



HUMAN RIGHTS POLICY

Adopted: Sept 2020
Renewal: Sept 2023

Policy Statement

Human Rights at Sea (HRAS) fully respects human rights and asserts that everyone it comes into contact with, regardless of age, gender identity, disability, sexual orientation or ethnic origin has the right to be protected from all forms of harm, abuse, neglect and exploitation.

HRAS will not tolerate abuse and exploitation by trustees or staff, and commits to safeguarding human rights throughout its activities.

HRAS will not tolerate inaction on abuse and exploitation found in partner activities.

Scope

All trustees, staff, partners contracted by Human Rights at Sea.

Ethics Principles

HRAS's ethics principles: Beneficiaries First, Ethical Culture, Transparent & Accountable, Outward Facing Risk, Due Diligence and Staff Code of Conduct, inform this policy. Please read the HRAS Ethics Policy (weblink) in conjunction with this Policy.

Standards

HRAS, its trustees, staff, partners are expected, as a minimum, to comply with all applicable international human rights standards, national legislation, statutory requirements, and existing policies.

In addition, HRAS aligns its approach to addressing human rights with the [United Nations Guiding Principles on Human Rights](#). HRAS will take steps to

- a) avoid causing or contributing to adverse human rights impacts through its own activities, and address such impacts when they occur;
- b) seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.¹

HRAS will not tolerate anyone with the delivery of its work carrying out any form human rights abuse. This includes but is not limited to modern slavery, human trafficking, sexual exploitation, harassment, discrimination or abuse of labour rights. Please see the [definitions](#) section at the end of this policy for the above terms as needed.

¹ [UNGP](#) p. 14.

Where a partner finds human rights abuses in its operations, HRAS will not tolerate inaction on this issue and may terminate relationships on this basis.

Consent

HRAS recognises that 'consent' may not always be given voluntarily. For example, someone may not give their voluntary consent if they feel they have no other options to earn a living or feel under any menace of penalty. Therefore this understanding is applied when investigating any human rights abuse.

Roles and Responsibilities

HRAS's CEO and ultimately the Trustees hold overall accountability for this policy. It is the responsibility of senior management to ensure the delivery and implementation of this policy and to meet the roles and responsibilities outlined in the Commitments Section.

HRAS trustees and staff are obliged to report any concerns or suspicions regarding human rights abuses by HRAS staff member or associated personnel to the appropriate staff member. Please see the whistleblowing Policy ([weblink](#))

However, people who feel their rights have been abused are NOT obliged to report.

HRAS trustees and staff must not engage in the following activities in their professional and personal lives:

- Sexual activity with anyone under the age of 18.
- Sexually abuse, harass, or exploit anyone (Please see [definitions](#))
- Engage in any sexual relationships with beneficiaries since they are based on inherently unequal power dynamics.
- Cause or contribute to forced labour, bonded labour, trafficking in persons, child marriage, domestic servitude, descent-based slavery, and child slavery. (Please see [definitions](#) for slavery).

Partners- HRAS's zero tolerance of inaction on any abuse of human rights must be shared with contractors and business partners at the outset of our business relationship. HRAS may seek to terminate its relationship with individuals and organisations working on its behalf for inaction on human rights abuses.

Commitments, processes and controls

Inclusive and Diverse Culture- Trustees and senior management will encourage equality, diversity and inclusion in the workplace by creating a working environment free of bullying, harassment, victimisation and unlawful discrimination, promoting dignity and respect for all, and where individual differences and the contributions of all staff are recognised and valued.

HRAS values and will aim to improve diversity at trustee and senior management levels.

HRAS will make reasonable adjustments to overcome barriers to using services caused by disability. Agreed.

Due diligence – Senior management will ensure that HRAS conducts a due diligence exercise to identify risks of not meeting the above standards and therefore potential risk to human rights. Trustees will be presented with the findings and any actions that arise from it.

Human Rights Training - Training on human rights will be informed by the due diligence exercise to ensure that anyone working for the charity understands the expectations placed upon them and provide the relevant training to support them in meeting their responsibilities. New staff or trustees must undergo training within the first 3 months of being contracted with HRAS. Line managers are responsible to ensure training has been conducted

Speak up Culture - HRAS trustees and senior management will promote a culture that supports the reporting and resolution of allegations, suspicions, or concerns about abuse of any kind or inappropriate behavior.

HRAS senior management ensure trustees, staff and associated personnel understand that they are obliged to report any concerns or suspicions regarding human rights abuses by HRAS staff member or associated personnel to the appropriate staff member

HRAS provides a publicly available contact for supporters, beneficiaries and other external people to report any human rights concerns. Senior management will ensure it is communicated to all partners prior to contract.

Respond Appropriately to Allegations – The CEO is accountable for the response process as below.

HRAS will follow up human rights reports and concerns according to policy and procedure , and legal and statutory obligations

HRAS will apply appropriate disciplinary measures to trustees and staff found in breach of policy.

HRAS will offer support to survivors of harm caused by staff or associated personnel, regardless of whether a formal internal response is carried out (such as an internal investigation). Decisions regarding support will be led by the survivor.

HRAS will take all suspicions and allegations of abuse, from inside or outside the organisation, seriously, and respond to them promptly and appropriately.

HRAS is committed to listening to being led by the wishes and best interests of survivors where possible and appropriate.

HRAS will work with local NGOs, trade unions, community organisations or authorities as appropriate and carry out independent and discreet investigations, recognising the rights and duty of care to everyone involved, including the complainant or survivor, witnesses and the person accused.

Recording incidents - The CEO / Operations Manager is responsible for recording the concern, documenting the investigation and confirming to the person who raised the concern that the concern is being taken seriously. Due to GDPR, HRAS may not share further information on the outcome of the investigation with person who raised the concern.

It is essential that confidentiality is maintained at all stages of the process when dealing with safeguarding concerns. Information relating to the concern and subsequent case management should be shared on a need to know basis only, and should be kept secure at all times.

Definitions

Child²

Anyone under the age of 18.

Adults at Risk³

An adult at risk is defined as someone who has needs for care and support, who is experiencing, or at risk of, abuse or neglect and as a result of their care needs, is unable to protect themselves

Safeguarding⁴

The Charity Commission defines safeguarding as the range of measures to protect people in a charity, or those it comes into contact with, from abuse and maltreatment of any kind. This includes the Charity's beneficiaries, staff, volunteers and those who come into contact with the charity.

Sexual Exploitation, Abuse and Harassment⁵

- **Sexual Exploitation:** Any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes. Includes profiting momentarily, socially, or politically from sexual exploitation of another. For example, under UN regulations it includes transactional sex, solicitation of transactional sex and exploitative relationship.
- **Sexual Abuse:** The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions. It should cover sexual assault (attempted rape, kissing / touching, forcing someone to perform oral sex / touching) as well as rape. For example, under UN regulations, all sexual activity with someone under the age of 18 is considered to be sexual abuse.
- **Sexual Harassment:** A continuum of unacceptable and unwelcome behaviours and practices of a sexual nature that may include, but are not limited to, sexual suggestions or demands, requests for sexual favours and sexual, verbal or physical conduct or gestures, that are or might reasonably be perceived as offensive or humiliating

Discrimination⁶

- **Protected characteristics** include age, disability, sex, gender reassignment, pregnancy, maternity, race (which includes colour, nationality, caste and ethnic or national origins), sexual orientation, religion or belief, or because someone is married or in a civil partnership.
- **Direct discrimination** is where a person is treated less favourably than another because of a protected characteristic. However discrimination may be lawful if there is an occupational requirement which is core to a job role and a proportionate means of achieving a legitimate aim.
- **Indirect discrimination** means putting in place, a rule or policy or way of doing things that has a worse impact on someone with a protected characteristic than someone without one, when this cannot be objectively justified.
- **Associative discrimination** is where the individual treated less favourably does not have a protected characteristic but is discriminated against because of their association with someone who does e.g. the parent of a disabled child.
- **Perceptive discrimination** is where the individual discriminated against or harassed does not have a protected characteristic, but they are perceived to have a protected characteristic.

² <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

³ <https://www.bond.org.uk/resources-support/uk-ngo-safeguarding-definitions-and-reporting-mechanisms>

⁴ <https://knowhow.ncvo.org.uk/safeguarding/what-is-safeguarding>

⁵ <https://www.gov.uk/guidance/safeguarding-against-sexual-exploitation-and-abuse-and-sexual-harassment-seah-in-the-aid-sector>

⁶ <https://knowhow.ncvo.org.uk/tools-resources/hr-policies/equal-opportunities>

- **Third-party harassment** occurs where an employee is harassed by third parties such as service users, due to a protected characteristic.
- **Harassment** is where there is unwanted behaviour related to a protected characteristic (other than marriage and civil partnership, and pregnancy and maternity) which has the purpose or effect of violating someone's dignity or which creates a hostile, degrading, humiliating or offensive environment. It does not matter whether or not this effect was intended by the person responsible for the conduct.
- **Victimisation** is treating someone unfavourably because they have taken some form of action relating to the Equality Act i.e. because they have supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint.
- **Failure to make reasonable adjustments** is where a rule or policy or way of doing things has a worse impact on someone with a protected characteristic compared with someone who does not have that protected characteristic and the employer has failed to make reasonable adjustments to enable the disabled person to overcome the disadvantage.

Slavery⁷

- **Human trafficking.** The use of violence, threats or coercion to transport, recruit or harbour people in order to exploit them for purposes such as forced prostitution, labour, criminality, marriage or organ removal.
- **Forced labour.** Any work or services people are forced to do against their will under threat of punishment.
- **Debt bondage/bonded labour.** The world's most widespread form of slavery. People trapped in poverty borrow money and are forced to work to pay off the debt, losing control over both their employment conditions and the debt.
- **Descent-based slavery.** Most traditional form, where people are treated as property, and their "slave" status was passed down the maternal line.
- **Slavery of children.** When a child (under the age of 18) is exploited for someone else's gain. This can include child trafficking, child soldiers, child marriage and child domestic slavery.
- **Forced and early marriage.** When someone is married against their will and cannot leave. Most child marriages can be considered slavery.

Labour Rights⁸

- **Employment is freely chosen** (see modern slavery)
- **Freedom of association and the right to collective bargaining are respected**
 - Workers, without distinction, have the right to join or form trade unions of their own choosing and to bargain collectively.
 - The employer adopts an open attitude towards the activities of trade unions and their organisational activities.
 - Workers representatives are not discriminated against and have access to carry out their representative functions in the workplace.
 - Where the right to freedom of association and collective bargaining is restricted under law, the employer facilitates, and does not hinder, the development of parallel means for independent and free association and bargaining
- **Working conditions are safe and hygienic**
 - A safe and hygienic working environment shall be provided, bearing in mind the prevailing knowledge of the industry and of any specific hazards. Adequate steps shall be taken to prevent accidents and injury to health arising out of, associated with, or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment.

⁷ <https://www.antislavery.org/slavery-today/modern-slavery/>

⁸ https://www.ethicaltrade.org/sites/default/files/shared_resources/ETI%20Base%20Code%20%28English%29.pdf

- Workers shall receive regular and recorded health and safety training, and such training shall be repeated for new or reassigned workers.
- Access to clean toilet facilities and to potable water, and, if appropriate, sanitary facilities for food storage shall be provided.
- Accommodation, where provided, shall be clean, safe, and meet the basic needs of the workers.
- The company observing the code shall assign responsibility for health and safety to a senior management representative.
- **Child labour shall not be used** (Child is defined as under 18)
 - There shall be no new recruitment of child labour.
 - Companies shall develop or participate in and contribute to policies and programmes which provide for the transition of any child found to be performing child labour to enable her or him to attend and remain in quality education until no longer a child; “child” and “child labour” being defined in the appendices.
 - Children and young persons under 18 shall not be employed at night or in hazardous conditions.
 - These policies and procedures shall conform to the provisions of the relevant ILO standards.
- **Living wages are paid**
 - Wages and benefits paid for a standard working week meet, at a minimum, national legal standards or industry benchmark standards, whichever is higher. In any event wages should always be enough to meet basic needs and to provide some discretionary income.
 - All workers shall be provided with written and understandable Information about their employment conditions in respect to wages before they enter employment and about the particulars of their wages for the pay period concerned each time that they are paid.
 - Deductions from wages as a disciplinary measure shall not be permitted nor shall any deductions from wages not provided for by national law be permitted without the expressed permission of the worker concerned. All disciplinary measures should be recorded.
- **Working hours are not excessive**
 - Working hours must comply with national laws and collective agreements
 - All overtime shall be voluntary and agreed with the senior management.
 - Working hours may exceed 60 hours in any seven day period only in exceptional circumstances where all of the following are met: • this is allowed by national law; • this is allowed by a collective agreement freely negotiated with a workers’ organisation representing a significant portion of the workforce; • appropriate safeguards are taken to protect the workers’ health and safety; and • the employer can demonstrate that exceptional circumstances apply such as unexpected production peaks, accidents or emergencies.
 - Workers shall be provided with at least one day off in every seven day period or, where allowed by national law, two days off in every 14 day period.
- **No Discrimination is practiced** – see Discrimination definitions.
- **No harsh and inhumane treatment**
 - Physical abuse or discipline, the threat of physical abuse, sexual or other harassment and verbal abuse or other forms of intimidation shall be prohibited.