

SHIPPING NOTICE 04/2014 Rev 2

REQUIREMENTS AND GUIDANCE FOR ON-BOARD AND ON-SHORE COMPLAINT PROCEDURES ON CAYMAN ISLANDS FLAGGED VESSELS

To: OWNERS, MANAGERS, OPERATORS AND MASTERS OF CAYMAN ISLANDS SHIPS (INCLUDING YACHTS).

1. Background

- 1.1 The purpose of this Shipping Notice is to provide guidance on the On-board Complaints Procedure which is a requirement of the Maritime Labour Convention (MLC) on Cayman Islands Ships.
- 1.2 The MLC entered into force internationally on 20 August 2013. The UK ratified the convention on 8 August 2013 which means it entered into force for the UK on 7 August 2014. The MLC has been extended to the Cayman Islands by the UK who is the ratifying ILO Member State which means that the MLC also entered into force for the Cayman Islands on 7 August 2014. More information on the MLC can be found on the [MLC Section of the website](#).

2. General

- 2.1 The aim of the procedure is to allow seafarers to lodge complaints relating to any matter that is alleged to constitute a breach of the requirements of the Maritime Labour Convention, 2006, including the seafarers' rights detailed in Article III and Article IV whilst on-board a Cayman Islands registered ship.
- 2.2 It is important that the On-board Complaints Procedure seeks the resolution of complaints at the first possible opportunity. However, in all cases, seafarers must have the right to complain directly to the master. Where they consider it necessary, seafarers also have the right, to complain directly to the Shipowner and the Cayman Islands Shipping Registry (CISR).
- 2.3 The Procedure must provide the seafarer with the right to be accompanied and/or represented by another seafarer of their choice on-board the ship. Safeguards against the possibility of seafarers, and those accompanying or representing them, being victimised¹ for lodging complaints should also be included.
- 2.4 All seafarers are to be provided with a copy of the On-board Complaints Procedure applicable on the ship. The Procedure shall include contact information for the Shipping Master at the Cayman Islands Shipping Registry², contact information for the MLC Competent Authority in the seafarer's country of residence and the name of the person (or persons) on-board the ship that can provide

¹ The term "victimisation" covers any adverse action taken by a person with respect to a seafarer for lodging a complaint that is not manifestly vexatious or maliciously made.

² The Shipping Master, Maritime Authority of the Cayman Islands, Vanbrugh House, Grange Drive, Hedge End, Hampshire, UK. Tel: +44 1489 799203; email: shipping.master@cishipping.com

confidential impartial advice on their complaint and generally assist them in following the Complaint Procedure.

- 2.5 Any complaints made to the CISR will be treated in strict confidence and will be given serious consideration. 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 CISR who will not reveal the source of its information when investigating but cannot deal with any anonymous complaints.

3. Minimum Requirements

3.1 As a minimum the complaints procedure should include the following advice:

- Complaints should be resolved quickly and effectively, at the lowest level practicable;
- Complaints should be addressed to the head of the seafarers' department or to their superior officer;
- Complaints regarding health and safety matters should also be reported to the safety officer;
- The head of department or superior officer should attempt to resolve the matter within a prescribed time limit appropriate to its seriousness;
- If the complaint cannot be resolved by either the head of department or the superior officer to the satisfaction of the seafarer, or the seafarer does not feel that the complaint is being dealt with expeditiously, then the seafarer may refer the matter to the master who should personally handle the complaint;
- 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;
- All complaints and associated decisions should be recorded and copies should be provided to the seafarer concerned;
- If a complaint cannot be resolved on board, the matter should be referred ashore to the shipowner who should be given an appropriate time limit for resolving the matter. Consultation should be undertaken with the seafarer(s) concerned or their appointed representative;
- In all cases seafarers should have the right to lodge complaints directly with the master; the shipowner; and/or the Cayman Islands Shipping Registry;
- Seafarers must not be victimised in any way for filing a complaint and action should be taken against any person who has been found to victimise a complainant.
- The master should maintain confidential records of all on board complaints. These records must be made available to CISR, or others duly authorised by CISR, upon request.
- The shipowner should also maintain confidential records of all on board complaints, including those against the master. These records must be made available to CISR, or others duly authorised by CISR, upon request.

4. Further Information:

- 4.1 Should you have any queries on any aspect of the MLC please contact James Hatcher by email to shipping.master@cishipping.com.