



TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF MERCHANT SHIPS AND AUTHORIZED CLASSIFICATION SOCIETIES.

SUBJECT: On-board Complaint handling procedures

Reference: (a) Maritime Labor Convention (MLC), 2006
(b) Togo Maritime Law

PURPOSE:

The purpose of this Marine Notice is to provide the requirements for developing and implementing on-board complaint procedures that shall provide for fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of MLC, 2006, including seafarer's rights.

1. APPLICABILITY:

This Marine Notice applies to all vessels to which MLC, 2006 applies, except as may be provided otherwise in Marine Notice MLC2006-001.

2. REQUIREMENTS

These requirements are supplemental to DMLC-I, the Maritime Law of Togo

2.1 Addressing the complaint on board

- 2.1.1 Ship owners shall ensure that each ship has on-board procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of this Convention, including seafarers' rights.
- 2.1.2 A model format for on-board complaint handling procedures is provided in Annex I. The Administration may accept other forms of the on-board complaint handling procedures, provided the required information is included.
- 2.1.3 The procedures shall seek to resolve complaints at the lowest level possible. However, in all cases, seafarers shall have the right to complain directly to the Master. If the complaint is to the prejudice of the Master, then the seafarer may complain directly to the ship owner or to the Togolese Maritime Administration.



- 2.1.4 Seafarers shall have the right to be accompanied or represented during the complaints procedure and shall not be victimized for filing complaints. No adverse action shall be taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.
- 2.1.5 In addition to receiving a signed original of their seafarers' employment agreement, each seafarer shall also receive a copy of the on-board complaint procedures applicable on the ship.
- 2.1.6 Each shipowner shall nominate a person or persons, who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaint procedures available to them on board the ship.
- 2.1.7 A copy of the complaint together with the action and decision taken on it shall be provided to the seafarer concerned.

2.2 Lodging the complaint with the Administration

- 2.2.1 Where a complaint cannot be resolved on board or with the shipowner, a seafarer may lodge a complaint to the Togo Maritime Administration or the authorized RO, as applicable.
- 2.2.2 Complaints to the Administration may be lodged through a dedicated email address, complaint@togoregistrar.com



ANNEX I

Model of on-board complaint-handling procedures

- 1) Name of ship: _____ IMO number: _____
- 2) Person/Persons (rank or position) on board the ship authorized to provide seafarers with confidential and impartial advice on a complaint, and otherwise assist in following the on-board complaint procedures:
 - a):
 - b):
- 3) Contact information of the person or persons ashore designated by the shipowner for handling on-board complaints:
 - a) Contact person:
 - b) Telephone number:
 - c) Email address:
- 4) Contact information of the Office of the Registrar of Togo Maritime Administration:
 - a) Department in charge: Investigations
 - b) Telephone number (Office hours): +961-1-883794
 - c) Telephone number (After-office hours): +961-70-
 - d) Email address: complaint@togoregistrar.com
- 5) Contact information of the competent authority in the seafarers' country of residence:
 - a) Authority/Contact person:
 - b) Telephone number:
 - c) Email address:
- 6) Seafarers with a complaint shall have the ability to have the matter addressed by bringing it to the attention of the proper authority on board, as provided below.
 - a) Superior Officer
 - b) Head of Department
 - c) Master
- 7) Seafarers shall have the right to be accompanied or represented during the complaints procedure and shall not be victimized.
- 8) Complaints shall be sought to be resolved at the lowest level possible; and only when the matter cannot be resolved to the satisfaction of both parties, shall it be



- elevated to the next level.
- 9) Notwithstanding 8) above, seafarers shall have the right to complain directly to the Master and, where they consider it necessary, to the shipowner or to the Office of the Deputy Commissioner of Maritime Affairs or to appropriate external authorities.
 - 10) In accordance with Togolese Maritime Law, seafarers shall have fourteen (14) days from the date of the alleged occurrence of the labor grievance (complaint) to bring the matter to the seafarer's superior officer; the head of the department; the master, each of whom has a further seven (7) days to bring about a solution to the grievance (complaint).
 - 11) If the Master is unable to resolve the matter, the seafarer shall have ten (10) days to bring it through the Master to the shipowner, or where appropriate, directly to the shipowner. However, if the complaint may be to the prejudice of the master, the seafarer may complain directly to the shipowner.
 - 12) The shipowner and the seafarer concerned shall have a period of twenty (20) days there from to bring about a conciliation.
 - 13) If after twenty (20) days, the matter has not been conciliated, then either party shall have a further twenty (20) days to bring the matter for mediation to the Office of the Deputy Commissioner of Maritime Affairs.
 - 14) If the complaint cannot be resolved through mediation or conciliation, then either party shall have up to thirty (30) days to serve a notice of demand for arbitration in accordance with Togolese Maritime Law, the results of which shall be duly reported to the Administration.