

MLN 5.1.5

Revision No 1



DEPARTMENT OF ECONOMIC DEVELOPMENT

MLC Title 5.1.5 On board compliant procedures

This MLN provides guidance on compliance with Isle of Man (IOM) regulations which give effect to MLC 2006 Title 5.1.5. Implementation of these guidelines will be taken as evidence of compliance with the Isle of Man regulations.

The guidelines do not preclude the shipowner from demonstrating an equivalent or higher standard as an "alternative method" of evidence of compliance.

Documents referred to in this notice:

Maritime Labour Convention 2006

Most regulations and notices are available on the Isle of Man Government website: www.iomshipregistry.com or by contacting marine.survey@gov.im

MLC 2006 covers two areas that deal with complaints;

1. The requirement for an on board complaints procedure for seafarers to use.
2. The requirements for a port state to receive a complaint from a seafarer.

This maritime labour notice gives guidance regarding the on board complaint procedure and contains a model complaints handling procedure that would be deemed to comply with the Isle of Man requirements.

Any ship to which MLC applies must have an on-board procedure for the fair and effective handling of seafarer complaints alleging breaches of the requirements of MLC. This is not just breaches of the inspection items in Appendix A5-I and A5-III, but breaches of the whole Convention, including seafarers rights in Article III and IV. This procedure shall be without prejudice to any wider scope that may be given in Isle of Man laws or regulations or any collective agreements.

If any seafarer on a ship registered in the Isle of Man to which MLC applies considers that they have a grievance that they believe is a breach of the requirements of MLC then they should have access to a procedure on board described in their SEA, or in the company procedures, that allows them to take the grievance to either the Head of Department or to the Master.

The on-board complaint procedures shall include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints. The term "victimization" covers any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.

All seafarers shall be provided with a copy of the on-board complaint procedure applicable on the ship and this shall include contact information of the Isle of Man Ship Registry.

If the on board complaint procedure is not effective the seafarer may take the matter to the Isle of Man Ship Registry. However, the seafarer has the right to bring the matter directly to the Isle of Man Ship Registry.

The preferred means of receiving complaint is by e-mail to marine.mlc@gov.im or the seafarer can write to;

Principal Surveyor
Department of Economic Development
Isle of Man Ship Registry
St Georges Court,
Upper Church Street,
Douglas.
Isle of Man
British Isles
IM1 1EX

All such complaints will be treated by the Ship Registry in confidence and will be given serious consideration by the Ship Registry. If appropriate a Surveyor will visit the ship to investigate the complaint. It is however essential that the person making any complaint is identified to the Ship Registry. The Ship Registry will not reveal the source of its information when investigating but will not deal with any anonymous complaints.

ANNEX 1

Content for an On Board Complaints Procedure

As a minimum the onboard complaints procedure should include the following advice;

- Complaints should be resolved quickly and effectively, at the lowest level possible.
- Seafarers must not be victimised in any way for filing a complaint and action shall be taken against any person who has been found to victimise a complainant.
- Complaints should be addressed to the head of the seafarers' department or to their superior officer. Complaints regarding health and safety matters should also be reported to the safety officer.
- The head of department or superior officer should attempt to resolve the matter within a prescribed time limit.
- If the complaint cannot be resolved by either the head of department or the superior officer to the satisfaction of the seafarer then the seafarer may refer the matter to the master who should personally handle the complaint.
- Seafarers should have the right at all times to be accompanied and to be represented by another seafarer of their choice on board the ship.
- All complaints and the decisions on them should be recorded and a copy provided to the seafarer.
- 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. If necessary consultation should be undertaken with the seafarer(s) concerned or their appointed representative.
- In all cases seafarers should have the right to lodge complaints directly with the master and/or the shipowner.

The key to having an effective onboard complaints procedure is;

- Have it known to all onboard.
- To keep it simple.
- Deal with any complaints quickly and openly.