

## On-board complaint procedure

### **What is the purpose of the on-board complaint procedure?**

The purpose of the on-board complaint procedure is to have any shortcomings or problems observed on board a ship corrected. Under the Maritime Labour Convention (2006), seafarers (employees) have the right to lodge a complaint concerning any matter that is alleged to constitute a breach of the requirements of the Convention on board a ship.

In Finland, the provisions of the Convention have been implemented by the Seafarers' Employment Contracts Act (756/2011), the Seamen's Annual Holidays Act (433/1984), the Seamen's Working Hours Act (296/1976), the Act on Working Hours on Vessels in Domestic Traffic (248/1982), the Act on the Working and Living Environment and Catering for Seafarers on Board Ships (395/2012) and decrees issued under it, and the Act on Medical Fitness Examinations of Seafarers (1171/2010), for example.

Provisions on occupational safety and health are laid down in the Occupational Safety and Health Act (738/2002) and the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006).

Provisions on the manning of ships and certification of seafarers are laid down in the Act on Transport Services (320/2017), the Act on Ships' Crews and the Safety Management of Ships (1687/2009), and the Government Decree on the Manning of Ships and Certification of Seafarers (508/2018).

The complaint procedure is mentioned in chapter 1, section 3 of the Seafarers' Employment Contracts Act (756/2011).

Employees must not be subjected to any punishment, persecution or other negative consequences or victimisation due to the fact that they have, in a correct and appropriate manner, exercised their right to lodge a complaint. Furthermore, employees always have the right to resort to other appropriate legal remedies than the on-board complaint procedure, regardless of the provisions and instructions concerning the procedure.

Complaints must be handled expeditiously, effectively and fairly. Complaints must always be handled confidentially and in compliance with a predefined and equal operating model.

These guidelines and the appended model form have been drawn up by the Advisory Board on Seamen's Affairs (MAN) operating under the Ministry of Economic Affairs and Employment.

### **Employer: establishing an operating model for the ship and providing instructions for employees**

Under the Maritime Labour Convention and the Seafarers' Employment Contracts Act, an employer is obliged to provide an employee with instructions on the on-board complaint procedure when concluding an employment contract with the employee.

In the instructions to be provided to the employee, the employer must determine the operating model being used on board the ship and provide the necessary contact information.

The operating model may be based on a paper form to be filled in or an electronic system, for example.

For more detailed instructions, see Appendix I.

### **Employee: lodging a complaint**

An employee may lodge a complaint in compliance with the ship's operating model. The complaint should be resolved at the lowest organisational level possible on board the ship and at the shipping company. This does not prevent the employee from complaining directly to the master of the ship and to the appropriate authorities where he or she considers this necessary. In Finland, these authorities are the occupational safety and health divisions of the regional state administrative agencies and the Finnish Transport and Communications Agency (Traficom).

The employee may choose another employee working on board the ship to assist him or her in lodging the complaint and during its handling. The employee also has the right to receive advice on the complaint procedure, the employer's operating model and its use from a person specifically designated by the employer for this task, if such a person or persons have been designated.

The employee may use the appended model form as such, if the employer does not have a specific operating model of its own or if the employer has failed to provide instructions on the complaint procedure when concluding the employment contract. This does not, however, eliminate the employer's obligation to establish an operating model for the on-board complaint procedure.

### **Appendices**

Appendix I: Supplementary instructions for employers

Appendix II: Model form