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WORKING GROUP TO IDENTIFY AND
ADDRESS SEAFARERS' ISSUES AND
THE HUMAN ELEMENT
2nd meeting
Agenda item 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**

Background information on bullying and harassment in the maritime sector

Note by the ILO and IMO Secretariats

SUMMARY

<i>Executive summary:</i>	This document provides background information on the work of the ILO and IMO relevant to the reporting and addressing of bullying and harassment, including sexual assault and sexual harassment, in the maritime sector.
<i>Action to be taken:</i>	Paragraph 2
<i>Related documents:</i>	ILO Maritime Labour Convention, 2006, as amended; the International Chamber of Shipping and the International Transport Workers' Federation Guidance on eliminating shipboard harassment and bullying, 2016; ILO Violence and Harassment Convention, 2019 (No. 190); IMO International Maritime Safety (ISM) Code and its related guidelines for implementation; ILO/IMO JTWG-SIHE 2/3

General

1 The ILO and IMO Secretariats have collected background information in relation to bullying and harassment, including sexual assault and sexual harassment, in the maritime sector, with a focus on ILO's and IMO's relevant work and instruments, and related work, as set out in annex, with a view to facilitate the consideration of this matter by the JTWG.

Action requested of the JTWG

2 The JTWG is invited to note the information provided in this document in the context of the recommendations emanating from this session.

ANNEX

**BACKGROUND INFORMATION ON BULLYING AND HARASSMENT, INCLUDING
SEXUAL ASSAULT AND SEXUAL HARASSMENT, IN THE MARITIME SECTOR*****Table of contents***

Definitions	3
Introduction	5
1. Work in shipping and the issue of harassment and bullying.....	6
1.1. Seafarers' employment landscape.....	6
1.2. Decent work challenges in the shipping sector.....	7
Long periods of service	7
Limited shore leave	7
Gender inequality	8
COVID-19 pandemic.....	8
1.3. Violence, harassment and bullying in the shipping sector.....	9
1.3.1. Harassment and bullying.....	9
1.3.2. Sexual assault and sexual harassment	10
2. ILO work relevant to the protection of seafarers from harassment and bullying.....	13
2.1. ILO international labour standards and fundamental principles and rights at work .	13
2.2. The Maritime Labour Convention, 2006, as amended.....	14
Occupational safety and health.....	15
Regulation 4.3: Health and safety protection and accident prevention	15
Standard A4.3: Health and safety protection and accident prevention.....	15
Guideline B4.3.1. – Provisions on occupational accidents, injuries and diseases	15
Guideline B4.3.6 – Investigations	16
Accommodation and recreational facilities	18
Declaration of maritime labour compliance	18
Complaint procedures.....	18
On-board complaint procedures	18
Onshore complaints procedures.....	19
Reporting of implementation (Article 22)	19
Flag State and port State Guidelines.....	19
2.3. The Sectoral Meeting on the Recruitment and retention of seafarers and the promotion of opportunities for women seafarers	20
2.4. The ILO Violence and Harassment Convention, 2019 (No. 190) and its Recommendation (No. 206).....	20
2.4.1. Overview of Convention No. 190	21
Scope of the Convention	21
Core principles.....	21

Prevention and protection.....	22
Enforcement and remedies	23
Guidance, training and awareness-raising	23
2.4.2. ILO follow up work to Convention No. 190	24
3. IMO work relevant to the protection of seafarers from harassment and bullying	26
3.1. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers	26
3.1.1. Comprehensive review of the STCW Convention and its Code	26
3.2. The International Convention for the Safety of Life at Sea, 1974, and International Safety Management Code	27
3.3. The Revised Guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies	29
3.4. The Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations	30
3.5 Women in Maritime: IMO's gender programme	30
3.6 Other IMO work relevant to addressing harassment and bullying	31
4. Examples of other relevant work in the maritime sector on harassment and bullying in the shipping sector.....	31
4.1. International Bargaining Forum	31
4.2. International Chamber of Shipping	31
4.3. International Transport Workers Federation	32
4.4. European Transport Workers' Federation	32
4.5. International Seafarers Welfare and Assistance Network	33

Definitions

Definitions of terms that relate to harassment and bullying, including sexual assault and sexual harassment, in the maritime sector differ across different organizations, tools and instruments. The below outlines definitions used by the ILO, and within the maritime sector (with the intention of bring light to, without endorsing these external definitions for use).

- i. **Violence and harassment** in the world of work is defined by the ILO Violence and Harassment Convention, 2019 (No. 190) as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”.¹
- ii. **Gender based violence and harassment** is defined in Convention No. 190 as “violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment”.² Behaviours constituting sexual assault could thus be covered by the concept of “gender-based violence and harassment” as defined in Convention No. 190.
- iii. **Bullying** encompasses behaviours that fall within the definition of “violence and harassment” under ILO Convention No. 190 (Article 1.1).

The International Chamber of Shipping (ICS) and International Transport Workers’ Federation (ITF) have defined bullying as:

“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. It 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”.³

- iv. **Harassment** has been separately defined in the ICS-ITF *Guidance* as “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.”⁴
- v. **Sexual harassment** has been examined in the application of the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) as a

¹ See Article 1(1)(a) of ILO Convention No. 190. Also, while Convention No. 190 proposes a single concept covering violence and harassment, it takes into account the diversity of national legal systems and regulatory approaches, and it allows States to opt for a single concept or separate concepts in their definitions in national laws and regulations (Art. 1(2)), while ensuring that all the elements of the definition provided by Convention No. 190 are respected. See ILO, [Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206](#), 2019, p. 10.

² See Article 1(1)(b) of ILO Convention No. 190.

³ ICS and ITF, [Guidance on eliminating shipboard harassment and bullying](#), 2016, p. 8.

⁴ *Ibid*, p. 7.

serious form of discrimination on the basis of sex.⁵ The ILO Committee of Experts on the Application of Conventions and Recommendations observed that definitions of sexual harassment include two key elements:

- 1) **Quid pro quo** sexual harassment “includes any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of a person, which is unwelcome, unreasonable and offensive to the recipient; and a person’s rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person’s job. For instance, requesting sexual favours (for oneself or a third person) from a job candidate in exchange for a job appointment.”⁶
 - 2) **Hostile work environment** sexual harassment “includes conduct that creates an intimidating, hostile or humiliating working environment for the recipient. For instance, the showing of pornographic materials at a place of work, making sexual jokes or remarks, etc.”⁷
- vi. **Discrimination** in the world of work, as per the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), includes “any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation”(Article 1.1(a)), and “such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers’ and workers’ organisations, where such exist, and with other appropriate bodies”(Article 1.1.(b)). Within the framework of Convention No. 111, discrimination-based harassment has been addressed by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) particularly in relation to sexual harassment, sex-based harassment and racial harassment.⁸ Racial harassment occurs where a person is subject to physical, verbal or non-verbal conduct or other conduct based on race which undermines their dignity or which creates an intimidating, hostile or humiliating working environment for the recipient. Moreover, the intersection of factors such as race, religion, gender or disability increases the risk of harassment, particularly in respect of young women from an ethnic or racial minority.⁹

⁵ ILO, [Achieving gender equality at work](#), ILC111/III(B), 2023, pp. 55-56. See also ILO, CEACR General Survey 2012 on Fundamental Conventions ["Giving globalization a human face"](#), paragraphs 789-794 and ILO, [CEACR General Observation on Convention No. 111](#), 2003.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ ILO, [Achieving gender equality at work](#), ILC111/III(B), 2023, paragraph 64.

⁹ ILO, [CEACR General observation on discrimination based on race, colour and national extraction](#), 2019:

Introduction

In 2016, the Maritime Labour Convention, 2006, was amended to include, inter alia, a reference in its Guidelines to the ICS/ITF *Guidance on Eliminating Shipboard Harassment and Bullying*.

In 2019, the International Labour Conference adopted the Violence and Harassment Convention, 2019 (No. 190) and its accompanying Recommendation No. 206, which were followed by considerable work to promote their ratification and implementation.

The IMO Maritime Safety Committee, at its 105th session in April 2022, instructed the Joint Tripartite Working Group (JTWG) to "consider bullying and harassment in the maritime sector, including sexual assault and sexual harassment, taking into account information submitted by interested parties, with a view to providing recommendations for future steps, including the development of legislation, mechanisms and policies, and the launching of awareness campaigns by relevant stakeholders, aimed at reporting and addressing these matters" (IMO document MSC 105/20, paragraph 16.14.1).

Moreover, the IMO Maritime Safety Committee, at the same session:

- 3) Invited Member States and international organizations to submit relevant information on these matters directly to the JTWG, as and when the meeting was convened (IMO document MSC 105/20, paragraph 16.14.2); and
- 4) encouraged Member States to implement mechanisms and adopt relevant policies and legislation to protect seafarers and shipping companies to implement internal monitoring, reporting and prevention policies, as well as procedures aimed at eliminating all forms of bullying and harassment on board ships and to take corrective action against persons engaging in unacceptable behaviour and practices of this nature (IMO document MSC 105/20, paragraph 16.14.4).

The IMO Council, at its 127th session in July 2022, endorsed the above-mentioned instructions (IMO document C 127/D, paragraph 20.2).

The IMO Council, at its 129th session in July 2023, invited the JTWG to explore potential ways to facilitate the collection of data on bullying and harassment, including sexual assault and sexual harassment (IMO document C 129/D, paragraph 4(a).4).

The Resolution on Harassment and Bullying, including Sexual Assault and Sexual Harassment, in the Maritime Sector adopted by the Fourth Meeting of the Special Tripartite Committee of the Maritime Labour Convention, 2006, as amended – Part II, calls for the JTWG to identify and address seafarers' issues and the human element to consider the issue of harassment and bullying, including sexual assault and sexual harassment, taking into account information submitted by interested parties, with a view to providing recommendations for future steps, including the development of legislation, mechanisms and policies, and the launching of awareness campaigns by relevant stakeholders, aimed at reporting and addressing these matters.

The ILO Governing Body, in its 344th session, in March 2022 approved the decision to hold the Second Meeting of the JTWG to identify and address seafarers' issues and the human element. In this context, the present report discusses the issues of addressing violence, harassment and bullying of seafarers.

Work in shipping and the issue of harassment and bullying

1.1. Seafarers' employment landscape

1. Seafarers are essential to the safe and efficient functioning of global trade. According to studies conducted by the shipping industry, almost 1.9 million workers, of which over 857,000 are officers and over 1,035,000 are ratings, work on board ships. They are employed on a global commercial fleet of around 50,000 vessels, which are registered in 150 countries.¹⁰ The International Transport Workers' Federation (ITF) estimates that a further 200,000 people work on cruise ships, many of whom may not be reflected in the overall estimates for numbers of seafarers.¹¹ The sector is male-dominated, and only a small proportion of its workforce are women. As of 2021, the sector had employed an estimated 24,000 women seafarers, around 1.3 per cent of the total workforce. However, between 2015 and 2021, there was an estimated 45.8 per cent increase in the number of women working in the sector.¹² A larger percentage, around 28 to 30 per cent, of cruise ship workers are women.¹³
2. The success and sustainability of the shipping sector depends on its ability to recruit and retain suitably skilled, qualified and experienced seafarers. While there are many attractive aspects to careers in the maritime sector, there are unique working conditions and challenges associated with working and living onboard (see section 1.2. below), many of which are amplified for women seafarers. These challenges may have the effect of discouraging women and men to enter the sector, while experienced workers may be persuaded by difficult conditions to leave the profession to pursue careers elsewhere.¹⁴
3. In recent years, there has been an increased awareness of the need to address violence, harassment and bullying of seafarers in the maritime sector. Challenging working conditions may increase the risk of being exposed to such behaviours.¹⁵ Furthermore, the male-dominated nature of the sector, in addition to other cultural and working conditions associated with maritime work, put women and other groups of workers at particular risk of being victims of such behaviours.¹⁶ This, however, must not be used as a reason to deter women from a seagoing career nor to prevent them from employment on ships. These are matters that are now of considerable international concern for the sector. Convention No. 190 indicates, in its preamble, that: "Recognizing that violence and harassment [...] may prevent persons, particularly women, from accessing, and remaining and advancing in the labour market", a concept that would also apply to work at sea.
4. With projected shortages of skilled seafarers, and particularly of officers, there is a need to promote decent work and good employment practices in shipping to ensure productivity, growth and sustainability in the sector.¹⁷ Ensuring safe and healthy working conditions, free from violence and harassment, can play a key role. Eliminating violence and harassment,

¹⁰ International Chamber of Shipping, [Seafarer Workforce Report, 2021 Edition](#), 2021.

¹¹ ITF, [Cruise ships](#), no date, Accessed 9 August 2023.

¹² International Chamber of Shipping, [Seafarer Workforce Report, 2021 Edition](#), 2021.

¹³ Based on ITF collective bargaining agreements signed with cruise ship operators, see ILO, [Recruitment and retention of seafarers and the promotion of opportunities for women seafarers](#), 2019, p. 32.

¹⁴ See, ILO [Recruitment and retention of seafarers and the promotion of opportunities for women seafarers](#), 2019.

¹⁵ See, Laura Carballo Pineiro and Momoko Kitada, "[Sexual harassment and women seafarers: The role of laws and policies to ensure occupational safety & health](#)", in *Marine Policy*, 117 (2020): 103938.

¹⁶ Pineiro, "[Sexual harassment and women seafarers: The role of laws and policies to ensure occupational safety & health](#)".

¹⁷ See, ILO, [Conclusions on the recruitment and retention of seafarers and the promotion of opportunities for women seafarers](#), 2019.

including gender-based violence and harassment, bullying and other forms of discrimination, and promoting equal opportunities and treatment throughout the sector, could greatly contribute to advancing decent work for all seafarers, addressing shortages in the number of workers and safeguarding the future of the shipping.¹⁸ Convention No. 190 indicates, in its preamble: "Noting that violence and harassment is incompatible with the promotion of sustainable enterprises and impacts negatively on the organization of work, workplace relations, worker engagement, enterprise reputation, and productivity."

1.2. Decent work challenges in the shipping sector

5. Due to limited space, constrained living conditions and frequent exposure to extreme weather, work in shipping can be extremely demanding and often dangerous, with casualties among seafarers much higher than for many other occupational groups.¹⁹ The unique decent work challenges below may increase the risk of being exposed to bullying and harassment.

Long periods of service

6. Seafarers spend long periods, ranging from weeks to months, on board ships. They work far from their homes and families, in challenging multicultural environments, as detailed below. This can lead to boredom, isolation and loneliness, factors which contribute to psychosocial risks and work-related stress among seafarers, impacting on their mental health and well-being.²⁰ Because of the relatively low number of women working on board ships, these risks are likely to be amplified for women seafarers. While social media has the potential to ease loneliness and isolation and promote enhanced connectivity with family, friends and seafarers' support networks, it may in instances also contribute to reduced face-to-face interaction and comradery.²¹ Being isolated on board a ship for a long period of time can be a significant risk factor contributing to incidence of harassment and bullying, including sexual assault and sexual harassment (see section 1.3.) The Final Report of the ILO Tripartite Meeting of Experts on violence against women and men in the world of work identified, among the circumstances that could expose workers to violence and harassment, work in relative isolation or in remote locations.²² The Special Tripartite Committee of the Maritime Labour Convention, 2006, as amended (MLC, 2006), adopted amendments in 2022 to ensure that shipowners provide seafarers with appropriate social connectivity on board and that States provide internet access in their ports (see section 2.2.). This is important because incidents of bullying and harassment, including sexual assault and harassment, are often reported via phone, email or mobile phone applications.²³

Limited shore leave

7. Given the long periods that seafarers spend at sea, access to adequate shore leave and shore facilities are essential to their well-being. However, many seafarers experience difficulties in accessing shore leave and shore facilities in ports and terminals, for example, due to visa requirements, security restrictions or other disincentives from port States. Even when granted access, quick turnaround times and schedules may prevent seafarers from exercising their right to shore leave. As a key benefit of work in the sector, restrictions in shore leave may

¹⁸ See: ILO, [Recruitment and retention of seafarers and the promotion of opportunities for women seafarers](#), 2019.

¹⁹ See, ILO, [Decent work for seafarers](#), 2014.

²⁰ ILO, [Recruitment and retention of seafarers and the promotion of opportunities for women seafarers](#), 2019, p.25.

²¹ ILO, [Conclusions on the recruitment and retention of seafarers and the promotion of opportunities for women seafarers](#), 2019, p.3.

²² See [MEVWM/2016/7](#), p. 40, paragraph 9(g).

²³ See, for example, US Coast Guard, [Reporting sexual misconduct on US vessels](#), *Marine Safety Information Bulletin*, 9 February 2023.

cause issues in recruiting and retaining a skilled workforce.²⁴ During shore leave, lack of prevention measures can heighten the risk that seafarers will be exposed to harassment and bullying, and to sexual assault and sexual harassment, particularly where alcohol or drugs are involved.²⁵

8. **A lack of inclusive environment** Seafarers often work in multicultural environments; hence, they are often in contact with different cultural practices. This can be stressful, demanding and can contribute to feelings of loneliness and isolation. Discrimination may arise in instances where seafarers are exposed to unfair labour practices, or inequality of treatment in terms of wages, working conditions or terms of contract for reasons such as their race, colour, national extraction, ethnicity, culture or language. This can have a negative impact on the working environment, lower worker productivity, hindering the retention of seafarers and contribute to risk factors for harassment and bullying, including sexual assault and sexual harassment (see section 1.3). Effective communication between seafarers is essential for the safe operation of a ship; barriers to effective communication can put seafarers' health and safety at work at risk, particularly in emergency situations.²⁶
9. On the other hand, when well-managed, multicultural environments can allow seafarers to broaden their horizons, promote tolerance and enable them to expand their personal and professional networks.²⁷ Building an effective multicultural, diverse and inclusive environment is important for ensuring decent working conditions on board.

Gender inequality

10. The heavily male-dominated nature of the maritime sector has heightened risks of creating workplace cultures that discriminate against women²⁸ and other groups of persons²⁹. Women and other group of persons who decide to pursue careers in the sector can face an increased risk of discrimination, in terms of wages, working conditions and terms of contract. For instance, in the UK, gender pay gaps have been reported among several companies, and in one of the largest shipping companies in Japan, women make £0.65 for every £1 that men earn.³⁰ Gender inequalities and gender discrimination are closely linked to violence, harassment and bullying against women in the workplace and create risk factors related to gender-based forms of power and control. Addressing gender inequality goes hand in hand with addressing the issue of harassment and bullying³¹, and may help address these issues in the maritime sector.

COVID-19 pandemic

11. During the COVID-19 pandemic, seafarers were trapped and isolated on board, leading to a rise in reporting of work-related stress and increased reporting of harassment and bullying,

²⁴ ILO, [Recruitment and retention of seafarers and the promotion of opportunities for women seafarers](#), 2019, p.22.

²⁵ SOCP, [Best practices guide on prevention of sexual assault and sexual harassment in the U.S. Merchant Marine](#), 2022, p. 8, p. 70.

²⁶ ILO, [Recruitment and retention of seafarers and the promotion of opportunities for women seafarers](#), 2019, pp. 24-25.

²⁷ *Ibid.*

²⁸ Based on ITF collective bargaining agreements signed with cruise ship operators, see ILO, [Recruitment and retention of seafarers and the promotion of opportunities for women seafarers](#), 2019, p. 32.

²⁹ Nautilus International, [Focus on rights at risk for LGBT+ crew](#), 2022.

³⁰ Laura Carballo Pineiro and Momoko Kitada, "[Sexual harassment and women seafarers: The role of laws and policies to ensure occupational safety & health](#)", in *Marine Policy*, 117 (2020): 103938.

³¹ ILO and UN Women, [Handbook: Addressing violence and harassment against women in the world of work](#), 2019, pp. 53-54.

particularly against women.³² At the height of the pandemic, over 400,000 seafarers were left stranded aboard their ships, faced with issues regarding visas, shore leave, vaccination and immigration procedures.³³ A similar number were prevented from joining ships and faced difficulties providing for themselves and their families. Cruise ships were particularly badly affected by the pandemic, with countries implementing travel bans and companies forced to suspend their operations entirely.³⁴ Seafarers that remained aboard also faced heightened occupational safety and health (OSH) risks due to the mental strain and fatigue associated with the intensity of the conditions of work.³⁵

1.3. Violence, harassment and bullying in the shipping sector

12. All seafarers have the right to be free from violence and harassment. Nevertheless, harassment and bullying remain relatively commonplace in the maritime sector.³⁶ Sexual assault and sexual harassment are widely reported and require specific and immediate attention. Discrimination, violence and harassment perpetuate inequalities in the world of work and create economic, social and organizational challenges for the sector. In relation to women and other groups more at risk of violence and harassment, these behaviours may arise from discrimination, abuse of power relations, gender, cultural and social norms that support violence and harassment, and historical gender inequalities.³⁷

1.3.1. Harassment and bullying

13. There has been increased awareness and attention over the prevalence of harassment and bullying on board ships. These matters can have severe consequences for the sector. For seafarers, they can be detrimental to their “psychological, physical and sexual health, dignity, and family and social environment”, and reduce motivation and hinder attempts to build effective teamwork. For shipping companies, this, putting it in the context of the preamble of Convention No. 190, is “incompatible with the promotion of sustainable enterprises and impacts negatively on the organization of work, workplace relations, worker engagement, enterprise reputation, and productivity”, and reduced capacity to recruit and retain skilled workers and legal consequences, including women and other groups of workers that are more at risk of harassment and bullying.³⁸
14. Given the issues of isolation, loneliness and contained living conditions, highlighted above, harassment and bullying are of particular concern for the maritime sector. For seafarers that face harassment and bullying, there may be no escape from the hostile environment and treatment that they are subjected to, and this treatment may be exacerbated by seafarers’ inability to leave the ship at the end of their shift (or watch).³⁹ Consequently, governments, shipowners’ organizations and trade unions and seafarer’s welfare organizations have

³² ETF, [Fighting violence against women transport workers must be a priority](#), 2021; The Institute of Marine Engineering, Science and Technology, [Recognising harassment and bullying in maritime](#), 2022.

³³ International Chamber of Shipping, [The perfect storm: The impact of COVID-19 on shipping, seafarers and maritime labour markets](#), 2022, p. 3.

³⁴ ILO, [COVID-19 and maritime shipping & fishing](#), 2020.

³⁵ ILO, IMO, UNCTAD and WHO, [Joint statement urging continued collaboration to address the crew change crisis, safeguard seafarer health and safety, and avoid supply chain disruptions during the ongoing covid-19 pandemic](#), 2022.

³⁶ See, ILO, [Conclusions on the recruitment and retention of seafarers and the promotion of opportunities for women seafarers](#), 2019.

³⁷ See Article 8(c) of ILO Recommendation No. 206. See also ILO, [Addressing violence and harassment against women in the world of work](#), 2019, pp. 5-6.

³⁸ ICS and ITF, [Guidance on eliminating shipboard harassment and bullying](#), 2016, p. 4. See also Preamble of Convention C. 190.

³⁹ See ILC107-PR8B(Rev.1)-RELME-180626-1-En, paragraph 268.

identified harassment and bullying as a key issue for the sector to address.⁴⁰ The specific challenges relating to harassment and bullying may vary depending on subsector and vessel type, for instance, conditions may vary significantly between cruise and cargo ships, and responses to harassment and bullying may vary on depending on vessel size and the interaction with third parties.⁴¹

15. The ILO Violence and Harassment Convention, 2019 (No. 190) provides a composite concept of violence and harassment, which can take many forms on board a ship. Examples include, but are not limited to, behaviours such as: circulating offensive material; sexist comments and actions, discriminating against persons with disabilities; racist or homophobic jokes or remarks; comments on a seafarers' appearance or personal life that may cause them distress; intrusive questions or remarks over a seafarers' personal affairs; unwanted verbal or physical attention; proliferating malicious gossip or rumours regarding a seafarer; unwelcome sexual comments or advances; and sexual coercion.⁴²
16. 'Bullying' is defined by the ICS and ITF as a form of harassment at work. This is of particular concern in the multicultural environment of a ship, where perceived norms around socially acceptable behaviours differ. Behaviours that may be classed as bullying have a broad scope but can include, for example: personal insults; persistent or unjustified criticism; verbal or physical threats and abuse; excessive monitoring or surveillance of a seafarer's work; setting a seafarer gruelling, menial or inappropriate tasks without justification; ignoring or excluding workers from work discussions or social events; and cyberbullying.⁴³
17. The nature of work on board shipping vessels makes harassment and bullying hard to identify and report. With seafarers at sea for long periods, often without access or with insufficient access to shore support, and due to the time delay between the incidents and reporting onshore, they may be discouraged from reporting cases of harassment and bullying due to fear of retaliation, challenges in providing evidence, and/or perceptions that reporting may no longer be relevant, especially for subtle offenses like offensive comments or jokes, particularly offensive comments or jokes. Despite these challenges, data and reports suggest that such behaviours are prevalent in the sector. Estimates suggest that between 8 to 25 per cent of all seafarers and over 50 per cent of women seafarers face harassment and bullying.⁴⁴ Furthermore, cases of violence, harassment and bullying being reported to seafarers' welfare organizations are increasing. Over the first quarter of 2023, the International Seafarers' Welfare and Assistance Network (ISWAN) reported a 45 per cent increase in cases over the preceding quarter. The majority of these related to abuse by senior officers and 19 per cent related to sexual assault or sexual harassment.⁴⁵ Increased reporting could be indicative of an increased number of cases, or of an increased awareness of the issues among seafarers and of channels to report them, with increased internet connectivity and access to social media on board.

1.3.2. Sexual assault and sexual harassment

⁴⁰ *Ibid*; and ISWAN, [Seafarers' welfare organisations come together to address abuse, harassment and bullying at sea](#), 2023.

⁴¹ ICS and ITF, [Guidance on eliminating shipboard harassment and bullying](#), 2016, p. 10.

⁴² See: ICS and ITF, [Guidance on eliminating shipboard harassment and bullying](#), 2016, p. 7.

⁴³ The term 'cyberbullying' has been used to describe bullying and aggressive behaviours carried out through information and communication technologies. It can involve, inter alia, disseminating photos and videos, sharing emails, or use of social network sites, among others. See, ILO, ["System needs update": Upgrading protection against cyberbullying and ICT-enabled violence and harassment in the world of work](#), 2020, pp. 1, 7-12. See also: ICS and ITF, [Guidance on eliminating shipboard harassment and bullying](#), 2016, p. 8.

⁴⁴ Cecilia Österman and Magnus Boström, ["Workplace harassment and bullying at sea: A structured literature review"](#), in *Marine Policy*, Volume 136, 2022.

⁴⁵ ISWAN, [Growing number of seafarers reporting abuse, bullying, harassment and discrimination](#), 2023.

18. Sexual assault and sexual harassment are widespread phenomena that undermine equality and rights at work, and undermine safe and healthy environment for all. Convention No. 190 recognizes that workers have the right to a world of work that is free from violence and harassment, including gender-based violence and harassment. Gender-based violence and harassment is defined under Article 1(1)(b) of the Convention as “violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.”
19. Sexual assault and sexual harassment can be both psychological and physical. Types of sexual assault and sexual harassment reported by seafarers are wide ranging, but include behaviours such as pestering, comments jokes based on appearance or in reference to sexual acts; inappropriate looks or staring; publicly displaying inappropriate or sexual content on board (for instance on walls or computer screens); kissing, hugging or touching inappropriately; unwelcome sexual advances or requests for sexual favours; sexual coercion through abuse of power dynamics; and in the worst cases rape and attempted rape.⁴⁶
20. Both women and men can be subject to sexual assault and sexual harassment on board ships. Because of their gender in a male-dominated environment, women and other groups of persons can be at a higher risk of violence and harassment onboard.⁴⁷ In addition to the under-representation of women and other minority groups, in the numbers of ratings and officers, which perpetuates gender inequalities, gender-based power relations are sustained by rigid hierarchical structures in shipping, which increase the risk of abusive work practices and sexual assault and sexual harassment.⁴⁸ A lack of inclusive environment on ships contribute to placing seafarers, and particularly women, at risk.⁴⁹ This is because the legal definitions and social norms as to what constitutes sexual assault and sexual harassment, and more generally, appropriate and inappropriate behaviour, can differ significantly between countries and cultures, potentially exposing workers to unfair treatment. Confined working and living conditions and isolation are also key factors contributing to risks of sexual assault and sexual harassment from fellow crew members and, in the case of the cruise subsector, this extends to the public on board.⁵⁰ Consequently, research suggests that women seafarers are more at risk of sexual assault and sexual harassment than shore-based women professionals.⁵¹ They are most exposed to these risks where effective prevention policies are lacking or not implemented, and where there is a shortage of women in senior leadership roles. The international nature of shipping means that workers are subject to different jurisdictions with different legal frameworks and different approaches to sexual assault and sexual harassment which can make it difficult to investigate cases and bring perpetrators to justice. This highlights the importance of harmonization of jurisdiction on the issue throughout the maritime sector.⁵² Circumstances that could increase the risk of violence and harassment on board ships in particular include clubs and bars, unaccompanied shore leaves, isolated

⁴⁶ Laura Carballo Pineiro and Momoko Kitada, [“Sexual harassment and women seafarers: The role of laws and policies to ensure occupational safety & health”](#), in *Marine Policy*, 117 (2020): 103938.

⁴⁷ M. Kitada, L. Langåker, The body” Matters in maritime employment contracts, in: International Association of Maritime Universities (IAMU) General Assembly. 11- 14 Oct, Varna, 2017, ISBN 978-954- 8991-95- 7

⁴⁸ Global Labour Institute, [Violence and harassment in the world of work: Facilitator guide](#), 2021, p. 25.

⁴⁹ Laura Carballo Pineiro and Momoko Kitada, [“Sexual harassment and women seafarers: The role of laws and policies to ensure occupational safety & health”](#), in *Marine Policy*, 117 (2020): 103938.

⁵⁰ Laura Carballo Pineiro and Momoko Kitada, [“Sexual harassment and women seafarers: The role of laws and policies to ensure occupational safety & health”](#), in *Marine Policy*, 117 (2020): 103938.

⁵¹ Laura Carballo Pineiro and Momoko Kitada, [“Sexual harassment and women seafarers: The role of laws and policies to ensure occupational safety & health”](#), in *Marine Policy*, 117 (2020): 103938.

⁵² Laura Carballo Pineiro and Momoko Kitada, [“Sexual harassment and women seafarers: The role of laws and policies to ensure occupational safety & health”](#), in *Marine Policy*, 117 (2020): 103938.

locations, such parking garages, cargo holds; and rooms with closed or locked doors.⁵³ The presence of alcohol and drugs can contribute to high-risk situations of sexual assault and sexual harassment on board ships, and particularly on cruise ships, for both staff and passengers.⁵⁴

21. Identifying and registering cases of sexual assault and sexual harassment faces similar issues as with harassment and bullying in general. Where incidents of sexual assault and sexual harassment occur, hierarchical and power structures can dissuade individuals from reporting their cases for fear of retaliation.⁵⁵ Meanwhile, the close quarters in which seafarers live may leave victims feeling that they have no choice but to endure the behaviours they are subject to.⁵⁶ There is significant evidence to suggest that sexual assault and sexual harassment is prevalent in shipping. A study conducted by the Women's International Shipping and Trading Association (WISTA), Anglo-Eastern, ISWAN and ICS found that 60 per cent of women seafarers reported encountering gender-based discrimination, with 25 per cent reported that physical and sexual harassment is commonplace on board.⁵⁷ Common practices that seafarers reported in the survey included “uncomfortable persuasion, inappropriate remarks and body shaming”.⁵⁸ When cases are reported there may be challenges in dealing with them appropriately. Separating individuals on board can be difficult and there can be delays in investigating reported cases due to operational schedules. Such delays can lead to statements being retracted or changes being made to statements.⁵⁹
22. The prominence and urgency of the issue of sexual assault and sexual harassment – and violence - of seafarers has been highlighted by recent high-profile cases in the sector. In 2021, a victim came forward anonymously to share her account of how she was raped on board a commercial, while another young woman cadet”, was severely sexually harassed on the same ship. The two victims were students working aboard ship under a maritime academy’s training programme. The case resulted in five shipping company employees being dismissed and an undisclosed settlement between the company and the victim, who later went public in order to help prevent sexual assault and sexual harassment empower other cadets to take action against their abusers.⁶⁰ Her case, was just one of many cases of sexual assault and sexual harassment reported to the same training institution– including cases at the shoreside training facility and at sea – with industry experts suggesting many more are likely to have gone unreported.⁶¹
23. Sexual harassment and sexual assault perpetuate inequalities in shipping. The existence of discrimination and gender stereotypes is a major barrier against women undertaking careers in the sector. Furthermore, women in lower-ranked positions are more likely to be subject to sexual assault or harassment.⁶² It follows that such treatment early in their careers could deter

⁵³ SOCP, [Best practices guide on prevention of sexual assault and sexual harassment in the U.S. Merchant Marine](#), 2022, p. 8.

⁵⁴ Kate Schneider, [‘Crime wave: Gang rape among hidden cruise horrors’](#), in *New Zealand Herald*, 11 August 2019.

⁵⁵ ‘Sexual abuse at sea: Where we stand’, *Safety4Sea*, March 20, 2023

⁵⁶ SOCP, [Best practices guide on prevention of sexual assault and sexual harassment in the U.S. Merchant Marine](#), 2022, p. 37.

⁵⁷ The survey was completed by 1128 women from 78 countries, 90 per cent of whom worked on cruise ships, with the rest employed on shipping vessels.

⁵⁸ WITSA International, [The Diversity Handbook](#), 2022.

⁵⁹ SOCP, [Best practices guide on prevention of sexual assault and sexual harassment in the U.S. Merchant Marine](#), 2022, p. 41.

⁶⁰ [‘\[A shipping company\] settles former midshipman’s sexual assault case’](#), *Safety4Sea*, November 23 2022.

⁶¹ Kit Lindhart, ‘New report reveals multiple cases of sexual harassment at prestigious school for naval cadets’, in *Shipping Watch*, 07 March 2023.

⁶² IMHA, ISWAN, ITF and SHS, [Women seafarers’ health and welfare survey](#), 2015, p. 15.

them from continuing their careers in shipping, and perpetuate issues in retaining women and promoting them in higher-ranked positions.⁶³ In a survey conducted by the global trade union and professional seafarers' organization Nautilus, 79 per cent of seafarers said being subjected to bullying, discrimination or harassment impacted their morale, motivation and performance.⁶⁴ Among the survey respondents, 41 per cent of female seafarers reported experiencing sexual harassment compared to 2 percent of all male seafarers.⁶⁵ Consequently, sexual assault and sexual harassment hinder business productivity and profitability, and can lead to costly legal action, while simultaneously standing in the way of equality and non-discrimination in employment and in the recruitment and retention of a skilled workforce.⁶⁶

2. ILO work relevant to the protection of seafarers from harassment and bullying

2.1. ILO international labour standards and fundamental principles and rights at work

24. International labour standards (ILS) are essential to protecting workers and to achieving a rights-based and human-centred approach to advancing decent work, including in the shipping sector. ILS form a system of legal instruments that aim at promoting decent and productive work in conditions of freedom, equity, security and dignity.⁶⁷ Their implementation is supervised by the ILO supervisory system.
25. The ILO's mandate on advancing decent work and achieving social justice is underpinned by fundamental principles and rights at work. The ILO Declaration on Fundamental Principles and Rights at Work obligates all member States to promote and realize freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; the elimination of discrimination in respect of employment and occupation; and a safe and healthy working environment. Discrimination-based harassment, including sexual harassment and racial harassment, falling under the scope of the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the CEACR observes that discrimination-based harassment in employment and occupation is a serious phenomenon with consequences for people's health and well-being, business, the economy and the labour market as a whole.⁶⁸ Articles 5 and 6 of Convention No. 190 indicate that ensuring the right to equality and non-discrimination in employment and occupation, including for women workers is essential to prevent and eliminate violence and harassment in the world of work.⁶⁹ The right to a "safe and healthy working environment", was added by an amendment to the Declaration at the 110th Session of the international labour conference in June 2022. Under the accompanying Resolution on its inclusion, the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) are included as fundamental Conventions.

⁶³ Laura Carballo Pineiro and Momoko Kitada, "[Sexual harassment and women seafarers: The role of laws and policies to ensure occupational safety & health](#)", in *Marine Policy*, 117 (2020): 103938.

⁶⁴ Nautilus International, [Bullying, discrimination & harassment survey 2010](#), 2010.

⁶⁵ *Ibid.*, p. 6.

⁶⁶ Laura Carballo Pineiro and Momoko Kitada, "[Sexual harassment and women seafarers: The role of laws and policies to ensure occupational safety & health](#)", in *Marine Policy*, 117 (2020): 103938. See also, ILO Convention No. 190 preamble, "recognizing that violence and harassment also affects the quality of public and private services, and may prevent persons, particularly women, from accessing, and remaining and advancing in the labour market".

⁶⁷ Rules of the game: An introduction to the standards-related work of the International Labour Organization International Labour Office, Geneva, 2019, p.7.

⁶⁸ See, ILO, [Achieving gender equality at work](#), ILC111/III(B), 2023, paragraph 65.

⁶⁹ Article 5 & 6 of ILO Convention No. 109.

26. The 2022 amendment to the Declaration has affirmed that safety and health at work are universal rights, applicable to all workers. It also stresses the human and economic potential of achieving health and safety at work, through the promotion of inclusive economic growth, which highlights the benefits of a heightened and continued emphasis on safety and health in shipping. Critically, violence and harassment affect the safety and health of seafarers, and safe and healthy working environments should consequently be free from violence and harassment. Comprehensive OSH frameworks to assess and control the risks associated with violence and harassment, including psychosocial risks, can therefore help to ensure that seafarers are protected from behaviours that threaten their physical and mental wellbeing.⁷⁰

2.2. The Maritime Labour Convention, 2006, as amended

27. To protect the world's seafarers and their contribution to international trade, the ILO has adopted over 70 instruments (41 Conventions and the related Recommendations) to establish the minimum conditions for “decent work” on a ship, pensions for seafarers and an internationally recognized document for seafarers (a seafarers’ identity document) to assist in border control. The ILO’s Maritime Labour Convention, 2006, as amended (MLC, 2006) revises and consolidates the majority of such standards, and establishes minimum working and living standards for seafarers, covering almost all aspects of work on board, including:
- minimum age;
 - seafarers’ employment agreements;
 - hours of work or rest;
 - payment of wages;
 - paid annual leave;
 - repatriation at the end of contract;
 - onboard medical care;
 - the use of licensed private recruitment and placement services;
 - accommodation, food and catering;
 - health and safety protection and accident prevention; and
 - seafarers’ complaint procedures.
28. The MLC, 2006, states that each Member shall satisfy itself that the provisions of its law and regulations respect the fundamental rights and principles, in the context of the Convention (Article III).
29. Article IV, on Seafarers' Employment and Social Rights, of the Convention further provides, inter alia, that “Every seafarer has the right to a safe and secure workplace that complies with safety standards”, that “Every seafarer has a right to decent working and living conditions on board ship” and that “Every seafarer has a right to health protection, medical care, welfare measures and other forms of social protection”.

⁷⁰ See, ILO, [Safe and healthy working environments free from violence and harassment](#), 2020.

Occupational safety and health

- 30.** The MLC includes specific provisions on health and safety protection that are applicable to the issue of harassment and bullying in the workplace and could be applied to preventing sexual assault and sexual harassment. These are found under Regulation 4.3, Standard A4.3, and Guidelines B4.3.1 and B4.3.6.

Regulation 4.3: Health and safety protection and accident prevention

- 31.** Regulation 4.3 of the MLC, 2006 addresses health and safety protection and accident prevention for seafarers. Its purpose is to ensure that seafarers' work environment on board ships promotes occupational safety and health. It obligates Members to ensure that seafarers are provided with OSH protection and live, work and train on board a ship in a safe and healthy work environments; to develop national guidelines for the management of OSH on board ships flying their flag, in consultation with representative shipowners' and seafarers' organizations; and to adopt laws and regulations and other measures addressing matters specified in Standard A4.3 and Guideline B4.3 which shall be regularly reviewed in consultation with representative shipowners' and seafarers' organizations, to facilitate continuous improvement and provide a safe environment for seafarers on board ships.

Standard A4.3: Health and safety protection and accident prevention

- 32.** Standard 4.3 specifies the matters to be addressed in accordance with Regulation 4.3, paragraph 3. These include:
- i. the adoption and effective implementation of OSH policies and programmes including risk evaluation and training and instruction of seafarers;
 - ii. reasonable precautions to prevent occupational accidents, injuries and diseases on board ships, including through measures to reduce exposure to harmful levels of ambient factors and chemicals and risks of injury or disease that may arise from equipment and machines;
 - iii. on board OSH prevention programmes for the continuous improvement in OSH protection, that involve seafarers' representatives and all persons concerned in their implementation, taking into account of preventive measures, including for example the substitution of processes and procedures for collective and individual tasks; and
 - iv. requirements for inspecting, reporting and correcting unsafe conditions and for investigating and reporting on-board occupational accidents.
- 33.** Laws, regulations and other measure adopted shall address all matters relevant to the prevention of occupational accidents, injuries and diseases that may be applicable to the work of seafarers, particularly those which are specific to maritime employment, and pay special attention to the health of seafarers under 18.
- 34.** The remaining paragraphs of Standard 4.3 give further effect to compliance with Regulation 4.3 and on the reporting, data collection, investigation; cooperation with shipowners' and seafarers' organizations on bringing OSH measures to the attention of seafarers; and the conducting of risk evaluation by ship owners.

Guideline B4.3.1. – Provisions on occupational accidents, injuries and diseases

35. Guideline B4.3.1 states that the provisions of Standard A4.3 should take into account ILO and other international standards and guidelines and codes of practice regarding OSH. Account should also be taken of the ICS and ITF Guidance on eliminating shipboard harassment and bullying (see Box 1). It sets out a list of items to be addressed in national guidelines for OSH management to be addressed (such as machinery, temperature, noise, vibration, fire safety, personal protective equipment, etc.) Assessment of OSH risks should take into account the physical and mental occupational health of exposure to risks and to fatigue and accidents. Necessary measure should take due account of the preventive principle, according to which, among other things, combating risk at the source, adapting work to the individual, especially as regards the design of workplaces, and replacing the dangerous by the non-dangerous or the less dangerous, have precedence over personal protective equipment for seafarers.
36. Paragraph 4 of Guideline B4.3.1 makes specific reference to harassment and bullying in the context of OSH. It states that – alongside emergency and accident response, the effects of drug and alcohol dependency, and HIV/AIDS protection and prevention – competent authorities should ensure that the health and safety implications of harassment and bullying are taken into account.
37. These references to harassment and bullying above were added by amendment to the Code of the MLC, 2006 which was adopted in 2016.⁷¹ The ICS-ITF *Guidance*, as referenced in the abovementioned Guideline, drew on the work of the European Community Shipowners Associations (ESCA) and European Transport Workers' Federation (ETF) in their guidelines on *Eliminating workplace harassment and bullying*.⁷²

Guideline B4.3.6 – Investigations

38. Guideline B4.3.6 provides that “the competent authority should undertake investigations into the causes and circumstances of all occupational accidents and occupational injuries and diseases resulting in loss of life or serious personal injury, and such other cases as may be specified in national laws or regulations.” In paragraph 2(g), the Guideline stipulates that consideration to including problems arising from harassment and bullying as subjects of such investigations.

⁷¹ The 2016 amendments to the MLC entered into force on 08 January 2019. They were in force in 91 territories as of 15 December 2023.

⁷² ESCA and ITF, [Eliminating workplace harassment and bullying](#), 2013.

Box 1: ICS and ITF Guidance on eliminating shipboard harassment and bullying

The Guidance establishes practices that shipping companies, seafarers and seafarers' organizations can do to prevent harassment and bullying and protect workers safety and health:

- for **shipping companies** the Guidance assists in developing policies to combat harassment and bullying and involve seafarers and their organizations in the process.
- for **seafarers** the Guidance assists them to recognize instances of harassment and bullying, use grievance procedures, report instances, avoid harassment and bullying of colleagues and follow company procedures.
- for **seafarers' organizations** it outlines the important role they have on awareness raising activities.

1. Workplace policies

According to the Guidance, workplace policies should:

- set out a commitment to the elimination of harassment and bullying
- identify a senior person with overall responsibility for the policy
- contain examples of harassment and bullying (Guidance provides examples);
- contain contact information on reporting.

2. Identifying and reporting incidents

Complaints procedures should:

- provide for confidentiality
- safeguard against the victimization of the complainant;
- provide for complainants to be accompanied by a fellow seafarer or representative;
- ensure equality and fairness of treatment.

Grievance procedures may need to be separate from company's general complaints procedures, depending on the sizes of the vessels, or use an independent third party. A designated person should serve as a reference point for seafarers to make complaints.

Response processes should include informal processes; formal processes (meetings, investigations, disciplinary proceedings etc.); disciplinary hearings; and effective resolutions and appropriate actions.

3. Measures to eliminate harassment and bullying

Shipowners should promote the right of all seafarers to be treated with dignity; promote an environment of zero-tolerance; inform all seafarers of their responsibilities

Seafarers should support the right to treat all colleagues with dignity; embrace a workplace free of harassment and bullying; be informed of reporting mechanisms and support networks.

4. Communication and awareness

The guidance recommends **awareness programmes**, briefings, handbooks, management and seafarer guides, promotional materials, workshops and/or seminars on workplace policies, etc. and **educational and training programmes** for all employees.

Source: ICS and ITF, [Guidance on eliminating shipboard harassment and bullying](#), 2016.

Accommodation and recreational facilities

39. Regulation 3.1. of the MLC, 2006, contains provisions to ensure that seafarers have decent accommodation and recreational facilities on board their ships. Standard A3.1, Paragraph 9(b) provides that “separate sleeping rooms shall be provided for men and for women”. Standard A3.1 Paragraph 11(a) provides that “all seafarers shall have convenient access on the ship to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort, with separate sanitary facilities being provided for men and for women”. In the 2022 amendments to the Code of the MLC, 2006 Paragraph 17 was amended to read that “Appropriate seafarers’ recreational facilities, amenities and services, including social connectivity, as adapted to meet the special needs of seafarers who must live and work on ships, shall be provided on board for the benefit of all seafarers”. Guideline B4.4.2. was amended to read that “Members should, so far as is reasonably practicable, provide seafarers on board ships in their ports and at their associated anchorages with Internet access, with charges, if any, being reasonable in amount.” This is important regarding harassment and bullying, as many cases of assault and harassment are reported using phone, email or mobile phone applications (see section 1.3).

Declaration of maritime labour compliance

40. Each Member requires that ships that fly its flag carry and maintain a declaration of maritime labour compliance (DMLC) that indicates succinctly the national provisions embodying the requirements for the working and living conditions for seafarers under the Convention, including health and safety and accident prevention, and the measures adopted by the shipowner to ensure compliance with such requirements on the ship or ships concerned. Part II of the DMLC outlines measures have been drawn up by the shipowner to ensure ongoing compliance between inspections, including in relation to Regulation 4.3.

Complaint procedures

On-board complaint procedures

41. Regulation 5.1.5 of the MLC, 2006, requires that each Member required that ships flying its flag have on-board procedures for the “fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of this Convention (including seafarers’ rights).” Each Member is also required to prohibit and penalize any victimization⁷³ of a seafarer that files a complaint. These provisions are without prejudice to seek redress through any legal means that the seafarer deems appropriate. Seafarers must be provided with a copy of the on-board complaint procedures in addition to a copy of their seafarers’ employment agreement, including the contact information for the competent authority in the flag State and in the seafarer’s State of residence, and the name of a person on board the ship who can, on a confidential basis, provide seafarers with impartial advice on their complaint and otherwise assist them in following the available complaint procedures on board the ship.⁷⁴
42. Guideline 5.1.5 of the MLC, 2006 requires that in all cases seafarers shall have a right, where they consider it necessary, to complain directly to the master or to the appropriate external authorities. Seafarers also have the right to be accompanied and to be represented during the complaint procedure. All complaints and decisions on them should be recorded and copies

⁷³ The term “victimization” covers any adverse action taken by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made (Standard A5.5.5, paragraph 3).

⁷⁴ For more clarification on Regulation 5.1.5, see ILO, [Maritime Labour Convention, 2006 \(MLC, 2006\) as amended: Frequently asked questions \(FAQ: Fifth edition\)](#), 2019.

provided to the seafarer, and matters that can't be addressed on board should be referred ashore (in consultation with the seafarers involved).

43. While not specified in the complaint procedures of the MLC, 2006 Guideline B4.3.1. makes reference to harassment and bullying as issues that competent authorities should take into account the safety and health implications of. There may be consideration as to whether the on-board complaints procedures could be an appropriate mechanism for processing complaints of harassment and bullying, whether more specific reference is needed to these issues within the complaints procedures provisions of the MLC, 2006, and/or whether separate complaints procedures are required, both for harassment and bullying, as well as sexual harassment and sexual assault.⁷⁵

Onshore complaints procedures

44. Onshore complaint-handling procedures are dealt with under Regulation 5.2.2. detailing port State responsibilities regarding these matters. Regulation 5.2.2 of the MLC, 2006 requires that a complaint made by a seafarer may be reported to an authorized officer in the port at which the seafarer's ship has called. In such cases, the authorized officer shall undertake an initial investigation, and where appropriate, seek to promote resolution at the shipboard level (Standard A5.2.2). Where the investigation reveals that the conditions on board are clearly hazardous to the safety, health or security of the seafarer or the non-conformity constitutes a serious or repeated breach of the requirements of the MLC, 2006, including seafarers' rights, the port State officer shall take steps to ensure that the ship shall not proceed to sea until any non-conformities have been rectified (Standard A5.2.1, paragraph 6 *ex vi* Standard A5.2.2, paragraph 4).
45. Guideline B5.2.2 suggests good reasons for considering a complaint before any on-board complaint procedures have been explored included the inadequacy of, or undue delay in, the internal procedures or the complainant's fear of reprisal for lodging a complaint.

Reporting of implementation (Article 22)

46. The ILO has adopted a standardized form for reporting national implementation of the obligations of the MLC, 2006, as provided for by Article 22 of the ILO Constitution.⁷⁶ These reports are examined by the Committee of Experts on the Application of Conventions and Recommendations (CEACR).
47. Regarding harassment and bullying, the current version of the Article 22 report form for the MLC, 2006, does not make specific references to, nor request specific information on, national measures taken to address harassment and bullying in the maritime sector. This may have contributed to few comments being made by the CEACR on harassment and bullying. Consideration could be given on how to engage the CEACR more directly in inviting States ratifying MLC States and/or C190 to ensure measures to address harassment and bullying are being fully applied in the maritime sector.

Flag State and port State Guidelines

⁷⁵ The [ECSA-ETF Guidelines on harassment and bullying](#) recommend that the complaints procedure for such matters be separate from the general company grievance procedure but consistent with procedures drawn up to comply with Regulation 5.1.5 of the Maritime Labour Convention, 2006.

⁷⁶ Article 22 of the ILO Constitution states that: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

48. Initially adopted in 2008, the *Guidelines for flag State inspections under the Maritime Labour Convention, 2006*, and the *Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006*, provided practical guidance on the Convention. The Guidelines are important aspects to national implementation and the harmonization of the MLC, 2006. They were updated in 2022 to reflected amendments to the MLC, 2006 adopted in 2014, 2016 and 2018.
49. The flag State *Guidelines*, as amended to reflect the 2016 amendments to the Code of the MLC, make specific reference to checking for harassment and bullying under Regulation 4.3. The text of the Guidelines states that in order to check the basic requirements of the Regulation, the inspectorate should “check that, with respect to health and safety protection and accident prevention, special consideration is given to any national requirements covering [...] harassment and bullying on board a ship.”
50. The port State *Guidelines* do not specifically make reference to inspection for harassment and bullying by the port State.
51. Further consideration could be given to making better use of flag and port State control procedures to ensure ships are meeting obligations with respect to preventing harassment and bullying.

2.3. The Sectoral Meeting on the Recruitment and retention of seafarers and the promotion of opportunities for women seafarers

52. In February 2019, in Geneva, representatives from governments, shipowners and seafarer organizations, as well as intergovernmental and non-governmental organizations, met at the ILO Sectoral Meeting on the Recruitment and retention of seafarers and the promotion of opportunities for women seafarers. The purpose of the Meeting was to discuss the issues raised in the *Resolution concerning recruitment and retention of seafarers*, and the *Resolution concerning the promotion of opportunities for women seafarers*, as adopted by the 94th (Maritime) Session of the International Labour Conference.⁷⁷
53. The meeting adopted Conclusions on practicable measures to attract young seafarers, to retain experienced seafarers, and to ensure diversity and equal opportunities for all, ensuring women and other groups of workers were free from discrimination. Paragraphs 21 and 22 of the Conclusions refer to harassment and bullying. They assert that the sector should have zero-tolerance to the issues and adopt proactive responses to eliminate them. The tripartite constituents add that means to effectively address harassment and bullying could include an independent hotline or reporting process (“safe space”), sensitization and diversity training of all cadets and trainees and seafarers, as well as, potentially, amendments to relevant ILO instruments for seafarers.”⁷⁸

2.4. The ILO Violence and Harassment Convention, 2019 (No. 190) and its Recommendation (No. 206)

54. In June 2019, at its Centenary Conference, the ILC adopted the Violence and Harassment Convention (No. 190) and its accompanying Recommendation (No. 206). Convention No. 190 is the first international treaty to recognize the right to a world of work free from violence

⁷⁷ [GB.295/4](#), appendix.

⁷⁸ ILO, [Conclusions on the recruitment and retention of seafarers and the promotion of opportunities for women seafarers](#), 2019.

and harassment. Convention No. 190 entered into force on 25 June 2021. To date, it has been ratified by 36 countries.

2.4.1. Overview of Convention No. 190 ⁷⁹

55. ILO Convention No. 190 establishes an important framework to eliminate violence and harassment, including in the maritime sector. These are outlined below. Table X, in Chapter 5 of this paper, compares the provisions of the Articles of Convention No. 190 to existing instruments and tools used to protect workers particularly from harassment and bullying in the maritime sector.

Scope of the Convention

56. The Convention protects workers and other persons in the world of work, following the principle that no one should be subject to violence and harassment in the world of work. Under Article 2.1. of the Convention this is stated to include:

- employees as defined by national law and practice;
- persons working irrespective of their contractual status;
- persons in training, including interns and apprentices;
- workers whose employment has been terminated;
- volunteers;
- jobseekers and job applicants; and
- individuals exercising the authority, duties or responsibilities of an employer.

57. The Convention has a broad scope, applying to all sectors, whether private or public, both in the formal and informal economy, and in urban or rural areas.⁸⁰ It further applies to violence and harassment occurring in the course of, linked with or arising out of work that takes place in the workplace; places where the worker is paid, rests, takes a meal and sanitary, washing and changing facilities; work-related trips, travelling, training and social activities; in communications and use of technologies; commuting to and from work, and critically for the maritime sector, also employer-provided accommodation.

Core principles

58. Article 4 of the Convention provides that each Member⁸¹ shall adopt an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work:

- Inclusive: broad scope of protection and takes into account groups of workers who are disproportionately affected by violence and harassment, including sectors, occupations and work arrangements more exposed to violence and harassment. The maritime sector, and particularly women who work on board ships, in confined spaces may be considered to be more at risk. The notion of

⁷⁹ See Annex X for an overview of the Convention.

⁸⁰ Article 2.2 of the ILO Convention No. 190.

⁸¹ "Member" meaning a State that has ratified the Convention.

inclusive also encompasses ensuring accessible tools to prevention and protection, effective justice, and information and training,⁸² and ensuring measures are taken through social dialogue⁸³.

- Integrated: Preventing and eliminating violence and harassment in the world of work requires coordinated action in all fields concerned, including in labour, equality and non-discrimination, occupational safety and health, migration and criminal laws, regulations and policies, as well as through the effective recognition through the right to collective bargaining. It also refers to the need of having protection and prevention, enforcement and remedies, and guidance, training and awareness raising.⁸⁴
- Gender-responsive: Measures are needed to take into account the specific needs and fact that women and other groups of workers are more vulnerable to violence and harassment. Measures should address underlying causes, such as multiple and intersecting forms of discrimination, unequal gender-based power relations, gender stereotypes social and cultural norms that support violence and harassment.⁸⁵

59. Article 5 links the Convention to fundamental principles and rights at work, requiring that Members respect, promote and realize them – and in particular the right to equality and non-discrimination – with a view to eliminating violence and harassment.

60. Article 6 further requires Members to adopt laws, regulations and policies ensuring the right to equality and non-discrimination in employment and occupation, including for women and other persons belonging to one or more vulnerable groups or groups disproportionately affected by violence and harassment in the world of work.

Prevention and protection

61. According to the Convention, Members to define and prohibit violence and harassment in the world of work, including gender-based violence and harassment, in laws and regulations (Articles 4(2) (a) and 7) and to adopt appropriate measures to prevent such behaviours (Article 8).

62. Prevention measures should include identifying the sectors or occupations and work arrangements in which workers and other persons concerned are more exposed to violence and harassment, and implementing measures to protect them. Paragraph 9 of Recommendation No. 206, notes that these may include, amongst others, night work, work in isolation and transport, each of which applies to the maritime sector.

63. Under Article 9 of the Convention, Members are obligated to adopt laws and regulations requiring employers to take appropriate steps commensurate with their degree of control to prevent violence and harassment in the world of work. These include, so far as is reasonably practicable:

⁸² ILO, [Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206](#), 2019, Figure 3.

⁸³ See Article 8 of ILO Convention No. 190.

⁸⁴ ILO, [Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206](#), 2019, Figure 3.

⁸⁵ ILO, [Violence and harassment in the world of work: A guide on Convention No. 190 and Recommendation No. 206](#), 2019, p. 13.

- Adopting and implementing a workplace policy on violence and harassment, in consultation with employers' and workers' representatives;
- Taking into account violence and harassment and associated psychosocial risks in OSH management;
- Identifying hazards and assessing of the risks of violence and harassment;⁸⁶ and
- Providing information and training, including on hazards and risks, associated prevention and protection measures, and the rights and responsibilities of workers and other persons concerned.

Enforcement and remedies

64. Convention No. 190 obligates each Member to monitor and enforce laws and regulations regarding violence and harassment in the world of work and ensure easy access to safe, fair and effective reporting and dispute resolution mechanisms. These include complaints and investigation procedures and dispute resolution mechanisms both internal and external to the workplace, courts or tribunals, measures to protect victims, witnesses, complainants and/or whistle blowers from victimization or retaliation. The Convention also requires Members to establish sanctions for perpetrators, as appropriate.

65. Article 10 also provides for:

- protecting the privacy and confidentiality of individuals involved in disputes, ensuring, where possible, that these requirements are not misused (Article 10(c));
- ensuring access to remedies, as well as for access to legal, social, medical and administrative support measures for complaints and victims (Article 10(b));⁸⁷ and
- access to gender-responsive, safe and effective complaint and dispute resolution mechanisms, support, services and remedies for victims of gender-based violence and harassment (Article 10(e)).

66. Recommendation No. 206 notes that gender-responsive mechanisms provided for by Article 10(e) should include courts with specific expertise, timely and efficient processing; legal advice and assistance; accessible guides and the shifting of the burden of proof (Paragraph 16). Likewise, support services should include support for victims to re-enter the labour market, counselling and information services, 24-hour hotlines, emergency services, medical care and treatment, crisis centres including shelters; and specialized police units or specially trained officers (Paragraph 17).

Guidance, training and awareness-raising

⁸⁶ Article 8 of ILO Recommendation No. 206 provides that "the workplace risk assessment referred to in Article 9(c) of the Convention should take into account factors that increase the likelihood of violence and harassment, including psychosocial hazards and risks. Particular attention should be paid to the hazards and risks that: (a) arise from working conditions and arrangements, work organization and human resource management, as appropriate; (b) involve third parties such as clients, customers, service providers, users, patients and members of the public; and (c) arise from discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment".

⁸⁷ According to Recommendation No. 206, paragraph 14, remedies could include the right to resign with compensation, reinstatement, compensation for damages, orders requiring measures with immediate executory form, and legal fees and costs.

67. The Convention requires that each Member, in consultation with representative employers' and workers' organizations, shall seek to ensure that:

- relevant national policies address violence and harassment, such as those concerning occupational safety and health, equality and non-discrimination, and migration;
- accessible guidance, resources, training or other tools are provided to governments, employers, workers and their organizations, and other relevant authorities; and
- initiatives, including awareness-raising campaigns, are undertaken.⁸⁸

2.4.2. ILO follow up work to Convention No. 190

68. Strategy for action: At its 337th Session (October–November 2019), the ILO Governing Body held a discussion on the elimination of violence and harassment and endorsed a strategy aimed at operationalizing the resolution concerning the elimination of violence and harassment in the world of work, which was adopted by the International Labour Conference at its 108th Session (2019) alongside the Convention No. 190 and Recommendation No. 206. The strategy is operationalized at global, regional, national, sectoral, and workplace levels and tailored to country contexts and priorities, as reflected in ILO Decent Work Country Programmes and UN Sustainable Development Cooperation Frameworks (UNSDCF).⁸⁹

69. The strategy is articulated in three mutually reinforcing components: (i) wide ratification of the Convention and the effective implementation of the instruments; (ii) support to constituents through awareness-raising initiatives, promotional materials, research and technical assistance; and (iii) promotion of international cooperation and partnerships and of resource mobilization. It also includes a specific section on advancing an internal institutional framework for implementation to ensure a world of work free from violence and harassment at the ILO.⁹⁰

70. The Office has taken specific measures to implement the strategy, including a global campaign to overcome violence and harassment in the world of work and collaboration with the Lloyd's Register Foundation and Gallup to undertake the first global exploratory exercise to measure people's experiences of violence and harassment.⁹¹

71. Significant efforts have been devoted to raising awareness of Convention No. 190 through the global campaign to overcome violence and harassment in the world of work. An implementation plan engages ILO constituents and links to important days and campaigns, including the celebration of the anniversary of the adoption of the Convention and the annual international campaign on 16 Days of Activism against Gender-Based Violence. In addition, to help raise awareness at the country level, the instruments have been translated into several local languages and radio programmes and other sensitization activities have been carried out.⁹²

⁸⁸ Which should, according to Paragraph 23(b) of Recommendation No. 206, be gender-responsive.

⁸⁹ As of 1 September 2023, 23 Decent Work Country Programmes included a reference to Convention No. 190 and/or violence and harassment. See also GB.349/INS/6(Rev.1), paragraph 5.

⁹⁰ GB.349/INS/6(Rev.1), paragraph 6.

⁹¹ GB.349/INS/6(Rev.1) paragraph 10&21. See also ILO, Lloyd's Register Foundation and Gallup, Experiences of Violence and Harassment at Work: A Global First Survey, 2022.

⁹² See, ILO, [C190 campaign toolkit](#), no date. See also ILO, [Join the ILO's global campaign for ratification of violence and harassment convention](#), 2021.

72. The global campaign has reached out to governments, employers' and workers' organizations, as well as civil society, and policy makers, businesses, partners and the general public to address violence and harassment in the world of work. This has resonated with social partners in the maritime sector. For instance, the National Union of Seafarers of Sri Lanka, affiliated with the ITF, has led a campaign to ratify the Convention, including through organizing events for International Women's Day and producing tools, such as playing cards detailing the provisions of the Convention.⁹³
73. The ILO, Lloyd's Register Foundation and Gallup *Experiences of violence and harassment at work survey* provides insight into the main forms of violence and harassment (physical, psychological and sexual) and the barriers that prevent victims and witnesses from coming forward about it at a global level.⁹⁴ The results of the report reveal a number of key findings over violence and harassment at work that may be relevant to the maritime sector:
- Violence and harassment at work are a widespread phenomenon globally. 22.8 per cent or 743 million persons in employment have suffered at least one form of violence and harassment in their working. Nearly one in fifteen workers (6.3 per cent) has experienced sexual assault and sexual harassment at work, with women much more exposed to sexual assault and sexual harassment.
 - Violence and harassment at work is a recurrent and persistent phenomenon. More than three in five victims of violence and harassment report repeat instances.
 - Young, migrant, and wage and salaried (rather than self-employed) women and men were more likely to face violence and harassment at work. Young women were twice as likely as young men to have experienced sexual assault and sexual harassment.
 - There is a correlation between discrimination and violence and harassment at work. Persons who experienced discrimination based on gender, disability status, nationality/ethnicity, skin colour and/or religion.
 - Only slightly more than half (54.4 per cent) of victims have shared their experience. Victims are more likely to tell family and friends than use formal or informal mechanisms of complaint. Barriers to disclosing incidents include victims fearing that it would be a "waste of time" or damaging to their reputations.⁹⁵
74. The 349th Session of the ILO Governing Body's discussion on the "Review of the implementation of the strategy to give effect to the resolution concerning the elimination of violence and harassment in the world of work" in November 2023, highlighted the pivotal role played by sectoral level work in the development and design of prevention and prevention measures on violence and harassment. Furthermore, the report emphasized the need to understand each specific context and work environment to ensure effective prevention and elimination of violence and harassment. Hence, it invited the Office to "promote the application of existing sectoral guidelines and codes of practice and further support

⁹³ Solidarity Centre, Sri Lanka unions step up push for ratification of gender violence at work treaty, 2022; and National Union of Seafarers Sri Lanka, '[C190 card pack launch](#)', 8 September 2023.

⁹⁴ ILO, Lloyd's Register Foundation and Gallup, [Experiences of violence and harassment at work: A global first survey](#), 2022.

⁹⁵ See: ILO, [Experiences of violence and harassment at work: A global first survey: Summary of results](#), 2022.

constituents' efforts to integrate measures aimed at eliminating violence and harassment when designing new sectoral tools".⁹⁶

IMO work relevant to the protection of seafarers from harassment and bullying

3.1. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers

75. The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, was adopted on 7 July 1978, in order to establish minimum requirements on training, certification and watchkeeping. Its adoption by the International Conference on Training and Certification of Seafarers, represented a shift from a system where standards and procedures varied at the national level, to one where countries were required to meet harmonized minimum standards. Its provisions apply to seafarers, shipowners, training institutions and national maritime administrations.
76. The text of the STCW Convention is divided into three sections. The Articles of the Convention contain the legal framework and general obligations that each Party shall meet; the Annex provides technical details on how to discharge these obligations and responsibilities; and the Code provides minimum mandatory standards and guidance regarding the provisions of the Convention.
77. The Convention has undergone two major revisions, in 1995 and 2010, undertaken to update the Convention to deal with changing circumstances and developments in the maritime sector. The Manila amendments to the STCW Convention and Code were adopted on 25 June 2010 and address new technologies, inconsistencies, interpretations and outdated provisions.

3.1.1. Comprehensive review of the STCW Convention and its Code

78. The STCW Convention is currently undergoing its third comprehensive review. As part of this task – and acknowledging the key role that training and education have in empowering seafarers to identify, challenge and prevent behaviours that lead to harassment and bullying – the Maritime Safety Committee (MSC), at its 105th session, in April 2022, directed the Sub-Committee on Human Element, Training and Watchkeeping (HTW) to prioritize developing mandatory training provisions to address harassment and bullying, including sexual assault and sexual harassment. The Committee also recognized the need for joint action with the ILO to tackle harassment and bullying to create safe and healthy workplaces for seafarers.⁹⁷
79. In response to this instruction, documents were submitted to IMO proposing amendments to the STCW Code, addressing harassment and bullying, including sexual assault and sexual harassment,⁹⁸ in particular documents submitted by:
 - the United States, proposing mandatory training provisions in the STCW Code to address prevention, awareness, bystander intervention, reporting and response to harassment and bullying;⁹⁹

⁹⁶ GB.349/INS/6(Rev.1).

⁹⁷ IMO document HTW 9/15, p. 20.

⁹⁸ IMO document HTW 9/7/1; HTW 9/7/5; HTW 9/7/8

⁹⁹ IMO document HTW 9/7/1.

- the Republic of Korea, raising the need to introduce seafarers' human rights training including bullying, sexual assault and sexual harassment prevention in the STCW Code;¹⁰⁰
 - multiple countries on proposed training provisions under the STCW Code; the outcome of a review of the standards regarding master and officers in the deck department in the context of psychological safety; and an offer to carry out the revision of Model Course 1.21 on Personal Safety and Social Responsibility to address psychological safety, bullying and sexual assault and sexual harassment in the maritime sector.¹⁰¹
- 80.** The draft amendments to the STCW Code developed by HTW 9, addressing harassment and bullying, including sexual assault and sexual harassment, are set out in document ILO/IMO JTWG/SIHE 2/4. The draft amendments are intended to provide relevant standards of competence on the prevention and response to these matters. The associated knowledge, understanding and proficiency (KUP) include knowledge of harassment and bullying, including sexual assault and sexual harassment, and their consequences for victims, perpetrators, bystanders and stakeholders; understanding of the impact of power dynamics, drugs or alcohol in creating coercive situations; and response to incidents including identifying and reporting harassment and bullying.¹⁰² The proposed amendments to the STCW Code will be considered during JTWG, with a view to adoption at the 108th session of MSC in May 2024.

3.2. The International Convention for the Safety of Life at Sea, 1974, and International Safety Management Code

- 81.** The International Convention for the Safety of Life at Sea, 1974 (SOLAS) is widely regarded as the most important international treaty on the safety of merchant ships. The first version was adopted in 1914, in response to the Titanic disaster, the second in 1929, the third in 1948, and the fourth in 1960. The 1974 version includes the tacit acceptance procedure - which provides that an amendment shall enter into force on a specified date unless, before that date, objections to the amendment are received from an agreed number of Parties. As a result, the 1974 Convention has been updated and amended on numerous occasions. The Convention in force today is sometimes referred to as SOLAS, 1974, as amended.¹⁰³

Background of the ISM Code

- 82.** The International Management Code for the Safe Operation of Ships and for Pollution Prevention (International Safety Management (ISM) Code) was adopted by IMO by resolution A.741(18), in November 1993, and entered into force on 1 July 1998.
- 83.** The ISM Code is mandatory under chapter IX of the International Convention for the Safety of Life at Sea (SOLAS), 1974. Relevant amendments, which also entered into force on 1 July 1998, added a new chapter IX to the Convention, entitled: Management for the safe operation of ships. The new chapter marked a fundamental shift of emphasis to the obligations of shipping companies, compared with other SOLAS chapters, which impose obligations on Governments, ships and ships' crews. In another departure from the more

¹⁰⁰ IMO, HTW 9/7/5.

¹⁰¹ IMO, HTW 9/7/8.

¹⁰² IMO, HTW 9/WP.9, Annex 1, Table A-VI/1-4.

¹⁰³ See, IMO, [International Convention for the Safety of Life at Sea \(SOLAS\)](#), 1974, no date, accessed 22 August 2023.

traditional IMO approach addressing requirements for Maritime Administrations, around half of the ISM Code's provisions are directed at the company, in recognition of the fact that it is the company that has the most direct influence on the way its ships are managed and operated.

84. The ISM Code requires shipping companies to carefully consider their management structure and the responsibilities and authorities of the various people involved in the operation of their ships from safety and environmental protection points of view.
85. Taking into account that, in general, all forms of violence and harassment create a risk to health and safety, these matters, and particularly harassment and bullying deserve consideration within the scope of the ISM Code. If harassment and bullying, including sexual assault and sexual harassment, were considered to fall within the scope of the ISM Code, some guidance is provided in the ensuing sections for consideration by the Group.

Safety management objectives of the ISM Code in relation with harassment and bullying

86. The objectives of the Code are, inter alia, to ensure safety at sea and prevention of human injury or loss of life (section 1.2.1 of the ISM Code).
87. As per section 1.2.2 of the ISM Code, the safety management objectives of the company should, inter alia:
- provide for safe practices in ship operation and a safe working environment;
 - assess all identified risks to its ships, personnel and the environment and establish appropriate safeguards; and
 - continuously improve safety management drills of personnel ashore and aboard ships, including preparing for emergencies related both to safety and environmental protection.
88. In application of section 1.2.3 of the ISM Code, the safety management system should ensure:
- compliance with mandatory rules and regulations; and
 - that applicable codes, guidelines and standards recommended by the Organization, Administrations, classification societies and maritime industry organizations are taken into account.
89. These previous sections could be amended to make clear that harassment and bullying fall within the scope of the ISM Code and to articulate this matter with the existing text. Document ILO/IMO JTWG-SIHE 2/3 sets out a proposed list of possible recommended actions for the consideration of JTWG in this regard.

Designated person(s)

90. Communication from ship to company on any case of bullying or harassment should be addressed to the designated person in accordance with section 4 of the ISM Code.

Master's responsibility and authority regarding the policy on harassment and bullying

91. Implementation of policies on harassment and bullying on board should be defined and documented by companies as part of the master's responsibility and authority, including motivating the crew in the observation of that policy, issuing appropriate orders and instructions in a clear and simple manner, verifying that specified requirements are observed, and periodically reviewing the safety management system and reporting its deficiencies to the shore-based management (as per paragraph 5.1 of the ISM Code).

Policies on resources and personnel on harassment and bullying

92. In accordance with section 6 of the ISM Code, the company should ensure that the master is fully conversant with the company's safety management system, which would include any policies on preventing and addressing harassment and bullying.
93. The master should also be given the necessary support by the company so that his duties can be safely performed. This is particularly relevant in case of harassment and bullying, to take proper and swift action, as appropriate, and to get social, medical, administrative or legal support arranged by the company.
94. Moreover, the company should ensure that each ship is appropriately manned with qualified, certificated and medically fit seafarers in order to encompass all aspects of maintaining safe operations on board (paragraphs 6.2 to 6.7 of the ISM Code). This includes specific training on preventing harassment and bullying.
95. In addition, every company should define policies to familiarize its personnel on the prevention of harassment and bullying, as well as handling and addressing potential cases, both on board and ashore, as per section 1.4 of the ISM Code.
96. It is relevant to note that the implementation of the ISM Code embraces not only seafarers, but also shore-based personnel.

Reports and analysis of non-conformities, accidents and hazardous occurrences on harassment and bullying

97. When non-conformities, accidents and hazardous occurrences are related to harassment and bullying, they should be reported to the company, investigated and analysed, and corrective actions taken, in accordance with section 9 of the ISM Code.

Documentation related to the prevention of harassment and bullying

98. All documentation related to the prevention and addressing of harassment and bullying should be managed as provided in section 11 of the ISM Code.

3.3. The Revised Guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies

99. In 2013, the MSC, and the Marine Environment Protection Committee, approved the Revised Guidelines for the operational implementation of the International Safety Management (ISM) Code by Companies.¹⁰⁴
100. The Revised Guidelines outline the base principle for reviewing the safety management system by a company, the role of the Designated Person under the ISM Code, reporting and analysing of non-conformities, accidents and hazardous occurrences (including near-

¹⁰⁴ IMO, MSC MEPC.7/Circ.8.

misses), performing internal audits and management reviews (paragraph 2.2.1 of the Revised Guidelines).

- 101.** Harassment and bullying should be considered to be within the scope of these Revised Guidelines, and its principles should take into account the prevention of harassment and bullying, as well as procedures to address relevant cases when they occur.

3.4. The Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations

- 102.** In 2017, the Assembly adopted the Revised Guidelines on the implementation of the International Safety Management (ISM) Code by Administrations (Resolution A.1118(30)).

- 103.** The Revised Guidelines aim to establish basic principles for:

- verifying that the safety management system of a company responsible for the operation of ships, or the safety management system for the ship or ships controlled by the company, complies with the ISM Code;
- carrying out the interim, initial, annual and renewal verification(s) of the Document of Compliance and the interim, initial, intermediate and renewal verification(s) of the Safety Management Certificate and the issuing/endorsement of the corresponding documents; and
- the scope of the additional verification.

- 104.** Harassment and bullying should be considered to fall within the scope of these Revised Guidelines. When Administrations verify compliance with the requirements of the ISM Code, in accordance with paragraph 3.1.2 of the Revised Guidelines, prevention of harassment and bullying, as well as procedures to address relevant cases when they occur, should be taken into account.

- 105.** In accordance with section 3.2 of the Revised Guidelines, Administrations are recommended to ensure that the verifications provide clear guidance to companies, which would include harassment and bullying, particularly on the potential guidelines or legislation applicable on this matter.

3.5 Women in Maritime: IMO's gender programme

- 106.** IMO has identified the promotion of gender equality and the empowerment of women as an essential aspect of the Strategic Direction 6 on human element (Resolution A.1149(32) adopted on 15 December 2021). "Women in Maritime" is the IMO's programme targeting gender equality in both shore-based and sea-going posts. The IMO's strategy to enhance women's contribution and representation as key stakeholders in the maritime sector follows a three-pronged approach: *Training-Visibility-Recognition*.¹⁰⁵

- 107.** Since the programme was initiated in 1988, it has facilitated the development of an institutional framework which integrates gender throughout IMO's policies and procedures (see, particularly, Resolution A.1147(31) adopted on 4 December 2019). This in turn has aided Member States in the development of their own national maritime policies and national maritime gender strategies to support Resolution A.1166(32)

¹⁰⁵ IMO, [Women in maritime](#), no date, accessed 23 August, 2023.

adopted on 15 December 2021). The programme promotes the achievement of UN Sustainable Development 5 through the provision of fellowships, high-level technical trainings, and career development opportunities for women in developing countries; as well as the implementation of initiatives to increase the visibility of women in the sector, particularly as subject matter experts, and the creation of regional Women in Maritime Associations (WIMAs).¹⁰⁶ Eight such WIMAs have been established under the auspices of IMO, which provide a forum for women to network, access knowledge and share best practices.

- 108.** Moreover, in 2021, the IMO Assembly established 18 May of each year as the IMO-proclaimed “International Day for Women in Maritime”. The Day celebrates women in the industry and is intended to promote the recruitment, retention and sustained employment of women in the maritime sector, and raise the profile of women in maritime.

3.6 Other IMO work relevant to addressing harassment and bullying

- 109.** On 4 December 2013, the IMO Assembly adopted resolution A.1091(28) on Guidelines on preservation and collection of evidence following an allegation of a serious crime having taken place on board a ship or following a report of a missing person from a ship, and pastoral and medical care of persons affected. The Resolution explicitly mentions that it covers serious crimes, including sexual crimes: “It is recognized that the risk of a serious crime taking place on a ship may be addressed through the applicable onboard security arrangements. Although the emphasis is on the need for preventive measures, the risk of a serious crime on board ships cannot be completely eliminated. If a serious crime is committed, it is imperative for all involved that it is fully investigated by the appropriate authorities. In addition, it is of the utmost importance that allegations of sexual assault and other serious crimes are taken seriously, that the persons affected are protected and that their pastoral needs are fully addressed.”¹⁰⁷

3. Examples of other relevant work in the maritime sector on harassment and bullying in the shipping sector

4.1. International Bargaining Forum

- 110.** In 2023, the International Bargaining Forum (IBF), that brings together the ITF and shipowners under the Joint Negotiating Group, agreed to add a reference to ILO Convention No. 190 to the 2024-2027 Framework Agreement in order to reinforce industry commitments to protect workers from harassment and bullying.¹⁰⁸

4.2. International Chamber of Shipping

- 111.** The ICS has played an active role in addressing harassment and bullying, including sexual assault and sexual harassment, in the maritime sector, in recent years. In addition to developing *Guidance* on the issue alongside the ITF (see Box 1) it has also developed tools to promote diversity and inclusion in the sector such as the *Diversity and inclusion toolkit for shipping*, which guides shipowners in developing good practices in areas like workplace inclusion and recruiting strategies for enhancing workforce diversity. The toolkit recommends that diversity and inclusion target-setting exercises should identify issues regarding minority groups, including women seafarers and corrective actions for

¹⁰⁶ Ibid.

¹⁰⁷ IMO, [A 28/Res.1091](#).

¹⁰⁸ Safety4Sea, [New agreement ensures 6 per cent pay raise for over 250,000 seafarers](#), 2023.

implementation The ICS has also published its *Diversity tracker* report, which provides data on the state of diversity and inclusion in the global shipping workforce, through surveying more than 200 shipping companies.¹⁰⁹ The ICS has produced guidance on mental health issues for shipping, including *Handling a Mental Health Crisis or Emergency and Spotting Suicidal Behaviour in Seafarers*¹¹⁰ and guidance in Coronavirus (COVID-19): *Guidance for Ship Operations for the Protection of the Health of Seafarers*¹¹¹.

4.3. International Transport Workers Federation

112. In recent years, the ITF have carried out significant work to combat harassment and bullying, including sexual assault and sexual harassment, in the maritime sector and protect seafarers. In addition to the *Guidance* on the subject issued in collaboration with the ICS (see Box 1), the ITF has worked to negotiate collective agreements. The *ITF Offshore Standard Agreement* establishes minimum standard terms and conditions applicable to all Seafarers serving in any offshore vessel of a company which enters into agreement with the ITF. Paragraph 21.1. of the agreement states that “Each Seafarer shall be entitled to work, train and live in an environment free from harassment and bullying, whether sexually, racially or otherwise motivated. The Company will regard breaches of this undertaking as a serious act of misconduct on the part of Seafarers.”¹¹² This text is drawn from the *ITF Policy Guidelines on Harassment and Bullying*, which provide employer responsibilities, guidance on policies covering harassment, bullying and discrimination and a model text including definitions and details on filing complaints.¹¹³

4.4. European Transport Workers' Federation

113. In 2020, the European Transport Workers' Federation (ETF) published their *Workplace Guidance to address violence and harassment against women at work* (see Box 2). The *Guidance* falls under a broader campaign to promote equality of treatment for women in transport and covers the maritime sector under its scope. It notes the increased incidence of violence and harassment in the transport sector that arose from the COVID-19 pandemic, including due to an increased risk of working in isolation. It draws on the minimum standards set out in the ILO Convention No. 190 and Recommendation No. 206 and establishes the importance of the role of women in addressing violence and harassment against them (such as role of women's advocates) and of nurturing a workplace culture that is based on respect and dignity of women workers. It also provides information and checklists about how to address specific risks faced by women transport workers in a gender-responsive way as part of the management of occupational safety and health.¹¹⁴

Box 2: The ETF Workplace Guidance to address violence and harassment against women at work

¹⁰⁹ ICS, [Diversity and inclusion toolkit for shipping](#), 2023; and [Diversity tracker](#), 2020.

¹¹⁰ ICS, [Handling a Mental Health Crisis or Emergency and Spotting Suicidal Behaviour in Seafarers](#), 2021.

¹¹¹ ICS, [Guidance for Ship Operations for the Protection of the Health of Seafarers](#), 2020.

¹¹² ITF, [ITF Offshore Standard Agreement](#), 2019.

¹¹³ ITF, [ITF Policy Guidelines on Harassment and Bullying](#), no date.

¹¹⁴ European Transport Workers' Federation, [Workplace Guidance to address violence and harassment against women at work](#), 2020.

The ETF *Workplace Guidance to address violence and harassment against women at work* builds on ILO Convention No. 190 and Recommendation No. 206 to outline measures to prevent and address these problems in transport sectors.

The Guidance is split into two sections:

1. **A comprehensive workplace policy and procedure:** This part outlines a model policy and procedure. It also includes a checklist of key matters to consider including a policy and complaints procedure. It covers all forms of violence and harassment at work and domestic violence, where it impacts the workplace. The model policy covers:
 - a. measures to prevent violence and harassment by addressing gender-related risks;
 - b. building effective systems for reporting, handling and investigating complaints;
 - c. remedies and support for victims;
 - d. accountability and appropriate actions against perpetrators;
 - e. accessibility of information, awareness raising and training to build a culture against violence and harassment against women.

The model policy highlights the importance of women's advocates (employees nominated by either the trade union or employer to provide information on policy and support available to women in the workplace) In addressing violence and harassment against women.

2. **A step-by-step guide and checklist for gender-responsive risk assessment on and prevention of violence and harassment against women.** Part 2 uses European Union Directives on gender equality and safety and health at work and ILO Convention No. 190 and Recommendation No. 206 as a framework for preventative action. It notes the need for multifaceted actions including making workplace cultures more diverse; promoting safe and effective work organization; identifying and addressing risks of violence and harassment against women; and effective human resource procedures to address these issues.

Source: European Transport Workers' Federation, [Workplace Guidance to address violence and harassment against women at work](#), 2020.

4.5. International Seafarers Welfare and Assistance Network

114. The International Seafarers Welfare and Assistance Network (ISWAN) works to support the welfare of seafarers, running a 24-hour helpline, called SeafarerHelp, as well as various other projects to assist them. Hundreds of seafarers use SeafarerHelp every month order to report cases of harassment and bullying, many of which involve sexual assault and sexual harassment.¹¹⁵ ISWAN also host SeaCode, an anonymous platform for seafarers to raise awareness of problems that they face at work, allowing them to confidentially share their stories of harassment and bullying and offer peer-to-peer support.¹¹⁶ ISWAN has worked to support the welfare of women's seafarers, such as collaborating with the ITF, International Maritime Health Association and Seafarers Hospital Society on the *Women Seafarers' Health*

¹¹⁵ 'Growing number of seafarers reporting abuse, bullying, harassment and discrimination', ISWAN, June 12 2013.

¹¹⁶ See, ISWAN, [Our work: SeaCode](#), no date, Accessed 30 August 2023.

and Welfare Survey, which revealed sexual assault and sexual harassment to be a significant issue in the sector.¹¹⁷ ISWAN's 'Yacht Crew Help' initiative supports professional and volunteer yacht crew and notes that abuse, bullying, harassment, discrimination, or violence account for 13.5 per cent of the issues raised by female and 5.8 per cent of the issues raised by male yacht crew. It has published personal safety precautions for yacht crew, including advice on taking action regarding abuse.¹¹⁸

Scope	Article 2	Protection of MLC covers all seafarers except expressly provided otherwise (Article 2(2)).	The STCW, 1978, sets and governs training, certification and watchkeeping standards.	The Guidance assist:	The ETF Guidance targets violence and harassment against women transport workers. The ETF includes maritime transport workers under the scope of transport workers.
	C190 applies to all workers and other persons in the world of work.	MLC makes reference to bullying and harassment regarding health and safety of workers, but not to sexual assault and sexual harassment	Its provisions apply to seafarers, ship-owners, training establishments and national maritime administrations .	shipping companies on developing policies on bullying and harassment, while involving seafarers and/or their representative organizations;	
	This includes employees; persons working (regardless of contractual status); persons in training, including interns and apprentices; terminated workers; job seekers and job applicants; and individuals acting as employers.		Proposed amendments adapt	seafarers on recognizing B&H, identifying incidents, reporting incidents, avoiding B&H, complying with company policies, using complaints procedures and seeking support.	
	It protects workers from violence and harassment, including gender-based violence. Both bullying (as a form of harassment) and sexual assault and sexual harassment (as forms of violence and harassment) fall under the scope of the Convention.		Specification of minimum standard of competence in personal safety and social responsibilities to include prevention and response to b&h, including sexual assault and sexual harassment.		

¹¹⁷ IMHA, ISWAN, ITF & SHS, [Women Seafarers' Health and Welfare Survey](#), 2015.

¹¹⁸ ISWAN, [Personal safety precautions for job-seeking yacht crew](#), 2023.

Protection and prevention	Article 8: Members to adopt measures to prevent violence and harassment including: - identifying, in consultation with employers' and workers' organizations sectors or occupations and work arrangements in which workers and other persons concerned are more exposed to violence and harassment - taking effective measures to protect these persons Article 9: Members to adopt laws and regulations that require employers to: - adopt workplace policies on violence and harassment - take into account OSH management of v&h and associated psychosocial risks - identify hazards and assess the risks of v&h and take measures to control them provide workers information and training on hazards and protection and prevention measures. Article 4.2: Members to establish/strengthen enforcement and monitoring mechanisms	Regulation 4.3 references Health and safety protection and accident prevention. Standard A4.3 covers provisions to give effect to Regulation 4.3. Guideline B4.3.1. stipulates that the competent authority should ensure the implications of B&H on OSH are taken into account and makes reference to the ICS/ITF Guidance. No reference is made to sexual assault and sexual harassment.	Prevention Ensure basic knowledge on b&h including sexual assault and sexual harassment, including on the continuum of harm and consequences on victims and all other parties. Understanding influence that power dynamics drugs and alcohol have in creating coercive and risk situations.	Workplace policies should - set out a commitment to the elimination of bullying and harassment - identify a senior person with overall responsibility for the policy - contain examples of b&h (Guidance provides examples); - contain contact information on reporting. On identifying cases, the guidance outlines reporting and complaints procedures.	On workplace policies it provides a model policy to comply with Article 9 of C190. This covers a more detailed list of items to include, including introduction; scope; prevention measures; workplace committees; non-discrimination in recruitment and placement; complaints procedures; support; perpetrator accountability; women's advocates; and information, training and awareness. On identifying cases it provides guidance on the main steps involved: hazard identification; risk assessment; implementation; monitoring; and review. It provides detailed steps on identifying hazards and assessing risks for violence and harassment against women.
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Enforcement and remedies	Article 10 Obliges each Member to monitor and enforce laws and regulations regarding violence and harassment in the world of work and ensure easy access to safe, fair and effective reporting and dispute resolution mechanisms. It provides for privacy and confidentiality of individuals involved; remedies and support measures; and gender-responsive, safe and effective complaint and dispute resolution mechanisms	Regulation 5.1.5. covers the onboard complaints procedure of the MLC. It does not currently make specific reference to B&H and sexual assault and sexual harassment. The MLC has a reporting system using Article 22 forms which relate to reporting on Regulation 4.3. These do not however specify that reporting is required on B&H or sexual assault and sexual harassment.	Responding to bullying and harassment Training should cover the ability to identify B&H, including sexual assault and sexual harassment; ensure basic knowledge of actions to intervene and report; ensure basic knowledge of trauma informed response and appropriate support of victims.	Complaints procedures should provide for confidentiality; safeguard against victimisation of complainant; provide for complainant being accompanied by a fellow employee/representative; ensuring equality and fairness of treatment. Grievance procedures may need to be separate from company's general complaints procedures depending on the sizes of the vessels, or use an independent third party. A designated person should serve as a reference point for seafarers to make complaints. Response includes informal processes; formal processes (meetings, investigations, disciplinary proceedings etc.); disciplinary hearings; and effective resolutions and appropriate actions.	Complaints and investigations measures should include formal and informal procedures. Formal complaints require confidentiality and require internal or external investigations. Women should be provided and informed of appropriate support, including HR contacts and women's advocates. Accountability Ensure consistency of approaches/no special treatment; proportionality of action and offence; prevent reoffending; ensure police informed when appropriate.
Guidance, training and awareness raising	Article 11 Each Member, in consultation with employers' and workers' organizations, should ensure: - v&h are addressed in relevant national policies, including on OSH, equality and non-discrimination, and migration; - employers and workers and their organizations, and relevant authorities, are provided with guidance, resources, training or other tools on violence	The ILO Maritime Labour Academy provides comprehensive training on the MLC for governments, shipowners, employers and the labour inspectorate. Track 4 of the training covers the on-board and on-shore complaint procedures to ensure the respect of seafarers' rights. As	STWC, 1978, and its amendments are specific to training. The proposed amendments update the specification of minimum standard of competence in personal safety and social responsibilities to contribute to the prevention of and response to bullying and harassment, including sexual assault and sexual harassment.	On information and training the guidance recommends awareness programmes, briefings, handbooks, management and seafarer guides, promotional materials, workshops and/or seminars on workplace policies, etc. and educational and training programmes for all employees.	On information and training it provides a checklist on training and awareness campaigns for workers. Training may be provided on gender equality and preventing and addressing sexual assault and sexual harassment; how to stay safe and avoid conflict that could escalate to sexual assault and sexual harassment; complaints procedures; and responding with empathy (for trade unions, managers, workers etc). Awareness campaigns should be regularly held to promote zero tolerance against women at work; signs displayed at work;

	and harassment; and - initiatives, including awareness- raising campaigns, are undertaken. According to Recommendation No. 206, gender- responsive guidelines and training should be used to assist judges, labour inspectors, police officers, prosecutors and other public officials in dealing with violence and harassment in the sector,	above, in accordance with the Convention, this does not focus specifically on B&H or sexual assault and sexual harassment.			positive messages about equality, diversity and the benefits of ending violence and harassment against women.
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