

INFORMATION BULLETIN No. 219

MLC On-Board Complaints Procedure

Application: all vessels over 500GT engaged on international voyages and for commercially operated yachts over 200GT engaged in international voyages

Summary

MLC 2006 covers two areas that deal with complaints;

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

Any ship to which MLC applies must have on-board procedures 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 seafarer's rights in Article III and IV.

If any seafarer on a Barbados flagged vessel to which MLC applies considers that he/she has a grievance that he/she believes is a breach of the requirements of MLC then the seafarer should have access to an on-board procedure described either in their SEA or in the company procedures, that allows the individual 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 victimisation of seafarers for filing complaints. "Victimisation" includes any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or made maliciously.

All seafarers shall be provided with a copy of the on-board complaints procedure applicable on the ship and this shall include contact information of the Barbados Maritime Ships' Registry (BMSR).

Barbados Maritime Ships' Registry
c/o Barbados High Commission
1 Great Russell Street
London WC1B 3ND
Email: registry@barbadosmaritime.com
Telephone: +44 20 7636 5739

If the on board complaint procedure is not effective the seafarer may take the matter to BMSR. However, the seafarer has the right to bring the matter directly to BMSR at any time.

All such complaints will be treated by BMSR in confidence and will be given serious

consideration. If it is appropriate, a BMSR approved surveyor will visit the vessel to investigate the complaint. It is however essential that the person making any complaint is identified to BMSR. BMSR will not reveal the source of its information when investigating but will not deal with any anonymous complaints.

Content for an On Board Complaints Procedure

As a minimum the on board 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 ship-owner who should be given an appropriate time limit for resolving the matter. If necessary consultation should be undertaken with the seafarer(s) concerned or an appointed representative.
- In all cases seafarers should have the right to lodge complaints directly with the master and/or the shipowner.

15 May 2014