

GIBRALTAR MARITIME ADMINISTRATION
(Ministry of Maritime Affairs)



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Maritime Labour Notice (MLN) – 023 rev 2

The amendments are underlined

To: Ship Owners, Operators, Masters, Officers and Classification Societies

MLC Title 5.1.5 On board compliant procedures

This MLN provides guidance on compliance with Gibraltar regulations which give effect to MLC 2006 Title 5.1.5. Implementation of these guidelines will be taken as evidence of compliance with the Gibraltar regulations.

The guidelines do not preclude the ship-owner from demonstrating an equivalent or higher standard as an “alternative method” of evidence of compliance.

Documents referred to in this notice:

Maritime Labour Convention 2006

Gibraltar Merchant Shipping (Maritime Labour Convention) Regulations 2012. Reg. 42

Most regulations and notices are available on the Government website: www.gibraltarship.com

1. MLC 2006 covers two areas that deal with complaints;
 - a. The requirement for an on board complaints procedure for seafarers to use.
 - b. The requirements for a port state to receive a complaint from a seafarer.
2. This maritime labour notice gives guidance regarding the on board complaint procedure and contains a model complaints handling procedure that would be deemed to comply with the requirements of the Gibraltar Maritime Administration.
3. 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 seafarers’ rights in Article III and IV. This procedure shall be without prejudice to any wider scope that may be given in Gibraltar laws or regulations or any collective agreements.

4. If any seafarer on a ship registered in Gibraltar 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 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.
5. 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.
6. 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 Gibraltar Maritime Administration (GMA).
 - a. The contact details for the in this context are;
 - i. E mail - maritime.feedback@gibraltar.gov.gi
 - ii. Telephone No +350 200 79728
 - iii. Person in Charge – Senior Surveyor
7. If the on board complaint procedure is not effective the seafarer may take the matter to the Gibraltar Maritime Administration. However, the seafarer has the right to bring the matter directly to the Gibraltar Maritime Administration.
8. All such complaints will be treated by the Gibraltar Maritime Administration in confidence and will be given serious consideration by the Gibraltar Maritime Administration. If appropriate a Surveyor will visit the ship to investigate the complaint. It is however essential that the person making any complaint is identified to the Gibraltar Maritime Administration.
9. The Gibraltar Maritime Administration will not reveal the source of its information when investigating but will not deal with any anonymous complaints.

Richard Montado
Maritime Administrator

Issue date: April 2013

All notices are available through www.gibraltarship.com

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ANNEX 1

Content for an On Board Complaints Procedure

1. As a minimum the onboard complaints procedure should include the following advice and guidance;
 1. Complaints should be resolved quickly and effectively, at the lowest level possible.
 2. 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.
 3. Complaints should be addressed to the head of the seafarers 'department or to the Master in writing not more than 5 days from the date of occurrence. Complaints regarding health and safety matters should also be reported to the safety officer.
 4. The head of department or Master should attempt to resolve the complaint within 5 days of receipt.
 5. If the complaint cannot be resolved by either the Head of Department or the Master to the satisfaction of the seafarer, then the seafarer within 10 days may refer the complaint through the Master to the Ship Owner or Appointed Representative.
 6. If After 20 Days of Complaint brought to the attention of Ship Owner or Appointed Representative the Complaint is still not resolved, the complaint is to be forwarded to the contact point of the Administration described in Section 6 of MLN 023.
 7. 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.
 8. All complaints and the decisions on them should be recorded and a copy provided to the seafarer.
 9. In all cases seafarers should have the right to lodge complaints directly with the Master and/or the ship-owner.
2. The key to having an effective onboard complaints procedure is;
 1. Have it known to all onboard.
 2. To keep it simple.
 3. Deal with any complaints quickly and openly