



PANAMA MARITIME AUTHORITY
MERCHANT MARINE CIRCULAR MMC-264

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To: Ship-owners/Operators, Company Security Officers, Legal Representatives of Panamanian Flagged Vessels, Panamanian Merchant Marine Consulates and Recognized Organizations (ROs).

Subject: Maritime Labour Convention, 2006 (MLC, 2006), On-Board Complaints Procedure.

**Reference: Law 2 of January 6, 2009
Law 57 of August 6, 2008**

1. The purpose of this circular is to inform users of the Panamanian Registry that as per the On-Board Complaints procedure established by the Maritime Labour Convention, 2006 (MLC, 2006), all Panamanian ships must keep on board the procedure for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the provisions of the Maritime Labour Convention, 2006 (MLC, 2006) (including seafarers' rights) and also a copy shall be kept in English or the language spoken on board.
2. Seafarers may use the On-Board Complaints procedures to lodge complaints related to any matter that is alleged to constitute a breach of the provisions of the Maritime Labour Convention, 2006 (MLC, 2006) .
3. Each vessel or company shall develop the On-Board Complaints procedures for the processing of complaints on-board.
4. Seafarers have the right to present their complaints directly to the master and, if necessary, to the competent alien authorities, understanding as these, the Port or Flag State Control surveyors.
5. The On-Board Complaints procedures shall include the right of seafarers to be accompanied or represented during the procedure for the processing of complaints, as well as to be protected against the possibility of harassment of seafarers for filing complaints. The term "harassment" covers any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly abusive or maliciously made.

<i>Prepared by: Translator</i>	<i>Revised by: Compliance and Enforcement Deputy Chief</i>	<i>Approved by: Compliance and Enforcement Chief</i>
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6. Every Panamanian flagged vessel shall provide seafarers with a copy of the On-Board Complaints procedure applicable, along with a copy of their employment agreement. The On-Board Complaints procedure shall include the competent authority contact information in the flag State and the seafarers' country of residence, if different from the State, as well as 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.
7. The process of complaints begins when seafarers first refer to the head of the department of the seafarer lodging the complaint or to the seafarer's superior officer; the head of department or superior officer should then attempt to resolve the matter within prescribed time limits on board the ship, which shall not exceed five (5) days.
8. If the head of department or superior officer cannot resolve the complaint to the satisfaction of the seafarer, the latter may refer it to the master, who should handle the matter personally; seafarers should at all times have the right to be accompanied by another seafarer of their choice on board the ship concerned.
9. The vessel shall keep on board a record book for complaints, were all of these as well as the decisions made related to the same, should be recorded. Also a copy of this shall be provided to the seafarer; if a complaint cannot be resolved on board, the matter should be referred ashore to the shipowner, who will have a period of eight (8) days, for resolving the matter, in consultation with the concerned seafarer or any person they may appoint as their representative; and in all cases seafarers should have a right to file their complaints directly with the master and the shipowner and competent authority, such as flag State surveyor, Port State Control surveyor or the representative of the Technical Office of Segumar in a foreign country, who shall submit the complaint to the International Technical Segumar Offices Panama, which through the Maritime Labor Section shall carry out the corresponding process.
10. Any kind of harassment against seafarers filing complaints is banned.
11. The no compliance with the aforementioned is subject to the penalizations described on Chapter X, of Law No. 57 of August 6th, 2008 of the General Directorate of Merchant Marine of the Panama Maritime Authority.

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