

JOINT ILO/IMO TRIPARTITE
WORKING GROUP TO IDENTIFY AND
ADDRESS SEAFARERS' ISSUES AND
THE HUMAN ELEMENT
2nd meeting
Agenda item 3

ILO/IMO JTWG-SIHE 2/3
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**CONSIDERATION OF FUTURE STEPS, E.G. LEGISLATION, MECHANISMS AND
POLICIES FOR REPORTING AND ADDRESSING OF BULLYING AND HARASSMENT,
INCLUDING SEXUAL ASSAULT AND SEXUAL HARASSMENT (SASH),
IN THE MARITIME SECTOR**

Discussion of elements of possible recommended actions

Note by the IMO and ILO Secretariats

SUMMARY

Executive summary: This document provides elements for the discussion of recommendations for preventing, reporting and addressing bullying and harassment, including sexual assault and sexual harassment, in the maritime sector for consideration by the Joint ILO/IMO Tripartite Working Group, during its second meeting.

Action to be taken: Paragraphs 2 to 5

Related documents: MSC 105/16/3; MSC 105/16/5; MSC 105/20; C 127/D; C 129/D; ILO/IMO JTWG-SIHE 2/INF.2 and ILO/IMO JTWG-SIHE 2/4

Introduction

1 Taking into account document ILO/IMO JTWG-SIHE 2/INF.2, which provides background information, the ILO and IMO Secretariats have prepared a non-exhaustive list of elements to assist the discussion of recommendations for future steps to prevent, report and address bullying and harassment in the maritime sector, including sexual assault and sexual harassment, for consideration by the JTWG, as appropriate.

Action requested of the JTWG

2 In the context of the ILO, the JTWG is invited to consider:

- .1 with respect to the Maritime Labour Convention, 2006, as amended, what actions should be considered regarding its implementation, including the possibility to update existing guidance or develop new guidance;
- .2 consider whether the complaint procedures stated in the MLC, 2006 are appropriate for addressing cases of bullying and harassment; and

3. any other actions to be taken by the ILO,

and advise the ILO Governing Body accordingly.

3 In the context of IMO, the JTWG is invited to consider whether the issues of bullying and harassment fall within the scope of the ISM Code and related instruments, including the *Revised Guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies* and the *Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations* and, if so, further consider:

- .1 whether amendments to the ISM Code may be needed, in order to:
 - .1 incorporate bullying and harassment in the provisions of section 1.2 of the Code, in particular as part of the establishment of the company's safety management objectives, including the assessment of risks and establishment of safeguards; what a safety management system should ensure; and the continuous improvement of safety management skills of personnel; and
 - .2 specify that the safety management system should ensure compliance with mandatory rules and regulations, including national requirements on bullying and harassment, and that guidance from the industry organizations is taken into account; and
- .2 whether any other amendments to the ISM Code or other instruments associated with the ISM Code would be necessary;
- .3 the development of any necessary training provisions, other than the draft amendments to the STCW Code (document ILO/IMO JTWG-SIHE 2/4), addressing bullying and harassment in the maritime sector, including sexual assault and sexual harassment (document MSC 105/20, paragraph 16.18.2),

and advise the Maritime Safety Committee accordingly.

4 In the context of the ILO and/or IMO, the JTWG is invited to:

- .1 taking into account the actions taken above, advise the ILO Governing Body and the IMO Maritime Safety Committee on the best possible means to ensure that shipping companies implement monitoring, reporting and prevention policies, as well as effective procedures aimed at eliminating all forms of bullying and harassment on board ships and take corrective action against unacceptable behaviour and practices of this nature;
- .2 consider potential ways to facilitate the collection of data on bullying and harassment, including sexual assault and sexual harassment (document C 129/D, paragraph 4(a).4) and advise the ILO Governing Body and the IMO Maritime Safety Committee accordingly;
- .3 consider the need for an international campaign, with the support of ILO and IMO Member States and governmental and non-governmental organizations, to raise awareness on addressing bullying and harassment in the maritime sector and take action, as appropriate;

- .4 advise the ILO Governing Body and the IMO Maritime Safety Committee to urge ILO and IMO Member States to adopt policies and legislation and take other actions at the national level to protect seafarers from bullying and harassment in the maritime sector, including sexual assault and sexual harassment;
- .5 consider, despite the mandate to address "bullying and harassment, including sexual assault and sexual harassment", whether "sexual assault", should be considered a form of "bullying" or "harassment", or otherwise, taking into account the possible consequential amendments to existing instruments; and
- .6 consider any further recommendations to ILO and/or IMO bodies, as appropriate.

5 With respect to governments, shipowners and seafarers and their respective organizations and other key stakeholders, the JTWG is invited to provide them with any further recommendations, as appropriate, taking into account the documents submitted to this session.
