

Fishing Vessel Safety Requirements

The following section will provide the captain and crew with information from both the **Nova Scotia Labour Skills and Immigration - Occupational Health and Safety** and **Transport Canada**.

This section covers information on Occupational Health and Safety and what regulations are relevant to the fishing industry. Feel free to contact the **Nova Scotia Labour Skills and Immigration - Occupational Health and Safety for further information** – General Inquiries and Reporting Toll-free: 1-800-952-2687 (24 hours)

This section will also provide information on the Marine Personnel Regulation set out by **Transport Canada**. This will help determine what training is required for both the captain and the crew. The Fishing Vessel Safety Regulations and the new Navigation Safety Regulations 2020 information is also included and will help educate the captain and crew on the requirement for written safety procedures, proper safety equipment to be carried and stability assessment. For further information on Training Requirements and Fishing Vessel Safety Requirements we recommend contacting your local Transport Canada office.



Occupational Health & Safety Act and Regulations

VESSELS WITH 1 TO 4 CREW INCLUDING CAPTAIN

The captain of a vessel must understand their duties and responsibilities under the *Occupational Health & Safety Act* (OHS) and is responsible to ensure deckhands do what is required by provincial law.

Everyone on board is responsible for safety according to the vessel's chain of command. The captain has the greatest degree of responsibility.

CAPTAIN'S RIGHTS & RESPONSIBILITIES (OHS ACT SECTION 13):

- Ensure the health and safety of the crew.
- Provide and adequately maintain equipment on the vessel.
- Provide safety information, including any health and safety hazards, provide instruction, training and adequate supervision to the crew.
- Ensure the crew is familiar with the proper use of safety clothing/devices for their protection.
- Report any fires or serious injury at the workplace – on the vessel, at the wharf, etc. (OHS Act Section 63/64).
- Right to refuse unsafe work if not self-employed, and know how to handle a work refusal by a crew member (OHS Act Section 43).

CREW'S RIGHTS & RESPONSIBILITIES (OHS ACT SECTION 17):

- Protect themselves and other crew members – take every reasonable precaution.
- Cooperate with the captain regarding any health and safety requirements.
- Ensure safety clothing and equipment required by the captain are used or worn.
- Immediately report any safety concerns to the captain or person in charge.
- Right to refuse unsafe work (OHS Act Section 43)

APPLICABLE PROVINCIAL REGULATIONS

- 1. Personal Protective Equipment (PPE):** A personal flotation device must be worn where there is a risk of drowning. Hard hat, safety footwear, gloves, safety glasses, fall protection, hearing protection are to be worn where hazards exist.
- 2. Sanitation & Accommodation:** Drinking water, washrooms (where it is reasonable), hand cleaning, eye wash, housekeeping, non-slip flooring and decking, railings at steps, fire protection.
- 3. Handling & Storage of Material:** Ensure fish bins are properly maintained, hatch covers are secure with no tripping hazards, nets/line/buoys/ropes are adequately stored, propane is stored and secured in a well-ventilated area and lines are protected, and doorways and alleyways are kept clear.
- 4. Hoists:** Inspected annually, rated load posted, equipped with safety chains for blocks, safety clips on hooks, cables in good condition.
- 5. Mechanical Safety:** Adequate guarding to prevent cable entanglement, guide bars to guide cable on winch, guards to cover pinch points, bait cutters must conform to hazard alert, equipment such as drags, blocks, chains, cables, rakes and anchor points must be adequately maintained, engine exhaust must adequately clear exhaust from deck and be insulated to prevent burns, lockout system, gasoline vapour alarm, if applicable.
- 6. Electrical:** Electrical equipment must be maintained i.e.: no rusted panels, no bare wires, no hanging wires. Lights must be guarded.
- 7. Confined Spaces:** Follow safe work procedures.
- 8. Chemical Safety:** Provide list of chemicals on board, safety data sheets and WHMIS training. Ensure proper storage and use. Supply and use appropriate PPE when handling.
- 9. Fall Protection:** Required where there is a risk of falling that could cause injury. Employees must be trained and a fall protection procedure and/or plan (including rescue plan) in place when required.
- 10. First Aid Regulations:** Provide first aid training and equipment as required.
- 11. Diving Regulations:** Captain is responsible to ensure diving regulations are followed when divers are contracted to perform work.
- 12. Smoke-Free Places Act & Regulations**

This document is meant to be a quick reference to the relevant Occupational Health and Safety requirements in Nova Scotia so the requirements can be properly applied. It is not a substitute for reviewing the legislation and regulations.

Minimum Training Requirements

Training and certification requirements of fishing vessel operators and crew are outlined in the Marine Personnel Regulations as part of the Canada Shipping Act 2001. The information below and on the next page is a brief summary of those requirements.

1. Fishing vessels of any length must be operated by a person holding a valid Captain's Certificate;
2. All crew members must have marine safety training and show proof of successful completion of training with a valid MED Certificate;
3. One person on board must have a valid First Aid Certificate (minimum of a Standard First Aid or Marine Basic First Aid);
4. All radiotelephone operators must have a Radiotelephone Operator Certificate;
5. All crew members must know the location of, be familiar with and how to properly use all marine safety equipment found on board the vessel.



The table below summarizes the minimum certificates that must be held by each crew member.

Voyage Distance	Vessel Size	Minimum Training and Certification		
		Captain	Mate (if required)	Deckhands
Near Coastal 1 More than 25 nm from Shore	Greater than 100 gt	FM Class 3, ROC-MC, First Aid	FM Class 4, ROC-MC, First Aid	MED A1 or MED-DVS, First Aid
	More than 15 gt or more than 12 m LOA	FM Class 4, ROC-MC, First Aid	WKM-FV, ROC-MC, First Aid	MED A1 or MED-DVS, First Aid
	Up to 15 gt or not more than 12 m LOA	FM Class 4, ROC-MC, First Aid	WKM-FV, ROC-MC, First Aid	MED A1 or MED-DVS, First Aid
Near Coastal 2 Up to 25 nm from Shore	More than 15 gt or more than 12 m LOA (up to 100 gt)	FM Class 4, ROC-MC, First Aid	WKM-FV, ROC-MC, First Aid	MED A3 or MED-SDV-BS, First Aid
	Up to 15 gt or not more than 12 m LOA	SVOP, MED A3 or MED-SDV-BS, ROC-M, First Aid	SVOP, MED A3 or MED-SDV-BS, ROC-M, First Aid	MED A3 or MED-SDV-BS, First Aid

This information is as of April 2021, and should be verified with a local TCMSS office to ensure the certificates held are valid on a specific vessel or if requirements have changed.

FM: Fishing Master

WKM-FV: Watchkeeping Mate of a Fishing Vessel (valid on vessels of less than 24 meters LOA)

SVOP: Small Vessel Operator Proficiency (valid only on Near Coastal 2 voyages)

MED-DVS: MED Domestic Vessel Safety

MED-SDV-BS: MED Small Domestic Vessel Basic Safety

ROC-MC: Radiotelephone Operator Certificate –Maritime Commercial

ROC-M: Radiotelephone Operator Certificate –Marine

Note 1: FMC3 and FMC4 Certificates may be substituted with a Fishing Master Certificate of Service if the vessel is not more than 60 tonnes gross and the Certificate of Service is valid for the planned voyage area.

Note 2: SVOP may be substituted with a Declaration of 7 Fishing Seasons for those with the experience operating a fishing vessel for at least 7 fishing seasons in the planned area of operation prior to July 1, 2007.

Note 3: Although the minimum requirement is for only 1 crew member to hold a valid First Aid certificate it is recommended that all crew members be trained to administer first aid.

Fishing Vessel Safety Regulations

Fishing Safety Regulations apply to Canadian fishing vessels that are not more than 24.4m in length and not more than 150 gross tonnage. These regulations set the minimum requirements for building and equipping small fishing vessels, developing safe operating procedures and stability assessments as well as posting stability notices on board. Under certain conditions, these regulations may allow for an exemption of the vessel stability assessment requirements for a population of similar fishing vessels, e.g. those built in a series or that are otherwise similar within an acceptable range.

FVSR HIGHLIGHTS

You must provide written safety procedures for your crew.

It's a fact: Written safety procedures help increase safety and reduce accidents.

Every vessel must carry proper safety equipment.

The new requirements provide a range of choices for safety equipment all small fishing vessels must carry (such as life rafts):

- The personal life-saving appliances and visual signals you must carry **depend on hull length**.
- The life rafts and other life-saving appliances you must carry **depend on the class of voyage and hull length**.
- The firefighting equipment you must carry **depends on hull length**.

Your vessel must pass a stability assessment if it:

- Has a hull length of more than 9 metres, and its construction began, or a contract for its construction was signed, **after** July 13, 2018.
- Has a hull length of more than 9 metres (no matter the date of construction) and has undergone a major modification or a change in activity that will likely affect its stability **after** July 13, 2017.
- Is fitted with an anti-roll tank (no matter the date of construction or its hull length).

You must also:

- Hold safety drills to ensure your crew is prepared to follow the safety procedures in an emergency.

Keep records of every drill.

If your vessel is not more than 9 metres in hull length, the following applies to you:

- A vessel that has a hull length of not more than 6 metres, and its construction began or a contract for its construction was signed, **after** July 13, 2018, must meet the standards for buoyancy, flotation and stability set out in Section 4 of the Construction Standards for Small Vessels (TP 1332).
- A vessel that has a hull length more than 6 metres but not more than 9 metres, and its construction began or a contract for its construction was signed, **after** July 13, 2018, must conform to the recommended practices and standards for stability that are appropriate to the type of vessel and that take into account its intended operations.
- A vessel that is not required to conform to Section 4 of TP 1332 or the recommended practices and standards must have the stability needed to safely carry out the vessel's intended operations.

NOTES:

- Even if your vessel is not required to undergo a stability assessment, it must still have the stability it needs to safely carry out its intended operations.
- If your fishing vessel had a stability assessment before July 13, 2017, Transport Canada will accept this as meeting the new requirement if:
 1. Transport Canada approved or accepted the assessment; and
 2. The assessment is up-to-date and accurately reflects the vessel's structure, fishing gear and operations.
- A fishing vessel of closed construction, more than 15 gross tonnage and used for catching herring or capelin any time between July 6, 1977, and July 13, 2017, will still need a stability assessment as per the previous *Small Fishing Vessel Inspection Regulations*.

SMALL VESSEL COMPLIANCE PROGRAM

A new version of the Small Vessel Compliance Program has been developed to help owners and operators of small commercial fishing vessels not more than 15 gross tonnage understand and meet the regulatory requirements. Please note that all fishing vessels more than 15 gross tonnage will continue to be inspected for certification by Transport Canada.

ENFORCEMENT

Transport Canada Officers visit wharves and board vessels to check for compliance with legislated requirements. This may mean review of your safety equipment and written safety procedures.

Navigation Safety Regulations 2020

On October 28, 2020, Transport Canada brought in to force the new Navigation Safety Regulations 2020 as part of the reform process of all marine regulations under the Canada Shipping Act 2001. These new Regulations are a result of updating the previous versions and including several other Regulations under the one title. These Regulations apply to all commercial vessels of all sizes, including fishing vessels.

The Navigation Safety Regulations 2020 can be found at the following link:

<https://laws-lois.justice.gc.ca/PDF/SOR-2020-216.pdf>

The following are some of the requirements from these Regulations that apply to Fishing Vessels of less than 20 meters (65'7") in hull length:

1. **EPIRB** – All FV must carry a 406 MHz EPIRB. There are additional options available for vessels of less than 12 m in length on voyages within 25 nm from shore and for all vessels on Sheltered Waters voyages. See the information on EPIRBs in this publication.
2. **Magnetic Compass** – All FV must have a magnetic steering compass and must be capable of being illuminated and be compensated for other magnetic attractions near its location.
3. **Radiotelephone** – All FV of more than 8 m in length on voyages within 25 nm from shore must carry a VHF radiotelephone with DSC capability. For voyages beyond 25 nm from shore the vessel must have radio equipment capable of establishing two-way communication with shore-based Coast Guard Communications Services. All radiotelephone installations must:
 - a. Maintain a continuous watch on frequencies assigned for transmitting safety information;
 - b. Have information posted on how to transmit Distress and Safety Calls;
 - c. Have information posted with the vessel's Name, Call Sign, MMSI, etc.;
 - d. Have the equipment connected to a GPS for transmitting the vessel's position during a distress alert;
4. Documents and Publications – All FV should have on board the following:
 - a. Catalogue of nautical charts,
 - b. Up to date Charts (paper or electronic or both),
 - c. Annual Notice to Mariners,
 - d. Sailing Directions,
 - e. Canadian Tide and Current Tables,
 - f. List of Lights, Buoys and Fog Signals,
 - g. Radio Aids to Marine Navigation,
 - h. Table of Life Saving Signals

NOTE: A fishing vessel of less than 100 gt is not required to carry these documents and publications IF the vessel operator has sufficient knowledge of where the vessel is to be navigated and knows the locations of shipping routes, lights, buoys, marks, navigational hazards and conditions considering tides, currents and weather patterns.

For fishing vessels of more than 20 m in length, please contact the local TCMSS Office as there are additional requirements that will apply to these vessels.

For more information on the requirements of the Navigation Safety Regulations 2020 for Fishing Vessels, contact your nearest Transport Canada Marine Safety and Security Office.

USE YOUR CAMERA ON YOUR MOBILE DEVICE TO SCAN THE Q CODE. THIS WILL OPEN UP A PAGE ON OUR WEBSITE WITH COVID -19 INFORMATION.

IF THAT DOESN'T WORK TYPE IN THE LINK BELOW ON YOUR COMPUTER.

<https://www.fisheriessafety.ca/covid19-resources>



