

Order on exemptions from the act on seafarers' conditions of employment, etc. for fishing vessels

Pursuant to sections 65, 66 and 75 of the act on seafarers' conditions of employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*), cf. consolidated act no. 742 of 18 July 2005, as amended by act no. 493 of 12 May 2010 and act no. 618 of 12 June 2013, the following provisions are laid down:

Section 1. The act on seafarers' conditions of employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*) shall apply to the conditions of employment on fishing vessels with the amendments deriving from sections 2-11 of this order.

Section 2. Section 6(5), section 7(2), the third sentence, sections 8a-8f, section 10(3) and section 19(3), the second sentence, of the act shall not apply.

Section 3.¹ In case an ill or injured fisherman cannot take care of his personal belongings, the master shall take care of them.

Section 4.² For a fisherman who is ill or injured at the time of termination of the ship service, the following shall apply:

- 1) The sickness pay shall continue for as long as the person concerned is incapacitated, however for a maximum of eight weeks, irrespective of whether the fisherman's conditions of employment terminate before the expiry of eight weeks calculated from the termination of the ship service.
- 2) In case the conditions of employment terminate after the expiry of more than eight weeks calculated from the termination of the ship service, the sickness pay shall continue until the termination of the employment.
- 3) If the employed fisherman has become incapacitated at a time when he did not serve on one of the company's ships, the eight weeks shall be calculated from the time when the incapacity occurred.

Section 5.³ In case a fisherman is suffering from illness or injury at the time of termination of the employment, he shall, except as provided in subsections 4-6 of the act, be entitled to care and attendance for the account of the shipowner for up to 12 weeks, not exceeding, however, two weeks after the arrival in the country in which he is domiciled. This period shall be reckoned from the date of discharge or, if he is not discharged, from the date on which the ship departs.

Section 6.⁴ The right to care and attendance shall only apply to care and attendance outside the country of domicile for a period of up to 12 weeks after the occurrence of the illness or the injury. The provisions of section 29 of the act shall not apply in case the illness occurs while on pregnancy and/or maternity leave.

Section 7.⁵ The food on board shall be free of charge for the fisherman unless otherwise arranged.

¹ The provision concerns an exemption from section 27(6) of the act.

² The provision concerns an exemption from section 29(2) of the act.

³ The provision concerns an exemption from section 30(2) of the act.

Section 8.⁶ A fisherman may bring the the account of wages drawn up by the master before the Danish Maritime Authority.

Subsection 2. If a dispute arises between the master and the fisherman about the account of wages or other terms of employment while the ship is outside Denmark, the dispute may be brought before a Danish consul. The dispute shall not be brought before a foreign authority.

Subsection 3. The decision of the Danish Maritime Authority or the consul shall be the final administrative ruling. If the fisherman has no other venue in Denmark, an action may be brought against him in the judicial district in which the ship has her home port.

Subsection 4. If the decision involves payment of an amount exceeding DKK 500, the consul may if it is warranted by the facts of the case decide that the amount shall be deposited with him in full or in part. An amount deposited together with a copy of the consul's decision shall be forwarded to the Danish Maritime Authority. The amount may be required paid after the expiry of six months unless the dispute has been brought before a Danish court of law before that time.

Section 9.⁷ If the shipowner fails to fulfil his obligations in pursuance of section 55 or his obligation in pursuance of section 1a to ensure compliance with section 12(2) and (3), section 18a(1)-(4), section 18b(4) and (5), section 27, section 49(xv) or (xxi) or section 55, he shall be liable to punishment by fine or imprisonment for a term not exceeding one year. If the shipowner fails to fulfil his obligations in pursuance of section 4(1) and (2), section 46, section 49(iii) or (xxi), section 57 or section 64b(1), he shall be liable to punishment by fine.

Section 10.⁸ Unless more severe punishment is otherwise provided by law, the master or the person who is acting in his place shall be liable to punishment

- 1) by fine or imprisonment for a term not exceeding four months if he
 - a) intentionally or through gross negligence takes more severe enforcement measures than prescribed by section 62 and section 63(2), or
 - b) disregards his obligations in pursuance of section 12(2) and (3), section 18a(1)-(4), section 18b(4) and(5), section 27(1)-(5) or section 55,
- 2) by fine if he
 - a) employs anybody for work in contravention of section 4 or 57, or
 - b) disregards his obligations prescribed in pursuance of section 32, section 56(1), (2) and (4), section 60, section 63(3) and (4), section 64a(3), section 64b(1), section 74 or provisions stipulated in pursuance of section 73 or section 73a(2) on the right to a free voyage home.

Section 11.⁹ The following provisions shall apply to the master:

- 1) Section 1(2),
- 2) section 3(3) and (4),

⁴ The provision concerns an exemption from section 35(2) of the act.

⁵ The provision concerns an exemption from section 55(1), the first sentence, of the act.

⁶ The provision concerns an exemption from section 64 of the act.

⁷ The provision concerns an exemption from section 65(1)-(3) and (5) of the act.

⁸ The provision concerns an exemption from section 66 of the act.

⁹ The provision concerns an exemption from section 49 of the act.

- 3) section 4(2),
- 4) section 6(1)-(4),
- 5) section 7(1), cf. section 39,
- 6) section 8,
- 7) section 10a(1) and (2),
- 8) section 14(1), cf. subsection 3,
- 9) section 15,
- 10) section 18a,
- 11) section 18b,
- 12) section 18c,
- 13) section 18d,
- 14) sections 21, 22 and 24-26,
- 15) section 27 with the amendment deriving from section 3 of this order,
- 16) section 28,
- 17) sections 29-30, cf. sections 35, 40 and 41, with the amendments deriving from sections 4-6 of this order,
- 18) section 31,
- 19) sections 32 and 34,
- 20) section 33, cf. section 35, with the amendments deriving from section 6 of this order,
- 21) section 55(1) with the amendment deriving from section 7 of this order and section 55(2),
- 22) section 57, and
- 23) section 61.

Section 12. This order shall enter into force on 20 August 2013.

Subsection 2. At the same time, order no. 13 of 8 January 1974 on the application of the seamen's act (*sømandsloven*) to fishing vessels shall be repealed.

Danish Maritime Authority, 15 August 2013
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