Additional Information and Resources

Tall Ships America

Responding to Issues of Sexual Harassment in the Fleet
April 15, 2019

Tall Ships America

Responding to Issues of Sexual Harassment in the Fleet

Tall Ships America commits resources toward raising the issues and facilitating positive discussions toward positive resolutions.

We are clear that safety across the fleet is a priority – that includes the physical, emotional, and intellectual safety for all who participate in our programs and work and volunteer in our industry.

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Responding to Issues of Sexual Harassment in the Fleet

On the heels of #MeToo and rising awareness of sexual harassment across all industries and in a wide range of settings, Harvard Business Review asks the question: **"If 98% of organizations in the United States have a sexual harassment policy, why does sexual harassment continue to be such a persistent and devastating problem in the American workplace?" (**https://hbr.org/2017/05/the-omissions-that-make-so-many-sexual-harassment-policies-ineffective**)**

The answer provided is that sexual harassment is embedded in organizational and national culture where males have historically and traditionally been granted privileges over females.

Addressing sexual harassment requires addressing historical and traditional culture and creating substantial culture change.

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Responding to Issues of Sexual Harassment in the Fleet

Steps we are taking to create a change in our culture:

1. Identify and name the issue in our community
2. Create and implement zero-tolerance policies
3. Design and implement effective training
4. Clarify reporting systems and organizational responses

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Responding to Issues of Sexual Harassment in the Fleet

1. Identify and name the issue in our community

- 2018 Annual Conference discussion
- Survey of the membership
- 2019 Annual Conference discussions
- Presentation of survey results (see attached pdf)

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2. Create and implement zero-tolerance policies

For Example:

- Society for Human Resource Management Harassment Policy
  https://www.shrm.org/resourcesandtools/tools-and-samples/policies/pages/cms_000534.aspx
- Model Policy
  https://www.workplacesrespond.org/resource-library/model-guidelines/
- University of Oregon Respectful Workplace Policy
  https://hr.uoregon.edu/employee-labor-relations/workplace-climate/respectful-workplace-notice

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3. Design and implement effective training

- **Annual Conference 2019**

  #MeToo, Now What? How to Navigate the Choppy Waters of Workplace Harassment
  Jane Kow, HR Law Consultants
  Go Beyond Policy: Addressing Harassment in the Tall Ships Workforce (see attached pdf)
  Deborah Love, Robert Jenkins & Associates Law Firm
  Margaret Huebner, HR Consultant

- **#SafeOutside Toolkit: Combat Sexual Harassment and Sexual Assault**
  https://americanalpineclub.org/safeoutside
- **What is Employment Practices Liability Insurance and Why Should I Carry It?**
  Allen Insurance & Financial White Paper (see attached pdf)
- **Fall 2019 workshop / webinar**

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Responding to Issues of Sexual Harassment in the Fleet

4. Clarify reporting systems and organizational responses

For Example:

- What Managers Should Do When Someone Reports Harassment
  https://www.fastcompany.com/40491803/managers-what-you-should-do-when-an-employee-reports-harassment

- How to Handle a Sexual Harassment Complaint
  https://www.thebalancecareers.com/how-to-address-an-employee-sexual-harassment-complaint-1916862

- Society for Human Resource Management Harassment Complaint Form
  https://www.shrm.org/resourcesandtools/tools-and-samples/hr-forms/pages/1cms_019885.aspx

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Resources and Reading

#MeToo, but #WhatDoWeDoNow?
https://www.diversitybestpractices.com/sites/diversitybestpractices.com/files/attachments/2018/01/metoo_hot_topic_resource_guide.pdf

Tips for Employers
https://www.futureswithoutviolence.org/employers-sexual-harassment/

Workplace Culture
https://www.halpernadvisors.com/sexual-harassment-workplace-culture/

#TimesUp for Sexual Harassment
https://www.donorperfect.com/pdf/timesup.pdf

Sexual Harassment Issues (EEOC)
https://www.eeoc.gov/policy/docs/currentissues.html

Questions and Answers for the Small Employers (EEOC) https://www.eeoc.gov/policy/docs/harassment-facts.html

Putting Humanity into HR Compliance: #MeToo and Confirmation Bias
https://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/putting-humanity-into-hr-compliance-metoo-and-confirmation-bias.aspx

How to Strengthen Harassment Complaint Procedures
https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/strengthen-harassment-complaint-procedure.aspx

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Employee Handbook

“4. SEXUAL HARASSMENT POLICY

The American Sail Training Association has a "zero tolerance" policy on sexual harassment. Sexual harassment is defined as inappropriate comments, gestures, behavior, etc. that may be offensive to, cause intimidation of, or otherwise create a hostile work environment for co-workers, including but not limited to board members, professional members, interns, volunteers, contractors, and vendors.

If you are uncomfortable and feel that you may have been the victim of sexual harassment, you should first advise the source that you find their comments, gestures, and/or behavior unacceptable and offensive if you feel comfortable confronting the offender. Otherwise, notify your supervisor. If the offender continues, you should bring the matter to your supervisor's attention immediately. If your immediate supervisor is the offender, you should bring the matter to the attention of the Executive Director, Chairman of the Board or other Director in whom you feel comfortable confiding.

Any allegations of sexual harassment will be investigated with as much discretion as possible. Disciplinary action will range from counseling to termination as appropriate.”

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Questions and Additional Information

Tall Ships America

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An Industry Survey of Sexual Harassment & Assault in the Tall Ship Fleet

2019

Sponsored by Tall Ships America

A Letter from the Executive Director of Tall Ships America

At the 2018 Annual Conference on Sail Training and Tall Ships the topic of Sexual Harassment in the Fleet was raised, requiring us to confront issues of sexual harassment and dysfunctional workplace culture in the tall ships community. Following that discussion, Dr. Kathleen Moore volunteered to survey the community and analyze the results to move the conversation toward an evidence-based response. The 2019 Annual Conference included an overview of the results, and what follows is the detailed report.

It is difficult to realize that our community does not rise above others as a shining example of positive workplace culture in this regard. It is deeply concerning there are people who work on our ships and in our programs who have experienced sexual harassment in their workplace. We are working as a community to identify the issues and take an evidence-based approach, and working together we are more likely to bring about the cultural changes that eliminate sexual harassment across the fleet.

It is encouraging to hear the discussions demonstrating that programs have anti-bullying and harassment policies. Policies only take us part of the way there. More support is needed across the fleet to know how best to implement policies and to identify and utilize the range of appropriate and powerful options for responding to reports Clear processes and supportive environments are needed so people know how and feel safe to report incidents.

Culture change is hard. The first important step toward culture change is to change the conversation. As a community, we have brought the conversation from the sidelines to the front of the room with language that is explicit and particular. This report provides an evidence base to both inform the conversation and to take it forward.

Tall Ships America commits resources toward raising issues, facilitating positive discussions, and identifying appropriate actions relevant to our industry and community. We are clear that safety across the fleet is our ultimate priority, and that includes physical, emotional, and intellectual safety for all who participate in our programs and work and volunteer in our industry. We need to act together to raise the level of our response so that the culture of our industry can change.

Thank you to Dr. Moore for providing a catalyst for discussion, conducting this survey and presenting this analysis. Thank you to the leaders who were willing to begin the conversation and thank you to the community that has the courage to continue it. Thus begins our voyage toward culture change and – from across the fleet – being the shining example of positive, functional and safe workplaces.

Kris Von Wald, Ph.D.
Executive Director
Tall Ships America

About This Document

Purpose

This survey of experiences of sexual harassment and assault in the tall ship community was issued in response to the General Session on Sexual Harassment and Assault during the 2018 Tall Ships America Conference in New Orleans, Louisiana. Discussions post the 2018 conference stated the need for moving beyond the anecdotal and towards conversations based on data. The purpose of this survey was to collect data on the experiences of members and former members of the tall ships community. It is Tall Ships America's hope that the findings of this report may serve to educate members and assist in the development and enforcement of individual organizational policies regarding workplace harassment and assault.

Survey Instrument

The survey is a modification of the Cornell University Survey of Campus Sexual Assault. The survey instrument design and subsequent data collection was accomplished using Qualtrics, an experience management platform.

Distribution

Dissemination of this survey was performed through networks of members of the tall ships community and was available for three weeks during March and April 2018.

Notes on Analysis

During the time frame of open submission, 419 responses were collected. Respondents were not required to answer every question, with some questions moving respondents forward in the survey depending on an answer. For statistical relevance, a sample size of at least 50 persons must be collected and the survey meets this burden.

Cross-tabulation analysis of specific questions throughout the survey was also performed using Qualtrics and was created in order to understand greater nuance of answers provided. NVivo, a qualitative analytics software, was used to evaluate and organize comments according to discernible themes.

The sample reflected in this report is purposeful, meaning since the survey was issued to a specific community the results are not meant to be generalizable to the public as a whole. However, two national reports on sexual harassment in the workplace were consulted in order to provide greater context to specific findings. Topics of comparison were only performed when topics are comparably measured.

Any specific comments submitted to this survey levying accusations against named individuals or programs were redacted from this report.

Executive Summary

Overall, based on results of this survey, the tall ship industry appears to fall within the normal reporting ranges of sexual harassment and assault as reported generally to the United States Equal Opportunity Commission. Of the survey of aggressive activities, verbal harassment received the highest reporting rate (48%) which is in the normal range of general reporting (45%) to the USEOC as of 2016. The tall ship industry has unique challenges when it comes to comparing results to the general report in that survey respondents reported instances of having been in partnered relationships with shipmates at nearly 90% which is 35% above the average reported to the EOC. However, this measurement was not designed to take away from the results of the survey but to highlight the challenges of social behavior when a person lives where they also work.

Observations

Answering *Yes* or *No* to a question is too binary for the general conversation. Applying cross-tab analysis to certain questions (that is, applying demographic information to who responded either *Yes* or *No*) shows that a population difference is often present.

There were a large number of respondents who answered 'Unsure' to questions asking if they felt they had to tolerate bad behavior, if said behavior interfered with work, or whether they felt a complaint was properly resolved (Qs 14, 22, 28). Not being able to determine if performance was hindered due to harassment is understandable in the often chaotic and fast paced environment of boat work. However, not being able to determine whether one must tolerate behavior at all, or whether a complaint was resolved at all, likely speaks to issues of communication and policy at an organization level. Comments submitted on this topic reflected the feeling of being left out of the process once a complaint was submitted or that the company had no discernible policy or process in place.

Additionally, as harassment and assault are understood to exist on a spectrum from mild to severe, many expressed concerns or confusion over what was a "fireable" offense. In not having an explicit policy in place that clearly states process, some people reported that they refrained from making formal complaints due to not wanting the alleged offender to be fired.

In addition to the responses to specific questions, 143 general comments were submitted and analytically grouped by theme. The following list presents those themes and the number of comments reflecting that theme. Removed from this analysis were comments of appreciation and thanks for issuing the survey.

Comment Themes:

Poor Vessel Culture – 27

Generally abusive, poor work policies, party-like atmosphere

Abusive or Inattentive Captains – 26

Not enforcing known rules, policies, exhibiting lack of leadership, or being the cause of harassment

Describing experiences of having been harassed, assaulted, or raped – 25

Experienced discrimination based on gender or sexual orientation – 21

Experiences or described Microaggressions aboard vessels (implicit harassment) - 21

Expressed concerns over the drinking culture in the fleet – 8

Direct accusations - 7

Reporting discriminatory or harassing behavior due to the respondent being LGBTQ – 8

Wanting to report a problem but confused about Second Hand Reporting – 5

Frustration over lack of general leadership on this issue - 4

Respondent confessing to having harassed or assaulted a shipmate – 3

Respondent experiencing severe Emotional Abuse – 3

Expressing concerns over being young and misreading social cues -2

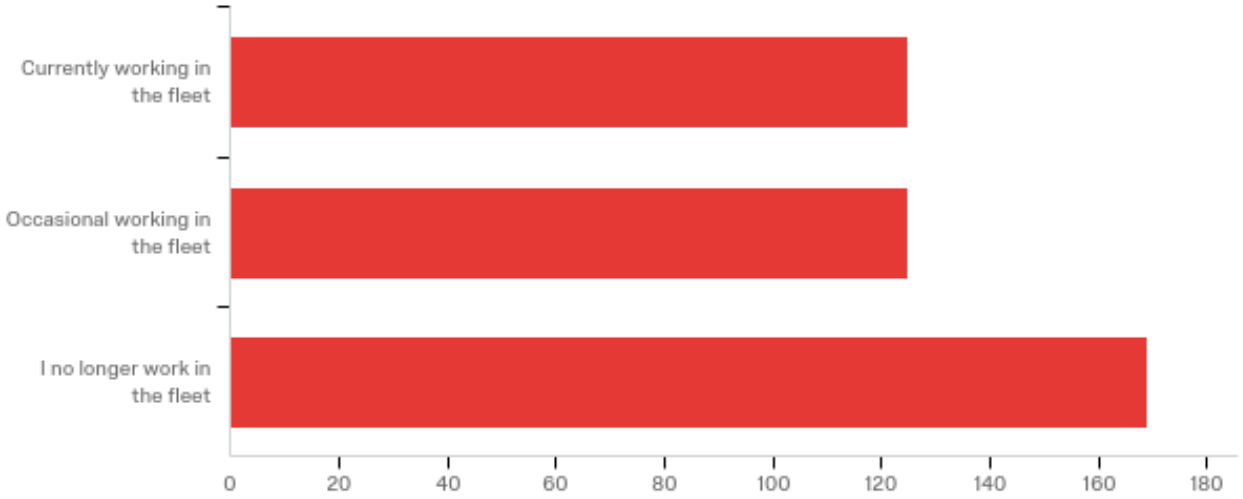
Describing resolved experience – 2

Comment Observations

- Those identifying as men named names, while those identifying as women named organizations
- Men expressed frustration with witnessing this issue and feeling equally disempowered to act against harassment. They also struggle with reporting complaints.
- Many feel organizations either have no policy or the policy is often ignored. This includes organizations and captain not performing background checks
- There is a strong perception of enabling at both the boat level (specifically captains), organizational level, and national where many felt TSA enabled through award being given to known offenders or organizations known to have issues in this area.
- Many understand the issue is complicated by the fact that sailors live where they work and that there is a strong culture of drinking within the fleet.
- Of problematic people aboard a vessel, 18% of respondents reported Guests/Trainees as an issue (USEOC reports 48% in most work places), and that this problem rarely addressed in either organizational policy or verbal instruction by the captain.
- Many described experiences of discrimination, and while TSA recognizes it as an issue, it requires another discussion and survey for analysis.

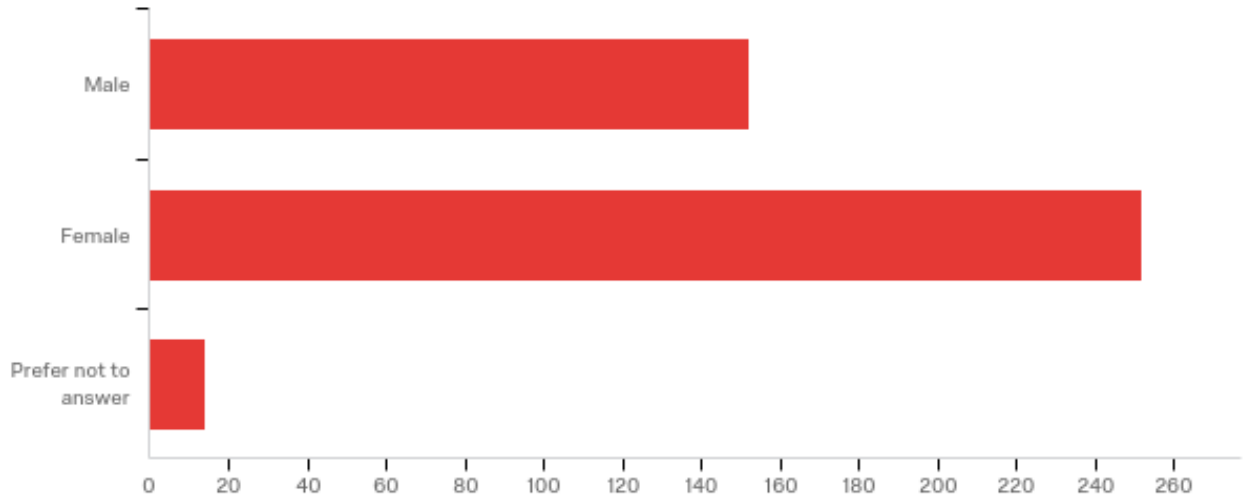
Traditional Vessel/Tall Ship Sexual Harassment/Assault Survey

Q1 - Which of the following best describes your current affiliation on or aboard tall ships?



#	Answer	%	Count
1	Currently working in the fleet	29.83%	125
2	Occasional working in the fleet	29.83%	125
3	I no longer work in the fleet	40.33%	169
	Total	100%	419

Q2 - Please state your gender

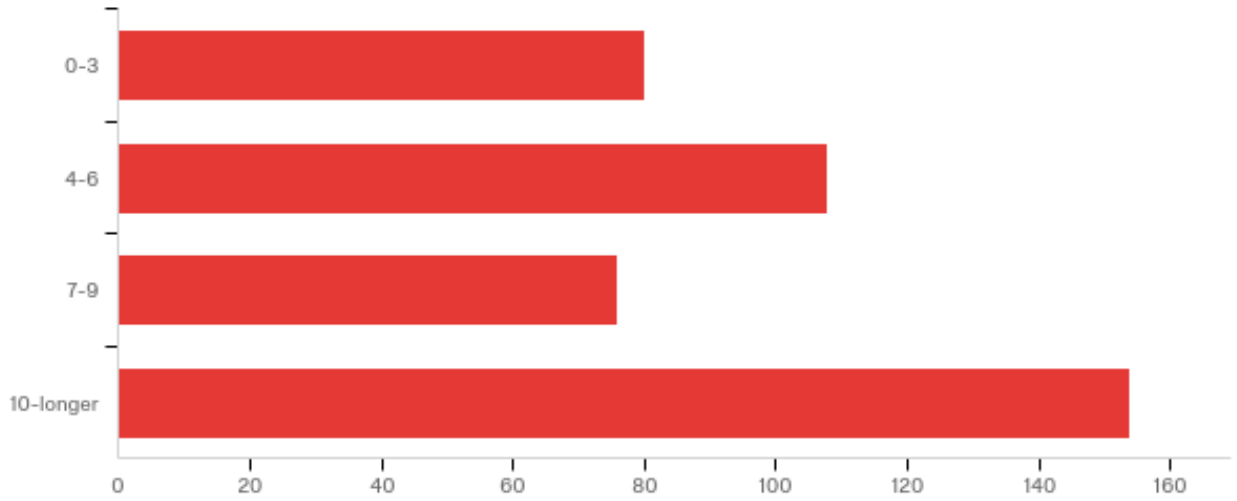


#	Answer	%	Count
1	Male	36.36%	152
2	Female	60.29%	252
3	Prefer not to answer	3.35%	14
	Total	100%	418

Note

This question is pre-programmed within Qualtrics as an efficient insert meant to gather basic demographic information. Comments from respondents remarked on the complex nature of gender how the question, as worded, created difficulty in answering, particularly for respondents identifying as transgender or non-binary. In conferring with the company that owns the software platform, an update was issued allowing for a greater variety in response.

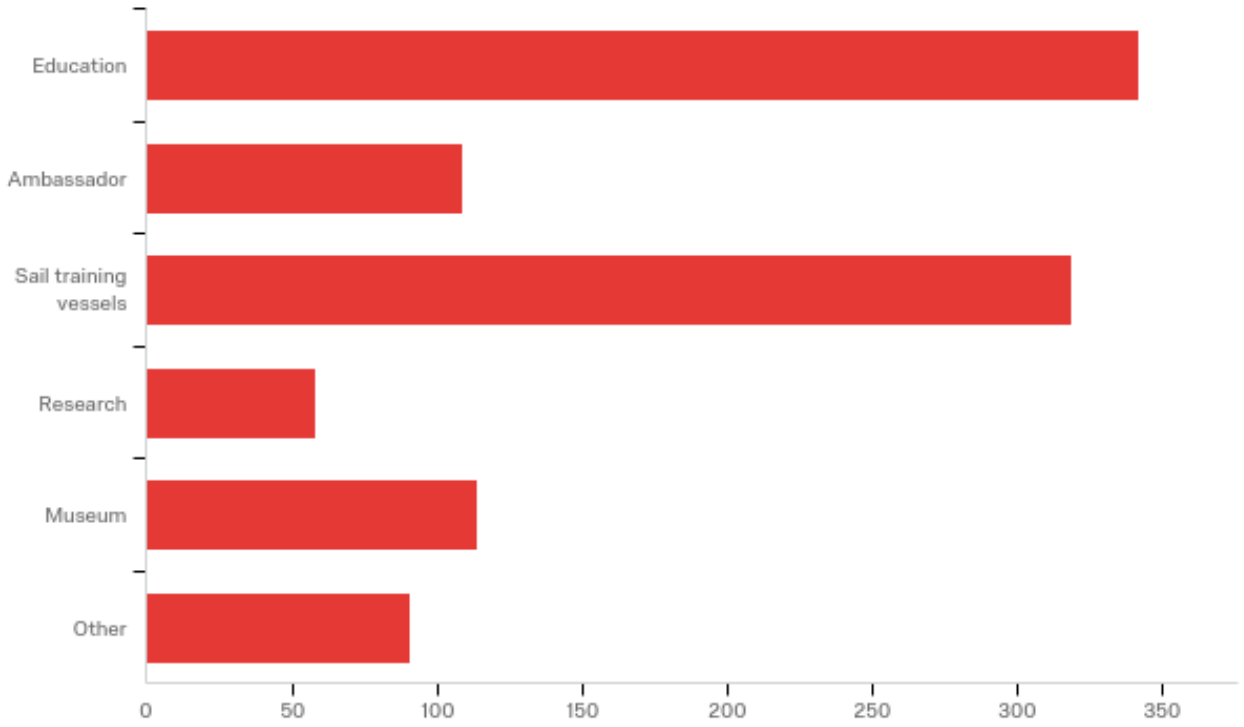
Q3 - How many years have you been sailing on or aboard tall ships?



#	Answer	%	Count
1	0-3	19.14%	80
2	4-6	25.84%	108
3	7-9	18.18%	76
4	10-longer	36.84%	154
	Total	100%	418

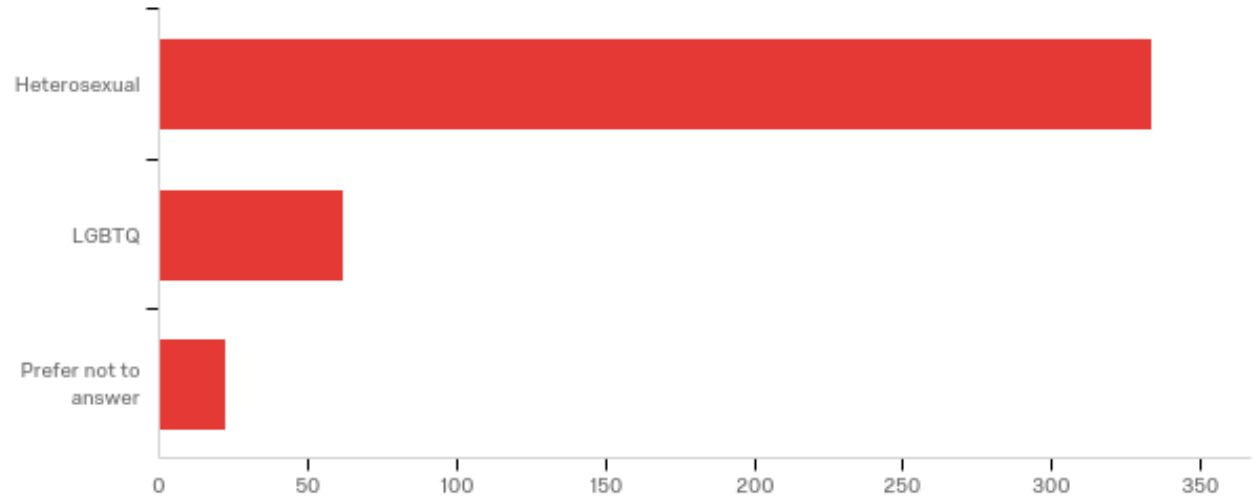
		How many years have you been sailing on or aboard tall ships?					Please state your sexual orientation			
		0-3	4-6	7-9	10-longer	Total	Heterosexual	LGBTQ	Prefer not to answer	Total
Please state your gender	Male	24	28	22	78	152	142	5	5	152
	Female	52	78	51	72	253	191	50	12	253
	Prefer not to answer	5	2	4	4	15	1	8	6	15
	Total	81	108	77	154	420	334	63	23	420

Q4 - What is the main or primary mission of the boat you worked on? Check all that apply



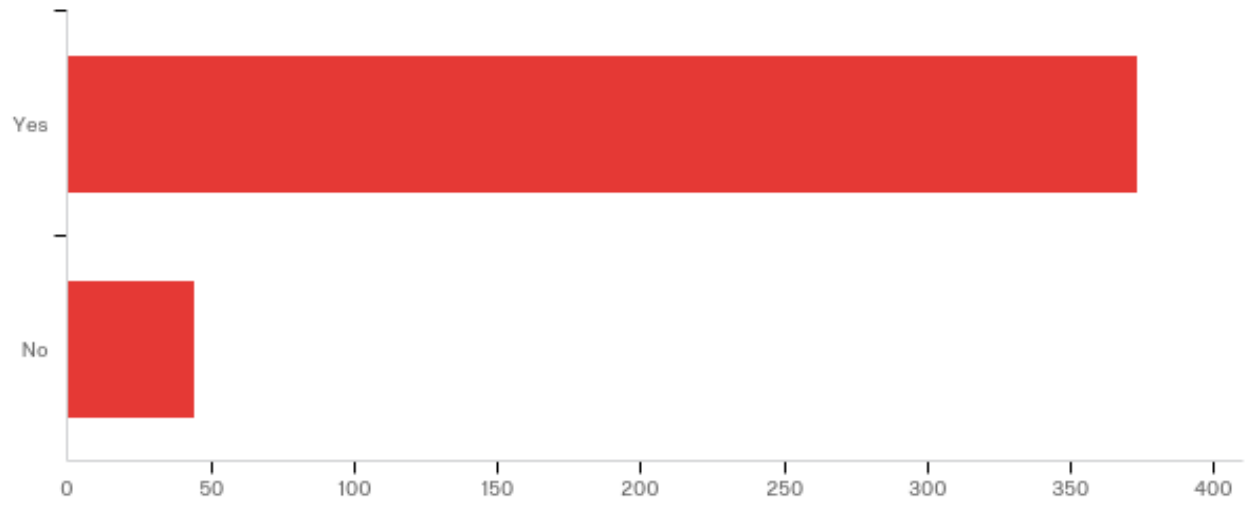
#	Answer	%	Count
1	Education	33.11%	342
2	Ambassador	10.55%	109
3	Sail training vessels	30.88%	319
4	Research	5.61%	58
5	Museum	11.04%	114
6	Other	8.81%	91
	Total	100%	1033

Q5 - Please state your sexual orientation



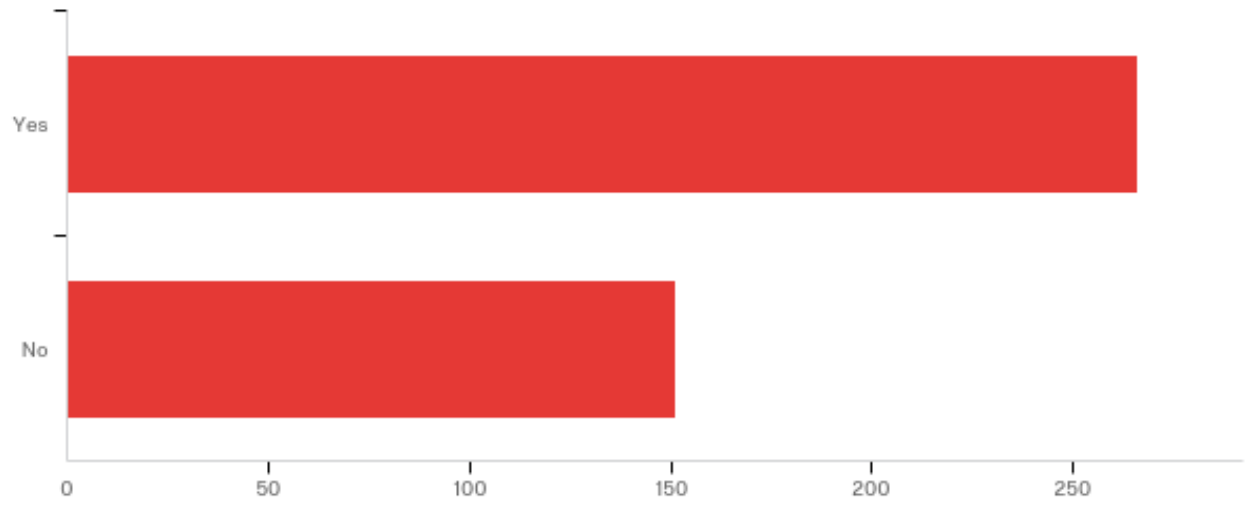
#	Answer	%	Count
1	Heterosexual	79.90%	334
2	LGBTQ	14.83%	62
3	Prefer not to answer	5.26%	22
	Total	100%	418

Q6 - Since you have been sailing on tall ships, have you been in any partnered relationships? Partnered relationships include: a casual relationship or hook-up; steady or serious relationship; and marriage, civil union, domestic partnership or cohabitation



#	Answer	%	Count
1	Yes	89.45%	373
2	No	10.55%	44
	Total	100%	417

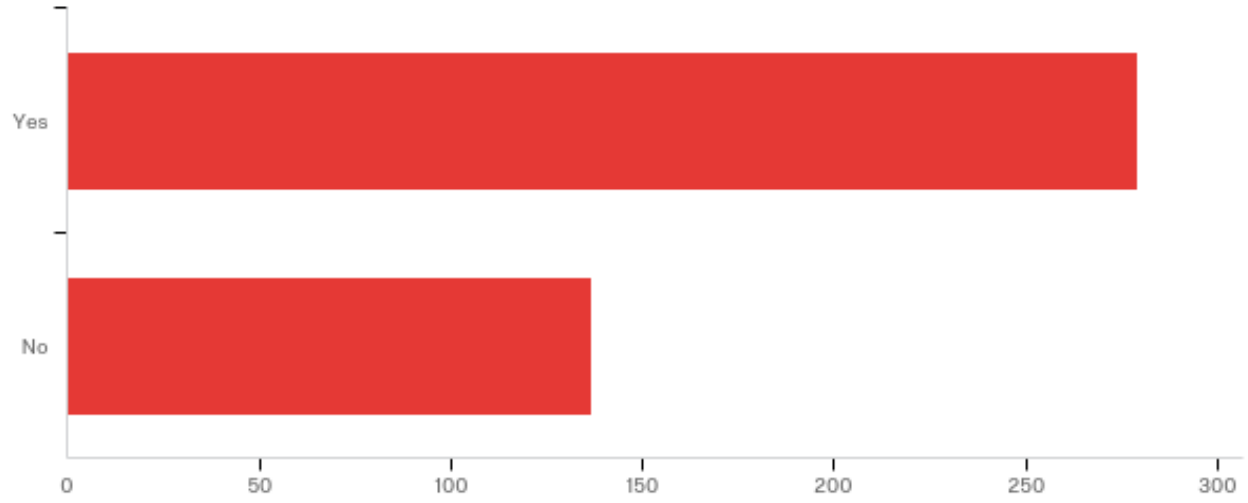
Q7 - While working for tall ships, either in home port, under way, or at an away port, has someone made sexual remarks or told jokes or stories that were insulting or offensive to you?



#	Answer	%	Count
1	Yes	63.79%	266
2	No	36.21%	151
	Total	100%	417

		While working for tall ships, either in home port, under way, or at an away port, has someone mad...		
		Yes	No	Total
Please state your gender	Male	71	81	152
	Female	185	67	252
	Prefer not to answer	12	3	15
	Total	268	151	419

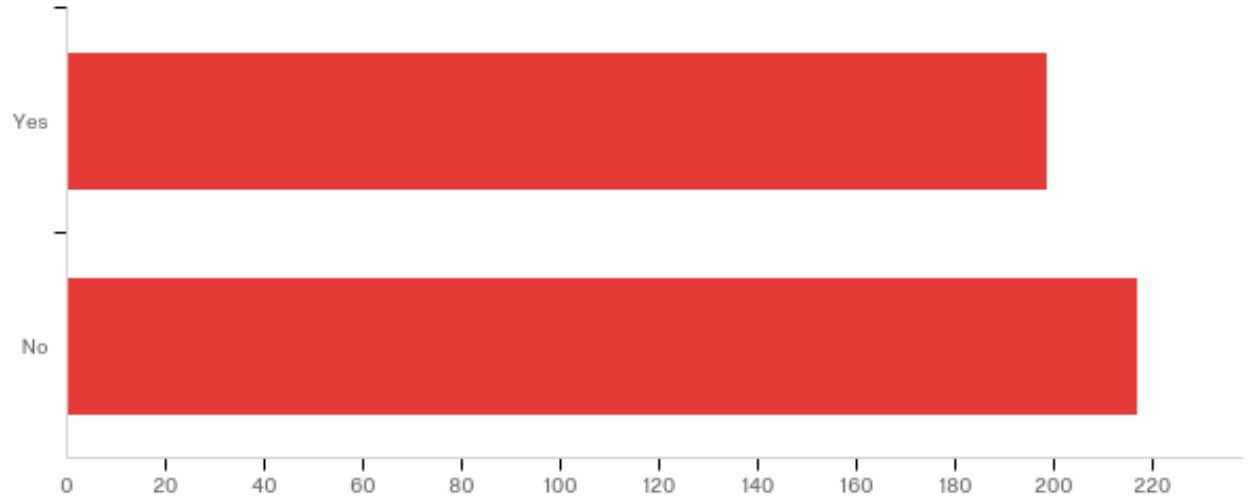
Q8 - Has someone made inappropriate or offensive comments about your or someone else's body, appearance or sexual activities?



#	Answer	%	Count
1	Yes	67.07%	279
2	No	32.93%	137
	Total	100%	416

		Has someone made inappropriate or offensive comments about your or someone else's body, appearanc...		
		Yes	No	Total
Please state your gender	Male	88	63	151
	Female	185	67	252
	Prefer not to answer	8	7	15
	Total	281	137	418

Q9 - Has someone made inappropriate, offensive or threatening comments about your or someone else's gender, sex, sexual orientation, gender identity or gender expression?

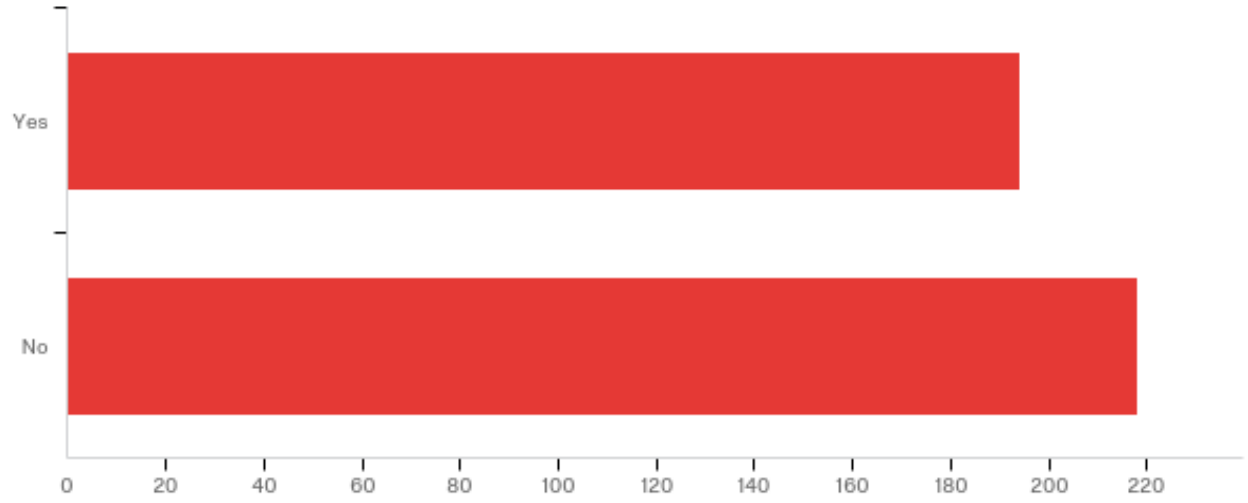


#	Answer	%	Count
1	Yes	47.84%	199
2	No	52.16%	217
	Total	100%	416

Male:

		Has someone made inappropriate, offensive or threatening comments about your or someone else's ge...		
		Yes	No	Total
Please state your gender	Male	58	93	151
	Female	133	119	252
	Prefer not to answer	9	6	15
	Total	200	218	418

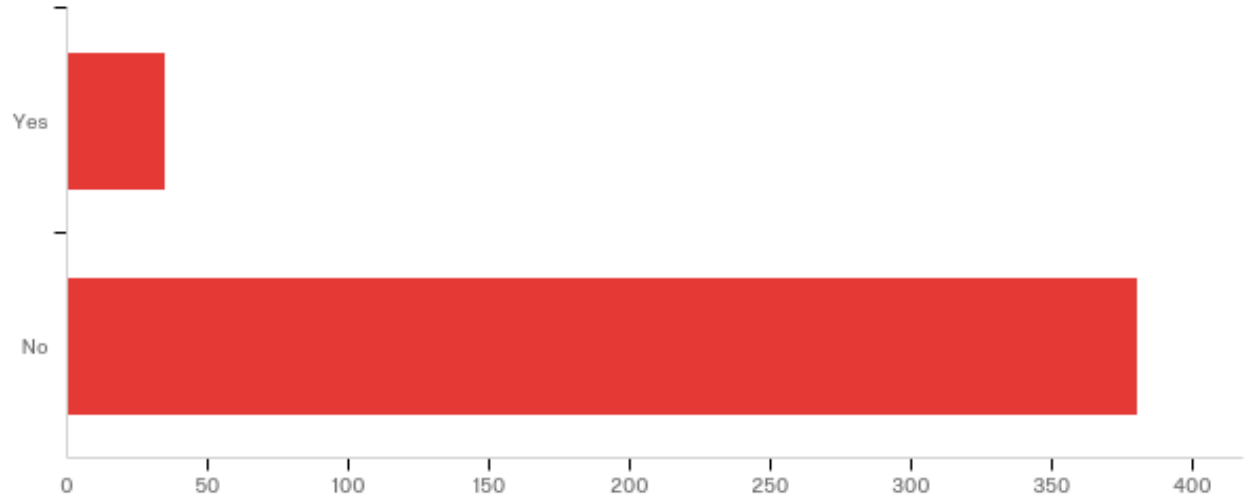
Q10 - Has someone said crude or gross sexual things or tried to get you or someone else to talk about sexual matters when you or they didn't want to?



#	Answer	%	Count
1	Yes	47.09%	194
2	No	52.91%	218
	Total	100%	412

		Has someone said crude or gross sexual things or tried to get you or someone else to talk about s...		
		Yes	No	Total
Please state your gender	Male	56	94	150
	Female	136	114	250
	Prefer not to answer	3	11	14
	Total	195	219	414

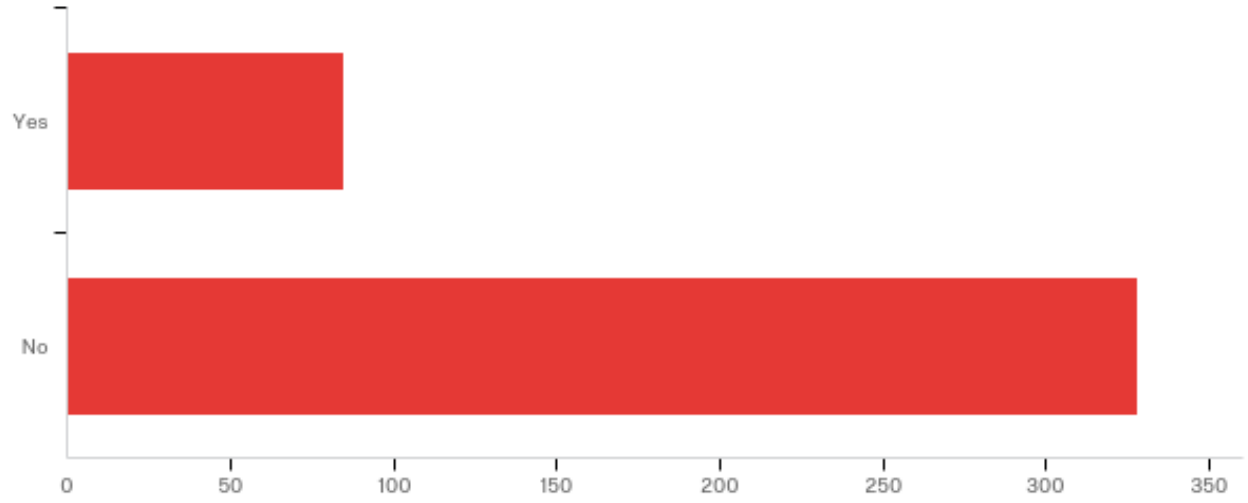
Q11 - Has someone emailed, texted, tweeted, phoned, or instant messaged offensive sexual remarks, jokes, stories, pictures or videos to you that you didn't want?



#	Answer	%	Count
1	Yes	8.43%	35
2	No	91.57%	380
	Total	100%	415

		Has someone emailed, texted, tweeted, phoned, or instant messaged offensive sexual remarks, jokes...		
		Yes	No	Total
Please state your gender	Male	10	140	150
	Female	26	226	252
	Prefer not to answer	0	15	15
	Total	36	381	417

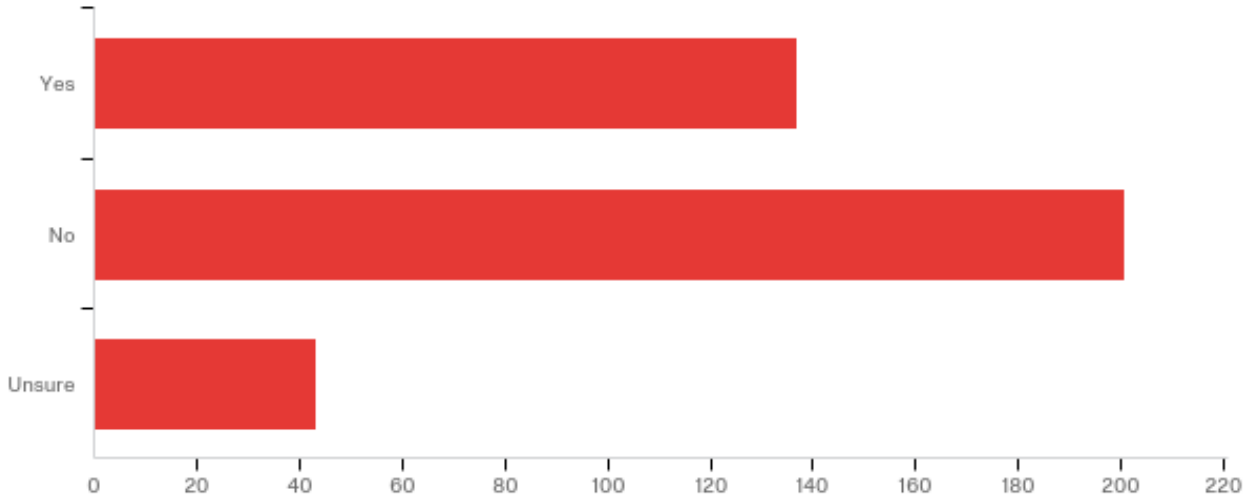
Q12 - Has someone continued to ask you to go out, get dinner, have drinks or engage in sexual activities even though you said, “No”?



#	Answer	%	Count
1	Yes	20.58%	85
2	No	79.42%	328
	Total	100%	413

		Has someone continued to ask you to go out, get dinner, have drinks or engage in sexual activitie...		
		Yes	No	Total
Please state your gender	Male	11	138	149
	Female	72	179	251
	Prefer not to answer	2	13	15
	Total	85	330	415

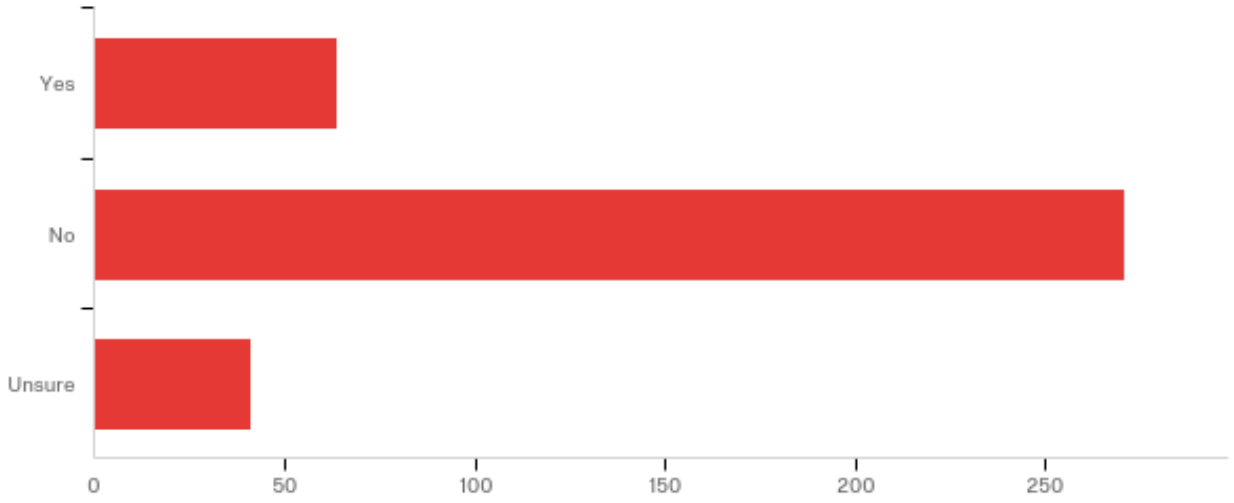
Q13 - If you answered yes to any question 7-12, did you feel that you had to tolerate this behavior or risk jeopardizing employment, or social standing on the crew?



#	Answer	%	Count
1	Yes	35.96%	137
2	No	52.76%	201
3	Unsure	11.29%	43
	Total	100%	381

		If you answered yes to any question 7-12, did you feel that you had to tolerate this behavior or...			
		Yes	No	Unsure	Total
Please state your gender	Male	21	91	17	129
	Female	111	105	23	239
	Prefer not to answer	7	5	3	15
	Total	139	201	43	383

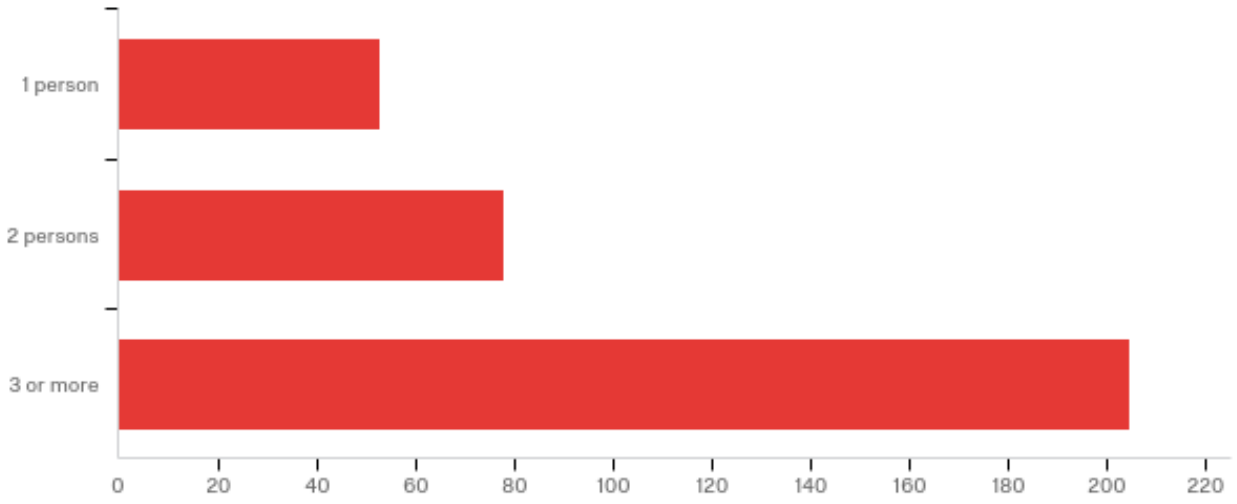
Q14 - If you answered yes to any question 7-12, was this behavior so severe or persistent that it interfered with or affected your work responsibilities?



#	Answer	%	Count
1	Yes	17.02%	64
2	No	72.07%	271
3	Unsure	10.90%	41
	Total	100%	376

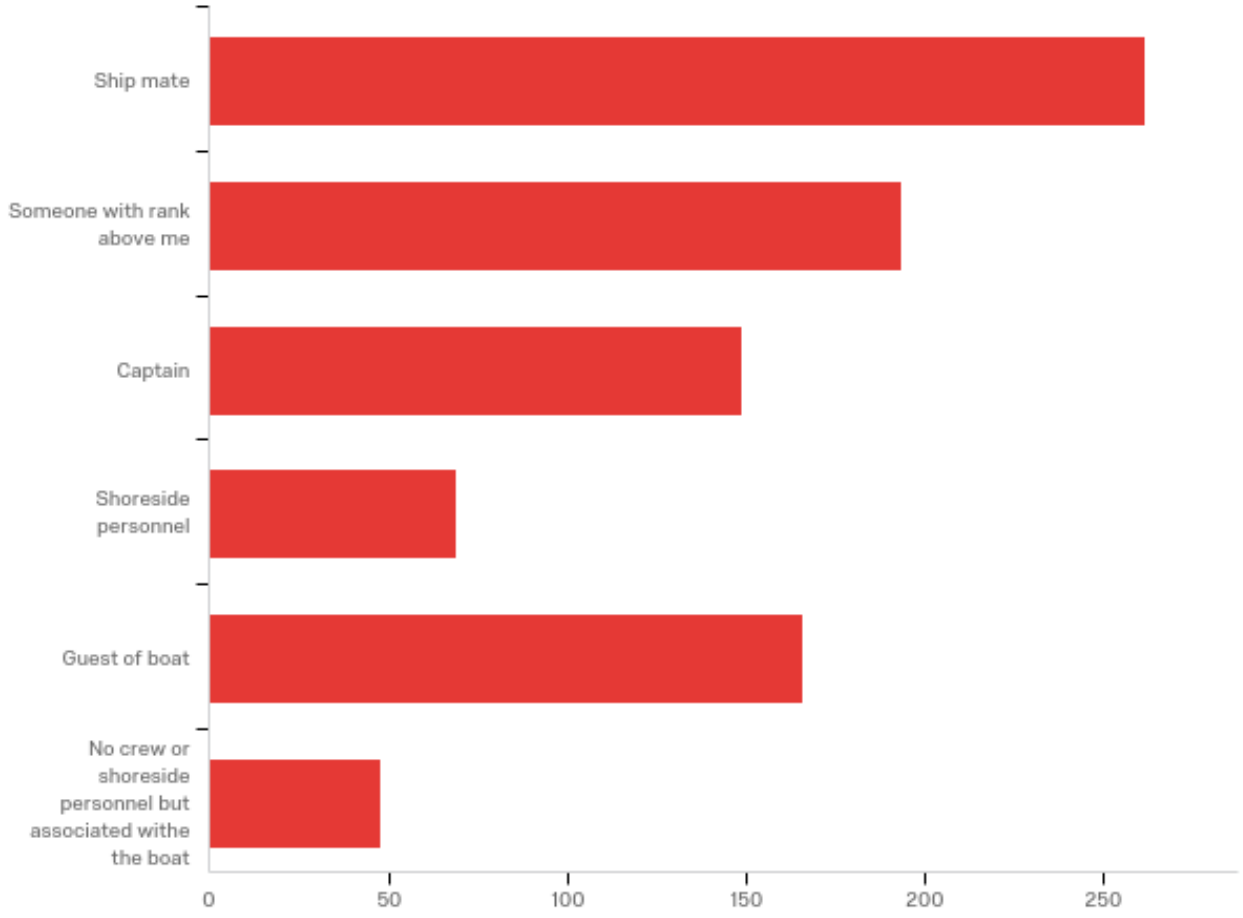
		If you answered yes to any question 7-12, was this behavior so severe or persistent that it inter...			
		Yes	No	Unsure	Total
Please state your gender	Male	10	106	11	127
	Female	51	157	28	236
	Prefer not to answer	3	8	4	15
	Total	64	271	43	378

Q15 - How many people have you encountered that behave this way?



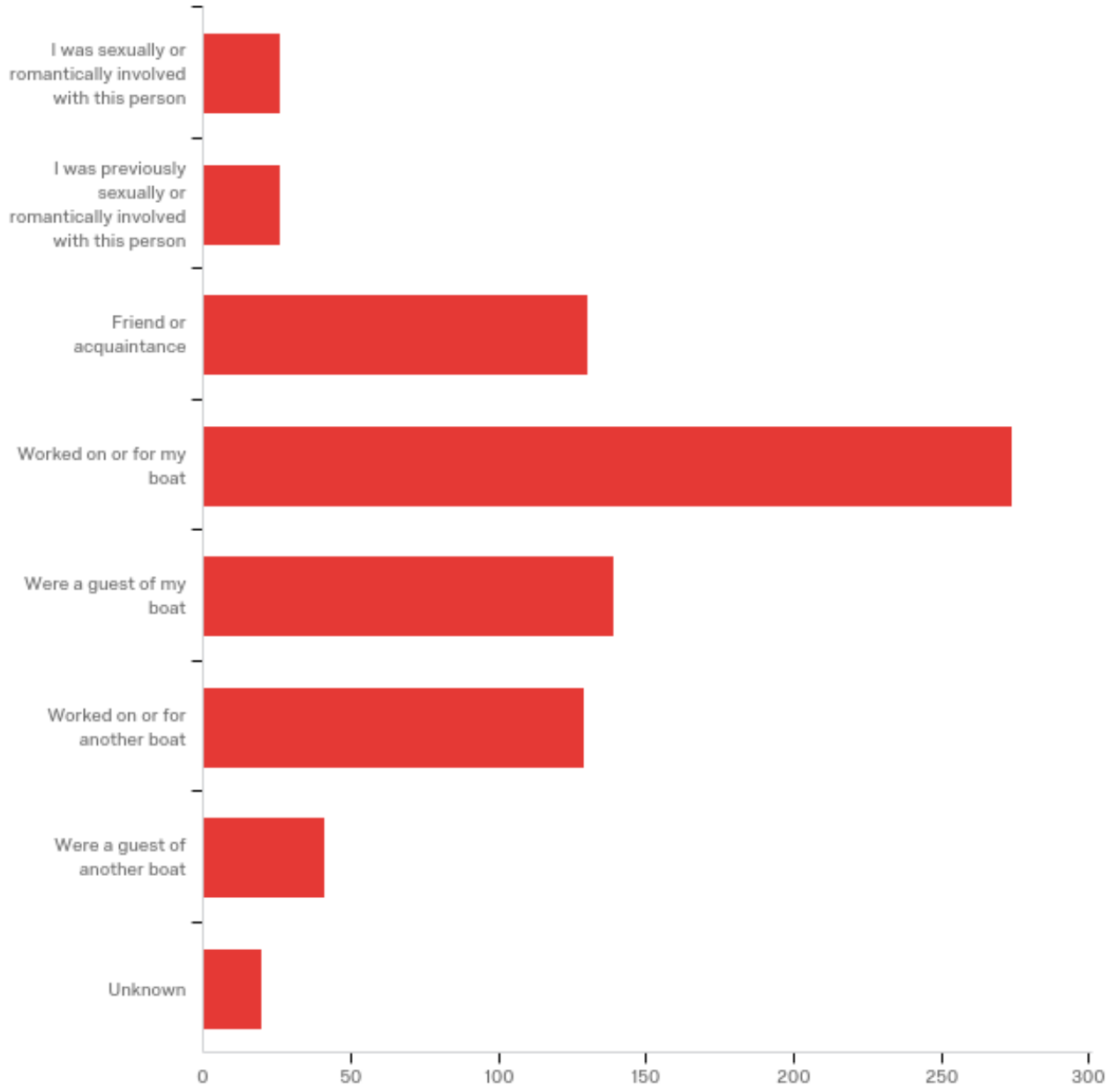
#	Answer	%	Count
1	1 person	15.77%	53
2	2 persons	23.21%	78
3	3 or more	61.01%	205
	Total	100%	336

Q16 - Who were these people in relation to you? Check all that apply



#	Answer	%	Count
1	Ship mate	29.50%	262
2	Someone with rank above me	21.85%	194
3	Captain	16.78%	149
4	Shoreside personnel	7.77%	69
5	Guest of boat	18.69%	166
6	No crew or shoreside personnel but associated with the boat	5.41%	48
	Total	100%	888

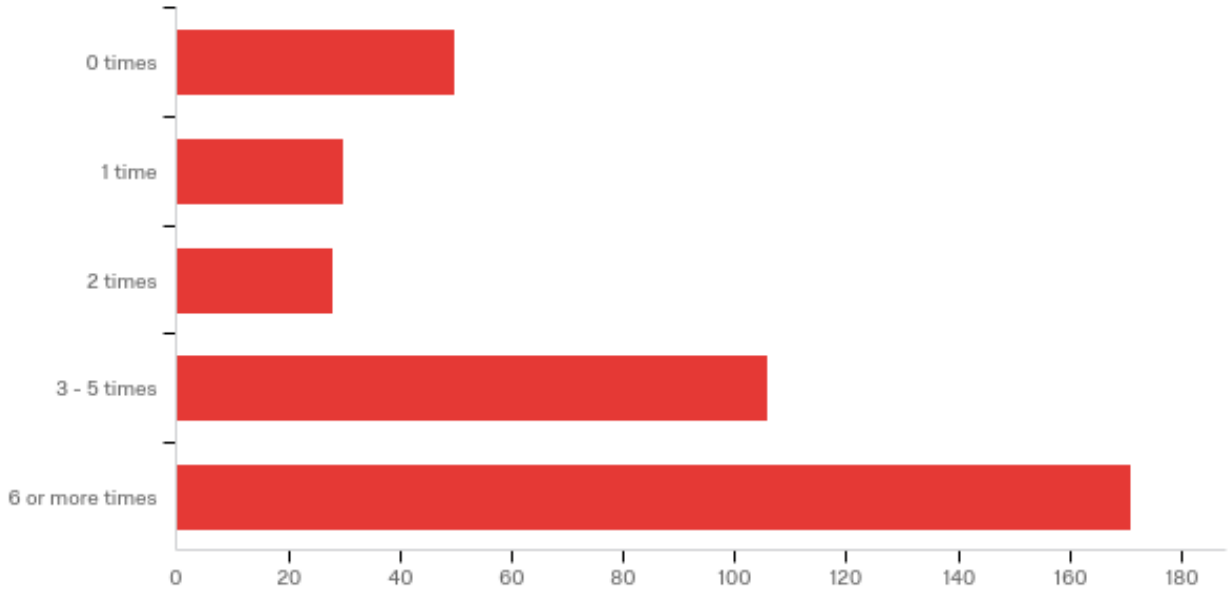
Q17 - At the time of this behavior, what was the person's or persons' relationship to you? Check all that apply.



#	Answer	%	Count
1	I was sexually or romantically involved with this person	3.31%	26
2	I was previously sexually or romantically involved with this person	3.31%	26
3	Friend or acquaintance	16.56%	130
4	Worked on or for my boat	34.90%	274

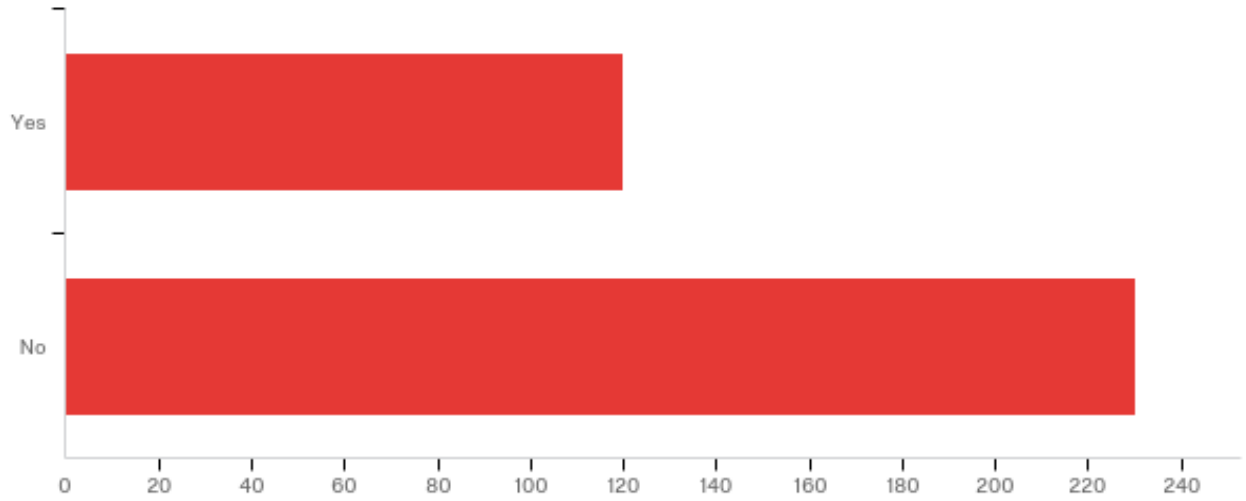
5	Were a guest of my boat	17.71%	139
6	Worked on or for another boat	16.43%	129
7	Were a guest of another boat	5.22%	41
8	Unknown	2.55%	20
	Total	100%	785

Q18 - Since you have begun working on tall ships, how many times have you seen people behave this way?



#	Answer	%	Count
1	0 times	12.99%	50
2	1 time	7.79%	30
3	2 times	7.27%	28
4	3 - 5 times	27.53%	106
5	6 or more times	44.42%	171
	Total	100%	385

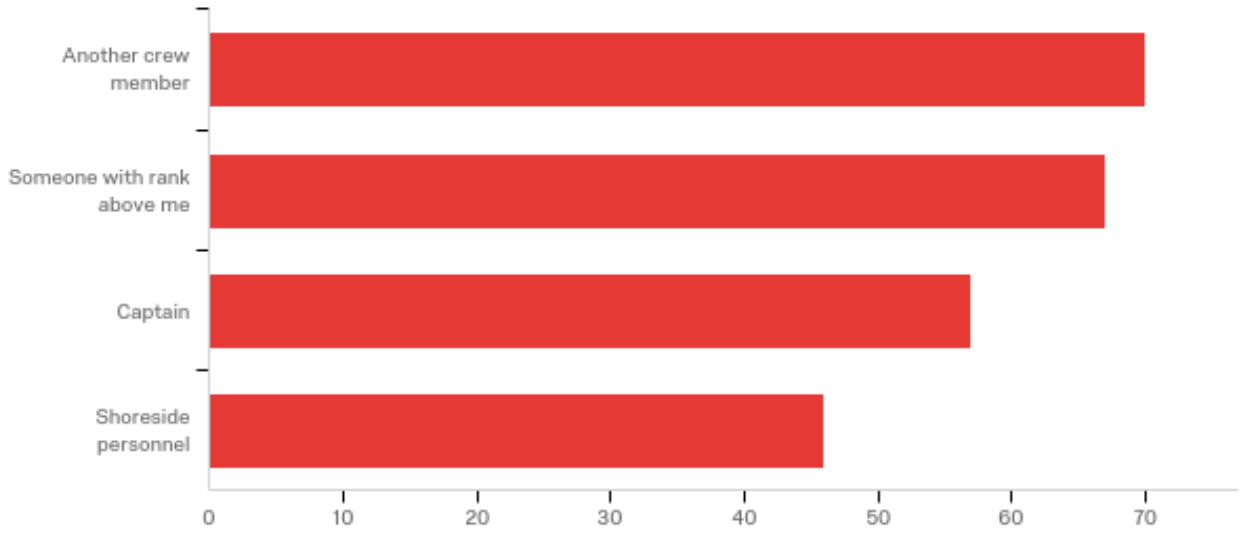
Q19 - If experiencing or witnessing this behavior, did you report it?



#	Answer	%	Count
1	Yes	34.29%	120
2	No	65.71%	230
	Total	100%	350

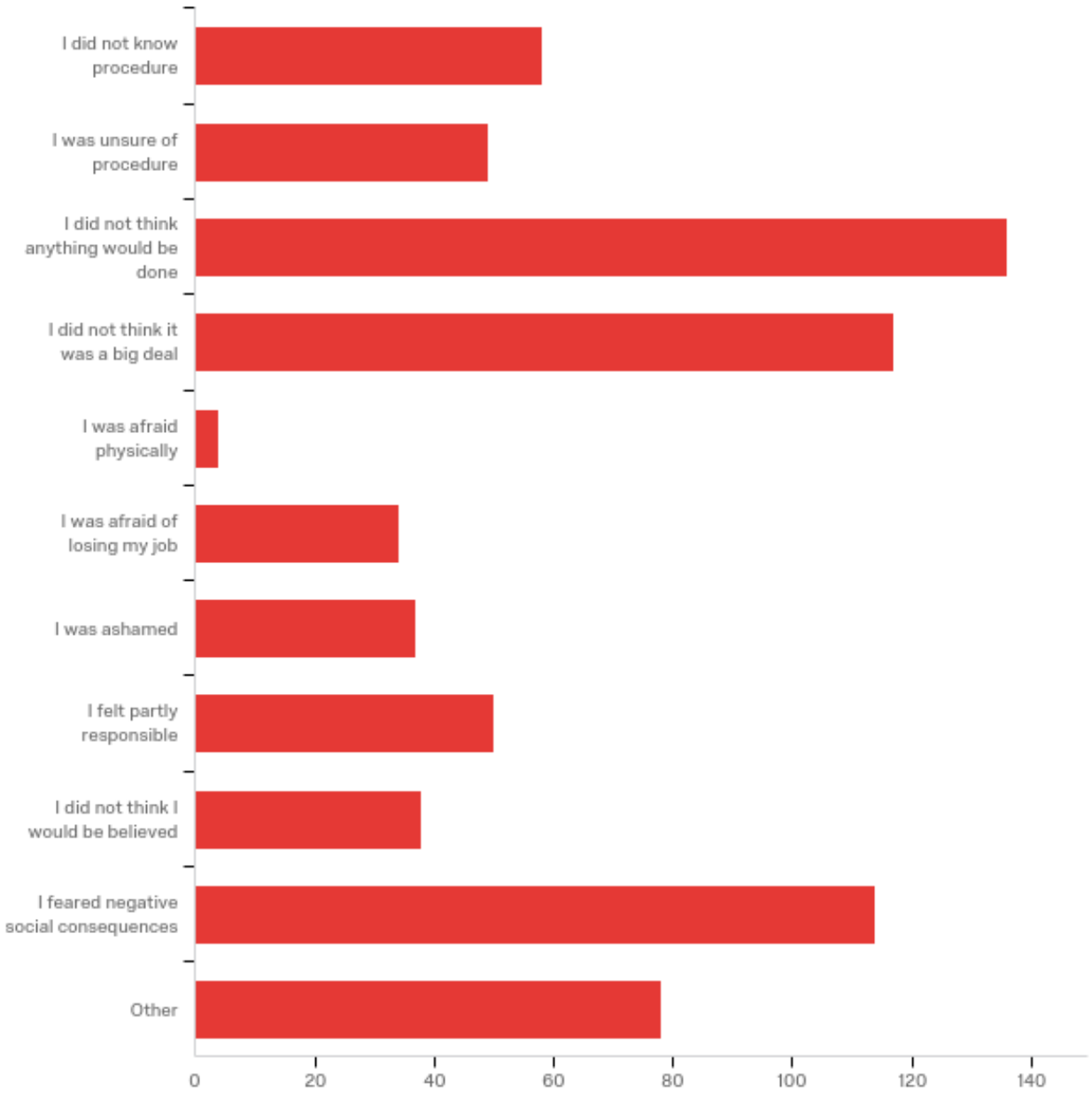
		If experiencing or witnessing this behavior, did you report it?		
		Yes	No	Total
Please state your gender	Male	41	75	116
	Female	73	150	223
	Prefer not to answer	6	7	13
	Total	120	232	352

Q20 - To whom did you report it? Check all that apply.



#	Answer	%	Count
1	Another crew member	29.17%	70
2	Someone with rank above me	27.92%	67
3	Captain	23.75%	57
4	Shoreside personnel	19.17%	46
	Total	100%	240

Q21 - If you did not report it, why not? Check all that apply.



#	Answer	%	Count
1	I did not know procedure	8.11%	58
2	I was unsure of procedure	6.85%	49
3	I did not think anything would be done	19.02%	136
4	I did not think it was a big deal	16.36%	117
5	I was afraid physically	0.56%	4

6	I was afraid of losing my job	4.76%	34
7	I was ashamed	5.17%	37
8	I felt partly responsible	6.99%	50
9	I did not think I would be believed	5.31%	38
10	I feared negative social consequences	15.94%	114
11	Other	10.91%	78
	Total	100%	715

		If you did not report it, why not? Check all that apply.											
		I did not know procedure	I was unsure of procedure	I did not think anything would be done	I did not think it was a big deal	I was afraid physically	I was afraid of losing my job	I was ashamed	I felt partly responsible	I did not think I would be believed	I feared negative social consequences	Other	Total
Please state your gender	Male	12	10	29	46	1	6	2	11	3	20	27	82
	Female	43	36	104	68	3	29	35	39	35	90	45	188
	Prefer not to answer	5	5	5	3	1	0	1	0	0	6	6	11
	Total	60	51	138	117	5	35	38	50	38	116	78	281

Comment Themes

Either Accuser or the Accused was leaving the boat

Felt like it was normal culture for the boat

Was young and did not know how to handle it

Accuser worried about reputation – being labeled as difficult, too sensitive, etc.

Accuser reported other incidents and was not believed

Accuser felt they would not be believed or importance would be diminished

Someone with rank above the Accuser dismissed the complaint

Accuser felt they could handle it on their own

There was no formal procedure

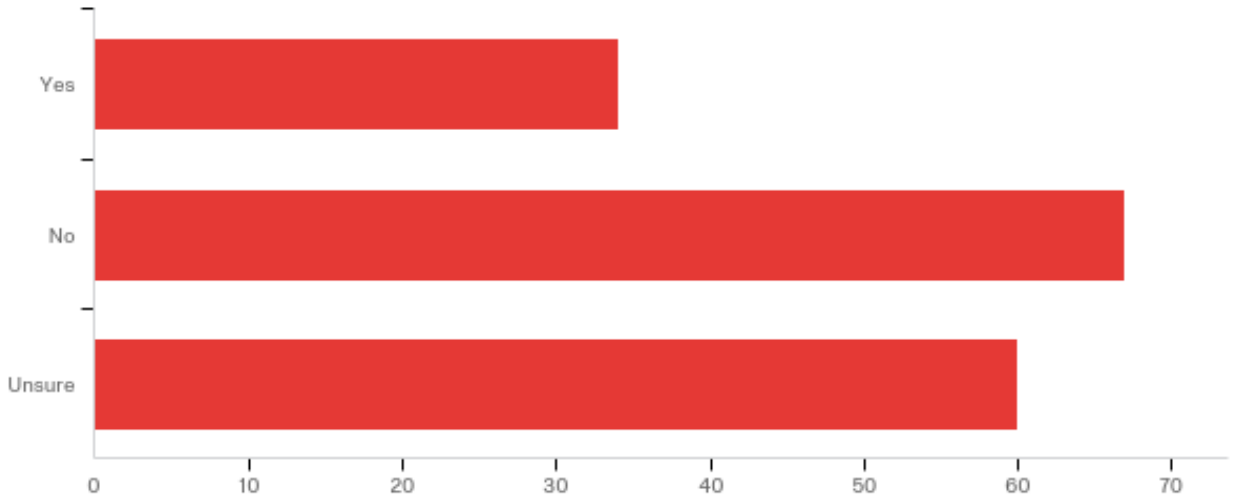
Accuser knew nothing would be done

None of the harassment was overt, but the subtle type that makes it difficult to complain about

The Accused outrank the Accuser

I did not have faith enough in myself to report it

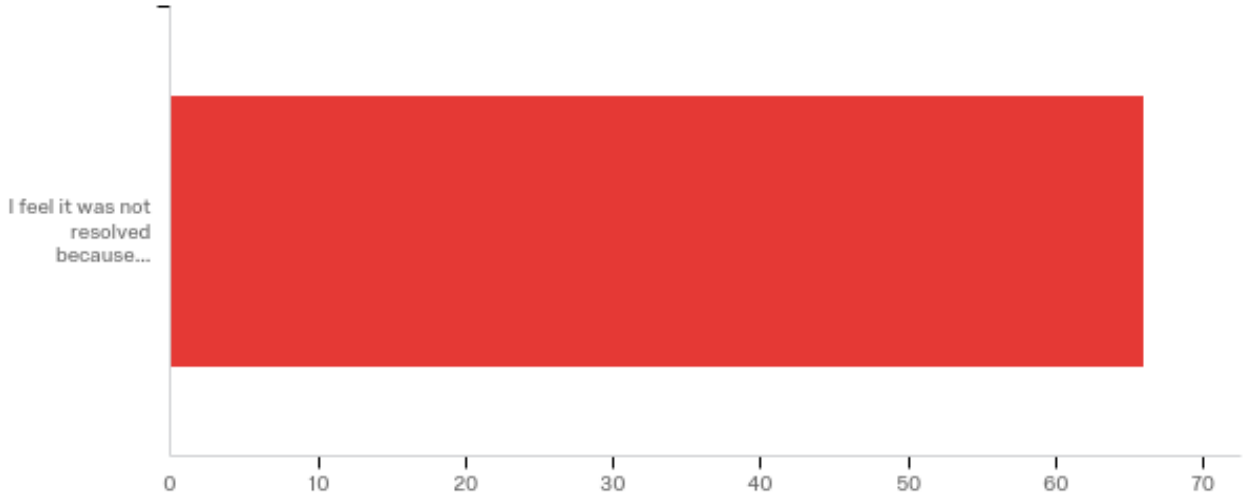
Q22 - If you did report it, was it resolve to your satisfaction?



#	Answer	%	Count
1	Yes	21.12%	34
2	No	41.61%	67
3	Unsure	37.27%	60
	Total	100%	161

		If you did report it, was it resolve to your satisfaction?			
		Yes	No	Unsure	Total
Please state your gender	Male	11	15	31	57
	Female	22	47	28	97
	Prefer not to answer	1	5	1	7
	Total	34	67	60	161

Q23 - If you answered No, why not?



#	Answer	%	Count
1	I feel it was not resolved because...	100.00%	66
	Total	100%	66

Comment Themes

Accuser was not believed or taken seriously

Assault was reported to the office and nothing happened

Shipmates made excuses for the offender

Some complaints were resolved, other times they were not

Office was unwilling to reprimand the Caption

Office had not protocol in place

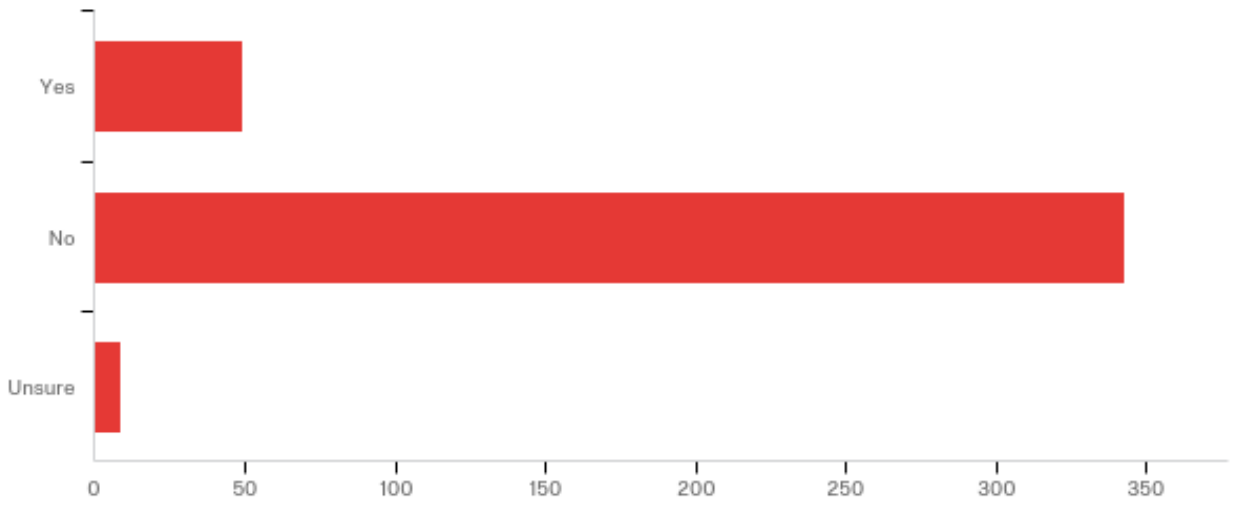
There is known cadre of captains who still work in the fleet that have never been accountable

Accuser was told to tolerate it if they wanted to work on boats

The office believed the Accuser but the captain was more valuable, so nothing happened

Office forced the Accuser to continue working with Accused after reporting assault. Accuser left the boat

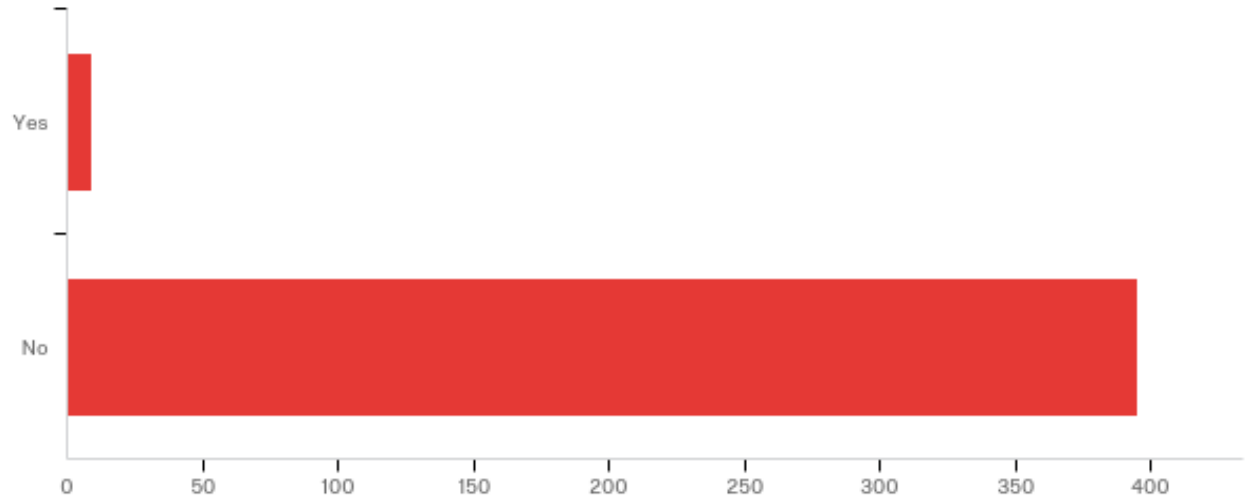
Q24 - While at port (home or away) or underway, has any of the following types of sexual touching happened to you while you were unable to consent or stop what was happening because you were passed out, asleep or incapacitated: kissing, touching, grabbing, groping or rubbing against the other in a sexual way, even if the touching is over the other's clothes?



#	Answer	%	Count
1	Yes	12.22%	49
2	No	85.54%	343
3	Unsure	2.24%	9
	Total	100%	401

		While at port (home or away) or underway, has any of the following types of sexual touching happe...			
		Yes	No	Unsure	Total
Please state your gender	Male	6	137	2	145
	Female	43	194	6	243
	Prefer not to answer	0	14	1	15
	Total	49	345	9	403

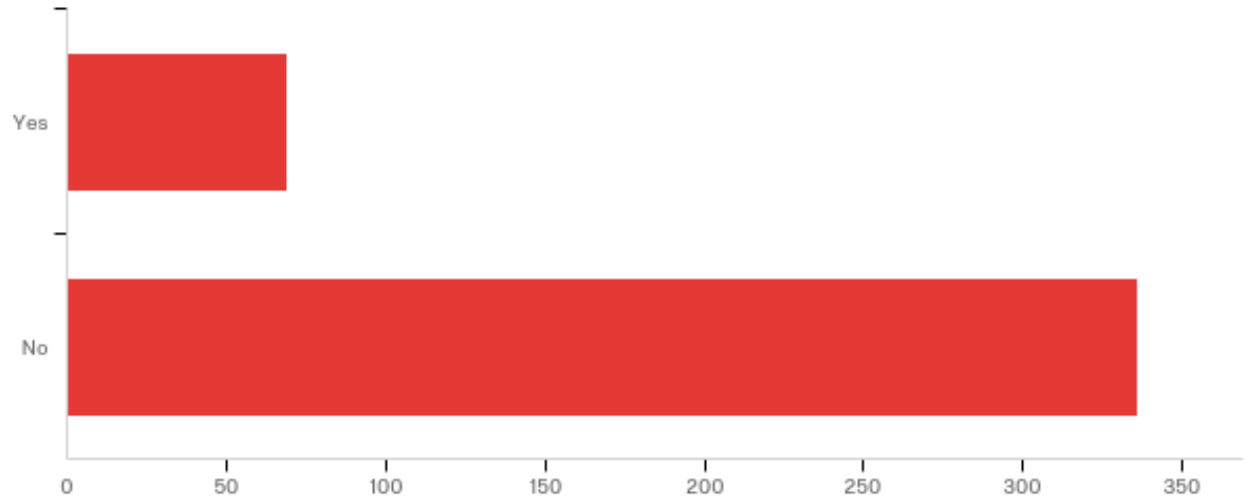
Q25 - While at port or underway, has someone had nonconsensual contact with you involving sexual penetration or oral contact by threatening non-physical harm or promising rewards such that you felt you must comply? Examples include: Threatening your job, threatening your social status, threatening to share damaging information about you, or promising some better work condition for your compliance?



#	Answer	%	Count
1	Yes	2.23%	9
2	No	97.77%	395
	Total	100%	404

		While at port or underway, has someone had nonconsensual contact with you involving sexual penetr...		
		Yes	No	Total
Please state your gender	Male	0	146	146
	Female	9	236	245
	Prefer not to answer	0	15	15
	Total	9	397	406

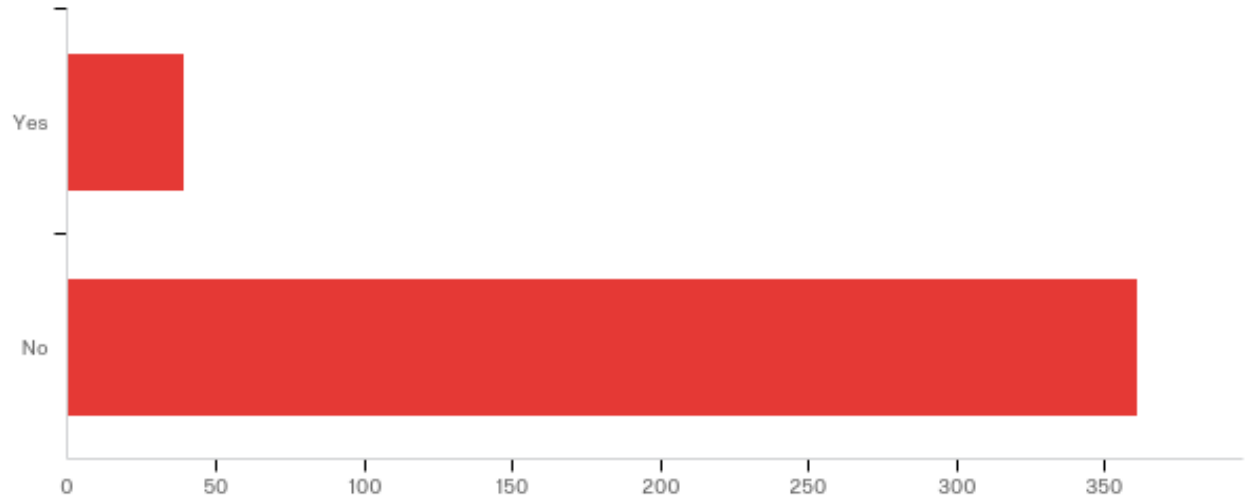
Q26 - While at port or underway, has someone kissed or sexually touched you without your knowing, voluntary and ongoing agreement? Examples include: initiating sexual activity despite your refusal, ignoring your cues to stop or slow down, going ahead without checking in or while you were still deciding, otherwise failing to obtain your consent



#	Answer	%	Count
1	Yes	17.04%	69
2	No	82.96%	336
	Total	100%	405

		While at port or underway, has someone kissed or sexually touched you without your knowing, volun...		
		Yes	No	Total
Please state your gender	Male	6	140	146
	Female	62	184	246
	Prefer not to answer	1	14	15
	Total	69	338	407

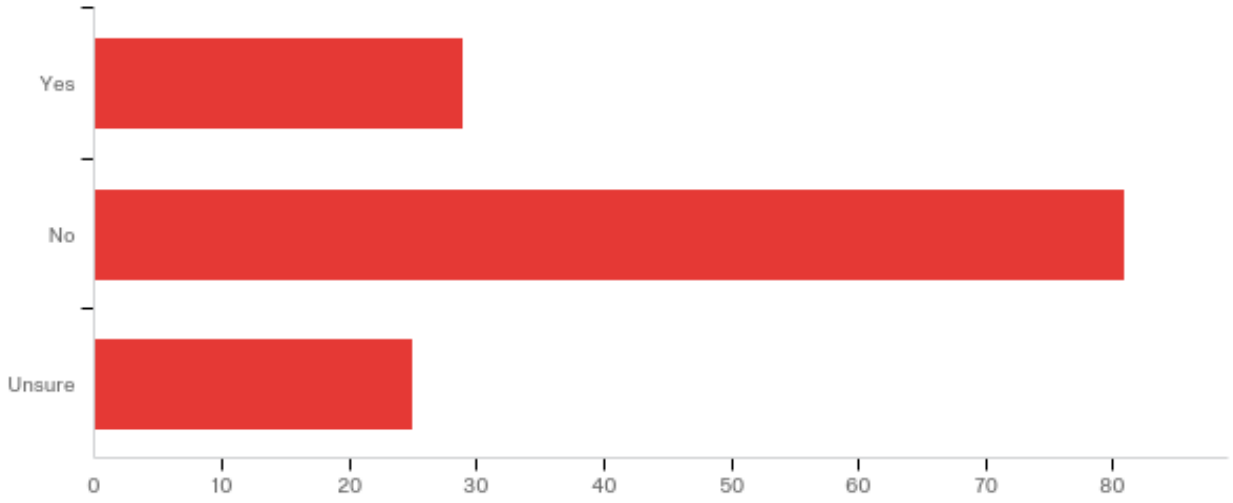
Q27 - While at port or underway, has someone had contact with you involving sexual penetration or oral contact without your knowing, voluntary and ongoing agreement? Examples include someone: initiating sexual activity despite your refusal, ignoring your cues to stop or slow down, going ahead without checking in or while you were still deciding, otherwise failing to obtain your consent



#	Answer	%	Count
1	Yes	9.75%	39
2	No	90.25%	361
	Total	100%	400

		While at port or underway, has someone had contact with you involving sexual penetration or oral...		
		Yes	No	Total
Please state your gender	Male	0	146	146
	Female	39	202	241
	Prefer not to answer	0	15	15
	Total	39	363	402

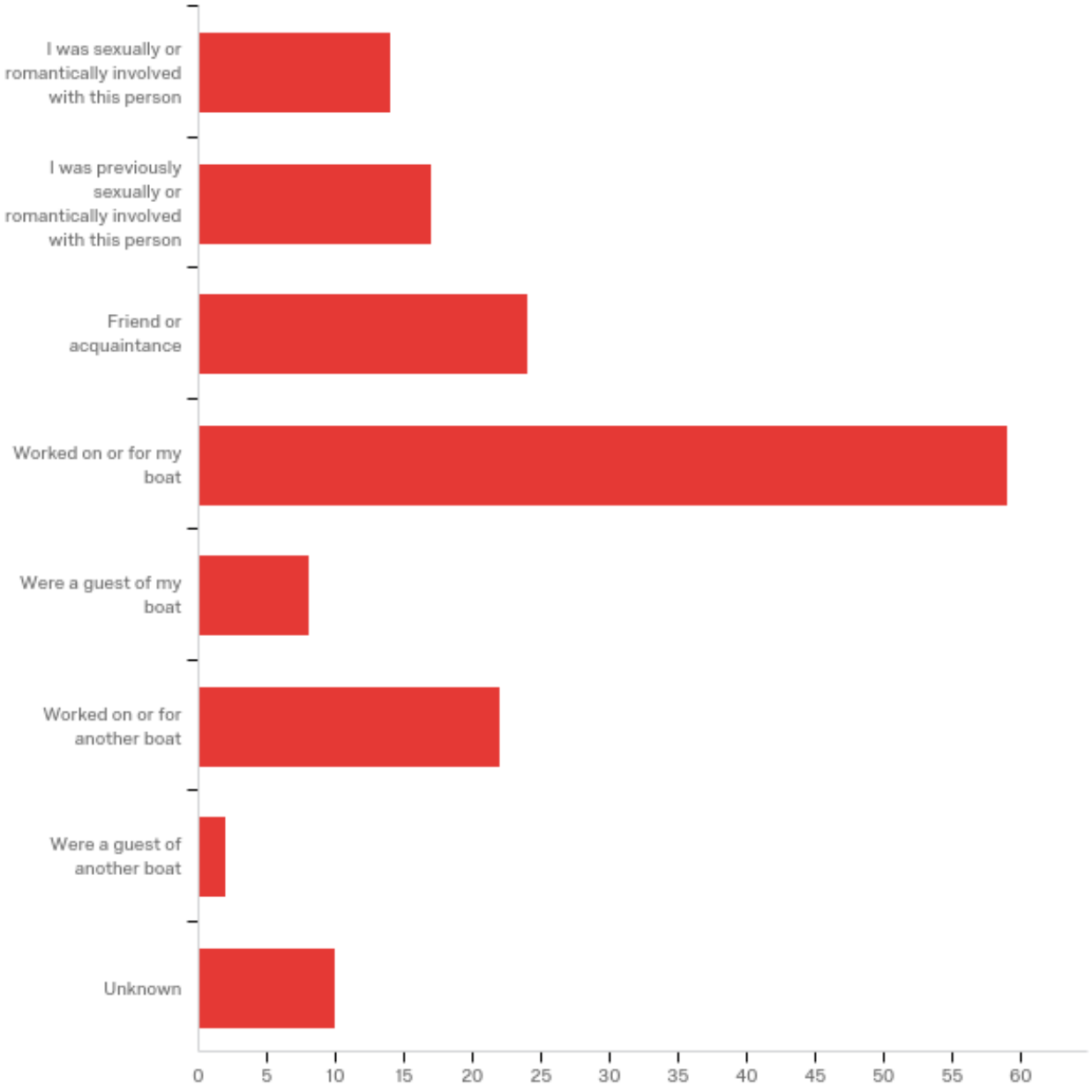
Q28 - If you answered yes to question 24-27, did you feel that you had to tolerate this behavior or risk jeopardizing employment, or social standing on the crew?



#	Answer	%	Count
1	Yes	21.48%	29
2	No	60.00%	81
3	Unsure	18.52%	25
	Total	100%	135

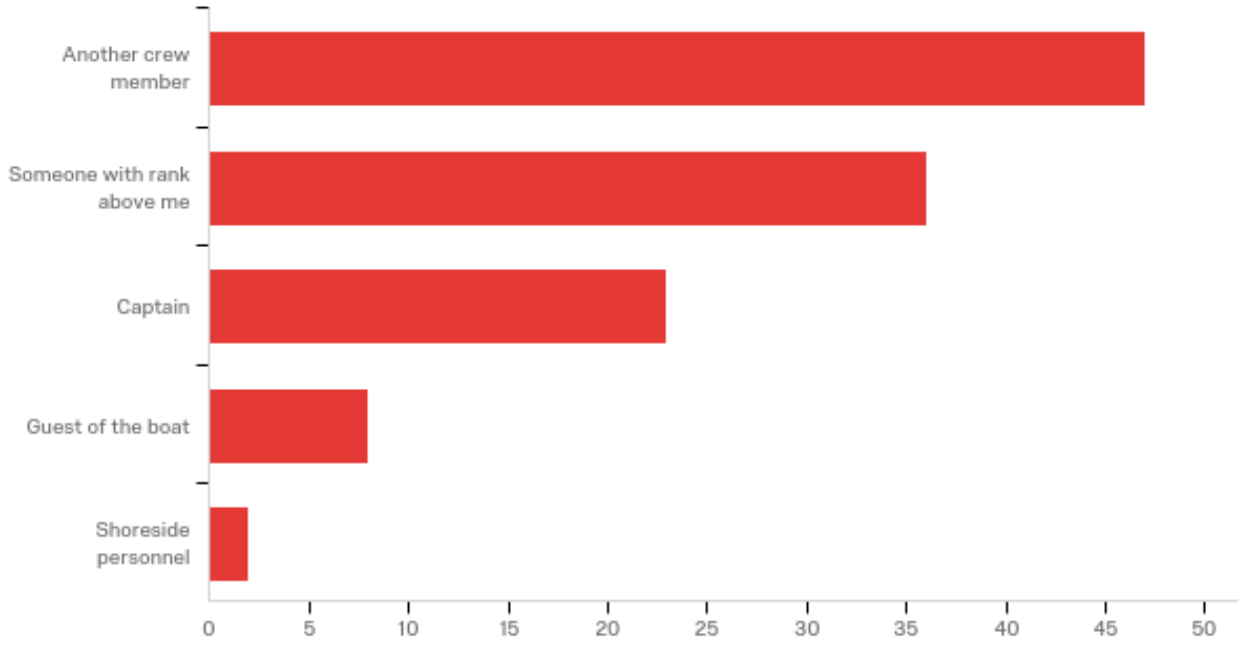
		If you answered yes to question 24-27, did you feel that you had to tolerate this behavior or ris...			
		Yes	No	Unsure	Total
Please state your gender	Male	0	29	5	34
	Female	29	51	20	100
	Prefer not to answer	0	1	0	1
	Total	29	81	25	135

Q29 - If you answered yes to any question 24-27, who was the person in relation to you? Check all that apply.



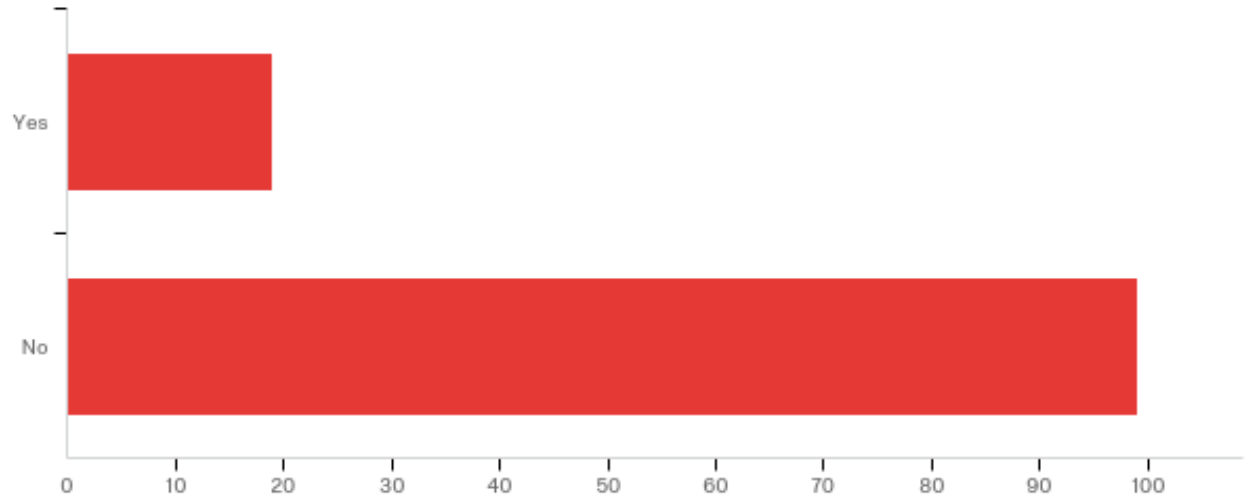
#	Answer	%	Count
1	I was sexually or romantically involved with this person	8.97%	14
2	I was previously sexually or romantically involved with this person	10.90%	17
3	Friend or acquaintance	15.38%	24
4	Worked on or for my boat	37.82%	59
5	Were a guest of my boat	5.13%	8
6	Worked on or for another boat	14.10%	22
7	Were a guest of another boat	1.28%	2
8	Unknown	6.41%	10
	Total	100%	156

Q30 - If you answered the person was associated with your boat, in what capacity? Check all that apply.



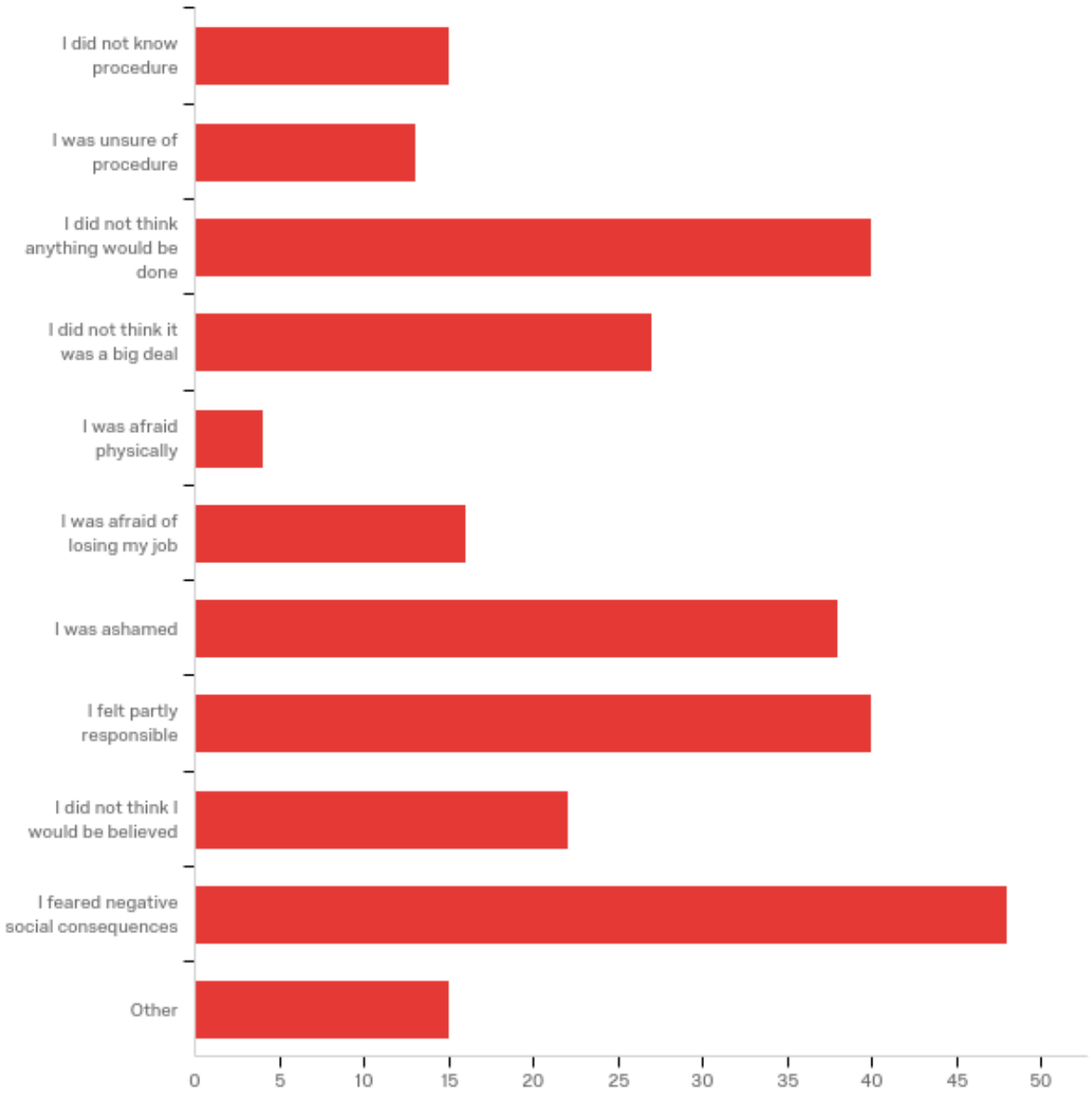
#	Answer	%	Count
1	Another crew member	40.52%	47
2	Someone with rank above me	31.03%	36
3	Captain	19.83%	23
4	Guest of the boat	6.90%	8
5	Shoreside personnel	1.72%	2
	Total	100%	116

Q31 - Did you report one or other incidents?



#	Answer	%	Count
1	Yes	16.10%	19
2	No	83.90%	99
	Total	100%	118

Q32 - If you did not report it, why not? Check all that apply.



#	Answer	%	Count
1	I did not know procedure	5.40%	15
2	I was unsure of procedure	4.68%	13
3	I did not think anything would be done	14.39%	40
4	I did not think it was a big deal	9.71%	27
5	I was afraid physically	1.44%	4

6	I was afraid of losing my job	5.76%	16
7	I was ashamed	13.67%	38
8	I felt partly responsible	14.39%	40
9	I did not think I would be believed	7.91%	22
10	I feared negative social consequences	17.27%	48
11	Other	5.40%	15
	Total	100%	278

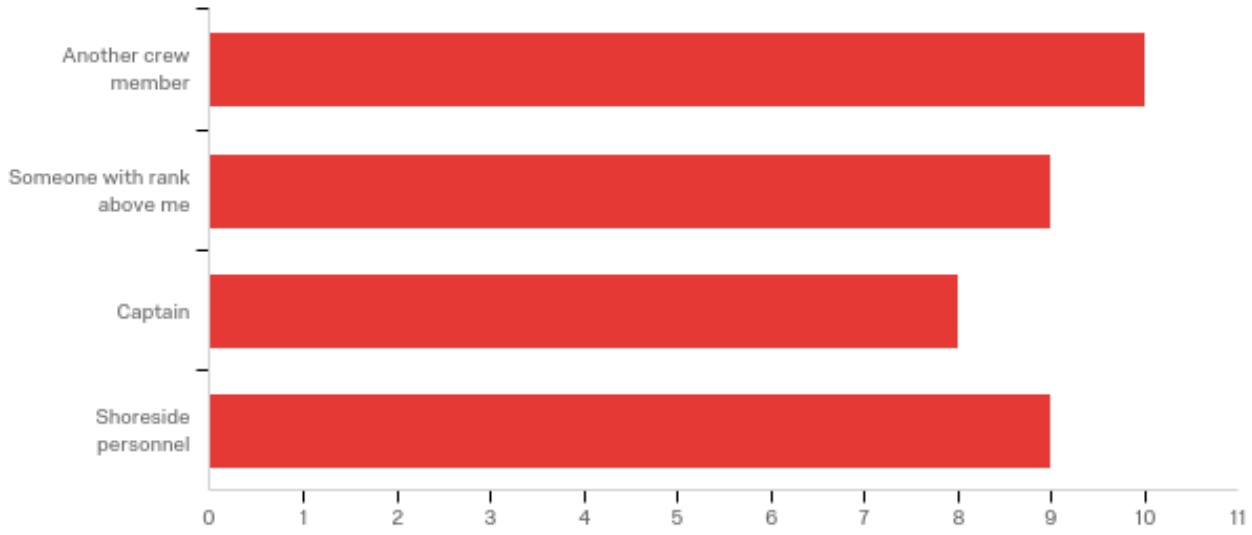
Comment Themes

Accuser felt they could handle the situation

Accuser was uncomfortable standing up for themselves

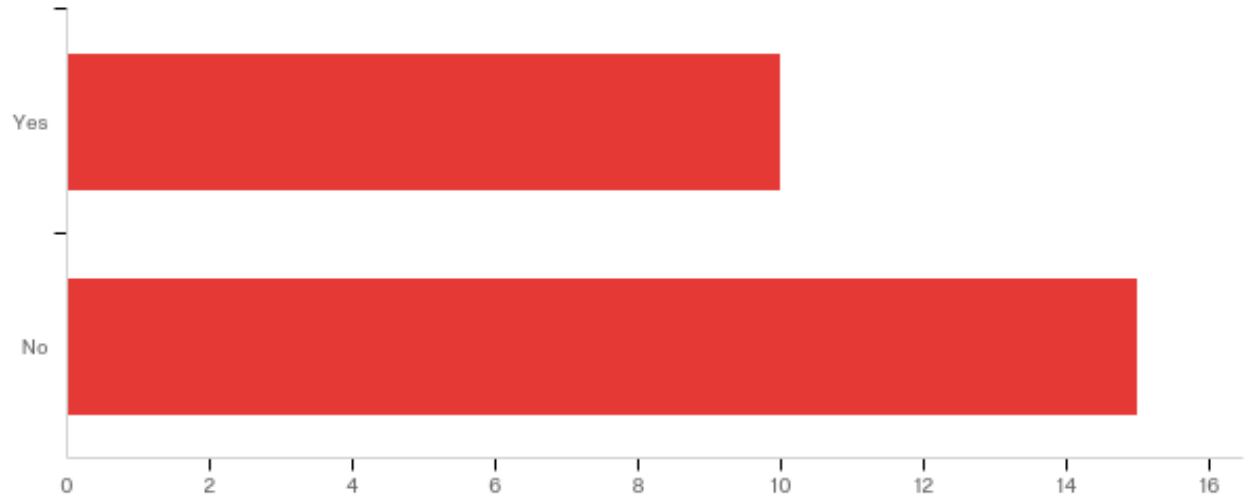
Accuser did not want to get the perpetrator fired (firing felt excessive)

Q33 - If you did report it, to whom? Check all that apply.



#	Answer	%	Count
1	Another crew member	27.78%	10
2	Someone with rank above me	25.00%	9
3	Captain	22.22%	8
4	Shoreside personnel	25.00%	9
	Total	100%	36

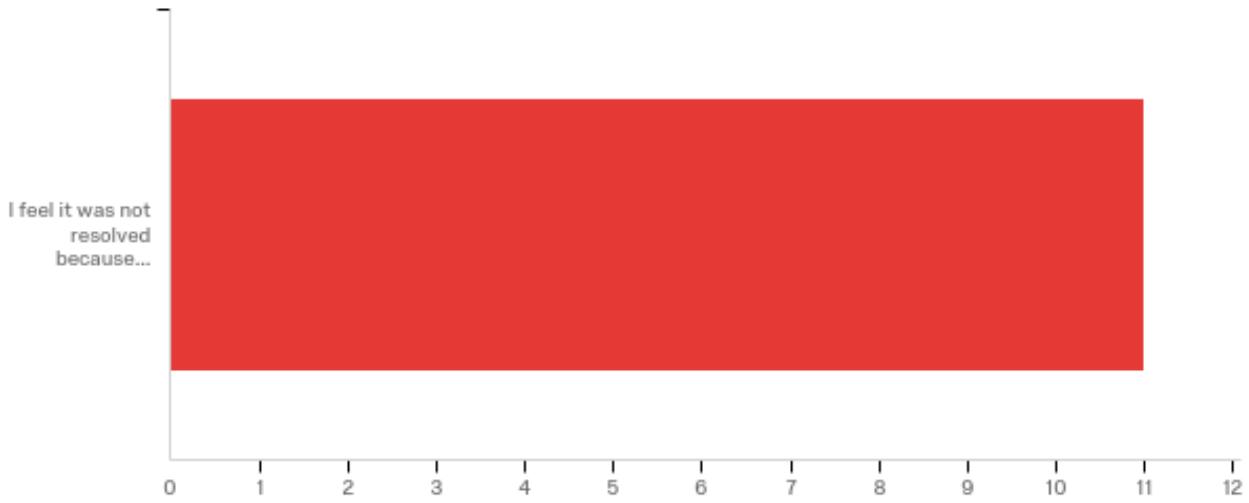
Q34 - If you did report it, was the incident resolved to your satisfaction?



#	Answer	%	Count
1	Yes	40.00%	10
2	No	60.00%	15
	Total	100%	25

		If you did report it, was the incident resolved to your satisfaction?		
		Yes	No	Total
Please state your gender	Male	3	5	8
	Female	7	10	17
	Prefer not to answer	0	0	0
	Total	10	15	25

Q35 - If you answered No, why not?



#	Answer	%	Count
1	I feel it was not resolved because...	100.00%	11
	Total	100%	11

Comment Themes

There was no follow up (from the office or captain)

The office forced me to continue working with the individual

I did not want to cause problems

I did not think I would be believed

Go Beyond Policy:
Addressing Harassment in the Tallships Workforce

What are we working toward?
Maintaining a safe workplace environment that is free of harassment and discrimination of any kind, and that promotes respect among colleagues.

What's the difference between sexual harassment and non-sexual harassment?
Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute *sexual harassment* when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. [Source: EEOC.gov]

Behavior such as making racist or negative comments can be construed as *workplace harassment*. Offensive gestures, drawings, or clothing also constitute harassment. You should address this sort of workplace bullying in the same way that you would sexual harassment – by reporting it to human resources and, if nothing is done, by filing a harassment claim with the EEOC. [Source: EEOC.gov]

How do we start?

- ☐ *Assess.* What is happening in my organization?
- ☐ *Reflect.* Are we doing enough? What are our cultural norms and where are there power imbalances?
- ☐ *Plan.* How are we prepared to respond to an allegation?

Action items checklist:

- ☐ *Discuss.* Open a discussion about your cultural history and identify areas of power imbalances.
- ☐ *Address.* Clarify your reporting system and organizational response.
- ☐ *Policy.* Develop a clear harassment policy.
- ☐ *Training.* Build a training session that is useful and effective to your employee population, both staff (training 1) and management (training 2).

Credit: This handout originates from information authored by Colorado Outward Bound School and presented on at the 2018 Wilderness Risk Management Conference.

SafeOutside Toolkit with Model Policy for your use:

#SafeOutside initiative: https://americanalpineclub.org/safeoutside

Model policy language from Workplaces Respond

https://www.workplacesrespond.org/resource-library/modelpolicy/

Bystander Intervention Training

Alteristic – Green Dot Training https://alteristic.org/services/green-dot/

Hollaback! Grassroots training https://www.ihollaback.org/resources/bystander-resources/

Other Resources

Equal Employment Opportunities Commission (EEOC): https://www.eeoc.gov

Society for Human Resource Management (SHRM): https://www.shrm.org

Employer's Council: https://www.employerscouncil.org

It's On Us: https://www.itsonus.org/our-story/

What is Employment Practices Liability Insurance and Why Should I Carry It?

By Dan Bookham, AAI. Allen Insurance & Financial
www.allenif.com

Why Do I Need Employment Practices Liability Insurance?

Let's start with a sobering set of statistics. According to a recent review published by Philadelphia Insurance, "Nearly 85,000 workplace discrimination charges, and another 12,000 sexual harassment charges, were filed in 2017 with the U.S. Equal Employment Opportunity Commission (EEOC). The cost of sexual harassment settlements rose 39% between 2016 and 2018. During 2017, the EEOC secured $398M in restitution to victims of workplace discrimination. This amount does not include legal fees incurred by the employers involved in these cases[1]. "

Businesses and organizations (and vessels) can protect themselves with Employment Practices Liability policies designed to defend and indemnify them against claims and suits alleging wrongful acts in the workplace.

What does a Policy Cover and What's the Best Avenue to Secure Coverage?

As for the dictionary definition: Employment Practices Liability Insurance, known as EPL insurance or EPLI, is a type of liability insurance covering wrongful acts arising from the employment process. The most frequent types of claims covered under such policies include: wrongful termination, discrimination, sexual harassment, and retaliation. In addition, the policies cover claims from a variety of other types of inappropriate workplace conduct, including (but not limited to) employment-related: defamation, invasion of privacy, failure to promote, deprivation of a career opportunity, and negligent evaluation. The policies cover directors and officers, management personnel, and employees as insureds. You can also often secure coverage for volunteers, seasonal, leased, and temporary employees as well as independent contractors (depending on your insurance carrier). Additionally, most EPLI policies will offer '3rd party' coverage limits that cover claims made against you by non-employees who allege wrongful conduct against them by one of your employees, volunteers, directors, or other covered individual.

Recognizing that a wide range of companies and organizations now need this kind of protection, several insurers provide this coverage as an endorsement[2] to a business owner's policy, commercial package

[1] Peter Kim, "Reducing the Risk of Employee Lawsuits", Philadelphia Insurance, March 25 2019
[2] An endorsement changes the terms and conditions of a policy.

policy, workers compensation policy, or a 'Management Liability' package policy, which in addition to EPLI will include options for directors and officers (D&O), crime, cyber liability, and fiduciary liability coverage. EPLI is available as a stand-alone coverage, especially if an insured determines that they need higher limits than those offered by a coverage endorsement or a package policy.

For Tall Ships America members, especially those in the non-profit sector, adding or maintaining coverage through the Management Liability or stand-alone policy route will likely make the most practical sense as, while not impossible, we here at Allen have yet to come across a carrier offering Protection & Indemnity or other marine liability coverages who have yet included EPLI as a coverage in their policies.

What Sort Of Claims Are Pursued?

In light of the important and frank conversations concerning sexual harassment, discrimination, and assault that have taken place at the last two annual Tall Ships America conferences, it is likely very apparent to all reading this paper as to why EPLI is an important insurance consideration for all members. To further emphasize the point, examples of recent US EPLI claims include the following:

> **Sexual Harassment and Wrongful Termination:** $1 Million
> Several female employees complained the CEO was sexually harassing them. The company's president proceeded to investigate the complaints. Within one month of the start of the investigation, the president was terminated by the CEO. The female employees filed a sexual harassment suit against the CEO. The president filed a separate wrongful termination suit.
>
> - Is the leadership of your organization taking sexual- and other forms of harassment seriously? Are the right people being held to account?

Age Discrimination: $540,000

A 62-year-old sales representative was terminated for failing to meet his sales quota. Despite layoffs and cutbacks, there was no documentation showing the plaintiff was a poor performer. The sales rep sued alleging he was fired because of his age.

- The Tall Ships fleet might be one of the most age-diverse employment sectors there is. Is everyone being treated fairly, young and old?

Racial Discrimination: $200,000

A group of applicants sued a private retail store for ethnic and racial discrimination after learning they had all be denied employment strictly based on their race and ethnic background. [3]

- Do your hiring practices and staff training address racial discrimination and bias?

[3] Examples taken from Peter Kim, "Reducing the Risk of Employee Lawsuits", Philadelphia Insurance, March 25 2019

How Does EPLI Work in Practice?

The policies will reimburse your company against the costs of defending a lawsuit in court and for judgments and settlements. The policy covers legal costs, whether your company wins or loses the suit. Policies also typically do not pay for punitive damages or civil or criminal fines. EPLI policies are written on a claims-made basis, meaning coverage needs to be in effect when the claim is made (vs. when the alleged incident, harassment, or discrimination took place). The forms often contain "shrinking limits" provisions, meaning that insurer payment of defense costs—which are often a substantial part of a claim—reduce the policy's limits. This approach contrasts with commercial general liability (CGL) policies, in which defense is covered in addition to policy limits.

Liabilities covered by other insurance policies such as workers compensation are excluded from EPLI policies. The most common exclusions are for bodily injury (BI), property damage (PD), and intentional/dishonest acts.

What does it all cost?

Knowing how important the bottom line is to Tall Ships America members I'd like to be able to offer up a ballpark dollar figure or percentage for what it takes to implement a robust and appropriate EPLI policy. However the cost of EPLI coverage depends on your type of operation, the number of employees you have and various risk factors (such as whether your company has been sued over employment practices in the past).

How Can I Mitigate Against Having to Claim Against my EPLI Policy?

To create and maintain a healthy work environment with the added benefit of potentially preventing employee lawsuits, educate your managers and employees so that you minimize problems in the first place:

- Create effective hiring and screening programs to avoid discrimination in hiring.
- Post your policies throughout the workplace and place them in employee handbooks so policies are clear to everyone.
- Foster an organizational culture in which harassment is not tolerated;
- Adopt and maintain a comprehensive anti-harassment policy (which prohibits harassment based on any protected characteristic, and which includes social media considerations) and establish procedures consistent with best practices (insurers can help you stay up to date with these);
- Ensure that any such anti-harassment policy-especially details about how to complain of harassment and how to report observed harassment-is frequently communicated to employees, in a variety of forms and methods;
- Ensure that where harassment is found to have occurred, discipline is prompt and proportionate to the severity of the infraction. Discipline should be consistent, and not give (or create the appearance of) undue favor to any particular employee;
- Dedicate sufficient resources to training management and first-line supervisors on how to respond effectively to harassment that they observe, that is reported to them, or of which

they have knowledge or information-even before such harassment reaches a legally-actionable level.

- Ensure that everyone in your organization receives an orientation with training on your policies, as well as periodic refresher trainings.
- Show employees what steps to take if they are the object of sexual harassment or discrimination by a supervisor. Make sure supervisors know where the company stands on what behaviors are not permissible.
- Document everything that occurs and the steps your company is taking to prevent and solve employee disputes.