

Circular 68 / 2013**To: Vessel Managers, Masters, Officers, Deputy Registrars, Surveyors and Other Interested Parties****Subject: MLC 2006 On Board Complaints****Date: 25 July 2013****Summary**

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 Circular gives guidance regarding the on-board complaint procedure; it contains a model complaints handling procedure and model complaint form that would be deemed to comply with the MLC 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 seafarer's rights in Article III and IV.

If any seafarer on a Cook Islands flagged vessel 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 either 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 Maritime Cook Islands MLC 2006 Contact point -

Maritime Cook Islands MLC 2006 Contact Point
Registrar of Ships: fleet@maritimecookislands.com
Phone: +682 23848
Facsimile: +682 23846

If the on board complaint procedure is not effective the seafarer may take the matter to Maritime Cook Islands (MCI); However, the seafarer has the right to bring the matter directly to MCI at any time.

All such complaints will be treated by MCI in confidence and will be given serious consideration. If appropriate a Surveyor will visit the vessel to investigate the complaint. It is however essential that the person making any complaint is identified to MCI. MCI 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 effective, 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.

Attached below is a model template of a complaint form that may be incorporated into the on-board complaint procedure at the discretion of the managing company.

For further information or clarification please contact the Registrar of Ships, a Deputy Registrar or Fleet Manager at Maritime Cook Islands; alternatively you may contact Maritime Cook Islands Head Office at +682 23848 Phone, +682 23846 Fax, fleet@maritimecookislands.com

Please ensure this has been forwarded to interested parties.



COOK ISLANDS ON BOARD COMPLAINT FORM

Ship
Registration
FORM 92
v.1

This form is a model provided by Maritime Cook Islands – to be used at the discretion of the managing company.

Vessel details

Name	Type of vessel	IMO Number
Port of Registry	Gross Tonnage	Call Sign

Company's MLC 2006 Designated Person's* contact details

Name:	
Position:	
Telephone number:	
Email Address :	

*or other person appointed by the Company

Name of person making complaint

Name:	
Position:	
Telephone number:	
Email Address :	

Competent authority in the seafarer's country of residence (if applicable)

Name of authority:	
Contact person:	
Position:	
Telephone number:	
Email Address :	

Name of person(s) on board authorised to assist complainants

Name:	
Position:	
Telephone number:	
Email Address :	

Name:	
Position:	
Telephone number:	
Email Address :	

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Briefly describe your compliant
(Attach additional pages / evidence if required)

Signature: _____

Print Name: _____

Date: _____