

## **GUIDANCE NOTE 05/2025 (Rev 1.0)**

### **HARASSMENT AND SEXUAL MISCONDUCT ON BOARD SHIPS**

**To: OWNERS, MANAGERS, OPERATORS AND MASTERS AND CREW OF CAYMAN ISLANDS SHIPS (INCLUDING YACHTS).**

#### **1. BACKGROUND**

- 1.1 The Cayman Islands Shipping Registry (CISR) receives a regular and concerning number of complaints relating to harassment and inappropriate sexual conduct on board Cayman Islands registered vessels.
- 1.2 The CISR is fully committed to ensuring a safe working environment on board for all seafarers and operates a zero-tolerance policy to such behaviour.
- 1.3 The purpose of this guidance is to raise awareness and to direct individuals on the steps to take if they are subjected to harassment or inappropriate sexual behaviour, in connection with service on a Cayman Islands registered vessel.
- 1.4 Some may feel that this type of behaviour is just part of the life of a seafarer and making a complaint is not going to provide a solution, but it is important to stress that any conduct that makes you feel uncomfortable is not acceptable and must be addressed.
- 1.5 The CISR intends to send the message that this type of conduct will not be tolerated on board ships that fly the Flag and perpetrators will be dealt with within the full extent of the Law. In addition to potential prosecution, there is power within the law to remove a Cayman Islands endorsement where an individual commits a crime or is seriously negligent in their duties.
- 1.6 Further, consideration could be given to a register of offenders that could be implemented by industry, but it is important to stress that this would need to overcome substantial legal hurdles and may not provide a short-term solution.

#### **2. SEXUAL HARASSMENT vs SEXUAL ASSAULT**

- 2.1 Sexual harassment can be considered as behavior characterized by the making of unwelcome and inappropriate sexual remarks or physical advances in a workplace or other professional or social situation and in most cases, will be dealt with as a civil complaint.
- 2.2 Sexual assault can be characterized as unwanted sexual contact, which often occurs, through force, threats or manipulation, more often by those in a position of power over the victim. This includes rape and other forms of sexual assault, and this type of conduct is invariably a criminal matter, and this should be handled by the relevant authorities.

### **3. REGULATORY FRAMEWORK**

- 3.1 Amendments to guideline B.4.3 of Maritime Labour Convention, 2006 (MLC) which entered into force on 8th January 2019, required companies to supplement their health and safety policies considering the latest guidance published by the International Transport Workers Federation and the International Chamber of Shipping on eliminating bullying and harassment.
- 3.2 Measures are also being considered at the IMO which will require amendments to the ISM Code to require companies to introduce policies to specifically deal with sexual harassment, bullying and sexual assault.
- 3.3 In addition, the IMO introduced amendments to the STCW basic training syllabus under MSC.560(108) to ensure that seafarers are equipped with the basic knowledge and understanding of violence and harassment, including sexual harassment, bullying and sexual assault, and how to prevent and respond to incidents. STCW Basic training courses include the following specific competence to contribute to the prevention of and response to violence and harassment, including sexual harassment<sup>1</sup>, bullying and sexual assault. The amendments are scheduled to enter into force on 1 January 2026.
- 3.4 Future amendments being considered include provisions to provide for better investigative powers and to allow for swift removal of perpetrators, which under the current framework can be challenging.
- 3.5 The Cayman Islands Merchant Shipping Act imposes a responsibility on the Shipowner and the Master to ensure a safe environment for all crew serving on Cayman Islands ships. Section 114 creates an offence for any seafarer that engages in any act leading to, or is likely to, cause the death or the serious injury to any person.
- 3.6 In addition, Section 118 provides for disqualification of a seafarer (removal of Cayman Islands Endorsement) due to the misconduct of the seafarer. This requires a formal process to be followed but offers a tangible consequence to the Registry's approach to combatting this issue.
- 3.7 It is true that the regulatory framework is primarily aimed at commercial vessels that are subject to MLC, but this does not mean that solutions are not available to seafarers on private pleasure yachts. The general enforcement provisions set out above would apply to all ships and therefore, the absence of MLC Compliance should not be regarded as a barrier to obtaining a remedy.
- 3.8 In addition, ISM Companies should encourage honest feedback from their crew and consider exit interviews as part of their data gathering, compliance and management strategy. Greater attention will be paid by Cayman Registry as to how effectively crew complaints are being managed during Company audits, as it is recognised that this is a key to creating a culture of compliance and safeguarding.

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<sup>1</sup> As defined in the ILO Violence and Harassment Convention, 2019 (No. 190)

## **4. SOLUTIONS AND RESOURCES**

### **4.1 What are the steps to take if you are subject to harassment on a Cayman Islands registered Vessel?**

- a. The first step would be to report this to responsible persons on board. This would typically be a senior officer or the Master. If you do not feel that you can report this to a senior officer or Master, then you should report to a trusted crew member on board.
- b. If your complaint is not addressed effectively on board, you should advance this to the shore side management if available, and they have a duty under MLC to respond under the company bullying and harassment policy. Whilst not strictly required for private pleasure yachts, we strongly encourage all vessels to implement such a policy even if this is not mandated by MLC.
- c. If you do not have access to shore side management or this does not lead to a solution or you are concerned that your complaint will not be handled appropriately you can contact the CISR Shipping Master at [shipping.master@cishipping.com](mailto:shipping.master@cishipping.com) to assist with obtaining a solution. A confidential report can be made, and this will be fully investigated within the scope of the Law. Pressure can also be potentially brought to bear on the operators to take the appropriate steps. It should be noted that complaints cannot be anonymous, but any complaint received will be handled in the strictest confidence and victimisation of seafarers for making complaints is prohibited.
- d. Complaints raised with the Shipping Master or to [reporting@cishipping.com](mailto:reporting@cishipping.com) may result in an unscheduled MLC inspection being conducted to investigate potential breaches and failure to properly implement the company bullying and harassment policy as required by the Convention. For non-MLC vessels there is a general power under the Law for an investigation to be conducted where misconduct or negligence is suspected.
- e. It should be highlighted that although outside the Flag State remit, Non-Disclosure Agreements, even though signed, cannot prevent a crew member from reporting a safety or wellbeing issue or incident.

### **4.2 What are the steps if you are subject to sexual abuse or assault on a Cayman Islands-registered Vessel?**

- a. It is important to remember that sexual abuse and assault are crimes and as such should be reported to the relevant law enforcement authority without delay following the incident to allow for a thorough investigation and for preservation of evidence. It is appreciated that this can be difficult in some circumstances and in which case consultation with one of the bodies identified in Annex 1 may be pursued as an alternative.
- b. It should be noted that the Shipping Master has limited scope to intervene and in most cases, this will be referred to the Royal Cayman Islands Police Service, who will determine the next steps. As stated above the most expedient solution would be to report this to Law enforcement agency in the jurisdiction where the incident occurred.
- c. In the case that the incident occurs at sea, the United Nations Convention on the Law of the Sea (UNCLOS) requires that Flag States have primary jurisdiction for criminal acts occurring on the high seas, so even where the jurisdiction is unclear or the conduct occurs in international waters there is still a remedy.

## **5. Conclusion and Resources**

- 5.1 It is appreciated that investigations may be more challenging when the offence occurs in international waters or you may find that not all companies, particularly those with smaller fleets have adequate resources to address this issue. It is also accepted that seafarers may not have access to traditional support systems afforded to a shoreside worker.
- 5.2 It is important to stress that sexual harassment and abuse is not something that you just have to put up with. All stakeholders have a responsibility to tackle this issue as we strive to stamp out this behaviour and remove the abusers from the industry.
- 5.3 Whilst the Flag State has a major role to play in dealing with the perpetrators, it should be recognized that Flag State Surveyors, for the most part, are not trained to deal with the aftermath of sexual harassment or sexual abuse. Despite that, regardless of where the alleged conduct or offence is committed, there are numerous external resources available to seafarers who are suffering or have suffered the impacts of sexual assault and abuse, who may be better equipped to support the victims. That is not to say that the Flag State will not support victims of harassment and abuse, but the following is relayed to provide supplemental, useful Resources which can be found in Annex 1.

## ANNEX 1 Useful Resources.

1. **The International Seafarer's Welfare and Assistance Network (ISWAN)** offers resources to assist seafarers and operates two dedicated help lines one for seafarers on ships and one for yacht crew.

[SeafarerHelp - International Seafarers' Welfare & Assistance Network](#) **+44 (0) 207 323 2737**

[YachtCrewHelp - International Seafarers' Welfare & Assistance Network](#) **+44(0) 203 713 7273**

Further information can be found via the links below.

<https://www.iswan.org.uk/resources/publications/abuse-bullying-harassment-discrimination-violence/>

<https://www.iswan.org.uk/resources/publications/sexual-violence>

<https://www.iswan.org.uk/our-work/safe-at-sea-campaign/>

<https://www.iswan.org.uk/resources/publications/personal-safety-precautions-for-job-seeking-yacht-crew/>

2. **The International Chamber of Shipping** has published Guidance on eliminating Shipboard Harassment and Bullying which can be found at the link.

[Guidance on Eliminating Shipboard Harassment and Bullying | International Chamber of Shipping](#)

3. **The Seafarer Union Nautilus International** is also working hard to stamp out this unwanted behaviour:

[Sexual harassment: promoting your personal safety](#)

4. **The Confidential Human Factors Incident Reporting Programme (CHIRP)** have also produced a useful guide that can be found at the following link:

[Bullying, harassment, discrimination and victimisation \(BHDV\) in maritime - CHIRP](#)

5. **The International Transport Workers Federation (ITF)**

In addition to the above, the ITF has produced guidelines intended to combat this issue, and these are linked on our website at [Forms | MACI](#)

This details the issue of harassment and bullying, including that of a sexual nature and provides guidance for Companies to develop an effective Harassment and Bullying Policy.

6. **European Transport Workers' Federation (ETF) and European Community Shipowners' Associations (ECSA)**

Additional Guidance can be found on the websites of ETF ([ETF: European Transport Workers' Federation | Resources - ETF: European Transport Workers' Federation](#)) and ECSA ([Publications | ECSA](#))

7. **The French Directorate of Legal and Administrative Information (Prime Minister), Ministry of Justice**

The French Directorate of Legal and Administrative Information (Prime Minister), Ministry of Justice have also published a Practical Guide to Sexual Harassment detailing what to do in the case that a person has been subject to sexual harassment and provides useful instructions and contacts. This can be found via the attached link [Harcèlement | Service-Public.fr](https://www.harcèlement.fr/)

8. **Details of the United States Coastguard Sexual Assault and Sexual Harassment (SASH) Reporting, Prevention and Response Policies** can be found at.

[Sexual Assault and Sexual Harassment \(SASH\) Reporting, Prevention and Response](https://www.uscg.mil/Portals/0/Pages/Sexual-Assault-and-Sexual-Harassment-(SASH)-Reporting-Prevention-and-Response.aspx)

9. **Details of United States National Hotline(s) for Sexual Abuse and Assault**

<https://www.justice.gov/ovw/resources-for-survivors>