

 <p style="text-align: center;">The Republic of Palau Palau International Ship Registry <i>“A New Vision of Quality in Ship Registration Services”</i></p>	MN No. 12-016
	Revision No. 01 as of June 3 rd , 2013
	Issue Date: October 19 th , 2012

MARINE NOTICE 12-016 – ON BOARD COMPLAINT PROCEDURES

To: ALL SHIPOWNERS, MANAGERS, MASTERS, REGISTRATION OFFICERS AND
RECOGNIZED ORGANIZATIONS

Subject: ON BOARD COMPLAINT PROCEDURES

1. Purpose

- 1.1 This Bulletin describes the procedure by which any seafarer onboard a Palau registered vessel may present a complaint or labor grievance and have that complaint investigated, provided that it is specific in nature and is alleged to constitute a breach of seafarer’s rights under the Maritime Labour Convention 2006 (MLC 2006).
- 1.2 The guidelines which appear below take into account the guidance contained within MLC 2006 and relevant advice in the publications mentioned therein.

2. Applicability

- 2.1 This Marine Notice applies to any person who is employed or engaged or works in any capacity onboard ships to which MLC 2006 applies.

3. Definitions

- 3.1 *“Company”* means the owner of the ship or any other organization or person such as the Manager, or the Bareboat Charterer, who has assumed the responsibility for operation of the ship from the Shipowner and who on assuming such responsibility has agreed in writing to take over all the duties and responsibilities imposed by the ISM Code.



- 3.2 “*External authority*” includes a party other than the shipowner representative, master or other person who are representing the shipowner onboard the ship. This party may include the flag state of a party to the MLC 2006, a Port State Control official, local seafarer labor organization representative; or other seafarer welfare assistance service.
- 3.3 “*Seafarers Employment Agreement*” includes both a contract of employment and the articles of agreement.
- 3.4 “*Victimization*” covers any adverse action taken or threatened by any person with respect to a seafarer for lodging a genuine labor grievance.

4. Requirements

- 4.1 All seafarers shall be provided with a copy of the onboard complaint procedures applicable on the ship. This shall include the following information:
- the seafarer’s right to representation;
 - safeguards against victimization of the seafarer;
 - Contact information for the Palau International Ship Registry and where different, the contact information of the competent labor authority in the seafarers' country of residence, and
 - name of a person or persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship.
- 4.2 With no exception seafarers should have a right to file their complaints directly with the master, the shipowner or external competent authorities.
- 4.3 If the seafarer is in any doubt about presenting a complaint and considers that he/she will be victimized due to presenting a complaint, he/she shall have the right to contact the Palau International Ship Registry or he/she may submit the complaint directly to the Palau International Ship Registry.
- 4.4 Seafarers should at all times have the right to be accompanied and to be represented by another seafarer of their choice on board the ship concerned.
- 4.5 The shipowner and the Master are responsible to ensure that victimization of a seafarer for filing a labor grievance under the MLC 2006 does not occur. Any claims of victimization should be investigated by the master or shipowner and where instances of victimization are found to occur, these must be dealt with under the Company's disciplinary procedures in the shortest possible time.



5. Complaint Handling Procedures

- 5.1 The complaint should be addressed to the head of the department of the seafarer lodging the complaint or to the seafarer's supervising officer.
- 5.2 The head of department or superior officer should then attempt to resolve the matter within the prescribed time limits appropriate to the seriousness of the issues involved. The Company should have time limits outlined in the shipboard management system and this should take into consideration the time frame noted in paragraph 5.5 below.
- 5.3 If the head of department or supervising officer cannot resolve the complaint to the satisfaction of the seafarer, the seafarer may refer it to the master, who should handle the matter personally.
- 5.4 If a complaint cannot be resolved on board, the matter should be referred ashore to the shipowner, who should be given an appropriate time limit for resolving the matter, where appropriate, in consultation with the seafarer concerned or any person who the seafarer may appoint as their representative.
- 5.5 If, after thirty (30) days, conciliated settlement cannot be reached, either party shall have a further thirty (30) days to refer the complaint to the Palau International Ship Registry, to decide upon a satisfactory solution to the matter.
- 5.6 If the seafarer lodges the complaint to an external authority outside The Palau Flag Administration, that authority shall be provided with the contact information of the Palau International Ship Registry and requested to communicate the complaint to the Palau Flag Administration. Any investigation or action by an external authority should take into account the extent to which the on-board complaint procedure has been utilized, and its effectiveness in dealing with the complaint.
- 5.7 The external authority may communicate the complaint to the shipowner or the Company who shall then be expected to resolve the matter in accordance with the terms and conditions of the seafarer employment agreement to the satisfaction of both parties. If the complaint is lodged directly to the Palau International Ship Registry, the Palau Flag Administration may also, if deemed necessary, involve the appropriate competent authority within the seafarer's country of origin.

6. Record Keeping

- 6.1 In all cases a written report is to be completed onboard at the appropriate level and sent to the shipowner. The report shall contain details of the complaint, the actions taken and decisions agreed. A copy shall be given to the seafarer involved. Appropriate entries into the ship's official log book shall also be made.



- 6.2 In cases where the complaint is dealt with by an external authority, a report containing the actions taken and decisions agreed should be made by the person dealing with the complaint. The report should be sent to the shipowner, with a copy given to the seafarer involved.

7. Contact

Any further information requests and inquiries concerning the subject for this notice Marine Notice should be directed to the Head Office of the Maritime Administrator, Republic of Palau. In order to obtain further information, contact information is provided below:

Department: Maritime Safety and Environment Protection
PIC: Mrs. Marisabel Arauz Park
Palau International Ship Registry,
16701 Greenspoint Park Drive, Suite 155, Houston,
TX, 77060,
Tel: +1 281 876 9533 / Fax: +1 281 876 9534

The list of the last updated Republic of Palau Marine Notices may be found at: www.palaushipregistry.com

