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WORLD MARITIME UNIVERSITY
Malmö, Sweden

**KADETENG MARINO UNDER THE MARITIME
LABOR CONVENTION, 2006:
A STUDY OF MINIMUM TRAINING AND
QUALIFICATIONS PRIOR TO SHIPBOARD
TRAINING AND THE FAMILIARITY WITH
ONBOARD COMPLAINT PROCEDURES OF
FILIPINO CADETS**

By

RONNIE BASCO
Philippines

A dissertation submitted to the World Maritime University in partial fulfilment of the
requirements for the award of the degree of

MASTER OF SCIENCE
in
MARITIME AFFAIRS

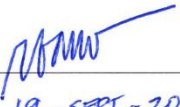
(MARITIME LAW AND POLICY)
2017

DECLARATION

I certify that all the material in this dissertation that is not my own work has been identified, and that no material is included for which a degree has previously been conferred on me.

The contents of this dissertation reflect my own personal views, and are not necessarily endorsed by the University.

Author: Ronnie Basco, s17078

Signature: 
Date: 19-SEPT-2017

Supervised by:

Maximo Q. Mejia Jr., Ph.D.
Director, Ph.D. Program
Head, Maritime Law and Policy Specialization
World Maritime University

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ABSTRACT

Title of Dissertation: **KADETENG MARINO UNDER THE MARITIME LABOR CONVENTION, 2006: A STUDY OF MINIMUM TRAINING AND QUALIFICATIONS PRIOR TO SHIPBOARD TRAINING AND THE FAMILIARITY WITH ONBOARD COMPLAINT PROCEDURES OF FILIPINO CADETS**

Degree: **MSc**

This dissertation studies the minimum training and qualifications that Filipino cadets undertake to comply with Maritime Labor Convention 2006 Regulation 1.3 "Training and Qualifications" before having their shipboard training as well as their familiarity with the application of the onboard complaint procedure, as stated in Regulation 5.1.5 of the Convention, while they are having their apprenticeship onboard the ship.

This study gives emphasis with the Filipino cadets being included in the definition of seafarers under the Philippine regulation. These cadets are qualified by choosing to study baccalaureate degree in maritime either Bachelor of Science in Maritime Transportation (BSMT) or Bachelor of Science in Marine Engineering (BSMarEng) to learn technical skills, general education, and are now taking additional training for safety courses and special professional courses.

Cadets undergo different trainings inserted in their curriculum as required by the Administration in cooperation with the Commission on Higher Education. In addition, there are certain additional in-house trainings that the sponsor company require its cadets to undertake before they may be allowed to have their shipboard training.

Additionally, these cadets while having their shipboard training are prone to any unfair treatment, abuse, and discrimination. This study also aims to take survey of how familiar are the Filipino cadets in exercising the seafarer's rights by the use of onboard complaint procedure as stated in MLC 2006 regulation.

The concluding chapter would like to determine the reality that Filipino cadets are experiencing in compliance with convention's regulation 1.3 and their familiarity with regulation 5.1.5. A number of analysis and recommendations are made concerning the need for further improvement of treating the Filipino cadets.

KEYWORDS: Qualifications, Trainings, Onboard Complaints

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LIST OF ABBREVIATIONS

ATFF	Advanced Training for Fire Fighting
BSMarEng	Bachelor of Science in Marine Engineering
BSMT	Bachelor of Science in Marine Transportation
BT	Basic Training
CHED	Commission on Higher Education
COW	Crude Oil Washing
DOLE	Department of Labor and Employment
DW	Deck Watchkeeping
EW	Engine Watchkeeping
IGS	Inert Gas System
ILO	International Labor Organization
IMO	International Maritime Organization
ISM	International Safety Management
MARPOL 73/78	International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978
MLBD	Maritime Leadership and Behavioral Development
MLC 2006	Maritime Labor Convention 2006
MEP	Maritime Education Program
POEA	Philippine Overseas Employment Administration

PSCRB	Proficiency in Survival Craft and Rescue Boat
PST	Personal Survival Techniques
REC	Research Ethics Committee
RM	Risk Management
SBT	Shipboard Training
SDSD	Security Training for Seafarers with Designated Security Duties
SIRB	Seafarer Identification Record Book
STCW	International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers 1978
STO	Shipboard Training Officer
TRB	Training Record Book

Title: Kadeteng Marino Under The Maritime Labor Convention, 2006: A Study Of Minimum Training And Qualifications Prior To Shipboard Training And The Familiarity With Onboard Complaint Procedures Of Filipino Cadets

Chapter 1: Introduction

The Philippines is a major source of merchant mariners worldwide and is estimated to contribute over 20 percent of seafarers globally. It was assessed that the Philippines is properly implementing the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers 1978 as amended (STCW) and in year 2000 in the month of December, it was included on the so-called “STCW” White List of the IMO (Fitzpatrick and Anderson, 2005). It became the 30th member of the International Labor Organization to ratify the Maritime Labor Convention of 2006, last August 20th 2012 and soon thereafter the Government introducing provisions such as social security, medical care, sickness benefit, old-age benefit, employment injury benefit, maternity benefit, invalidity benefit, and survivors’ benefit (ILO,2017).

The Philippine Government through its Department of Labor and Employment (DOLE) and Philippine Overseas Employment Administration (POEA) made legislations that will give protection to the Filipino Seafarers.

In addition, it was stated under the Maritime Labor Convention 2006 (MLC, 2006) Frequently asked Questions (FAQ) in question B3, page 23 “Does the MLC 2006 apply to cadets?” it is clearly stated that “On the assumption that cadets are performing work on the ship, although under training, they would be considered as “Seafarers” in accordance with the provisions and principles indicated in answer to this question” (International Labour Organization, 2015).The matter of giving clarity to the term seafarer and delimiting its meaning rest with the competent authority of the administration in collaboration with the ship-owners and concerned seafarers’ organization (Pentsov, 2002). In the Philippines, the cadets are also included in the definition of a seafarer which will be discussed on chapter 2. From this context, the

researcher would like to tackle the cadets' minimum STCW training requirements that they undertake from their Maritime School and/or maritime training institution in relation to their education qualification in order for them to be qualified to take their shipboard training in compliance to MLC 2006 Regulation 1.3 entitled "Training and Qualifications". There are no standards and guidelines written for MLC 2006 regulation 1.3 "Training and Qualifications" because the convention acknowledges that seafarers have specific trainings in relation to the specific field he/she will be engaged whether it be on deck department, engine department or galley department. The Regulation 1.3 of MLC 2006 accept and approved the training requirements stated under the STCW convention. In line with this the Flag State has the responsibility to make sure that the rights of seafarers are given attention when they serve on board ship (McConnell, Doumbia-Henry & Devlin, 2011). During the training of cadets onboard the vessel there are possibilities that they may face or experience conflict that is related to MLC 2006 provisions. Some examples could be quality of food, quantity of food and rest hour issue, and so comes the applicability of Maritime Labor Convention 2006 Regulation 5.1.5 "Onboard Complaints Procedure" to Cadets in exercising their rights. The researcher has chosen to make this research study because in the Philippines there is a narrow range of literature relating to marine cadets in relation to Maritime Labor Convention 2006.

Filipino cadets study for their theoretical years in the classroom before they may have their shipboard training. During those years, cadets study all the required theoretical knowledge for seamanship, navigation and engineering. In the Philippines most Maritime Schools offer a so-called 3-1 program, wherein the student will study in the academy or university for 3 years of theoretical subjects that are combination of general education, technical subjects or so-called special professional course and required to have safety and security courses that are combination of basic and advance courses. After 3 years they will need to take their shipboard training in a seagoing ship to study practical knowledge and skills for a minimum of 1 year or 12 months. After a

year of shipboard training, they will return to their school for the conferment of their degree.

A number of maritime schools offer a 2-1-1 program instead wherein the student will study their theoretical subjects for the first two years and then take their one year of shipboard training and finally come back to their respective maritime schools for their one last year of study. During their stay onboard for their apprenticeship, they may face or experience that their rights may be violated and so there might be a need for them to use the “onboard complaint procedure” to safeguard and exercise their rights. The MLC 2006 is commonly referred to as the “Seafarers’ Bill of Rights” as it gives in its Part-A mandatory minimum requirements such as rules and regulations to be followed by each member states and recommendations stated in its Part-B. When the Philippines had ratified the MLC 2006, its labor legislations are in-line with the provisions set out in the Department of Labor and Employment (**DOLE**). DOLE is an executive department of the Philippines that deals with policy making, policy coordination and program implementation and service with the support provisions from the Philippine Overseas Employment Administration (**POEA**), which is a government agency that deals with monitoring and supervising the recruitment agencies in the Philippines.

1.1 Statement of the Problem

The researcher would like to focus mainly on cadets referred to as seafarer in the Philippines in relation to MLC 2006, however it would be too broad to analyze and discuss all the provisions of MLC 2006 for a single Master’s dissertation therefore the researcher will only concentrate on limited aspects specifically the Title 1. Minimum requirements for Seafarers to work on a Ship: Regulation 1.3 - “Trainings and qualifications” and Regulation 5.1.5 entitled “On-board Complaint Procedures”. Through this dissertation the researcher would like to determine the reality of minimum numbers of required trainings that the Filipino cadets undertake before they may be allowed by their sponsoring company to have their shipboard training program and to survey how

familiar Filipino cadets are with the MLC 2006 onboard complaint procedure during their shipboard training. In pursuit of the above the researcher will be concentrating on the following questions:

A. What are the STCW trainings and possibly company in-house training taken by the cadet to comply with:

- MLC 2006 Regulation 1.3 “Training and Qualifications” before they may be qualified by their shipping company to undergo their shipboard training.
- In relation to Commission on Higher Education baccalaureate program and
- Sponsoring company requirements

This is also in compliance with MLC Regulation 1.3.2 which states that “Seafarers shall not be permitted to work on a ship unless they have successfully completed training for personal safety on board ship.”

B. MLC Regulation 5.1.5 “Onboard Complaint Procedures” applicability to Cadets since they are also included in the definition of seafarers in accordance to the provision given by the Philippine Overseas Employment Administration (POEA).

The researcher would like to seek if the cadets:

B.1. are familiar with the MLC 2006 On-board complaint procedures

B.2. are familiar on how to file a complaint

B.3 have experienced filing an onboard complaint or saw from other crew the filing of the complaint; if so, was the onboard complaint handled by the Department Head or the Master?

B.4 know the first person to be contacted in filing onboard complaint?”

B.5 know the next person to be contacted if the first filing of onboard complaint was not addressed nor resolve?

B.6 know the contact person in their office if there first or second complaint was not addressed nor resolved?

B.7 willing to share their experience or knowledge about a case related to onboard complaint?

B.8 agree that the MLC 2006 "Onboard Complaint Procedure" is an effective tool for the protection of seafarers rights?

B.9 agree that the MLC 2006 "Onboard Complaint Procedure" is not an effective tool for the protection of seafarers rights

B.10 can identify any challenges in having an "Onboard Complaint Procedure"?

1.2 Methodology/ sources of information

The first step to this research study is to know where the sample respondents will come and who are going to be the target respondents. This survey will be qualitative method in nature because of the limited time in masters' dissertation. The questions are to be sent to cadets, seafarers and different persons related in maritime industry. These questions are answerable by "yes or no" and "an open-ended" questions so that participants have an opportunity to express freely their thoughts and answer according to their will.

The gathering of data includes the research of related literature. Most of the resources are from the database of the WMU library and available online information coming from the government websites in the Philippines. In addition, related relevant texts from previous Dissertation available in the WMU Library maritime commons were utilized.

The researcher had used an online survey composed of questions which were input into the google form and were sent to random participants through internet by e-mail or social media messenger, as this research study is of qualitative method.

This research study naturally limits its aims to meet its objective. The personal details of the participants are kept confidential and their answers will be used for statistical data only and analysis.

1.3 Source of Data

Data collecting will come from students referred to as cadet studying in maritime schools or currently taking their shipboard training or have done with their maritime baccalaureate degree or any seafarers who already undergone their cadetship year, training center review center and manning agency or shipping company.

1.4 Definition of Terms

1.3.1 Training- according to Webster's New World Thesaurus by Laird (1990) it is a drill, practice, exercise, preparation, instruction, foundation, schooling discipline, basic principles, groundwork, coaching, indoctrination, preliminaries, tune-up or build-up (Laird, 1990). It was also defined as practice, skill and learning how to do things (Gravador,2016).

1.3.2 Qualifications- according to Webster's New World Thesaurus by Laird (1990) it is the need, requisite, essential, endowments, acquirements or attainments (Laird, 1990). It also defines things that need to know and be able to perform by a person in a certain activity on the labor market (European Centre for the Development of Vocational Training, 2013).

1.3.3 Complaints or Grievance- according to Webster's New World Thesaurus by Laird (1990) it is a charge, criticism, reproach, an accusation or objection (Laird, 1990). It may also refer to "breaches or allegation of breaches of the matters specifically covered in the Maritime Labor Convention, as accepted and applied by the Flag State of the Ship on which a seafarer is

working". It was not specified to what particular actions that might be imposed in the event that the complaint is proven but it clearly state that the purpose of the procedure is to make a resolution about the problem (McConnell, et al, 2011).

1.3.4 Victimization- This term refers to "any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made" (International Shipping Federation, 2012, p. 2).

1.3.5 The different meaning given to the term "Cadet" under the provisions of the Philippines

To clarify that the "Cadet" is included in the definition of seafarer under the Philippines provisions, according to the Cacdac the term "seafarer" are defined in the Maritime Labor Convention as "any person who is employed or engaged or works in any capacity onboard a ship to which this convention applies" (Cacdac, 2010). In addition, he also stated that the term seafarer is subject to the definition given by the competent authority of the flag state and that it is stated in MLC Resolution VII about the requirements to be given attention particularly the duration of stay that the person will be onboard, frequency of his/her work onboard, the place onboard where the person will be engaged in any capacity, purpose of their stay on-board the ship and the protection given to their labor and social condition (Cacdac, 2010).

In the Philippines, there is the Department of Labor and Employment (DOLE) that issued a Department Order 153 also known as the "Implementing Rules and Regulations of Republic Act no. 10706 otherwise known as the"Seafarers Protection Act" that defines "seafarer" as to "any person who is employed or engaged to any capacity onboard a seagoing ship navigating the foreign seas other than a government ship used for military or non-commercial purposes. The definition shall include fishermen, cruise ship personnel and those serving on foreign maritime mobile offshore

and drilling units.” (Department of Labor and Employment, Department Order no. 153, 2016).

The term “cadet” is also defined by the Department of Labor and Employment (DOLE) by its Department Order no. 130. It states that cadet is a student of maritime educational institution, who is required to undergo onboard training to complete the educational requirements for maritime degree or technical course (Department of Labor and Employment, Department Order no. 130, 2013).

Cadets shipboard training is their apprenticeship, in Philippine Merchant Marine Rules and Regulation, it uses the term “Apprentice Training” in which it encourages the ship-owners to accommodate a number of persons graduated from maritime courses to provide them an apprenticeship training as long as they meet the requirement of having an adequate safety appliances that should be shown in their Ship Safety Certificate and ensuring that they could accommodate an additional number of persons onboard with a comfortable living accommodation and ensuring that each apprentice cadet shall have a Seafarer’s Training Record Book with them for recording of their performance onboard.

The Department of Labor and Employment issued a Department Order no. 68-04 entitled as “An Apprenticeship and Employment Program) under its definition of terms, an “Apprentice” is a person undergoing training for an approved apprenticeable occupation during an established period and covered by an “Apprenticeship Agreement”. Next, the term “Apprenticeship” is defined as the training with employment involving a contract between an apprentice and an enterprise on an apprenticeable occupation. And finally, the term “Apprenticeship Agreement” is a contract wherein a prospective enterprise binds itself to train the apprentice who, in turn, accepts the terms of training for a recognized apprenticeable occupation emphasizing the rights, duties and responsibilities of each party (Department of Labor and Employment Department Order No. 68-04, 2004).

Republic Act 10635 “An act Establishing the Maritime Industry Authority (MARINA) as the single maritime administration responsible for the implementation of enforcement of the 1978 on the International convention on Standards of Training, Certification and Watchkeeping for seafarers, as amended and International Agreements or Covenants Related thereto, gives a definition to the term “Seafarer” as “any person who is employed, engaged or works onboard seagoing ships whether or not such ships are engaged in domestic or overseas trade and to whom the STCW Convention applies.”

According to the Philippine Overseas Employment Administration (POEA), Filipino cadets are included in the definition of “seafarer” as “any person who is employed or engaged or works in any capacity onboard a ship to which the Maritime Labor Convention applies” (Philippine Overseas Employment Administration Governing Board Resolution No. 08 series of 2013).

1.5 Scope

This research study focuses only on cadets who are currently studying in maritime schools or having their trainings in maritime training centers or currently having their shipboard training, whether domestic or international. It also includes those seafarers who had already finished taking their cadetship in maritime school or shipboard training from year 2014 and above because the MLC 2006 was first ratified by the Philippines in 2012 and entered into force the following year.

Some persons with distinct authority in the maritime industry, working in shipping company, seafarers currently onboard regardless of their rank, maritime schools and training center have also been asked to share their opinion in relation to this research study.

This research will tackle two issues: the maritime education program of the Philippines which is aligned to STCW 2010 to give a better picture about the qualifications of cadets within the context of the Maritime Labor Convention 2006 Regulation 1.3 “Training and Qualifications” before taking their Shipboard Training, and the “Onboard Complaint procedure” under the MLC Regulation 5.1.5 and not “Onshore Complaint Procedure” because of time constraint.

1.6 Limitation

The research dichotomous questions will not include cadets from other nations and students who are studying under ESLP (Enhance Support Level Program).

Chapter 2: Review of Related Literature

2.1 Trainings and Memorandum of Agreement (MOA)

According to the thesis made by Abila (2016), cadets undergo trainings listed in the STCW to hone them as future officers. The goal of the cadetship program is to prepare them to work onboard a ship especially owned or sponsored by foreign shipping companies. Some schools have Memoranda of Agreement (MoA) with shipping companies, wherein the school, the cadet and the shipping company signed an agreement that they will sponsor a specific number of cadets for their cadetship program on-board their sailing ships. Thus it also clarifies the scope of responsibilities of the maritime school together with their sponsoring shipping company to provide an adequate training for their cadets before they could be allowed to take their shipboard training and ensuring that these cadets are on their legal age. It is also included in the MoA that the maritime school while at their premises has the responsibility not only to provide them the appropriate basic safety and security trainings but also the welfare of their cadets. The cadet/s and the shipping company also makes another agreement while these cadets are in their shipboard training, this agreement serves as a legal document and is binding to both parties stating the terms and consequences of the agreement, if breach or not followed. Moreover, the cadet has the responsibility to complete his/her cadetship training in his/her respective maritime school while they are being sponsored by their shipping companies. Failure to complete may result for the cadet to repay all the money invested by the shipping company to his/her training and

removal from the sponsorship. In addition, the cadets must follow the MoA as it serves as the contract between the cadet and the shipping company. Through the MoA, cadets have the responsibility to maintain their grades within the specified percentage required by their shipping company. It also describes that cadets should behave themselves in an appropriate manner at all times. These are some of the qualifications required by both the shipping company and the maritime school of their cadets especially when they are already in the program covered by a MoA (Abila, 2016).

The Memorandum of Agreement is usually set and prepared by the sponsoring shipping companies. This MoA, states the list of requirements that the cadets must possess and maintain such as academic performance, behavior while in the school or while they are in their dormitory, performance and behavior while they are in their shipboard training and their basic and advance training for safety and security. The MoA serves as the primary tool for monitoring the progress of their cadets. Some companies also include in their MoA a requirement for the cadet/s, after fulfilling their baccalaureate degree to work in their organization in a specified number of years (Abila, 2016).

2.2 Cadet Shipboard Training

The cadets undergo a shipboard training program for at least 12 months onboard the ship. This serves as their on the job training or apprenticeship as it serves as their practical training and mentoring and guiding stage from their officers onboard. The cadet/s will need to carry his/her Training Record Book onboard that will be signed by respective officers after the cadet had met the appropriate required field of work or as necessary. Shipboard training is a planned training usually managed by the sponsoring shipping companies in correlation to the maritime school. Moreover, the training hours onboard the ship of cadets are referred to as “Work hours”. Cadet/s are to assist as required by their officers making them part of the workforce onboard while

they are in their sea-time training. Giving training to cadets are always connected with the daily routine onboard the ship (Abila, 2016).

2.3 Onboard Issues

Onboard the ship there are possibilities of conflict while a seafarer is under contract to work in a particular ship. These conflicts might be associated with competition when trying to finish the job order on time thus it make oneself more attractive to appraisal and promotion. Persons may look for reward in any of their achievements gain resulting to envy to some of his colleagues thus making the work of the single person harder while onboard (Dutt, 2015).

Politics can also be part of the conflict while onboard the ship, it could be on the management level side of the shipboard organization thus resulting the whole crew to make coalition to whom they strongly believe is more influential and could affect their promotion. This makes the crew aim for a better impression of themselves so that the management level can possibly give them a better quarterly appraisal report to the company. However, this case happens especially if the crew and the member of the management onboard the ship are strong allies and has the same principle towards work (Dutt,2015).

There could also be an issue in **hierarchy** or **chain of command** as the shipboard organization is divided between different departments namely Deck, Engine and Galley. There are separation of officers and ratings, the officers are further divided between management level and operational in charge officers. On Deck Department the Highest ranking officer is the Chief Mate, next is the 2nd Mate, then the 3rd Mate and so on. In the Engine Department the highest ranking officer is the Chief Engineer, next is the 2nd Engineer, then 3rd Engineer, sometimes there is 4th engineer onboard the ship depending on the necessity of manpower required to operate the ship. The Master is the highest ranking officer among the deck and engine officers as he/she has the overall responsibility and command for the entire ship. Furthermore, ratings are also

divided between deck and engine department. Deck ratings highest rank is designated as Bosun, next is the Able-bodied seaman (AB) and the ordinary seaman (OS). In the engine side, ratings highest rank is the Fitter, next is the Motorman, then Oiler and finally the Wiper. The Galley department is headed by the Chief Cook with sometimes is assisted by the 2nd Cook and finally it has the Messman. With the shipboard organization, hierarchy can affect the implementation and enforcement of policy of the company and the rules and regulations stated in the different convention because there could be a different leadership style coming from the different high ranking officers. It may also lead to have some frictions or gaps between the personnel onboard (Dutt, 2015).

Social background may also affect the relationship onboard between seafarers as there are various ships where different nationalities are working under contract at the same time. These may affect how they deal with different activities, the way they would like to express what is on their mind thus it somehow builds a feeling of superiority to others and an inferiority to some crew. It also leads to stereotyping of some personnel judging their colleagues depending in his social background (Dutt, 2015).

The social life onboard is also affected because of the traditional way of separation between the Officers and Ratings. An example of this is the separation of their mess rooms whereby officers have their own mess area different from the mess area of the ratings. Issue about the quantity and quality of food being cooked and served to officers are much better compared to ratings. These was a long tradition where Chief Cook were taught to do so or sometimes they follow under the company policy. The occupational culture onboard maybe affected by the unreasonable treatment because of power relations between officers and ratings and the short term contract which sometimes leads to the silence of the person wherein he/she chose not to address the issue anymore (Dutt, 2015).

2.4 The filing of Grievance onboard:

In relation to the issues raised onboard, a grievance procedure should be in place. The complaints should be reported first to their head of department. All the efforts must be done by the head of the department to solve the raised complaint however in cases that it is resolved it should be reported the ship's Master for further investigation and resolution. However, there are cases that the person involved in the complaint is a high ranking officer such as the Chief Engineer or the Master of the ship thus the chain of command is affected for onboard complaint procedure. By practice, the onboard complaint is passed on to the grievance committee onboard to discuss the merits of the complaint. This committee is composed of management level officer onboard. They need to have a communication with the persons involved especially the person who made the complaint to ask for their personal point of view along with other crew or witness involved before they make a decision. After investigation, the grievance committee will pass it on to the Master for the final decision. The officers and ratings are aware and has the knowledge where to access the details to make an onboard complaint however they are usually not reminded of it before they join the ship. One of the challenge in this case is that the trust issue between officers and ratings once the formal complaint is made (Dutt, 2015).

2.5 The background of Filipino Cadets Qualifications:

2.5.1 The Maritime Education Program (MEP) in the Philippines Settings

2.5.1.1 Introduction

The researcher intend to describe the maritime education program in the Philippines this will include the historical background of Commission on Higher Education (CHED) and the description of BSMT and BSMarEng degree program of the Philippines as it gives a clear detail on how the cadets take their education and STCW

trainings using the CHED Memorandum as it is connected to the MLC 2006 Regulation 1.3 “Training and Qualifications” followed by the shipboard training and finally the MLC 2006 Regulation 5.1.5 “Onboard Complaint Procedure” as the cadets while in shipboard training may experience a violation against in their rights.

2.5.1.2 The Republic Act No. 7722 also known as the “Higher Education Act of 1994”

This Law was enacted in Manila. The act had undergone a thorough reading by the Senate and the House of Representatives. It is stated in this act that the Secretary of Education, Culture and Sports will be appointed by the Philippine President, likewise with the one chairman of the Commission on Higher Education and its 4 commissioners. The requirement to be appointed into these positions requires that the person must be an academician withholding a Doctorate with a minimum of 10 active years in service to the higher education and must not have run for the office from last election held. The candidate must also possess an outstanding state of professionalism with a high level of integrity and very known authorities in their field of expertise. Candidates will be chosen from different fields of academics (<http://api.ched.ph/api/v1/download/1625>).

2.5.1.3 The Historical Background of the Commission on Higher Education (CHED)

The Philippines Republic Act No. 7722 known as “Higher Education Act of 1994” is the legal source for the creation of the Commission on Higher Education (CHED). The creation of the commission was due to the Congressional Commission on Education (EDCOM) agenda to reform the Philippines education system. It gives a definite division of responsibilities and all are independent to each other, the Commission on Higher Education (CHED) is the governing body for tertiary level and

graduate education, the Department of Education (DepEd) is in charge of the Basic Education while the Technical Education and Skills Development Authority (TESDA) is responsible for the technical-vocational education and also the middle education. The purpose of the commission is for administrative function and it is also an attached agency to the Office of the President of the Philippines. It was created May 08, 1994. It has 4 commissioners and is headed by one chairperson (chairman) that will serve in the office for 4 years. The CHED is mandated to inculcate to Filipino people the importance of education, decrease the volume of poverty and form competitiveness nationwide in accordance to Republic Act No. 7722. This commission is to upgrade the quality of higher education, making it at the common level of international standards. It must make the education be accessible to those less fortunate people who want to study in school, raise the academic freedom, leadership, advancement of learning, support research, protect the historical and cultural heritage of the Philippines and increase morality to all people (www.ched.gov.ph/central/page/historical-background).

2.5.1.4 Philippines Executive Order No. 83 series of 2012 also known as “Institutionalization of the Philippine Qualification Framework (PQF)”

This was signed by the former Philippine President Benigno S. Aquino III on October 1, 2012. The Philippine Qualification Framework is to accept the national standards and works as a quality management system for the national level. It is a national policy that deals with the levels of educational qualifications and the qualification outcomes. It supports the pathways of education in which the framework starts from the basic education under the Department of Education, then followed by technical education and development of skills under the TESDA, and finally the higher education under the responsibility of CHED. It has a National Coordinating Committee in which the secretary of Department Education is the chairman. It has members namely the Commission on Higher Education (CHED), Professional Regulation

Commission (PRC), Technical Education and Skills Development Authority (TESDA), and Department of Labor and Employment (DOLE). The function of its committee is to provide feedback to the Office of the President regarding the effectivity and accomplishment of its issued Implementing Rules and Regulations. Knowledge, skills and values, application, and degree of independence are the 8 level descriptors for the Philippine Qualification Framework (Executive Order No. 83, s. 2012).

2.5.1.5 Bachelor of Science in Marine Transportation (BSMT) program

In keeping the Maritime Education of the Philippines maintain its response to the international requirements set in the International Convention on Standard of Training, Certification and Watchkeeping Seafarers 1978 as amended by the 2010 Manila Amendments, the Commission on Higher Education had issued a Memorandum Order No. 13 series of 2013 that deals with the Bachelor of Science in Marine Transportation (BSMT) policies, standards and guidelines (Commission on Higher Education Memorandum Order No. 13 series of 2013). This is a degree program that focuses on the study of safe operation of the vessel, care for persons onboard, safe navigation, cargo handling and stowage. Its aim is to produce graduates that are capable of performing with competence the responsibilities of the Officer-in-Charge of Navigational Watchkeeping as per Column 1 of Table A-II/1 under Section A-II/1 of the STCW Code and has acquired the knowledge needed in response to STCW Code Section A-VI/1 paragraph 2, Section A-VI/2 paragraphs 1-4, Section A-VI/3 paragraph 1-4 and Section A-VI/4 paragraph 1-3. It has a requirements of minimum total of 172 units to be completed. Its General Education Courses is 51 units while its Special Professional Course is 67, Shipboard Training is 40 units, Physical Education (P.E) is 8 and its National Service Training Program (NSTP) is 6. This is in response to the 2010 Manila amendments wherein there are added requirements for Officer-in-Charge of Navigational Watchkeeping (OIC-NW) to have new trainings because of the technological advancements nowadays onboard the ships, new medical requirements

and new certification requirements. In addition, the use of simulators is included in the curriculum and shall be reflected in the student's Transcript of Records (TOR), these courses are the use of the Electronic Charts Display and Information System, safety courses, Radar Navigation and Radar Plotting and the use of ARPA (Commission on Higher Education Memorandum Order No. 13 series of 2013).

In the Commission on Higher Education Memorandum Order No. 31 series of 2013, the BSMT program had some revisions, first the credit units were changed from 172 units to 181 units. Then, the safety courses can now be offered by Maritime Higher Education Institution provided that they have their own training facilities that is accepted under the regulations of the Philippines' STCW Administration or the Safety and Security courses may be completed in Administration-accredited Maritime Training Institutions. These safety and security courses together with their Certificate of Proficiency (COP) shall be a requirement for students to graduate in this degree (Commission on Higher Education Memorandum Order NO. 31 series of 2013).

2.5.1.6 Bachelor of Science in Marine Engineering (BSMarE) program

The Commission on Higher Education Memorandum Order no. 14 series of 2013 sets the policies, standards and guidelines needed for Bachelor of Science in Marine Engineering Program. This degree program shall focus its studies in the operation and maintenance of the marine propulsion system and care for people onboard the vessel. Graduates in this degree program shall be prepared to carry out the responsibilities of an Officer-in-Charge of Engine Watchkeeping enumerated under the Column 1 of Table A-III/1 under Section A-III/1 and has gained the required knowledge and skills of the STCW Code Section A-VIII/2 part 4-2. This will require to have a minimum of 182 units to complete this marine engineering program. Distribution of its summarized units is that the General Education Courses is 51, Special Professional Courses is 77, Physical Education (P.E) is 8 and the National Service

Training Program (NSTP) is 6 (Commission on Higher Education Memorandum Order No. 14 series of 2013).

These maritime degree programs are an outcomes-based approach and has curriculum composed of general education, physical education, National Service Training Program (NSTP), Shipboard Training Program and the special professional Courses. Graduates from BSMT or BSMarE program may pursue his/her merchant marine profession or may choose to work in the maritime industry under the ship operations, ship management and/or port operations. They may also teach in maritime education institutions and/or training institutions. They also have a choice if they would to serve either in Philippine Navy or Philippine Coastguard (Commission on Higher Education Memorandum Order No. 14 series of 2013).

In Memorandum Order No. 32 series of 2013 of Commission on Higher Education, there were amendments made to the previous memorandum no. 14 series of 2013. The credit units were changed from 182 to 189 units. Students who are candidate to graduate in this degree must have acquired the safety and security courses together with its Certificate of Proficiency (COP). these training courses could be taken from their respective Maritime Higher Education Institution or Maritime Training Centers as long they are accredited by the STCW Administration and have the type approved facilities (Commission on Higher Education Memorandum Order No. 14 series of 2013).

2.5.1.7 General Education in the Maritime Education Program

As a response to the Republic Act 7722 or also known as the “Higher Education Act of 1994”, it shall be the responsibility of the Commission on Higher Education to set the minimum standards for all the programs offered by education institutions for higher learning. The General Education will be taken by all undergraduates’ students regardless of their chosen field study as it will gain them to have more knowledge

coming from different fields of background, increase their comprehension in their society by building their critical analysis, problem solving skills, creativity and civic capacity. It shall focus on a broader understanding and different ways of knowing and the effects and implication of the general knowledge in ethics and society. Its goal is to produce graduates that have better understanding and value of nationalism, improve the quality of life of Filipinos, produce graduates that have appreciation to general knowledge and are open-minded but preserves the value and identity of being a Filipino as they will contribute to the capacity building of their community and of their nation. The General Education Outcomes is divided into 3 categories, namely Intellectual Competencies, Personal and Civic competencies and Practical Responsibilities. Firstly, the Intellectual Competencies deals with the comprehension of the student in a higher level in relation to reading and understanding the text or visual, it also focuses in the skills of student in writing, speaking and the use of new technologies to make them proficient and have an effective communication with the application of their quantitative or qualitative analysis, showing their creative ideas in an artistic or scientific manner and exposing the students in the studies in laboratory or field by making experiment or observation to solve the problems in a systematic approach. Next, the Personal and Civic Competencies shall focus in the enhancement of student to view and become more appreciative in the human condition, interpretation of experiences of human, nationalism by knowing the value of being Filipino, to improve the creativity of the students in showing their creative solutions and innovations in respect to ethical standards, respecting human rights and to contribute for the development of the country. Finally, the Practical Skills will concentrate on developing and improving the ability of the person to become a team player and the value of teamwork, responsible use of technology for doing research and enlighten the student in the real-world problem by giving them problem-solving applying their knowledge and skills (Commission on Higher Education Memorandum Order No. 20 Series of 2013).

2.5.1.8 Qualifications of an Apprentice

There are minimum requirements that a person need to meet before he/she may be allowed to take an apprenticeship. According to DOLE Department advisory no. 01, article 59, the person should be at least fourteen (14) years of age, must have a vocational aptitude and capacity for appropriate test and has the ability to comprehend, and can follow an oral and written instructions. In addition, the stakeholders may request the Secretary of Labor for an appropriate educational requirement for different occupations (Department of Labor and employment, 2015).

2.5.1.9 The Filipino Cadet Shipboard Training (SBT)

In the Philippines, there is a requirement for the cadet and the ship-owner to have a “Standard Cadet Training Agreement”. This was required by the Philippine Overseas Employment Administration. This is to ensure compliance with the provisions sets in the Maritime Labor Convention 2006 (MLC 2006) in protecting the rights of the marine cadets while undergoing their shipboard training (Philippine Overseas Employment Administration, Governing Board Resolution 08, 2013).

This specifies the details of the cadet who will undergo shipboard training onboard the ships engaged in international voyage with the name of its agent, sponsoring company, vessel assignment and its particulars, duration of training, monthly stipend, hours of training, point of departure, start of training, responsibilities of the cadet and the sponsoring company, baggage allowance prior to joining and repatriation, hygiene and vaccination, remittance facilities, holidays, transfer clause, right to discipline, disqualification from the cadet training program, termination of the cadet training agreement, repatriation, health protection, medical care, welfare and protection, lost or damage of the cadet’s document by marine peril, applicable law and dispute settlement and schedule of disability or impediment for injuries suffered and diseases including training-related diseases or illness contracted (Philippine Overseas Employment Administration, Governing Board Resolution 08, 2013).

2.6 The Engagement of Cadets for training

The cadet and the ship-owner shall have an agreement in writing between them in which the POEA shall govern the standard engagement agreement for the training of cadet onboard the ocean-going ships. There shall be an original 4 copies written in English language before the start of their shipboard training. These 4 copies shall be submitted and examined by the Department of Labor and Employment (DOLE) through the Philippine Overseas Employment Administration (POEA) and will be approved if these meet the requirements. Furthermore, the ship-owner, the cadet, the manning agency and the POEA should each receive a signed and approved original copy as part of the standard operating procedures, the agreement can be examined by the cadet so that he/she can seek advice regarding the agreement before signing (Department of Labor and Employment, Department Order no. 130, 2013).

2.7 The Standard Cadet Training Agreement

It details the rights of the cadet while they are onboard the ship. CHED has issued a memorandum order to further strengthen the shipboard training program, it requires that the cadet should have an approved and documented seagoing service, additional requirement to be met in the Training Record Book (Commission on Higher Education Memorandum Order no. 20, 2014). Furthermore, the POEA has adopted the standard cadet training agreement in order to safeguard the social rights of the cadets while they are having their shipboard training onboard the ship. It was developed by the POEA in consultation with the manning agencies and social partners (Philippine Overseas Employment Administration, Governing Board Resolution no. 08, 2013).

The cadets are required to take the shipboard training as part of their completion for their BSMT or BSMarEng courses. The Training Record Book (TRB) is in-line with the 1978 STCW Convention as it has the list of the different activities that the cadet needs to perform onboard during his shipboard training. These list of activities in the TRB are in relation to the 1978 STCW Convention as amended, Regulation II/I and Regulation III/I (Commission on Higher Education Memorandum Order no. 20, 2014).

2.8 BSMT Cadets Shipboard Training (SBT)

They must be able to carry out and perform during their SBT the bridge watchkeeping duties in a seagoing vessel of not less than 500 gross tons, meeting the requirements stated in Section A-II/I of the 1978 STCW Convention and Code, under the supervision of a qualified officer or Master for a duration of at least 6 months. And they shall have completed a SBT of not less than 12 months and is documented in their TRB (Commission on Higher Education Memorandum Order no. 20, 2014).

2.9 BSMarEng Cadets Shipboard Training (SBT)

They must be able to perform the engine room watchkeeping duties in a seagoing vessel of not less than 750kW propulsion power, under the supervision of a qualified engineer officer or Chief Engineer meeting the requirements stated in the Section A-III/I of the 1978 STCW convention and the Code in a duration of at least 6 months. And they shall have completed at least 12 months of seagoing service for their SBT that is also documented in their TRB (Commission on Higher Education Memorandum Order no. 20, 2014).

2.10 Training for Workshop Skills

Cadets must be able to perform the correct usage of appropriate tools for repairing operation and fabrication usually carried out onboard the ship. The correct use of measuring equipment for maintenance, overhauling, dismantling and reassembling with the right hand tools for ships' machineries. In addition, they must be able to carry out the correct use electrical and electronic equipment typically use for measuring, testing, finding fault and checking parameters such as pressures and temperatures (Commission on Higher Education Memorandum Order no. 20, 2014).

2.11 Unreasonable Treatment onboard

While cadets are doing their shipboard training they may face a lot of experiences whether it may be good or bad. There are some issues that they in an early stage of their apprentice may face as part of their chosen field of occupation. These unreasonable treatments aside from labor issues may come into many forms, such examples are abuse of power to control other that affects the work of another person, public humiliation, threatening the employment of a seafarer and non-verbal harassment by using offensive display, signs, symbols or post (Dutt, 2015). Thus the applicability of MLC 2006 “Onboard Complaint Procedure” becomes important for protecting the seafarer’s rights.

2.12 The Maritime Labor Convention 2006

In year 2006, the International Labor Organization member states, with the full support coming from their “social partners” namely the International Shipping Federation (ISF) and the International Transport Worker’s Federation (ITF) saw the adoption of the Maritime Labor Convention. As we all know where the ship is usually engaged in international trade, there are many states that may be connected with the operation of the vessel. It might be owned from state A, while it is managed in State B with a registration in the State C and is manned by seafarers coming from State D or sometimes many more. The industry is negatively affected if the labor regulations applied in a particular ship is changed whenever it has entered the port of another state. Furthermore, there should be equal fundamental rights to seafarers while they are under contract to work onboard irrespective of the flag the ship they are sailing. Those are some of the basic reasons why there was a need for the adoption of new convention and to resolve the problem of one state adopting various international labor standards. Through MLC 2006, it is already addressing the shipping company's obligations to their seafarers, manning agencies responsibilities, working hours, health and safety, living accommodation, catering and provisions and the welfare of their seafarers. Through MLC 2006, all the large number of ILO maritime instruments were

consolidated into one single convention. This convention has entered into force last August 2013, globally (International Shipping Federation, 2012).

2.13 Training and Qualifications under the provisions of MLC 2006

The purpose of this provision is ensure that seafarers are capable of doing their duties onboard because they are properly trained and qualified for their job/task/work in whichever capacity they would be serving onboard the ship. It is stated in this convention that the ship-owners have the responsibility to ensure that all the applicable training for personal safety onboard are successfully completed by the seafarer and that they are certified to carry out their duties. To satisfy the MLC's provisions on Training and Qualifications, there should be compliance with the International Convention on Standard of Training, Certification and Watchkeeping for Seafarers (STCW) and therefore the assurance of complying with the current STCW as amended in 2010 because it details the requirements for trainings and certification of seafarers, basic training for personal safety and seafarers with designated safety and pollution responsibilities. Furthermore, the STCW states that it is a requirement to take familiarization in elementary safety matters for shipboard personnel when joining onboard the ship (International Shipping Federation, 2012, p. 2).

2.14 Skills development in relation to Training and Qualification

It is also stated in the MLC 2006 convention Regulation 2.8 that member states are required by the ILO to have their own national legislation in promoting employment and career development for their seafarers. The ship-owners might be consulted by their administration to participate in development and promotion of vocational courses, training and education for seafarers thus making the maritime education STCW based in nature (International Shipping Federation, 2012, p.47).

2.15 ILO Recommendation 142

The ILO Constitution in 1919 gave a first emphasis on the significance of the vocational and technical education. It gave way to the Human Resources Development Convention 1975 (No. 142). The development of comprehensive programs of guidance and training for vocational is required to be adopted by the ratifying states. Its purpose is to make use of the capabilities of any person to their work taking out discrimination (International Labor Office, 1982). It also states that the state should make national policies concentrating for the national development by giving into consideration the employment needs, opportunities economic, social and cultural objective (Sims, 2002).

2.16 ILO Recommendation 137

In the ILO Recommendation 137 of 1970 gives details about the vocational trainings of seafarers (The Nautical Institute, 1985). It's a recommendation that is applicable in designing to prepare persons to work onboard a ship by having an appropriate training before they may serve on a seagoing ship, whether it may be publicly or privately owned, that is engaged in trade whether it may be transporting of passengers or cargo or training ship or engaged in scientific exploration. The term "seagoing ship" is left to be defined under the laws or regulations of the Administration. In addition, the Recommendation No. 137 shall not apply to fishermen. Part of its objective is to encourage suitable persons to choose maritime as their career and give adequate and appropriate training for new recruits and various grades of seafarers either they will be working ashore or onboard the ship. In addition, the education and training of seafarers will be plan by the competent authorities in countries with or planning to have a maritime industry (International Labor Organization, 1998).

2.17 The MLC 2006 Onboard Complaint Procedures

Seafarers are allowed to exercise their rights under this convention through the enforcement of onboard complaint procedure. A copy should be made available in English and working language of the ship, and posted in conspicuous space for a seafarer to read and understand and be familiarize with the procedure of filing an onboard complaint (McConnell, et al, 2011). The procedure makes the employee become more productive and lessen their liability while giving a fair treatment to everyone (Polster, 2011).

Ship-owners are required by the convention to make sure that all their ships have an appropriate display and information for doing an onboard complaint. The procedure onboard should be fair and effective handling of complaints that allegedly violates the provisions of the convention or the rights of the seafarer. The purpose of this procedure is to resolve the complaints and problem at the lowest level onboard the ship (International Shipping Federation, 2012, p. 2). At first, the person may give the formal complaint to the head of the department, the head may then accept or reject the grievance of the person and make a decision to remedy or resolve the problem (Polster, 2011). But in any case the complaint of the seafarer could be submitted directly to the Ship's Master or if necessary the complaint can be given to external authorities. The seafarer has the right to be accompanied or represented another seafarer of their choice during the procedure is ongoing. In addition, when the complaint is filed the seafarer must be safeguarded against victimization. There is a legal penalty to any victimization of a seafarer for filing complaints. There should be a record made for any filed complaints and decision taken and a copy given to the person who complained (International Shipping Federation, 2012, p. 2).

According to the ITF's Special Seafarers' Department (SSD) as cited in the book entitled as "Voyages of Abuse: Seafarers, Human rights and International Shipping" there was a survey conducted for over a four-year period and it showed 992 cases of filed complaints and mostly of labor related issues such as abandonment and repatriation, collective agreements, unseaworthy and substandard ships, victimization

and blacklisting, unfair dismissal, substandard accommodation, medical treatment, delayed allotments, personal injury, loss of life and agency fees. It also showed that most of the cases were from Flag of Convenience (FOC) ships (Couper, 1999).

Victimization may come in different forms. It may be caused by the owner, Ship's Master and/or officers, ratings and crew. The family of seafarer may also get included by receiving threats of violence as a result many of the seafarers are afraid to speak out or file a formal onboard complaint regarding the true shipboard conditions. Some are afraid to speak up because they may get into the "Blacklist" produce by their manning agents if they chose to defend their rights. The "Blacklist" will be circulated and shall give an alert to other manning agencies that the seafarers in the list are considered to be a "troublemaker" and as a result the seafarer will have a hard time to find employment. This is a clear violation to the seafarer's right to employment. It gives a bad image or bad reputation to the seafarer involved (Couper, 1999).

2.18 POEA: Settling of Grievances

In the Philippines, it is stated that in any case of a need to settle an onboard complaint the procedure written under the POEA Seafarer Employment Contract (SEA), wherein the parties shall follow the procedure provided in Collective Bargaining Agreement, if it exists (Department of Labor and Employment, Department Order no. 130, 2013).

In addition, it is also stated under the POEA Governing Resolution, section 22, that in the event that there is a dispute not solved onboard the ship regarding training agreement and required shipboard training of CHED for cadets, it will be resolved by conciliation and mediation or arbitration in accordance with the guidelines of CHED. The agreement is under the interpretation of the laws of the Philippines (Philippine Overseas Employment Administration, Governing Board Resolution no. 08, 2013).

Chapter 3: Methodology

3.1 Introduction

This research concentrates on two specific aspects of MLC 2006, namely Regulation 1.3 - "Trainings and qualifications" and Regulation 5.1.5 entitled "On-board Complaint Procedures". The researcher will be concentrating on the following questions:

A. What are the STCW trainings and possibly company in-house training taken by the cadet to comply with:

- MLC 2006 Regulation 1.3 "Training and Qualifications" before they may be qualified by their shipping company to undergo their shipboard training.
- In relation to Commission on Higher Education baccalaureate program and
- Sponsoring company requirements

This is also in compliance with MLC Regulation 1.3.2 which states that "Seafarers shall not be permitted to work on a ship unless they have successfully completed training for personal safety on board ship."

B. MLC Regulation 5.1.5 "Onboard Complaint Procedures" applicability to Cadets because they are also included in the definition of seafarers in accordance to the provision given by the Philippine Overseas Employment Administration (POEA).

The researcher would like to seek if the cadets are:

B.1. Familiar with the MLC 2006 On-board complaint procedures

B.2. Is the cadet/s being familiar on how to file a complaint

B.3 If the cadet has experienced filing an onboard complaint or saw from other crew the filing of the complaint, Did the onboard complaint handled by the Department Head or the Master?

B.4 Do they know the first person to be contacted in filing onboard complaint?"

B.5 Do they know the next person to be contacted if the first filing of onboard complaint was not addressed nor resolve?

B.6 Do they know the contact person in their office if there first or second complaint was not addressed nor resolved?

B.7 Are they willing to share their experience or knowledge about a case related to onboard complaint?

B.8 Do you agree that the MLC 2006 "Onboard Complaint Procedure" is an effective tool for the protection of seafarers rights?

B.9 Do you disagree that the MLC 2006 "Onboard Complaint Procedure" is not an effective tool for the protection of seafarers rights

B.10 What do you think are the challenges in having an "Onboard Complaint Procedure"?

3.2 Selection of Participants

This research study is qualitative in nature and uses grounded theory, the researchers who will use this approach may have 20 to 30 participants as a sensible sample (Newton and Rudestam, 2007).

To answer the given research questions, participants from different maritime schools were chosen to participate. Students referred also in a term as cadet may join the survey. Specially, cadets who have gone shipboard training already as part of their requirement to have a baccalaureate degree.

Some personnel who are already working in the maritime who used to work as seafarer before and chose to work now in land based will be requested to express their view through online survey.

3.3 Instrumentation of survey format

The researcher used a Dichotomous survey format to be answered by participants in a given question. These are questions that are answerable by "Yes" or "No" or it can be answered by "Agree" or "Disagree" by the participants (Trochim, 2006). Then, the

researcher also used open-ended questions to gather information from persons related to maritime industry. It also helps encourage participants to express more of their ideas and opinions regarding the matter (Gravador, 2016).

3.4 Research Ethics Committee (REC)

In order to ensure that the survey will be conducted in an ethical manner, the questions, copy of research proposal, letter of request to participants, REC protocol, and consent form were sent to the WMU Research Ethics Committee for examination and approval. The participants were given enough information regarding the limitation of the research questions and the confidentiality and anonymity of their personal details will be handled by the researcher in the most appropriate manner should they choose to participate.

3.5 Questionnaires Instrumentation

There are 2 different sets of questionnaires in gathering of data from the respondents which were input using google Forms. This 2 sets are made separated as they are intended to be send to Cadets/seafarers and persons related to maritime industry. The aim of the questionnaires is to get qualitative responses from the participants. The first set of questionnaire is to be answered by the cadets/seafarers, it has 23 questions in total both combination of Dichotomous survey questions and open-ended questions. The second set of questionnaire composed of an “open-ended type” of questions to be answered by persons related to maritime industry. The online informed consent were also combined with the first part of the online questionnaire to give further information to the participants regarding the research study.

3.6 Language

The medium of language used in creating questionnaires to be given to target participants is in English as the Philippines are familiar in using this as one mode of communication. In addition, participants may answer the open-ended questions by using English or Filipino. In any case that the respondent used the Filipino language as his/her native tongue, the researcher would translate it into English for the purpose of this research study.

3.7 Data Collection

The online questionnaires were sent to different individual cadets coming from different maritime schools and/or currently taking their shipboard training onboard the seagoing ship. Seafarers who have also undergone and already finished with their shipboard training were sent for online survey questions as they may contribute additional opinion for the purpose of this research study. In addition, persons related to maritime industry were given online survey forms through google form as it is also appropriate to take their views regarding the concern study. Most of the participants came from the maritime educational institutions with a voluntary participation coming from their cadets.

The sample size for this research study is open until the researcher feels that all the responded answers had reached the so-called “data saturation”, wherein the replied answers from the participants are seemingly the same.

Chapter 4- Presentation of Data

4.1 Introduction

In this chapter the data collected are presented through the use of google forms. Participants that are cadets or seafarers who have undergone shipboard training are categorized in accordance to their baccalaureate degree. And later in this chapter are the answers from the persons related to maritime industry in response to the open-ended questions given to them by the researcher. The data collected are in response to the statement of the problem which is the Minimum “Training and Qualifications” for Shipboard Training and the Applicability of “Onboard Complaint Procedures” to Filipino Cadets. For this purpose, the following questions are made to asked by the researcher to random participants:

A. What are the STCW trainings and possibly company in-house training taken by the cadet to comply with:

- MLC 2006 Regulation 1.3 “Training and Qualifications” before they may be qualified by their shipping company to undergo their shipboard training.
- In relation to Commission on Higher Education baccalaureate program and
- Sponsoring company requirements

This is also in compliance with MLC Regulation 1.3.2 which states that “Seafarers shall not be permitted to work on a ship unless they have successfully completed training for personal safety on board ship.”

B. MLC Regulation 5.1.5 “Onboard Complaint Procedures” applicability to Cadets because they are also included in the definition of seafarers in accordance to the provision given by the Philippine Overseas Employment Administration (POEA).

The researcher would like to seek if the cadets are:

- B.1. Familiar with the MLC 2006 On-board complaint procedures
- B.2. Is the cadet/s being familiar on how to file a complaint
- B.3 If the cadet has experienced filing an onboard complaint or saw from other crew the filing of the complaint, Did the onboard complaint handled by the Department Head or the Master?
- B.4 Do they know the first person to be contacted in filing onboard complaint?"
- B.5 Do they know the next person to be contacted if the first filing of onboard complaint was not addressed nor resolve?
- B.6 Do they know the contact person in their office if there first or second complaint was not addressed nor resolved?
- B.7 Are they willing to share their experience or knowledge about a case related to onboard complaint?
- B.8 Do you agree that the MLC 2006 "Onboard Complaint Procedure" is an effective tool for the protection of seafarers rights?
- B.9 Do you disagree that the MLC 2006 "Onboard Complaint Procedure" is not an effective tool for the protection of seafarer's rights
- B.10 What do you think are the challenges in having an "Onboard Complaint Procedure"?

4.2 Presentation of Data Collected and Analysis

The data collected is from Filipino cadets who are currently undergoing their shipboard training, cadets that are currently studying and seafarers who have undergone the same. Data presented are separated according to the baccalaureate degree they are involved i.e BSMT or BSMarEng. The target number of participants for this study is 20 to 30 participants only but the number of respondents that replied back to my online survey were 86 in total.

Number of Participants

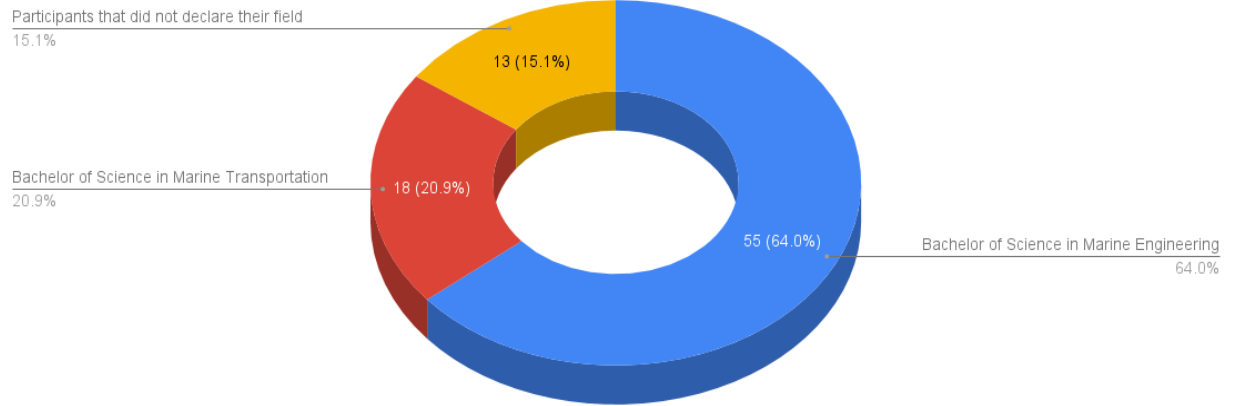


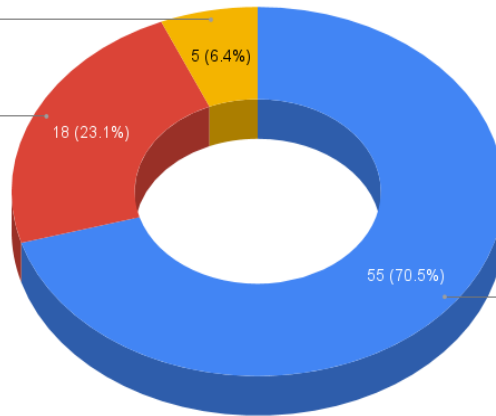
Figure 1: Total Participants in Numbers and Percentage

Total Number of Participants is 86. There are 13 participants that did not declare their field, 18 from Bachelor of Science in Marine Transportation and 55 from Bachelor of Science in Marine Engineering. The total number of participants are from the combination of respondents from Dichotomous questions and open-ended questions.

Number of Participants

Participants that did not declare their field
6.4%

Bachelor of Science in Marine Transportation
23.1%



Bachelor of Science in Marine Engineering
70.5%

Figure 2: Numbers and Percentage of replied Participants from Cadets/seafarers that answered the online survey question combination of “dichotomous question” and open-ended questions.

There are 78 participants out of 86 that answered the online survey that is combination of dichotomous questions and open-ended questions intended for cadets or seafarers. They came from different maritime schools, some are onboard, others are taking their STCW trainings from the accredited maritime training centers in the Philippines. Most of the participants are taking baccalaureate degree in marine engineering because they were the most available respondents during the survey were conducted.

Number of Participants in online survey, open-ended questions

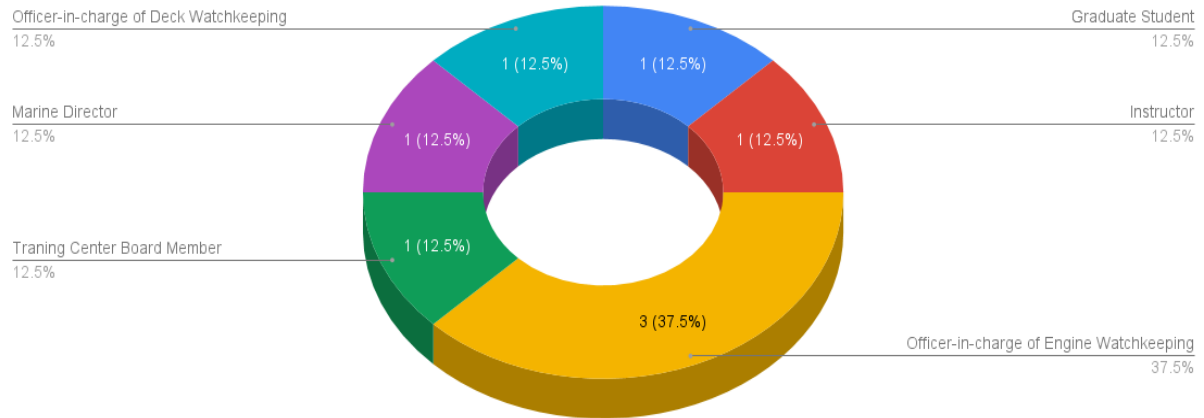


Figure 3: Values and Percentage of replied Participants from persons related in maritime industry in the Philippines that answered the online survey, open-ended questions.

There are 8 participants out of 86 who answered the online survey for persons related in maritime industry from the Philippines. These respondents are holding their position in office or experienced seafarers. They answered the online survey that has open-ended questions. The intention is to have their personal experiences from their field may give valued opinions regarding the research study.

3 out of 8 participants are Officer-in-charge of Engine Watchkeeping also known as Marine Engineers. 1 out of 8 participants is an Officer-in-charge of Deck Watchkeeping or so called Deck Officers. 1 out of 8 respondents is a Board Member from the maritime training center. There is also 1 participant that is working as a Marine Director. 1 participant that is working as an instructor in maritime training center. And 1 graduate student who is currently taking Doctor in Philosophy.

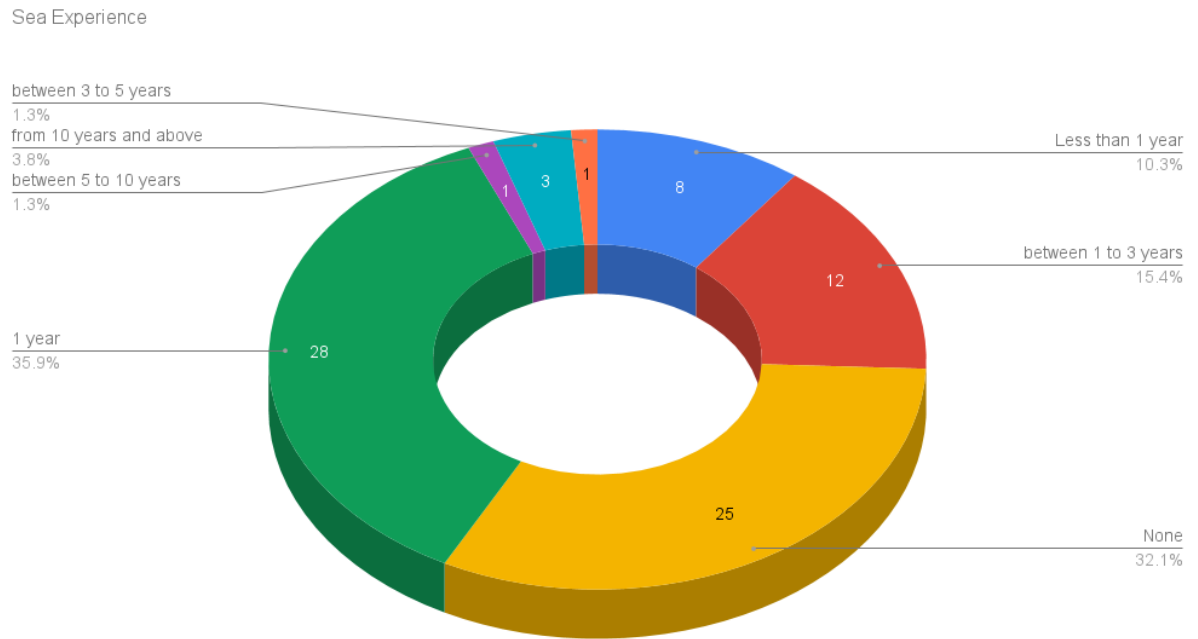


Figure 4: Sea experience of the participants

The total participants are 78 composed of cadets and seafarers who had undergone as a cadet. 8 participants have sea experience of less than one year. There are 28 participants that has one-year sea experience onboard the seagoing ship for their shipboard training. 12 participants have a sea experience between one to three years. 1 participants have sea experience between three to five years. Also, 1 participant have responded for sea experience between five to ten years while 3 participants have sea experience of 10 years and above. 25 participants are still no sea experience but currently studying in maritime school and taking their STCW trainings offered by their school or in cooperation by maritime training centers.

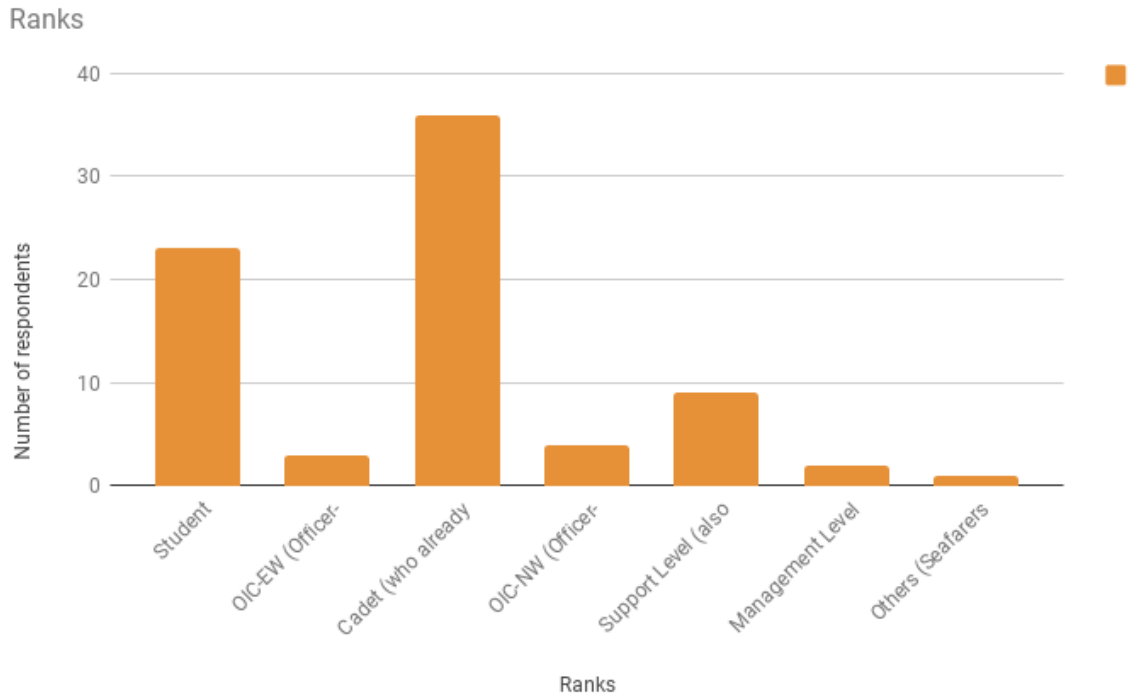


Figure 5: Ranks of participants

There are 78 participants that are classified according to their ranks. There are students, Officer-in-charge of Engine Watchkeeping (OIC-EW), Officer-in-charge of Deck Watchkeeping, Cadet that already finished their shipboard training, Support level also known as Ratings, Management level, and others.

Most of the participants are cadets that already finished in their shipboard training from different seagoing ships. It is followed by students that are currently studying in different maritime schools. These students are also taking their different trainings required under the STCW 2010 as part of their curriculum. There are also participants that are support level and officers but they also undergone shipboard training and had studied baccalaureate degree in maritime field.

Age range of participants

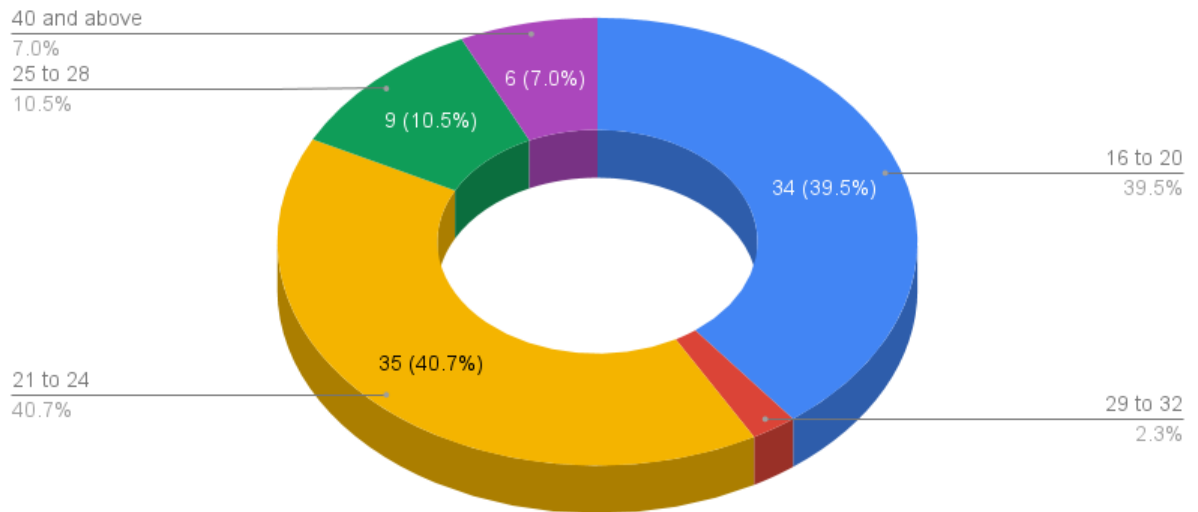


Figure 6: Age range of Participants

There are 34 participants aging between sixteen to twenty. 35 participants responded that their age is between twenty to twenty-four. There are 9 participants that belongs to age between twenty-five to twenty-eight. 2 participants are between twenty-nine to thirty-two years old while 6 participants are 40 and above years old.

Most of the participants have age between 21 to 24 and 16 to 20 because these are cadets who already finished their shipboard training or currently studying in maritime schools. Ages between 25 to 28 and 29 to 32 are currently working as seafarers or currently working in a land-base job. The age 40 and above are participants that are currently working in a maritime schools or training centers but they were also seafarers in their previous years.

4.3 Data presentation of minimum required Trainings of Filipino Cadets

Under the CHED Memorandum it included in the curriculum that maritime schools should give their cadets a safety trainings stated in the STCW 2010. The maritime school may give these safety trainings if they are capable and equipped with necessary equipments with a competent instructor to deliver the course. However, maritime schools could also choose to have an agreement to maritime training centers to deliver the safety courses to their cadets. In figure 13 shows the STCW trainings that cadets usually take before they may be allowed to undergo shipboard training. Noticed that most of the participants have already took “Basic Training” formerly known as Basic Safety Training but only few had taken the “Fast Rescue Boat (FRB)” training because this is only required to take if the ship that they will embark is fitted with fast rescue boat. In the figure below, shows that cadets are taking STCW trainings that are also required to take by seafarers in support level and officers.

STCW Training Certificates with number of Participants

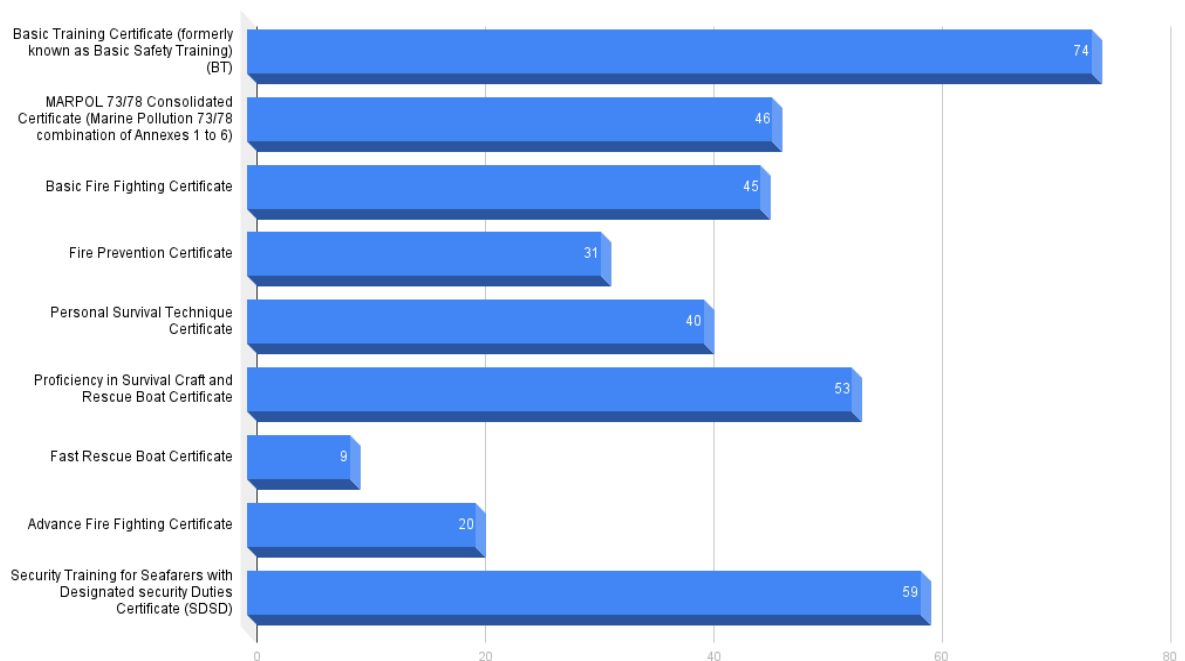


Figure 7: STCW training that cadets are taking before having their Shipboard Training

There are a total of 78 participants that responded to this survey. They are to choose what are the STCW trainings that they took before they could take their shipboard training. In “Basic Training” there are 74 out of 78 people that participated, 46 out of 78 participants took training for “MARPOL 73/78 Consolidated Annexes”, 45 out of 78 people took “Basic Fire Fighting” training. In “Fire Prevention” training there are 31 out of 78 respondents, 40 out of 78 participants took training for “Personal Survival Technique”, in “Proficiency in Survival Craft and Rescue Boat” training there are 53 out of 78 people that responded. There are 9 out of 78 participants took a training for “Fast Rescue Boat”, 20 out of 78 respondents took training for “Advance Fire Fighting” and 59 out of 78 respondents have taken “Security Training for Seafarers with Designated Security Duties”.

It also shows in the figure below that cadets are also taking in-house trainings required by their sponsoring company. These trainings are company specific procedures and are delivered by their own qualified instructors. These instructors are also the seafarers that used to work in the company’s seagoing ship. Notice that there are lesser number of responses in the different trainings although there are higher figures in trainings like Engine Watchkeeping and Deck Watchkeeping.

Training Certificates required by Company

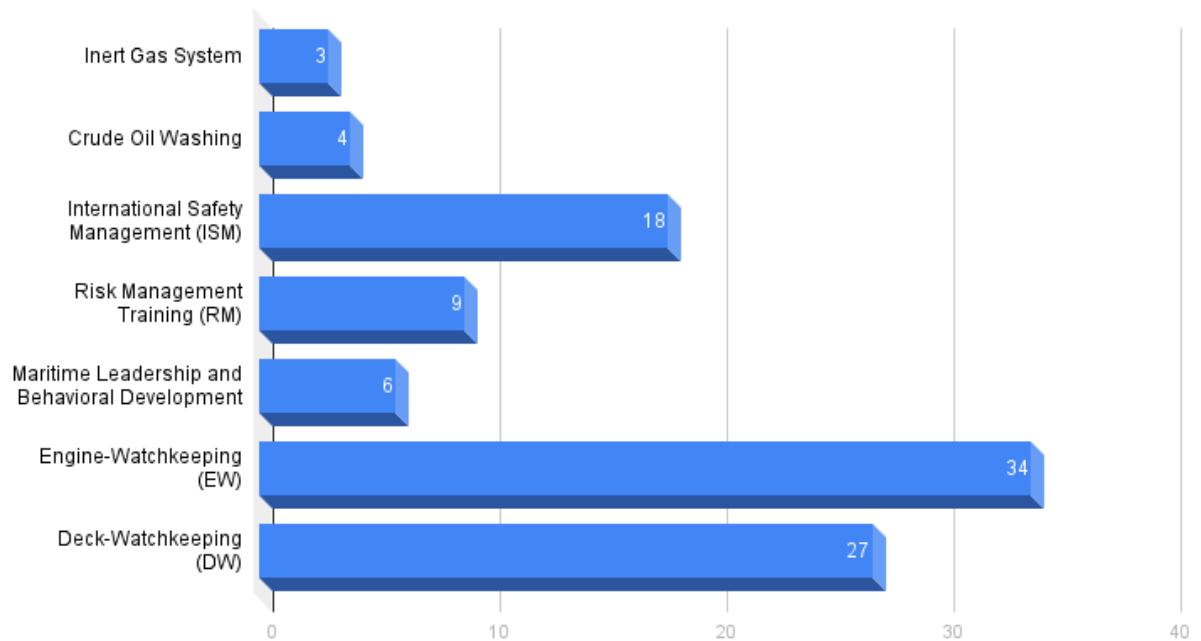


Figure 8: Company required in-house trainings before cadets' shipboard training

Cadets are also required by their sponsoring companies to take an in-house training before they may be allowed to undergo shipboard training. There 78 participants in total that responded to this survey. 3 out of 78 participants took training for “Inert Gas System”, 4 out 78 participants took training for “Crude Oil Washing”, 18 out of 78 people have taken training for “International Safety Management”, 9 out 78 respondents took “Risk Management” training, 6 out of 78 persons have trained for “Maritime Leadership and Behavioral Development”, 34 out of 78 respondents took training for “Engine Watchkeeping” while 27 out 78 participants were required to take “Deck Watchkeeping” training.

Familiarity of Filipino cadets in Onboard Complaint procedure of MLC 2006

Statement of the problem B.1

“Familiarity of Filipino cadets with the MLC 2006 On-board complaint procedures. It shows in the figure that most of the participants are now familiar with the labor convention while others are not yet familiar with it and some participants are still uncertain about MLC 2006. Possible reason of many respondents are familiar with the convention is that they may have seen it in training centers or in-house trainings in their sponsoring companies. Also the use of internet nowadays is very helpful in gathering information that are useful aide to acquire new ideas. They may have also taken the information from their peers who already took trainings regarding MLC 2006 or they may have members in their family which is also a seafarer that have knowledge about this fourth pillar of International Maritime Organization (IMO).

Familiarity of participants with the Maritime Labor Convention 2006

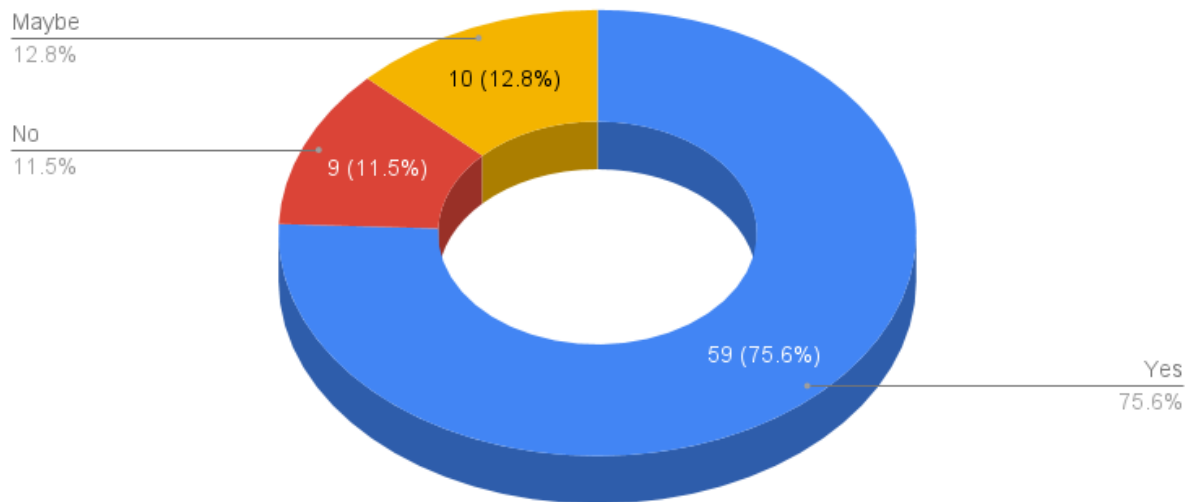


Figure 9: Participants (Cadets/Seafarers) familiarity with the MLC 2006

There are 59 participants that says they are familiar with the MLC 2006. However, 9 responded that they are not familiar with the MLC 2006 while 10 participants are uncertain about their familiarity with MLC 2006. All the participants when combined in total is equal to 78.

BSME cadet, Quezon City

“My knowledge about onboard complaint is Seafarers are entitled to lodge a complaint on board the ship in case of non-compliance with legal dispositions, regulations or agreements made under the MLC”

4.4 Cadets Awareness on MLC 2006 Onboard Complaint Procedure

Statement of the problem B.2

“Are the cadets aware on MLC 2006 onboard complaint procedure?” It shows from the figure that most of the Filipino cadets are already aware. Some participants said that:

BSME student, Zambales

“My experience onboard is that if a problem arises, the concerned crew(s) will discuss the issue. Communicate with one another then find the solution.”

License Holder of OIC-EW, Makati City

“In my experience, we had elected an onboard complaint officer. In case someone has a complain he will tell it to the onboard complaint officer and will be discussing with the master.”

BSME student, La Union

“In our ship the onboard complaints are being happening after the safety management meeting.”

Participants awareness about the Maritime Labor Convention 2006 "Onboard Complaints procedure"

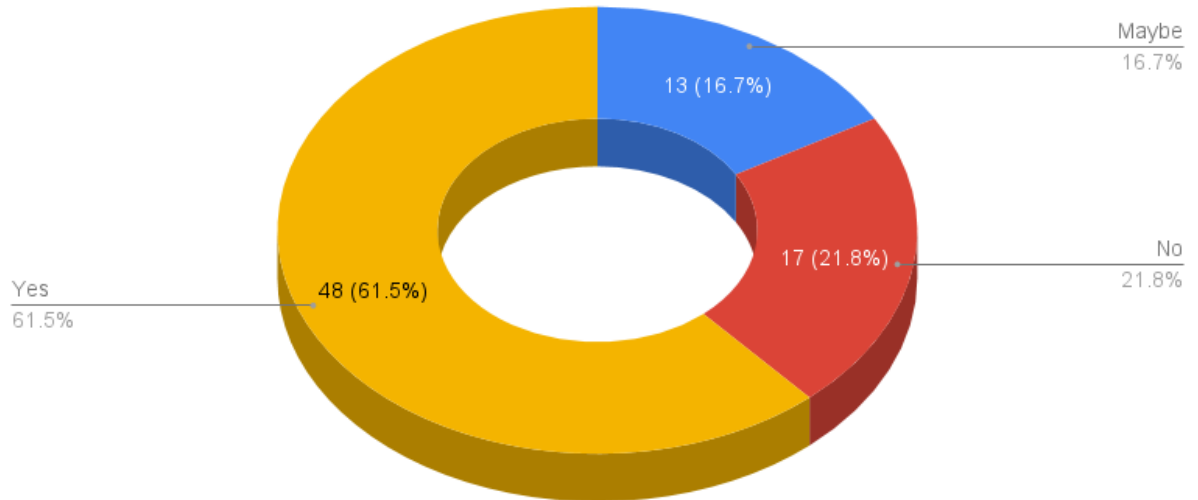


Figure 10: Participants awareness about the MLC 2006 "Onboard Complaint procedure"

Participants that are aware of "Onboard Complaint Procedure" are 48 persons while there are 17 persons that are not aware and 13 persons answered back that they are uncertain. All participants when combined in total is equal to 78

4.5 Statement of the problem B.3

"If the cadet have experienced filing an onboard complaint or saw from other crew the filing of the complaint, was the onboard complaint handled by the Department Head or the Master?"

Do you have any experience or knowledge that the on-board complaint was addressed and settled on-board by the responsible head of the department and/or by the Master?

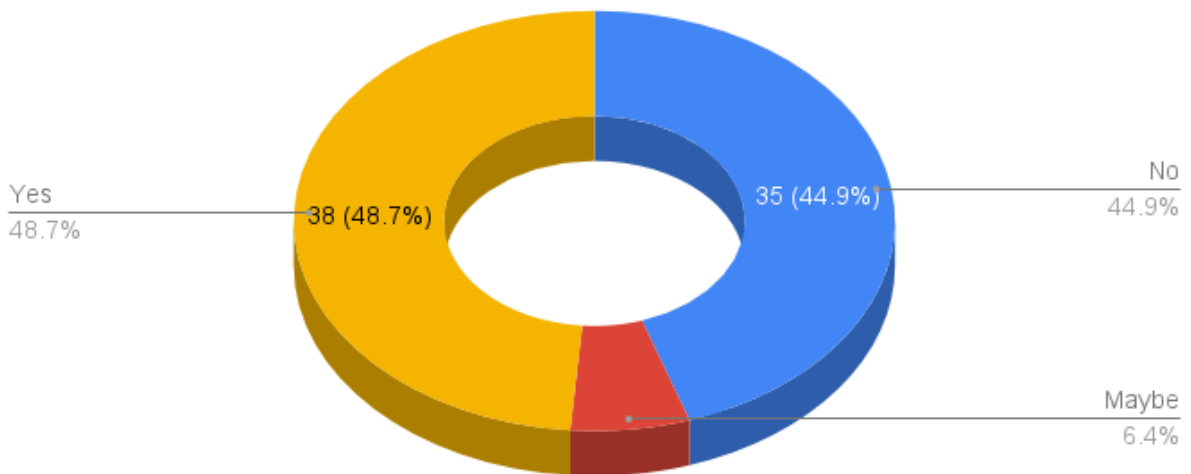


Figure 11: Participants' experience or knowledge about onboard complaint that were handled by their department head or Master

There are 38 persons that experienced or have knowledge about an onboard complaint that were addressed or given attention by the department head or the Master. 35 participants have not experienced nor have any knowledge and 15 respondents answered that they are uncertain about the matter. There are 78 participants in total that responded to this survey.

Master Mariner, Mv Trans Asia 10

"We will conduct an investigation with the concerned personnel together with the Chief Engr., Second Engr., Chief Officer & I the Master as the grievance committee on board. We will settle the differences of both parties and if we cannot settle it on board we will

make a report and submit it to our Human Resource Department for further investigation.”

4.6 Statement of the problem B.4

“Do they know the first person to be contacted in filing onboard complaint? Most of the participants knows the first person to be contacted in cases that they would like to file an onboard complaint. These are some of the answers from selected participants:

BSME Cadet, Lucena

“Follow the chain of commands in complaining onboard and it’s always done through proper process”.

BSME Cadet, La Union

“Because it is our right for a seafarer or as an individual to present or to have a complaint in any issue that can affect us.”

Do you know the first person onboard the ship to be contacted in case you would like to complain regarding your rights under the Maritime Labor Convention rules and regulations?

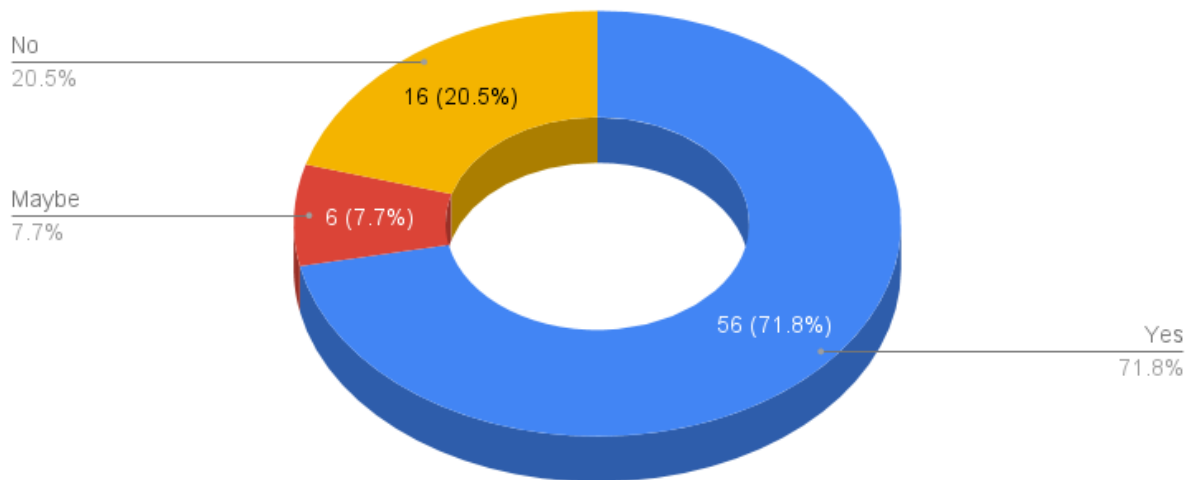


Figure 12: Familiarity of cadets/seafarers on who would be the first person to be contact or approach in filing onboard complaint

There are 56 Participants knows who they will first approach or contact in filing onboard complaint while there are 16 persons who do not know the first person to contact and 6 people that are uncertain. Overall there are 78 people that participated.

4.7 Statement of the problem B.5

“Do they know the next person to be contacted if the first filing of onboard complaint was not addressed nor resolve?” Most of the participants answered yes while others still do not know. A respondent said:

Board Examination Passer, Ozamis

“Seafarers complains can be heard at the very least”

BSMT Cadet, Surigao

“Everyone has a right as an individual.”

Do you know the next person on-board the ship to be contacted if your first complaint was not given attention nor resolved?

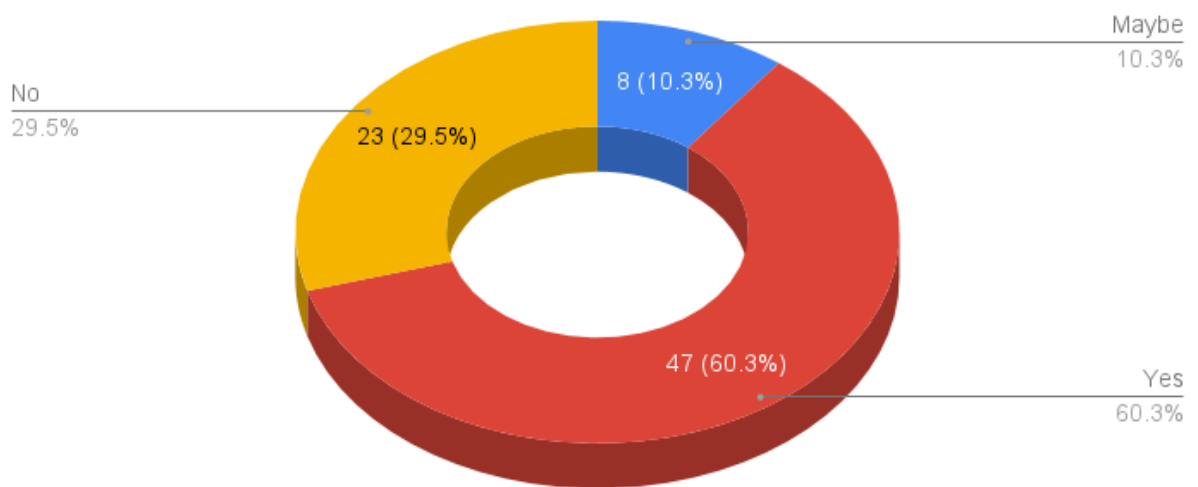


Figure 13: Familiarity of cadets/seafarers on who is the next person to be contact or approach if the first filed onboard complaint was not resolved

If their complaint was not address or resolved, there are 47 people who knows the next person to contact while 23 people do not know and 8 persons answered that they are uncertain. Overall, there are 78 participants that responded to this question.

4.8 Statement of the problem B.6

“Do they know the contact person in their office if their first or second complaint was neither addressed nor resolved?”

If all else fails from your first or second complain, do you know the contact person in your company or manning agency office?

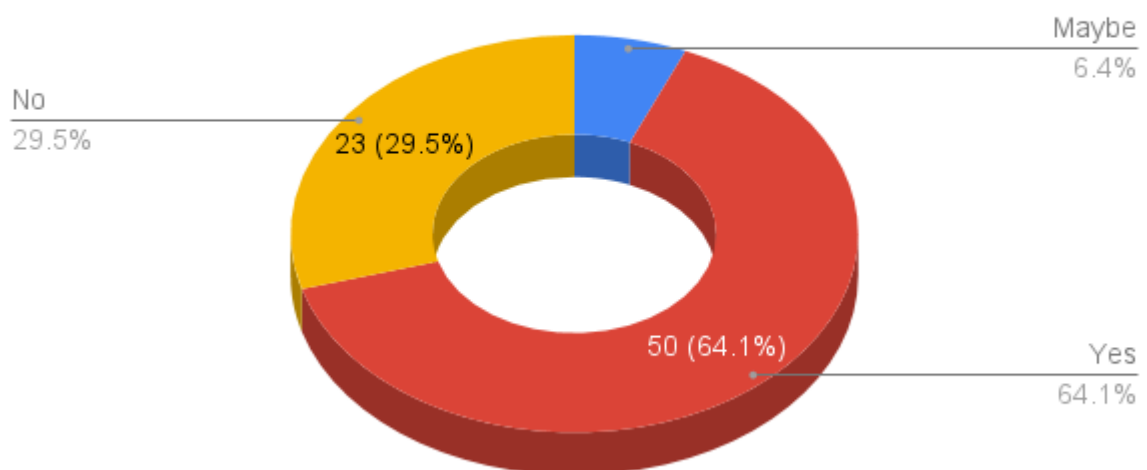


Figure 14: Familiarity of cadets/seafarers on who is the company designated person to be contacted if all their complaints were not addressed or properly resolved.

If the shipboard officers or master failed to address nor resolve the onboard complaint, there are 50 participants that say “yes” they know who is the company designated person to be contacted while 23 participants do not know who to approach and 15 persons answered that they are uncertain.

4.9 Statement of the problem B.7

“Are they willing to share their experience or knowledge about a case related to onboard complaint?”

Are you willing to share, in brief, your experience or knowledge of how an onboard complaint or issue onboard was handled or mishandled?

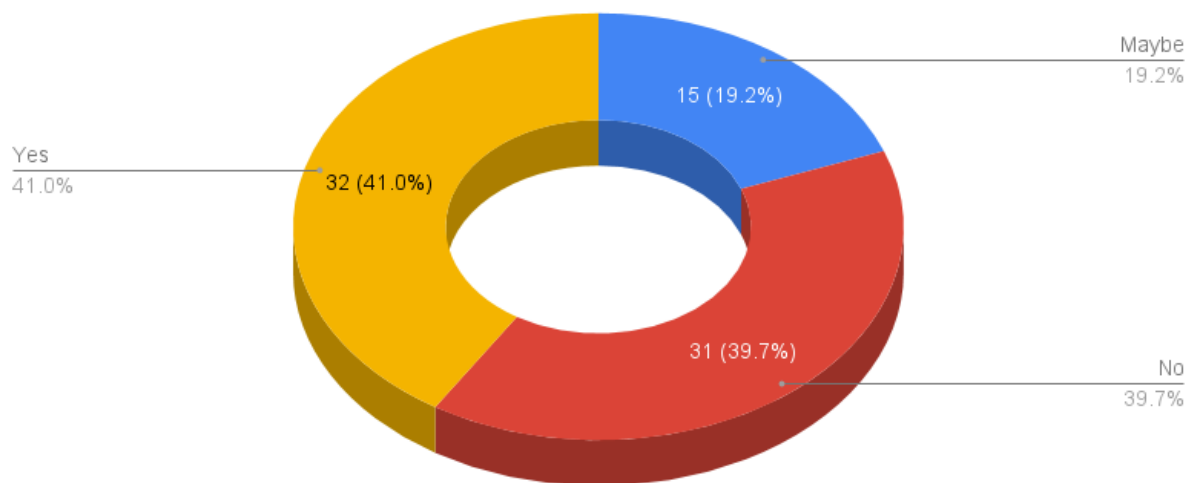


Figure 15: Participants that are willing to share their experience or knowledge about a case related to onboard complaint

There are 32 participants who are willing to share their personal experience or knowledge about a matter related onboard complaint while 31 persons are not willing to share. And 15 people that are uncertain. Overall, 78 participants responded to this

survey. Some participants shared their experiences.

BSME Cadet, BW Danube

“Our fitter and messman had a misunderstanding before and fitter almost punch the messman. The messman filed a complaint to the captain and what the captain did was he settled the issue between the two professionally and properly. Every month we conduct a ship's safety meeting wherein we voice out all the issues, queries and problems we encounter on board.”

Board Examination Passer, Olongapo City

“I was the complaint officer onboard. I experienced once that our oiler complaint because even rest hour the 2E in his duty time he always asks the oiler to take the alarm which is not appropriate. the 2E over using his authority, so I asked the oiler to fill up complaint report. And I discussed it to the Chief Engr to take immediate action and further observation, which leads that the Chief Engr witness the complain of the oiler. And the Chief Engr discussed it with 2E that he's doing wrong. He must be the one to monitor because he was the duty engineer. So far the issue was solved and 2E take full responsibility.”

4.10 Statement of the problem B.8

“Do you agree that the MLC 2006 "Onboard Complaint Procedure" is an effective tool for the protection of seafarers rights?”

Here are some of the answers from different participants:

Graduate Student, San Narciso Zambales

“It is very important. It sets the blueprint in protecting the basic rights of all seafarers in the workplace. “

BSME Cadet, North Cotabato

"I agree that the MLC 2006 onboard complaint procedure is an effective tool for the protection of seafarers right because it can help many Filipino seafarers onboard the ship experienced mistreated with his/her crew members so it can be easily report because of MLC 2006 onboard complaint procedure"

BSME Cadet, Laguna

"In my opinion it is an effective tool for seafarers protection because it gives us legal rights to rise and evaluate negative aspects that needs settlement, improvement and either changes in certain situation."

BSME cadet, Iba Zambales

"It is an effective tool because it serves as a protection for seafarers from abusive or substandard employers. This tool also gives the seafarers the standard working condition that results to health protection, working protection, medical care and other benefits to seafarers."

BSME Cadet, Makati

"Yes, because of the MLC 2006 we have the rights to make a complain even if we are only the lowest rating onboard a vessel."

Maritime Instructor, Manila

"This very important because it will give the officers and crew a sense of responsibility to take good care of these cadet while on shipboard training. some complaints that may arise from these cadets will serve as a barometer to measure on how good is the

management practices of the officers as well as the ratings in order to foster a good educational system for the future officers of the vessel.”

Third Engineer, San Narciso Zambales

“Very important because some officers are abusing cadets”

4.11 Statement of the problem B.9

Do you disagree that the MLC 2006 "Onboard Complaint Procedure" is not an effective tool for the protection of seafarers' rights?

Here are some of the selected answers from participants.

BSME Cadet, Lucena City

“if your complaint is about the highest rank onboard, we cannot assure what will happen. this may affect our careers as a seafarer”

BSME Cadet, Camalig Albay

“It is usually disregarded and not talked about.”

BSME Cadet, Baa0 Camarines Sur

“maybe they don't have the guts to tell their problems.”

4.12 Statement of the problem B.10

“What do you think are the challenges in having an "Onboard Complaint Procedure"?

Here are some of the selected answers from different participants:

Graduate Student, San Narciso Zambales

“Cultural and regional differences may hinder the protocol. Also, all seafarers on board must be empowered to participate in toolbox meetings and risk assessments so as to facilitate reporting complaints and suggestions.”

Maritime Instructor, Manila

“Challenges will be the culture, because we come from various ethnicity which can hurdle progress in implementing such procedure.”

Third Engineer, Manila

“An uprising might arise especially if the vessel has different nationalities and with management officers who discriminate race and nationality. Onboard Complaint Procedure should have an unbiased recipient who will handle the complaint maturely and professionally.”

Officer-in-Charge of Engine Watchkeeping, Manila

“The major challenge in this matter is on how to execute the complaint, in a cadet’s point of view he has the least experience and knowledge onboard which makes a cadet to hesitate and just disregard the procedure leaving him/her vulnerable.”

Marine Director, Manila

“Paper compliance only due to lack of proper monitoring mechanism in place and verification both by ship operator and port state”

BSMT Cadet, Bukidnon

“the seniority or the possibility that your superior or employer may not hire you at the end of your contract or gave you bad evaluation”

BSMT Graduate, Cebu City

“The challenges in having an onboard procedure was that in an instance the engine department personnel will not cooperate specially if one of their personnel is involved and in order to protect him they will not form part of our grievance committee and that's the time we will divided and tension will rise between the Deck department and engine department. The solution is that you will make a report to the HR DEPARTMENT for them to investigate the incident involving the engine personnel if that situation will take place on board.”

BSMT Cadet, Daet Camarines Norte

“Sometimes this complaint may affect with the relationship between you and your superior officer on board.”

Chapter 5: Discussions and Conclusion

Based from survey these are my analysis from MLC 2006 Trainings and qualification requirements, and familiarity to onboard complaint procedure of Filipino cadets:

5.1 Qualifications

In the Philippines the first requirement in order to become a merchant marine officer is for a cadet to study a baccalaureate degree in maritime courses offered by the maritime schools or usually referred as Maritime Higher Education Institutions (MHEI). Cadets may choose to study Bachelor of Science in Marine Transportation (BSMT) if he/she wants to become a deck officer and eventually a Master of the ship someday or he/she may choose to study Bachelor of Science in Marine Engineering (BSMarEng) if he/she wants to become a marine engine officer and eventually become a Chief Engineer someday. During their studies, they will be required to pass all the assessments in technical subjects and general education given by their maritime schools. It is also during their study wherein they will need to take certain documents that will be required by their sponsoring companies before they may sail into an international seagoing ships. These documents are Philippine passport, Seafarer's Identification Record Book (SIRB) and ensure that they have their own Training Record Book (TRB) before joining the ship. Some maritime schools have stricter application procedure wherein the applicants must pass the maritime school "Entrance Exam". After passing the exam, the applicants will undergo a "Neuropsychological (NP) Exam"

which test the behavior and attitude of the applicant. If they passed in the NP Exam, the applicants will undergo a final test that is a rigorous medical examination to test if they are medically fit. When all the requirements are fulfilled and passed by the applicant, they will be accepted as a cadet by the maritime school.

5.2 Training requirements

It shows from **figure 7** that most of the respondents have already taken safety training because these are already being offered and taken by cadets from their respective maritime school or from maritime training center as a compliance to CHED memorandum in relation to STCW 2010. However, there is a decrease in number of respondents that took PSCRB, PST, FP, and FRB. In my interpretation of the data from my survey, these are the possible reasons in having different numbers of respondents for each safety courses:

5.2.1 Maritime schools- based from the data collected some participants are from Private Maritime Higher Education Institution while others are from public school or government funded (subsidized) maritime school. Most respondents have already taken the Basic training because it is the most fundamental safety course taken by the cadets so that they can apply for their SIRB.

Number of Participants from Maritime Schools

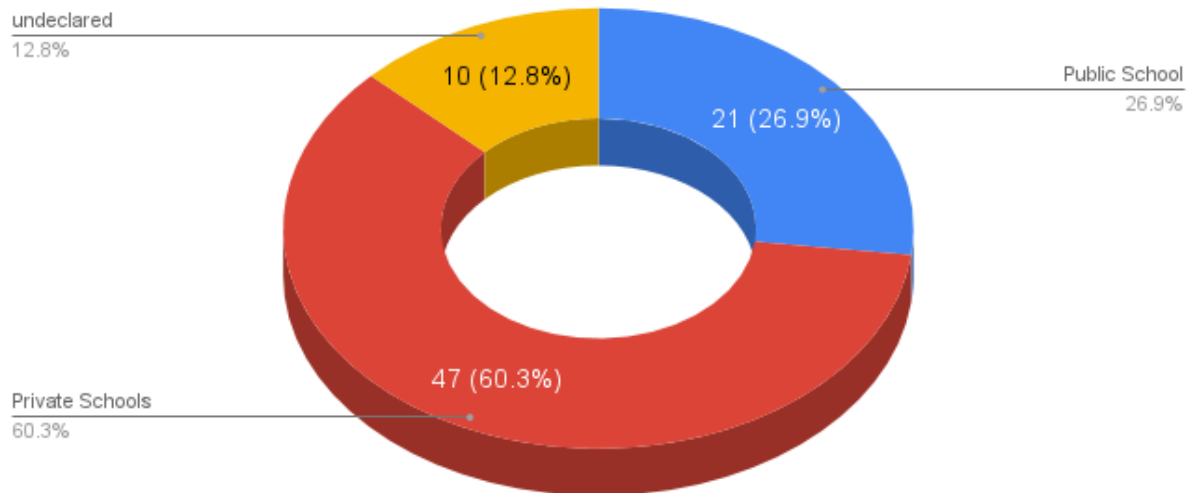


Figure 16: Number of Participants from Public school and Private School

There are 21 participants from public school, 47 participants from private schools and 10 participants chose not to declare which school they studied/are studying. There are 78 participants in total.

5.2.1.1 government funded maritime school- Cadets have more advantage when taking their trainings because they are financed by the government and/or others have already sponsor company. Based from the data collected some participants are from the premier maritime school and one of the oldest maritime educational institution in the Philippines. The said school has:

- Low tuition fee
- complete facilities
- complete pool of teachers to teach technical subjects, and general education
- own training center to support the education and training needed by their cadets
- training for safety courses of the cadets are usually paid by the sponsor companies
- a strict academic requirement that need to be meet by their cadets. Failure to meet its standard would result to suspension or termination of training

- Own dormitory for cadets to stay-in 24/7
- Own mess hall, with provisions subsidized by the government
- Maintained a MoA from different shipping companies to sponsor their cadets for shipboard training

5.2.1.2 private maritime schools- are corporate or sole ownership of an individual or family. Based from the data collected some participants are from different private maritime schools. These private owned maritime institutions are self-funded either by an individual or a corporate. These maritime schools may have:

- High tuition fee
- facilities but not all are used by their cadets
- Usually lack in Technical teachers, and general education teachers
- Some own training center, some schools are in cooperation with their preferred training centers, and some have none.
- Training for safety courses but only few selected cadets have sponsor companies to pay for the training fees while cadets with no sponsoring companies need to pay the training fees coming from their own pockets
- Not strict in academic requirements that needed to meet by cadets
- Most schools do not own dormitory
- Few selected cadets that have sponsor companies

5.2.2 In-house Trainings- it shows from figure 8 that there are large number of training required by their sponsor company, which is already being taken by the cadets from their respective maritime school as part of their curriculum.

5.3 Onboard complaints

Based from the data gathered, most of the participants are aware of the onboard complaint procedure. Most of them are aware of whose persons they may contact in cases that they needed to raise a complaint. It also shows that most of the participants believe that the onboard complaint stated under the MLC 2006 is an effective tool to safeguard their rights, however there are still a large number of people who believe that it is yet to be effective in dealing grievances onboard.

Some participant still believes that it can be mishandled by superior officers onboard especially if the person being referred in the complaint is involved. Some are not confident that the complaint may be treated as one sided and can affect their career as a seafarer. In my analysis, the participants involved in the survey are not fully aware of their rights as seafarer stipulated in the convention or lacks courage to exercise their right to lodge an onboard complaint in cases or events that they feel abused, discriminated, intimidated, and maltreated. Possible reasons are:

1. Maritime Schools:

- lacks in a subject specifically related to regulations of the Maritime Labor Convention 2006 that will give emphasis on how the cadets could exercise and safeguard their rights through proper lodging of onboard complaints
- Most shipboard training officer (STO) have inadequate monitoring of their cadet's performance during shipboard training program.

2. Shipping companies:

- as based from the answer of the participant from the survey said that there are companies that are slow in reacting to the lodge complaints
- the appraisal report sent from the vessel into the company could be manipulated easily by superior officers and the mode of communication is still one sided whereby cadets comment about their onboard situation is still disregarded by the company
- And there is a lack of in-house training or seminar about company policy in filing an onboard complaint.

5.4 Recommendations

5.4.1 Trainings

5.4.1.1 Maritime Higher Education Institution:

- should make necessary changes in the curriculum of maritime degrees. There are some subjects stated in their course syllabus that are repeated as in-house trainings required by the shipping company.
- The teaching methodology of teachers in maritime schools should change from traditional method which is teacher-centered into a collaborative learning. Teaching-centered method of delivery is by lectures wherein teachers discuss the theoretical principles to cadets inside the classroom. This method of teaching is also called “push method” where teachers inculcate the scheduled lesson to cadets. It uses examinations as a mean of grading the lessons learned therefore it only makes the cadets exert their effort to pass the examinations. And because there are recurring questions, cadets tend to answer based from their memory. However collaborative learning encourages cadets to exercise their critical thinking skills and practice honing their ability to analyze and evaluate the given problem and enables them to create new ideas or better approach. Collaborative learning encourages cadets to embrace “teamwork” by engaging themselves in group works and reaching agreement (Prasad and Mejia, 2014).

5.4.1.2 Maritime Administration:

- should make a regulation requiring all sponsoring companies to cover at least 50% of the training fees of their cadets
- Should cooperate with the Commission on Higher Education to make a revision of the maritime curriculum to avoid repetition of trainings of cadets for some safety course wherein they already took from their maritime school.

5.4.2 Onboard complaints

1. Maritime schools:

- Since there are courses already added specifically for safety and environmental protection, it would also help cadets to flourish their knowledge by educating them about the national labor legislations, the maritime labor convention, and human rights.
- should make an additional subject that are in-lined with the rules and regulations of Maritime Labor Conventions 2006 so that cadets will have more formal understanding of their basic rights before they undergo shipboard training especially the use of onboard complaint procedure because it can safeguard their rights while in their apprenticeship.

2. Shipping companies:

- should give in-house trainings in their seafarers regarding Maritime labor convention 2006 especially to their cadets to make them aware and give information on how to protect their rights while they are under contract onboard
- should require their cadets to send a weekly report or monthly report regarding their current situation so that company will have a better monitoring about the level of treatment onboard.

3. Maritime Administration:

- Should require all the sponsor companies to give a mandatory in-house training for MLC 2006 for cadets especially the use of onboard complaints procedure so that it shall serve as an effective in protecting their rights while onboard the ship.
- should revised the Standard Cadet Training Agreement and give more

emphasis to onboard complaint procedure to better safeguard the cadets while they are in shipboard training.

5.5 Conclusion

I therefore conclude that based from my research study Filipino Cadets are in compliance with the MLC 2006 Regulation 1.3 entitled “Training and Qualifications” because Filipino cadets have studied baccalaureate degree in maritime transportation or marine engineering. In addition, safety course like Basic Training and Special Professional Courses are now included in the curriculum of maritime courses. Based from my survey, it shows that Filipino cadets are given training for safety, security and protection of the marine environment by their respective maritime schools or in cooperation with maritime training centers. However, it is a challenge for these cadets to take some of these trainings before they may be hired by shipping companies because of some obvious reasons like financial problem, lack of qualified instructors, substandard facilities for trainings and the high price of training fees. Furthermore, these cadets have additional trainings required by the shipping company as in-house trainings. It gives these cadets a basic knowledge of their company policies and procedures and specifically intended for the type of ship that cadets will embark for their shipboard training.

Also, in my conclusion, based from the result of survey the Filipino Cadets are familiar with the applicability of MLC 2006 Regulation 5.1.5 “Onboard complaint Procedure”. It shows in my survey that most of Filipino cadets are familiar and aware of the Maritime Labor Convention 2006. They are also familiar with the importance of the onboard complaint procedure under the said convention. It also shows that they have knowledge of who are the appropriate persons they needed to contact in any case that they would like to file an onboard complaint. However, based from some of the answers from the participants, there is still a need for education regarding the proper use of onboard complaint not only to cadets but to seafarers so that fair treatment in dealing with complaints is given attention. **Training Record Book** should then be updated. There is

still a lacking part for the emphasis in on-board training of cadets regarding MLC 2006. Regulations of this convention should also be entered in the TRB so that cadets will have a better knowledge about the fourth pillar of the International Maritime Organization (IMO).

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