



Transports
Canada

Transport
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Compliance and Responsibility Non-Compliance and liability



Robert Fecteau
2018

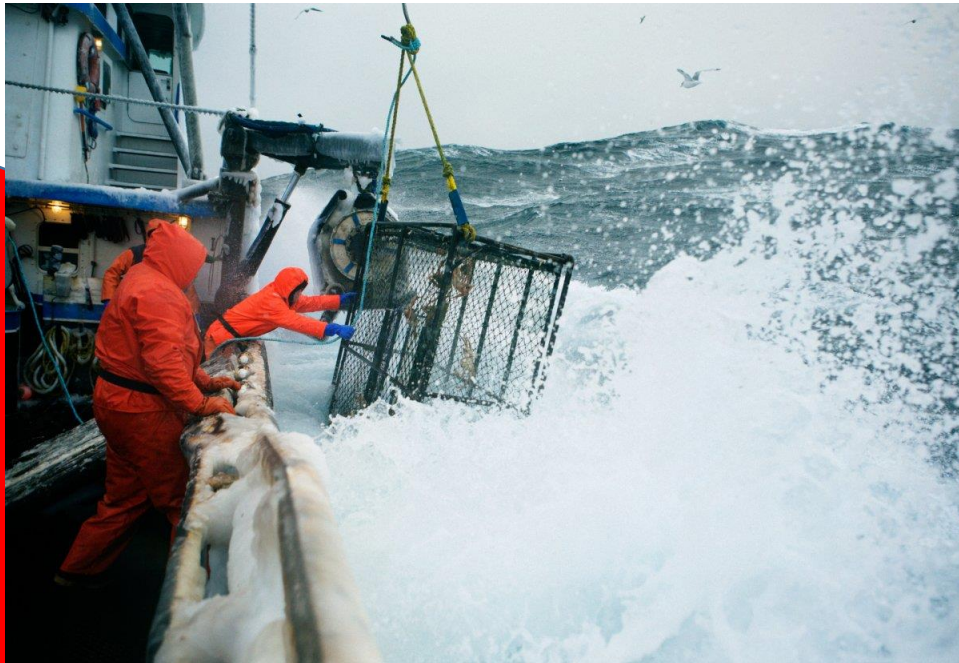
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Fishing = High-risk Occupation



- Ship: complex technological system piloted
- Moving and changing environment
- Economic pressure
- Time constraints

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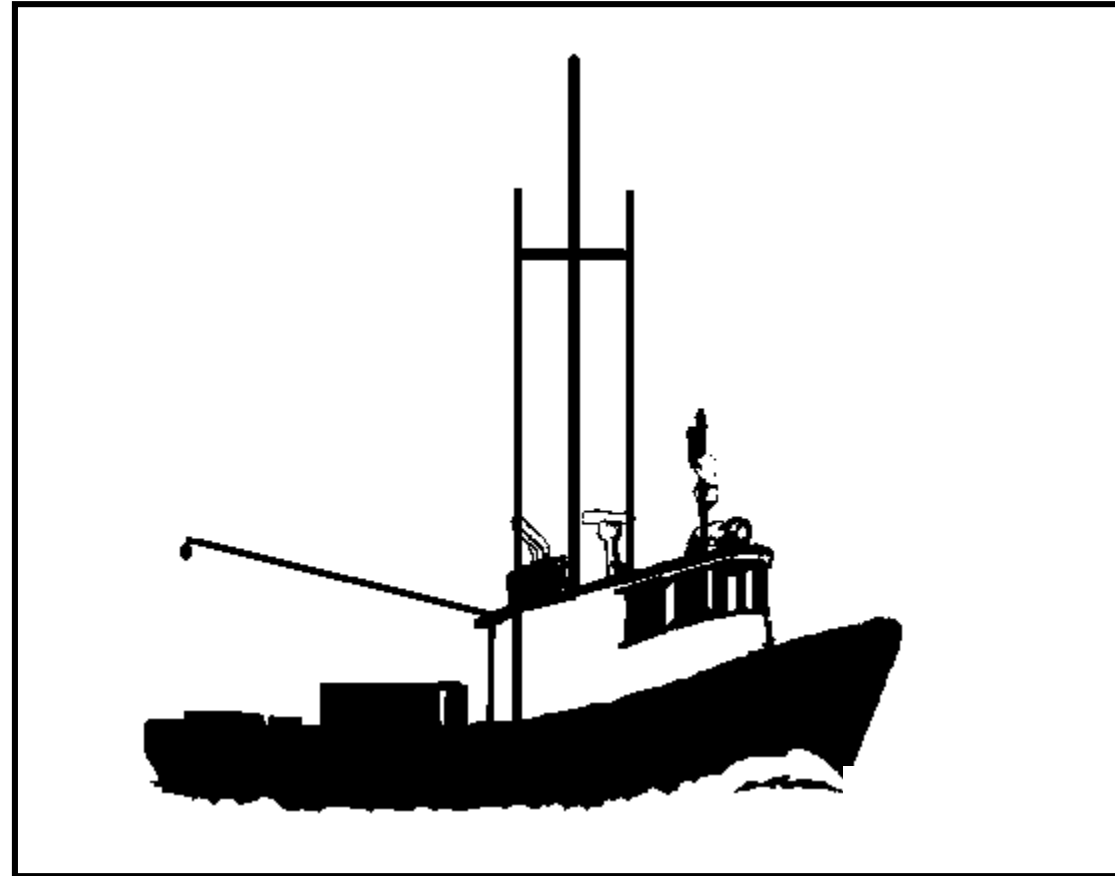


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Regulatory Framework

Operation



Equipment

Construction

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Fishing Vessel Regulations and Standards

- Fishing Vessel Safety Regulations
- Marine Personnel Regulations
- Collision Regulations
- Ship Station (Radio) Regulations
- Navigation Safety Regulations
- Vessel Certificates Regulations
- Marine Machinery Regulations
- Ship Electrical Standards
- ...

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CSA 2001 Came into Force in 2007

- Legislation less prescriptive
- Power, Duties and Prohibition
- More performance-based
- Shared Responsibility
(more responsibilities assigned to industry)



Industry to be accountable for risks
management within their activities
and to be more proactive

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CSA 2001

106 The authorized representative of a vessel shall ensure that the vessel meets the requirements of the regulations

109 The master of a vessel shall take all reasonable steps to ensure the safety of the vessel and of persons on board

118 No person shall take any action that might jeopardize the safety of a vessel or of persons on board



CANADA

CONSOLIDATION

CODIFICATION

Canada Shipping Act, 2001

Loi de 2001 sur la marine
marchande du Canada

S.C. 2001, c. 26

L.C. 2001, ch. 26

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CSA 2001

CSA 2001 introduces a more comprehensive approach to encourage industry to broach safety in a proactive and systematic manner

Why?

An entity can comply with regulations without effectively managing risks to acceptable levels



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Weight of responsability



- Duty to assume compliance with standards
(legal responsibility)
Quite easy. Knowledge of standards,
investment and willingness to comply are
required
- Prohibition to jeopardize safety
(moral responsibility)
More complex. Good judgement,
vigilance and great risks management
are required

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Accounting framework change requires cultural change



Responsibilities



Accountability



- Encourage a uniform understanding of the regulatory framework and of the new responsibilities
- Encourage the implementation of principles of safety management (SMS)

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+ responsibility

Obligation for a person to answer for his actions because of the role that he must assume and to bear all the consequences



+ liability

Accept the responsibility for past action, be accountable and ready to pay the price



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Act responsibly and preserve your liability

1. Make sure to comply with standards
2. Do a good risks management
 - Be aware of the danger
 - Do a good risks analysis
 - Work on prevention
3. Do a good safety management
 - Establish safety procedures
 - Train the crew and hold drills on the safety procedures

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**Thank you and have a
great fishing season 2018!
Be safe!**

Robert Fecteau
Manager
Marine Safety

robert.fecteau@tc.gc.ca

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