

Translation: Only the Danish document has legal validity.

*Order no. 845 of 25 June 2018  
issued by the Danish Maritime Authority*

## Order on safety work in fishing vessels (Occupational health in ships)<sup>1</sup>

In pursuance of section 1(2), section 3(1)(vi) and section 32(9) of the Danish Act on safety at sea (*lov om sikkerhed til søs*), see Consolidated Act no. 72 of 17 January 2014 as amended by Act no. 374 of 1 May 2018, and section 1(2), section 3(1)(vi) and section 32(2) of Decree no. 71 of 29 January 2013 on the entry into force for Greenland of acts amending the Act on safety at sea, the following provisions are laid down as authorised under section 1(1)(iii) of Order no. 744 of 24 June 2013 on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

### Part 1

#### *Application and purpose*

**Section 1.** This Order applies to fishing vessels registered in Denmark and Greenland.

*Subsection 2.* This Order covers persons employed by the shipowner or by another employer (in the following referred to as the shipowner) to carry out commercial work on board.

*Subsection 3.* This Order covers all types of work carried out on board fishing vessels.

*Subsection 4.* A fishing vessel means a ship used for commercial fishing of fish, etc. and the certificate of nationality of which is provided with a port number.

**Section 2.** The purpose of the safety work in fishing vessels is to promote, ensure and maintain a good, safe and healthy physical and mental working environment.

### Part 2

#### *Common provisions*

##### *Shipowner's and master's obligations, etc.*

**Section 3.** The health and safety work in fishing vessels must be carried out in cooperation between the shipowner, the master, the ship's officers, the share fishermen and others performing work on board.

*Subsection 2.* The shipowner and the master have the overall responsibility for arranging the work on board so that it is carried out in a fully appropriate manner in terms of health and safety.

*Subsection 3.* All persons on board are individually and collectively responsible for the work on board being carried out in a fully appropriate manner in terms of health and safety.

*Subsection 4.* Members of the safety organisation shall strive to solve any health and safety problems on board.

**Section 4.** As regards compliance with the provisions of section 3(2), the shipowner and the master are responsible for establishing, developing and maintaining a safety organisation in accordance with the provisions below, which is well-functioning and contributes to promoting health and safety during work on board.

**Section 5.** The shipowner shall ensure that the members of the safety organisation have the necessary time available to perform their duties in relation to safety work.

*Subsection 2.* The shipowner shall give the members of the safety organisation the possibility of acquiring the necessary knowledge about or training in health and safety issues.

*Subsection 3.* The shipowner shall pay the expenses incurred by the members of the safety organisation in connection with the performance of their duties and reimburse lost wages, including expenses and lost wages in connection with the necessary participation in safety and occupational health courses, etc.

*Subsection 4.* The shipowners concerned shall be obliged to make the members of the safety organisation for a relevant area acquainted with requirements that the Danish Maritime Authority make in writing for a fishing vessel registered in the area in addition to what is covered by the periodic surveys.

**Section 6.** Disputes about the issues mentioned in section 5(3), including the issue of which rules apply and issues

---

<sup>1</sup> This order implements parts of Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work, Official Journal 1989, no. L 183, p. 1.

of breach or interpretation of the rules, are to be settled by industrial procedure according to the provisions of the Danish Act on the industrial tribunal and industrial arbitration courts (*lov om Arbejdsretten og faglige voldgiftsretter*).

**Section 7.** Members of the safety organisation are protected against dismissal, termination or other impairment of their conditions in the same manner as shop stewards within the relevant or a similar professional area.

#### *Training, 'section 8 course'*

**Section 8.** All members of a safety organisation, as described in parts 3, 4 and 5, shall have completed an occupational health course for fishing vessels approved by the Danish Maritime Authority.

*Subsection 2.* Persons who have, in connection with a maritime training programme, see the Danish Act on maritime training programmes (*lov om maritime uddannelser*), completed a training programme in occupational health corresponding to the occupational health course for safety committees and safety groups in fishing vessels (section 8 course) are considered to meet the requirement stipulated in subsection (1).

**Section 9.** Members of the safety group who have not completed the training programme in occupational health referred to in subsection (1) shall immediately after having been elected or appointed be enrolled for the training programme with a provider of the training programme approved by the Danish Maritime Authority. The shipowner or the master shall ensure that enrolment takes place.

**Section 10.** The training programme must be completed within six months after the safety or management representative is elected or appointed.

### Part 3

#### *Safety organisation of fishing vessels with seven or fewer employees, including the master*

**Section 11.** Joint safety committees are to be established in an appropriate number of areas following negotiations between the organisations of the fishing industry. The number of safety committees may be revised as and when required.

*Subsection 2.* Each safety committee must be composed of an equal number of share fishermen and shipowners. The respective number of share fishermen and shipowners must be at least two and not more than six. The number of representatives is to be determined following negotiations between the organisations of the fishing industry.

**Section 12.** A safety committee shall elect its chairman among its members. Every second year, the chairmanship alternates between a share fisherman and a representative of a shipowner.

*Subsection 2.* An occupational health consultant on the part of the share fishermen and an occupational health consultant on the part of the shipowners may be attached to the safety committee.

*Subsection 3.* The share fishermen shall elect members of the safety committee for the area concerned. The members are elected for a term of two years or until an elected share fisherman stops working within the industry. Re-election may take place.

*Subsection 4.* The shipowners concerned shall elect members of the safety committee for the area concerned. The members are elected for a term of two years or until an elected representative stops working within the industry. Re-election may take place.

*Subsection 5.* Elections take place according to a special procedure agreed upon by the organisations of the fishing industry.

*Subsection 6.* An overview of the members of the safety committees must be published and kept so that the overview is updated as soon as possible after the election of the members.

*Subsection 7.* Disputes about the guidelines for election and eligibility, including the issue of which rules apply and issues of breach or interpretation of the rules, are to be settled by industrial procedure according to the provisions of the Danish Act on the industrial tribunal and industrial arbitration courts (*lov om Arbejdsretten og faglige voldgiftsretter*).

**Section 13.** The safety committee shall plan, manage and coordinate the health and safety work in relation to fishermen as regards both physical and mental issues. The committee shall record the fishermen's occupational health problems and offer advice for solutions to occupational health issues.

*Subsection 2.* The safety committee shall ensure that the reasons for accidents, poisonings and occupational illnesses as well as signs thereof are examined and arrange for measures to be taken to prevent recurrence.

*Subsection 3.* The safety committee shall keep informed about the provisions on health and safety that have been laid down to protect the fishermen. The committee shall lay down the principles of the necessary training and instruction and shall ensure that compliance with the safety provisions is checked on a continuous basis.

**Section 14.** The safety committee shall hold ordinary meetings regularly. Furthermore, the committee shall hold a meeting when serious accidents, serious poisoning or other serious health injuries occur as well as when any other need for a meeting arises. Extraordinary meetings are held when the chairman deems it necessary or if at least two members of the committee request this.

*Subsection 2.* Ordinary meetings of the safety committee must be convened in due time.

*Subsection 3.* Minutes of safety committee meetings must be prepared. Minutes of safety committee meetings must be forwarded to all the relevant organisations in the area.

*Subsection 4.* Once a year, the committee shall make a consolidated overview of the committee's work. This overview must be forwarded to the Danish Maritime Authority upon request.

## Part 4

### *Safety organisation of fishing vessels with eight to fifteen employees, including the master*

**Section 15.** A safety organisation may be established for fishing vessels on board which eight to fifteen persons are working, including the master, following negotiations between the organisations of the fishing industry and in accordance with the provisions of sections 16-18.

*Subsection 2.* If a safety organisation is not established in pursuance of subsection (1), the provisions on the safety organisation in fishing vessels where 16 or more persons are working, including the master, apply.

**Section 16.** The master shall appoint a management representative among the supervisors on board, and the ratings shall appoint a safety representative among themselves.

*Subsection 2.* Together, the management representative appointed and the safety representative appointed constitute the safety group of the vessel.

*Subsection 3.* The position as a safety representative is held until the safety representative's work function or service on board ceases; however, for a maximum of two years. Re-election may take place.

*Subsection 4.* The master must be informed about the result of the election immediately after the election.

**Section 17.** The safety group shall be actively engaged in ensuring good cooperative relations on board about health and safety issues.

*Subsection 2.* The safety group shall check that the conditions of work and the work are arranged and performed in a fully appropriate manner in terms of health and safety, including that effective training and instructions are provided and that tools and other technical aids, etc. are arranged and used in a fully appropriate manner in terms of health and safety.

*Subsection 3.* The safety group shall take part in workplace and risk assessments of the health and safety conditions.

*Subsection 4.* The safety group shall also function as a contact link to the joint safety committee referred to in section 18 and, inter alia, keep the joint safety committee informed about occupational health issues and present any proposals for improvements to the committee.

*Subsection 5.* The safety group shall ensure that occupational health risks are countered, including that the issue is reported to the master if it is not possible to counter the risk on the spot. If there is no time to inform the master and if the safety group considers that there is an immediate considerable danger to the health and safety of the crew that it cannot avert, the group may stop the work or the work process to the extent that this is necessary to avert the danger. The safety group shall immediately inform the master about the stop and explain why it was considered necessary.

*Subsection 6.* The safety group shall inform about the on-board work of the safety committee referred to in section 18.

**Section 18.** A joint safety committee must be established for fishing vessels covered by section 15(1).

*Subsection 2.* The joint safety committee must be composed of an equal number of members of the safety groups and shipowners.

*Subsection 3.* At least one of the members of the safety group of a ship shall represent the ship concerned on the joint safety committee.

*Subsection 4.* The joint safety committee shall otherwise observe the applicable provisions on safety committees, see sections 11-14.

## Part 5

### *Safety organisation of fishing vessels on which 16 or more persons are working, including the master*

**Section 19.** The ratings shall elect two safety representatives among themselves from the work areas on board where most persons are working and inform the master about the result of the election immediately after the election.

*Subsection 2.* Ratings mean all the workers mentioned in section 1(2) who are not ship's officers or other similar supervisors.

*Subsection 3.* The position as safety representative is held until the safety representative's service on board ceases; however, for a maximum of two years. Re-election may take place.

**Section 20.** The master shall appoint two management representatives among the supervisors on board from the work areas on board where most persons are employed.

**Section 21.** Together with the safety representatives, the management representatives constitute the ship's safety groups.

**Section 22.** Together with the master, the safety groups shall establish a safety committee. The master shall be the chairman of the committee.

*Subsection 2.* If there is agreement about this, the safety committee may add other persons to its number.

**Section 23.** The safety group shall check:

- (i) that the conditions of work and the work are arranged and performed in a fully appropriate manner in terms of health and safety;
- (ii) that substances and materials are used only in connection with work processes and methods that effectively protect the employees against accidents and diseases.
- (iii) that effective training and instructions are provided; and
- (iv) that tools and other technical aids, etc. are arranged and used in a fully appropriate manner in terms of health and safety.

*Subsection 2.* The safety group shall influence everyone to behave in a manner that promotes the person's own and others' health and safety and, in this connection, inform about the provisions laid down to promote health and safety on board.

*Subsection 3.* Within its area, the safety group shall take part in the planning of the health and safety work, including the risk assessment of the conditions of health and safety.

*Subsection 4.* The safety group shall:

- (i) function as a contact link between the workers and the safety committee;
- (ii) keep the committee informed about occupational health issues; and
- (iii) present any proposals for improvements to the committee.

*Subsection 5.* The safety group shall ensure that occupational health risks are countered. If it is not possible to counter the risk on the spot, the safety group shall ensure that the master is informed about the issue.

**Section 24.** If there is no time to inform the master and if the safety group considers that there is an immediate considerable danger to the health and safety of the crew that it cannot avert, the group may stop the work or the work process to the extent that this is necessary to avert the danger. The safety group shall immediately inform the master about the stop and explain why it was considered necessary.

**Section 25.** The safety committee shall plan, manage and coordinate the health and safety work and all measures that may be of importance to the health and safety of the workers on board. The committee shall record occupational health problems and offer advice for solutions to occupational health issues.

*Subsection 2.* The safety committee must be consulted prior to any request for assistance to the ship for resolving health and safety issues.

*Subsection 3.* The safety committee shall ensure – in cooperation with the relevant safety group – that the reasons for accidents, poisonings and health injuries and signs thereof are examined and arrange for measures to be taken to prevent recurrence.

*Subsection 4.* The safety committee and the relevant safety group must have access to the lists and the accounts of incidents described in reports on marine accidents on the ship that are to be drawn up.

*Subsection 5.* The safety committee shall:

- (i) keep informed about the provisions on health and safety that have been laid down to protect the workers on board;
- (ii) assist in the drafting of principles for sufficient and necessary training and instructions adapted to the conditions of work on board the ship; and
- (iii) ensure that compliance with the safety requirements is continuously checked.

*Subsection 6.* The safety committee shall help arrange coordination of the work on health and safety with other employers who perform work on board.

*Subsection 7.* Members of the safety organisation shall endeavour to perform their obligations in a manner that presents as little interruption as possible of their own or others' normal work on board.

**Section 26.** The safety committee shall hold ordinary meetings regularly. Furthermore, the safety committee shall hold meetings in case of occurrence of serious accidents, serious poisoning, other health injuries or serious incidents which could have resulted in accidents or health injuries.

*Subsection 2.* The chairman shall convene the meetings. The chairman shall convene a meeting if at least two committee members request this.

*Subsection 3.* The ship's survey book must be available and accessible to the members during safety committee meetings.

*Subsection 4.* Minutes of safety committee meetings must be prepared. The minutes must be handed out to the committee members, be made available to the workers on board and be forwarded to the shipowner.

*Subsection 5.* In addition to the ordinary members, persons from the Danish Maritime Authority may attend safety committee meetings.

*Subsection 6.* If the safety committee members so agree, other persons may be permitted to attend the meetings.

## Part 6

### *Penalty provisions*

**Section 27.** Contravention is punishable with a fine or imprisonment for up to one year.

*Subsection 2.* The penalty may be increased to imprisonment for up to two years if:

- (i) the contravention has caused injury to life or health or a risk thereof;
- (ii) a prohibition notice or an improvement notice has previously been issued for the same or similar matters;
- (iii) the contravention has resulted in or aimed at a financial benefit for the person committing it or others.

*Subsection 3.* If the benefit obtained through the contravention is not confiscated, the amount of such financial benefit obtained or sought obtained must be taken into account when determining the fine, including additional fines.

*Subsection 4.* Criminal liability may be imposed on companies, etc. (legal persons) under the rules of Part 5 of the Danish Criminal Code (*straffeloven*).

*Subsection 5.* A legal person who substantiates having done everything necessary to ensure a sound and safe working environment shall, however, not be punished in cases where an employee fails to comply with the requirements laid down on the use of personal protective aids, exhaust measures, protective equipment or safety provisions solely intended to protect the relevant employee.

**Section 28.** If the matter is covered by the Decree on the entry into force for Greenland of the Danish Act on safety at sea (*lov om sikkerhed til søs*), measures may be laid down in accordance with the Penal Code (*kriminalloven*) for Greenland.

*Subsection 2.* The matters referred to in section 5(2) are considered aggravating circumstances.

*Subsection 3.* If the benefit obtained through the contravention is not confiscated, see section 116(1) of the Penal Code, the amount of such financial benefit obtained or sought obtained must be taken into account when determining the fine, including additional fines.

*Subsection 4.* If the contravention is committed by companies etc. (legal persons), a fine may be imposed on the legal person as such. If the contravention is committed by the State, the Greenland Government, a municipal authority, a municipal cooperative comprised by section 64 of the Landsting Act on municipal councils and local authorities, etc., or a local authority, a fine may be imposed on the relevant public authority as such.

*Subsection 5.* If the relevant party is not resident in Greenland, or if his ties with Greenland society is otherwise so remote that the prerequisites for measures to be taken do not exist, legal proceedings may be instigated or the case may be referred for trial in Denmark.

## Part 7

### *Entry into force, etc.*

**Section 29.** This Order enters into force on 1 July 2018.

**Section 30.** Order no. 862 of 22 June 2017 on safety work and occupational health in fishing vessels is repealed.

*Danish Maritime Authority, 25 June 2018*

PER SØNDERSTRUP

/ Philippe Bauchy