**Sections A** of this form shall be completed by the HR Manager & details to be kept updated at all times.

**1 copy** – For Seafarer

**2nd copy** – Keep in Personal File onboard

**MV \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Flag\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Port of Registry\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

All seafarers onboard Company managed vessels have the right to report a specific grievance or make a complaint and to have it investigated according to Company & MLC2006 / Flag State requirements.

Company procedures seek to resolve complaints at the lowest level possible. However, in all cases, you have a right to complain onboard to your immediate supervisor, head of department, Staff Captain, Master, or where considered necessary, directly to the relevant Crew Manager responsible for the vessel, MLC Mediator, DPA and finally to appropriate external authorities.

In addition to a copy of seafarers' employment agreement provided to you by the manning office prior signing on a vessel, we provide all on-signing crew with a copy of this onboard complaints procedures applicable to the ship and as per flag state/ Company / MLC requirements.

The onboard complaints procedure includes contact information for the competent authority in the Flag State of the vessel and, where different, in the seafarers' country of residence, and the name of a person or persons onboard the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaints procedure available to them onboard the ship.

VMS procedures applicable to this requirement are also included within this form for your reference and guidance.

***SECTION A - Contact Information (to be completed by the vessel):***

***Crew Manager Responsible for Vessel***

Name----------------------------------Email-----------------------------Telephone----------------

***Designated Person Ashore (DPA) or his/her Designee***

Name----------------------------------Email-----------------------------Telephone----------------

***Vessel Flag States Office of the Maritime Administrator***

Name----------------------------------Email-----------------------------Telephone----------------

**Competent Authority/National Maritime administration of the seafarers’ country of residence**

Name----------------------------------Email-----------------------------Telephone----------------

**Designated person(s) onboard ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint *(Note -Master must appoint this person on board.)***

Name----------------------------------Email-----------------------------Telephone----------------

***:***

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Signature of Crew Member Signature of HR Manager*

(Rank/Name/pls print clearly)

***SECTION B*** *- Onboard Complaints Procedure:*

**Note:** The latest version of the procedure is available in the VMS at: Crew > 1.0 Crewing - Onboard procedures > 1.2 Crew Conduct

[Raising a Complaint](javascript:void(0);)

A seafarer can and should address a complaint to a proper authority on board.  Such complaints should be resolved at the lowest level possible and only elevated to the next level when the matter cannot be resolved to the satisfaction of both parties. Proper authorities onboard include:

* Immediate Supervisor
* Head of Department
* Staff Captain
* Master

Regardless of the above, a seafarer may bring a complaint for conciliation directly to:

* the Master
* the Crew Manager assigned for the department
* the MLC Mediator assigned for the company – Fleet HR and Crewing Director the DPA or Deputy DPA
* The AWARE Compliance and Ethics Hotline
* the Vice President of Internal Audit of Silversea: [whistleblower@silversea.com](file:///C:\Users\PlaRus\Desktop\New%20folder\VMS%20revision%20Q2%202018\whistleblower@silversea.com)

Furthermore, a seafarer can make a complaint directly to an appropriate external authority including but not limited to a:

* Inspector/ Surveyor from the Flag Administration
* Recognised Organisation Surveyor appointed by the Flag Administration
* Port State Control Officer
* Representative of a local seafarer labour organisation
* ISWAN (International Seafarers Welfare Assistance Network): <http://seafarerswelfare.org/>

[Complaint Response Times](javascript:void(0);)

The following time limits shall apply to complaint investigations and conciliation:

* A seafarer shall bring a complaint to the attention of a proper authority onboard within two (2) days of the alleged occurrence.
* The proper authority onboard shall conclude their investigation and conciliation within five (5) days of being alerted.

If more time is required to investigate a serious complaint, this must be approved at the next higher level, as referenced in this procedure.

Should the Master be unable to reconcile a complaint referred to him within 10 days, the matter should be formally referred to the MLC Mediator, for conciliation in accordance with the applicable terms and conditions of employment.

If conciliation acceptable to both parties cannot be reached after 20 days, both parties have a further 20 days to bring the complaint to the attention of the Flag Administration (or an agent appointed by Flag Administration) for them to act as mediator and endeavour to find a solution satisfactory to both parties.

[Investigation and Conciliation](javascript:void(0);)

A “proper authority” to whom a complaint is addressed shall:

* Conduct an investigation with reference the applicable terms and conditions of employment and then either conciliate the complaint or elevate it to a higher level, as referenced in this procedure
* If in doubt, seek the advice from a higher level, as referenced in this procedure
* The Captain shall seek advice from the MLC Mediator whenever necessary

A seafarer making a complaint has the right to be accompanied or represented at any investigation or conciliation by another seafarer of their choice on board the ship.

If a complaint is sent to the attention of the MLC Mediator, the Master’s decision shall apply until such time as the MLC Mediator’s decision is received.

[Prejudice and Victimisation](javascript:void(0);)

Should a “proper authority” to whom a complaint is addressed find that they or the person they must elevate a complaint to are prejudiced (e.g. by reference in the complaint), they should elevate the complaint above the prejudiced level and directly ashore where applicable.

A seafarer raising a complaint may likewise make their complaint above any prejudiced level and directly ashore where applicable.

A seafarer making a complaint shall not be victimised by any person with threats or adverse action for making a complaint.

If a complaint is subsequently found to be manifestly vexatious or malicious then, with the agreement of the MLC Mediator, disciplinary action may be brought against the seafarer making the complaint.

[Record Keeping](javascript:void(0);)

All complaints are to be recorded in the ship’s official log book.

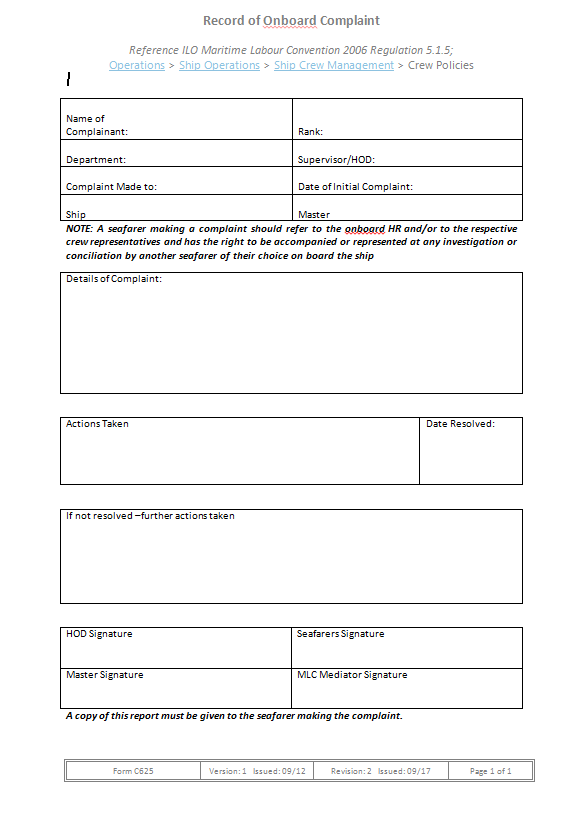
The person conducting the investigation and conciliation shall make a written report on Form C625 “Record of Onboard Complaint” detailing each complaint, the actions taken and the conciliation decisions agreed. The Master is to countersign each report and sent it to the MLC Mediator.

A copy of the report shall be given to the seafarer making the complaint.

**National Administrations**

(Whilst every effort is made to ensure the information below is correct it cannot be guaranteed as details may periodically change. The most recent information and such for non-listed countries is available on the national administration websites via the [ILO MLC database](https://www.ilo.org/global/standards/maritime-labour-convention/database-ratification-implementation/lang--en/index.htm))

|  |  |  |  |
| --- | --- | --- | --- |
| **Country** | **Administration** | **Telephone** | **Email** |
| Bangladesh | Department of Shipping | +880 9555128-9  +880 2 9513305 | [info@dos.gov.bd](mailto:info@dos.gov.bd), [dosdgdbd@btcl.net.bd](mailto:dosdgdbd@btcl.net.bd) |
| Bulgaria | General Labour Inspectorate Executive Agency | +359 29885172 | [secr-glsecretar@gli.government.bg](mailto:secr-glsecretar@gli.government.bg) |
| Bermuda | Department of Maritime Administration | +1441 295 7251 | [enquiries.bermudashipping@gov.bm](mailto:enquiries.bermudashipping@gov.bm) |
| China | Maritime Safety Administration, Shanghai, China | +86 21 6607 2773 (Crew Management Section) | [cyc@shmsa.gov.cn](mailto:cyc@shmsa.gov.cn) |
| Croatia | Republic of Croatia  Ministry of Maritime Affairs | +385 16169104 | [igor.butorac@pomorstvo.hr](mailto:igor.butorac@pomorstvo.hr) |
| Estonia | Estonian Maritime Administration -  Eesti Veetedeamet | **+**372 6205665  +372 6205500 | [eva@vta.ee](mailto:eva@vta.ee)  [navinfo@vta.ee](mailto:navinfo@vta.ee)  [eino.ots@vta.ee](mailto:eino.ots@vta.ee) |
| France | Service des Affaires Maritimes |  |  |
| Georgia | Lepl “Maritime Transport Agency” | +995 422 274925  +995 422 274917  +995 422 274916 | [info@mta.gov.ge](mailto:info@mta.gov.ge) |
| Germany | BG Verkehr/Dienststelle Schiffssicherheit | +49 40 361 37213  +49 40 361 37600 | [mlc@bg-verkehr.de](mailto:mlc@bg-verkehr.de) |
| Greece | Hellenic Republic Ministry of Shipping, Maritime Affairs and the Aegean Hellenic Coast Guard  Seamen’s Labour Directorate | +30 210 419 1442  +30 210 406 4217  +30 210 419 1295 | [dner@yen.gr](mailto:dner@yen.gr) |
| India | Shipping Master Mumbai | +91 22 2269 7971  +91 22 2269 7972 | [smmumbai@dgshipping.com](mailto:smmumbai@dgshipping.com) |
| Indonesia | Department of Sea Communication | +21 3811308  +21 3447017 | [helpdesk@ditlala.org](mailto:helpdesk@ditlala.org) |
| Ireland | The Marine Survey Office (MSO) of the Irish Maritime Administration(IMA) | +353 1 6620922  +353 1 6620923  +353 1 6783440 | [NMOCIreland@dttas.ie](mailto:NMOCIreland@dttas.ie)  [chrisreynolds@dttas.ie](mailto:chrisreynolds@dttas.ie)  [davemcmyler@dttas.ie](file:///C:\Users\PlaRus\Desktop\New%20folder\VMS%20revision%20Q2%202018\davemcmyler@dttas.ie) |
| Italy | Ministry of Transport - Directorate General for the supervision of port authorities, port facilities and maritime transport and inland waterways | +39 6 59084205 | [009@sicnavge.it](file:///C:\Users\jennyr\Downloads\009@sicnavge.it) |
| Latvia | Maritime Administration of Latvia  Primary contact: Arturs Oss  Secondary contact: Sigita Lazdane | +371 67062166  +371 67062101 | [artirs.oss@lja.lv](mailto:artirs.oss@lja.lv)  [lja@lja.lv](mailto:lja@lja.lv) |
| Lithuania | Lithuanian Maritime Safety Administration | +370 46 469602 | [msa@msa.lt](mailto:msa@msa.lt) |
| Myanmar | Myanmar Marine Department | +95 1 558904 | [myanmarine@mptmail.net.mm](mailto:myanmarine@mptmail.net.mm) [desdma@mptmail.net.mm](mailto:desdma@mptmail.net.mm) |
| Norway | Norwegian Maritime Authority | +47 5274 5000 | [post@sdir.no](mailto:post@sdir.no) |
| Pakistan | **Government Shipping Office** | +92 2199263021  +92 2199263011 | [contact@shippingoffice.gov.pk](mailto:contact@shippingoffice.gov.pk) |
| Philippines | **POEA (Phil Overseas Employment Administration)** | +63 2 833 6992  +63 2 5516641  +63 2 5511560 | [onboardconci@poea.gov](mailto:onboardconci@poea.gov) |
| Poland | Ministry of Maritime Economy and Inland Navigation | +48 22 583 8670 | [sekretariat\_gt@transport.gov.pl](mailto:sekretariat_gt@transport.gov.pl) |
| Portugal | Directorate-General of Maritime Authority | +(351)210 984 050  +(351)210 984 038 | [Costa.campos@marinha.pt](mailto:Costa.campos@marinha.pt)  [Dgam.scpmh@marinha.pt](file:///C:\Users\PlaRus\Desktop\New%20folder\VMS%20revision%20Q2%202018\Dgam.scpmh@marinha.pt) |
| Romania | Romanian Naval Authority | +40 241 616 124  +40 241 616 104 | rna@rna.ro |
| Russia | Ministry of Transport of the Russia Federation(MINTRAS) | +7 495 6261010 | [info@mintrans.ru](mailto:info@mintrans.ru) |
| Sri Lanka | Ministry of Ports & Highways | +94 112435127 | [dmsmos@sltnet.lk](mailto:dmsmos@sltnet.lk) |
| Sweden | Swedish Transport Agency | +46 771 52 00 52 |  |
| Switzerland | Trade Union “Nautilus International | +41 61 262 24 24 | [infoch@nautilus.org](mailto:infoch@nautilus.org) |
| Turkey | Republic of Turkey Ministry of Transport, Maritime | +90 312 203 11 16  +90 312 203 11 11 (24 hrs) | [okm@ubak.gov.tr](mailto:okm@ubak.gov.tr) |
| UK | UK Maritime and Coastguard Agency | +44 (0) 203 8172543 | [mlc@mcga.gov.uk](file:///C:\Users\jennyr\Downloads\mlc@mcga.gov.uk) |
| Ukraine | Ministry of Infrastructure of Ukraine | +38 044 351 50 09 | [portal@mtu.gov.ua](mailto:portal@mtu.gov.ua) |



***SECTION C*** *– Code of Conduct:*

**Note:** The latest version of the Code of Conduct is available in the VMS at: Crew > 1.0 Crewing - Onboard procedures > 1.2 Crew Conduct Code of Conduct

**1. Introduction:**

Silversea demands the highest standards of discipline, behaviour and conduct aboard our vessels. A responsible, respectful attitude to work, leisure and colleagues is expected of every person working onboard. Ship rules, policies and procedures are to be followed at all times. Our Crew are required to work in line with their Job Description and as per reasonable instructions from superiors.

It is the responsibility of every Crew Member to familiarise themselves with the Ship Rules, Policies, Procedures, their Job Description and this Code of Conduct. Failure to adhere to the Ship Rules, Policies and Procedures, Job Description and/or performance standards will be dealt with by reference to this code.

**2. Gross Misconduct:**

Immediate dismissal from the ship may be considered by the Master for Gross Misconduct. The Master must have reasonable grounds to believe that the allegation is true and that there has been a serious breach of the Code of Conduct committed by the Crew Member.

Where dismissal is not deemed as an appropriate outcome for a case of alleged Gross Misconduct, following thorough investigation and clear mitigating circumstances, a formal warning may be imposed.

The Master may give permission for the Head of Department to chair a Gross Misconduct hearing where from investigation and findings, it seems unlikely that the outcome would be dismissal. If during the hearing, dismissal becomes a likely outcome, the hearing must be adjourned and re-convened with the Master as the hearing chairperson.

The following may be deemed as Gross Misconduct:

1. Failure to comply with the ship's safety, environmental and security policies and procedures including requirements for attendance of safety, environmental, security training and drills unless exempted by the Master
2. Interference with, removal, or tampering with any safety device or other equipment and appliances furnished for protection, or interference with any method or process adopted to prevent accidents or injury to health, except in an emergency and unless duly authorized
3. Falsification of Company or ship’s records
4. Assault of a passenger, Officer, Crew Member or any other person on board the vessel
5. Wilful damage to the ship or any property on board
6. Theft, misappropriation or possession of stolen property
7. Possession of weapons, firearms or explosives
8. Violation of customs, immigration, agriculture or quarantine regulations in any port
9. The unlawful possession, distributing or trafficking/smuggling of drugs at any time
10. Mutiny or inciting others to mutiny
11. Persistent or wilful failure to perform duty
12. Conduct endangering the ship or persons on board (this may include repeated or gross violations of the smoking policy)
13. To prejudice the safety of the ship or any person on board by sleeping on duty, failing to remain on duty or incapacity to carry out duty (including through the influence of alcohol or drugs)
14. Failing any required drug or alcohol test, with confirmed positive test result over the prescribed limits as per the Drug and Alcohol Policy), or refusal for submittal to such tests
15. Disobedience of orders relating to the health and safety of the ship or any person on board
16. Behaviour which seriously detracts from the safe, hygienic and efficient working of the ship or the service standards of the hotel operation (including any breach of Public Health and Infection Prevention standards)
17. Intimidation, harassment or bullying, discrimination, coercion and interference with the work of others on board
18. The communication of written, verbal, photographic, video or computer material regarding Owners’/Agent’s/Company guests, employees, activities, operations or business without the permission of the Master Or the unauthorised recording or photographing of the Ship’s Crew and/or Operation (even if not found to be communicated)
19. Offensive or disrespectful behaviour towards a Guest
20. Unauthorised gaming, gambling or trading
21. Entering or remaining in any Guest Suite or other prohibited area without proper authorization or bringing passengers into crew areas or to attend private crew parties
22. Violation of shore leave regulations
23. Harbouring a stowaway or a non-fare paying individual
24. Cyber bullying a colleague by using inappropriate graphics or threat-centred abusive emails, Postings on social networks (posting rumors, threats, sexual remarks, a victims' personal information, or pejorative labels i.e., hate speech); and or sending inappropriate messages
25. Breach of the Media Policy
26. Breach of the Guest Interaction Policy
27. Soliciting/bribery
28. Abuse of power including but not limited to: failure to treat crew equally and/or with respect and courtesy.
29. Failure to provide adequate training and/or instructions to team members
30. Any criminal act including but not limited to: endangering the welfare of a child, threat of violence, Suspected Child Pornography, Video voyeurism, Assaults (with or without injury), Sexual Assaults, Sexual Contact (intentional touching with intent of abuse, humiliation, harass, or gratify sexual desire), Indecent exposure
31. Serious disorderly behaviour including but not limited to: fighting, a threat to harm oneself, self-destructive acts, verbal altercation (no physical contact), offensive gestures, and offensive body language
32. Continued acts of misconduct
33. **Misconduct**

Formal warnings may be considered by the Master or Head of Department for Misconduct. The Master or Head of Department must have reasonable grounds to believe that the alleged misconduct has been committed.

The following may be deemed as are deemed as misconduct:

1. Offences described in paragraph 3 which in the circumstances are not deemed as Gross Misconduct
2. Minor acts of assault
3. Unsatisfactory work performance
4. Poor punctuality
5. Stopping work before the authorised time
6. Failure to report to work without satisfactory reason
7. Absence from place of duty or from the ship without leave
8. Minor cases of offensive, disrespectful and/or disorderly behaviour
9. Violation of the Grooming Policy
10. Violation of the smoking policy
11. Loss of a security (master, sub-master, or section master) key
12. Failing to report knowledge of unlawful possession, distributing or trafficking/ smuggling of drugs
13. Cabin inspection failure
14. Breach of Ship Rules
15. Minor acts of disobedience, negligence and/or neglect of duty
16. Failure to report a known or suspected breach of the Code of Conduct committed by a colleague
17. Failure to report required maintenance
18. Failure to report an accident
19. Failure to report a minor safety concern
20. Failure to report a GI case or symptoms of Covid or acute respiratory or influenza like illness in a timely manner
21. Damage to Ship’s property that is not intentional or wilful but by negligence (including negligence on Management part if proper training or instructions are not provided)
22. Failure to respect hours of rest
23. Possession or use of drones or failure to report such
24. Failure to follow a reasonable request from a superior
25. Minor violation of ship’s hygiene standards or public health standards

**4. Minor Misconduct**

Lesser breaches of the code that are not deemed serious enough for formal action may be handled with informal action.

Informal action includes but is not limited to:

* A non-recorded conversation
* A written ‘verbal counsel’
* A record of discussion
* A Performance Improvement Notice
* Mediation
* Additional training and/or guidance
* Discontinuation of promotional training or cross training
* A move to a different section or re-assigned duties within the role
* A change in schedule
* Support, shadowing or monitoring from a colleague

1. **Disciplinary Investigation and Hearing Procedures:**

* An alleged breach of the Code for which informal action is considered inadequate is to be investigated by the Master or Head of Department within a reasonable time frame (with the support of the HR Manager)
* When an investigation is taking place, the Crew Member’s direct Manager, Head of Department and Staff Captain must be informed (unless there is clear justification not to do so). In some cases, it may be appropriate to inform the crew member that an investigation is taking place, in other cases the investigation might need to remain completely confidential
* Investigation may include (but is not limited to) obtaining and reviewing: witness statements, CCTV or photographic evidence, Security reports, gangway logs, ratings, Guest comments, Guest complaints, social media posts, text messages or other electronic messages, emails, Time and Attendance records, sign in/out sheets, Public Health logs, Public Health inspection reports, training records, the signed Acknowledgement of Company Policies, previous informal action, previous formal action, previous appraisals, Performance Improvement Notices (PIN’s) and PIN reviews, drug and alcohol testing records, cabin inspection records etc.
* For cases of Gross Misconduct, an investigation report must be compiled and sent to the Director or Fleet HR and Crewing before a hearing is convened
* Following reasonable investigation, The Master or Head of Department is to invite the Crew Member to a disciplinary hearing and advise them of the alleged breach of the Code using the DIS 2 (Notification of Disciplinary Hearing Letter). The employee must be given reasonable time to prepare for the hearing. The employee may ask a colleague of his/her choice onboard the ship to accompany him/her either to observe or to speak on his/her behalf
* The HR Manager, must always be present at any hearing unless there are extreme circumstances such as a conflict of interest, in which case, the Master will appoint a suitable replacement
* The employee’s direct Manager should be present at the hearing unless this is deemed inappropriate by the hearing chairperson
* Where Gross Misconduct hearings are chaired by the Master, the Staff Captain and relevant Head of Department should be present
* The hearing must be held in a suitable, private location
* For cases of Gross Misconduct, the HR Manager must take meeting minutes
* For cases of Dismissal, the HR Manager must compile a ‘Captain’s Court Report’
* At the hearing the Crew Member must be given the opportunity to speak. The Crew Member must have the opportunity to admit or deny the allegation, to question the person bringing the allegation, to call and question any witnesses on the evidence produced against him and to make a statement
* Details of the investigation and any evidence should be shared with the Crew Member where appropriate. In some cases, some evidence can be kept confidential e.g. a witness statement or a witness name
* The investigating Officer (Master or Head of Department) may adjourn the hearing at any time for further investigation to be carried out or to consider an outcome
* For cases of Gross Misconduct, an adjournment is encouraged in order to consider an appropriate outcome and to discuss this with the HR Manager
* After careful and thorough investigation and having considered all the evidence, the Master or Head of Department will inform the employee if they have been found to have committed the alleged breach
* If the employee is found to have committed the alleged breach, the Head of Department may impose a formal warning or the Master may dismiss the employee from the Ship
* For cases of potential dismissal, the Master will consider the employee’s record on the ship, the severity of the offence and any other relevant or mitigating factors
* The outcome of the hearing is to be recorded on the Form DIS 3 (Discipline Record Form) and in an Official Log Book entry. A copy of the DIS2 and DIS3 is to be given to the employee. If the employee requests, they may also be given a copy of any meeting minutes or Captain’s Court report
* All original documentation is to be filed by the Staff Captain
* The HR Manager keeps scanned records of all documentation and sends scanned DIS2 and DIS3 documents to the Shoreside Fleet HR and Crewing Department
* Records of formal warnings are held on file for a period of one year, thereafter all copies are removed by assigned shipboard personnel (Staff Captain and HR Manager)
* In the event of dismissal, the HR Manager (Finance Officer on Silver Explorer) will support the employee with repatriation arrangements and the employee is to be advised of any repatriation expenses to be recovered from his/her wages
* In the event of a potential dismissal, the HR Manager is to inform the Finance Officer and Senior Accountant in advance so that they can plan their time accordingly