



**REPUBLIC of SAN MARINO
MARITIME AUTHORITY**

Rev. 0

MAIN CONTACT: SAN MARINO SHIP REGISTER

PH: +378 (0549) 960075 | FAX: +378 (0549) 941305 | EMAIL: flagstate@smsr.sm

San Marino Policy Letter

SMPL – 2021-MLC-003

28 September 2022

San Marino Ship Register SMSR

**Maritime Labour Convention, 2006 – MLC Complaint
Procedure**

TO: Recognised Organisations, Shipowners, Managers, Masters, Seafarers, SMSR partners, SMSR brokers, Surveyors, and the general public.



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Rev. n	Date	Changes	Initials
0	280922	n/a	nc



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Maritime Labour Convention, 2006 – MLC Complaint Procedure

1. General Provisions

The Administration is committed to ensuring that all seafarers employed on San Marino-registered vessels have decent working and living conditions, a safe and secure workplace, and fair employment.

All San Marino-registered ships to which the Maritime Labour Convention, 2006 applies must have an onboard procedure for the fair and effective handling of seafarer complaints alleging breaches of the Convention. This procedure shall be without prejudice to any wider scope that may be given in San Marino laws or regulations or any collective agreements.

All seafarers shall be provided with a copy of the on-board complaint procedure applicable on the ship. This shall include contact information of the San Marino Ship Registry, and for seafarers who are not resident in San Marino, contact information for the competent authority in the seafarer's country of residence. This will need to cover all nationalities working onboard the ship.

Information on competent authorities is available on the [ILO MLC 2006 database](#). It is recommended this information is reviewed periodically to ensure it remains current.

The on-board complaint procedures shall include the right of the seafarer to be accompanied or represented throughout the complaint procedure, as well as safeguards against the possibility of victimization of seafarers for filing complaints. The term "victimization" covers any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.

Seafarers are encouraged to use their ship's onboard complaint procedure to resolve complaints at the lowest level possible. However, where the complaint cannot be resolved on board, seafarers may make a report to the San Marino Ship Registry. The seafarer also has the right, if deemed appropriate, to bring the complaint directly to the San Marino Ship Registry.

MLC Complaint must be submitted using the form in Annex II to this Policy Letter and sent via email to the following email address: flagstate@smsr.sm.



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ANNEX I – onboard complaint procedure minimum requirements

Minimum requirements for MLC complaint procedures under the San Marino Flag are as follows.

1. MLC complaints should be resolved quickly and effectively, at the lowest level possible.
2. Seafarers must not be victimized in any way for filing a complaint and action shall be taken against any person who has been found to victimize a complainant.
3. Complaints should be addressed to the head of the seafarers' department or to their superior officer. Complaints regarding health and safety matters should also be reported to the safety officer.
4. The head of department or superior officer should attempt to resolve the matter within a prescribed time limit.
5. If the complaint 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 who should personally handle the complaint.
6. Seafarers should have the right at all times to be accompanied and to be represented by another seafarer of their choice on board the ship.
7. All complaints and the decisions on them should be recorded and a copy provided to the seafarer.
8. If a complaint cannot be resolved on board, the matter should be referred ashore to the shipowner who should be given an appropriate time limit for resolving the matter. If necessary, consultation should be undertaken with the seafarer(s) concerned or their appointed representative.
9. In all cases seafarers should have the right to lodge complaints directly with the master and/or the shipowner. The key to having an effective onboard complaints procedure is:
 - Have it known to all on board
 - Keep it simple
 - Deal with any complaints quickly and openly
10. If the complaint cannot be resolved on board or within the company, then the seafarer has the right to inform the Flag Administration or, in specific urgent circumstances, the local Port Authorities.



Fill In and mail to flagstate@smsr.sm

1	Seafarer's book number	
2	Vessel IMO number	
3	First Name	
4	Last Name	
5	Date of birth	
6	Email address	
7	Alternate email address	
8	Telephone number	
9	Address	
10	Nature of complaint	<input type="radio"/> Working or living conditions on board <input type="radio"/> Complaint relates to a single seafarer
11	Date complaint filed	
12	On board complaint reported to	<input type="radio"/> Superior Officer <input type="radio"/> Head of Department <input type="radio"/> Master <input type="radio"/> Shipowner's Representative Ashore <input type="radio"/> Not reported on board
13	Brief summary of why the complaint was not resolved on board, if submitted.	
14	Brief summary of why the complaint was not submitted on board	
15	Complaint matter	<input type="radio"/> Recruitment and Placement Services (Manning Agency) <input type="radio"/> Seafarers Employment Agreement <input type="radio"/> Payment of Wages <input type="radio"/> Hours of Work or Hours of Rest <input type="radio"/> Entitlement to Leave <input type="radio"/> Repatriation <input type="radio"/> Accommodation Facilities <input type="radio"/> Recreational Facilities <input type="radio"/> Food, Water and Catering <input type="radio"/> Medical Care On board and Ashore <input type="radio"/> Other
16	Brief summary of the complaint related to the area(s) selected in Box 15	
17	Is this complaint being submitted by the Seafarer*? *NOTE: If you selected "NO", please complete the fields 17a-17f	<input type="radio"/> Yes <input type="radio"/> No
17a	First name	
17b	Last name	
17c	Email address	
17d	Telephone number	
17e	Address	
17f	Relation to the seafarer	
18	Attachments	Supporting documents or pictures can be sent as an attachment <input type="radio"/> Yes – attached <input type="radio"/> No