EMSA

European Maritime Safety Agency

Maritime Labour Convention

Title 5

System for handling complaints

Maritime Labour Convention, 2006 - Title 5

5.2.2 Onshore seafarer complaint- handling procedure

Obligation for port States to provide procedures allowing seafarers to make complaints about the conditions on ships

(limited to matters within the scope of the complaint)

5.2.2 interacts with 5.2.1 (More detailed inspection and detention)

<u>Attention</u>: It may relate to complaint procedures within the Administration

5.2.2 Onshore seafarer complaint-handling procedure

Requirements to be addressed

A complaint by a seafarer may be reported to an authorized officer in the port of call

The authorized officer must undertake an initial investigation to check if on-board procedures have been explored

If the complaint justifies a detention, the 5.2.1 procedure must be followed

5.2.2 Onshore seafarer complaint-handling procedure

Requirements to be addressed

If the complaint is not resolved, notification to the Flag State and *corrective plan of action*, specifically for the complaint or as part of the *rectification action plan*

Reporting to the DG ILO, Shipowners and Seafarers organizations in the port State

Appropriate steps to Safeguard confidentiality!

Maritime Labour Convention, 2006 - Title 5

5.2.2 On Shore seafarer complaint - handling procedure

Model national provisions

- **Directive 2009/16/EC already in place since January 2011**
  - **Amendments to be in force at the same time of the entry into force of the MLC, 2006**
  - **A new Article 18a will be added:**
    - *Where a complaint by a seafarer related to matters covered by the Maritime Labour Convention <u>has not been resolved at the ship-board level</u>, the port State control officer shall forthwith notify the flag State, seeking, within a prescribed deadline, advice and a corrective plan of action. A report of the inspection shall be transmitted by electronic means to the inspection database referred to in Article 24.*

Maritime Labour Convention, 2006 - Title 5

5.2.2 On Shore seafarer complaint - handling procedure

Model national provisions

- **New Article 18a continued:**

- *Where the complaint has not been resolved following action taken in accordance with paragraph 1, the port State shall transmit a copy of the authorized officer's report to the Director-General of the International Labour Office. The report must be accompanied by any reply received within the prescribed deadline from the competent authority of the flag State.*
- *The appropriate shipowners' and seafarers' organizations in the port State shall be similarly informed.*
- *In addition, statistics and information regarding complaints that have been resolved shall be regularly submitted by the port State to the Director-General of the International Labour Office.*

Maritime Labour Convention, 2006 - Title 5

5.2.2 On Shore seafarer complaint - handling procedure

Model national provisions

- **New Article 18a continued:**

Both such submissions are provided in order that, on the basis of such action as may be considered appropriate and expedient, a record is kept of such information and is brought to the attention of parties, including shipowners' and seafarers' organizations, which might be interested in availing themselves of relevant recourse procedures.

Appropriate steps shall be taken to safeguard the confidentiality of complaints made by seafarers.

MLC, 2006

Thank you