

YOUR SHIPMATES ARE COUNTING ON YOU

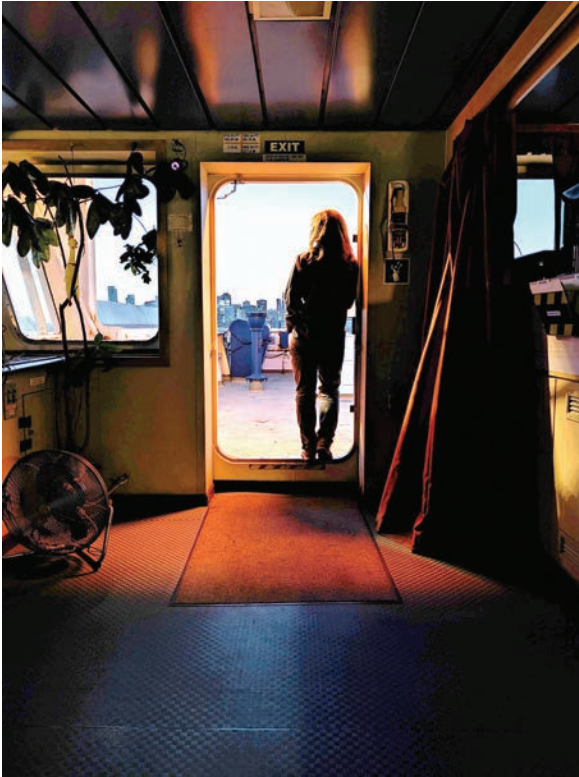


BUILDING A RESPECTFUL MARITIME WORKPLACE



THE INTERNATIONAL ORGANIZATION
OF MASTERS, MATES & PILOTS, AFL-CIO

**Your Shipmates
Are Counting on You**
***Building a Respectful
Maritime Workplace***



Much of this material is based on a resource booklet developed by Nautilus International. MM&P thanks Nautilus for allowing us to use this information and build on it.

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1. Introduction

Each of us as individuals, as seafarers, and as MM&P members have a responsibility to improve our industry. We have the collective power to demand the necessary change in the industry. We have listened, we are still listening, and we know that bullying, harassment, assault and violence have no place aboard our ships. This is where we live and work. Anyone working under an MM&P contract has the right to live and work in an environment free of unprofessional, damaging behavior. We can all do a little bit or a lot more to assure that there is meaningful change in our industry. Your shipmates are counting on you.

While issues of diversity, equity and inclusion have risen to the forefront of the national conversation, persistent allegations of discrimination and harassment across a range of industries demonstrate that all of us still have work to do in creating and maintaining workplace cultures free of incivility, abusive conduct, harassment and discrimination.

The maritime workforce has historically lacked diversity. According to the International Transport Workers' Federation, women made up just 2% of the global maritime workforce in 2019.¹ Researchers have found that sexual harassment is more likely to occur in organizations in which a majority of the workers are men.

A 2019 publication by the Mission to Seafarers documented an increase in experiences of racism at sea, coupled with a sense that existing institutions are not adequately equipped to address discrimination.² Many seafarers feel they have nowhere to turn and no one to support them if they experience discrimination, harassment or bullying at work.

¹ International Transport Workers' Federation, Women Seafarers (2019), www.itfseafarers.org/en/issues/women-seafarers.

² The Mission to Seafarers, *Seafarers Happiness Index: Quarter 4/2019* (2019), www.happyatsea.org/wp-content/uploads/SHI_Q4_2019.pdf.



MM&P is launching a broad effort to address the problem through education and active intervention. **The goal is to empower members of our union to identify and interrupt bullying, harassment and discrimination and to hold each other accountable to shared values of mutual responsibility and respect.**



**FOR THE BETTER REGULATION OF MATTERS
PERTAINING TO OUR INDUSTRY**

**FOR THE PROTECTION OF THE LIVES AND
PROPERTY ENTRUSTED TO OUR CARE**

**FOR THE IMPROVEMENT OF OUR
ECONOMIC STATUS,**

AND FOR THE

**ELEVATION OF OUR CHARACTER AS
MEN AND WOMEN**

**INTERNATIONAL ORGANIZATION OF MASTERS, MATES & PILOTS
EST. JANUARY 17, 1887**



2. Aims of This Booklet

In compiling this booklet, MM&P has drawn on guidance developed by a variety of organizations including labor unions, government groups and non-profits. Where relevant, the sources of the material are identified and links are provided.

The main goals of this pamphlet are to:

- inform members about the work MM&P is doing to tackle bullying, harassment and discrimination in the maritime workplace;
- educate members on what constitutes bullying, harassment and discrimination, and how to identify whether they are being bullied, harassed or discriminated against;
- advise members on what they can do about bullying and harassment and explain how MM&P can help;
- connect members to resources and support offered by experts.



3. Organizations That Offer Help and Support

The following is a list of groups that can help if you or someone you know has been affected by sexual violence.

RAINN (Rape, Abuse, & Incest National Network): RAINN (www.rainn.org) is the nation's largest anti-sexual violence organization. It operates a National Sexual Assault Hotline (800.656.4673) for anyone affected by sexual violence in any way. It also operates an **Online Hotline** (hotline.rainn.org). Both the phone hotline and the online hotline are available 24/7, in English and in Spanish. The online hotline can be accessed using any stable internet connection.

lin6.org provides moderated individual and group online sessions for male-identified survivors of sexual violence.

National Suicide Prevention Lifeline provides free, confidential support, 24/7, for anyone struggling with self-harm, suicidal thoughts or ideation. suicidepreventionlifeline.org

National Domestic Violence Hotline provides free, confidential, anonymous support, 24/7, to anyone struggling with intimate partner violence. It has a young-adult-focused website, **Love is Respect**, that provides young adults with information on healthy relationships. thehotline.org and loveisrespect.org

The Trans Lifeline provides 24/7 support to the trans community on various issues and concerns. translifeline.org

Department of Defense, Safe HelpLine, operated by RAINN, provides confidential, free, anonymous 24/7 support to anyone in the military community. Staff who answer the calls, chats, and texts are familiar with many of the concerns of individuals in the military community who are struggling with sexual assault. safehelpline.org

The Trevor Project provides 24/7 support to the LGBTQ young adult community on struggles with depression, suicidal thoughts and mental health concerns. thetrevorproject.org



4. Bullying, Harassment and Discrimination in the Maritime Industry

Confronting bullying, harassment and discrimination is critical to ensuring the health and well-being of everyone who works in the maritime industry. A 2020 report that surveyed over 1,300 maritime workers found that 52% were aware of discrimination in the industry. Only 60% of those surveyed said they felt supported by the company culture at their place of employment. Ninety percent said they would like their employer to do more to create a workplace in which everyone felt valued.³ When looking at these figures, it is critical to keep in mind that discrimination and harassment are consistently underreported due to fear of retaliation or social ostracization.

What factors contribute to bullying, harassment and discrimination in the maritime industry?

Certain characteristics of the industry increase the risk of bullying, harassment and discrimination. In 2016, the U.S. Equal Employment Opportunity Commission (EEOC) issued a Select Task Force Study on Harassment in the Workplace that identified certain risk factors that may make harassment in the workplace more likely.⁴

These risk factors include:

- a homogenous workforce characterized by lack of diversity (e.g., women may be more vulnerable to sexual harassment in a workplace dominated by men);
- cultural and language differences, which may result in some workers being less aware of relevant laws and workplace norms;

³ Halcyon Recruitment, Diversity Study Group, and Coracle Maritime, *The Maritime Employee Survey: Attitudes to employment and employers in the maritime sector* (2020), www.halcyonrecruitment.com/employee-survey.pdf.

⁴ Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace* (2016), www.eeoc.gov/select-task-force-study-harassment-workplace#_Toc453686305.



- coarse social discourse outside the workplace that may make harassment inside a workplace more likely to occur or perceived to be more acceptable;
- significant power disparities, which may make employees with less authority more vulnerable to exploitation;
- isolated workplaces in which employees are either physically isolated or have few opportunities to work with others, which may mean harassers have easier access to their targets;
- workplace cultures that tolerate or encourage alcohol consumption; and
- decentralized workplaces marked by limited communication between organizational levels and thus less direct oversight.

Several of these risk factors are clearly present in the maritime industry. The hierarchy aboard ships creates uneven power relationships and those with authority may contribute to workplace cultures that normalize harassment as “joking.” People in positions of authority may leverage their power to engage in abuse, or discourage those who have experienced harassment or abuse from coming forward to report it.

The shipboard environment is also inherently isolating. Individuals who experience harassment may feel that they cannot retreat to safety because they must work in close quarters with their harasser. Being away from home and support networks for extended periods of time may make people hesitant to speak out for fear of being ostracized by other crewmembers. Harassment and bullying, particularly when left unaddressed, can have devastating consequences on the emotional and physical health of both those who are targeted and those who witness abuse.

The maritime industry is historically male-dominated and the U.S. maritime industry is dominated by white men. Many factors have perpetuated a homogenous workforce and a lack of diversity—especially in positions of authority. A commitment to ending



harassment must go hand-in-hand with a commitment to ending all forms of discrimination.

What has MM&P done to confront discrimination?

During MM&P's Constitutional Convention of August 2020, the elected delegates voted unanimously to incorporate our principles of anti-discrimination into our existing duty to treat each other with due respect and consideration. MM&P rank and file members overwhelmingly voted to affirm the commitment. Thus, the MM&P Constitution now includes the following language:

“Treating other Members with due respect and consideration includes actively opposing all forms of bullying, harassment, prejudice, and unfair discrimination based on race, creed, color, sex, religion, age, sexual orientation, or national origin.”⁵

In October 2021, the MM&P Women's Caucus was formed with the mission of effecting change to assure equal rights, respect and safety for all mariners and workers in the maritime industry. Specifically, the Women's Caucus aims to advocate for and actively support women's rights, professional development, networking and the discussion of all issues relevant to women in maritime, including cisgender and transgender women, femmes and nonbinary people. A central part of this mission is the dedication to ensuring a safe, harassment-free work environment. **The Women's Caucus is a peer-support resource, in addition to carrying out other educational initiatives. If you are interested in providing feedback about your experience or how to improve working conditions, please contact womenscaucus@bridgedeck.org.**



*Adobe Stock -
Rawpixel.com*

⁵ MM&P Constitution, Article III, Section 2(e).



5. What Are Bullying, Harassment and Discrimination?

Bullying and harassment both have the effect of violating the personal dignity of the targeted individual. The key distinction under the law is that harassment refers to unwelcome conduct based on an individual's protected identity or identities.

What is bullying?

A bullying environment can be described as one that is threatening or intimidating and in which an individual or a group of people may become fearful or feel targeted because of the negative or hostile behavior of another individual or group of people. Workplace bullying has been defined by sociologists as repeated hostile behaviors that negatively affect the targeted individual's "sense of self as a competent worker and person."⁶

Under California law, "abusive conduct" is defined as conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive and unrelated to an employer's legitimate business interests.⁷ Abusive conduct may include repeated verbal abuse, such as derogatory remarks, insults and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act, unless it is especially severe or egregious, does not typically constitute abusive conduct.

⁶ Richard V. Denenberg & Tia Schneider Denenberg, "The Phenomenon of Workplace Violence" in *Preventing and Managing Workplace Violence: Legal and Strategic Guidelines*, ed. Mark A. Lies, II (2008) at 25.

⁷ Cal. Govt. Code section 12950.1(h)(2).



Bullying may be:

- 1. Verbal, such as teasing, name-calling, threatening to cause harm or making inappropriate sexual comments;**
- 2. Social, such as spreading rumors, attempting to publicly humiliate or intentionally socially isolating another individual; or**
- 3. Physical, such as making obscene gestures, taking or damaging someone's possessions or making direct harmful physical contact.**

Workplace bullying may include:

- 1. Unreasonable job demands;**
- 2. False accusations of errors not actually made;**
- 3. Criticism of ability;**
- 4. Invalidating a person's ideas or thoughts in meetings;**
- 5. Blame for perceived or alleged shortcomings;**
- 6. Threats of job loss;**
- 7. Abuse of the evaluation process by lying about a person's performance;**
- 8. Disregarding satisfactory or exemplary work despite evidence;**
- 9. Discounting of accomplishments; or**
- 10. Stealing credit for another's efforts and achievements.⁸**

⁸ Gary Namie & Ruth Namie, *The Bully at Work* (2d ed. 2009) at 27; Gary Namie & Ruth Namie, *The Bully-Free Workplace* (2011) at 19.



According to a 2021 report by the Workplace Bullying Institute that surveyed over 1,200 respondents, **30% of adult Americans said they had directly experienced abusive conduct at work**, while 19% said that they had witnessed abusive conduct at work.⁹ Sixty-five percent of respondents who reported abusive conduct at work identified it as an instance of “top down bullying,” where the principal perpetrator was of a higher rank than the target. Again, this echoes the EEOC’s findings that workplaces characterized by significant power disparities are at higher risk for cases of abusive conduct.

What is harassment?

The EEOC defines harassment as unwelcome conduct based on an individual’s protected identity or identities. Examples of protected identities under the law include: race; color; religion; sex, including sexual orientation, gender identity and pregnancy; national origin; older age beginning at age 40; disability or genetic information.

Harassment becomes unlawful in cases in which:

1. Enduring the offensive conduct becomes a condition of continued employment; or
2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.

⁹ Workplace Bullying Institute, *2021 WBI U.S. Workplace Bullying Survey* (2021), workplacebullying.org/wp-content/uploads/2021/04/2021-Full-Report.pdf.



Harassment, like bullying, encompasses a wide range of conduct, including but not limited to:

1. Use of slurs or epithets;
2. Repeated offensive jokes or gestures;
3. Display of obscene objects or pictures;
4. Unwelcome attention such as spying or stalking;
5. Intrusive or persistent questioning about personal details;
6. Threatening calls, text messages, emails or comments on social media; and
7. Physical assaults or threats of physical violence.

The harasser can be the targeted individual's supervisor, a supervisor in another area, a coworker or even a third party. Although the law does not prohibit simple teasing or offhand comments, harassment can violate the law in cases in which it is so frequent and severe that it creates a hostile work environment and interferes with an individual's ability to perform their job.

What is discrimination?

Broadly speaking, discrimination is defined as the unfair or prejudicial treatment of people or groups based on characteristics such as race, color, religion, sex, pregnancy, gender identity, sexual orientation, national origin, disability, age or genetic information.

Employment discrimination occurs when an individual is treated differently or less favorably in the workplace based on a characteristic such as the ones listed above. Examples of different or less favorable treatment include harassment, denial of reasonable workplace accommodations or retaliation for reporting discrimination or participating in an investigation.

A wide range of laws—such as the Civil Rights Act of 1964, the Age Discrimination in Employment Act and the Americans with Disabilities Act—prohibit discrimination in employment. But **discrimination is a societal problem that cannot be**



eradicated by legal intervention alone. Subtle day-to-day forms of discrimination—sometimes referred to as “microaggressions”—may persist in the workplace despite laws intended to eradicate this type of behavior. Microaggressions are often understood as slights or offenses that may appear minor but that in reality reflect prejudices that are deeply engrained in society.

Common examples of microaggressions in the workplace include:

- 1. Interrupting women while they speak or minimizing their contributions;**
- 2. Asking people of color where they are really from or complimenting them for speaking “good” English;**
- 3. Telling women to smile more;**
- 4. Remarking that someone is not like other people of their ethnic or racial background; or**
- 5. Subtle exclusions, such as from an email or invitation to an event.**

Research shows that discrimination often stems from implicit bias, unconscious attitudes and stereotypes that develop from media exposure, societal messaging, past experiences or preconceived notions about certain people or groups. Rooting out discrimination requires all of us to look inward to analyze what implicit biases we hold and how they shape our interactions with the people around us, both in the workplace and outside of it. One key to understanding implicit bias is recognizing that **conduct need not be intentional or even conscious to be discriminatory.** A recurring theme of this booklet is the importance of self-analysis as a tool to create safer workplaces.

What *isn't* bullying, harassment or discrimination?

To rise to the level of unlawful harassment, conduct must be sufficiently severe and pervasive. Petty slights, annoyances and isolated incidents that are not extremely serious will not rise to the level of illegality. However, repeatedly engaging in conduct that causes others discomfort or offense may be considered a gateway



behavior that could escalate into bullying or harassment if left unaddressed. Employers may have policies in place that prohibit this type of conduct. As a best practice, MM&P encourages each of us to be mindful of how our conduct affects others and to reflect on how we can contribute to a work environment in which everyone feels safe and valued.

It is also important to distinguish bullying and harassment from legitimate, reasonable and non-discriminatory actions that are undertaken in a fair and respectful way. Examples of such actions that do NOT constitute bullying or harassment include:

1. Giving a staff member constructive feedback on their performance or behavior;
2. Allocating work in compliance with workplace systems and policies;
3. Ensuring workplace policies are implemented;
4. Undertaking disciplinary procedures for proven misconduct after fair procedures have been observed; and
5. Overseeing injury and illness procedures in accordance with Union agreements and applicable employment law.



6. What Are Sexual Harassment and Sexual Assault?

What is sexual harassment?

Sexual harassment is defined by the EEOC as unwelcome and unwanted sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature. Sexual harassment does not have to be specifically about sexual behavior or directed at a particular person. For example, offensive comments about women as a group may be a form of sexual harassment. An individual of any gender identity or sexual orientation may be targeted by another individual of any gender identity or sexual orientation. Sexual harassment is not in fact about attraction, but—like bullying and harassment—about the abuse of power.

Under the law, there are two types of sexual harassment:

1. **Quid pro quo sexual harassment:** In these situations, an individual with authority—such as a supervisor—promises to grant an employment benefit in exchange for sexual favors. Commonly, this involves promises of a raise or a promotion. Quid pro quo sexual harassment may also occur when an individual with authority threatens to withhold an employment benefit or compensation if a request for sexual favors is rejected.
2. **Hostile work environment:** A hostile work environment occurs when conduct of a sexual nature or based on a person's sex is so severe and pervasive that it creates an intimidating, hostile or abusive work environment and interferes with the targeted person's ability to perform their job.



Conduct that constitutes sexual harassment includes:

1. Unwanted sexually explicit photos, email, texts messages or comments on social media;
2. Nonconsensual touching or physical contact;
3. Intentionally and repeatedly using the wrong name, pronouns, or form of address;
4. Verbal harassment, including jokes referring to sexual acts;
5. Offensive sexual gestures;
6. Whistling or catcalling;
7. Stalking or repeated violation of physical boundaries;
8. Unwanted pressure for dates or one-on-one interactions;
9. Spreading rumors about a person's sexual history or sexual activities;
10. Displaying graphic or obscene material; and
11. Unwelcome comments about a person's appearance.

What is sexual assault?

Sexual assault covers a range of unwanted behaviors resulting in intentional physical contact that violates an individual's consent. This can include unwanted sexual touching, rape and other similar acts. **Sexual assault is a criminal offense.**

Consent is defined as a conscious, knowing and clear agreement to engage in sexual activity that is freely communicated. Even if consent is initially given, **it can be withdrawn at any time.** Consent cannot be freely given by individuals who are underage, intoxicated, asleep or unconscious. Pressuring someone to engage in sexual activity using intimidation or threats is not consent. Uneven power dynamics, such as the command hierarchy aboard a vessel, may also mean that consent could be coerced and not freely given.



Consent is NOT established through a lack of verbal or physical resistance, prior instances of consent to sexual acts or a current or previous dating or sexual relationship. The absence of a verbal “no” is not the same thing as freely given consent. Recent literature on consent has emphasized the concept of **enthusiastic consent**, which focuses on **a positive expression of consent as opposed to a lack of opposition**. Enthusiastic consent can be demonstrated not only through direct dialogue but also through physical cues, such as eye contact and nodding. For further reference see: <http://www.consentiseverything.com>.

What laws govern sexual harassment and sexual assault?

In the maritime industry, **if a crewmember aboard a documented vessel reports that they have been the victim of sexual assault, the master must report the victim’s allegations to the United States Coast Guard (USCG).**¹⁰ This requirement was instituted after a report by the Government Accountability Office revealed multiple sexual assaults aboard ships that were never reported to the USCG or to any law enforcement agency.¹¹

Individuals who experience sexual harassment or sexual assault aboard a Jones Act vessel may also bring a claim under the Jones Act, which permits maritime employees who suffer personal injuries in the course of their employment to seek an action for damages. The basis of a Jones Act claim is that negligence on the part of either the shipowner or another crewmember caused an employee to suffer an injury at sea. The U.S. Supreme Court has found that employees may bring claims under the Jones Act for unwanted physical contact as well as for harassment that results in physical and emotional injury.¹² Discrimination, harassment,

¹⁰ 46 U.S.C. § 10104.

¹¹ Government Accountability Office, *Coast Guard: Information Needed to Assess the Extent of Sexual Assaults on Ships* (1989), www.gao.gov/products/rced-89-59.

¹² See *Conrail v. Gottshall*, 512 U.S. 532 (1994).



unwanted sexual advances and aggressive verbal or physical behavior can all provide a foundation for a Jones Act claim.¹³

Title VII of the Civil Rights Act of 1964 (Title VII) provides legal guidance for dealing with acts of sexual harassment or sexual assault in the workplace. While Title VII may apply to domestic shore-based jobs, it often does not apply to claims based on events occurring on the high seas or in international waters. Title VII prohibits discrimination on the basis of sex—in addition to other protected identities discussed in Section 3 of this booklet—in all aspects of employment. In addition, Title VII makes it unlawful to retaliate against an individual for filing a discrimination charge or for participating in an investigation. The U.S. Supreme Court, however, has held that Congress did not intend for Title VII to apply in the context of the high seas.¹⁴

Mariners working as federal, state or local government employees may be able to bring claims for discrimination under applicable laws, including Title VII.

Title IX of the Education Amendments of 1972 (Title IX) provides protection against discrimination on the basis of sex in any educational programs or activities that receive federal funding. Title IX is broad in scope and includes protection from sexual harassment and sexual assault, but it does not apply to educational institutions with a primary purpose of training individuals for military service or the merchant marine. See 20 U.S.C. § 1681(a)(4); 34 C.F.R. § 106.13. This means that Title IX does not apply to the federal service academies, which include: the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, and the United States Merchant Marine Academy. Students can ask those academies for the rules protecting students from harassment and discrimination on the basis of sex and their reporting procedures.

¹³ Reese B. Mitchell, *Maritime law could provide recovery for shipboard harassment*, Professional Mariner (Sep. 27, 2018), www.professionalmariner.com/maritime-law-could-provide-recovery-for-shipboard-harassment/.

¹⁴ See *EEOC v. Arabian Am. Oil Co.*, 499 U.S. 244 (1991).



State laws and state agencies may also provide avenues of relief for those who have experienced sexual harassment or sexual assault. Depending on where the incident occurred (e.g., in a port within the state), the state could potentially exercise jurisdiction over claims based on sexual harassment or sexual assault. Like Title VII, state laws generally do not apply to incidents that occur at sea.¹⁵

How can I confront issues of sexual harassment and sexual assault in my workplace?

Making a formal report is one possible course of action. Sexual harassment and sexual assault, like bullying and harassment, can only be combatted through intentional action. When we deny the problem exists, blame those who are targeted, or fail to intervene or hold each other accountable, we allow them to persist. Many of the strategies to address bullying and harassment discussed in this booklet also apply to sexual harassment and sexual assault.

Some of these strategies include:

- 1. Believing others who report instances of sexual harassment or sexual assault and offering your support;**
- 2. Educating yourself on the issues and on bystander intervention tactics, discussed in Section 10 of this booklet;**
- 3. Speaking up when you witness another individual engaging in abusive behavior;**
- 4. Being attentive and actively looking out for the well-being of your shipmates.**

¹⁵ See, e.g., *Campbell v. Arco Marine, Inc.*, 42 Cal. App. 4th 1850 (1996) (finding California Fair Employment and Housing Act did not apply to an incident that occurred on the high seas).



7. How Do You Know If Someone Is Engaging in Bullying or Harassment?

We recognize when bullying or harassment is occurring based on behavior. Bullying and harassment are ultimately rooted in power and the abuse of power. Importantly, the intent of the person engaging in bullying or harassment is not decisive. A person does not need to intentionally offend or cause harm in order to engage in bullying or harassment. **Even conduct that is often brushed aside as casual “joking” or workplace banter may be damaging to individuals being targeted, especially when the conduct is repeated and pervasive.** Thus, the key question is how the conduct affects the person being targeted.

It is worth noting that workplace bullying and harassment are not confined to colleagues on the same team. For example, crewmembers working at sea may also experience bullying and harassment from a crewing agency or the company’s head office. Those who work in shore-based jobs may also be subjected to bullying and harassment, even if not in the confined environment of a ship. Recognizing this as an industry-wide issue that can occur both onboard and ashore is crucial to developing broad-based solutions.



8. Am I Experiencing Bullying or Harassment?

Being bullied or harassed aboard ship

Bullying and harassment can cause serious damage to an individual's physical, mental and emotional health. Especially if carried out over a prolonged period of time, bullying and harassment may gradually cause individuals to question their own judgment and doubt their own experience. Targeted individuals may feel compelled to minimize their own discomfort or stay silent about what they are going through, telling themselves that what they are experiencing "is not that bad" or "is not worth bringing up."

Sometimes bullying and harassment may be "institutionalized" in an industry or at a company. One result could be systems of appraisal and promotion that are routinely unfair to certain employees or groups; another could be a workplace culture that "teaches" employees to act in a negative way. In the maritime industry, for example, the prevailing culture might justify abusive conduct as "shipboard discipline" or "a seafaring tradition."

Individuals targeted by bullying or harassment are never at fault for bringing the treatment upon themselves. As described previously in this booklet, bullying and harassment are motivated by abuse of power. If you have experienced or are experiencing the types of conduct outlined here, know that you are not to blame and that you deserve to work in an environment that is free from abuse of any kind.

If you are unsure if you have experienced bullying or harassment, the checklist on the following page may provide some guidance. Talking to someone you trust, such as an MM&P representative, may also help you assess your situation more clearly.



Bullying and harassment checklist

The checklist below, while not exhaustive, provides some insight into common behaviors that may constitute bullying or harassment.

- ☐ It feels like someone finds fault with everything I do—I can't seem to get it right professionally or when socializing with colleagues.
- ☐ I used to be excited about my job and consider it an overall positive experience, but now I dread going to work or fear running into certain people in the workplace.
- ☐ I used to know what I was good at and how to make friends, but here at work I feel like I have lost confidence in my own judgement and don't know who to trust.
- ☐ If someone else makes a mistake or tells a joke that falls flat, it's fine, but if I do the same thing, it is treated as a serious offense.
- ☐ I am often left out of work discussions or work-related social occasions but am made to feel that it's my own fault if I don't know what's going on.
- ☐ Sometimes colleagues shout at me or threaten me—privately or in front of others.
- ☐ People often say or do things that they think I will find offensive, in order to try and get a reaction from me.
- ☐ I am often either overloaded with work or assigned menial tasks.
- ☐ I have had annual leave, sick leave or compassionate leave denied in circumstances where the leave has routinely been granted to others.
- ☐ I have been denied the training I need to do my work properly and develop my career, while others are encouraged to do the training they need.



- ❑ I have been given unrealistic goals to meet or impossible deadlines, but I feel like it's my fault if I can't meet the targets.
- ❑ I have been subjected to formal disciplinary procedures (such as written warnings) for trivial or fabricated matters, or without proper investigation.
- ❑ I doubt myself and my abilities because of consistent negative (instead of constructive) feedback that I receive at work.
- ❑ I feel that I am in a hopelessly miserable situation and the only thing I can do about it is leave.



9. Am I Engaging in Bullying or Harassment?

Self-awareness and reflection are key to building workplace environments free of bullying and harassment. There are times when we may be unaware of the effect our own actions are having on others. Thus, we should all pause to affirmatively consider how we conduct ourselves at work and around our colleagues. The following checklist may provide a helpful starting point:

- ☐ Do I consider that my way of doing a job is always right?
- ☐ Do I raise my voice at others in the workplace?
- ☐ Am I sarcastic or patronizing to my colleagues?
- ☐ Do I criticize individuals in front of others?
- ☐ Do I criticize minor errors and fail to give credit for good work?
- ☐ Do I shun any other workers or spread rumors or malicious gossip?
- ☐ Do I routinely make jokes at the expense of others, even after they have expressed discomfort?
- ☐ Do I call my colleagues insulting nicknames or laugh along when others do so?
- ☐ Do I discount the input of others or discourage others from giving feedback?



10. What Actions Can I Take If I Believe I Am Experiencing Bullying, Harassment or Discrimination?

If you are experiencing bullying, harassment or discrimination, it is important to be aware of the options available to you. This section contains advice on what you can do—either to tackle the issue yourself or to gather information for use at a later stage. Remember that as an MM&P member, you are never alone. You are welcome—and in fact encouraged—to talk to your MM&P representative and use the union as a resource. MM&P will not take any action with the employer to address the situation without discussing it with you first and making sure you are comfortable with the proposed course of action.

Take care of yourself

Bullying, harassment and discrimination can inflict serious harm on your mental, physical and emotional health. They can also damage your self-esteem and sense of identity. Documented effects of bullying and harassment include loss of sleep, poor concentration, stress and irritability, mood swings, panic attacks, clinical depression, hypervigilance, obsessive thinking, self-destructive habits, altered personality and even thoughts of self-harm.¹⁶ These effects can in turn lead to health issues, financial struggles and problems with personal relationships.

If you are experiencing any of these effects, it is important to acknowledge them and create an action plan, which may include seeking help from a mental health professional and leaning on your own support networks.

¹⁶ Gary Namie & Ruth Namie, *The Bully at Work* (2d ed. 2009) at 135.



Other tactics to take care of yourself include:

1. Establishing and protecting personal boundaries (e.g., if a colleague repeatedly asks inappropriate questions about what happened, clearly state “I do not want to talk about it” or “I want to keep that information private”);
2. Countering your inner critic, which may tempt you to believe there is truth in negative words said about you by others (e.g., if you do something incorrectly at work and catch yourself thinking that this only verifies others’ harmful comments, remind yourself that you are allowed to make mistakes and grow from them);
3. Strategizing methods to heal from shame or self-doubt (e.g., contacting past coworkers or friends and asking them to share positive experiences they had with you; reminding yourself of your past successes and accomplishments);
4. Avoiding the trap of self-blame (e.g., if you find yourself thinking that you brought bullying or harassing behavior upon yourself, remember that you are not to blame for other people mistreating you); and
5. Satisfying your needs and wants by paying attention to what activities help improve your mental health (e.g., going on walks, spending time alone, journaling, talking with a trusted friend).¹⁷

¹⁷ Adapted from Gary Namie & Ruth Namie, *The Bully at Work* (2d ed. 2009) at *Section Two: After the Assault, Restoring the Lost You*.



Research

Find out what your company's policy is on bullying, harassment and discrimination. It should set out how employees are expected to behave and explain the procedures for making a complaint, including what information will be kept confidential. MM&P can help connect you with that information. Know that under the law, there is zero tolerance for retaliation against anyone for reporting an incident. If possible, familiarize yourself with the information your company requires in a report.

Keep notes

Make a note of any incidents, including the time, the date and the names of any witnesses, as well as anything you said to the bully or harasser and your emotional state. It is important to be clear about how someone's behavior made you feel, so it cannot be passed off as a joke. Copies of relevant performance appraisals, letters or memos should also be kept. Your notes and relevant documents will help you think clearly and decide what to do next, whether or not you choose to pursue an official complaint.

Directly confront the individual (ONLY if you feel safe doing so)

If you feel safe doing so, speaking directly to the individual who is targeting you may help put them on notice that their behavior is unacceptable. This may make it more difficult for them to argue later on that they were unaware that their behavior was harming you.

Should you decide to pursue this option, always assess your safety first. Any direct confrontation should be done in front of a witness and ideally not while on duty. Talk to the witness beforehand and formulate a plan for what to do in the event that tensions escalate during the conversation. Ask the witness to make a note of the date, time and place that you spoke out. Tell the person that you find their behavior unacceptable and ask them to stop.



Seek out support in your workplace

If the bullying, harassment and discrimination continue, tell a friend, colleague or your union representative if possible. You may not be the only one who has suffered. Seek out an MM&P representative for counsel, advice and/or representation. MM&P will maintain confidentiality of any information provided to the extent permitted by law. In some cases, for example when reports are made involving threats of physical harm or of a crime, MM&P may not be able to keep all information confidential either because of a direct legal requirement or as part of its legal obligation to the safety and representation of its members. In such a case, MM&P will endeavor to honor confidentiality to the extent possible, but cannot provide a guarantee of confidentiality.

Seeking support in your workplace may also allow you to access interim relief, or the granting of short-term accommodations even prior to a full hearing or proceeding. Interim relief measures are not designed to penalize or disadvantage the individual reporting abuse and should not result in them being denied job opportunities. Rather, interim relief is intended to help create a sense of immediate safety for individuals who have experienced bullying or harassment.

Examples of interim relief that may be available include:

1. Changes in housing or living quarters to create physical distance between the perpetrator and the person being targeted;
2. Shifts in work schedules to reduce interaction between the perpetrator and the individual being targeted, or to ensure that they are never alone with the perpetrator; or
3. Medical and mental health services, including counseling.

If you report bullying, harassment or discrimination, know that retaliation is strictly prohibited. It is unlawful for your colleagues or your employer to retaliate or take any adverse action against you, such as demoting you, denying you a raise or promotion, denying



leave that you are entitled to under the law or subjecting you to baseless disciplinary action. If you experience retaliation, contact your MM&P representative who can intervene.



11. What Actions Can I Take to Eliminate Bullying, Harassment and Discrimination in My Workplace?

As this booklet has emphasized, the effort to end bullying, harassment and discrimination must be a collective one. The responsibility is on all of us to hold each other accountable to a standard of mutual respect and to act affirmatively when that standard is not met.

Below are examples of actions you can take to create a safer and stronger workplace.

Support others

If a colleague confides in you about an incident of bullying, harassment or discrimination that they have experienced, support them. Do not express doubt that they are telling the truth or suggest that they are overreacting or being overly sensitive. Acknowledge their experience, thank them for trusting you and ask how you can best support them moving forward. For example, offer to accompany them if they want to speak to a counselor, supervisor or MM&P representative about what happened. If they feel physically unsafe, help them develop a plan to ensure their immediate safety.



Intervene to the best of your abilities

If you witness an incident of bullying or harassment, assess the situation and decide how you can best intervene. As a bystander, here are three strategies—the 3D’s—that you can use:

1. **Direct:** You can be DIRECT: Intervene directly with the person doing the harm or the person being targeted.
 - “Hey, are you ok?”
 - “That’s not funny.”
 - “Stop bothering them.”
 - Stay with someone who feels uncomfortable so they don’t have to be alone.
2. **Distract:** You can DISTRACT. Do anything to disrupt or interrupt a situation. Take an indirect approach to deescalate the situation by starting a conversation with the person being targeted or finding another way to draw attention away from them.
 - Go up and start a random conversation.
 - ‘Accidentally’ spill a drink.
 - Change the subject quickly when harmful content comes up.
 - Regularly check in with friends.
3. **Delegate:** You can DELEGATE: Bring in another person or people to check-in or follow up, such as shoreside management/Designated Person Ashore (DPA) or an MM&P representative.
 - Contact an MM&P representative and ask them to check in.
 - Talk to a friend of the person doing the behavior or the person who’s being targeted and ask them to say something.
 - Bring in someone with influence or authority—an MM&P representative, a supervisor, Human Resources, the DPA, etc.



- Ask the person experiencing harm if you can connect them to a support program or call a hotline to speak to an advocate about the best way to provide support.
- Provide support in connecting those experiencing an unsafe situation with supportive resources.

You can use any combination of these tactics, but the **most important point is to act affirmatively in some way**. Letting the person who was targeted know that you witnessed what happened and acknowledge that it was unacceptable helps them know that they are not alone.

Every intervention is valuable. There's not one correct way to intervene in a situation. Choose what feels realistic and comfortable for you, because that will make you more likely to act!

You can do more than one intervention. For example, if you heard a friend making a sexist joke, you could distract by changing the subject, but then follow-up with them later and tell them why their comments bothered you.

The goal is to have lots of active bystanders. Maybe you will choose to delegate, while others will be direct or distract. **When one person takes action, it makes those around them more likely to take action as well!**

Responding After Harm Occurs

The goal of bystander intervention is to step in at the earliest possible moment so that no one gets hurt. There still may be times when you learn that someone you know has been assaulted. When this happens, you can still play an important role in making sure the person who trusted you with this information feels supported and empowered to make the best choices for them.

If, while aboard a vessel, you learn of something that requires a mandatory report or that you think may require a mandatory report, you should follow all reporting requirements. If you learn of something and you are not on board a vessel, you can reach out to your union representative for guidance.



Be Supportive

Thank them for telling you. If they want to talk about what happened, give them space and listen, but don't push. Make it clear by your words and actions that you believe them. They may be experiencing a lot of different emotions, and your support can play a role in their healing.

Be Flexible

Ask them what you can do to help. Survivors may make different decisions about how to move forward. They may want help accessing medical services, or contacting their local rape crisis and recovery center; they may want to seek counseling; or they may just want to spend time alone or doing fun activities with friends. Respect their decisions and support them in whatever they choose to do.

Be Present

Healing is a process and will go on long after your initial conversation. Continue to offer your support and make sure they know you're there for them in whatever path they take.

Educate yourself and your colleagues

Continuing to raise awareness about how to prevent bullying and harassment is essential to working towards a culture free from abuse. Additional resources for further reading are included at the end of this booklet. Step up and engage your colleagues in dialogue, even before any incidents have happened. Creating safe workplaces, free of abuse and violence, is an ongoing project that requires the participation of all of us.



12. Criminal Liability and Job Loss

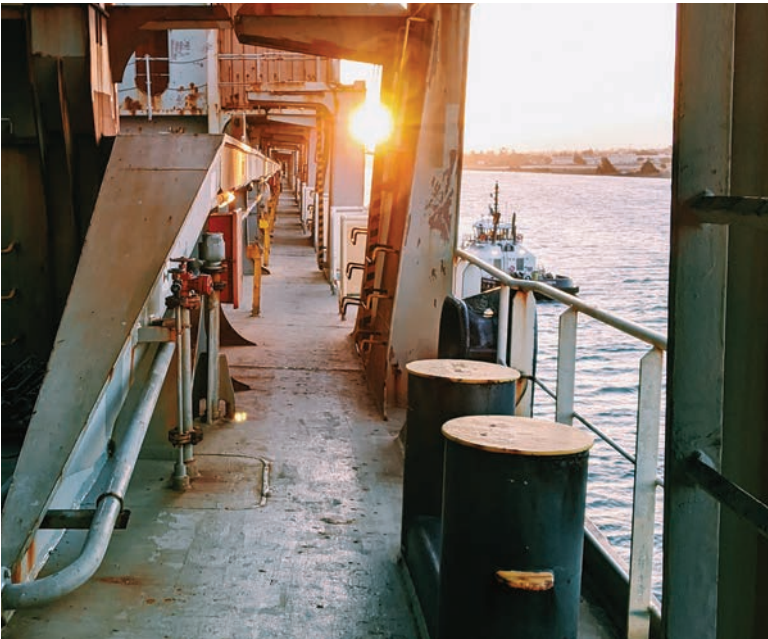
Mariners who violate the law relating to sexual assault at sea or sexual harassment at sea face criminal prosecution and jeopardize their license. There may be criminal prosecution under local laws.

Mariners who violate company policies relating to harassment may face discipline up to and including discharge.

MM&P members who violate MM&P's Members' Commitment to Each Other—

It is the duty of each Member of MM&P under the Constitution at Article III, Section 2 “to be true and loyal to the Organization and treat others with due respect and consideration. Treating other Members with due respect and consideration includes actively opposing all forms of bullying, harassment, prejudice, and unfair discrimination based on race, creed, color, sex, religion, age, sexual orientation, or national origin.”

—may be subject to internal union discipline, up to and including revocation of membership.



13. MM&P's Commitment to Members

- MM&P will treat any cases of bullying or harassment seriously and be supportive at all times.
- MM&P will ensure confidentiality is respected when possible, understanding that many victims of bullying and harassment do not report incidents because of lack of confidentiality, lack of confidence that the issue will be treated seriously or fear of reprisals.
- MM&P's representatives will undergo training to effectively support and assist members dealing with bullying and harassment.
- MM&P will listen and make sure that we know what a member wants us to do.
- MM&P will explain the processes and options available to members—including the time limits for applying for relief through the grievance process or other available processes that may be worth pursuing.
- MM&P will keep the member informed and work together with the member to take appropriate action.

If I Have Questions Who Can I Call at MM&P?

You can call your elected and appointed representatives. If you need to know who they are and their contact information, go to [Bridgedeck.org/Contacts](https://bridgedeck.org/Contacts), and click on the Complete MM&P Directory link.

You may also contact the Chair of the Women's Caucus at 410.691.8194 or WomensCaucus@bridgedeck.org.

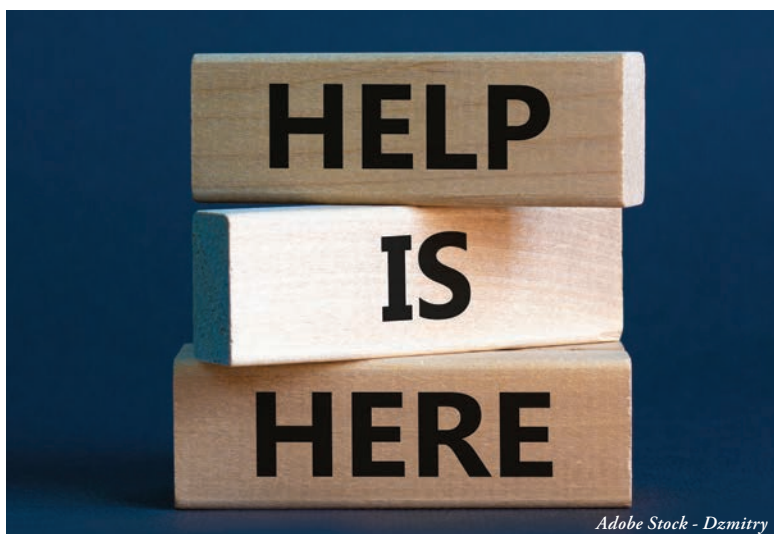
If you contact MM&P because you are experiencing bullying, harassment, violence or anything impacting your safety at work, the person you contact may:

1. Ask if you are safe.
2. Ask for your contact information and make sure that the representative you are speaking with is assigned to



the contract you are or were working under when what prompted your call occurred.

3. Check in to see if you would like to speak with confidential hotlines or experts in the field of sexual violence.
4. Explain what types of information your representative is required to report.
5. Listen to you and ask questions to understand what prompted your call.
6. Review the processes available to report and/or seek relief from your employer or under law, which may include:
 - a. Is there any required report due to your job title or license
 - b. Reporting to DPA
 - c. Reporting to any other employer resource such as Labor or Human Resources Department
 - d. Review if there is a violation of the contract and ask if would you like to file a grievance
 - e. Reporting to USCGIS
7. Ask if you need more information about the options available and review any time limits that apply.



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14. Additional Resources and Reading



The Coast Guard Investigative Service (CGIS) has created a QR code that takes a person who wants to make a report to the internet to download and install an app. The app connects to the Coast Guard Investigative Service by text, web and tip line. This is an ANONYMOUS way to report a crime.

RAINN.org

The nation's largest anti-sexual violence organization.

Hotline: 800-656-4673 (800-656-HOPE)

National Sexual Assault Hotline. Free. Confidential. 24/7.

Bridgedeck.org/womens-caucus

The Women's Caucus section of the Masters, Mates & Pilots website will include a comprehensive list of websites for reference.



