

**Scope:**

This procedure describes the way, how a complaint against the non-compliance of the MLC 2006 shall be handled on board and ashore.

**Responsibility:**

It is the responsibility of the Master and each Officer on board to warrant the rights of the seafarer according to the MLC 2006. In case the Master is receiving a complaint, he must act according to this procedure.

The Designated person of the company, as an independent institution, is responsible for receiving and to follow up of complaints against the non-compliance of the MLC 2006

**Detail:**

Every seafarer on board has the right to raise a complaint against a breach of the MLC 2006 and the ordinances based on that law or against discrimination and victimisation. Seafarers have 5 days from the date of occurrence to submit the complaint in oral or in writing to the head of the department of the seafarer. The seafarer has the right to complain to the following persons or authorities:

1. the direct superior
2. the Master
3. the company
4. the responsible person/department of the respective flag state authority\*
5. other appropriate external authorities
- (6. German missions abroad, applicable for German flag)

**\*Flag State Authorities**

*German Flag: Berufsgenossenschaft Verkehr(BG Verkehr)*

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Polish Maritime Ministry

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Flag State Time Frames to find a solution

time frames for solution finding						
Flag State	Seafarer to Superior/ MLC On-board Representative (CR)	Time for Resolution on Board	If no Solution - Time Frame to Forward to MLC Rep Ashore	Time for Resolution Ashore - Ship Owner	If no Solution - Time Frame to Forward to Flag State	If no Solution - Time Frame for Arbitration
Antigua & Barbuda	24 hrs	3 days	No limit	No limit	No limit	30 days
Liberia	14 days	7 days	10 days	20 days	20 days	30 days
Luxembourg	7 days	7 days	10 days	20 days	20 days	20 days
Portugal	5+(3) days	5 days	15 days	Accordinging MLC 2006 requirements		
Germany	7 days	7 days	10 days	Accordinging MLC 2006 requirements		

Minimum one person shall be nominated on board the ship by the Master, which can provide, on a confidential basis, the seafarer with impartial advice on his complaint and otherwise assist him in exercising his right of complaint. The nominated on-board complaint representative to be appointed and announced on board using SMM Form 6.12.8. The form to be posted in public spaces as deemed necessary.

The crew member has the right to be accompanied and to be represented by a confidant of his choice during the complaint proceedings.

The company has to inform the seafarer in addition to the delivery of the employment agreement in writing about the on-board complaint procedure applicable to the ship. This information (on-board complaint procedure) has to include, among others, the name(s) of the confidant(s), the address and phone number of the ship owner, the details of the responsible person of the flag authority/or person in charge and the competent body responsible for complaints in the country of domicile of the seafarer. The company has to maintain the complaint procedure on a current status. This may be made by posting it in a commonly accessible place.

The Master has to record the complaint and his decision on this with a description of the facts in the ship's log book. A copy of the record shall be provided to the seafarer.

- Nevertheless, the seafarer has the right to file his complaint at any time directly to any of the following bodies:

1. Superior Officer or the Master,
2. the company (MLC Representative),
3. the responsible person/department of the respective flag authority
4. other appropriate external body. (German missions abroad, applicable for German flag only)

After receipt, all complaints have to be dealt in proper and prompt way, without delay. ERNST RUSS set a maximum of 3 days as period, whenever practicable all complains shall be dealt and solved within 24 hours, wherein the Master of the vessel shall take care of the raised complaint. Any arising complaints shall be resolved on the lowest possible level, first instance is the head of the respective department, second instance the Master on board, third instance the Designated Person or the MLC Representative. The complaint shall be dealt within one month of the company. The seafarer has the right to be accompanied by a person of his choice, when he is passing the complaint to the next higher instance.

The respective head of department or the Master on board shall try to resolve the complaint on board in the best possible and easiest way. The corrective action / measurements/ suggestions shall be written down in the official crew complaint form and shall be handed over to the seafarer, who raised the complaint. A copy of the crew complaint form shall be kept in the ships file and forwarded to the DPA of the company.

If the seafarer is not satisfied with the decision in regard to his complaint, the seafarer has the right to address his complaint, via his head of department or himself, to the next higher instance. If the seafarer want to raise a complaint directly against the Master on board, he has the right to get in touch

with the DPA of the company. We set 5 days as period, wherein the DPA of the company shall take care of the raised complaint. Any decision made by our DPA will be final. However, if the DPA feels that the raised complaint is very serious, or involves a point of the company policy, then he must ask for further guidance of the senior management, before making a decision.

Every seafarer, who is on vacation, has also the right to raise a complaint through his responsible crewing agency. In such case the crewing agency would get in touch with the DPA of the company and should provide all relevant information about the raised complaint in written form.

In case a complaint can not be solved the flag state administration need to be informed. Flag State contacts can be found above.

Ernst Russ will inform all seafarer about the crew complaint procedure of the company. These information shall be provided to the seafarer together with the contract of employment.

Ernst Russ does not accept any mobbing on board towards seafarer, who are complaining about the non-compliance of the MLC 2006. Any seafarer, who is acting against the seafarer, who is officially complaining, has to expect serious disciplinary actions from the employer side. . For each lodged complaint the SMM Form 6.12.7 to be used. A copy of the Crew Complaint Form to be submitted to the MLC Representative of the company.