

ITF Policy Guidelines on Harassment and Bullying

1. Introduction

Harassment and bullying are difficult problems in any workplace. But several factors make harassment, bullying and discrimination on a ship more dangerous. Mixed crews, long voyage times, a status-oriented hierarchy, the male-dominated nature of the maritime industry and the lack of access to outside advice or assistance are some of them. These guidelines attempt to provide some basis for vessel operators and trade unions to deal with this important issue.

2. The ITF's view

Provisions in International Law and in the United Nations Declaration of Human Rights oppose all forms of discrimination. The ITF strongly supports these principles. The ITF Constitution states: "The International Transport Workers' Federation, founded in 1896, is an international organisation which aims to embrace transport workers' trade unions of all countries, irrespective of colour, nationality, race or creed." It also lays down that the ITF "is opposed ... to any discrimination based on colour, nationality, sex, race or creed."

3. ITF Collective Agreement Provisions

The ITF has adopted policy establishing the following wording for inclusion in all ITF-approved collective agreements for Flag of convenience vessels. ITF policy also states that similar provisions should also be adopted in bargaining agreements for national flag vessels:

"Each seafarer shall be entitled to work, train and live in an environment free from harassment and bullying, whether sexually, racially or otherwise motivated, in accordance with ITF policy guidelines"

4. Key Employer Responsibilities

The ITF expects all employers to take equal opportunities and discrimination seriously. In particular, bullying and harassment cause stress which can undermine work performance and endanger vessel safety.

- i. Shipping companies must adopt policies and procedures which demonstrate a broad commitment to provide a working environment that is free from harassment, bullying and discrimination.
- ii. These policies should form an integral part of the ship safety management system mandated under the ISM Code.
- iii. They should be circulated to shore-side and seafaring employees and explanations should be given on their content. Appropriate translations should be provided. Managers and supervising officers should receive special guidance on how to put them into practice.

5. Content of policies on harassment, bullying and discrimination.

Such policies should contain the following:

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- a) An introduction, making reference to the employer's commitment to eradicating bullying, harassment and discrimination and to the employer's intent for the policy
- b) Assurances on confidentiality, during both the complaint and the investigation as well as a guarantee on speed of investigation (see Annex: Model Texts)
- c) Details of racial and sexual harassment procedures and examples of harassment, bullying and discriminatory behaviour and practices, ranging from severe abuse and name-calling to non-verbal harassment, i.e. publications, pictures and gestures (also see Annex: Model Text)
- d) The name of a company contact-person (designated person) responsible for the policy
- e) The duty of employees, whether shore-side or seafarers, to respect and act in accordance with the policy and details of the penalties imposed for proven acts in contravention of the policy (also see Annex: Model Text)
- f) Details of procedures of how employees, in particular seafarers, should pursue harassment and discrimination complaints (also see Annex: Model Text)
- g) Details of procedures to monitor the effectiveness of the policy

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Annex

Model Texts

1. Example Company Assurance

- a) The company undertakes to properly protect all seafarers from harassment and bullying, whether sexually, racially or otherwise motivated.
- b) The Company shall therefore demonstrably strive to maintain a working atmosphere free from the risk of harassment or bullying, and shall ensure confidentiality and speed in correcting such acts if they occur. It shall also guarantee protection against any complaint submitted within the Company or in legal proceedings brought as a defence against the risk of harassment or bullying

2. Harassment and Bullying Definition

- a) Harassment and bullying need not be racially or sexually motivated. It can be suffered by anyone.
- b) Harassment is behaviour which is persistent, offensive, abusive, intimidating or humiliating and may affect an employee's work performance, health or employment.
- c) When behaviour like this includes abuse of power or unfair penal sanctions which make recipients feel upset, threatened, humiliated or vulnerable, or if it is intended to undermine their self confidence, then it is usually called bullying.
- d) Harassment and/or bullying may occur in all or any of the following ways:
 - The abuse of power to control, influence or affect the job of a seafarer
 - Behaviour that may publicly humiliate a seafarer in front of others
 - Threats concerning a seafarers' employment
 - Non-verbal harassment such as the display of offensive publications, posters or literature
- e) Properly discharged supervisory responsibilities, including the delegation of work assignments, assessments, discipline or any conduct that does not undermine the dignity of the individual, are not harassment.

3. Sexual Harassment Definition

- a) Sexual harassment can be suffered by both men and women. It is unwelcome or uninvited behaviour of a sexual nature which is offensive, embarrassing, intimidating or humiliating and may affect an employee's work performance, health or employment.
- b) Sexual harassment may occur in all or any of the following ways:
 - The use of implicit or explicit coercive sexual behaviour to control, influence or affect the job of a seafarer
 - Offensive behaviour that may humiliate a seafarer or a group of seafarers because of their sex

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- Requests or demands of a sexual nature accompanied by implied or overt promises of preferential treatment or threats concerning a seafarers' employment
 - Non-verbal harassment such as the display of offensive publications, posters or literature
- c) Harassment may lead to sexual assault or rape which is criminal assault and should be dealt with accordingly.
- d) Properly discharged supervisory responsibilities, including the delegation of work assignments, assessments, discipline or any conduct that does not undermine the dignity of the individual, are not harassment. Sexual harassment is not consensual sexual behaviour between two people

4. Racial Harassment Definition

- a) Racial harassment is offensive, embarrassing, intimidating or humiliating behaviour directed at a seafarer or a group of seafarers because of his, her or their race.
- b) The following are examples of racial harassment:
- Verbal comments, jokes and innuendo that are perceived to be offensive
 - Rude or offensive gestures, interrogation or teasing someone about their race or customs
 - The display of racially abusive slogans, pictures, objects or publications is also racial harassment.
- c. Properly discharged supervisory responsibilities including the delegation of work assignments, assessment, discipline or any conduct that does not undermine the dignity of the individual, are not harassment.

5. Duty of Company and Employees

- a) All employees, whether seafarers or shore-side employees, should be given a copy of the company policies on sexual and racial harassment. Supervisors should ensure the content is properly understood. If in doubt, employees should approach their direct supervisor and/or (name of company contact person).
- b) All employees should respect and act in accordance with the company procedures. Any failure to do so will be considered a disciplinary matter.

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7. Details on Pursuing Complaints

- a) Any seafarer who feels they have been the subject of sexual or racial harassment should first approach his or her direct supervisor, or if this is inappropriate, the ship's master.
- b) The supervisor or master should then interview the parties involved and attempt to establish the facts of the matter. The master should log the incident, and send a written report and recommendation to the company for the attention of (name of company contact person).
- c) If the seafarer who has taken this step is unhappy with the way the complaint is dealt with, he or she may contact (name of company contact person, contact details of that person).
- d) The company recognises that both complainant and accused have the right to trade union representation, and where possible and appropriate, recourse to law. The company undertakes to ensure that if requested, every effort is made to contact an official of the seafarers' union and/or an ITF inspector. Where requested, every effort should be made by the company to provide legal advice, counselling services, medical assistance or to contact the police.
- e) The company undertakes to deal with all complaints of this nature confidentially, and to ensure that no repercussions are suffered by a seafarer making a complaint.
- f) The company undertakes to protect the employment of a seafarer who makes a complaint of this nature, both during the course of any investigation and (unless the complaint is found by all concerned not to be genuine) following its resolution.