

Circular From GARD

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Everyone Should Be Treated with Dignity and Respect at Work

Safe and efficient operation of ships require the crew onboard to work as a team. And teams that work best are those where team members feel valued – where they treat each other with dignity and respect.

On 8 January 2019, amendments to the Maritime Labour Convention 2006 (MLC) entered into force which intend to better protect seafarers against shipboard harassment and bullying. The amendments relate to the Code implementing Regulation 4.3 '*Health and safety protection and accident prevention*' and require governments to cover harassment and bullying when developing laws, regulations and guidelines for the management of occupational safety and health on board ships that fly its flag. More specifically, Guideline B4.3.1 has been amended at paragraph 1 to refer to the latest version of the '*Guidance on eliminating shipboard harassment and bullying*' jointly published by the International Chamber of Shipping (ICS) and the International Transport Workers' Federation (ITF).

The ICS-ITF Guidance aims to assist ship operators and seafarers in recognizing examples of harassment and bullying and to tackle the problem. As well as providing advice on company policies on reporting, complaints and grievance procedures, the guidance addresses the responsibilities of seafarers and their employers to use these procedures appropriately and for being aware of any harassment or bullying that might occur within the maritime workplace. This includes cyber-bullying.

A copy of the ICS-ITF Guidance can be downloaded [HERE](#).

The maritime workplace

Preventing offensive or hurtful behaviour between colleagues is important in all workplaces, but even more so at sea. Seafaring is characterised by a unique set of features which sets it apart from other occupations. This includes demanding physical working conditions, potentially hazardous tasks, long hours of work and high levels of stress and fatigue. Seafaring is also described as a 'lonely life'. Not only are seafarers away from family and friends for very long periods of time, many seafarers live isolated lives while onboard. Crew members may have very different cultural and ethnic backgrounds and the organisational, and associated social, structure onboard is usually strongly hierarchical. An increasing degree of automation onboard ships has led to smaller crews, which means that the presence of only one "difficult character" on board could easily change the atmosphere for the worse.

As far as we are aware, there are no recent statistics available on the extent of ill-treatment in the maritime workplace. [Nautilus International](#) carried out a member survey in 2010 which indicated that UK and Dutch seafarers are around twice as likely as their fellow countrymen to encounter bullying, discrimination or harassment in the workplace. Of those respondents who reported experiencing ill-treatment in the maritime workplace, 79% said this had affected their morale at work or performance. Another striking finding was that less than half of those who had experienced bullying, discrimination or harassment had felt able to make a complaint.

Gard's experience

At Gard we deal with seafarers' health issues every day. Claims may arise when crew members are injured or sick. Indeed, 'people claims' are one of the most frequently occurring type of maritime claims. By analysing our claims data, we can easily demonstrate that 'back and abdominal pain' tops the list of causes for repatriating seafarers. But data provides very limited insight into the actual working conditions and safety culture onboard ships and how this may influence companies' crew illness and injury claims statistics. Could diagnoses such as 'back pain', 'abdominal pain' and 'chest pain' in some cases be psychogenic pain, which is physical pain caused or increased by a person's reduced mental wellbeing from being bullied at work? Could a 'broken finger' be recorded as a 'slip, trip and fall incident' to cover-up physical abuse by a fellow crew member?

Claims data does not enable us to quantify the extent and consequences of harassment and bullying onboard ships. However, although harassment and bullying onboard ships is fortunately the exception rather than the rule, we do know that there are seafarers out there with some upsetting stories to tell and that there is still room for improvement.

Recognising harassment and bullying

Harassment and bullying is any unwanted behaviour that makes someone feel intimidated, humiliated, degraded or offended. The terms are used interchangeably by most people, and the ICS-ITF Guidance defines bullying as a form of 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."*

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

It is worth noting that harassment and bullying:

- can take a wide variety of forms, ranging from use of offensive language, rude gestures, spreading malicious rumours, making unwelcome sexual advances through to various forms of physical aggression resulting in serious injuries;
- does not only happen face to face. The increasing availability of electronic means of communication

has created a potentially powerful means to harass, embarrass, humiliate, threaten, or intimidate individuals. This has become known as 'cyber-bullying'. Suggestive and unwanted remarks, graphics or threat-centred, abusive e-mails, postings on social networks and mobile telephone text messages are forms of cyber bullying;

- can be between two individuals or it may involve groups of people. It can be officers who bully a crew member of a lower rank, but similar problems can also occur between crew members of the same rank;
- might be obvious or insidious. A working relationship described as a 'personality-clash' or individuals described as 'over-sensitive', 'unable to see a joke' or 'having an attitude problem', could sometimes be excuses for behaviour or situations between people which may involve 'hidden' bullying; and
- can occur unwittingly, rather than as a result of any deliberate malign intention. In some cases, those committing acts of harassment and bullying may be unaware of the impact their behaviour has on others. However, this is no excuse and may still constitute harassment or bullying.

Most people will agree on extreme cases of harassment and bullying but it is sometimes the 'grey' areas that cause the most problems. It is good practice for ship operators to give examples of what is unacceptable behaviour in their organisation and many relevant examples are provided in the ICS-ITF Guidance. However, for all practical purposes, if seafarers complain of being harassed or bullied, they have a grievance which must be dealt with regardless of whether or not their complaint meets with a standard definition.

Fostering a good working environment

Harassment and bullying is not only unacceptable on moral grounds. Such behaviours can, if left unchallenged, create serious problems for shipowners. Safe and efficient operation of ships require the crew onboard to work as a team. And teams that work best are those where team members feel valued – where they treat each other with dignity and respect.

We encourage our Members and clients to foster a working environment in which seafarers can work free of harassment and bullying. A first step for **shipowners and operators** is to review the amended MLC and the [ICS-ITF Guidance](#), then to:

- ensure that they have a clearly written policy statement on the elimination of harassment and bullying;
- identify the standards of behaviour expected of seafarers and make sure that officers and superintendents have the necessary skills to lead by example;
- maintain fair procedures for dealing promptly with complaints from seafarers; and
- carry out regular communication, training and awareness sessions. A written policy will only eliminate harassment and bullying in the workplace if it is supported by positive action to put it into practice.

Everyone has a responsibility to set a positive example and behave in a manner, which will not offend, embarrass or humiliate others, whether deliberate or unintentional. It is therefore equally important that **seafarers:**

- are familiar with and follow company procedures;
- know to whom they can turn if they have a work-related problem;
- respect appropriate standards of behaviour; and
- report if they experience harassment and bullying or observe such behaviour directed to others.

As the victims of harassment and bullying may not feel able to speak up about their ordeal, we encourage seafarers to get involved in situations where they see colleagues being harassed and bullied and support them when necessary. Even minor offences must be addressed right away to prevent them from happening again or becoming more serious in the future.

Additional sources of information

Members and clients may also benefit from reviewing the following information and be guided accordingly:

- European Community Shipowner's Association (ECSA) and European Transport Worker's Federation (ETF): [Eliminating workplace harassment and bullying - guidelines to shipping companies](#), including supporting material ([video](#) and [workbook](#)).
- Nautilus International: [Protect and Respect – Guidance on recognising and tackling bullying and harassment in the maritime workplace](#)
- Anglo Eastern Ship Management Limited (AESM): [Gender diversity booklet](#)
- US Ship Operations Cooperative Program (SOCP): [Best practices guide on the prevention of sexual harassment and assault](#)

Further information about seafarers' rights to decent conditions of work is also available via Gard's website: [Maritime Labour Convention](#).

Source of Information: Gard P&I Club