

Bulletin for CMSG Members Holding a Pilotage Certificate issued by Transport Canada - December 2023

It has come to the attention of the Guild that certain Canadian shipowners are requesting employees who hold pilotage certificates to join a vessel temporarily in order to ensure pilotage services through compulsory pilotage areas, thereby avoiding the need to make use of the services of a licensed pilot.

The *Pilotage Act* has always made it clear that a pilotage certificate can only be used by the holder when he or she is a regular member of the crew of the ship to be piloted.

However, to make it even more clear, the *Pilotage Act* was amended in 2019 to add section 38.01, stating that “*no individual shall have the conduct of a ship within a compulsory pilotage area unless they are a licensed pilot for that compulsory pilotage area or a regular member of the ship’s complement who is a pilotage certificate holder for that compulsory pilotage area.*”

The 2019 amendments add a new definition of “*regular member of the ship’s complement*” which is defined as “*an individual who occupies a position on board a ship for the purpose of meeting the requirements of the Marine Personnel Regulations for safe manning in relation to a proper deck watch and the safe operation of the ship.*”

The *Marine Personnel Regulations* define the navigating complement for Canadian ships as including the master, chief mate and certified officers required to maintain a proper deck watch. There is no requirement for a piloting crew member, regardless of the rank or title assigned to such a position. Making use of a pilotage certificate holder as a “company pilot” is thus clearly illegal.

A conviction for contravening the prohibition under the *Pilotage Act* of piloting a ship through a compulsory pilotage area without being either a licensed pilot for that area, or a regular member of the ship’s complement who is a pilotage certificate holder for that area carries a maximum penalty of \$500,000. and / or imprisonment for up to 12 months. Guild members who commit such an offence are not eligible for legal defence coverage (MOPS) according to the Guild By-Laws.

The Guild is issuing this important notice as a reminder to members holding pilotage certificates that any request by an employer to provide pilotage services in a compulsory pilotage area where the member is not a regular member of the crew of the ship to be piloted, as defined in the *Act*, is illegal and puts the member’s status in jeopardy at law and with the Guild.

The Guild encourages all members to report to the Guild any such request and will keep the name of the whistleblower confidential. The Guild will take up the defence of any member disciplined for having refused to undertake illegal pilotage services.