford
President