

**The Federal Democratic Republic of Ethiopia**  
**Ministry of Transport**  
**Maritime Affairs Authority**

**MARINE NOTICE ON ONBOARD COMPLAINTS PROCEDURE AS PER MARITIME  
LABOUR CONVENTION 2006 (MLC 2006)**

**MARINE NOTICE 15/2017**



**March, 2017**

**Addis Ababa**



The Federal Democratic Republic of Ethiopia  
Ministry of Transport  
Ethiopian Maritime Affairs Authority (EMAA)



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**SUBJECT: ETHIOPIAN MARITIME AFFAIRS AUTHORITY (EMAA) MARINE NOTICE  
ON ONBOARD COMPLAINTS PROCEDURE AS PER Maritime Labour Convention 2006  
(MLC 2006)**

**Marine Notice 15/2017**

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**TO: ALL SHIPOWNERS, OPERATORS, TRAINING INSTITUTIONS, MASTERS, SEAFARERS OF  
MERCHANT SHIPS, RECOGNIZED ORGANIZATIONS AND THOSE CONCERNED WITH MARITIME  
TRAINING**

**Date of Issue: 29 MAR 2017**

**Guidance and Instructions for Recognized Organizations, Ship Owners, Managers and Masters  
and Ethiopian Seafarers**

**1. Purpose**

This onboard Complaint Procedure, issued by the Ethiopian Maritime Affairs Authority (herein after referred to as the Authority) stipulates the requirement for an on board complaints procedure for seafarers to use as prescribed by MLC 2006.

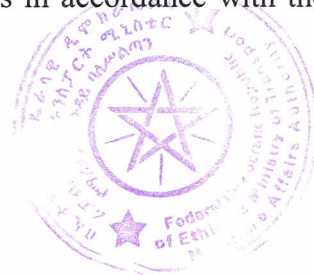
**2. Scope**

- 1) This procedure covers breaches of the provisions stipulated under MLC 2006 including the Rights of seafarers stipulated in Article III and IV of the Convention.
- 2) The provisions stated in this procedure shall be without prejudice to any wider scope that may be given in National laws or regulations or any collective agreements.

**3. Definitions**

The following definitions apply for the purposes of this Guideline.

- a. "Ship Owner " means the owner of the ship or another organization or person, such as manager, agent or bare boat charter, who has assumed the responsibility of the operation of the ship from the owner and who, on assuming such responsibility ,has agreed to take over the duties and responsibilities imposed on the ship owners in accordance with the MLC –





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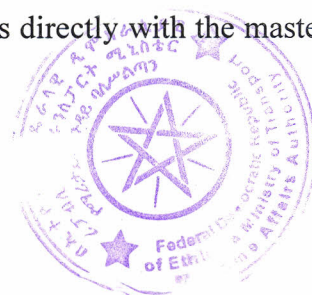
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convention, regardless of whether any other organization or persons fulfill certain of the duties or responsibilities on behalf of the ship owner.

- b. “*External authority*” includes a party other than the ship owner representative, master or other person who are representing the ship owner onboard the ship. This party may include the flag state of a party to the MLC 2006, Maritime Affairs Authority, local seafarer labour organization representative; or other seafarer welfare assistance service.
- c. “*Seafarers Employment Agreement*” includes both a contract of employment and the articles of agreement.
- d. “*Victimisation*” covers any adverse action taken or threatened by any person with respect to a seafarer for lodging a genuine labour grievance.

**4. Requirements**

- 1) This Complaint handling procedure applies to any person who is employed or engaged or works in any capacity onboard ships flying Ethiopian Flag.
- 2) Any ship to which MLC applies shall have an on-board complaint handling procedure for the fair and effective handling of seafarer complaints or alleged breaches of the requirements of MLC 2006.
- 3) If any seafarer on a ship flying Ethiopian flag to which MLC applies considers that they have a grievance that they believe is a breach of the requirements of MLC 2006, shall have access to a procedure on board described in the Seafarers Employment Agreement or in the company procedures, that allows them to take the grievance to either the shipping company or his or to the Master.
- 4) All seafarers shall be provided with a copy of the onboard complaint procedures applicable on the ship. This shall include the following information: -
  - i. The seafarer’s right to representation;
  - ii. Safeguards against victimization of the seafarer;
  - iii. Contact information for the Director of the Maritime Administration Directorate at Ethiopian Maritime Affairs Authority’s and
- 5) In all cases seafarers shall have the right to file their complaints directly with the master, the ship owner or external competent authorities





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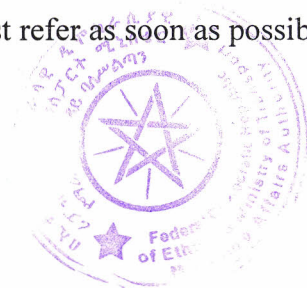


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- 6) If the seafarer is in any doubt about presenting a complaint and considers that he/she will be victimized due to presenting a complaint, he/she shall have the right to contact the Authority for guidance or he/she may submit the complaint directly to the Authority.
- 7) The seafarer may be represented in a labour grievance by a labour organization which is party to a labour contract entered into pursuant to the laws of Ethiopia and which covers the seafarers. Seafarers should at all times have the right to be accompanied and to be represented by another seafarer of their choice on board the ship concerned.
- 8) The ship owner and the Master are responsible to ensure that victimization of a seafarer for filing a labour grievance under the MLC 2006 does not occur. Any claims of victimization should be investigated by the Master or ship owner and where instances of victimization are found to occur, these must be dealt with under the Company's disciplinary procedures in the shortest possible time.

**5. Complaint Handling Procedure**

- 1) A formal and appropriate complaint handling procedure for a fair, effective and expeditious handling of seafarer complaints shall be made available on board by the Ship owner.
- 2) A seafarer shall, as soon as possible, after the alleged occurrence of the labour grievance, bring the matter to his immediate Supervisor or to the Head of Department. A solution to the grievance shall be given within seven (7) days.
- 3) If the complaint lodged as per Article 5(2) 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 within two (2) days. The master has further seven (7) days to bring a solution to the complaint. In any case, a seafarer has the right to lodge a complaint directly with the master and as soon as possible after the alleged occurrence of the labour grievance.
- 4) If no resolution of the alleged labour grievance can be obtained on board in the aforesaid 16 days as per Article 5(2) of this procedure, the seafarer may bring it to the ship owner within 7 days.
- 5) The seafarer may present his/her case directly, when appropriate, to the ship owner if the complaint is related to the Master. In such a case, the seafarer must refer as soon as possible





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to the ship owner after the alleged occurrence of the labour grievance. The ship owner and the seafarer concerned shall have a period of Ten (10) days to solve the matter.

- 6) If the dispute still cannot be resolved satisfactorily after the aforesaid ten(10) days, either party shall have further fifteen (15) days to bring the matter to the Authority.
- 7) In any case, the seafarer is always entitled to complain directly to the master, the ship owner or the Authority.

#### 6. Record Keeping

- 1) In all cases, a written report is to be completed onboard at the appropriate level and sent to the ship owner. The report shall contain details of the complaint, the actions taken and decisions agreed. A copy shall be given to the seafarer involved. Appropriate entries into the ship's official log book shall also be made.
- 2) In cases where the complaint is dealt with by an external authority, a report containing the actions taken and decisions agreed should be made by the person dealing with the complaint. The report should be sent to the ship owner, with a copy given to the seafarer involved.

#### 7. Ethiopian Competent Authority- Contact Details

Ms. Liyuwork Amare Shiferaw,  
Director, Maritime Administration Directorate  
Ethiopian Maritime Affairs Authority  
Mexico, in front of Hotel D'Afrique, Tadesse Tefera Building 4<sup>th</sup> Floor.  
Addis Ababa, Ethiopia  
P. O. Box: 1861  
Tel: +251115503640 or +251115503638  
Fax: +251115503960  
E-mail: [maritimeadministration@maritimeaff.gov.et](mailto:maritimeadministration@maritimeaff.gov.et) /  
[maritime@ethionet.et](mailto:maritime@ethionet.et) OR [Info@maritimeaff.gov.et](mailto:Info@maritimeaff.gov.et)

