

GUIDANCE ON ELIMINATING SHIPBOARD HARASSMENT AND BULLYING



INTERNATIONAL CHAMBER OF SHIPPING



INTERNATIONAL TRANSPORT WORKERS' FEDERATION

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FOREWORD

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DIRECTOR-GENERAL OF THE INTERNATIONAL LABOUR ORGANIZATION

Under the Maritime Labour Convention, 2006, each Member State is required to satisfy itself that the provisions of its law and regulations respect the fundamental right to the elimination of discrimination in respect of employment and occupation.

Harassment and bullying on board ships can have serious consequences for the physical and emotional health of seafarers, lead to decreased motivation and increased sickness and can compromise cohesive and effective teamwork. It can also have negative effects for companies, resulting in a deterioration of working conditions and potential organisational, economic and legal consequences.

In recent years, awareness of this issue within the maritime workplace has increased and it is now of concern to all ILO Member States.

As a ship is often a seafarer's home for many months, harassment and bullying can be of concern given the shipboard living and working environment, isolation, size and proximity of cabins and the necessity to remain at the workplace during rest periods.

This guidance has been prepared by shipowners' and seafarers' organisations working together to eliminate harassment and bullying and improve the working environment on board the world's ships.

I therefore welcome the widespread dissemination of this guidance.



INTRODUCTION

All seafarers have the right to work without suffering harassment and bullying. Unfortunately, however, there are seafarers that are victims of harassment and bullying on board ships. It is the responsibility of:

- Shipping companies to ensure that policies are in place for the elimination of all forms of harassment and bullying of seafarers on board their ships; and
- Seafarers' organisations and seafarers to ensure that harassment and bullying do not take place.

Shipping companies and seafarers' organisations are committed to producing materials to draw attention to the issues and to highlight potential actions to resolve these.

The International Chamber of Shipping (ICS) and the International Transport Workers' Federation (ITF) consider harassment and bullying to be unacceptable and have together produced the following guidance for shipping companies, seafarers and seafarers' organisations and other parties, including training providers, on what they can do to eliminate harassment and bullying. If any seafarer complains of having been the victim of harassment and/or bullying, complaints must be taken seriously and investigated.

Harassment and bullying are examples of conduct that is unwanted and causes detrimental effects, which may include:

- Stress;
- Lack of motivation;
- Reduced work performance;
- Absence from duties; and
- Resignations.

Harassment includes any inappropriate and unwelcome conduct which, whether intentionally or not, creates feelings of unease, humiliation, embarrassment or discomfort for the recipient.

Bullying is a particular form of harassment that includes hostile or vindictive behaviour, which can cause the recipient to feel threatened or intimidated.

In some cases, those committing acts of harassment and bullying do so intentionally. However, there are also actions which can be classed as harassment and/or bullying that occur unwittingly, rather than as a result of any deliberate malign intention. Hence the adoption and encouragement of management styles that do not involve aggressive and intimidating behaviours would also make an important contribution to the eradication of workplace harassment and bullying.

For companies, there are also strong legal and economic reasons for eliminating harassment and bullying:

- It is a matter of good employment practice to foster a working environment in which seafarers can work free of harassment and bullying;
- Seafarers who suffer harassment and bullying can feel demotivated and are more likely to suffer from stress leading to absence from duties;
- They are also more likely to want to leave their employment, resulting in additional recruitment expenses for the company; and
- Some employees who have suffered harassment have brought successful claims of discrimination.



AIM OF THE GUIDANCE

FOR SHIPPING COMPANIES

These guidelines aim to assist companies to:

- Develop policies and plans to eliminate harassment and bullying on board ships; and
- Involve its seafarers and/or seafarers' organisations in this process.

Where appropriate and taking account of national legal systems, company policies on harassment and bullying should be incorporated into collective bargaining agreements.

FOR SEAFARERS

These guidelines aim to assist seafarers to:

- Recognise examples of harassment and/or bullying;
- Identify incidents through the use of effective grievance procedures;
- Get involved in situations where they see other seafarers being harassed and bullied in the workplace to support them when necessary;
- Avoid bullying and harassing others;
- Report if bullying and harassment is observed or experienced;
- Apply and comply with the company's policies;
- Use the company's procedures on bullying and harassment;
- Seek help and support when necessary from seafarers' organisations and other welfare bodies; and
- Appreciate the benefits of a workplace free from harassment and bullying.

WHAT IS HARASSMENT?

Harassment is a form of discrimination which has the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

EXAMPLES OF HARASSMENT

The following may be found to be examples of harassment:

- Displaying or circulating offensive or suggestive material;
- Innuendo, mockery, lewd or sexist/racist/homophobic jokes or remarks;
- Use of offensive language in describing or making fun of someone with a disability;
- Comments about a person's physical appearance or character which cause embarrassment or distress;
- Unwelcome attention such as spying, stalking, pestering, overly familiar behaviour or unwelcome verbal or physical attention;
- Making or sending unwanted, sexually suggestive, hostile or personally intrusive telephone calls, text messages, emails, comments on social networks, faxes or letters;
- Unwarranted, intrusive or persistent questioning about a person's age, marital status, personal life, sexual interests or orientation, or similar questions about a person's racial or ethnic origin, including their culture or religion;
- Unwelcome sexual advances or repeated requests for dates or threats;
- Suggestions that sexual favours may further a person's career, or that not offering them may adversely affect their career;
- Leering, rude gestures, touching, grabbing, patting or other unnecessary bodily contact such as brushing up against others; and
- Spreading malicious rumours, or insulting someone (particularly regarding age, race, marriage, civil partnership, pregnancy and maternity, sex, disability, sexual orientation, religion or belief, and gender reassignment).



WHAT IS BULLYING?

Bullying is a form of harassment that includes hostile or vindictive behaviour, which can cause the recipient to feel threatened or intimidated. It results in a work environment in which a group of people or an individual may become threatened or intimidated because of the negative or hostile behaviour of another group of people or individual.

Bullying may involve a misuse of power or position and is often persistent and unpredictable. It may be vindictive, cruel or malicious. However it can also arise when a person is unaware of the effect that their behaviour is having on other persons, or does not have any intention to bully.

EXAMPLES OF BULLYING

The following may be found to be examples of bullying:

- Verbal or physical threats or abuse, such as shouting or swearing at colleagues, either in public or in private, including derogatory or stereotyped statements or remarks;
- Personal insults;
- Belittling or ridiculing a person, or his/her abilities, either in private or in front of others;
- Sudden rages or displays of temper against an individual or group, often for trivial reasons;
- Subjecting someone to unnecessary excessive or oppressive supervision, monitoring everything they do or being excessively critical of minor things;
- Persistent or unjustified criticism;
- Making unreasonable demands of staff or colleagues;
- Setting menial or demeaning tasks that are inappropriate to the job or taking away areas of responsibility from an individual for no justifiable reason;
- Ignoring or excluding an individual from social events, team meetings, discussions and collective decisions or planning;
- Making threats or inappropriate comments about career prospects, job security or performance appraisal reports; and
- Spreading malicious rumours, or insulting someone (particularly regarding age, race, marriage, civil partnership, pregnancy and maternity, sex, disability, sexual orientation, religion or belief, and gender reassignment).
- Shunning people at work and rebuffing their efforts to integrate with others if they are believed to 'not fit in';
- Cyber bullying including inappropriate:
 - Suggestive and unwanted remarks;
 - Graphics or threat-centred, abusive emails;
 - Postings on social networks; and
 - Text messages.
- There are sometimes situations when excuses are made to, define or refer to behaviour or situations between people at work which may involve 'hidden' bullying:
 - Strong or robust management styles;
 - A working relationship that is described as a 'personality clash';
 - Someone being described as 'over-sensitive' or 'unable to take a joke';
 - Describing someone as having an 'attitude problem';
 - A manager who 'has a low tolerance for non-safety critical mistakes which are made unintentionally; and
 - Making fun of someone who has made a minor mistake at work.

A COMPANY POLICY ON HARASSMENT AND BULLYING

Companies should ensure that they have a clearly written policy statement on the elimination of harassment and bullying. An example of such a policy can be found at Appendix 1.

The policy statement should:

- Contain a message from the Chief Executive or equivalent in the company;
- Set out the company's commitment to the elimination of harassment and bullying from on board ships and the goal of a working environment in which there is respect for the dignity and well-being of all seafarers;
- Identify a director or appropriate member of senior management in the company as the person with overall responsibility for the policy;
- Contain examples of the types of behaviour that may be classed as harassment and bullying (see page 7 and 8); and
- Contain contact information to enable seafarers to report incidents.

The company may wish to discuss the policy with employee representatives and/or seafarers' organisations to obtain their support and commitment.

Once agreed, the company should ensure that all seafarers and relevant shore based personnel, are made aware of the policy and understand it. They should be presented with copies of documents containing the policy and a similar document should be displayed prominently on noticeboards on board ships and in shore-side offices.

COMMITMENT FROM SEAFARERS' ORGANISATIONS

Seafarers' organisations should have a clearly written policy statement on the elimination of harassment and bullying. It should:

- Remind seafarers that the ship is often their fellow crew members' home for a long period of time and it is therefore very important for everyone to respect one another and to recognise different cultural styles and behaviours, and to embrace diversity on board the ship. This may mean learning to modify behaviour to avoid unintentionally upsetting a fellow seafarer;
- Remind seafarers of their responsibilities towards fellow crew members in situations where they observe harassment and bullying; and

Seafarers' organisations should also support and promote adherence to the company policy and the procedures within and thus contribute to elimination of harassment and bullying on board ships.

The policy should include a statement regarding cyber bullying. An example of a suitable statement could be:

'Cyber bullying is the use of modern communication technologies to harass, embarrass, humiliate, threaten, or intimidate an individual in an attempt to gain power and control over them. The use of the company's communication equipment for such purposes will be treated as a serious breach of the company code of conduct and result in disciplinary action against perpetrators'.

The company might also consider running workshops and/or seminars to ensure smooth implementation and understanding of the policy.

A company statement to all staff about the company's policy, standards of behaviour expected and the support it will provide can help make all individuals fully aware of their responsibilities to others.

- Set out ways that encourage those who witness harassment and bullying to report such incidences either on board, or to a director ashore or appropriate member of senior management ashore with overall responsibility for the policy.

Seafarers' organisations should also produce information materials regarding how to handle incidences of cyber bullying.

IDENTIFYING AND REPORTING INCIDENTS OF HARASSMENT AND BULLYING

REPORTING

In order to tackle harassment and bullying, it is important that the company actively encourages its seafarers to bring incidents to its attention without delay.

Addressing harassment and bullying on board ships requires seafarers to report incidents, including those that affect others.

On board ships sufferers of harassment and bullying may endure it until the end of the voyage and ask to be transferred to a different vessel for their next voyage, instead of reporting it.

COMPLAINTS PROCEDURES

Companies should maintain fair procedures for dealing promptly with complaints from seafarers. Complaints of harassment and bullying can usually be dealt with using clear grievance and disciplinary procedures. Such procedures should:

- Provide for confidentiality;
- Provide safeguards against victimisation of the complainant;
- Provide safeguards for both the person making the complaint and the alleged perpetrator to be accompanied by a fellow employee or seafarer representative of their choice; and
- Ensure that the parties to the complaint are treated with equal dignity and fairness.

It is important that seafarers are aware that complaints of bullying or harassment, or information from staff relating to such complaints, will be dealt with fairly, confidentially, sensitively and expeditiously. Seafarers may be reluctant to come forward if they feel they:

- May be treated unsympathetically; or
- Are likely to be confronted aggressively by the person about whose behaviour they complain.

HARASSMENT AND BULLYING GRIEVANCE PROCEDURE

Companies should have procedures to report and handle complaints of harassment and bullying in which all seafarers have confidence. This will only be effective if seafarers are willing to intervene when necessary to support colleagues that are affected. Companies may wish to consider keeping this procedure separate from the general company grievance procedure. It should be consistent with the company's complaints procedures.

The company should designate a person or persons to act as the first point of reference for each seafarer that wishes to make a complaint. This person could be a member of the ship's crew, a company employee based ashore, or a person designated by the company to act on its behalf.

If the designated person is a company employee, that person should be given the authority to deal with the complaint, or to choose to refer it to a higher level in the company. As well as the formal procedure, the company should provide the victim of harassment or bullying with the option, at their discretion, of resolving their complaint informally. This could involve the victim explaining the effects of the alleged perpetrator's actions in the presence of another person from the company trained in resolution of complaints. The alleged perpetrator may then be offered an opportunity to apologise for their actions and undertake not to repeat them. A victim should never be made to face an alleged perpetrator if they do not wish to.

The company may wish to:

- Consider using an independent third party based ashore to whom those suffering harassment or bullying might address their complaints; or
- Make its seafarers aware of confidential helplines provided by seafarers' organisations.

A system whereby complaints are heard by others onboard may be effective on ships with large numbers of crew members and officers.

Where a ship has a smaller crew complement, it may also be advisable for a point of contact ashore to be available to crew members for the reporting of incidents.

RESPONDING TO A COMPLAINT OF BULLYING AND/OR HARASSMENT

Complaints should be investigated promptly and objectively, recognising that seafarers do not normally make an accusation unless they feel seriously aggrieved. Any investigation must be seen to be objective and independent.

Companies investigating claims of harassment and bullying should consider all the circumstances and conduct an objective investigation before reaching a conclusion. Seafarers should be able to be accompanied or represented, and be provided with safeguards against the possibility of victimization for filing complaints. "Victimization" covers any adverse action taken by any person with respect to lodging a complaint which is not manifestly vexatious or maliciously made.

INFORMAL PROCESS

If a seafarer believes they are being harassed, they should tell the person responsible that they find their behaviour inappropriate and ask them to stop. Sometimes people are not aware that their behaviour is unwelcome and causing distress. Seafarers may choose to refer any incident(s) of harassment confidentially to the person designated as the first point of reference on board the ship or ashore. The designated person should listen to the complaint and provide support and assistance if the victim does not wish to initiate a formal process. An informal discussion can often lead to greater understanding and an agreement for the behaviour to cease.

FORMAL PROCESS

If harassment and bullying continues, or a victim is unable or unwilling to confront the alleged perpetrator, then the alleged incident should be reported to the designated person on board the ship. A meeting should be arranged where the seafarer may be accompanied by another seafarer of their choice on board the ship concerned, at which the victim will be asked to make a formal complaint. Where a complaint has been made, an investigation should take place in accordance with company procedures to determine whether action should be taken.

Where an investigation shows that a complaint is well founded it may be necessary to separate those involved. If practicable, in these instances every effort should be made to move the alleged perpetrator and not the affected seafarer, unless the affected seafarer has expressed a desire to be transferred.

If it is decided to follow disciplinary proceedings the person being investigated should be able to be represented by an appropriate person.

Companies may wish to establish procedures in conjunction with the relevant seafarers' organisation(s).

CONFIDENTIALITY

Companies should:

- Investigate every complaint in a way appropriate to the circumstances and in accordance with company policy and procedures;
- Ensure that no seafarer who makes a complaint suffers repercussions; and
- Include the right of the seafarer to be accompanied or represented during the complaints procedure as well as safeguards against the possibility of victimization of seafarers for filing complaints.

Where possible, a complaint of sexual harassment should be investigated by an individual of the same gender as the person raising the complaint.

HEARINGS

Procedures should provide that hearings, including any resulting disciplinary hearings, are held in confidence. Companies should advise the parties involved of their right to be accompanied by an appropriate person who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the complaints procedure.

The principles of fair treatment should be applied to all disciplinary and grievance hearings. The respondent should have the right to answer any complaint and give their version of events and circumstances. Both the complainant and the respondent should be able to call witnesses. The company should also keep a written record of decisions taken.

RESOLUTION OF CASE/ACTION

Upon resolution, if the complaint is upheld, the company and seafarers' organisation should ensure that appropriate action is taken with regard to handling the perpetrator of the harassment when taking remedial action and provision of necessary support to the victim. It would be inappropriate to respond by simply moving the victim to a different job or ship as a way of resolving a case of harassment or bullying.

MEASURES TO ELIMINATE HARASSMENT AND BULLYING

Company disciplinary codes may identify certain acts which could constitute harassment and/or bullying for which disciplinary action may be taken. Examples include:

- Physical assault including sexual assault;
- Intimidation;
- Coercion;
- Interference with the work of other seafarers; and
- Conduct based on gender affecting the dignity of women and men at work which is unwanted, unreasonable and/or offensive to the recipient.

It is possible that sexual harassment may be deemed to have occurred irrespective of whether it was intended by the alleged perpetrator. This is because it is related to the effect it has on the individual concerned.

Shipping companies and seafarers organisations should:

- Support the right of everyone to be treated with dignity and respect at work;
- Actively promote a working environment in which harassment and bullying are not tolerated; and
- Ensure that all seafarers are aware of their responsibilities.

The company should clearly identify standards of behaviour expected of seafarers. Seafarers should know to whom they can turn if they have a work-related problem, and managers should be trained in all aspects of the company's policies in this sensitive area.

Staff handbooks are a good way of communicating with seafarers and can focus on the company's policy on eliminating harassment and bullying, the support available and consequences for any seafarer considered to be in breach of the company policy.

Likewise seafarers should:

- Support the right of everyone to be treated with dignity and respect at work;
- Actively embrace a working environment in which harassment and bullying are not tolerated;
- Respect appropriate standards of behaviour;
- Know to whom they can turn if they have a work-related problem; and
- Ensure colleagues are aware of their responsibilities under the company's policy.



COMMUNICATION AND AWARENESS

Policies will only eliminate harassment and bullying on board ships if supported by positive action to make them effective. Therefore communication and awareness is important to ensure that seafarers:

- Understand the company's commitment to prevent harassment and bullying;
- Understand their responsibility and role in the process;
- Know how to seek advice and guidance; and
- Know how to make a complaint and are confident they will be heard effectively.

Companies and seafarers' organisations can help ensure that their commitment to eliminate harassment and bullying is communicated effectively through for example:

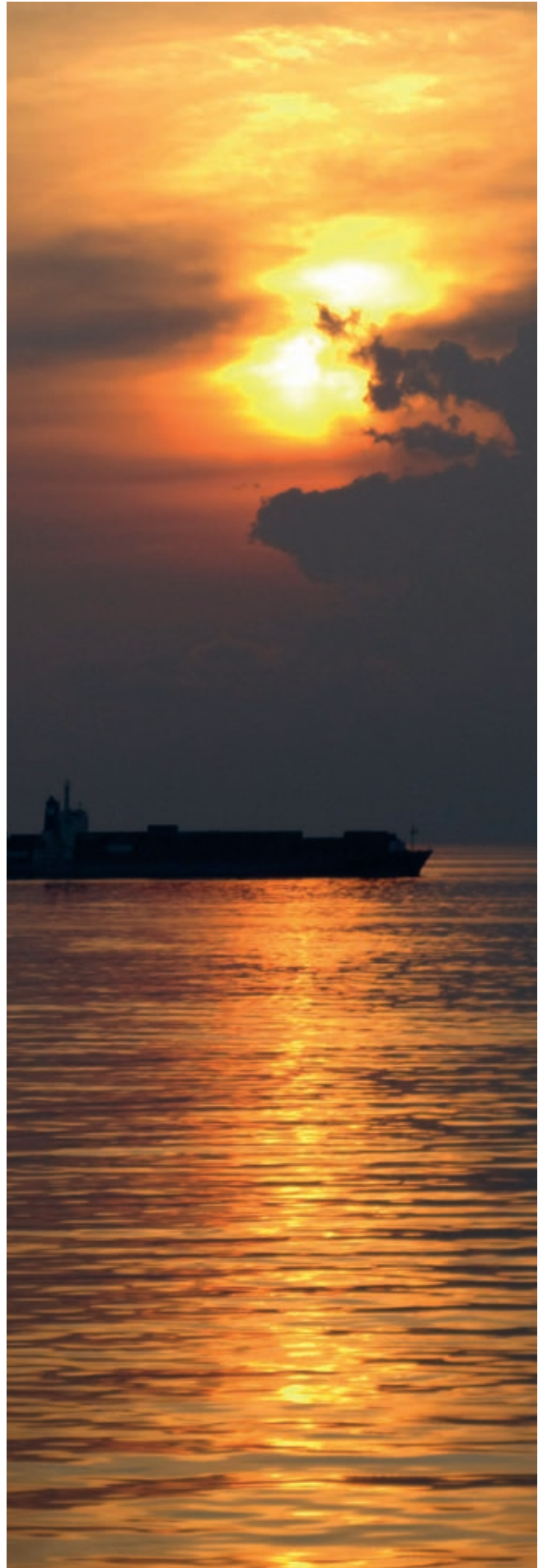
- Awareness programmes;
- Briefings to seafarers;
- Posters;
- Notices on staff notice boards;
- A section in the staff handbook;
- Management guides;
- Seafarer guides;
- Advisers who can guide seafarers through the policy and procedures;
- Articles in the staff/union magazines;
- Inclusions in briefing meetings; and
- Inductions.

All policies and procedures should be kept under review to ensure they remain effective.

AWARENESS-RAISING ACTIVITIES

Companies and seafarers organisations may wish to:

- Arrange for seafarers to participate in educational programmes explaining the undesirable effects of harassment and bullying and setting out the company's policy;
- Use programmes to set out the mechanics of the company's procedures for the reporting of incidents;
- Consider provision of literature, posters and videos to underpin and reinforce corporate policies; or
- Make training programmes available to all new and existing employees.



APPENDICES

APPENDIX 1

EXAMPLE COMPANY POLICY ON HARASSMENT AND BULLYING

Company x will treat all complaints of harassment and bullying seriously and in strict confidence.

Your senior officer on board and personnel manager ashore have been trained in dealing with complaints of harassment and bullying. You may approach either or both to report any incident you have suffered.

The company considers any complaint of cyber bullying to be a serious issue.

If you do not feel comfortable raising a complaint yourself, you may ask a friend or colleague to do so on your behalf. You will not be penalised by the company for making a complaint, provided it is not vexatious or made maliciously.

Remember, it is the victim's perception of any actions that counts. If YOU feel you have suffered harassment or bullying, the company will look into the issue raised.

Company Name:

Contacts:

APPENDIX 2

SUGGESTED TEXT OF LEAFLET FOR SEAFARERS

OBLIGATIONS AND RESPONSIBILITIES OF SEAFARERS

No seafarers should be harassed or bullied on board ships. All seafarers have a responsibility for ensuring that their ship is free of harassment and bullying. Your company takes harassment and bullying very seriously.

DO YOU HARASS OR BULLY OTHER SEAFARERS?

Harassment includes any act which creates feelings of unease, humiliation, embarrassment, intimidation, or discomfort to the person on the receiving end.

Bullying may include any negative or hostile behaviour that makes a recipient feel intimidated. You may be unaware of the effect of your own actions on other seafarers and may need to modify your approach. Possible examples include:

- Do you consider that your way of doing a job is always right?
- Do you raise your voice at others?
- Are you sarcastic or patronising to others?
- Do you criticise individuals in front of others?
- Do you criticise minor non-safety critical errors and fail to give credit for good work?
- Do you shun any others or spread rumours or malicious gossip?

If you are concerned that aspects of your behaviour could be considered harassment or bullying, your company can help you to eradicate these aspects. However, you should approach your line manager and seek assistance – don't wait until a complaint is made against you!

ACKNOWLEDGEMENTS

ICS and ITF would like to acknowledge the contributions of the following organisations in the production of this guidance:

- European Community Shipowners' Associations
- European Transport Workers' Federation
- International Labour Organization
- Nautilus International
- UK Chamber of Shipping

ADDITIONAL RESOURCES

A useful package of materials relevant to the elimination of harassment and bullying, including videos and workbooks, has been produced by the European Community Shipowners' Associations, the European Transport Workers' Federation and Videotel.

These resources can be found at:

www.etf-europe.org/BullyingAndHarassment.cfm



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