

APPROVED
by the Chairman of the Board of
Maritime Administration of Latvia
on 6th of June 2014

EXAMPLE

Procedures for handling of seafarer complaints on board on breaches of the requirements of Maritime Labour Convention, 2006 (MLC, 2006) (*On Board Complaint Procedures*)

Developed pursuant to
Section 300, Paragraph three
of the Maritime Code,
which states that the Maritime
Administration of Latvia
is responsible for developing
an example of procedure
of lodging and handling of
seafarer on-board complaints
and provides public access
to the website of
the Maritime Administration of
Latvia on the Internet

I. General provisions

1. The Procedure for handling of seafarer complaints on board (hereinafter – complaint procedure) developed pursuant to Regulation 5.1.5. (Standard A5.1.5. and Guideline B5.1.5.) of Maritime Labour Convention, 2006 (hereinafter – MLC, 2006) and Section 300 of the Maritime Code. Complaint procedure shall be used to lodge and handle seafarer complaints alleging breaches of the requirements of MLC, 2006.

2. The purpose of the complaint procedure is to ensure fair, expeditious and effective handling of seafarer complaints and to assist:

2.1. The shipowners in understanding the requirements referred to them regarding handling of seafarers' complaints;

2.2. The seafarers in understanding their rights in the process of lodging and handling of complaints.

3. Complaint procedure shall apply to all those ships flying Latvian flag to which MLC, 2006 applies.

4. The shipowner shall mean the person which is stated as the shipowner in *Maritime Labour Certificate*.

5. A shipowner shall ensure that complaint procedure is available on board and any seafarer has right to familiarize himself/herself with it (Paragraph two, Subparagraph five of Section 293 of the Maritime Code).

6. The complaint procedure shall be in English and in ship's working language if it is not an English language.

7. Any seafarer shall have the right to lodge a complaint relating to breach of his/her rights stated in the MLC, 2006. It is forbidden to discriminate the seafarer or apply any sanctions to seafarer for lodging the complaint.

8. The shipowner shall nominate person on board whose responsibility is to assist seafarer in relation to the process of lodging and handling of complaint.

9. A shipowner shall ensure that each seafarer is provided with a copy of the complaint procedure in accordance with Section 300 of the Maritime Code.

II. Complaint procedure

10. Complaint procedure shall include contact information as follows:

10.1. Competent Authorities – Contact information of Maritime Administration of Latvia (phone: + 371 67062166, + 371 67062101; e-mail: kdi@lja.lv or lja@lja.lv) and contact information of State Labour Inspectorate (phone: + 371 67312176; + 371 67186522; + 371 67186523; e-mail: vdi@vdi.gov.lv);

10.2. Competent Authority and its contact information in the seafarers' country of residence if it is not the ship's flag state;

10.3. The information regarding the person(s) on board the ship who can, on a confidential basis, provide seafarers with impartial advice on issues of lodging and handling of complaint, including the information on the complaint lodged by the seafarer and its progress, the name of the person(s) who is entitled to represent seafarer's interests in relation to the handling of the lodged complaint;

10.4. Information regarding organizations of protection of the rights of seafarers (trade unions).

11. Lodging and handling of complaint on-board shall be in such order:
- 11.1. Direct supervisor on board;
 - 11.2. Superior officer on board;
 - 11.3. Master.

12. According to the Paragraph 11 of Complaint procedure, complaints on board should be sought to be resolved at the lowest level possible; and only in cases when this is not possible, complaint shall be lodged to the supervisor of higher level. However, in any case, the seafarer shall have the right to refer his/her complaint instantly to the Master.

13. If a complaint cannot be resolved on board, the seafarer is entitled to submit it to the shipowner.

14. In all cases, maximum time for handling the seafarer's complaint (at each level) and for providing the answer to the seafarer shall be seven days.

15. Each lodged seafarer's complaint shall be recorded. The answer to the complaint or a copy of the decision taken shall be provided to the seafarer (the complainant).

16. Seafarer shall have the right to lodge his/her complaint through other person (his/her chosen representative), and seafarer shall have the right to be assisted by his/her chosen representative during the process of handling of complaint.

III. Final provisions

17. Notwithstanding the order for lodging of complaints specified in this complaint procedure, seafarer shall have the right to file a complaint directly to the Master, shipowner or a competent external authorities, as well as to:

- 17.1. A Flag State Administration inspector;
- 17.2. An authorised classification society (Recognized Organization) inspector;
- 17.3. A port State control inspector;
- 17.4. Organizations of protection of the rights of seafarers;
- 17.5. Other seafarer welfare organizations, societies, etc..

18. The rights of the seafarers comprised in this complaint procedure are without prejudice to any other rights of seafarers to lodge claims and claim any compensation for loss incurred, according to the procedures laid down in general legislation.