

30. Discrimination, Harassment & Bullying

30.1 The policy

The company is committed to providing a safe, healthy working environment that is free from discrimination, harassment and bullying which particularly includes sexual harassment.

Sexual harassment is against the law, may be considered, under certain circumstances, a criminal offence and as per the company policy it is a dismissible offence.

Religious beliefs - Crew on board fleet vessels shall have respect for each other's religious beliefs. It is strictly prohibited to keep any material ridiculing any religious belief.

The Company adopted a zero tolerance policy and will treat all complaints of discrimination, harassment and bullying seriously and in strict confidence, parties to the complaint are treated with equal dignity and fairness.

The policy shall apply to all seafarers and or persons/people visiting, working, sailing as a passenger aboard this vessel, and or engaged in any form of activity with the vessels' crew.

30.2 What is harassment & sexual harassment?

Harassment is 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.

Sexual harassment Non consent– The sexual harassment victim must clearly indicate that he/she does not consent to the behavior of the harasser – in words or behavior. It should be emphasized that in the case where the victim is a juvenile (minor), helpless person, or in case of authority in labor relations E.G the harasser is the manager of the victim, there is no obligation to prove non consent and it would be considered as sexual harassment by law.

Any bullying, abuse, intimidate, verbal harassment, threat and or physical assault against a person who suffered sexual harassment and / or submitted a complaint thereby is against the law.

Examples of harassment & sexual harassment

- Publishing a photograph, a film or a recording of a person which focuses on his sexuality and might humiliate or degrade him and the person has not given his consent to this publication,

will be considered as sexual harassment unless it was done without intention to humiliate in bona fide.

- Displaying or circulating offensive or suggestive material;
- Sexist/racist/homophobic jokes or remarks;
- Use of offensive language in describing or making fun of someone with a disability;
- Comments about a person's physical appearance or characters which cause embarrassment or distress;
- Unwelcomed attention such as spying, stalking, pestering, or unwelcome verbal and physical attention;
- Making or sending unwanted, sexually suggestive, hostile or personally intrusive telephone calls, text messages, emails, comments on social networks, faxes or letters;
- Unwarranted, intrusive or persistent questioning about a person's age, marital status, personal life, sexual interests or orientation, or similar questions about a person's racial or ethnic origin, including their culture or religion;
- Unwelcomed sexual advances or repeated requests for dates or threats;
- Requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- Certain behaviors, such as conditioning promotions, awards, training or other job benefits upon acceptance of unwelcome actions of a sexual nature.

Unwelcomed actions such as the following examples are inappropriate and, depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment:

1. Sexual pranks, or repeated sexual jokes, in person or via e-mail or phone;
2. Verbal abuse of a sexual nature;
3. Touching or grabbing of a sexual nature;
4. Repeatedly standing too close to or brushing up against a person;
5. Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (supervisors in particular should be careful not to pressure their employees to socialize);
6. Giving gifts or leaving objects that are sexually suggestive;
7. Repeatedly making sexually suggestive gestures;

8. Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;
9. Off-duty, unwelcomed conducts of a sexual nature that affects the work environment.

30.3 What is bullying?

Bullying is a form of harassment that includes hostile or vindictive behavior, 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 behavior of another group of people or individual.

Bullying 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 behavior is having on other persons, or does not have any intention to bully.

Examples of bullying

- Verbal or physical threats or abuse, such as shouting or swearing at colleagues, either in public or in private, including insulting or stereotyped statements or remarks;
- Personal insults;
- Belittling or ridiculing a person, or his/her abilities, either in private or in front of others;
- Sudden anger or displays of temper against an individual or group, often for trivial reasons;
- Subjecting someone to unnecessary excessive or oppressive supervision, monitoring everything they do or being excessively critical of minor things;
- Persistent or unjustified criticism;
- Making unreasonable demands of staff or colleagues;
- Setting demeaning tasks that are inappropriate to the job or taking away areas of responsibility from an individual for no justifiable reason;
- Ignoring or excluding an individual e.g. from social events, team meetings, discussions and collective decisions or planning;
- Making threats or inappropriate comments about career prospects, job security or performance appraisal reports;
- Spreading malicious rumors, or insulting someone (particularly regarding age, race, marriage, civil partnership, pregnancy and maternity, sex, disability, sexual orientation, religion or belief.

- Shunning people at work and rebuffing their efforts to integrate with others if they are believed to 'not fit in';

Cyber bullying including inappropriate:

- Suggestive and unwanted remarks;
 - Graphics or threat-centered, abusive emails;
 - Postings on social networks;
 - Mobile telephone text messages.
- There are sometimes situations when excuses are made to, define or refer to behavior or situations between people at work which may involve 'hidden' bullying:
 - Strong management styles;
 - A working relationship that is described as a 'personality clash';
 - Someone being described as 'over-sensitive' or 'unable to see a joke';
 - Describing someone as having an 'attitude problem';
 - A manager who 'has a low tolerance for non-safety critical mistakes which are made unintentionally
 - Making fun of a member of staff who has made a minor mistake at work.

30.4 Reporting and Submitting Complaints

If a seafarer/person believes they are being harassed, they may approach the **Master** on board or the **DPA** directly to report any incidents they have suffered.

The Master on board and the DPA has been trained in dealing with complaints of harassment and or bullying.

If you do not feel comfortable raising a complaint yourself, you may ask a friend or colleague to do so on your behalf.

You will not be victimized by the company for making a complaint.

The company is committed to provide safeguards for both the person making the complaint and the alleged perpetrator.

If YOU feel you have suffered harassment or bullying, report it to the Master.

You may log a complaint in writing or verbally.

The Master is the first point of contact for complaints.

You may approach the DPA Directly in the following cases:

- 1) If the master is the alleged perpetrator.
- 2) If you are not satisfied with the handling of the complaint by the master.
- 3) You do not feel comfortable with raising a complaint to the Master.

30.5 Responding and Handling Complaints

Complaints shall be dealt without any delay and as soon as practicable.

Upon receiving a complaint concerning harassment and or bullying, whether directly or indirectly, The Master of the vessel will check and verify the allegation.

The Master should listen to the complaint and provide support and assistance if the victim does not wish to initiate a formal process. An informal discussion can often lead to greater understanding and an agreement for the behavior to cease.

Hearing

- **Following a receipt of a complaint** (either formal or informal including in case information regarding an alleged harassment has been brought to his attention). The Master will inform the complainant how he intends to handle the complaint and explain him the process thereto. The Master will check the allegation, information available (brought to him) and assemble a hearing. The hearing should be held confidential.
- **The parties involved** have the right to be accompanied by an appropriate person who can, on a confidential basis, provide them with impartial advice on their complaint and otherwise assist them in following the complaints procedure.
- **The principles of fair treatment** should be applied to all disciplinary and grievance hearings. The alleged perpetrator (respondent) should have the right to answer any complaint and give their version of events and circumstances. Both the complainant and the respondent should be able to indicate witnesses to be heard by the Master. The Master shall also keep a written record of the hearing and the decisions taken.
- **Upon completion of the hearing process** the Master will give both parties (the complainant and respondent) a written report which includes details of the complaint, the findings and his decision, the same report to be sent immediately to the DPA. The DPA upon receiving Master's report will be entitled to recommend the Master to open further investigation and/or to take any necessary steps at the DPA's discretion. Where the investigation is completed

after both parties signed off the vessel, the DPA will send both parties written report which includes findings and decision.

- **Entries to be made by the Master in the official log book** for any complaint/offence by any member of the crew or any other person on board the ship with regard to any offence committed against him, the circumstances and any decision given in respect thereof. An extract of such entry shall be given to both parties. The extract shall be signed by the Master. In case of a complaint regarding sexual harassment and/or any harassment connected thereto, in order to protect confidentiality, the entries in the official log book shall include only the following details: names of parties, time of event, and short description of the event and the decision of the Master.

The Master will update the DPA upon receiving a complaint and his decision.

In case of Israeli flag vessel – under circumstances in which the Master decides that the disciplinary offense is severe and beyond his jurisdiction, he will transfer the handling of the complaint directly to the Israeli shipping commissioner in accordance with the law.

In case of NON Israeli flag vessel and in the event where one of the parties is an Israeli nationality, and the Master is in opinion that the disciplinary offense is severe and beyond his jurisdiction he will transfer the handling of the complaint to the Israeli shipping commissioner.

The Master will transfer to the DPA the handling of any complaint brought against him.

The Master will notify/update the DPA via designated confidential email address mlc-dpa@xtholdinnings.com, of any complaint decision whatsoever in respect thereof.

The DPA upon receiving a complaint directly from seafarer will check the allegations and where necessary will attend the vessel to carry out investigation.

The DPA may decide to separate those involved as a first action until further investigation can be carried out.

Where an investigation/hearing shows that a complaint is well founded it may be necessary to separate those involved if practicable and according to the relevant circumstances.

The DPA will inform the crew manager about any action required to be taken with connection to any relevant decision taken. While doing so he shall keep the details confidential as far as practicable/possible.

Recommendations- In case the DPA receives a direct complaint and/or where the DPA recommends to dismiss a seafarer as a result of an offence thereof, the DPA will give his

recommendation to the Managing Director who shall give his decision within 7 working days from receipt of DPA's recommendations.

30.6 Raising Awareness

Raising awareness -

- A summary of the company policy and complaint procedures are embedded in the “onboard the Company Policy Poster on Discrimination, Harassment and Bullying” which shall be made available to the crew and be posted on board the vessel in a conspicuous location.
- Examples of the harassment & bullying poster will be posted in a conspicuous location on board.
- Briefing of crew will be carried out by the master on a quarterly base.
- Additional Briefing the Master and crew will be carried out by the DPA while visiting the vessels.
- Briefing shall include the following:
 1. Recognize examples of harassment and/or bullying.
 2. Get involved in situations where they see colleagues being harassed and bullied in the workplace to support them when necessary.
 3. Avoid bullying and harassing others.
 4. Use the company’s procedures on bullying and harassment.
 5. Appreciate the benefits of a harassment and bullying-free workplace.