

ANNEX 1

REVISED CODE EFFECTIVE FROM 1 August 2013

This Code has been agreed between Nautilus International, the National Union of Rail, Maritime and Transport Workers (RMT) and the UK Chamber of Shipping and approved by the Maritime and Coastguard Agency.

The Code is printed in this leaflet. Please read it carefully. It sets out disciplinary rules and procedures which apply when you are employed to work on board ship. Any questions you may have should be referred to your supervisor or head of department, or to an official of your union.

BACKGROUND AND PURPOSE

INTRODUCTION

1. Seafaring is a civilian occupation which imposes on seafarers certain demands not found in land-based jobs. Seafarers are often required to spend both their working and leisure hours in the confined environment of a ship with the same individuals. This can make seafarers more susceptible to the stresses of everyday life than those working ashore. In this environment, the need for discipline and good behaviour is particularly important.

2. This document sets out disciplinary rules, reflecting the standards of behaviour generally to be expected of all seafarers. It has been drawn up by the organisations representing the seafarers and the employers and approved by the Secretary of State for Transport. Observing the Code and the disciplinary rules within it will make seafaring a better and more rewarding job for all those involved and will help to secure the safety of everybody aboard. Disciplinary procedures should not be viewed primarily as a means of imposing sanctions – they are designed to emphasise and encourage improvements in individual conduct. Rules drawn up by shipping companies and Masters' Standing Orders relating to conduct should not conflict with the disciplinary rules in the Code.

CONDUCT IN EMERGENCIES

3. In any emergency or other situation in which the safety of the ship or of any person on board or the marine environment is at stake, the Master, Officers and Petty Officers are entitled to look for immediate and unquestioning obedience of orders. There can be no exceptions to this rule. Failure to comply will be treated as among the most serious of breaches of discipline and may also warrant prosecution under the provisions of the Merchant Shipping Acts.

CONDUCT IN SITUATIONS OTHER THAN EMERGENCIES

4. Emergencies are fortunately rare and this document is primarily concerned with the day-to-day situation on board. An important factor in securing co-operation, which cannot be too strongly stressed, is good communications. This applies both to communications between a company's shore-based administration and the ship and to

communications within the ship itself. It should be borne in mind, however, that certain acts of misconduct (e.g. absence from place of duty, etc.) could have the effect of causing an emergency. The following paragraph sets out some broad general guidance on everyday conduct.

5. a) Punctuality is very important both for the efficient operation of the ship and to avoid putting extra work on others. This is true of joining the vessel at the time appointed, returning from shore leave, reporting for watch-keeping duty and all other work. Absence at the time of sailing, in particular, may seriously delay the ship or even prevent her sailing until a replacement is found.

b) Duties. Every seafarer should carry out their duties efficiently to the best of their ability. Seafarers have a right to be told clearly what their duties are and to whom they are responsible for carrying them out; if in doubt, they should ask. Seafarers must also obey reasonable commands and instructions.

c) Treatment of accommodation. The ship is both a seafarer's place of work and home. Therefore both personal and shared facilities and accommodation should be used appropriately with consideration for others.

d) Behaviour towards others. A person's anti-social behaviour can be a nuisance to others on board. In extreme circumstances, it can also place the ship and the crew at risk of danger. Such behaviour includes but is not limited to excessive noise, abusive language, harassment, bullying, aggressive attitudes and offensive personal habits. Seafarers should also be considerate towards those who need to sleep whilst others are awake.

e) Compliance with company rules and procedures. Any person on board a ship must abide by the applicable company-specific rules and procedures. These include but are not limited to rules and procedures relating to alcohol, smoking, drugs, offensive weapons, unauthorised persons or possessions or cargo, the environment, health or safety, harassment or bullying, criminal or fraudulent activity and IT systems.

DEALING WITH BREACHES OF DISCIPLINE

6. A procedure for dealing with breaches of disciplinary rules must be backed by appropriate sanctions. These may range, according to the seriousness of the breach, from informal warnings for the most minor breaches, through various grades of warnings, to dismissal from the ship and employment. Where seafarers are subject to the general law of the United Kingdom and, for certain offences prejudicial to the safety of the ship or those on board, there remains a liability to prosecution under Section 58 of the Merchant Shipping Act 1995.

DISCIPLINARY RULES

GROSS MISCONDUCT

7. Acts of gross misconduct, examples of which are listed below, may, if appropriate in the circumstances and established to the satisfaction of the Master, lead to dismissal from the ship either immediately or at the end of the voyage and to dismissal from employment. This is separate from any other legal or disciplinary action which may be called for:

- a)** assault (including threatening behaviour)
- b)** wilful damage to the ship or any property on board
- c)** theft (including attempted theft) or possession of stolen property
- d)** possession of offensive weapons
- e)** persistent or wilful failure to perform duty
- f)** unlawful possession or distribution of drugs
- g)** conduct endangering the ship, persons or cargo on board, or the marine environment
- h)** combination with others at sea to impede the progress of the voyage or navigation of the ship
- i)** disobedience of a lawful order
- j)** to be asleep on duty or fail to remain on duty, if such conduct would prejudice the safety of the ship, persons or cargo on board, or the marine environment
- k)** breach of company rules and procedures relating to alcohol, drugs or smoking
- l)** failure to report to work without satisfactory reason or absence from place of duty or from the ship without leave
- m)** interference with the work of others

- n) behaviour which seriously detracts from the safe and/or efficient working of the ship
- o) conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men which is unwanted, unreasonable or offensive to the recipient
- p) behaviour which seriously detracts from the social well-being of any other person on board, including but not limited to bullying, harassment, intimidation and coercion
- q) causing or permitting unauthorised cargo, possessions or persons to be on board the ship or in parts of the ship where prohibited
- r) smuggling of any nature or breach of Customs' regulations, including but not limited to contraband, stowaways or refugees
- s) demanding and/or receiving any commission or any other favour or benefit from any passenger, customer or supplier (excluding only unsolicited tips given by passengers for service provided, to the extent permissible under company rules)
- t) deliberate misuse of a harbour pass or personal identity card
- u) commission of a breach of a lesser degree listed in Paragraph 9 after warnings have been given in accordance with the procedures in Paragraph 8.

LESS SERIOUS MISCONDUCT

8. Breaches of a lesser degree of seriousness may be dealt with by:

- a) an informal warning administered at an appropriate level
- b) a formal warning by an Officer
- c) a written warning by a senior Officer
- d) a final written warning by a senior Officer or the Master.

When a warning other than an informal warning is given, the seafarer should be advised of the likely consequences of further breaches of discipline.

9. Examples of breaches of the disciplinary rules where use of the Paragraph 8 procedure is considered appropriate are listed below:

- a) offences of the kind described at Paragraph 7, which are not considered to justify dismissal in the particular circumstances of the case

- b)** minor acts of negligence, neglect of duty, disobedience and assault
- c)** unsatisfactory work performance
- d)** poor time keeping
- e)** stopping work before the authorised time
- f)** offensive or disorderly behaviour.

SHIPBOARD DISCIPLINARY PROCEDURES

IMMEDIATE SUSPENSION

10. In serious cases the Master may suspend a seafarer from duties and take such action to preserve the safety of the ship, persons or cargo on board, or the marine environment, as he considers appropriate. In such cases the Master may require for the seafarer to be disembarked and repatriated as soon as practicable. Shipboard procedures may not then apply. In such an event, disciplinary action will be initiated ashore by a shore manager.

INITIAL MEETING/INFORMAL WARNING

11. A seafarer who is alleged to have breached the disciplinary rules will be called to a meeting with a Petty Officer or Officer or the Master as appropriate.

12. At the meeting the seafarer will be told of the alleged breach, given the opportunity to give his/her explanation and say whether or not s/he admits it.

13. If the Petty Officer, Officer or Master is satisfied that no further action is called for or that the breach needs no more than an Informal Warning, s/he will proceed accordingly and the matter will then be regarded as resolved.

14. If the Petty Officer, Officer or Master decides that formal action is required the seafarer will be advised accordingly. In the discretion of the Petty Officer, Officer or Master, the seafarer may be suspended from duty.