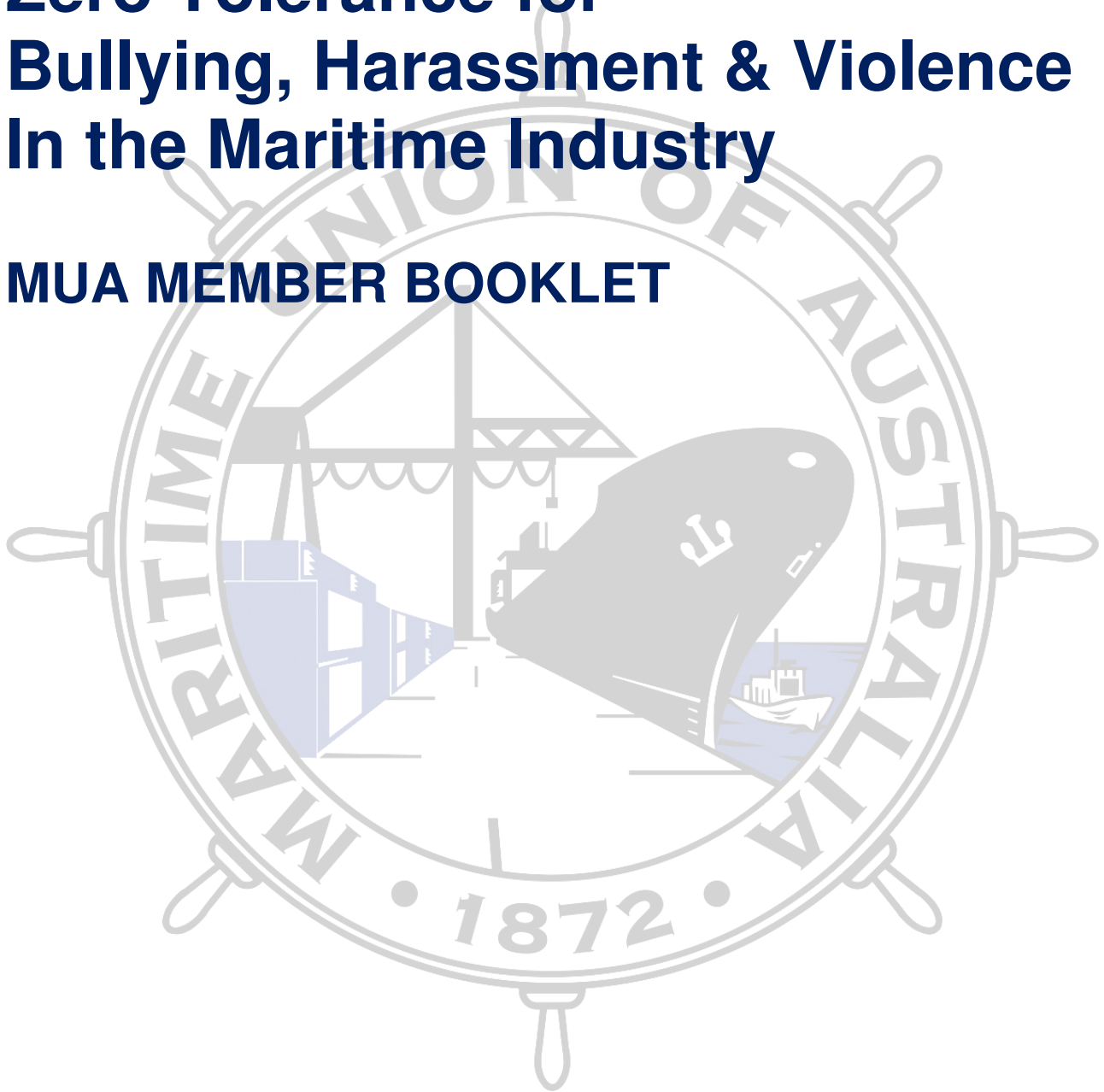

Zero Tolerance for Bullying, Harassment & Violence In the Maritime Industry

MUA MEMBER BOOKLET



MUA HAS ZERO TOLERANCE FOR HARASSMENT, BULLYING AND VIOLENCE IN THE MARITIME INDUSTRY

A message from the National Secretary

The MUA has a proud history of fighting for the rights of our members. It is part of a wider commitment to human rights, civil rights and social justice campaigns benefiting the community more broadly, including most notably, the White Ribbon campaign against relationship violence.

This support for the protection of peace and fairness in our everyday lives includes opposition to violence against women, along with harassment, bullying or violence against any MUA member at work. These behaviours are unacceptable to the union, irrespective of whether an offending person is a manager, supervisor, workmate, customer, union delegate or union official.

A survey conducted by the union last year indicated that these are real issues for all members, and not just for women. The right to work in safety, with dignity and respect, is a fundamental human right which the union is determined to uphold. Being subjected to unacceptable behaviour is a work health and safety issue as well as a discrimination issue. Consequences can include stress-related illness, alcohol and drug abuse, workplace accidents, physical and psychological harm, relationship breakdown and, in extreme cases self harm or suicide.

The membership wants the union to take on these workplace issues in a wider campaign. This booklet is a further step. I urge all members to read it, discuss it with workmates and commit to ensuring your workplace is free of these unacceptable behaviours.

We have one key message - the MUA has zero tolerance for harassment, bullying and violence in the maritime workplace.

The Union's success rests firstly on mutual respect and tolerance for each other. Everything else follows.

In Unity



Paddy Crumlin
MUA National Secretary

What is workplace harassment?

Harassment is a form of discrimination. It is workplace or work-related behaviour by an individual or a group of people that offends, intimidates or humiliates a person or a group of people, due to a protected personal characteristic or attribute.

A number of personal characteristics and attributes are protected by federal, state and territory anti-discrimination law, including sex, race, age, disability, marital or relationship status, pregnancy, religious belief, industrial activity, sexual orientation and family responsibilities.

The reasonable person's test is applied when decisions about unacceptable behaviour are being made. The test asks - *would a reasonable person, having regard for the particular circumstances, foresee that the behaviour could offend, intimidate or humiliate the person, or a group of people?*

Examples of harassment could include:

- calling someone racist names in the lunchroom
- humiliating younger workers on the job
- using social media to ridicule a worker's disability
- displaying sexist or homophobic material, and
- graffiti or offensive slogans on clothing worn in workplace facilities.

Harassment is unlawful and individuals can be held accountable for their own behaviour. Your employer is legally obliged to take action to prevent and deal with harassment if it occurs.

What is sexual harassment?

Sexual harassment is a form of discrimination. It is unwelcome workplace or work-related behaviour of a sexual nature that offends, intimidates or humiliates a person or a group of people.

The reasonable person's test is applied when decisions about sexual harassment are being made. The test asks - *would a reasonable person, having regard for the particular circumstances, foresee that the behaviour could offend, intimidate or humiliate the person, or a group of people?*

Examples of sexual harassment could include:

- sexually suggestive comments, jokes, banter or emails
- intrusive questions about a person's private life
- inappropriate staring or leering, or obscene gestures
- requests for sexual favours
- text messages or unwelcome social media contact of a sexual nature
- display of inappropriate objects or pornography in the work area
- unwanted physical contact or attempts at intimacy, and
- stalking, indecent assault or sexual assault.

Sexual harassment could be a single incident. It could also be behaviour between people of the same sex irrespective of their sexual orientation.

Remember, intent or motive is generally irrelevant when people raise concerns about sexual harassment. The issue is not whether you find the behaviour offensive; it is whether there are others who are offended, humiliated or intimidated by your behaviour of a sexual nature.

Some behaviours that might be reasonable, or even flattering in non-work circumstances can amount to sexual harassment at work. This can sometimes make it difficult to know where to draw the line between acceptable and unacceptable behaviours.

If you have trouble knowing where to draw the line with your behaviour, or the behaviour of others, answer the following question honestly:

Would I like to see my sister, brother, daughter, son or partner subjected to these comments or this sexual behaviour ?

If the answer is no, it is probably sexual harassment.

To avoid sexual harassment, DO NOT:

- discuss explicit sexual matters in the hearing distance of workmates
- publicly rank workmates according to your views about their sexual attractiveness
- send pornographic emails or texts to workmates
- use pornographic screen savers on your work computer , or
- have sex or intimate contact with a co-worker while on duty at work.

Sexual harassment is unlawful and individuals can be held accountable for their own behaviour. Your employer is legally obliged to take action to prevent and deal with sexual harassment if it occurs.

What is workplace bullying?

Workplace bullying is giving someone at work a hard time, or using a system of work (such as a roster) to unfairly punish. The behaviour does not have to be based on a personal characteristic. Anyone can be bullied.

Workplace bullying is defined as repeated unreasonable behaviour directed towards a worker or a group of workers, that creates a risk to physical or mental health and safety.

Bullying can include aggressive or threatening behaviour, controlling behaviour, undermining behaviour, intimidating behaviour, excluding behaviour, or a combination of these.

Examples of bullying behaviour could include:

- abusive, insulting or offensive language or comments
- unjustified criticism or complaints
- deliberately excluding someone from workplace activities
- withholding information that is vital for effective work performance
- setting unreasonable timelines or constantly changing deadlines
- setting tasks that are unreasonably below or beyond a person's skill level
- denying access to information, supervision, consultation or resources to the detriment of the worker
- spreading misinformation or malicious rumours
- using social media to stalk and abuse, and
- changing work arrangements, such as rosters and leave arrangements, to deliberately inconvenience a particular worker or workers.

Bullying does not have to come from people above the worker in the workplace hierarchy - it can also come from workmates at the same level or from different areas.

Your employer is legally obliged to take action to prevent and deal with bullying if it occurs.

Workplace bullying is covered in the *Fair Work Act 2009*. This means that a person experiencing workplace bullying can make a complaint to the Fair Work Commission, and the Commission can make orders to stop the bullying.

To avoid workplace bullying, DO NOT

- ostracise workmates because they are hard-working
- play dangerous and humiliating pranks on young workers
- ridicule a person because of their occupation
- damage or remove a workmate's personal possessions or work equipment
- exclude a person from social conversations at work because they don't have the same interests as you (e.g. not "macho" enough)
- make life difficult for workmates from another state, country or culture, or
- refuse to co-operate with, or to assist another worker needing help to do their job.

Bullying can be unlawful and individuals can be held accountable for their own behaviour.

DO NOT assault anyone at work, threaten a workmate with physical violence or carry out such a threat. Such behaviours are criminal offences, and have no place in a modern maritime workplace.

OUR PROMISE

- The MUA will support members who are being subjected to workplace harassment, bullying or violence, regardless of the source of the behaviour.
- The MUA will not tolerate harassment, bullying or violence against members by other members or MUA delegates.
- The MUA will not tolerate delegates abusing their position by granting workplace favours to themselves or their friends. Such behaviour is damaging to the reputation of the MUA.
- The MUA will not give open-ended support to members who have been found by a competent and impartial investigation process to have engaged in workplace harassment, bullying or violence.
- The MUA will not support members who knowingly make false or vexatious complaints about workplace harassment, bullying or violence.
- The MUA will work to ensure that all members are made aware of their rights and obligations regarding workplace bullying, harassment and violence.
- The MUA will ensure that delegates and officials are equipped to handle workplace harassment, bullying and violence issues.
- The MUA will bargain to get workplace harassment, bullying and violence recognised in enterprise agreements.
- The MUA will negotiate a fair and impartial grievance resolution procedure with employers to be followed in cases of workplace harassment, bullying and violence.

Until all of these measures are in place, please seek the advice of your MUA official, officer or organiser on what to do if you are harassed or bullied at work, or you experience violence. If you are accused of harassment, bullying or violence by someone else at work, contact your MUA organiser promptly.

REMEMBER: THE MUA HAS ZERO TOLERANCE FOR HARASSMENT, BULLYING AND VIOLENCE IN THE MARITIME INDUSTRY