

Palau International Ship Registry



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MARINE NOTICE 206.1

To: ALL SHIPOWNERS, MANAGERS, MASTERS, and REGISTRATION OFFICERS OF MERCHANT SHIPS AND RECOGNIZED ORGANIZATION.

Subject: ON BOARD COMPLAINT PROCEDURES

1. Purpose:

- 1.1 The on-board complaints procedure may be used by seafarers to make a complaint relating to any matter that is alleged to constitute a breach of the requirements of the MLC. This includes a breach of seafarers' rights detailed in Article III and Article IV of the Convention as implemented in The Republic of Palau law.
- 1.2 This Marine Notice defines the procedure by which any seafarer onboard a Palau registered vessel may present a complaint or labour 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).
- 1.3 This Marine Notice is intended to assist: 1) the shipowner or ship operator in understanding the requirements that must be met in implementing an onboard complaint procedure; and 2) the seafarer in understanding his/her rights and the procedures involved in filing a complaint.

2. Applicability:

This Marine Notice applies to all vessels registered under the flag of the Republic of Palau.

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.



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- 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 labour 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 labour grievance.

4. Requirements:

- 4.1 All seafarers on board Palau Flag ships shall be provided with a copy of the onboard complaint procedures form by the owner or ship operator, together with a copy of their seafarer employment agreement. Alternatively, this complain procedures form shall be provided by the master and shall be posted in strategic areas of the ship such as mess rooms, cargo control, engine control rooms, and cabins. The posting of the onboard complaints procedures is considered by the Administrator to be an effective measure for seafarer’s familiarization with Company’s complaints procedure. The posters, when used, shall be in English as well as in the working language onboard the vessel, if other than English. The form of onboard complaint procedures applicable on the ship shall include the following information:
- The seafarer’s right to representation;
 - Safeguard issues against victimization of the seafarer;
 - Contact information of the competent labour 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.
 - Contact information about the Company Designated Person Ashore (DPA) or his/her designee.
 - Contact information about the Palau International Ship Registry.

5. Procedures:



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- 5.1 Any seafarer with a complaint shall be able to get the matter addressed by bringing it to the attention of the proper authority onboard, as provided below:
- Immediate Supervisor
 - Head of Department
 - Master
- 5.2 Complaints should be sought to be resolved at the lowest lever possible; and only when the matter cannot be resolved to the satisfaction of both parties, should it be elevated to the next level.
- 5.3 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.
- 5.4 Officers and/or crew members shall, within five (5) days from the date of the alleged occurrence of the labour grievance, bring the matter to their immediate Supervisor, Department Head, the Master or his or her appointee, who in the chain of command dealing with the grievance shall have a further five (5) days each to bring about a solution to the matter, provided that this time limit is appropriate to the seriousness of the matter.
- 5.5 Should a complain reach the level of the Master, the Master shall:
- Conduct an investigation or inquiry, as appropriate;
 - Reference the terms and conditions of employment; and
 - Seek the advice of the Company DPA.
- 5.6 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.
- 5.7 If the Master cannot reconcile the complaint, the matter should be formally referred within 10 days to the Company DPA who must conciliate the matter in accordance with the terms and conditions of employment.



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5.8 Seafarers shall have the right to file a complaint directly to an appropriate external authority, such as, but not limited to:

- Flag Administration Office (*refer to attached ANNEX*)
- A Flag Administration Inspector
- A Recognized Organization Inspector
- A port State control officer, or
- A local seafarer labour organization representative;

5.9 If, after twenty (20) days, conciliated settlement cannot be reached, either party shall have a further twenty (20) days to refer the complaint to the Palau International Ship Registry, to decide upon a satisfactory solution to the matter.

5.10 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 consider the extent to which the on-board complaint procedure has been utilized, and its effectiveness in dealing with the complaint.

5.11 If a dispute cannot be resolved by conciliation or mediation, either party may submit the matter to an independent arbitrator or arbitrators for a final determination in accordance with the Arbitration Rules and Proceeding.

5.12 If the ship has a small crew, it may be difficult to provide someone on board who is able to give impartial advice to the seafarer. In such cases, Palau International Ship Registry will consider alternative arrangements, specified in the complaints procedure, which provide the same safeguard to the seafarer.

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.



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- 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.
- 6.3 All complaints and associated decisions must be recorded and stored in the vessel database.

****This Marine Notice supersedes Marine Notice 12-016**

Click [here](#) or use the below QR Code for the list of the last updated Marine Notices



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ANNEX
PALAU INTERNATIONAL SHIP REGISTRY (PISR)
ON BOARD COMPLAINT PROCEDURES
SEAFARER'S COMPLAINT FORM

The Palau International Ship Registry Administration is committed to ensuring that Seafarers who serve on Palau registered ships have decent working and living conditions, a safe and secure workplace and fair employment.

Seafarers are encouraged to utilize the ship's Onboard Complaint Procedures to resolve complaints at the lowest level possible in accordance with PISR MARINE NOTICE 18-040 - ON BOARD COMPLAINT PROCEDURES and MLC 2006. However, in the event a complaint is not resolved onboard, the Palau International Ship Registry Administration provides the below online complaint form to assist Seafarers with all true and valid complaints.

Please complete each of the below required fields in this form and the Administration will take the necessary steps to investigate the matter and ensure that all appropriate measures are taken to rectify any deficiencies.

Note: All information provided will be strictly treated as confidential.

Palau International Ship Registry Maritime Labour Complaint Resolution Form		
1	Seafarer's Record Book Number:	
2	Vessel IMO Number:	
3	Seafarer's First Name:	
4	Seafarer's Last Name:	
5	Seafarer's Date of Birth: (mm/dd/yyyy)	
6	Seafarer's Contact Details – please enter the Seafarer's contact details below so that the Administration can follow-up with your complaint	



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6a	Seafarer's Email Address:	
6b	Please re-enter Seafarer's Email Address to confirm:	
6c	Seafarer's Alternate Email Address: (Not required field)	
6d	Seafarer's Telephone Number:	
6e	Seafarer's Address:	
7	Please indicate the nature of the complaint:	
8	Date that onboard complaint was filed: (mm/dd/yyyy) <i>NOTE: If onboard complaint procedures were not explored, please skip to Box 13.</i>	



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9	<p>Onboard complaint was filed at the following level(s):</p>	<p><input type="checkbox"/> Superior Officer</p> <p><input type="checkbox"/> Head of Department</p> <p><input type="checkbox"/> Master</p> <p><input type="checkbox"/> Shipowners' Representative Ashore</p> <p><input type="checkbox"/> Other</p>
10	<p>Summary of the reason why the complaint was not resolved:</p>	
11	<p>Was the complaint taken to the next level?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>
12	<p>If you selected "NO" for Box 11, please explain why complaints should not be taken to the next level:</p>	
13	<p>If onboard complaint procedures were not used, provide a brief summary of why these procedures should not be exhausted first:</p>	



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14	<p>Does the complaint relate to any of the following matters?</p> <p><i>NOTE: Please select the area or areas to which the complaint most closely applies.</i></p>	<ul style="list-style-type: none"> <input type="checkbox"/> Recruitment and Placement Services (Manning Agency) <input type="checkbox"/> Seafarers Employment Agreement <input type="checkbox"/> Payment of Wages <input type="checkbox"/> Hours of Work or Hours of Rest <input type="checkbox"/> Entitlement to Leave <input type="checkbox"/> Repatriation <input type="checkbox"/> Accommodation Facilities <input type="checkbox"/> Recreational Facilities <input type="checkbox"/> Food, Water and Catering <input type="checkbox"/> Medical Care On board and Ashore <input type="checkbox"/> Other
15	<p>Summary of the complaint related to the area(s) selected in (Box 14):</p>	
16	<p>Is this complaint being submitted by the Seafarer?</p> <p><i>NOTE: If you selected "NO", please complete the fields 17a-17g</i></p>	<ul style="list-style-type: none"> <input type="radio"/> Yes <input type="radio"/> No
17	<p>Contact Details for Individual other than the Seafarer – please enter your contact details below so that the Administration can follow-up with your complaint regarding the Seafarer</p>	



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17a	First Name:	
17b	Last Name:	
17c	Email Address:	
17d	Please re-enter your Email Address to confirm:	
17e	Telephone Number:	
17f	Address:	
17g	Relationship to the Seafarer(s):	
18	Upload supporting documents which will further assist the Administration with handling your complaint:	<ol style="list-style-type: none"> 1. 2. 3. 4.

Please review the complaint form to ensure that all fields are entered correctly. If a field is incomplete, you will not be able to “submit” the form until the required information is provided.

