



CIRCULAR MCO - 011

DATE: SEPTEMBER 08, 2016
FROM: MCO HEAD OFFICE – TECHNICAL DEPARTMENT
TO: ALL SURVEYORS AND CUSTOMERS OF MACOSNAR CORPORATION
SUBJECT: MARITIME LABOUR CONVENTION, 2006 (MLC, 2006), ON-BOARD COMPLAINTS PROCEDURE
REFERENCE: Law 2 of January 6, 2009 and Executive Decree 86 of February 22, 2013

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.

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).

Each vessel or company shall develop the On-Board Complaints procedures for the processing of complaints on-board.

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.

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.

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.

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.

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.

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, to resolve the matter, in consultation with the concerned seafarer or any person they may appoint as their representative; and in all cases, Seafarers shall have the right to submit the complaint directly to the master and the Shipowner, as well as to the competent authorities, being understood as such the flag state inspectors, port state inspectors, representatives of the Competent Authority in a foreign country or directly to the offices of the General Directorate of Seafarers.

If within the period of eight (8) days, the complaint on board has not been resolved, then the period shall be extended for twenty two (22) more additional days, with the sole purpose to find a favorable solution, which shall be recorded on the registries of the ship and be available to the competent authorities.

Any kind of harassment against seafarers filing complaints is banned.

Seafarers may directly file their complaints by sending the Complaints Handling Form (attached for your reference) to labormar@amp.gob.pa

Point of Contact: Department of Maritime Labour Affairs. Tel. (507) 501-5059 e-mail: labormar@amp.gob.pa

Thanking you for your kind attention and understanding.

Kindest Regards

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QUEJA No. (Complaint No.): _____ (for the use of PMA)
FECHA (Date): _____

DEPARTAMENTO DE ASUNTOS LABORALES MARÍTIMOS
(MARITIME LABOUR AFFAIRS DEPARTMENT)
FORMULARIO DE QUEJAS
(COMPLAINT FORM)

DATOS DEL REMITENTE
(Details of the Sender)

1. NOMBRE (Name): _____
2. DIRECCIÓN/NÚMERO TELEFÓNICO/CORREO ELECTRÓNICO DEL REMITENTE (Address / Telephone Number / Email address of the sender): _____

DATOS DEL TRIPULANTE
(Details of the Seafarer)

3. NOMBRE (Name): _____
4. NACIONALIDAD (Citizenship): _____
5. NÚMERO DE LICENCIA PANAMEÑA (Number of Panamanian License): _____
6. CARGO A BORDO (Office Onboard): _____
7. DIRECCIÓN/NÚMERO TELEFÓNICO/CORREO ELECTRÓNICO DEL TRIPULANTE (Address / Telephone Number / Email address of the seafarer): _____

DATOS DEL CONTRATO
(Details of the Contract)

7. TIPO DE CONTRATO (Type of Contract): DEFINIDO (Defined): _____ INDEFINIDO (Undefined): _____ o(or) POR VIAJE (Per Journey): _____
8. SALARIO (Salary): _____
9. FECHA DE INICIO (Initiation Date): _____ 10. FECHA DE TERMINACION (Termination Date): _____

DATOS DEL BUQUE
(Details of the Vessel)

9. NOMBRE DEL BUQUE (Name of the vessel): _____
10. PATENTE (Patent): _____ 12. DISTINTIVO DE LLAMADA (Call Letter): _____
13. NÚMERO IMO (IMO Number): _____
14. NOMBRE DEL ARMADOR (Name of Shipowner): _____
15. DIRECCIÓN/CORREO ELECTRÓNICO DEL ARMADOR (Address / Telephone Number / Email address of the Shipowner): _____
16. REPRESENTANTE LEGAL (Resident Agent): _____
17. PUERTO DONDE SE ENCUENTRA EL BUQUE (Port where the vessel is located): _____
18. RESUMEN DE LA QUEJA: Sea breve y conciso. (Summary of the complaint: Be brief and concise.)

Si la queja es presentada personalmente en el Departamento, el quejoso deberá firmar el presente documento, como constancia de la queja presentada. (If the complaint is submitted personally at this Department, the complainant must sign the complaint form, to keep it as a record).

***ADJUNTAR EL CONTRATO DE ENROLAMIENTO O CUALQUIER OTRO DOCUMENTO QUE COMPRUEBE LA RELACIÓN LABORAL O SUSTENTE LA QUEJA PRESENTADA.** (Please attach the employment contract or any document that verifies the work relation or supports the complaint filed).