

Seafarers opinion on a complaints procedure

Preamble

ILO Convention 147 states clearly that a seafarer or their representative has the right to make a complaint directly to the port State authorities. In receiving the complaint the port State may take action to rectify any conditions onboard which are clearly hazardous to the safety and health of the ship and its crew. The port State may also send a report to the ILO and the flag State.

The work of the Office in attempting to extend the remedies open to seafarers to complain to the port State, and include such criteria as “material hardship” in addition to health and safety issues, are entirely appropriate given the anticipated scope and application of the new Convention.

It is the view of the Seafarers Group that it would be helpful if the Office outlined a clear and easily understood model structure which permitted the settling of complaints and grievances onboard but also acknowledged the right of the seafarer to appeal directly to the port State authorities where they felt that those specific rights outlined in the Convention, and which are subject to control by the port State, were being violated. It should always be borne in mind that no complaints procedure should prejudice the ability of a seafarer to exercise basic human rights including trade union rights.

To assist the Office the following is provided for consideration: -

Onboard complaint procedures

The Seafarers Group supports the establishment of onboard complaints procedures which would normally: -

- require the seafarer, in the first instance, to direct any complaint to their head of department.
- the head of department shall then attempt to resolve the matter within prescribed time limits appropriate to the seriousness of the issue;
- if the head of department can not resolve the complaint to the satisfaction of the seafarer it shall be referred to the master who shall handle the matter personally.
- the seafarer should at all times have the right to be accompanied.
- all complaints and the decision should be recorded and a copy provided to the seafarer.
- if a complaint cannot be resolved onboard then it shall be referred ashore to the employer who shall resolve the matter, within a prescribed time limit and, where appropriate, in consultation with the seafarers' representative.

The term “complaint” refers to an issue that represents an infringement of the seafarers’ rights and the principles outlined in the Convention.

Complaint to the port State authorities

The seafarers may complain to the port State authorities if the conditions onboard are clearly hazardous to the safety and health of the vessel or were their specific rights under the new Convention are infringed.

When the seafarer complains to the PSC authorities, the inspector should enquire whether the onboard procedures have been exhausted and, if appropriate, take this into account when determining how to handle the seafarers’ complaint. If the PSC authorities consider the complaint well-founded, they may ask for the comments of the master and or the employer.

If the port State inspector believes the seafarers has a legitimate complaint they shall provide details to the flag State and the ILO Office and report any measures taken to rectify the problem.

The Role of the Embassy or Consulate

The seafarers may wish to involve their Embassy/Consular representatives in seeking to remedy any complaint.

Access to legal redress

Seafarers or their representative shall have easy access to the legal system in the flag state, labour supplying state and the port state as they or their representatives may see fit.

Confidentiality

Any seafarer who lodges a complaint should not suffer any discrimination or repercussion and should also have adequate safeguards of confidentiality.