

# **Regulations of 19 August 2013 No. 998**

## **on the right to lodge complaints**

### **for persons working on board ship**

**Legal basis:** Laid down by the Norwegian Maritime Authority on 19 August 2013 under the Act of 16 February No. 9 relating to ship safety and security (Ship Safety and Security Act) section 2 second paragraph, section 6 and section 71a, cf. Formal Delegation of 16 February 2007 No. 171, Formal Delegation of 31 May 2007 No. 590 and Formal Delegation of 19 August 2013 No. 1002, and Act of 21 June 2013 No. 102 relating to employment protection etc. for employees on board ships (Ship Labour Act) sections 2-4 and 9-7, cf. Formal Delegation of 3 July 2013 No. 974, 22 December 2014 No. 1893.

**Amendments:** Amended by Regulation of 22 December 2014 No. 1893.

## **Section 1**

### *Scope of application*

These Regulations shall apply to any person working on board a Norwegian ship.

## **Section 2**

### *The right to lodge complaints*

Any person working on board has the right to lodge complaints about the service on the ship and the employment in general.

## **Section 3**

### *Complaint process*

The complaint shall, as a main rule, be lodged with the immediate superior, but the complaint may also be lodged with the master or the company.

If the employer is someone other than the company, the complaint may also be lodged with the employer. The employer shall send a copy of the received complaint to the company.

The recipient of the complaint shall seek to resolve the matter as expediently as possible.

If the complaint was first received by the immediate superior without the person concerned being able to resolve the matter, the complainant may require the matter to be referred to the master.

If a complaint cannot be resolved on board, the person who last received the complaint shall refer the complaint to the company.

The company shall ensure that the complaint and the decision on the complaint are recorded in a report, and that the complainant is given a copy of the report.

If the complainant finds it necessary, the complaint may be lodged directly with the Norwegian Maritime Authority. A complaint may also be lodged directly with whoever is authorised by the Norwegian Maritime Authority in connection with an ongoing inspection carried out by whoever is authorised.

## **Section 4**

### *Complaint procedures*

The company shall for each individual ship establish procedures taking into account the requirements of these Regulations.

The procedures shall ensure that the complainant is not subjected to acts of retaliation for having lodged the complaint.

To ensure an efficient and expedient treatment, the procedures shall facilitate that complaints may be resolved on the lowest possible level. The procedures shall specify the level considered the lowest possible level for the various occupational groups on board.

The procedures shall ensure that a person working on board is given the right to be accompanied or represented during the complaint process.

One or more contact persons shall be appointed on each individual ship, who, on a confidential basis, may give neutral advice on the right to lodge complaints, and who may participate in meetings or inquiries in connection with the treatment of the complaint. The complainant may also choose to be represented by another person working on board.

The procedures shall contain the contact information for the Norwegian Maritime Authority and the name of the contact person(s) appointed in accordance with the fifth paragraph. Where there are persons working on board with country of residence other than Norway, the procedures shall also contain the contact information of these persons'

maritime authorities. Information regarding contact persons and other maritime authorities than the Norwegian Maritime Authority may be included in the procedure or in an appendix to the procedure.

Persons working on board shall be given a copy of the procedures with appendices, if any, which are applicable to the ship.

## Section 5

### *The right of persons working on board to demand supervision*

- (1) The master shall request supervision in accordance with these Regulations when the following conditions are met:
  - a) more than half of the persons working on board, not counting the master or officers, lodge a complaint with the master that the ship does not meet the requirements laid down in the Ship Safety and Security Act or in regulations issued pursuant to the Act on technical, operational and personal safety;
  - b) there are reasonable grounds to believe that the deficiencies clearly constitute a hazard to the ship or to those persons working on board;
  - c) the ship is in a Norwegian port or in a foreign port where there is a foreign service mission.
- (2) The master and officers shall not be considered persons working on board pursuant to the first paragraph.
- (3) The first paragraph applies correspondingly when the chief engineer officer or chief mate lodges such a complaint with regard to the parts of the ship, the ship's fittings or equipment which are under his or her supervision.
- (4) In foreign ports where there is no Norwegian foreign service mission, the master shall contact the local authorities in order to have persons appointed who can carry out supervision, provided that the conditions of the first paragraph (a) and (b) are met.
- (5) When supervision pursuant to this provision is carried out outside of Norway, the foreign service mission shall, without delay, notify the Norwegian Maritime Authority. When no foreign service mission has been involved in the case, the master shall instead send the notification.
- (6) The company's claim for compensation of damages against those who have lodged a groundless complaint will be considered according to the rules of the Norwegian Compensation Act.

Added by Regulations of 22 December 2014 No. 1893 (in force on 1 January 2015).

## Section 6

### *Entry into force*

These Regulations enter into force on 20 August 2013.

Amended by Regulations of 22 December 2014 No. 1893 (in force on 1 January 2015, previously section 5).