



MARINE SECURITY OPERATIONS BULLETIN

File number: 4203-12

No: 2023-001

SHORE LEAVE AND ACCESS TO VESSELS SUBJECT TO THE *MARINE TRANSPORTATION SECURITY REGULATIONS* FOR SEAFARERS, SEAFARERS' WELFARE AND LABOUR ORGANIZATIONS

PURPOSE

This Marine Security Operations Bulletin (MSOB) replaces MSOB 2016-001 “SHORE LEAVE AND ACCESS TO VESSELS SUBJECT TO THE *MARINE TRANSPORTATION SECURITY REGULATIONS* FOR SEAFARERS, SEAFARERS' WELFARE AND LABOUR ORGANIZATIONS”.

Subject to the provisions of the *Marine Transportation Security Regulations (MTSR)* this Marine security Operations Bulletin (MSOB) serves as a reminder with respect to SHORE LEAVE AND ACCESS TO VESSELS subject to the MTSR to obtain a proper balance between the needs of security and the protection of the rights of seafarers.

BACKGROUND

Canada, as part of the international maritime community endorses the spirit and intent of the International Maritime Organization (IMO) on the need to afford special protection to seafarers when implementing the provisions of SOLAS Chapter XI-2, the ISPS Code as implemented by the MTSR.

DIRECTIVE

Masters, port administrations and marine facility operators (including occasional-use marine facilities, for the purposes of this bulletin, will be referred to as a marine facility, unless otherwise stated) are reminded of the intent of the IMO MSC.1 Circular 1342 (Reminder in Connection With Shore Leave and Access to Ships) & IMO MSC.1112 (Shore Leave & Access to Ships under the ISPS Code) and International Labour Organization (ILO) TMCASI/2016 (Resolution on the Facilitation of Access to Shore leave and Transit of Seafarers) in order to obtain a proper balance between the needs of security and the protection of the rights of seafarers.

The MTSR include the following provisions that aim to provide the necessary balance between security and the rights of seafarers when access is requested by seafarers or by representatives of seafarers' welfare and labour organizations:

“Master”

206. (1) *Nothing in this Part permits any person to constrain the master of a vessel from making or executing any decision that, in the professional judgment of the master, is necessary to maintain the safety and security of the vessel, including decisions...*

(c) to coordinate, with marine facility operators or port security officers, shore leave



for vessel personnel or crew change, as well as access through marine facilities of visitors to the vessel, including representatives of seafarers' welfare and labour organizations...

“Operator of a Marine Facility”

303. *The operator of a marine facility shall...*

(i) coordinate, with the master of a vessel and, if the marine facility is in a port, the port security officer, shore leave for vessel personnel or crew change, as well as access through the marine facility of visitors to vessels, including representatives of seafarers' welfare and labour organizations; ...”

“Occasional-Use Marine Facilities Operator”

355. *The operator of an occasional-use marine facility shall...*

(e) coordinate, with the master of a vessel and, if applicable the port security officer, shore leave for vessel personnel or crew change, as well as access through the marine facility of visitors to vessels, including representatives of seafarers' welfare and labour organizations; ...”

If vessel agents and authorized company representatives are called upon to help facilitate the coordination of access to representatives of seafarers' welfare and labour organizations to vessels, they are reminded that the responsibility for the implementation of these MTSR provisions ultimately belongs to the Master, the marine facility security officer and the occasional-use marine facility security officer.

Please keep in mind that the MTSR must be interpreted and applied in a manner that is consistent with the general purpose of the *Marine Transportation Security Regulations*, which is to **deter, prevent, and detect** acts that threaten security in the Canadian marine transportation sector, thereby strengthen the International maritime security framework.

If access is denied to personnel holding proper identification from their respective seafarers' welfare and labour organizations, operators of ports and marine facilities are encouraged to further engage in seeking the coordination with the Master of the vessel as to when the Master is able to provide access. If attempts to coordinate access are unsuccessful, the individual seeking access should advise the Transport Canada Situation Center at 1-888-857-4003 as soon as possible of any access denied to representatives of seafarers' welfare and labour organizations of any concerns.

Any comments, suggestions or concerns can be addressed to the Director, Marine Security Operations by e-mail at dirops.marsec@tc.gc.ca or by phone at 613-993-8525.

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March 2023