

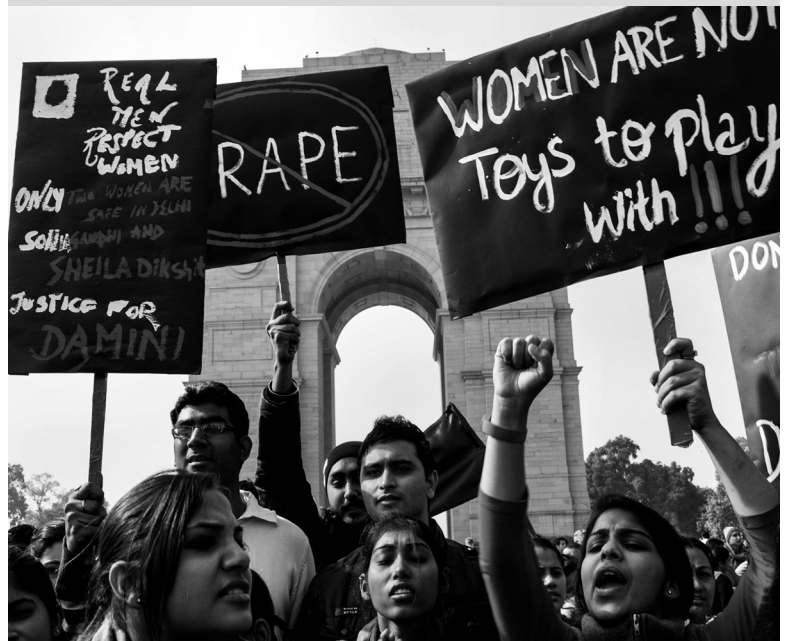
# IDS Bulletin

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## COLLECTIVE ACTION FOR ACCOUNTABILITY ON SEXUAL HARASSMENT: GLOBAL PERSPECTIVES

Editors Mariz Tadros and Jenny Edwards



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# Uniting Against the Tides: Filipino 'Shefarers' Organising Against Sexual Harassment\*

Lucia Tangi<sup>1</sup>

**Abstract** In the Philippines, seafaring has been associated with men since the sixteenth century. However, in the 1990s, Filipino women started to enter this male-dominated world. But it has not been smooth sailing. Based on interviews with Filipino women seafarers, this article shows how they have experienced various forms of sexual harassment from their male colleagues and senior officers. Women seafarers who have been victims of sexual harassment have been unable to file complaints against their aggressor/s because of technical difficulties in pursuing a case, especially when the incidents happen on board international ships and the perpetrators are foreign nationals. This article discusses how a group of Filipino women seafarers have decided to organise to fight sexual harassment. With the setting up of a women's committee of the male-dominated seafarers' union, women 'shefarers' have started talking about verbal and physical sexual harassment in order to raise awareness of the problem.

**Keywords** Filipino female seafarers, gender and seafaring, promoting anti-sexual harassment, accountability and sexual harassment.

## 1 Introduction

On 8 March 2019, a crowd of around 200 seafarers, journalists, and maritime students attended an International Women's Day event for the Association of Marine Officers and Seafarers' Union of the Philippines (AMOSUP), the biggest seafarers' union in the Philippines, with around 130,000 members. The Philippines' first female merchant marine captain, Jasmine,<sup>2</sup> 36, disclosed to this gathering,

*When I first boarded a ship as a cadet, my father advised me to befriend the cook so I will never go hungry on board. So I did follow his advice. But one night while I was asleep, the cook whom I trusted, tried to insert his finger between my legs,*

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*but I just kept quiet because I didn't know what to do since I was only 17 years old then. (Captain Jasmine, 8 March 2019)*

Captain Jasmine had not told anyone, not even her closest friends and family members, about the sexual assault. It took her 19 years after the incident took place to finally open up to the president and vice president of AMOSUP. At that time, she was deeply involved in setting up AMOSUP's women's committee and had heard about other forms of harassment.

At the International Women's Day event, Captain Jasmine encouraged her fellow 'shefarers', or female seafarers, to open up and seek advice if they experience sexual harassment and bullying. 'I belong to the first batch of women cadets and there was no one that I could go to for advice on a woman's life on board', Captain Jasmine explained.

The experience of Captain Jasmine shows the vulnerability of Filipino female seafarers to sexual harassment. In the ten years I have been doing research on women seafarers, I have heard of different types of sexual harassment; namely, verbal, physical, and sexual in nature. Every 'shefarer', regardless of rank or position in the ship's hierarchy, is vulnerable to sexual harassment. How can these women be protected from sexual harassment, especially when they have to work on board a ship with an all-men crew for at least six months at a time? This article describes the types of sexual harassment that Filipino women face while working on board international ships. It also aims to trace how female seafarers have started to organise in order to address the problem.

## **2 Methodology**

Data and narratives on female seafarers have been absent in the media and maritime literature in the Philippines for a long time. Although women began joining the industry from the 1990s, they were invisible and unrecognised by society. The term 'seaman' is used more often than the term 'seafarers' because most people equate seafaring with men. The empirical data and narratives cited in this article are based on my research from July 2008 to March 2019. Almost 100 female seafarers and cadets were either interviewed or invited to participate in focus group discussions. Around 50 male key informants from crewing agencies, government agencies, trade unions, and maritime schools were interviewed and invited to focus group discussions. Secondary data were based on recent literature on Filipino seafarers, policies on the deployment of seafarers, and the law on anti-sexual harassment.

Most of the narratives on sexual harassment are from face-to-face interviews with female seafarers. In a number of cases, the interviews turned out to be an opportunity for the female seafarers to speak about their experiences for the first time. Getting Filipino female seafarers to talk about their experiences

of sexual harassment is a challenging task. First, Philippine culture has constructed women to value their honour and they prefer to remain silent on anything that may be seen to tarnish or defame this. Second, since female seafarers spend a large amount of their time at sea, it is quite difficult to communicate with them especially when there is not a stable internet connection on board. When they are on shore it is also a challenge to schedule an interview because they are often busy meeting family members and friends, attending trainings, and preparing for their next shipboard employment.

### **3 Context: women working in a sea of men**

During the Spanish colonial period in the Philippines, women did not attend school and worked inside the home. So, when the Philippines' first maritime school, the Escuela Nautica de Manila was founded on 15 April 1820 through Spanish Royal Decree (Abutal 2000), only male students were accepted. The maritime school provided seafarers for ships involved in the galleon trade between Spain, Mexico, and the Philippines (*ibid.*). The school has changed its name and location several times over the past 200 years. In 1963, it was renamed the Philippine Merchant Marine Academy (PMMA) by virtue of Republic Act No. 3680 (*ibid.*). In response to calls for gender equality and women's empowerment in military schools, the PMMA finally opened its doors to women cadets in 1993.<sup>3</sup> In 1998, another elite maritime school, the Maritime Academy of Asia and the Pacific (MAAP) was established and started welcoming women from day one.<sup>4</sup> The country's first female captain and first female chief engineer both come from MAAP.

Female seafarers work in three roles: as officers, as ratings (the maritime term for skilled personnel), and as non-marines who usually work on passenger vessels as cabin stewards, waiters, and launderers. Female seafarers in non-marine jobs started working on board passenger vessels in the Philippines in the 1980s (Tangi 2016). Female officers and ratings started to join the seafaring industry from 1997. This long absence of women has resulted in the social construction of the seafaring industry as 'man's turf'. Although more and more Filipino women are joining the seafaring profession, they remain a minority in the industry. In 2017, there were 17,101 female seafarers – 3.8 per cent of the total 449,463 Filipino seafarers deployed during that year.

### **4 Types of sexual harassment**

Over the ten years of my research, I have held face-to-face and online interviews with approximately 100 female seafarers and maritime students, and most of them have experienced some form of sexual harassment. The different types of sexual harassment encountered/experienced by seafarers include verbal, non-verbal, and physical.

Verbal forms of sexual harassment are perhaps the most common. Female seafarers experience comments about their

bodies, usually their legs or breasts. Some female seafarers complained of supervisors who either repeatedly asked them out or invited them to their cabins, even though they made it clear they were not interested. For instance, marine Engineer Monique, who was then 22 years old, was invited by a cargo ship captain to his office. Instead of talking about engineering matters, the captain bluntly told Engineer Monique: 'There is something in you. I really like you.' But Engineer Monique replied: 'Sir, I came on board to work and not to look for a boyfriend' (Tangi 2016).

The Philippines' first female chief engineer, Nina, also experienced verbal sexual harassment. A chief engineer invited her to watch television in his cabin. Engineer Nina, who was then a junior engineer, turned down the invitation. 'I warned him he would get nowhere with me', she told this author in an interview in 2016 (Tangi 2016). Engineer Nina also received an indecent proposal from a chief mate – the officer next in line to the captain – who directly asked Engineer Nina how much she wanted in exchange for paid sex. 'This [officer] thought that all Filipino women are cheap', she said in the same interview (*ibid.*).

Female seafarers also experience non-verbal forms of sexual harassment. A female captain told me in an interview in 2015 (Tangi 2016) that a fellow female crew member had complained that a male crew member had stolen her underwear.

Physical forms of sexual harassment also happen on board, and Captain Jasmine's experience is an example of this. At the 8 March 2019 International Women's Day event, Captain Jasmine said that she recently learned about a female engineer who complained about a colleague who had masturbated in front of her. The female engineer reported the incident to her immediate supervisor, the chief engineer, who replied: 'What can you do? It's a man's world.'

Based on interviews and focus group discussions, Filipino female seafarers either directly experience or come across incidents of sexual harassment on board regardless of their rank. A female chief engineer said in an interview that female students in maritime schools often get a briefing from their male supervisors on what to expect on board and what clothes to pack in order to ensure a safe shipboard journey.

Sexual harassment on ships is all about power. In a number of cases, the perpetrators are senior officers such as the captain, chief mate, chief engineers, and department supervisors who target junior officers and rank-and-file crew such as waiters, cabin stewards, and utility personnel. There have been cases where married Filipino men have preyed on lower-ranked female Filipino colleagues, especially single women. The intersection of race, gender, and class is also apparent in a number of cases. The cases of Engineer Monique and Engineer Nina are clear

examples of how higher ranking male officers would impose their power through sexual harassment.

Male seafarers also experience sexual harassment. During focus group discussions conducted in 2015 at the PMMA, a male cadet shared that he had been sexually harassed by an officer serving as his supervisor during his year-long cadetship. The cadet, who was graduating at the time of the focus group discussion, said that the supervisor had rubbed his body onto his. Although the PMMA cadet felt that he had been sexually harassed, he had decided not to file a complaint with the ship's captain.

When I started my research voyage on women seafarers in July 2008, I met April, a young female cadet from MAAP. She had just returned from a year-long shipboard training on board an international ship. She was the only woman out of the 23-member crew and for 12 months she had to devise a number of strategies in order to avoid being sexually harassed or molested by her male colleagues. Being surrounded by male seafarers and cadets who were raised in a patriarchal society and educated in maritime schools that reinforce and recreate that patriarchy was perhaps one of the major challenges that April had to face. In order to protect herself, she had to conform with the masculine culture of seafarers in both dress and how she acted. She had to sacrifice her hygiene in not taking a bath for several days, and not brushing her teeth regularly. When asked what tips she could give to fellow female cadets and seafarers to avoid harassment, she said:

- 1 *Never drink alcoholic beverages. Once you drink, the other party... might take advantage of you.*
- 2 *Don't accept drinks that have been opened. They might put sleeping tablets in your drinks.*
- 3 *Disguise. When I boarded, I had short hair. My clothes were crumpled. They would tell me to take a bath.*
- 4 *I seldom brushed my teeth to turn them off.*
- 5 *I did not shave my underarms. Every time I changed my shirt, they see my unshaved underarms and tell me that I was disgusting. Sometimes they even volunteered to pluck my armpit hair.*
- 6 *I always wore loose shirts.*
- 7 *Be one of the boys. If they have green jokes, I just ride with their jokes.*
- 8 *Don't report to seniors when you are off duty because they might have another agenda. Report to your seniors the following day.*

9 *Learn to say NO to the sexual advances of your male colleagues.* (April, interview, 1 August 2008, as cited in Tangi 2012: 121)

Some women also try to isolate themselves from the rest of the crew and become antisocial.

*I have heard about how married men usually prey on single women on board from my brother so I totally became anti-social. After my work, I just stayed inside my cabin and did not attend parties or socialisation activities with other Filipinos. That was the best way to prevent getting involved in sexual affairs* (Utility woman, as cited in Tangi 2012: 122).

Giana, 51, who had worked as a photographer on board cruise ships for 11 years, said the company she worked for delivered briefings on sexual harassment on board and that it imposed disciplinary measures against perpetrators. Despite the company's zero tolerance for sexual harassment, Giana recalled that she was aware of some cases while she was on board.

*Yes there are cases [of sexual harassment] committed by those in position. Women who are new are vulnerable. There is no particular nationality targeted. All women who are new on board are equally vulnerable to sexual harassment.* (Giana, interview, 2 February 2018)

Giana recalled that the cruise line did not tolerate sexual harassment and there had been instances when perpetrators' employment was terminated.<sup>5</sup>

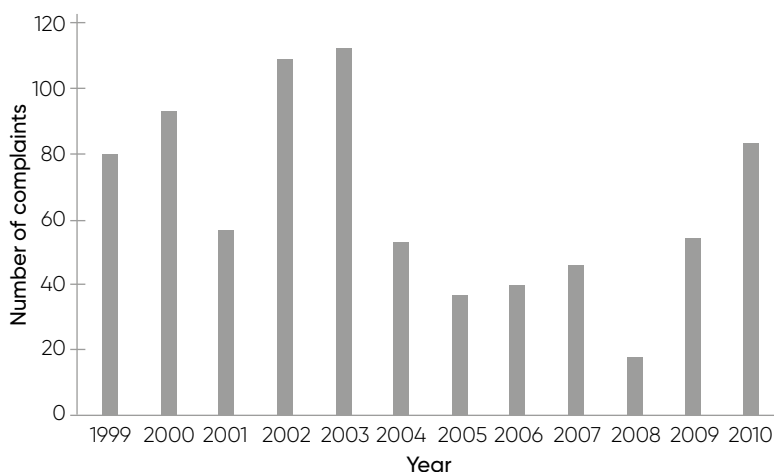
### **5 Nature of collective action: AMOSUP forms women's committee**

The enactment of Republic Act 7877: Anti-Sexual Harassment Act of 1995 (RA 7877) was celebrated by women's groups as a landmark legislation (Philippine Commission on Women 2009). 'The enactment of this law is, by itself a positive development for Filipino women who had long advocated for the recognition of sexual harassment as a serious problem and the adoption of legal and other measures to address it' (Ursua 2001: 4). The law declared unlawful all forms of sexual harassment in the employment, education, or training environments, both in the public and private sectors. The policy emphasises:

The State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students or those undergoing training, instruction or education (Section 2 RA 7877 Philippine Commission on Women 2009)

The law proscribes sexual harassment committed at work, education, or training-related institutions by an employer, employee, manager, supervisor, agent of the employer, instructor,



**Figure 1** Number of sexual harassment complaints filed with police (1999–2010)

Source Author's own.

professor, coach, trainer, or any other person who has authority, influence, or moral ascendancy over another. RA 7877 identifies the various forms of sexual harassment as: (1) physical, including malicious touching, overt sexual advances, gestures, and lewd insinuations; (2) verbal, such as requests or demands for sexual favours and lurid remarks; and (3) use of objects such as pictures or graphics, letters, written notes, texts via cellular phones with sexual underpinnings. The penalty is imprisonment from one to six months and fines between P10,000 and P20,000 (£141.36–£282.75).

Despite the existence of the law, the number of people filing criminal complaints with the police has remained low. Victims of sexual harassment in the Philippines do not often report the incident. Aquino (1990: 308) explained: 'Women victims are often hesitant to come out. They are often traumatised by their experience and end up suffering in silence.' Data from the Philippine Statistics Authority show that from 1999 to 2010, the average number of complaints filed with police nationwide was only 65 (see Figure 1). The highest number of complaints received by police during the 12-year period was 112 in 2003 while the lowest recorded was 18 in 2008. Even in recent years, the average number of complaints received by the police during 2013–16 was 107 annually. Statistics clearly show that the law has not addressed the culture of silence among the Filipino women who are victims of sexual harassment.

Although seafarers often get a briefing on sexual harassment when they begin work on board, many women are reluctant to file a criminal complaint. Since most of the victims are young cadets, junior officers, and rank-and-file personnel, most of those interviewed said that they were unaware of the proper steps or procedures in filing a complaint while they are on board. Women

seafarers were also worried that they would be ridiculed by the male crew.

Chief Engineer Nina said that women seafarers were also worried about possible retaliation from their harassers who are usually higher in rank. She related that when she was a junior engineer, her chief engineer gave her a poor evaluation when she declined an invitation to his cabin.

Listening to stories of Chief Engineer Nina and other women seafarers made Captain Jasmine realise that sexual harassment was a common problem among women seafarers. This prompted her and other women officers, including Chief Engineer Nina and Captain Maria, to form the core group of AMOSUP Women. The creation of this women's group is a milestone in the male-dominated Philippine seafaring industry. AMOSUP was founded on 11 November 1960 by Captain Gregorio S. Oca who originally set up the Associated Marine Officers' Union of the Philippines, which was composed mostly of licensed crew members from prominent shipping companies. Although the union has accepted female members since the late 1990s, it was only in 2018 that AMOSUP decided to formally set up a women's committee to address women's issues. The union has more than 100,000 members and 5,000 of them are women.

AMOSUP Women has been conducting forums to discuss issues affecting women seafarers and how these problems can be addressed. It has also served as a network which women seafarers can contact if they are victims of sexual harassment. Captain Jasmine said that when she was harassed, she had no 'big sister' in the industry in whom she could confide about her experience. 'We were among the first group of women in the maritime school so we had no women mentors or older sisters to look up to', Captain Jasmine said.<sup>6</sup>

Through the 'sisterhood' formed among the members of AMOSUP Women, Captain Jasmine is hoping that women seafarers who are victims of sexual harassment will break the culture of silence and seek help from other members. Aside from moral support, AMOSUP Women is also willing to provide legal assistance to victims.

### **6 Accountability: stakeholders in the seafaring industry must be held accountable**

Female seafarers, regardless of race and position on board, are vulnerable to sexual harassment. This has prompted a global approach to the problem. The International Labour Organization (ILO) initiated the first comprehensive research on global policies and employment on women seafarers (ILO 2003a). 'Women have to face not only constant scrutiny of their work, but unwarranted levels of sexual harassment and innuendo. This applies to women in both the marine and hotel sectors, and the report contains

some harrowing first-hand accounts' (ILO 2003b). Attempts to introduce an industry-wide anti-sexual harassment policy occurred in 2016 when the International Chamber of Shipping (ICS) and International Transport Workers' Federation (ICS and ITF 2016) issued *Guidance on Eliminating Shipboard Harassment and Bullying*. In the foreword, ILO Director-General Guy Rider said:

Harassment and bullying on board ships can have serious consequences for the physical and emotional health of seafarers, lead to decreased motivation and increased sickness and can compromise cohesive and effective team work. It can also have negative effects for companies, resulting in a deterioration of working conditions and potential organisational, economic and legal consequences (*ibid.*: 4).

The ICS and ITF guidance defines sexual harassment as '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' (2016: 7). The examples of harassment listed in the guidance are very comprehensive and include displaying or circulating offensive or suggestive material; innuendo, mockery, lewd or sexist/racist/homophobic jokes or remarks; unwelcome attention such as spying, stalking, pestering, overly familiar behaviour or unwelcome verbal or physical attention; and unwelcome sexual advances or repeated requests for dates or threats (*ibid.*: 7). The guidance, however, does not recommend sanctions to seafarers found guilty of sexual harassment nor suggest imposing sanctions on member shipping companies. The provisions in the guidance are merely recommendatory and not legally binding.

This article is proposing a more realistic way to increase the accountability of various stakeholders in the Philippine seafaring industry in order to eliminate or minimise incidents of sexual harassment. The *Revised POEA Rules and Regulations Governing the Recruitment and Employment of Seafarers* (POEA 2016), also referred to as the standard contract, is an 88-page document that provides comprehensive detail on the role and responsibilities of various stakeholders, including the principal or ship owner who is usually based overseas, the crewing agency who acts as the *de facto* representative in the Philippines, and the seafarers. Its statement of policy says: 'To provide an effective gender-sensitive mechanism that can adequately protect and safeguard the rights and interests of Filipino seafarers' (*ibid.*: 2).

In the 36-year history of the Philippine Overseas Employment Administration (POEA), the agency in charge of processing the deployment of Filipinos who want to work overseas, it has only received one formal complaint of sexual harassment from a seafarer. According to an agency official, the female seafarer filed a complaint of sexual harassment against a fellow seafarer who stole her underwear while they were on board the same ship.

The case, however, was eventually dismissed because the female seafarer left for overseas employment. Sexual harassment is not among the 26 types of offences punishable under the seafarers' standard contract. However, victims of sexual harassment can still file a complaint 'for gross misbehaviour prejudicial to good order and discipline' or 'abuse of authority' if the perpetrator is an officer or supervisor of the victim (POEA 2010: 36). Both offences carry a minimum penalty of one year's suspension from overseas employment for the first offence and permanent disqualification from overseas employment for a third offence. The impact of a one-year suspension from overseas work can be very harsh especially if the perpetrator is the family breadwinner and also considering the high unemployment rate in the Philippines.

I propose the inclusion of sexual harassment as a punishable offence within the standard contract. Although there may be existing 'related offences' such as 'gross misbehaviour' and 'abuse of power', neither adequately captures the gender aspect and the sexual nature of the offence. Sexual harassment must be defined in the standard contract using the legal definition under the Anti-Sexual Harassment Act of 1995 (RA 7877). This is not at all revolutionary, but it is just a matter of implementing an existing law to apply to seafarers. Including sexual harassment in the standard contract will not only protect seafarers, especially female seafarers, but also increase stakeholder accountability.

Under Section 3 of RA 7877, sexual harassment is committed in an employment environment when:

- 1 The sexual favor is made as a condition in the hiring or in the employment, re-employment or continued employment of said individual, or in granting said individual favorable compensation, terms of conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in any way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;
- 2 The above acts would impair the employee's rights or privileges under existing labour laws; or
- 3 The above acts would result in an intimidating, hostile, or offensive environment for the employee (Section 3 RA 7877, Philippine Commission on Women 2009).

The law also states that sexual harassment is committed by

Any person who directs or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act (Section 3 RA 7877, Philippine Commission on Women 2009).

**Table 1 Requirements for renewal of licence for crewing agencies and principals**

Requirements/penalties	Crewing agencies	Principal/ship owner
Required escrow account with Bangko Sentral ng Pilipinas (Central Bank of the Philippines)	P1,000,000	US\$10,000
Additional escrow for 1–5 cases	P50,000 per case	US\$3,000 per case
Additional escrow for 6–10 cases	P75,000 per case	US\$4,000 per case
Additional escrow for 11 or more cases	P100,000 per case	US\$5,000 per case

Source POEA (2016).

This provision in the law will encourage accountability among seafarers. Onboard, seafarers often brag about their 'sexual adventures', even those involving their female colleagues. Sometimes, seafarers also taunt their colleagues to make sexist comments or do something to annoy or harass a female colleague. However, if the sexual harassment law is included in the POEA standard contract, seafarers may be discouraged from taking part in this bragging and taunting. The standard contract should also encourage seafarers to report to their supervisor if they have heard or witnessed an act of sexual harassment. The government should also introduce gender-sensitivity training to all seafarers and educate them about the anti-sexual harassment law.

Another important provision of RA 7877 is the duty of the employer or head of office in eliminating sexual harassment in the workplace. It states:

It shall be the duty of the employer or the head of the work-related, educational or training environment or institution, to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment (Section 4 RA 7877, Philippine Commission on Women 2009).

If this provision is adopted in the POEA standard contract, it will encourage accountability among ship owners and crewing managers. Section 4 of RA 7877 requires employers to prevent or deter the commission of acts of sexual harassment and this includes the introduction of an anti-sexual harassment policy. Organising gender-sensitivity trainings for seafarers and staff of crewing agencies would also be helpful in preventing sexual harassment. Section 4(a) also requires employers, in consultation with other staff or employees, to promulgate rules and regulations 'prescribing the procedure for the investigation of sexual harassment cases and the administrative sanctions' (Philippine Commission on Women 2009).

Section 5 of the law states that the employer or head of office 'shall be solidarily [*sic*] liable for damages arising from the acts of sexual harassment committed in the employment' (Philippine Commission on Women 2009). This provision would mean that a sexual harassment victim could file for damages against the ship owner and a crewing agency. Accountability on the part of management is enhanced in this provision and could speed up resolution of cases involving multi-racial sexual harassment, if integrated in the seafaring industry. The law is clear that the employer is liable for damages if it fails to prevent or fails to act on a sexual harassment case. Usually, the crew of international ships are multiracial and include Filipinos. In such a case, if a Filipina junior officer filed a complaint of sexual harassment against a foreign national and the ship owner and crewing agency failed to act on her complaint, the former could sue the latter for damages.

A crewing agency's failure to act on sexual harassment complaints would not be cheap. Under the existing POEA standard contract, crewing companies would be required to pay an additional escrow from P50,000 (£714.28) up to a maximum of P100,000 (£1,428.57) per case filed with the POEA. This is on top of the P1 million escrow fund that crewing managers have to deposit with the Central Bank of the Philippines. For instance, if a crewing agency has five cases pending with the POEA for failure to act on a sexual harassment case, it would have to deposit an additional P250,000 (£3,571.43). Ship owners would also not be spared from accountability. For each pending case against a ship owner for its failure to act, it pays an additional escrow of US\$3,000 (see Table 1).

If found guilty of inaction or non-compliance of the anti-sexual harassment law, the crewing agencies and ship owners registered with the POEA could face administrative sanctions such as suspension of their licence or suspension of accreditation for one to two years for the first offence. A female seafarer who is a victim of sexual harassment could also pursue a separate criminal case in the regular court, according to RA 7877.

### **7 Conclusion: sexual harassment-free ships, worldwide!**

The employment structure and working conditions in the seafaring industry in the Philippines are complex. The employment structure is multi-layered because ship owners are not allowed to hire seafarers directly. Under the Philippine Labour Law, ship owners must hire a crewing agency based and registered in the Philippines that serves as their *de facto* representative. Filipino seafarers are hired on a contractual basis from six to nine months. This means that the employment relationship between the ship owner/crewing agency and the seafarer ends at the end of every contract. Therefore, pursuing a previous employer or ship owner over a complaint can be challenging. These complexities in employment structure should not, however, serve as an excuse for the industry's inaction or non-compliance to the anti-sexual harassment law. Based on this research, it is clear that such

complexities can be addressed by enforcing accountability among stakeholders in the seafaring industry.

There is a good chance that anti-sexual harassment provision will be included in the POEA standard contract in the future. Jose A. Kato, director of the Joint Manning Group, an alliance composed of almost 300 crewing agencies in the Philippines, said that the POEA contract is currently under review by stakeholders.

*We are periodically meeting in tripartite for discussions on this. In the latest amendment of MLC 2006 (2016 amendments), there is an inclusion for the prevention and elimination of 'shipboard harassment and bullying', guidelines which have been agreed in tripartite at an international level. This we believe, is all encompassing. I believe it will be included in the new POEA contract. (Kato, pers. comm. 2018)*

Andy Dalisay, editor of AMOSUP's in-house publication, welcomes the proposed inclusion of sexual harassment in the POEA standard contract. He said the union does not have figures on cases of sexual harassment involving members. Dalisay also proposed that anti-bullying should be included in the POEA standard contract because it is a common concern especially on board multi-racial ships (pers. comm. 2018).

The Philippines deployed an average of 12,000 female seafarers in the last three years. They are more vulnerable to sexual harassment because of the prevalence of patriarchy and sexist beliefs in the maritime industry in general. However, some moves are being undertaken by various sectors, including the introduction of an anti-sexual harassment and anti-bullying guide by a group of international shipping companies. Enforcing accountability is just part of the strategies to eliminate sexual harassment on international ships. Half of the struggle must focus on educating stakeholders to respect women and recognise women's rights as human rights. This can be achieved through intensive information campaigns and gender-sensitivity trainings.

A ship free from sexual harassment should be the aim for every seafarer, ship owner, and crewing manager worldwide. The industry, through the International Maritime Organization and the ILO must explore the possibility of requiring all signatories to the 2006 Maritime Labour Convention to enforce accountability (ILO 2006). If the Philippine model is successful, the strategy could be introduced in other countries, especially in those that are major suppliers of seafarers such as China, Russia, and India.

## Notes

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- 1 Lucia Tangi, Assistant Professor of Journalism, University of the Philippines, the Philippines.
  - 2 All names have been anonymised.
  - 3 Interview with PMMA officials, 2015.
  - 4 Interview with MAAP officials, 2015.
  - 5 Interview, 2 February 2018.
  - 6 At the International Women's Day event, 8 March, 2019.

## References

- Abutal, J.Y. (2000) '**The Problem of Recruitment and Retention of Qualified Maritime Educators in Maritime Academies in the Developing Countries: The Case of Philippine Merchant Marine Academy**', unpublished MSc dissertation, World Maritime University, Sweden (accessed 30 August 2018)
- Aquino, B. (1990) 'Women in the Workplace: The Problem of Sexual Harassment', *Philippine Journal of Public Administration* 34.4: 301–10
- ICS and ITF (2016) **Guidance on Eliminating Shipboard Harassment and Bullying**, International Chamber of Shipping and International Transport Workers' Federation (accessed 15 March 2018)
- ILO (2006) **Maritime Labour Convention, 2006**, International Labour Organization (accessed 4 December 2019)
- ILO (2003a) *Women Seafarers – Global Employment Policies and Practices*, Geneva: International Labour Organization
- ILO (2003b) '**Women Seafarers: Fighting Against the Tide?**', 16 October, International Labour Organization (accessed 9 September 2018)
- Philippine Commission on Women (2009) '**Republic Act 7877. Anti-Sexual Harassment Act of 1995**' (accessed 9 September 2019)
- POEA (2016) **Revised POEA Rules and Regulations Governing the Recruitment and Employment of Seafarers**, Philippine Overseas and Employment Administration (accessed 9 September 2018)
- POEA (2010) **Standard Terms and Conditions Governing the Overseas Employment of Filipino Seafarers**, Philippine Overseas and Employment Administration (accessed 13 January 2020)
- Tangi, L. (2016) 'Empowering Filipino Women Seafarers in the Maritime Sector', *UPCIDS Policy Journal* XV.2: 162–98
- Tangi, L. (2012) 'Pinays Aboard: A Study on the General Working Conditions of Filipino Women Seafarers on Board



Ocean-Going Vessels', unpublished master's thesis, University of the Philippines, Quezon City, the Philippines

Ursua, E. (2001) ***Addressing Sexual Harassment in the Workplace: The Philippine Experience***, Bangkok: International Labour Organization (accessed 15 March 2018)

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