

REVISED CODE EFFECTIVE FROM 1 JUNE 2001

# **CODE OF CONDUCT for the MERCHANT NAVY**

Each time you sign on a new crew agreement you are agreeing to observe the Code of Conduct for the Merchant Navy. This Code has been agreed between the National Union of Marine, Aviation and Shipping Transport Officers (NUMAST), the National Union of Rail, Maritime and Transport Workers (RMT) and the Chamber of Shipping (CoS) and approved by the Maritime and Coastguard Agency.

The Code is printed in this leaflet. Please read it carefully. Any questions you may have should be referred to your supervisor or head of department, or to an official of your union.

## CODE OF CONDUCT FOR THE MERCHANT NAVY

1. Seafaring is a civilian occupation which places upon those who go to sea demands not found in industry ashore. Seafarers are called upon to spend not only their working hours but their leisure hours too in the confined environment of a ship and with 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. In this environment the need for discipline and behaviour assumed a particular importance. However, disciplinary procedures should not be viewed primarily as a means of imposing sanctions. They are designed to emphasise and encourage improvements in individual conduct.

2. The most effective form of discipline is self-discipline, which in turn springs from a responsible attitude to the job, whatever it may be, and concern for the efficient operation of the ship and for the comfort and convenience of fellow crew members. Failures of self-discipline which occur will have to be dealt with by reference to an imposed framework of discipline or Code of Conduct. This document sets out such a Code, containing the basic rules of reasonable behaviour expected of all Officers and Ratings. It has been drawn up by the organisations representing the seafarers and the employers and approved by the Secretary of State for transport. Observance of it will make seafaring a better and more rewarding job for all those involved and will help to secure the safety of everybody aboard. Rules drawn up by shipping companies and Masters' Standing Orders relating to conduct should not conflict with this Code.

3. Orders must be given and obeyed if a ship is to operate safely and efficiently. Co-operation cannot be imposed but will normally be readily forthcoming if it is immediately apparent to the recipient of an order that the request is a reasonable one or, if it is not so apparent, if a reasonable

request for an explanation of the necessity of the order is acceded to. At the same time wilful or repeated refusal to comply with reasonable orders or other anti-social behaviour must be expected to have certain consequences.

4. 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. If all concerned are kept as fully informed as possible about the company's policies and objectives and can be made to feel that they have a personal stake in the successful outcome of the voyage upon which they are engaged, co-operation and harmony will be much more readily assured than by a 'theirs is not to reason why' attitude.

### **Conduct in Emergencies**

5. In any emergency or other situation in which the safety of the ship or of any person on board her, whether crew or passengers, is at stake the Master, Officers and Petty Officers are entitled to look for immediate and unquestioning obedience of orders. There can be no exception to this rule. Failure to comply will be treated as among the most serious of breaches of this Code and will be liable to lead the offender's dismissal from the ship (at the first opportunity) and his Company. It may also warrant prosecution under the provisions of the Merchant Shipping Acts.

### **Conduct in Situations other than Emergencies**

6. Emergencies are fortunately rare and this document is primarily concerned with the day-to-day situation on board. It should be borne in mind, however, that certain acts of misconduct (e.g. absence from place of duty or heavy drinking) could have the effect of causing a state of

emergency. The following paragraph sets out some broad general rules for everyday conduct.

7. a) **PUNCTUALITY** is very important both for the efficient operation of the ship and to avoid putting extra work on shipmates. 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) **DRUGS.** The unlawful possession or distribution of drugs by any person on board ship renders him liable to dismissal as well as possible legal proceedings either in the UK or overseas. It should be borne in mind that, in some countries, certain drugs offences carry a sentence of capital punishment.
  
- c) **DRINKING.** There should be ship's rules about bringing intoxication liquor on board and they should be understood and strictly observed. Where facilities for drinking on board are provided, they should not be abused. Bar rules should be strictly adhered to.
  
- d) **BRINGING UNAUTHORISED PERSONS ON BOARD.** The ship's rules or port authority's restrictions on bringing unauthorised persons on board must be strictly observed.
  
- e) **OFFENSIVE WEAPONS.** These must not be brought on board.
  
- f) **SMOKING IN PROHIBITED AREAS** is dangerous on any ship but particularly on tankers, liquid gas carriers and vessels carrying explosive or inflammable materials. The ship's rules controlling smoking and the use of naked lights or unapproved electric torches must be scrupulously obeyed.

g) **DUTIES.** Every member of the crew should carry out his duties efficiently to the best of his ability. He is entitled to be informed clearly what his duties are and to whom he is responsible for carrying them out. If he is in doubt he should ask. Within the scope of his duties, reasonable commands and instructions must be obeyed.

h) **TREATMENT OF ACCOMMODATION.** For the duration of the voyage the ship is not only the seafarer's place of work but also his home. Accommodation and other facilities, whether provided for his personal use or to be shared with others, should therefore be treated with respect.

i) **BEHAVIOUR TOWARDS OTHERS.** Anti-social behaviour can cause a seafarer to become a nuisance to others on board and in extreme circumstances can hazard the ship and the crew. This can include not only excessive drinking but also such behaviour as causing excessive noise, abusive language, sexual harassment, aggressive attitudes and offensive personal habits. The fact that some need to sleep whilst others are awake should also be borne in mind.

## Dealing with Breaches of the Code

8. It is necessary to have a procedure for dealing with breaches of this Code of Conduct 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 formal warning including reprimands, to dismissal from the ship. 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 in the Courts under Section 58 of the Merchant Shipping Act 1995.

9. The following acts of misconduct, if proved to the reasonable satisfaction of the Master to have been committed, are those for which dismissal from the ship either immediately or at the end of the voyage will, according to the circumstances of the case, be considered appropriate apart from any legal action which may be called for:

- i) assault;
- ii) wilful damage to ship or any property on board;
- iii) 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 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) to be asleep on duty or fail to remain on duty, if such conduct would prejudice the safety of the ship or any person on board;
- xi) incapacity through the influence of drink or drugs to carry out duty to the prejudice of the safety of the ship or of any person on board;
- xii) to smoke, use a naked light or an unapproved electric torch in any part of a ship carrying dangerous cargo or stores where smoking or the use of naked lights or unapproved torches is prohibited;
- xiii) intimidation, coercion and/or interference with the work of other employees;
- 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 at work which is unwanted, unreasonable and offensive to the recipient;

- xvi) behaviour which seriously detracts from the social well-being of any other person on board;
  - xvii) causing or permitting unauthorised persons to be on board the ship whilst it is at sea;
  - xviii) repeated commission of breaches of a lesser degree listed in Paragraph 11 after warnings have been given in accordance with the procedures in Paragraph 10.
10. Breaches of a lesser degree of seriousness may be dealt with by:
- a) informal warning administered at an appropriate level lower than that of the Master;
  - b) formal warning by the Head of Department which will be suitably recorded;
  - c) formal warnings by the Master recorded in the ship's official logbook;
  - d) written reprimands administered by the Master and recorded in the ship's official logbook.

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

11. Breaches of the Code, if proved to the reasonable satisfaction of the Master, Officer or Petty Officer to have been committed, for which the procedure in Paragraph 10 is considered appropriate, are:
- a) offences of the kind described at Paragraph 9, 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) failure to report to work without satisfactory reason;
- g) absence from place of duty or from the ship without leave;
- h) offensive or disorderly behaviour.

NOTE: Whilst Paragraph 11 has been made as comprehensive as possible, it is recognised that some companies may wish to propose additions related to their particular trading patterns. Proposals for such additions should be submitted, after agreement with the organisations representing the seafarers concerned, to the Maritime and Coastguard Agency for approval.

### **Procedures for dealing with breaches of the Code**

12. a) A seafarer who is alleged to have breached the Code will be seen in the first instance by a Petty Officer or Officer designated by the Master. If the Petty Officer or Officer is satisfied that no further action is called for or that the breach, although proved, calls for no more than an informal warning of the kind referred to at Paragraph 10(a) above, he will proceed accordingly and the matter will thereafter be regarded as closed.
- b) If the offence is of a more serious nature or is a repetition of a similar minor offence, a formal warning will be given and the fact suitably recorded. Alternatively, the case may be referred to the Master; any offence falling under Paragraph 9 must be referred to him.
- c) The Master will deal with cases referred to him with the minimum of delay. He will inform the seafarer of the alleged breach giving him the opportunity to say whether he admits it, to call any witnesses and to question them on their evidence and to make any statement he wishes in answer to the alleged breach

including any comments on the evidence produced against him.

d) After a careful and thorough investigation and having considered all the evidence the Master will orally inform the seafarer whether or not he finds that the seafarer committed the alleged breach.

e) If he finds that the seafarer did commit the alleged breach, he will impose a penalty which he considers to be reasonable in all the circumstances, taking into account the seafarer's record on the ship and any other relevant factors. He may announce:

- i) that he is giving a warning;
- ii) that he is giving a written reprimand;
- iii) that the seafarer will be dismissed from the ship. If the Master decides that the continued presence of the offender on board would be detrimental to the efficient and safe running of the ship or to the maintenance of harmonious personal relations on board, he may arrange for dismissal to take place at the next port of call for repatriation to the United Kingdom.

f) The Master will enter details of the breach and the action taken in the official log.

g) The seafarer shall be given a copy of all entries made in the logbook relating to his breach of this Code and shall acknowledge receipt.

h) The seafarer shall be given a copy of any report made to the company which directly relates to the incident for which the seafarer is subject to disciplinary action.

i) A seafarer shall have the right to be accompanied by a friend, who may advise him and speak on his

behalf, whenever an alleged breach of this Code is being considered against him.

## **Dismissals**

13. In the event of dismissal from the ship, the shipping company or employer of the seafarer will convene a hearing ashore to review the circumstances of the seafarer's dismissal and decide whether dismissal should be confirmed or, in the case of a permanent employee, to decide whether the contract of employment should be terminated. If so requested by the seafarer an official of the appropriate seafarers' union or a fellow employee will be invited to be present at the hearing which should normally take place within 5 working days of dismissal from the ship in the UK, or within 5 working days of arrival in the UK if dismissed abroad.

14. The seafarer will be advised in writing of the outcome of the hearing . Where dismissal is confirmed or the seafarer's contract is terminated he will be advised of the time-limits within which any appeal against the dismissal should be lodged. (Normally within 14 days.) Any such appeal will normally be to a higher level of authority within the company.

15. The procedures outlined in paragraphs 13 and 14 may be amended in accordance with local circumstances should this be agreed to by the company and the relevant seafarer's union.

16. Nothing in this Code of Conduct shall be read as negating any seafarer's right to bring an unfair dismissal claim before an Industrial Tribunal as provided in the Employment Rights Act 1996.