

ALL HANDS

ON DECK AGAINST

BULLYING AND

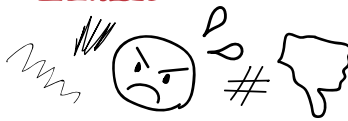
HARASSMENT

THE MARITIME SECTOR IS COMMITTED
TO PREVENTING BULLYING
AND SEXUAL HARASSMENT ONBOARD SHIPS

IN PARTNERSHIP WITH SHIPOWNERS, TRADE UNIONS, AND



HARASSMENT AND BULLYING ARE TYPES OF HURTFUL BEHAVIOUR CHARACTERIZED BY POWER, CONTROL AND INTIMIDATION. THIS HARMFUL BEHAVIOUR MAY NEGATIVELY AFFECT THE VICTIM'S PHYSICAL OR MENTAL HEALTH.



- ◆ **Harassment**, can be sexual or moral (bullying), **affects all areas of life** (private, professional, social) and all social categories.
- ◆ **Some workplaces are more likely to experience this negative behaviour**, and therefore require greater vigilance and work organisation. This may be due to: professional culture, poor gender diversity, isolated working conditions, etc.
- ◆ **The maritime world lacks gender diversity**, therefore must be particularly vigilant to this behaviour whether on board or ashore.
- ◆ **The fight** against harassment and bullying at workplace **requires a clear understanding** of what this **illegal behaviour** looks like, as well as a clear and unambiguous reminder of the **role of employers and the guarantees provided to employees**.

BULLYING

She criticizes everything I do and systematically questions my skills.

He does everything he can to isolate me, even forbidding other employees to talk to me.

He's always telling me how stupid I am.

➔ **Bullying is characterized by repeated hostile behavior with the purpose or consequence of degrading working conditions likely to adversely affect the dignity, health or professional career of the person concerned.**

Stress, guilt, sleeping disorders, digestive problems, isolation, suicidal tendencies, etc. Bullying can have serious and rapid **consequences** on the physical and **mental** health of employees that are victim to it. It has consequences on the victim's personal and professional development, their immediate environment and on the company.

➔ **Bullying is prohibited and punishable under the French Labor Code and the French Criminal Code.**

"No employee shall be subjected to repeated acts of psychological harassment which have as their object or effect a deterioration of his or her working conditions tending to impact his or her rights and dignity, impair his or her physical or mental health, or jeopardize his or her professional prospects." (article

L.1152-1 of the French Labor Code)

Perpetrators of such a crime are liable to 2 years' imprisonment and a €30,000 fine (article 222-33-2 of the French Criminal Code).

SEXUAL HARASSMENT

He's always telling me what "a cute little ass" I have.

He sends me sexual e-mails.

She regularly puts her hand on my bottom when I walk past.

➔ **"Sexual harassment is the repeated, imposition on a person of comments or behavior with a sexual connotation which either :**

- **infringe on the individual's dignity due to their degrading or humiliating nature,**
- **or create an intimidating, hostile, or offensive context."**

"Sexual harassment can also be any form of serious pressure, even if not repeated, exerted with the real or apparent aim of obtaining an act of a sexual nature, whether this is sought for the benefit of the perpetrator or for a third party". (article L.1153-1 of the French Labor Code)

Sexual harassment is a crime regardless of the relationship between the perpetrator and the victim.

It must be distinguished from sexist behavior (behavior related to a person's sex that undermines their dignity) and sexual assault (all sexual offenses committed with violence, coercion, threat or surprise).

The penalty for sexual harassment (article 222-33 of the French Criminal Code) is 2 years' imprisonment and a €30,000 fine, increased in the case of aggravating circumstances. If committed by an employee, it is also subject to disciplinary measures by the employer.

THE EMPLOYER'S RESPONSIBILITY

➔ **"As part of their general obligation of prevention, employers must take all necessary steps to protect their employees against bullying and sexual harassment, with a view to preventing it, putting an end to it and punishing it"** (article L1152-4 and L1153-5 of the French Labor Code).

PREVENTING HARASSMENT MEANS:

- ◆ **INFORMING** employees about bullying and harassment issues.
- ◆ **APPOINTING** an anti-sexual harassment coordinator.
- ◆ **MENTIONING** the relevant provisions of the French Labor Code, and in particular the disciplinary measures incurred, in the company's internal regulations.
- ◆ **DRAWING UP** an internal procedure for reporting and handling incidents.

IT IS ALSO IMPORTANT TO:

- ◆ **RAISE AWARENESS AND TRAIN** all on-board and land-based personnel with management responsibilities.

THE ROLE OF ANTI-SEXUAL HARASSMENT COORDINATORS

Since 1st January 2019, to prevent and combat sexist bullying and sexual harassment at workplace, coordinators must be appointed by companies with at least 250 employees and by employee representatives.

"The company-appointed coordinator is responsible for guiding, informing and supporting employees in the fight against sexual harassment and bullying. He or she is usually a member of the company's human resources department" (article L1153-51 of the French Labor Code)

The role of the coordinator appointed by the social and economic committee (CSE), where it exists, is to alert the employer and investigate incidents of sexual harassment. He or she will have the same duties as a company-appointed coordinator, if there is none.

REACT QUICKLY

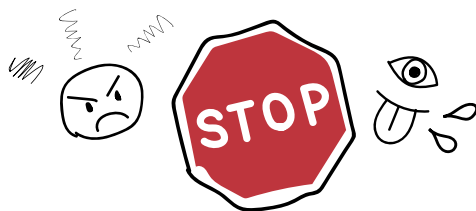
➔ Preventing bullying and sexual harassment falls within the general framework of psychosocial risk prevention. It is based on risk assessment and action plan implementation and monitoring, to act directly on work organisation and management practices which may lead to violent behaviours may originate from.

When a bullying or harassment incident occurs at workplace, it is vital to react quickly. No report should be downplayed.

The french Labor Code (article L. 1332-4) stipulates that, as a general rule, disciplinary measures to punish misconduct by an employee must be initiated within two months of the date on which the employer became aware of the misconduct.

The aim of an internal investigation is to put an end to exposure, if proven, and to punish the perpetrator as necessary (disciplinary measures). This investigation does not replace any other means of action available to the employee (such as filing a criminal complaint).

A clear procedure for reporting and dealing with incidents must be put in place and communicated to all employees.



SAMPLE PROCEDURE

- **Support and facilitate bullying and harassment reporting** through communication of contact information of coordinators.
- **Receive the report and carry out an initial analysis of the situation** by HR coordinator or manager.
- **Conduct an investigation on suspected bullying or harassment.**
- **Punish perpetrator and help the victim when facts are proven.**

REPORT

▶ **EXCHANGE**

▶ **ANALYZE**

▶ **INVESTIGATE**

▼
PUNISH

SUPPORTING VICTIMS

INTERNALLY, CONTACT PERSONS ARE:

- the ship's owner
- the human resources manager
- the ship's captain or skipper
- the harassment coordinator and/or the person appointed by the CSE
- the trade unions

OTHER CONTACTS ARE MAINLY:

AT SEA:

- the maritime medical consultation center (CCMM)

ASHORE:

- Center for Psychological Help at Sea (CRAPEM)
- the doctor at the Seafarers' Health Service
- Maritime Social Services
- the Maritime Labor Inspectorate

ALL HANDS ON DECK AGAINST BULLYING AND HARASSMENT

SHIPS MUST BE PLACES WHERE EVERYONE CAN LIVE AND WORK TOGETHER,
IN A RESPECTFUL AND FULFILLING WAY.

EVERYONE HAS A ROLE TO PLAY IN FIGHTING
AGAINST BULLYING AND SEXUAL HARASSMENT.

EVERY SAILOR HAS THE RIGHT TO RESPECT AND DIGNITY ON THE SHIP.

WE MUST MAKE SURE THAT WHAT WE SAY AND/OR DO
CONTRIBUTE TO GOOD LIVING AND WORKING RELATIONSHIPS.

WE MUST GUARANTEE THE MORAL AND PHYSICAL
WELL-BEING OF OUR COLLEAGUES.

WE NEED TO MAINTAIN A HEALTHY AND RESPECTFUL
WORKING AND LIVING ENVIRONMENT.

Contact your coordinator or these numbers:

CONFIDENTIAL CONVERSATION

AT SEA ▶ the **CCMM** **+33 5 34 39 33 33**

ASHORE ▶ the **CRAPEM** **+33 6 11 21 40 30**

▶ the **SSM** **+33 2 40 71 01 50**

harcelement-toussurlepont.fr

