



Technical Circular

No.: 043/2018

Date: 01st June 2018

To whomsoever it may concern

Subject: Maritime Cook Islands – MLC on-board complaint procedure.

- Maritime Administration Cook Islands vide Circular 174/2018 dated 14th May, 2018 has detailed requirement for on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the MLC convention requirements including rights of seafarers.
- All MCI MLC vessels must maintain On-board complaint procedures and also a copy of such procedures shall be kept in English and official language of the ship.
- The procedures must allow seafarer a right to appeal directly to the Master or appropriate external authorities as well as provide right to seafarer to be accompanied or represented during complaint process and to receive impartial advice. Seafarer shall have the right to complain directly to the Master and where they consider it necessary, to the Maritime Cook Islands competent authority (mlc@maritimemcookislands.com).
- The procedures must incorporate safeguards to protect seafarer against victimization for filing complaints.

Minimum content of complaint procedures

- The On-Board Complaints procedure shall include:
 - a) the competent authority contacts information in the flag state (mlc@maritimemcookislands.com)
 - b) each seafarers' country of residence authority, if different from the Flag State
 - c) the name of one or more persons on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaints and also assistance regarding the procedure for the processing of complaints available on board the ship.

Timing of the MLC complaint

- The procedures must aim to resolve seafarer complaints at the lowest possible level and only when the matter cannot be resolved to the satisfaction of both parties, shall it be elevated to the next level.



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- The complainant seafarer shall submit his/her complaint in writing within 7 days of the occurrence to
 - Superior officer
 - Head of department
 - Master
- If within a period of seven days the complaint onboard has not been resolved, then the period shall be extended by additional seven days with the sole purpose to find a favourable solution. All complaints shall be recorded/documented onboard and be available to the competent authorities as required.
- The Ship owner and the seafarer concerned shall have a period of fourteen days to solve the matter. If after fourteen days the complaint has not been solved, then either party shall have a seven day period to bring the matter to the Maritime Cook islands administration. The complaint shall be submitted no more than 21 days after the complaint form issuance date.
- In cases where there is no reply from the flag state and the matter is not resolved, then the port state is required to send a copy to the ILO Director-General and to the appropriate ship owner's and seafarers organization in the port.

Port State Control

- Port state control officers may also be entrusted with handling and investigating complaints made by seafarers on ships visiting their ports.

Seafarer complaints

- Complaints may be submitted by seafarer himself or a professional body/Association/Trade Union or any person with an interest in the safety of the ship, safety or health hazards to seafarers on board.
- MLC onboard complaint form developed by administration shall be used by seafarers for filing onboard complaints
- Copy of the present circular should be posted onboard in all relevant locations, together with copy of :
 - MLC complaint handling procedure
 - MLC complaint form

Enclosure:

1. Circular 174/2018

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