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# CIRCULAR San Marino – MLC Complaint Procedure

Notice to: Ship Owners / Managers / Operators / Surveyors / Masters

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This circular is issued to advise the complaint procedure to be followed by San Marino registered ships as detailed in the San Marino Policy Letter: [220928 SMPL-2021-MLC-003](#).

## General:

All San Marino-registered ships to which the Maritime Labour Convention, 2006 applies must have an onboard procedure for the fair and effective handling of seafarer complaints alleging breaches of the Convention.

All seafarers are to be provided with a copy of the on-board complaint procedure including contact information of the San Marino Ship Registry. Seafarers who are not resident in San Marino are to be provided with contact information of the competent authority in their country of residence.

Information on competent authorities is available on the ILO MLC 2006 database. It is recommended this information is reviewed periodically to ensure it remains current.

The on-board complaint procedures must include the right of the seafarer to be accompanied or represented throughout the complaint procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints.

Seafarers are encouraged to use their ship's onboard complaint procedure to resolve complaints at the lowest level possible. However, where the complaint cannot be resolved on board, seafarers may make a report to the San Marino Ship Registry. The seafarer also has the right, if deemed appropriate, to bring the complaint directly to the San Marino Ship Registry.

MLC related complaints must be submitted using the form in Annex II of the Policy Letter and sent via email to [flagstate@smsr.sm](mailto:flagstate@smsr.sm).

## Onboard complaint procedure – minimum requirements:

Annex 1 of the Policy Letter details the minimum requirements for the MLC complaint procedure:

- 1) MLC complaints should be resolved quickly and effectively, at the lowest level possible.
- 2) Seafarers must not be victimized in any way for filing a complaint and action shall be taken against any person who has been found to victimize a complainant.
- 3) 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.
- 4) The head of department or superior officer should attempt to resolve the matter within a prescribed time limit.
- 5) 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 who should personally handle the complaint.
- 6) 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.
- 7) All complaints and the decisions on them should be recorded and a copy provided to the seafarer.
- 8) 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. If necessary, consultation should be undertaken with the seafarer(s) concerned or their appointed representative.
- 9) In all cases seafarers should have the right to lodge complaints directly with the master and/or the shipowner. The key to having an effective onboard complaints procedure is:
  - Have it known to all on board
  - Keep it simple
  - Deal with any complaints quickly and openly
- 10) If the complaint cannot be resolved on board or within the company, then the seafarer has the right to inform the Flag Administration or, in specific urgent circumstances, the local Port Authorities.

## Act now

Ship Owners, Managers, Operators, Surveyors and Masters should note the contents of the San Marino Policy Letter, and be guided accordingly.