



MLC 2006 **On Board Complaint Procedure** (Regulation 5.1.5)

Seafarers are entitled to lodge a complaint on board the ship in case of non-compliance with legal dispositions, regulations or agreements made under the MLC, 2006 (including seafarers' rights).

A formal and appropriate complaint procedure for a **fair, effective** and **expeditious handling** of seafarer complaints shall be made available on board by the Shipowner.

Seafarers lodging a complaint may be accompanied or represented during the procedure. The complaint system must include safeguards against victimisation.

In order to ensure that complaints may be resolved at the lowest possible level, the maritime law provides that:

- a seafarer shall, as soon as possible, after the alleged occurrence of the labour grievance, bring the matter to his immediate Supervisor or to the Head of Department.
A solution to the grievance shall be given within seven **(7)** days. If the complaint cannot be resolved by either the head of department or the superior officer to the satisfaction of the seafarer, then the seafarer may refer the matter to the master within two **(2)** days. The master has further seven **(7)** days to bring a solution to the complaint.
In any case, a seafarer has the right to lodge a complaint directly with the master and as soon as possible after the alleged occurrence of the labour grievance (same time to give solution).
- if no resolution of the dispute can be obtained on board, the seafarer has ten **(10)** days to bring it to the shipowner. The seafarer may present his case directly, when appropriate, to the shipowner for example if the complaint is related to the Master. In such a case, the seafarer must refer as soon as possible to the shipowner after the alleged occurrence of the labour grievance. The shipowner and the seafarer concerned shall have a period of twenty **(20)** days to solve the matter.
- if the dispute can still not be resolved satisfactorily after the aforesaid twenty **(20)** days, either party shall have further twenty **(20)** days to bring the matter to the Government Commissioner for maritime affairs.
- in any case, the seafarer is always entitled to complain directly to the master, the shipowner or the Government Commissioner for maritime affairs.

Every seafarer shall be provided with the name of a person on board who can give impartial advice and on a confidential basis.

Notwithstanding above-mentioned procedure, every seafarer has the right to file a complaint directly to an appropriate external authority, including competent Labour courts.

Contact details of the Government Commissioner for maritime affairs

Telephone (Office hours): + 352 2478 4453

Telephone (24/7): + 352 621 350490 / +352 621 501550

Facsimile: + 352 29 91 40

Email address: cam@cam.etat.lu

Web: www.maritime.lu

Post: 19-21 boulevard Royal, L-2449 Luxembourg