

## SOP-GEN-025 On-Board Complaint Procedures

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### 1.0 Introduction

TDI-Brooks has established on board complaint procedures for seafarers in accordance with International Labor Organization, Maritime Labor Convention 2006 Title 5, Regulation 5.1.5. A copy of this document will be made available to the crew at all times.

This procedure addresses complaints regarding alleged breaches of the ILO MLC 2006 requirements, including seafarer’s rights. These procedures seek to resolve complaints at the lowest level possible. Complaints that cannot be resolved at the lowest level may move up the chain of command, in the appropriate order, to the Captain and ultimately to the Port Captain.

TDI-Brooks prohibits any victimization in response to lodging a complaint which is not manifestly vexatious or maliciously made.

### 2.0 Definitions

A **seafarer** is defined as, “an individual engaged or employed in a capacity onboard a vessel”.

Exceptions to the above are as follows and not limited to:

1. Scientific Personnel
2. Instructors
3. Client Representatives
4. ROV personnel
5. Medics or other Health Care Providers

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6. Technical Maintenance of Project Equipment
7. Project Security personnel
8. Laboratory personnel
9. Researchers
10. Shore side Technicians
11. Pilots
12. Ship's Agents or Chandlers
13. Divers and support personnel
14. All personnel not required to hold a STCW certificate for their current position on board

**Victimization** is any adverse or retaliatory action against a seafarer.

**Crew Representative** is a crewman designated by the Captain to represent the crew in the ILO MLC 2006 complaint process.

### 3.0 Process and Timelines

The Captain will designate a member of the crew to act as the Crew Representative in the ILO MLC 2006 complaint process. The Crew Representative must be made known to the crew by posting the name and position in a common area.

The seafarer shall submit a complaint in writing to the Crew Representative in which the specific title and regulation number of the alleged breach of MLO 2006 shall be stated and the alleged breach described in detail.

A fellow crewman must be appointed to advise, accompany or represent the seafarer on a confidential basis during the complaint procedure. The Chief Mate may fulfill this role or the seafarer may choose another crewman for this duty.

The Crew Representative has two days to interview the seafarer and work to resolve the complaint. The decision shall be recorded on the report form, a copy given to the seafarer and a copy emailed to the Port Captain.

If the seafarer is not satisfied with the way his complaint has been handled, he may request an interview with the Captain, who shall then handle the case personally. The Captain shall have three days from date of appeal to interview the seafarer and resolve the complaint. The Captain's decision will be recorded on the form, a copy given to the seafarer and a copy emailed to the Port Captain.

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If no satisfactory result is achieved, the seafarer may appeal to the Port Captain. The Port Captain shall have 5 days from date of appeal to resolve the complaint. The Port Captain is the final authority designated by the company to resolve the complaint. A copy of the form with all sections completed will be given to the seafarer and a copy emailed to the Port Captain.

The seafarer is to follow the chain of command complaint procedure wherever possible but has the right to complain directly to the Captain or other authorities where the seafarer determines it is necessary.

Filing a complaint with the company does not negate the seafarer’s right to seek redress through Vanuatu Maritime Services Limited, the authorized Recognized Organization, Port State Authorities or other legal means.

#### 4.0 Record Retention

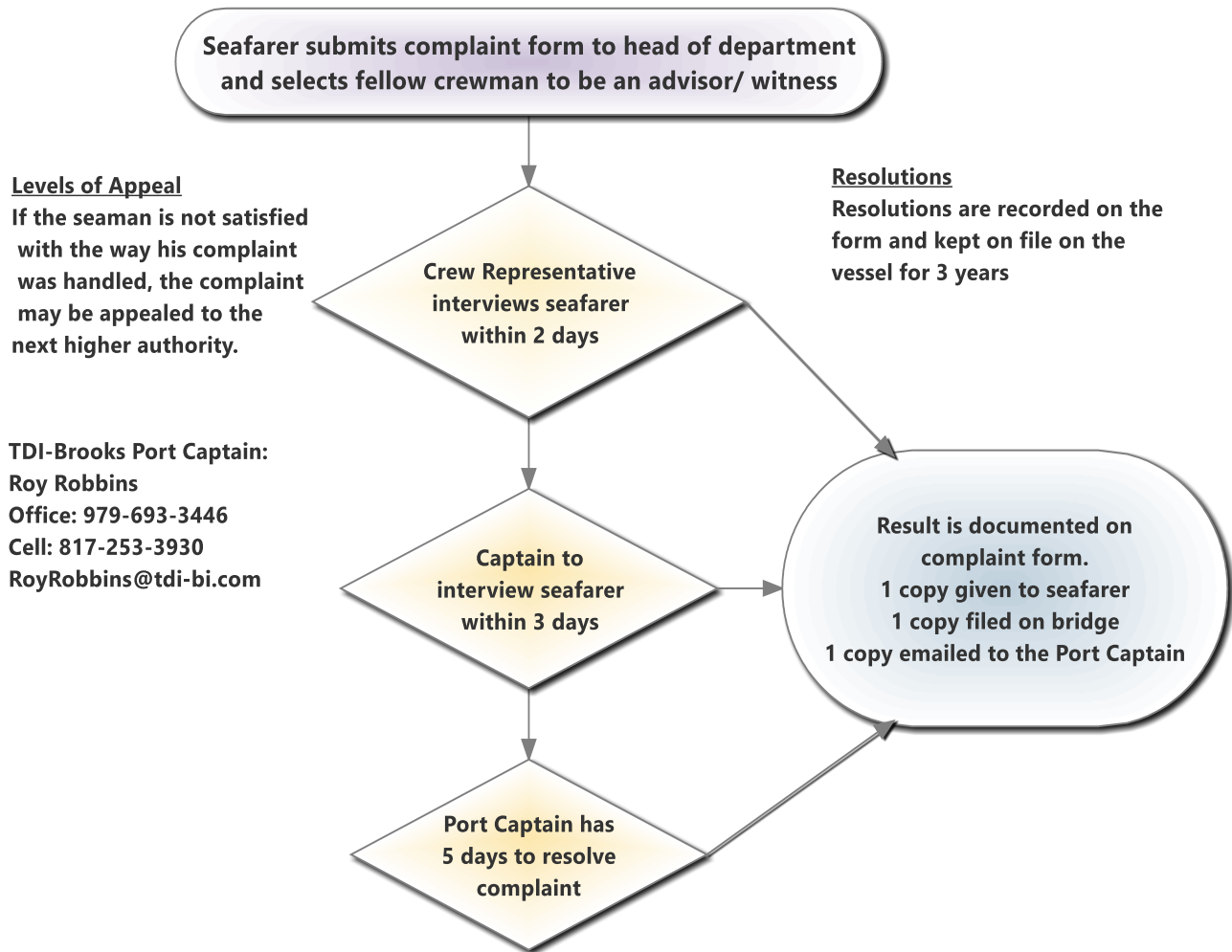
The complaint with final resolution shall be kept on file on the vessel for three years.

**[See next page for flowchart]**

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## 5.0 Complaint Process Flowchart

### ILO MLC 2006 Complaint Process



## 6.0 Contacts

Competent Authority in the sailor's country of residence can be found on the International Labor Organization website. Some sample countries are listed below along with contact info for the DPA.

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<p><u>Nigeria</u>  Nigerian Federal Ministry of Transport  2<sup>nd</sup> Floor, Annex 3, New Fed. Secretariat  Complex  Shehu Shagari Way, Central Area, P.M.B.  1136  Abuja Tel: 09-5237054</p>	<p><u>Panama</u>  Panama Maritime Authority  Directorate General of Seafarers  PanCanal Plaza Building  PO Box 0816-01548  Panama 0816, Rep. of Panama  Tel: +507-501-5052 / 501-5288  Fax: +507-501-5247 / 501-5204</p>

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	Email: <a href="mailto:gentemar@amp.gob.pa">gentemar@amp.gob.pa</a> or <a href="mailto:cumplimentodggm@amp.gob.pa">cumplimentodggm@amp.gob.pa</a>
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<p><u>United States</u>          Director, Office of Civil Rights          Commandant CG-00H          US Coast Guard Headquarters          2100 2<sup>nd</sup> St. SW Stop 7000          Washington, DC 20593-7000          Tel: 202-372-4500</p>	<p><u>Vanuatu Maritime Services, Limited</u>          Suite 2020          39 Broadway, 20<sup>th</sup> Floor          New York, NY 10006 USA          Office: (USA + 1) 212-425-9600          Fax: (USA + 1) 212-425-9652          Email: <a href="mailto:email@vanuatuships.com">email@vanuatuships.com</a></p>

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