

NOC # 241
SOP-GEN-2015B On-Board Complaint Procedures
ALL

Topic: New SOP developed to establish complaint procedures per ILO MLC 2006.

Revision #	Section(s)
Revision #1	See attached new SOP
Revision Feb 2015	See attached complaint form See attached process poster

SAFETY MANAGEMENT MANUAL



**SOP-GEN-2015B
On-Board Complaint
Procedures**


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On-Board Complaint Procedures**

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- 4.0 [Record Retention](#)
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Revision/ Review Log

Revision Date	Approved by	Reviewed by	Revision Details/ Proposal Notes
12 February 2015 Revision #1	Dr. Jim Brooks Pete Tatro	Dr. Jim Brooks Pete Tatro Dr. Roger Fay	On board compliant procedures established in accordance with ILO MLC 2006

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1.0 Introduction

TDI-Brooks International has established on-board complaint procedures for seafarers in accordance with International Labor Organization, Maritime Labor Convention 2006 Title 5, Regulation 5.1.5. A copy of this document will be made available to the crew at all times.

This procedure addresses complaints regarding alleged breaches of the ILO MLC 2006 requirements, including seafarer's rights. These procedures seek to resolve complaints at the lowest level possible. Complaints that cannot be resolved at the lowest level may move up the chain of command, in the appropriate order, to the Master and ultimately to the Designated Person Ashore (DPA).

TDI-Brooks prohibits any victimization in response to lodging a complaint which is not manifestly vexatious or maliciously made.

2.0 Definitions

A **seafarer** is defined as, "an individual engaged or employed in a capacity onboard a vessel".

Exceptions to the above are as follows and not limited to:

1. Scientific Personnel
2. Instructors
3. Client Representatives
4. ROV personnel
5. Medics or other Health Care Providers
6. Technical Maintenance of Project Equipment
7. Project Security personnel
8. Laboratory personnel
9. Researchers
10. Shore side Technicians
11. Pilots
12. Ship's Agents or Chandlers
13. Divers and support personnel
14. All personnel not required to hold a STCW certificate for their current position on board

Victimization is any adverse or retaliatory action against a seafarer.

Crew Representative is a crewman designated by the Master to represent the crew in the ILO MLC 2006 complaint process.

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3.0 Process and Timelines

The Master will designate a member of the crew to act as the Crew Representative in the ILO MLC 2006 complaint process. The Crew Representative must be made known to the crew by posting the name and position in a common area.

The seafarer shall submit a complaint in writing to the Crew Representative in which the specific title and regulation number of the alleged breach of MLO 2006 shall be stated and the alleged breach described in detail.

A fellow crewman must be appointed to advise, accompany or represent the seafarer on a confidential basis during the complaint procedure. The Chief Mate may fulfill this role or the seafarer may choose another crewman for this duty.

The Crew Representative has two days to interview the seafarer and work to resolve the complaint. The decision shall be recorded on the report form, a copy given to the seafarer and a copy emailed to DPA@tdi-bi.com.

If the seafarer is not satisfied with the way his complaint has been handled, he may request an interview with the Master, who shall then handle the case personally. The Master shall have three days from date of appeal to interview the seafarer and resolve the complaint. The Master's decision will be recorded on the form, a copy given to the seafarer and a copy emailed to DPA@tdi-bi.com.

If no satisfactory result is achieved, the seafarer may appeal to the Designated Person Ashore. The DPA shall have 5 days from date of appeal to resolve the complaint. The DPA is the final authority designated by the company to resolve the complaint. A copy of the form with all sections completed will be given to the seafarer and a copy emailed to DPA@tdi-bi.com.

The seafarer is to follow the chain of command complaint procedure wherever possible, but has the right to complain directly to the Master or other authorities where the seafarer determines it is necessary.

Filing a complaint with the company does not negate the seafarer's right to seek redress through Vanuatu Maritime Services Limited, the authorized Recognized Organization, Port State Authorities or other legal means.

4.0 Record Retention

The complaint with final resolution shall be kept on file on the vessel for two years.

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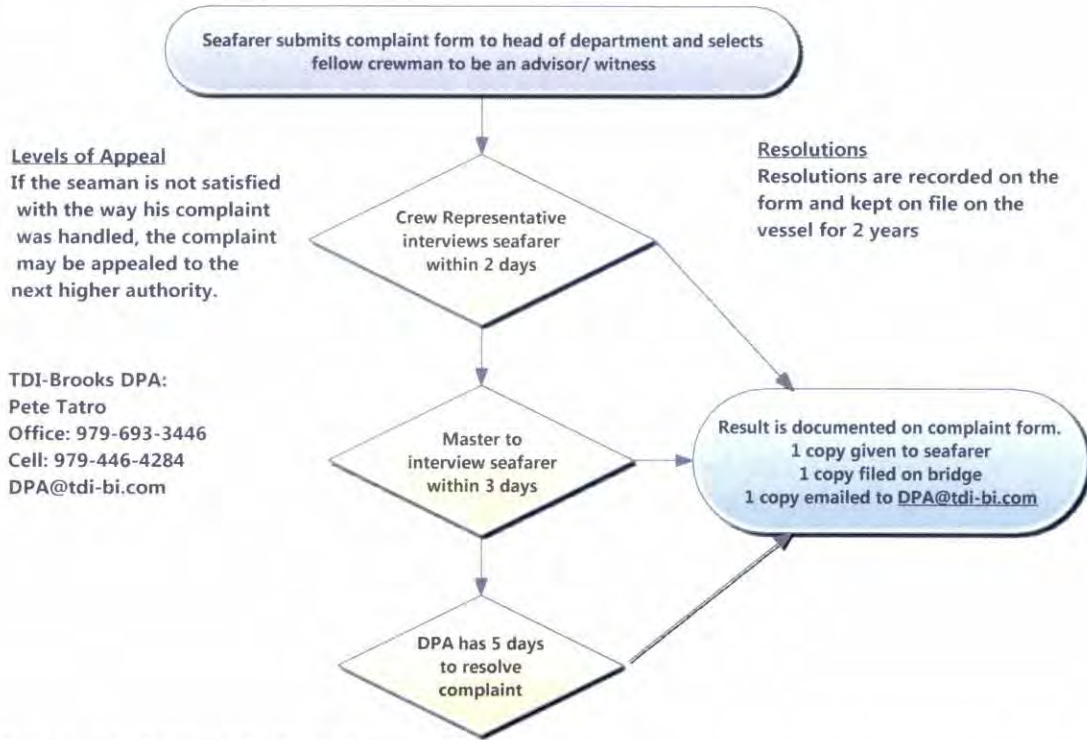
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5.0 Complaint Process Flowchart

ILO MLC 2006 Complaint Process



Competent Authorities in Seafarer's Country of Residence

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<p>Indonesia Indonesian Ministry of Transportation Jl. Merdeka Barat No. 8 Jakarta 10110 Phone: 021-381-1308 Fax: 021-345-1657 www.dephub.go.id</p>	<p>Kenya Ministry of Transport and Communications Transcom house, Ngong Road PO Box 52692 Nairobi Kenya Tel: +254 2 729200 Fax: +254 2 726362 Email: mtc@insight.com</p>	<p>Nigeria Nigerian Federal Ministry of Transport 2nd Floor, Annex 3, New Fed. Secretariat Complex Shehu Shagari Way, Central Area, P.M.B. 1136 Abuja Tel: 09-5237054</p>
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6.0 Contacts

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<p><u>Indonesia</u> Indonesian Ministry of Transportation Jl. Merdeka Barat No. 8 Jakarta 10110 Phone: 021-381-1308 Fax: 021-345-1657 www.dephub.go.id</p>	<p><u>Kenya</u> Ministry of Transport and Communications Transcom house, Ngong Road PO Box 52692 Nairobi Kenya Tel: +254 2 729200 Fax: +254 2 726362 Email: motc@insight.com</p>
<p><u>Nigeria</u> Nigerian Federal Ministry of Transport 2nd Floor, Annex 3, New Fed. Secretariat Complex Shehu Shagari Way, Central Area, P.M.B. 1136 Abuja Tel: 09-5237054</p>	<p><u>Panama</u> Panama Maritime Authority Directorate General of Seafarers PanCanal Plaza Building PO Box 0816-01548 Panama 0816, Rep. of Panama Tel: +507-501-5052 / 501-5288 Fax: +507-501-5247 / 501-5204 Email: gentemar@amp.gob.pa or cumplimentodqgm@amp.gob.pa</p>

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Philippines

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Fax: +632-7251266
Email: info@mtc.gov.ph

Sri Lanka

The Director General of Merchant Shipping
Merchant Shipping Division
Ministry of Ports and Aviation
First Floor, Bristol Paradise Building
Colombo 01
Sri Lanka
Tel: +94-112-441293 / 4 or +94-112-441429
Fax: +94-112-435160
Email: dmsmos@sltnet.lk

United States

Director, Office of Civil Rights
Commandant CG-00H
US Coast Guard Headquarters
2100 2nd St. SW Stop 7000
Washington, DC 20593-7000
Tel: 202-372-4500

Vanuatu Maritime Services, Limited

Suite 2020
39 Broadway, 20th Floor
New York, NY 10006 USA
Office: (USA + 1) 212-425-9600
Fax: (USA + 1) 212-425-9652
Email: email@vanuatuships.com

ILO MLC 2006 Complaint Record

Vessel _____ Date (DD-MON-YYYY) _____

	Print Names: First Middle Last	Position on the vessel
Making the Complaint:		
Advisor/Witness (required):		
Head of Department:		
Master of the Vessel:		

The seafarer asserts that the following ILO MLC 2006 title/ regulation is not being met.

Title #		Title name	
Regulation#	____.____.____	Reg name	
Explain how this regulation is not being met:			
Suggested corrective action:			

The Crew Representative has 2 days to interview the seafarer to resolve the complaint.
The results must be recorded here and a copy given to the seafarer.

Date of Interview (DD-MON-YYYY)	
Decision or outcome of interview:	
Action items to be completed (if any):	
What date should they be complete?	
Who will be responsible for completion?	
Head of Dept. Signature	

If the seafarer is satisfied with the way the complaint was handled, then the matter is closed and a copy of this form is to be forwarded to DPA@tdi-bi.com. If not, proceed to next section: **Appeal to Master**.

***Final record to be kept on file on board the vessel for two years from date of initial complaint.**

ILO MLC 2006 Complaint Record

Appeal to Master:

The Master has 3 days from the date of appeal to interview the seafarer to resolve the complaint.
The results must be recorded here and a copy given to the seafarer.

Date of Interview (DD-MON-YYYY)	
Decision or outcome of interview:	
Action items to be completed (if any):	
What date should they be complete?	
Who will be responsible for completion?	
Master's Signature	

If the seafarer is satisfied with the way the complaint was handled, then the matter is closed and a copy of this form is to be forwarded to DPA@tdi-bi.com. If not, proceed to next section: **Appeal to DPA**. The Designated Person Ashore is the final authority designated by the company to resolve this complaint.

Appeal to DPA:

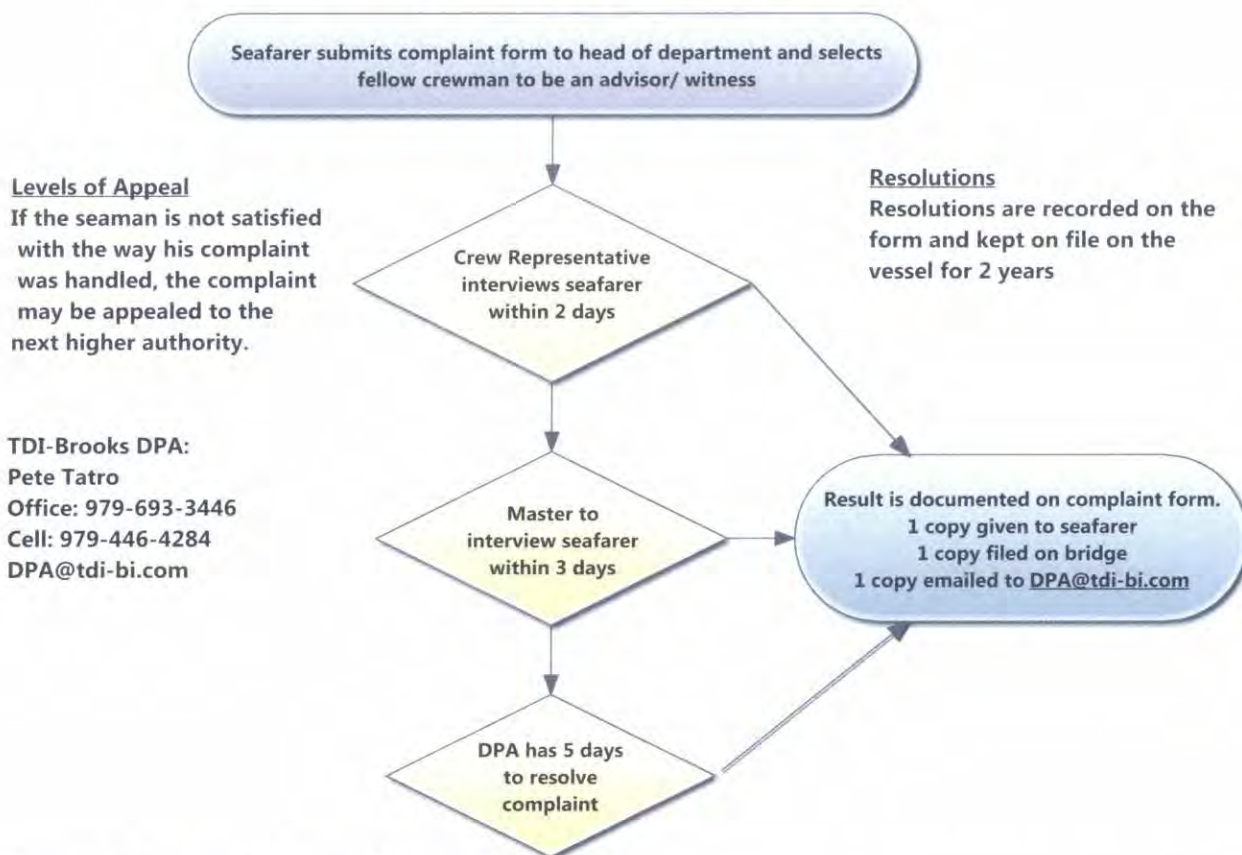
The DPA has 5 days from the date of appeal to interview the seafarer to resolve the complaint.
The results must be recorded here and a copy given to the seafarer.

Date of Interview (DD-MON-YYYY)	
Decision or outcome of interview:	
Action items to be completed (if any):	
What date should they be complete?	
Who will be responsible for completion?	
DPA Printed Name	
DPA's Signature	

The DPA's decision is final. A copy of this document with all sections completed will be given to the seafarer and a copy emailed to DPA@tdi-bi.com.


***Final record to be kept on file on board the vessel for two years from date of initial complaint.**

ILO MLC 2006 Complaint Process



Competent Authorities in Seafarer's Country of Residence


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3.0 Process and Timelines

The Master will designate a member of the crew to act as the Crew Representative in the ILO MLC 2006 complaint process. The seafarer shall submit a complaint in writing to the Crew Representative in which the specific title and regulation number of the alleged breach of MLO 2006 shall be stated and the alleged breach described in detail.

A fellow crewman must be appointed to advise, accompany or represent the seafarer on a confidential basis during the complaint procedure. The Chief Mate may fulfill this role or the seafarer may choose another crewman for this duty.

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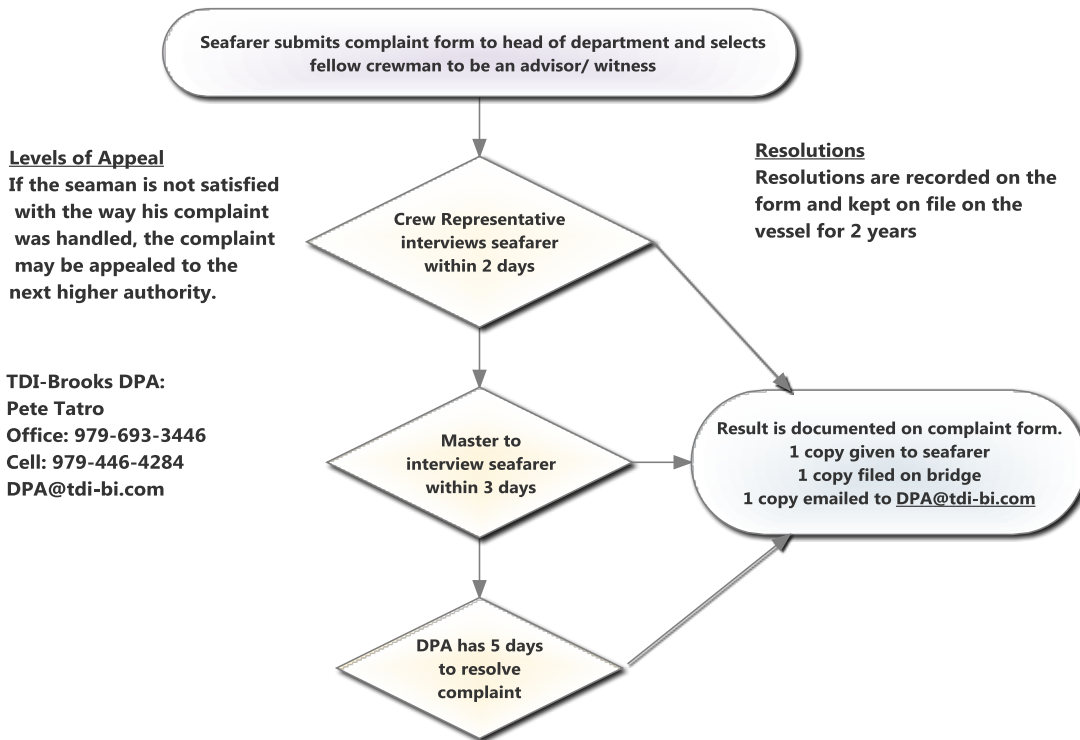
Filing a complaint with the company does not negate the seafarer's right to seek redress through Vanuatu Maritime Services Limited, the authorized Recognized Organization, Port State Authorities or other legal means.

4.0 Record Retention

The complaint with final resolution shall be kept on file on the vessel for two years.


5.0 Complaint Process Flowchart

ILO MLC 2006 Complaint Process



Competent Authorities in Seafarer's Country of Residence

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ILO MLC 2006 Complaint Record

Vessel _____ Date **(DD-MON-YYYY)** _____

	Print Names: First Middle Last	Position on the vessel
Making the Complaint:		
Advisor/Witness (required):		
Head of Department:		
Master of the Vessel:		

The seafarer asserts that the following ILO MLC 2006 title/ regulation is not being met.

Title #		Title name	
Regulation#	____.____.____	Reg name	
Explain how this regulation is not being met:			
Suggested corrective action:			

The Crew Representative has 2 days to interview the seafarer to resolve the complaint.
The results must be recorded here and a copy given to the seafarer.

Date of Interview (DD-MON-YYYY)	
Decision or outcome of interview:	
Action items to be completed (if any):	
What date should they be complete?	
Who will be responsible for completion?	
Head of Dept. Signature	

If the seafarer is satisfied with the way the complaint was handled, then the matter is closed and a copy of this form is to be forwarded to DPA@tdi-bi.com. If not, proceed to next section: **Appeal to Master**.

***Final record to be kept on file on board the vessel for two years from date of initial complaint.**

ILO MLC 2006 Complaint Record

Appeal to Master:

The Master has 3 days from the date of appeal to interview the seafarer to resolve the complaint.
The results must be recorded here and a copy given to the seafarer.

Date of Interview (DD-MON-YYYY)	
Decision or outcome of interview:	
Action items to be completed (if any):	
What date should they be complete?	
Who will be responsible for completion?	
Master's Signature	

If the seafarer is satisfied with the way the complaint was handled, then the matter is closed and a copy of this form is to be forwarded to DPA@tdi-bi.com. If not, proceed to next section: **Appeal to DPA**. The Designated Person Ashore is the final authority designated by the company to resolve this complaint.

Appeal to DPA:

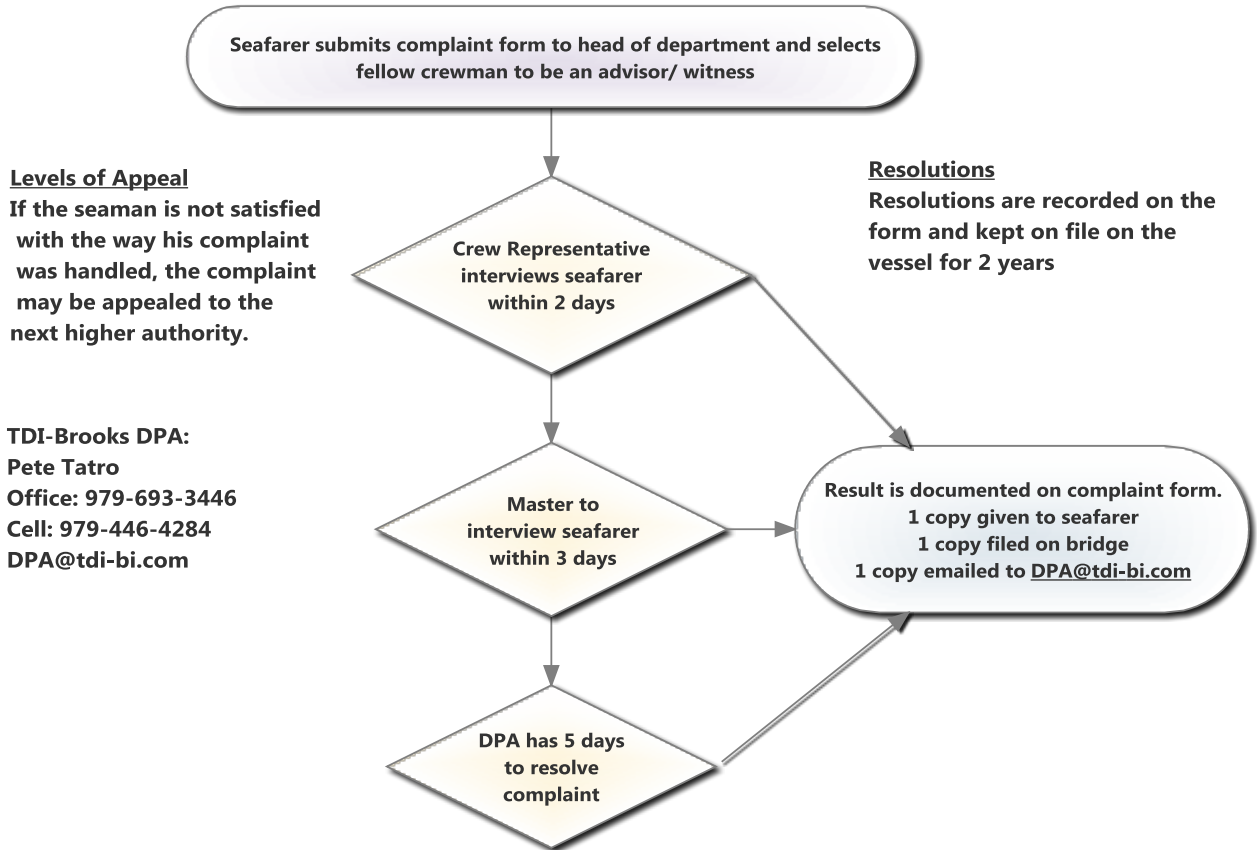
The DPA has 5 days from the date of appeal to interview the seafarer to resolve the complaint.
The results must be recorded here and a copy given to the seafarer.

Date of Interview (DD-MON-YYYY)	
Decision or outcome of interview:	
Action items to be completed (if any):	
What date should they be complete?	
Who will be responsible for completion?	
DPA Printed Name	
DPA's Signature	

The DPA's decision is final. A copy of this document with all sections completed will be given to the seafarer and a copy emailed to DPA@tdi-bi.com.

***Final record to be kept on file on board the vessel for two years from date of initial complaint.**

ILO MLC 2006 Complaint Process



Competent Authorities in Seafarer's Country of Residence

<p>TDI-Brooks International, DPA Pete Tatro 14391A S. Dowling Rd. College Station, TX 77845 USA Office: 979-693-3446 Cell: 979-446-4284 DPA@tdi-bi.com</p>	<p>United States Director, Office of Civil Rights Commandant CG-00H US Coast Guard Headquarters 2100 2nd St. SW Stop 7000 Washington, DC 20593-7000 Tel: 202-372-4500</p>	<p>Vanuatu Maritime Services, Limited Suite 2020 39 Broadway, 20th Floor New York, NY 10006 USA Office: (USA + 1) 212-425-9600 Fax: (USA + 1) 212-425-9652 Email: email@vanuatuships.com</p>
<p>Egypt Egyptian Authority for Maritime Safety Bab Gomrok (1) Alexandria 21513 Egypt Tel: +203 4830051 / 4802325 Fax: +203 4875633 Email: Maritime@eams.gov.eg</p>	<p>Ghana Ghana Maritime Authority No. E354/3, 3rd Avenue, East Ridge Ministries Post Office, PMB 34, Accra Tel: +233-302-684392 Fax: +233-302-677702 info@ghanamaritime.org</p>	<p>India Ministry of Shipping, Road Transport and Highways "Jahaz Bhavan", W.H. Marg Mumbai 400 038 India Tel: +91 22 23739784 Fax: +91 22 23739784 Email: lbsindos@vsnl.net</p>
<p>Indonesia Indonesian Ministry of Transportation Jl. Merdeka Barat No. 8 Jakarta 10110 Phone: 021-381-1308 Fax: 021-345-1657 www.dephub.go.id</p>	<p>Kenya Ministry of Transport and Communications Transcom house, Ngong Road PO Box 52692 Nairobi Kenya Tel: +254 2 729200 Fax: +254 2 726362 Email: motc@insight.com</p>	<p>Nigeria Nigerian Federal Ministry of Transport 2nd Floor, Annex 3, New Fed. Secretariat Complex Shehu Shagari Way, Central Area, P.M.B. 1136 Abuja Tel: 09-5237054</p>
<p>Panama Panama Maritime Authority Directorate General of Seafarers PanCanal Plaza Building PO Box 0816-01548 Panama 0816, Rep. of Panama Tel: +507-501-5052 / 501-5288 Fax: +507-501-5247 / 501-5204 Email: gentemar@amp.gob.pa or cumplimentodggm@amp.gob.pa</p>	<p>Philippines Maritime Training Council 6th Floor POEA Building Ortigas Avenue, Corner EDSA Mandaluyong City 1501 Tel: +632-7275716/ 7251323/ 7728 Fax: +632-7251266 Email: info@mtc.gov.ph</p>	<p>Sri Lanka The Director General of Merchant Shipping Merchant Shipping Division Ministry of Ports and Aviation First Floor, Bristol Paradise Building Colombo 01 Sri Lanka Tel: +94-112-441293 / 4 or +94-112-441429 Fax: +94-112-435160 Email: dmsmos@siltnet.lk</p>