



# Code of Conduct for the Merchant Navy

Approved by the Maritime and Coastguard Agency

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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.
  - i) assault (including threatening behaviour)
  - ii) wilful damage to the ship or any property on board
  - iii) theft (including attempted theft) or possession of stolen property
  - iv) possession of offensive weapons
  - v) persistent or wilful failure to perform duty
  - vi) unlawful possession or distribution of drugs
  - vii) conduct endangering the ship, persons or cargo on board, or the marine environment
  - viii) combination with others at sea to impede the progress of the voyage or navigation of the ship
  - ix) disobedience of a lawful order
  - x) 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
  - xi) breach of company rules and procedures relating to alcohol, drugs or smoking.
  - xii) failure to report to work without satisfactory reason or absence from place of duty or from the ship without leave

- xiii) interference with the work of others
- xiv) behaviour which seriously detracts from the safe and/or efficient working of the ship
- xv) 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
- xvi) 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
- xvii) causing or permitting unauthorised cargo, possessions or persons to be on board the ship or in parts of the ship where prohibited
- xviii) smuggling of any nature or breach of Customs' regulations, including but not limited to contraband, stowaways or refugees
- xix) 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)
- xx) deliberate misuse of a harbour pass or personal identity card.
- xxi) 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.

### **Formal action**

- 15. An Officer or the Master will investigate the allegation. Written statements may be taken from material witnesses. The investigation should be completed without undue delay.
- 16. If, following the investigation, the Officer or Master concludes 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.
- 17. If the Officer or Master concludes that formal disciplinary action is called for:

- a. If there is no current prior warning and the breach is considered to be one of a lesser degree, the Officer or Master will undertake a disciplinary hearing or refer it to an appropriate Officer for action.
  - b. If there is a current prior warning or if the breach is considered to be sufficiently serious to warrant action at senior Officer level or above, a senior Officer or the Master will undertake a disciplinary hearing.
  - c. If the breach is considered to be gross misconduct, the Master will undertake a disciplinary hearing.
18. The seafarer will be given written notice of the disciplinary hearing. This will specify:
- a. date, time and place of the hearing
  - b. the conduct allegedly committed
  - c. the disciplinary rule(s) allegedly breached
  - d. the potential penalty if a breach of discipline is substantiated and
  - e. the seafarer's rights at the hearing as in paragraph 19.

It will be accompanied by copies of any relevant statements.

### **The disciplinary hearing**

19. At the hearing the seafarer may:
- a. be accompanied at the hearing by a work colleague, or trade union official if available
  - b. call relevant witnesses
  - c. question witnesses on their evidence
  - d. make any statement or comments on
    - the evidence, in response to the alleged breach
    - the appropriate penalty if the breach of discipline is substantiated.
20. At any hearing the seafarer will be invited to say whether or not s/he admits the alleged breach of discipline.

- a. If s/he admits it, the hearing will move immediately to consideration of penalty.
  - b. If s/he does not admit it, the hearing will consider relevant evidence including any presented by the seafarer.
21. In exceptional circumstances, it may be appropriate to conduct the hearing ashore.
22. If in the course of the hearing it appears to the person conducting it that:
  - a. the matter warrants more serious action than originally envisaged, the hearing will be adjourned and the matter referred to more senior level for action. A new notice of disciplinary hearing will then be issued to the seafarer detailing the matters in paragraphs 18 (a) to (d);
  - b. the matter warrants less serious action than originally envisaged, the hearing may be adjourned and the matter referred to a lower level for action.
23. After the hearing the person conducting it will give his/her determination. S/he will say whether or not s/he finds a breach or breaches of discipline to have occurred and, if so, specify the breach or breaches and the appropriate penalty.
24. The penalties which may be imposed are as follows:

Master	<ul style="list-style-type: none"><li>• Dismissal from ship</li><li>• Final warning</li><li>• Written warning</li><li>• Formal warning</li><li>• Informal warning</li></ul>
Senior Officer	<ul style="list-style-type: none"><li>• Final warning</li><li>• Written warning</li><li>• Formal warning</li><li>• Informal warning</li></ul>
Officer	<ul style="list-style-type: none"><li>• Formal warning</li><li>• Informal warning</li></ul>
Petty Officer	<ul style="list-style-type: none"><li>• Informal warning</li></ul>
25. The seafarer will be given written notification of the outcome of the hearing and the reasons for the decision as soon as practicable following the hearing. The seafarer should be told how long any warning will remain current.



26. The seafarer will be given a copy of any entries made in the ship's Official Log Book.

## Shore disciplinary procedures

### Dismissal from the ship

27. Dismissal from the ship will not operate to terminate employment. An appropriate shore manager will be appointed to consider the seafarer's future employment in the light of their dismissal from the ship. The seafarer will be suspended pending the hearing. Suspension will normally be on pay, but may exceptionally be off pay where the offence is absenteeism or if the seafarer unreasonably delays the shore hearing. In the event that the seafarer is not then dismissed, back pay will be paid for the period of suspension.
28. The seafarer will be invited to a shore hearing at which his/her future employment will be considered. In convening and conducting the hearing the shore manager will follow the principles in paragraphs 18 to 20.
29. The penalties which may be imposed following a shore hearing are as follows:
  - Dismissal from employment
  - Final warning
  - Written warning
  - Formal warning
  - Informal warning

Also, in addition if considered appropriate:

- Demotion and/or loss of seniority
30. The seafarer will be given written notification of the outcome of the hearing as soon as practicable following the hearing. The written notification will advise the seafarer of any right to appeal to other shore management.

### Appeals

31. The seafarer may appeal a shore management decision of:
  - Dismissal from employment
  - Final warning
  - Demotion and/or loss of seniority

32. Any appeal must be made in writing without delay. An appeal may be ruled out of time if made later than seven working days after the seafarer receives written notification of the outcome of the first shore hearing.
33. The seafarer's written notification of the appeal must detail all the grounds on which it is brought.
34. On appeal it will be for the seafarer to show that the outcome of the first shore hearing was inappropriate.
35. Where the written notification of the appeal is considered insufficient to justify an appeal, the person considering it may dismiss the appeal without convening a meeting. The seafarer will be given written notification of the decision and the reasons for it as soon as practicable.
36. Subject to paragraphs 32 and 35, the seafarer will be invited to a meeting to consider his/her appeal. S/he will be given written notice of the meeting. It will specify:
  - a. Date, time and place of the meeting
  - b. The seafarer's right to be accompanied by a work colleague or trade union official.
37. The outcome of the appeal and the reasons for the decision will be confirmed in writing as soon as practicable after the hearing.

## **Exclusions**

38. This Code does not apply to procedures conducted ashore that may lead to termination of employment.
39. Nothing in this Code affects the right of the Master and/or the seafarer's employer to inform the appropriate authorities, including the police, of any suspected criminal offence.
40. Nothing in this Code shall affect any seafarer's right to bring a claim to an Employment Tribunal.