

## 2.3 Code of Conduct for the Merchant Navy

- i. Seafaring is a civilian occupation with job demands unfamiliar to industries ashore. Seafarers are required to spend working hours *and* leisure hours in the ships confined environment among the same individuals for company. It might be said that they are more susceptible to the stresses and strains of everyday life than their fellows ashore. Therefore, in this environment discipline and behavior assumes a particular importance. Nonetheless, disciplinary procedures are viewed more than a means of simply imposing sanctions. They are designed to emphasize and encourage improvements and individuals conduct.
- ii. The most effective form of discipline is self-discipline, which stems from a responsible attitude to the job, as well as a concern for the ships efficient operation for the comfort and convenience of fellow crew members. Lack of self-discipline is dealt with by a using the Code of Conduct. This document outlines the basic rules of reasonable behavior expected by all Officers and Ratings. It has been drawn up by the Employers and organizations representing the seafarers as well as having been approved by the Secretary of State for transport. Observance of the Code of Conduct will make seafaring a more rewarding job for all and helps secure the safety of everybody onboard. Rules drawn up by shipping companies and Masters' Standing Orders relating to conduct are in alignment with this Code.
- iii. Willful or repeated refusal to comply with reasonable orders directed by the Code of Conduct for any anti-social behavior can be expected to meet certain penalties. These guidelines regarding the severity of the breach of code of conduct is necessary to maintain an efficient and safe vessel.
- iv. Good communication is paramount when securing cooperation. This can never be stressed enough. This applies to every communication between the company's shore-side officers and ship to communications within the ship itself. Each member must be fully informed with the company's policies and objectives to feel they have a personal stake in the successful outcome of a voyage they are engaged.

### 2.3.1 Conduct in Emergencies

- i. The Master, Officers and Petty Officers are entitled to demand obedience of orders where the safety of the ship or person is at risk without exception non-compliance will be treated as a serious breach in the Code and lead the offender's dismissal from the ship.

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- ii. Conduct in situations other than emergencies are fortunately rare and this document is primarily concerned with the day-to-day situations on board. However, certain acts of misconduct (e.g. absence from place of duty or heavy drinking) can also have the effect of causing an emergency.

### 2.3.2 General Conduct

- i. **PUNCTUALITY:** Critical for the efficient ships operation and to avoid adding extra work on shipmates. This is true from the time one is appointed, to the day one joins the vessel, to returning from shore leave, reporting for watch-keeping duty and all other work obligations. Absence at the time of sailing, in particular, may seriously delay the ship or even prevent her sailing.
- ii. **DRUGS:** The unlawful possession or distribution of drugs by any person on board is liable to immediate dismissal as well as possible legal proceedings. In some countries, the penalty for drugs offences is capital punishment.
- iii. **DRINKING:** The rules and regulations regarding alcohol consumption and its limitations must be strictly observed. Abuse of alcohol on board is considered an endangerment to the vessel. Security Officers make random tests to monitor crew blood alcohol levels onboard. Per Code of Conduct positive readings will lead to dismissal.
- iv. **BRINGING UNAUTHORIZED PERSONS ON BOARD:** For the sake of security the ship's rules as well as port authority's restrictions on bringing unauthorized persons on board must be strictly observed.
- v. **OFFENSIVE WEAPONS:** All offensive weapons are strictly prohibited.
- vi. **SMOKING IN PROHIBITED AREAS:** Open flames, cindering ash and cigarette butts are a potential danger to any ship. The rules controlling smoking and the use of naked lights must be obeyed.
- vii. **DUTIES:** Every crewmember is expected to carry out their duties efficiently and to the best of their ability. Reasonable commands and instructions must be obeyed within the scope of one's duties.
- viii. **TREATMENT OF ACCOMMODATION:** For the duration of one's contract onboard, the ship is considered to be your place of work and your home. Accommodation and other facilities, whether for your personal use or shared with others, must be treated with respect.

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### 2.3.3 Interaction with other Crew

As part of one's self discipline onboard, a positive interaction with fellow crew members is to be expected. Anti-social behavior such as drunkenness, excessive noise, abusive language, sexual harassment, aggression or other offensive attitudes are against the code of conduct and will receive a reprimand from the Master.

### 2.3.4 Dealing with Breaches of the Code of Conduct

- 2.2.4.1. Informal warnings for minor offenses will be handled by Hotel Manager and/or Staff Captain. Serious offenses will be handed by the Master, depending on the level of the breach on Code of Conduct and according to the International Maritime Laws.
- 2.2.4.2. The following acts of misconduct when proved beyond reasonable doubt at the Masters hearing will result in dismissal from the ship either immediately or at the next port of convenience.
- i. assault
  - ii. willful damage the ship or any property on board
  - iii. theft or possession of stolen property
  - iv. possession of offensive weapons
  - v. persistent or willful failure to perform duties
  - vi. unlawful possession or distribution of drugs
  - vii. conduct endangering the ship or persons on board
  - viii. combination with others at sea to impede the progress of the voyage or navigation of the ship
  - ix. disobedience of orders relating to safety of the ship or any person on board
  - x. Asleep on duty or failure to remain on duty when such conduct prejudices the safety of the ship or any person on board
  - xi. incapacity through the influence of drink or drugs to carry out duties to the prejudice of the safety of the ship or of any person on board
  - xii. Smoking, use of naked lights or an unapproved electric torch in any part of a ships area where smoking or the use of naked lights or unapproved torches is prohibited

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- xiii. intimidation, coercion and/or interference with the work of other employees
- xiv. behavior which seriously detracts from the safe and/or efficient working of the ship
- xv. Undesired conduct of a sexual nature, affecting the dignity of either male or female and considered unreasonable and offensive to the recipient
- xvi. behavior which seriously detracts from the social well-being of any other person on board
- xvii. causing or permitting unauthorized persons onboard the ship while at sea

2.2.4.3. Breaches of a lesser degree of gravity may be dealt with by:

- i. Record of Discussion (ROD) by Head of Department.
- ii. Counseling letter by Head of Department.
- iii. Informal warning administered by Hotel Manager and/or Staff Captain.
- iv. Formal warning by the Staff Captain and/or Master.

2.2.4.4. When a formal warning is given the seafarer should be advised of the likely consequences of further breaches of the Code.

2.2.4.5. Breaches of the Code, when proved beyond reasonable doubt by the Master or Staff Captain, for which the procedure in Section 2.3.5.5 is considered appropriate, are:

- i. offences as described in Section 2.3.4.2, which justify formal warnings.
- ii. minor acts of negligence, neglect of duty, disobedience and assault
- iii. unsatisfactory work performance
- iv. poor time keeping
- v. stopping work before the authorized time
- vi. failure to report to work without satisfactory reason
- vii. absence from place of duty or from the ship without leave
- viii. Offensive or disorderly behavior.

### 2.3.5 Procedures for Dealing with Breaches of the Code of Conduct

2.2.5.1. Breaches of the Code:

- i. Seafarers alleged to have breached the Code will initially be reprimanded by their respective Department Head. The Department Head may choose

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to settle the dispute informally and manage to close the matter without record of discussion.

- ii. When the offence is of a more serious nature or is a repeated offense similar minor offence, a record of discussion will be issued by the respective head of department or immediate supervisor. Alternatively, any offense falling under Section 2.3.4.2 must be referred to the Master.
- iii. The Master will deal with cases with the minimum of delay. The Master will inform the seafarer of the alleged breach offering an opportunity to admit to the offence, or call any witnesses to provide evidence and substantiate any statements. The crew may wish to answer to the alleged breach, which includes comments on the evidence produced against them.
- iv. After a thorough investigation and having considered all evidences provided, the Master will inform the seafarer of his decision in the hearing.
- v. When a crewmember is found guilty of the alleged offense, a penalty will be imposed matching the circumstances while taking into account the seafarer's record on the ship with other relevant factors. The Master may announce:
  - a. a written warning
  - b. final warning
- vi. Or dismissal from the ship. The Master will enter details of the hearing into the official log book.
- vii. The seafarer shall be given a signed copy of any report made to the company, which directly relates to the disciplinary action for the incident.
- viii. The seafarer shall be given the opportunity to request a witness or friend, who may advise and speak on his behalf, for the alleged breach against him.

### 2.3.6 Dismissals

- 2.2.6.1. In the event of dismissal from the ship, the shipping company or employer of the seafarer will convene a hearing to review the circumstances of the Master's Hearing and decide whether dismissal is confirmed.
- 2.2.6.2. The seafarer will be formally advised of the outcome of the hearing. Where the seafarer's contract is terminated notification of an appeal against the dismissal can be lodged within a certain timeframe. These appeals are directed to the Sr. Director of Global HR.

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