



Risk Assessment Solutions

“Prevent, Don’t Cure”

Circular 02/03/14

Subject: Complaint Procedures – Important MLC 2006/PSC Issue!

Case: Recently, a cargo vessel was visited by our personnel for inspection purposes in order to detect and identify potential PSC deficiencies. Amongst others, the following finding was observed:

“Complaint procedures do not secure confidentiality or safeguard the possibility of victimization of seafarers for filing complaints. In addition, seafarers are not provided with a copy of the on board complaint procedures applicable on the ship”

Analysis

In connection to the above, and in order to assist our clients to prevent similar cases, we would like to remind that the MLC 2006 Standard A5.1.5, para 3 & 4 reads:

3. 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.

4. In addition to a copy of their seafarers’ employment agreement, all seafarers shall be provided with a copy of the on board complaint procedures applicable on the ship.

Although the Complaint Form was found posted and available to all seafarers, only one copy of the subject form was available inside the frame labeled “Complaints Form” (see picture). Furthermore, lodging a complaint can be a difficult task since there is a strong possibility for the seafarer who may wish to do so, to be identified easily.



Our company is offering a wide range of 'deficiencies', case studies, clarification on the PSC deficiencies through our PSC seminar which is delivered on regular intervals in our office or in-house at client's request.



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To assist further, we offer our clients the service of assessing onboard or through “Distance Assessment” if a vessel is in conformance with the MLC 2006 or PSC requirements or conducting inspections equivalent to PSC/Flag/Rightship inspections to detect and prevent unpleasant occurrences!

We remain at your disposal for more details,

Prevention at Sea