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# GUIDE FOR CANADIAN VESSELS' OPERATORS FOR COMPLIANCE WITH THE MARINE SAFETY MANAGEMENT SYSTEM REGULATIONS

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## GENERAL

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### HOW TO USE THIS GUIDE

This document was developed by Transport Canada's Marine Safety and Security (TCMSS) to explain how stakeholders should comply with the requirements of the *Marine Safety Management System Regulations (MSMSR)*.

This document includes specific information on the regulatory requirements, and the steps the Authorized Representative or Ship Manager must take to comply with the MSMSR.

This document doesn't include every possible reference to Canadian regulations. Make sure to also consult the latest regulations made under the [Canada Shipping Act, 2001 \(CSA, 2001\)](#).

The Department of Justice has a comprehensive list of these regulations <https://laws-lois.justice.gc.ca/eng/regulations>.

This guide is divided into the following parts:

- **PART 1** introduces the regulations.
- **PART 2** explains how to document your Safety Management System (SMS).
- **PART 3** lists the minimum content required in your SMS.
- **PART 4** gives general information on how to apply for a Canadian Maritime Document (CMD) under the MSMSR.
- **PART 5** gives general information on how TCMSS will check whether your vessel complies with the regulations.

## PART 1

---

### 1 INTRODUCTION TO THE MARINE SAFETY MANAGEMENT SYSTEM REGULATIONS

#### 1.1 Implement and Maintain a Documented SMS

- 1.1.1 The MSMSR requires vessels to operate according to a documented SMS that's been developed to:
  - 1.1.1.1 ensure safety at sea;
  - 1.1.1.2 prevent human injury or death;
  - 1.1.1.3 avoid damaging property or the environment, especially the marine environment; and,
  - 1.1.1.4 comply with the *CSA, 2001* and regulations that relate to safe operation of a vessel and protecting the environment.

#### 1.2 The Ship Manager

- 1.2.1 A vessel's Authorized Representative (AR) must identify the person who is responsible for managing the shore-based and on-board operations of the vessel.
- 1.2.2 The MSMSR states that the "qualified person" responsible for managing these operations is called a Ship Manager (SM). In this case, a "qualified person" has the same meaning as the one given in *CSA, 2001* (i.e., a Canadian citizen, a permanent resident, or a Canadian corporation). The SM may be a corporation, or an individual.
- 1.2.3 The information required for the identification of The Ship Manager must be reported using Form 85-0547A - *Identification of a Ship Manager under the Marine Safety Management System Regulations (MSMSR)*".
- 1.2.4 Depending on the size and type of operation, the AR may also be the qualified person managing the shore-based and on-board operations of the vessel. In this case, they would also be considered as the Ship Manager.
- 1.2.5 Operators of Class 5 vessels must also appoint a Ship Manager.

*Note 1. Under the MSMSR, CMDs are issued directly to the Ship Manager. Any changes in the designation of the Ship Manager will affect the validity of the CMD.*

### 1.3 Classes of Vessels Subject to the MSMSR

- 1.3.1 The Classes of Canadian vessel considered in the MSMSR are based on the following factors:
- 1.3.1.1 Gross tonnage;
  - 1.3.1.2 Length;
  - 1.3.1.3 Type of operation of the vessel; and,
  - 1.3.1.4 Number of passengers, if applicable.
- 1.3.2 **Class 1** Vessels are vessels to which Chapter IX of Safety of Life at Sea (SOLAS) applies.
- 1.3.3 **Class 2** Vessels are vessels that are 500 gross tonnage (GT) or more, or passenger-carrying vessels of 24m or more in length and are certified to carry 50 or more passengers.
- 1.3.4 **Class 3** Vessels are vessels that are 24m or more in length, other than those in Class 1 or 2.
- 1.3.5 **Class 4** Vessels are vessels less than 24m in length. They include:
- 1.3.5.1 Vessels that are more than 15 GT. (Class 4A); and,
  - 1.3.5.2 Vessels that are 15 GT or less, that are either passenger-carrying or tugs/towboats (Class 4B).
- 1.3.6 **Class 5** vessels are vessels of 15 GT or less, other than those in Class 4.

*Note 2. The Ship Manager must identify the type and class of each vessel in the fleet on the Form 85-0547A.*

### 1.4 Vessels Excluded from the MSMSR

- 1.4.1 The requirements of the MSMSR do not apply to:
- 1.4.1.1 Fishing vessels that are less than 24.4m in length and 150 GT (or less);
  - 1.4.1.2 Vessels that don't have mechanical means of propulsion and don't carry people, dangerous chemicals, or oil in bulk;
  - 1.4.1.3 Human-powered vessels;
  - 1.4.1.4 Inflatable vessels that carry people on paid trips in Canadian waters; or,
  - 1.4.1.5 Pleasure craft.

*Note 3. The SMS developed for a towboat should cover the operation of towed, non-propelled vessels.*



## 1.5 Canadian Maritime Documents Issued Under the Safety Management Regulations (SMR)

- 1.5.1 Existing CMD issued under the SMR (Class 1):
  - 1.5.1.1 A CMD issued under the SMR and is valid on or before the coming into force of the MSMSR is considered as issued under the MSMSR **until its expiration.**
  - 1.5.1.2 When a Class 1 CMD issued under the SMR expires, a new CMD may be issued under the MSMSR based on a previous SMS evaluation conducted under the SMR. The name and address of the SM shall be the same on all related CMDs.
- 1.5.2 In some instances, CMDs issued under the SMR were given to entities that do not meet the SM requirements under the MSMSR. For these cases:
  - 1.5.2.1 As soon as one of the CMDs, issued under the SMR, expires, all related CMDs must be exchanged with CMDs meeting the requirements of the MSMSR.
  - 1.5.2.2 CMDs shall be issued under the MSMSR after a SM, meeting the requirement of the MSMSR, is identified by the AR.

*Note 4. All requirements of the ISM Code continue to apply.*

## 1.6 ISM Voluntary Compliance Documents

- 1.6.1 If you are currently certified by an Recognized Organization (RO) for voluntary compliance with the ISM Code and your vessels are subject to MSMSR, you must apply to obtain a CMD under the MSMSR and have your voluntary documents reviewed by the same RO that issued them.
  - 1.6.1.1 On application, the RO will assess the implementation of your SMS and use the information as the basis to issue a CMD under the MSMSR.
  - 1.6.1.2 The RO will ensure that you meet all requirements under the MSMSR for the specific class of vessel.
  - 1.6.1.3 All CMDs issued under the MSMSR are harmonized in time and period of validity with the certification process used for issuing CMDs under the *Vessel Safety Certificate Regulations (VSCR)*.

## 1.7 Canadian Maritime Documents Issued Under the MSMSR

- 1.7.1 CMDs issued according to the MSMSR are valid for a period up to 5 years.
- 1.7.2 Class 1 vessels:

- 1.7.2.1 **Document of Compliance (DOC), or Interim Document of Compliance (IDOC).** These documents cover the shore-based and on-board operations of all Class 1 vessels in a fleet.
- 1.7.2.2 **Safety Management Certificate (SMC) or the Interim Safety Management Certificate (ISMIC).** These documents cover the on-board operations of a specific Class 1 vessel.
- 1.7.3 The certification activities for a Class 1 vessel, are conducted in accordance with the requirements of the ISM Code.
- 1.7.4 Class 2, 3, or 4 vessels:
- 1.7.4.1 **Canadian Document of Compliance (CDOC):** This document covers the shore-based and on-board operations for a whole fleet of vessels.
- 1.7.4.2 It is issued based on the highest class of vessel in the fleet and specifies each type of vessel for which it is valid.
- 1.7.4.3 **Canadian Safety Management Certificate (CSMC):** This document covers the on-board operations of a specific vessel. Each vessel required to comply with the regulations must hold this document.
- 1.7.5 CMDs for Class 2, 3, or 4 vessels will be harmonized in terms of timing and period of validity with the certification process used for issuing a CMD under the VSCR.

*Note 5. While vessels in Class 5 don't have to hold a CMD under the MSMSR, they still must comply with the requirements of the regulations.*

*Note 6. To apply for a CDOC, the Ship Manager must make sure that at least one vessel in the fleet is in operation.*

## 1.8 Endorsing a Canadian Maritime Document Issued Under the MSMSR

**Table 1: Frequencies for the endorsement activities:**

Type of CMD	Endorsement of a new CMD	Endorsement of a renewed CMD
<b>Class 1 Interim CMD</b>	None	None
<b>Class 1 DOC</b>	Every year	Every year
<b>Class 1 SMC</b>	Once between the 2 <sup>nd</sup> and 3 <sup>rd</sup> year	Once between the 2 <sup>nd</sup> and 3 <sup>rd</sup> year
<b>Class 2 CDOC</b>	Every year	Once between the 2 <sup>nd</sup> and 3 <sup>rd</sup> year
<b>Class 2 CSMC</b>	Once between the 2 <sup>nd</sup> and 3 <sup>rd</sup> year	None
<b>Class 3 CDOC</b>	Once between the 2 <sup>nd</sup> and 3 <sup>rd</sup> year	Once between the 2 <sup>nd</sup> and 3 <sup>rd</sup> year

Type of CMD	Endorsement of a new CMD	Endorsement of a renewed CMD
Class 3 CSMC	None	None
Class 4 CDOC	None	None
Class 4 CSMC	None	None

*Note 7. The Ship Manager shall contact either the regional TCMSS, where the operations are conducted, or its designated RO and provide the information necessary for the endorsement of the CMD.*

## 1.9 Responsible Office

- 1.9.1 Activities of certification under the MSMSR for a vessel enrolled in the Delegated Statutory Inspection Program (DSIP) are carried out by the designated RO.
- 1.9.2 Activities of certification under the MSMSR for a vessel not enrolled in DSIP are carried out by the regional TCMSS office where the Ship Manager performs the operations or where the vessel operates.

## 1.10 On-Board Document Requirements

- 1.10.1 Vessels subject to the MSMSR must keep the following documents on board and present them to an authorized person upon request.
- 1.10.2 For vessels of Class 1, 2, 3 and 4:
- 1.10.2.1 a DOC, IDOC, or CDOC and the SMC, ISMC or CSMC related to the vessel; and,
- 1.10.2.2 an up-to-date version of the SMS manual.
- 1.10.3 For vessels of Class 5:
- 1.10.3.1 an up-to-date version of the SMS manual.

## 1.11 Recordkeeping Requirements

- 1.11.1 The MSMSR requires you to keep documents related to your SMS for a minimum period of 5 years. These documents include:
- 1.11.1.1 The SMS manual, kept continuously up to date;
- 1.11.1.2 The management review reports; and,
- 1.11.1.3 The internal audit reports.
- 1.11.2 As the Ship Manager is developing a recordkeeping system, consideration shall be given to any other legal requirements for keeping reports and records.

*Note 8. The SM may use electronic documents provided they are always available on board or accessible online.*

## **1.12 Transitional Periods**

- 1.12.1 Transitional Periods are vessel specific. They begin on the date when the regulations come into force, and end on the specific vessel's compliance date. These periods only apply to vessels in Classes 2, 3, 4 and 5.
- 1.12.2 Vessels that are registered before or on the date the regulations come into force:
  - 1.12.2.1 Have a transitional period that starts on the day the regulations come into force and ends on the latest compliance date, which is specific for each vessel; and,
  - 1.12.2.2 May operate without complying with specific sections (202 to 204, 302 to 304, 402 to 407) of the regulations until the transitional period ends; and,
  - 1.12.2.3 May choose to comply with the regulations at any time during the transitional period. The transitional period ends once the vessel receives a CMD under the MSMSR.
- 1.12.3 Vessels that register after the regulations come into force:
  - 1.12.3.1 Have no transitional period; and,
  - 1.12.3.2 Must hold all applicable certificates before they begin operating.

*Note 9. Subsection 600 of the MSMSR specifies the end of the Transitional Period for the different classes of vessels.*

## **1.13 Compliance Dates**

- 1.13.1 Your compliance date marks the end of your vessel's transitional period.
- 1.13.2 For a Class 1 vessel, a valid CMD issued under the SMR is considered as issued under the MSMSR. Therefore, the compliance date for Class 1 vessels is the date the MSMSR comes into force.
- 1.13.3 The compliance dates for vessels of Class 2, 3, or Class 4 Passenger-carrying vessels of 15 GT or less that **carry more than 12 passengers**, that are required to hold a CMD under the VSCR are based on the issuance date of their Safety Inspection Certificate under these regulations.
- 1.13.4 The compliance dates for Towboats and, Passenger-carrying vessels that **carry 12 or less passengers**, that have a gross tonnage of 15 or less, are based on the day and month of the issuance date on their Certificate of Registry issued under the *Vessel Registration and*

*Tonnage Regulation*, as well as the overall length of the vessel, as indicated in Table 2.

- 1.13.5 Class 5 vessels can comply at any time no later than the third anniversary of the coming into Force of the MSMSR.

**Table 2: Year of compliance by class and type of vessel**

Vessel Class	Details	Year 1	Year 2	Year 3
Class 2	500 GT or more	None	Passenger-carrying vessels	Non-Passenger-carrying vessels
	Passenger-carrying vessels of 24m or more and carry 50 or more passengers	None	All	None
Class 3	Vessels of 24m or more	None	Passenger-carrying vessels	Non-Passenger-carrying vessels
Class 4A	Vessels over 15 GT	None	Passenger-carrying vessels	Non-Passenger-carrying vessels
	Passenger-carrying vessels of 15 GT or less that carry more than 12 passengers	None	All	None
Class 4B	Passenger-carrying vessels of 15 GT or less that carry 12 or less passengers	None	Over 7m in length	Up to 7m in length
	Towboats of 15 GT or less	None	Over 7m in length	Up to 7m in length
Class 5	All remaining vessels subject to the MSMSR	None	Up to the end of year 3	Up to the end of year 3

- 1.13.6 **Year 1 starts** on the date the regulations come into force.
- 1.13.7 **Year 2 starts** on the first anniversary of the regulations coming into force.
- 1.13.8 **Year 3 starts** on the second anniversary of the regulations coming into force.

1.13.9 **Year 3 ends** on the third anniversary of the regulations coming into force.

#### 1.14 Implementation Period

1.14.1 The Ship Manager has 6 months to implement the SMS. After this period, the SMS must be fully implemented for both shore-based and on-board operations.

1.14.2 The implementation period begins when a Ship Manager receives the first CDOC or CSMC under the MSMSR. For a Class 5 vessel, it starts on the day the vessel is registered.

1.14.3 Implementation periods do not apply when renewing a CMD.

**Table 3 Implementation periods by class of vessel**

Class of vessel	Registered	Length of implementation period
Class 1	Before the regulations come into force	n/a
Class 1	After the regulations come into force	See ISM Code
Class 2, 3 or 4	Before the regulations come into force	Six months from receiving the vessel's first certificate under the MSMSR
Class 2, 3 or 4	After the regulations come into force	Six months from the CSMC being issued
Class 5	Before the regulations come into force	Six months from the date of compliance
Class 5	After the regulations come into force	Six months from registering the vessel

*Note 10. We recommend that The Ship Manager create an "Implementation Plan" detailing how the SMS will be implemented, including timelines for the roll-out and the roles and responsibilities of all involved.*

## PART 2

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### 2 THE DOCUMENTED SAFETY MANAGEMENT SYSTEM

#### 2.1 Objectives of an SMS

- 2.1.1 A Safety Management System (SMS) is a system of organisational structure, accountability, policies, and procedures that:
  - 2.1.1.1 Provide safe ship operation;
  - 2.1.1.2 Identify and manage risk;
  - 2.1.1.3 Provide a safe work environment for all employees;
  - 2.1.1.4 Prevent injury or loss of life;
  - 2.1.1.5 Avoid damage to property and the environment; and,
  - 2.1.1.6 Improve the safety management skills of shipboard and shore-based personnel, including preparing for emergencies.

#### 2.2 Scope of an SMS

- 2.2.1 An SMS should encompass all shore-based and on-board vessel operations, including preparations for short or long lay-ups, winterization, and the necessary supervision and maintenance activities during these periods.
- 2.2.2 For vessels that operate seasonally, such as those with regular winter lay-ups, the SMS must include procedures for the lay-up period. These procedures should address the precautions and preparations needed to ensure the safety of the vessel, crew, and environment during the lay-up and reactivation of the vessel.
- 2.2.3 For unplanned lay-ups, drydocking, or other operational interruptions that would take longer than 6 months, The Ship Manager must prepare a procedure for the specific unplanned layup and the reactivation.
- 2.2.4 For the SMS to meet the requirements of the MSMSR, it must include:
  - 2.2.4.1 Identification and information on the Ship Manager responsible for shore-based and on-board operations;
  - 2.2.4.2 Details on the designated person ashore, if applicable;
  - 2.2.4.3 Details on the safety and environmental protection policy;
  - 2.2.4.4 Details on resources and personnel;
  - 2.2.4.5 Details on the levels of authority and the lines of communication between, and among, shore-based and on-board personnel;

- 2.2.4.6 Detailed procedures that comply with the provisions of the Canada Shipping Acts 2001, and respect safety and the protection of the environment;
- 2.2.4.7 Detailed procedures for reporting shipping casualties and non-compliance with the SMS;
- 2.2.4.8 Detailed procedures for preparing for and responding to emergency situations;
- 2.2.4.9 Detailed procedures for the control of documents; and,
- 2.2.4.10 Detailed procedures for the internal reviews of the SMS.

### **2.3 Developing a SMS**

- 2.3.1 It's important to identify the hazards that may arise during both shore-based and on-board operations. Measures and procedures to eliminate, or significantly reduce, the risk of these hazards should be developed.
- 2.3.2 When developing the SMS, your Ship Manager must:
  - 2.3.2.1 Check that any existing procedures are complete and comply with relevant regulations;
  - 2.3.2.2 Develop an action plan to address any gaps;
  - 2.3.2.3 Develop and document procedures, checklists, and forms;
  - 2.3.2.4 Assign responsibilities; and,
  - 2.3.2.5 Continuously review and improve the SMS.

### **2.4 Developing Procedures**

- 2.4.1 In general, a procedure identifies what needs to be done, how and when it must be done, and who is responsible for its execution and review.
- 2.4.2 Procedures should include details on how they are kept updated, where they are displayed, and how records are maintained.
- 2.4.3 When determining the need for a procedure, the Ship Manager must consider:
  - 2.4.3.1 The potential consequences of a hazardous situation occurring during operations, ranging from minor incidents like slipping on a wet surface to serious injury, pollution, damage to the vessel or environment, or death.
  - 2.4.3.2 The likelihood (or probability) of such consequences occurring during operations.



- 2.4.4 The Ship Manager must ensure that procedures are performed by personnel with the proper knowledge, include clear instructions, and are evaluated regularly.
- 2.4.5 When developing procedures, a procedure must include:
- 2.4.5.1 A title;
  - 2.4.5.2 The responsibility for its execution;
  - 2.4.5.3 A distribution list;
  - 2.4.5.4 The required safety precautions;
  - 2.4.5.5 Steps required for its execution;
  - 2.4.5.6 The method of communication to the personnel involved;
  - 2.4.5.7 The record of the date of the last revision;
  - 2.4.5.8 Records of details of any updates; and,
  - 2.4.5.9 A signature, if necessary.

*Note 11. As you develop your procedures, ensure they properly address vessel and trade-specific issues.*

*Note 12. Tasks should be clearly defined and assigned to qualified personnel.*

## **2.5 Continuous Improvement of SMS**

- 2.5.1 The Ship Manager must ensure that procedures are documented and maintained, assess the effectiveness of the SMS, and take steps to continuously improve it. This should include evaluating feedback from key shore-based and on-board personnel.
- 2.5.2 When a problem affecting shore-based or on-board operations is identified, the Ship Manager must have a process to determine its cause. The Ship Manager must develop a plan to solve the problem and prevent it from recurring.

## **2.6 Integration of a Safety Culture**

- 2.6.1 Research and experience in the transportation industry and other high reliability industries have emphasized the importance of a strong Safety Culture (SC) in protecting the employees, the public, and the environment.
- 2.6.2 An organization that actively improves its SC can have a profound influence on workplace attitudes and behaviours, and consequently, on organizational safety performance.
- 2.6.3 Organizations with a positive SC share a mutual trust across all levels of their organization. This is supported by shared perceptions of the

importance of safety and security and by confidence in the efficacy of preventive measures and long-term solutions.

- 2.6.4 SC is linked to SMS frameworks; the effective implementation of an SMS depends on having a strong SC in place for integrating safety into daily operations where risk can be both predicted and managed. They are based on organizational learning and continuous improvement, and work to advance and maintain an organization's SMS performance.

## PART 3

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### 3 MINIMUM CONTENT TO INCLUDE IN YOUR SAFETY MANAGEMENT SYSTEM DOCUMENTATION

#### 3.1 Safety and Environment Protection Policy

- 3.1.1 Your SMS should include a clear policy outlining your commitment to safe operations and environmental protection.
- 3.1.2 The Ship Manager must ensure that the policy encompasses relevant personnel at all levels, including shore-based and shipboard personnel, as well as sub-contractors with safety-related responsibilities.
- 3.1.3 The policy should include details on how you:
  - 3.1.3.1 Protect the environment;
  - 3.1.3.2 Provide a safe working environment;
  - 3.1.3.3 Prevent human injury or loss of life;
  - 3.1.3.4 Avoid damage to property and the environment, particularly the marine environment;
  - 3.1.3.5 Identify and manage all risks; and,
  - 3.1.3.6 Commit to continuous improvement.

#### 3.2 Designated Person Ashore

- 3.2.1 For Class 1 and 2 vessels, the documented SMS should include:
  - 3.2.1.1 Information for the Designated Person Ashore (DPA); and,
  - 3.2.1.2 Information related to their qualifications, training and/or experience.
- 3.2.2 Consider that:
  - 3.2.2.1 A DPA is required for Class 1 and 2 vessels and recommended for other classes of vessels.
  - 3.2.2.2 A DPA has direct access to the highest level of management and provides a link between shore-based and on-board operations.
  - 3.2.2.3 The responsibilities of the DPA include monitoring the safety and pollution prevention aspects of the operation and ensuring that adequate resources and shore-based support are available.
- 3.2.3 When appointing a DPA for Class 1 and 2 vessels, the Ship Manager should follow MSC-MEPC.7/Circ.8 "Revised guidelines for the

- operational implementation of the International Safety Management (ISM) Code by companies”
- 3.2.4 When appointing a DPA for domestic vessel, consider one of the following qualifications, training, and experience:
- 3.2.4.1 Completed a recognized ISM Lead Auditor course;
- 3.2.4.2 Qualified in evaluating the effectiveness of an SMS;
- 3.2.4.3 Management experience relevant to the SMS;
- 3.2.4.4 Participation in an initial verification or renewal verification as part of an SMS verification team;
- 3.2.4.5 Participation in ISM audits or marine SMS verification; or,
- 3.2.4.6 Participation in verification of compliance with other management standards (ISO 9001:2018; ISO 14001; ISO 19011).

*Note 13. Direct access to senior management may be formally established in organizational charts, job descriptions, or other documents defining authorities and responsibilities.*

### **3.3 Resources and Personnel**

- 3.3.1 Your SMS should include procedures to ensure that all personnel involved in the SMS for the shore-based and on-board operations of a vessel understand the relevant rules, regulations, codes, and guidelines.
- 3.3.2 It should include procedures to ensure that on-board personnel are properly qualified and medically fit.
- 3.3.3 It must include a list of the vessel's complement required for each position on board, as per Part 2 of the *Marine Personnel Regulations*.
- 3.3.4 The documentation should also include procedures and instructions to ensure that new personnel and personnel transferred to new assignments related to safety and environmental protection receive proper familiarization with their duties.
- 3.3.5 "Essential instructions" are those that clearly define the role of on-board personnel and ensure they are prepared before beginning their duties. These instructions may include the on-board personnel's responsibilities, authority, and relationships with others involved in the SMS.
- 3.3.6 "Familiarization" is the process that allows a person embarking for the first time on board a vessel or transferred to new assignments to become familiar with that vessel, its machinery, systems, equipment, and operations. Familiarization may be accomplished by:
- 3.3.6.1 Embarking as a supernumerary;

- 3.3.6.2 Receiving essential information in a language the seafarer understands;
- 3.3.6.3 Attending shore-side seminars;
- 3.3.6.4 Observing on-board operations while the vessel is in port; or,
- 3.3.6.5 Using visual aids like videos, manuals, and operating instructions.
- 3.3.7 The level of familiarization will depend on experience and job responsibilities. The Ship Manager must identify personnel who need familiarization with an assignment before sailing and develop a plan. Examples include familiarization with equipment on the bridge or in the engine room.
- 3.3.8 A system of familiarization should also apply to new or transferred shore staff when their responsibilities include safety and pollution prevention. This could include superintendents who are not familiar with a type of vessel being operated.
- 3.3.9 The documented SMS should include procedures to ensure that personnel can communicate effectively while performing their duties.

#### **3.4 Levels of Authority and Lines of Communication**

- 3.4.1 This section discusses the responsibility, authority, and interrelation of all personnel who manage, perform, and verify work related to safety and pollution prevention.
- 3.4.2 We recommend developing an organizational diagram defining the designations and the lines of communication between and among shore-based and on-board personnel.
- 3.4.3 A documented SMS should identify the operational responsibilities for each position, including those related to specific operations and/or emergency situations.
- 3.4.4 A documented SMS should establish that the master has overriding authority and responsibility to make decisions about safety and pollution prevention and to request the Ship Manager's assistance when needed.
- 3.4.5 A documented SMS should include a clear statement emphasizing the master's responsibility to:
  - 3.4.5.1 Implement the safety and environmental protection policy;
  - 3.4.5.2 Motivate the crew to follow that policy;
  - 3.4.5.3 Promote safety on board;
  - 3.4.5.4 Give appropriate orders and instructions in a clear and simple way;
  - 3.4.5.5 Operate the vessel according to the procedures and practices in the SMS;

- 3.4.5.6 Periodically review the SMS and report any shortcomings to shore-based management; and,
- 3.4.5.7 Ensure that proper documents are kept on board.

### **3.5 Instructions and Procedures Ensuring Compliance with the Provisions of the Act Respecting Safety and the Protection of the Environment**

- 3.5.1 Your SMS should include procedures and instructions, including checklists, for key on-board operations to ensure the safety of the vessel and crew, protect the environment, and prevent pollution.
- 3.5.2 On-board operations concerning safety, pollution prevention, and environmental protection include:
  - 3.5.2.1 Operations with mandatory regulations specifying performance requirements or specific requirements for procedures, instructions, records, and checklists;
  - 3.5.2.2 Operations related to the vessel type, which may affect safety and pollution prevention, as determined by the Ship Manager;
  - 3.5.2.3 Operations recommended by TCMSS as safe practices for vessel operations and a safe working environment; or,
  - 3.5.2.4 Operations that the Ship Manager believes could create hazardous situations if not controlled by procedures and instructions.
- 3.5.3 The number of on-board procedures will vary between vessels and vessel types. The following are the minimum on-board procedures required in the SMS.
- 3.5.4 Ensuring the vessel's seaworthiness and stability, including:
  - 3.5.4.1 Loading and unloading;
  - 3.5.4.2 Stability assessment;
  - 3.5.4.3 Damaged stability; and,
  - 3.5.4.4 Intact stability.
- 3.5.5 Voyage planning, safe navigation, and handling of the vessel, including:
  - 3.5.5.1 Voyage planning, including departure and arrival, weather conditions, towing, anchoring, and berthing;
  - 3.5.5.2 Radio communications;
  - 3.5.5.3 Master's instructions and order books;
  - 3.5.5.4 Chief engineer's instructions and order books;
  - 3.5.5.5 Fuel transfer and refueling; and,
  - 3.5.5.6 Preparing the vessel for bad weather.

- 3.5.6 Ensuring safety at sea and preventing human injuries, loss of life, damage to the marine environment, and damage to property, including:
  - 3.5.6.1 Safety meeting schedules and records;
  - 3.5.6.2 Drills to be carried out on board;
  - 3.5.6.3 Entry into confined spaces;
  - 3.5.6.4 Hours of work, hours of rest, and fatigue management;
  - 3.5.6.5 Hot work;
  - 3.5.6.6 Work aloft; and,
  - 3.5.6.7 Disposal of sewage, garbage, and waste oil.
- 3.5.7 The documented SMS should include procedures and instructions, including checklists as appropriate, for short or long lay-up, winterization, and the supervision and maintenance activities required during these periods.

### **3.6 Procedures for Reporting Marine Occurrences**

- 3.6.1 Your SMS should include procedures for reporting marine occurrences or incidents to responsible authorities, such as the Transportation Safety Board, Transport Canada and other relevant federal or provincial authorities.

### **3.7 Procedures for Reporting Situations of Non-Conformity with the Safety Management System**

- 3.7.1 Your SMS should include procedures for reporting situations of non-conformity with the requirements of the SMS.
- 3.7.2 The Ship Manager must use these definitions for non-compliances:
  - 3.7.2.1 Non-conformity: A situation where there is objective evidence that a requirement of the regulation has not been fulfilled; and,
  - 3.7.2.2 Major non-conformity: A deviation that poses a serious threat to the safety of personnel or the vessel, or a serious risk to the environment, requiring immediate corrective action.
- 3.7.3 When reporting a non-compliance with the SMS, the following information should be provided on a specific form included in the SMS manual:
  - 3.7.3.1 Type of non-conformity (major, minor, observation);
  - 3.7.3.2 Date, time, and reference to the section of the SMS and/or MSMSR;
  - 3.7.3.3 Description of the non-conformity;
  - 3.7.3.4 Root cause of the non-conformity;

3.7.3.5 How the issue was corrected; and,

3.7.3.6 Authorized signature.

### **3.8 Procedures for Preparing and Responding to Emergency Situations**

3.8.1 Your SMS should include procedures for preparing and responding to emergency situations.

3.8.1.1 **Emergency situations** are:

- Accidents onboard that cause injury to humans;
- The vessel's rigging, structure or machinery breaking or malfunctioning in a way that could have led to serious injuries, deaths, or damage to the environment;
- A situation which could result in a death or accident; or,
- An accident or incident linked to a vessel.

3.8.1.2 Minimum procedures that should be in place to prepare for and respond to emergency situations, including:

- Serious injury, medical emergencies, deaths;
- Person overboard;
- Search and rescue;
- Evacuation or abandon ship;
- Rescue from enclosed space; and,
- Dealing with equipment failure.

3.8.1.3 Critical system breakdown, including:

- Main propulsion system;
- Steering system;
- Electric generation system;
- Radio communication System; and,
- Fire detection and extinguishing system.

3.8.1.4 Responding to pollution incidents, including:

- Pollution, including fuel, cargo, sewage, garbage, ballast water; and,
- Emergency response assistance plan (ERAP).

3.8.1.5 Reporting emergency situations, including:

- Reporting and communication with authorities such as the Canadian Coast Guard, CANUTEC, oil handling facilities,



TCMSS, police, the Transportation Safety Board of Canada,  
etc.

### **3.9 Procedures for Maintaining the Safety Management System**

- 3.9.1 Your SMS should include procedures to ensure it is continuously maintained.
- 3.9.2 The Ship Manager must include procedures to ensure:
  - 3.9.2.1 The SMS works effectively for both shore-based and on-board operations; and,
  - 3.9.2.2 Feedback from key shore-based and on-board personnel is promptly considered and acted upon.

### **3.10 Procedures for Internal Review of the Safety Management System**

- 3.10.1 Your SMS should include procedures for internal review. The Ship Manager must consider the following when developing these procedures:
  - 3.10.1.1 Evaluations should occur at least every 12 months;
  - 3.10.1.2 Personnel conducting the evaluations should not work in the areas being evaluated;
  - 3.10.1.3 The Ship Manager should consider the results of these reviews and take appropriate action; and,
  - 3.10.1.4 The results of the review should be shared with all personnel working in the evaluated area.
- 3.10.2 Depending on the class of your vessel, you may need to develop a corrective action plan when problems are identified. It should include:
  - 3.10.2.1 Identifying the cause of the problem;
  - 3.10.2.2 Deciding on and taking corrective action;
  - 3.10.2.3 Reviewing the corrective action to ensure the problem does not recur; and,
  - 3.10.2.4 Recording and communicating any changes to the SMS to all involved.
- 3.10.3 When the MSMSR ask to “*develop and implement in a timely manner a corrective action plan*”, the following should be taken into consideration:
- 3.10.4 Timely manner takes into consideration the urgency of rectifying a deficiency, allowing a reasonable period to develop and implement a corrective action plan. What is reasonable is determined by the circumstances and the nature of the deficiency and the corrective action to be taken to rectify that deficiency.

**3.11 Document Control**

- 3.11.1 The Ship Manager must ensure that documentation recording and control procedures require that:
  - 3.11.1.1 Valid documents are available at all relevant locations;
  - 3.11.1.2 Changes to documents are reviewed and approved by responsible personnel;
  - 3.11.1.3 Out-of-date documents are removed promptly;
  - 3.11.1.4 Documents are kept in the most effective form; and,
  - 3.11.1.5 Documents are retained for 5 years.

## PART 4

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### 4 APPLICATION PROCESS

#### 4.1 Submitting an Application Form

- 4.1.1 We recommend applying for a CMD required under the MSMSR along with submitting the supporting documents by electronic means (i.e., email).
- 4.1.1.1 Use Form 85-0547B – “*Application for Initial Certification under the Marine Safety Management System Regulations (MSMSR)*” from the [Forms Catalogue](#).
- 4.1.1.2 For a vessel delegated to a RO, the application should be submitted to that organization.
- 4.1.1.3 For a vessel not delegated to a RO, the application should be submitted electronically to one of the following TC Regional office mailboxes:

Table 4 TC Regional offices

Region	Mailbox
Atlantic	<a href="mailto:ATLMSMSR-RSGSMATL@tc.gc.ca">ATLMSMSR-RSGSMATL@tc.gc.ca</a>
Quebec	<a href="mailto:servicestechniques-quebec-technicalservices@tc.gc.ca">servicestechniques-quebec-technicalservices@tc.gc.ca</a>
Ontario	<a href="mailto:MSSarnia-SarniaSM@tc.gc.ca">MSSarnia-SarniaSM@tc.gc.ca</a>
Prairie and Northern	<a href="mailto:TC.PNRMSMSRInformationDesk-BureauDeInformationRSGSMRPN.TC@tc.gc.ca">TC.PNRMSMSRInformationDesk-BureauDeInformationRSGSMRPN.TC@tc.gc.ca</a>
Pacific	<a href="mailto:TC.PACMSMSRInformationDesk-BureauDeInformationRSGSM.TC@tc.gc.ca">TC.PACMSMSRInformationDesk-BureauDeInformationRSGSM.TC@tc.gc.ca</a>

#### 4.2 Application for a Fleet of Vessels

- 4.2.1 When a fleet of vessels subject to the MSMSR includes a mix of delegated and non-delegated vessels, you may apply for the required CMDs with your designated RO.
- 4.2.2 If the designated RO declines to issue a CMD for a vessel that is not enrolled with an RO, the Ship Manager should forward the application to the closest TC Regional office.

*Note 14. In most cases, vessels of Class 1, 2 and 3 are enrolled with a RO; for these vessels the SM applies directly with the designated RO.*

### 4.3 Applying for a CMD Under the MSMSR

4.3.1 If you apply for Class 1, 2, 3, 4A, or 4B vessel that carries more than 12 passengers:

4.3.1.1 Submit Form 85-0547B when applying for the first time for a CMD.

*Note 15. When applying for IDOC, DOC, or CDOC, include a copy of the SMS manual.*

4.3.1.2 Submit Form 85-0547C when applying for a renewal, or an endorsement, and inform the responsible office in advance of the expected dates.

4.3.2 If you apply for a Class 4B vessel that carries 12 passengers or less, or 4B a tug/towboat:

4.3.2.1 Complete the Ship Manager's "Declaration of Initial Compliance", for first-time application, included in forms, 85-0547B; or,

4.3.2.2 the "Declaration of Continuous Compliance" for renewals included in Form 85-0547C "Endorsement, Renewal, Exchange, or Removal of a CMD under the Marine Safety Management System Regulations".

*Note 16. Your application will not be processed until all required information is received. If the necessary information is not provided, your application may be discarded, and you may be asked to resubmit.*

*Note 17. When you apply for an IDOC, DOC, or CDOC, it should include an application for at least one SMC or CSMC.*

*Note 18. TCMSS will apply specific service standards for the delivery of a CMD **after receiving all required information.***

*Note 19. Prior expiry of a CMD, the Ship Manager must apply to renew it.*

### 4.4 Providing Information

4.4.1 On the forms, you will be required to provide the following:

4.4.1.1 Identification on the AR;

4.4.1.2 Identification of the entity responsible for the shore-based and on-board operations of a vessel, i.e., the Ship Manager;

4.4.1.3 Identification of the location of the shore-based office;

4.4.1.4 Identification of the selected RO, if any; and,

4.4.1.5 Specific vessel information, including:

- The official number for each vessel in the fleet;

- The Class and type for each vessel in the fleet, according to MSMSR; and,
- Whether the vessel is enrolled in the Delegated Statutory Inspection Program.

#### **4.5 Making Changes Affecting a CMD Issued Under the MSMSR**

- 4.5.1 After receiving a CMD, the Ship Manager must inform TCMSS/RO of any changes affecting a condition of the document, such as:
- 4.5.1.1 Changes related to the Ship Manager entity; or,
- 4.5.1.2 Adding a new type or class of vessel to the existing fleet or removing the last vessel of a type or class of vessel from the fleet.
- 4.5.2 Information on changes affecting a CMD should be submitted to the organization that issued the previous CMD, using the specific sections included in Form 85-4705C and the required information.

*Note 20. For vessels of Class 5, a change in the designation of a Ship Manager does not require submitting a form, but the change must be recorded in the documented SMS manual.*

#### **4.6 Replacing a Ship Manager**

- 4.6.1 The Ship Manager is the entity responsible for managing the shore-based and on-board operations of a vessel. This entity can be an individual (a Canadian citizen or a permanent resident) or a Canadian corporation.
- 4.6.2 If an individual is an employee of an organization or corporation responsible for managing the shore-based and on-board operations of a vessel, then that organization or corporation is the Ship Manager, and the individual is simply performing tasks related to the SMS.
- 4.6.3 When replacing a Ship Manager, you must provide the necessary information by submitting Form 85-0547A to the organization that issued the previous CMD.
- 4.6.4 A change of a Ship Manager may require submission of a documented SMS, unless the Ship Manager already holds a CDOC for the same type and Class of vessel.
- 4.6.5 A change of Ship Manager requires the issuance of new CMDs.

#### **4.7 Add a Vessel to a Fleet**

- 4.7.1 The Ship Manager must follow the guideline set at 4.3.
- 4.7.1.1 If either the type or class of the new vessel is not included on the existing DOC/CDOC, a new DOC/CDOC will be required.

- 4.7.1.2 If needed, amend the existing SMS to include specifics for the new vessel; and,
- 4.7.1.3 Ensure appropriate resources are available for the operation of the new vessel.

#### **4.8 Remove a Vessel from a Fleet**

- 4.8.1 When removing a vessel, the Ship Manager must
  - 4.8.1.1 Submit Form 85-0547C;
  - 4.8.1.2 If either the type or class of the vessel removed is the last on the existing DOC/CDOC, a new DOC/CDOC will be required.
  - 4.8.1.3 If needed, amend the existing SMS.

#### **4.9 Type of Vessels Recorded on a CMD**

- 4.9.1 The types of vessels that appear on a CMD of Class 1 are based on the ISM Code and include:
  - 4.9.1.1 Passenger ships, including passenger high-speed craft, no later than 1 July 1998;
  - 4.9.1.2 Oil tankers, chemical tankers, gas carriers, bulk carriers, and cargo high-speed craft of 500 gross tonnage and upwards, no later than 1 July 1998; and,
  - 4.9.1.3 Other cargo ships and mobile offshore drilling units of 500 gross tonnage and upwards, no later than 1 July 2002.
- 4.9.2 The type of vessel listed on a CMD for a vessel of Class 2, 3, or 4, subject to the VSCR, is the same as the type of vessel identified on its *Safety Inspection Certificate* issued under the VSCR.

#### **4.10 Service Standard**

- 4.10.1 A service standard is the level of performance that an applicant can reasonably expect to encounter under normal circumstances.
- 4.10.2 The service standards for activities conducted under the MSMSR are as follows:
  - 4.10.2.1 After receiving a first-time application for an Interim DOC or a CDOC, the review of the documented SMS Manual is completed, and a final decision on the issuance of the CMD is provided within **45 business days** after receipt of the application and all required information.
  - 4.10.2.2 After receiving an application for a DOC, SMC, Interim SMC, CSMC, or the renewal of any CMD, a final decision on the issuance

of the CMD is provided within **10 business days** after receipt of the application and all required information.

4.10.2.3 After receiving an application for the endorsement of a CMD, a final decision on the endorsement of the CMD is provided within **10 business days** after receipt of the application and all required information.

4.10.2.4 After receiving an application indicating a change affecting a CMD, a final decision is provided within **10 business days** after receipt of the application and all required information.

*Note 21. The Service Standard counts from the time when all required documents and information are received at TCMSS/RO office.*

## PART 5

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### 5 OVERSIGHT AND ENFORCEMENT

#### 5.1 Verifying Compliance

- 5.1.1 For vessels enrolled in the DSIP, oversight is conducted through the *Compliance Inspection Procedure for Operational Delegated Vessels*.
- 5.1.2 For vessels not enrolled in the DSIP:
  - 5.1.2.1 Vessels that hold a safety certificate issued under the VSCR will have their compliance verified during renewal inspections. They may be subject to additional risk-based compliance verifications.
  - 5.1.2.2 Vessels that do not hold a safety certificate issued under the VSCR may be inspected as part of small vessel risk-based monitoring activities.

*Note 22. A marine safety inspector may board any vessel or enter any premises or other place at any reasonable time to carry out an inspection to ensure your vessel complies with the regulations.*