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Agenda item 16

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HUMAN ELEMENT, TRAINING AND WATCHKEEPING

Sexual assault and harassment

Submitted by Australia, Canada, Cook Islands, Ecuador, France, Liberia, Malta, Marshall Islands, Norway, Philippines, Singapore, Sweden, United Arab Emirates, United Kingdom, United States, ICS, CLIA and ITF

SUMMARY

Executive summary: This document contains a proposal to mandate the joint ILO/IMO Tripartite Working Group to identify and address seafarers' issues and the human element (JTWG), to consider, with a view to addressing, sexual assault and harassment in the maritime sector

Strategic direction, if applicable: 6

Output: 6.1

Action to be taken: Paragraph 9

Related documents: HTW 8/16 and MSC 105/16/2

Background

1 This document is submitted in accordance with the provisions of paragraph 6.12.5 of the *Organization and method of work of the Maritime Safety Committee and the Marine Environmental Protection Committee and their subsidiary bodies* (MSC-MEPC.1/Circ.5/Rev.2) and provides comments on document HTW 8/16 (report to the Committees).

2 At HTW 8, the United States stressed that sexual assault and harassment discussions should take place at a joint IMO/ILO working group on human element (HE) issues. Safety and welfare of seafarers is a shared responsibility between IMO and ILO. Recent events and news on sexual harassment and assault have highlighted the need for a concerted effort to prevent these incidents and to reaffirm the need for a culture of inclusion.

3 Following the endorsement by C 125 to establish a joint ILO/IMO Tripartite Working Group to identify and address seafarers' issues and the human element, the 343rd session of the ILO Governing Body (November 2021) approved its establishment. Furthermore, the endorsement by the Council was subject to approval of the Group's method of work by relevant IMO Committees, which will be considered at MSC 105 (C 125/D, paragraph 7.5.1).

4 The terms of reference for the joint ILO/IMO Tripartite Working Group to identify and address seafarers' issues and the human element are provided in the annex to document MSC 105/16/2, for consideration and subsequent approval by the Committee, subject to concurrent decision by LEG.

Discussion

5 Sexual assault and harassment in the maritime environment pose significant risks to the safety and well-being of seafarers and to the safety of the ship itself because of detrimental effects on the health, safety, and performance of seafarers. A 2016 study by the United States Department of Transportation noted that sexual offences and sexual harassment at sea can have negative effects on mariners including depression, poor performance, unhealthy coping mechanisms and isolation.

6 The International Labour Organization (ILO) recognizes workplace violence and harassment as "a major threat to the safety and health of workers and other persons in the world of work and acknowledges that it may constitute a human rights violation or abuse, incompatible with safe and decent work." The spectrum of conduct encompassed in ILO's definition of workplace violence and harassment includes physical violence, psychological violence and harassment, and sexual violence and harassment. In 2016, ILO found that harassment and bullying was so detrimental to the maritime labour force that joint industry guidance on eliminating shipboard harassment and bullying, developed by the International Chamber of Shipping (ICS) and the International Transport Workers' Federation (ITF), was added to the Maritime Labour Convention (MLC) of 2006 (Guideline B4.3.1.1).

7 During HTW 8, concerns were raised that repeated issues of sexual assault and sexual harassment have adverse effects on seafarers' mental health, safety and well-being, with subsequent negative effects on recruitment and attrition rates of seafarers. Furthermore, the importance of developing a maritime workplace culture that is safe and inclusive for all seafarers and maritime professionals as a means of improving operational safety and security in the maritime industry was also noted.

Proposal

8 The co-sponsors propose mandating the joint ILO/IMO Tripartite Working Group to identify and address seafarers' issues and the human element (JTWG) to consider, with a view to addressing, sexual assault and harassment in the maritime sector, specifically under paragraph 4(c) of its terms of reference (MSC 105/16/2, appendix to the annex). The purpose of this work would be to discuss the issue and provide recommendations for future steps to address sexual assault and harassment, and provide recommendations for changing the maritime culture.

Action requested of the Committee

9 The Committee is invited to agree to the proposal in paragraph 8, subject to endorsement by the Council and concurrent agreement by the ILO Governing Body.
