

1.2.3 Code of Conduct

1. Introduction:

Silversea demands the highest standards of discipline, behaviour and conduct aboard our vessels. A responsible, respectful attitude to work, leisure and colleagues is expected of every person working onboard. Ship rules, policies and procedures are to be followed at all times. Our Crew are required to work in line with their Job Description and as per reasonable instructions from superiors.

It is the responsibility of every Crew Member to familiarise themselves with the Ship Rules, Policies, Procedures, their Job Description and this Code of Conduct. Failure to adhere to the Ship Rules, Policies and Procedures, Job Description and/or performance standards will be dealt with by reference to this code.

2. Gross Misconduct:

Immediate dismissal from the ship may be considered by the Master for Gross Misconduct. The Master must have reasonable grounds to believe that the allegation is true and that there has been a serious breach of the Code of Conduct committed by the Crew Member.

Where dismissal is not deemed as an appropriate outcome for a case of alleged Gross Misconduct, following thorough investigation and clear mitigating circumstances, a formal warning may be imposed.

The Master may give permission for the Head of Department to chair a Gross Misconduct hearing where from investigation and findings, it seems unlikely that the outcome would be dismissal. If during the hearing, dismissal becomes a likely outcome, the hearing must be adjourned and re-convened with the Master as the hearing chairperson.

The following may be deemed as Gross Misconduct:

- a) Failure to comply with the ship's safety, environmental and security policies and procedures including requirements for attendance of safety, environmental, security training and drills unless exempted by the Master
- b) Interference with, removal, or tampering with any safety device or other equipment and appliances furnished for protection, or interference with any method or process adopted to prevent accidents or injury to health, except in an emergency and unless duly authorized
- c) Falsification of Company or ship's records
- d) Assault of a passenger, Officer, Crew Member or any other person on board the vessel
- e) Wilful damage to the ship or any property on board
- f) Theft, misappropriation or possession of stolen property
- g) Possession of weapons, firearms or explosives
- h) Violation of customs, immigration, agriculture or quarantine regulations in any port
- i) The unlawful possession, distributing or trafficking/smuggling of drugs at any time
- j) Mutiny or inciting others to mutiny
- k) Persistent or wilful failure to perform duty
- l) Conduct endangering the ship or persons on board (this may include repeated or gross violations of the smoking policy)

- m) To prejudice the safety of the ship or any person on board by sleeping on duty, failing to remain on duty or incapacity to carry out duty (including through the influence of alcohol or drugs)
- n) Failing any required drug or alcohol test, with confirmed positive test result over the prescribed limits as per the Drug and Alcohol Policy), or refusal for submittal to such tests
- o) Disobedience of orders relating to the health and safety of the ship or any person on board
- p) Behaviour which seriously detracts from the safe, hygienic and efficient working of the ship or the service standards of the hotel operation (including any breach of Public Health and Infection Prevention standards)
- q) Intimidation, harassment or bullying, discrimination, coercion and interference with the work of others on board
- r) The communication of written, verbal, photographic, video or computer material regarding Owners'/Agent's/Company guests, employees, activities, operations or business without the permission of the Master Or the unauthorised recording or photographing of the Ship's Crew and/or Operation (even if not found to be communicated)
- s) Offensive or disrespectful behaviour towards a Guest
- t) Unauthorised gaming, gambling or trading
- u) Entering or remaining in any Guest Suite or other prohibited area without proper authorization or bringing passengers into crew areas or to attend private crew parties
- v) Violation of shore leave regulations
- w) Harboursing a stowaway or a non-fare paying individual
- x) Cyber bullying a colleague by using inappropriate graphics or threat-centred abusive emails, Postings on social networks (posting rumors, threats, sexual remarks, a victims' personal information, or pejorative labels i.e., hate speech); and or sending inappropriate messages
- y) Breach of the Media Policy
- z) Breach of the Guest Interaction Policy
- aa) Soliciting/bribery
- bb) Abuse of **power** including but not limited to: failure to treat crew equally and/or with respect and courtesy
- cc) Failure to provide adequate training and/or instructions to team members
- dd) Any criminal act including but not limited to: endangering the welfare of a child, threat of violence, Suspected Child Pornography, Video voyeurism, Assaults (with or without injury), Sexual Assaults, Sexual Contact (intentional touching with intent of abuse, humiliation, harass, or gratify sexual desire), Indecent exposure
- ee) Serious disorderly behaviour including but not limited to: fighting, a threat to harm oneself, self-destructive acts, verbal altercation (no physical contact), offensive gestures, and offensive body language
- ff) Continued acts of misconduct

3. Misconduct

Formal warnings may be considered by the Master or Head of Department for Misconduct. The Master or Head of Department must have reasonable grounds to believe that the alleged misconduct has been committed.

The following may be deemed as are deemed as misconduct:

- a) Offences described in paragraph 3 which in the circumstances are not deemed as Gross Misconduct
- b) Minor acts of assault
- c) Unsatisfactory work performance
- d) Poor punctuality
- e) Stopping work before the authorised time
- f) Failure to report to work without satisfactory reason
- g) Absence from place of duty or from the ship without leave
- h) Minor cases of offensive, disrespectful and/or disorderly behaviour
- i) Violation of the Grooming Policy
- j) Violation of the smoking policy
- k) Loss of a security (master, sub-master, or section master) key
- l) Failing to report knowledge of unlawful possession, distributing or trafficking/ smuggling of drugs
- m) Cabin inspection failure
- n) Breach of Ship Rules
- o) Minor acts of disobedience, negligence and/or neglect of duty
- p) Failure to report a known or suspected breach of the Code of Conduct committed by a colleague
- q) Failure to report required maintenance
- r) Failure to report an accident
- s) Failure to report a minor safety concern
- t) Failure to report any symptoms of GI, Covid-19 or any other potentially contagious illness such as acute respiratory or influenza type symptoms in a timely manner
- u) Damage to Ship's property that is not intentional or wilful but by negligence (including negligence on Management part if proper training or instructions are not provided)
- v) Failure to respect hours of rest
- w) Possession or use of drones or failure to report such
- x) Failure to follow a reasonable request from a superior
- y) Minor violation of ship's hygiene standards or public health standards

4. Minor Misconduct

Lesser breaches of the code that are not deemed serious enough for formal action may be handled with informal action.

Informal action includes but is not limited to:

- A non-recorded conversation
- A written 'verbal counsel'
- A record of discussion
- A Performance Improvement Notice
- Mediation
- Additional training and/or guidance
- Discontinuation of promotional training or cross training
- A move to a different section or re-assigned duties within the role
- A change in schedule
- Support, shadowing or monitoring from a colleague

5. Disciplinary Investigation and Hearing Procedures:

- An alleged breach of the Code for which informal action is considered inadequate is to be investigated by the Master or Head of Department within a reasonable time frame (with the support of the HR Manager)
- When an investigation is taking place, the Crew Member's direct Manager, Head of Department and Staff Captain must be informed (unless there is clear justification not to do so). In some cases, it may be appropriate to inform the crew member that an investigation is taking place, in other cases the investigation might need to remain completely confidential
- Investigation may include (but is not limited to) obtaining and reviewing: witness statements, CCTV or photographic evidence, Security reports, gangway logs, ratings, Guest comments, Guest complaints, social media posts, text messages or other electronic messages, emails, Time and Attendance records, sign in/out sheets, Public Health logs, Public Health inspection reports, training records, the signed Acknowledgement of Company Policies, previous informal action, previous formal action, previous appraisals, Performance Improvement Notices (PIN's) and PIN reviews, drug and alcohol testing records, cabin inspection records etc.
- For cases of Gross Misconduct, an investigation report must be compiled and sent to the Director or Fleet HR and Crewing before a hearing is convened
- Following reasonable investigation, The Master or Head of Department is to invite the Crew Member to a disciplinary hearing and advise them of the alleged breach of the Code using the DIS 2 (Notification of Disciplinary Hearing Letter). The employee must be given reasonable time to prepare for the hearing. The employee may ask a colleague of his/her choice onboard the ship to accompany him/her either to observe or to speak on his/her behalf
- The HR Manager, must always be present at any hearing unless there are extreme circumstances such as a conflict of interest, in which case, the Master will appoint a suitable replacement
- The employee's direct Manager should be present at the hearing unless this is deemed inappropriate by the hearing chairperson
- Where Gross Misconduct hearings are chaired by the Master, the Staff Captain and relevant Head of Department should be present
- The hearing must be held in a suitable, private location

- For cases of Gross Misconduct, the HR Manager must take meeting minutes
- For cases of Dismissal, the HR Manager must compile a 'Captain's Court Report'
- At the hearing the Crew Member must be given the opportunity to speak. The Crew Member must have the opportunity to admit or deny the allegation, to question the person bringing the allegation, to call and question any witnesses on the evidence produced against him and to make a statement
- Details of the investigation and any evidence should be shared with the Crew Member where appropriate. In some cases, some evidence can be kept confidential e.g. a witness statement or a witness name
- The investigating Officer (Master or Head of Department) may adjourn the hearing at any time for further investigation to be carried out or to consider an outcome
- For cases of Gross Misconduct, an adjournment is encouraged in order to consider an appropriate outcome and to discuss this with the HR Manager
- After careful and thorough investigation and having considered all the evidence, the Master or Head of Department will inform the employee if they have been found to have committed the alleged breach
- If the employee is found to have committed the alleged breach, the Head of Department may impose a formal warning or the Master may dismiss the employee from the Ship
- For cases of potential dismissal, the Master will consider the employee's record on the ship, the severity of the offence and any other relevant or mitigating factors
- The outcome of the hearing is to be recorded on the Form DIS 3 (Discipline Record Form) and in an Official Log Book entry. A copy of the DIS2 and DIS3 is to be given to the employee. If the employee requests, they may also be given a copy of any meeting minutes or Captain's Court report
- All original documentation is to be filed by the Staff Captain
- The HR Manager keeps scanned records of all documentation and sends scanned DIS2 and DIS3 documents to the Shoreside Fleet HR and Crewing Department
- Records of formal warnings are held on file for a period of one year, thereafter all copies are removed by assigned shipboard personnel (Staff Captain and HR Manager)
- In the event of dismissal, the HR Manager (Finance Officer on Silver Explorer) will support the employee with repatriation arrangements and the employee is to be advised of any repatriation expenses to be recovered from his/her wages
- In the event of a potential dismissal, the HR Manager is to inform the Finance Officer and Senior Accountant in advance so that they can plan their time accordingly