

Translation: Only the Danish document has legal validity.

**Chapter A XII A
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Technical regulation on occupational health in ships

C H A P T E R X I I

Occupational health services

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CHAPTER XII

Occupational health services

Part A The Danish Maritime Occupational Health Service and Its Secretariat

Regulation 1 The Danish Maritime Occupational Health Service

- 1 The Danish Maritime Authority shall establish the Danish Maritime Occupational Health Service.
- 2 The Danish Maritime Occupational Health Service is a private, non-profit organisation.
- 3 The purposes of the Danish Maritime Occupational Health Service are as follows:
 - .1 to improve the employees' physical as well as mental health and safety;
 - .2 to prevent occupational injuries, including occupational accidents, occupational diseases and attrition among the employees on Danish merchant ships; and
 - .3 to create and improve the basis on which the ships' safety organisations are made capable of solving issues of health and safety through organised occupational health work on board so that a safe and healthy working environment may be maintained which is in accordance with the technical and social development within shipping and in society at any time.
- 4 The assignments of the Danish Maritime Occupational Health Service are as follows:
 - .1 to map and evaluate the occupational health problems of the merchant fleet in cooperation with the shipping company and the safety organisation;
 - .2 to provide information and guidance on the rules and regulations that apply to the shipping sector;
 - .3 to present proposals and suggestions to the Ships Inspection Council and the Danish Maritime Authority for amending the provisions on the conditions of health and safety in merchant ships;
 - .4 to make suggestions and comments on new regulations as well as on individual cases that the Ships Inspection Council and the Danish Maritime Authority present to it; and
 - .5 to cooperate and participate in the mutual exchange of information with other relevant authorities and agencies as well as to assist in the compilation and review of statistical material on conditions of health and safety on board merchant ships.
- 5 The Danish Maritime Occupational Health Service shall be managed by a board with up to 12 members who represent the employers (hereinafter referred to as ship owners) and the seafarers in equal numbers.
- 6 The representatives and substitutes for the board shall be appointed by the Danish Maritime Authority on the recommendation of the major shipping organisations according to a special selection procedure developed by the Ships Inspection Council. However, the Minister of Finance shall recommend one of the representatives of the ship owners.
- 7 More detailed rules on the Danish Maritime Occupational Health Service and its activities shall be laid down by the Service in the form of articles of association approved by the Danish Maritime Authority.

Regulation 2 The Secretariat of the Danish Maritime Occupational Health Service

- 1 The Danish Maritime Occupational Health Service shall establish a Secretariat.
- 2 The Secretariat shall carry out the work related to conditions of health and safety for persons at sea who are engaged on board merchant ships with a gross tonnage of 20 or more and shall function as a secretariat to the Danish Maritime Occupational Health Service.

- 3 Any ship owner with employees within the group of persons mentioned in paragraph 2 shall be covered by the Secretariat of the Danish Maritime Occupational Health Service.
- 4 The duties of the Secretariat are as follows, according to guidelines laid down by the Danish Maritime Occupational Health Service:
- .1 to identify and evaluate problems of occupational health on merchant ships and to assist the ship owner, the ship management and the safety organisation when solving occupational health issues;
 - .2 to advise the ship owner, the ship management and the safety organisation on the execution and evaluation of occupational hygiene measurements;
 - .3 to advise the ship owner, the ship management and the safety organisation about the purchase, control as well as use of personal protective equipment;
 - .4 to be in charge of systematic health examinations of especially exposed groups or individuals; and
 - .5 to assist in the teaching of and advise about issues of health and safety and hygiene.
- 5 A seafarer's participation in a health examination, as mentioned in paragraph 4(4), shall be conditional upon the consent of the person in question.
- 6 The Secretariat may, in accordance with guidelines laid down by the Danish Maritime Occupational Service, on the request of the ship owner, ship yards, manufacturers, suppliers or others and against payment undertake to carry out tasks related to occupational health at sea.
- 7 The Secretariat and the safety organisation of each individual ship shall cooperate and keep each other informed about issues within all fields of importance to health and safety on board.
- 8 The Secretariat may take part in the safety committee meetings of individual ships without any voting rights as specifically agreed.
- 9 If a ship does not have a safety organisation, the Secretariat shall contact the ship owner, the master and the employees directly with a view to cooperation and information in all fields of importance to health and safety on board.
- 10 The ship owner shall be obliged to pass on material and information about occupational health received from the Secretariat to the safety organisation of each individual ship and, where a safety organisation has not been established, to the ship management and the other employees on board.
- 11 The Secretariat shall cooperate with the authorities, institutions, etc. concerned and take part in mutual exchange of information with the said bodies.

Regulation 3 The staff of the Danish Maritime Occupational Health Service

- 1 The board of the Danish Maritime Occupational Health Service shall engage a Head of the Secretariat, who shall be in charge of the daily management of the activities. In accordance with paragraphs 2 and 3, the Danish Maritime Occupational Health Service shall engage members of staff for the Secretariat to such an extent and with such a composition that the Secretariat is able to carry out the tasks mentioned in regulation 1(4) and regulation 2(4).
- 2 Some of the members of staff shall normally be permanently employed by the Danish Maritime Occupational Health Service, but some of the Secretariat's tasks may also be carried out as consultancy work by private companies, public institutions and authorities, institutes, etc.
- 3 In the case of major tasks requiring the collection of special knowledge, such as within the field of occupational medicine, they may be placed with external cooperating institutions on long-term contracts, such as the Research Unit for Maritime Medicine.
- 4 In connection with the performance of their tasks, the members of staff of the Secretariat shall be permitted to embark any Danish merchant ship covered by the provisions of this part.
- 5 When performing their tasks, the members of staff of the Secretariat shall ensure that the ship is not unnecessarily detained or that the work on board is not unnecessarily obstructed.
- 6 The members of staff of the Secretariat shall present their identification upon request.

- 7 The ship's owner, master and chief engineer as well as anyone acting on their behalf shall be obliged to render the members of staff of the Secretariat all the assistance necessary in the performance of their tasks and give them any information in connection herewith.
- 8 The members of staff of the Secretariat shall be obliged to keep confidential anything that they might learn through their work. Such a duty of confidentiality shall, however, be limited by any duty of disclosure under any other legislation.
- 9 The members of staff of the Secretariat may not inform the ship owner or the ship management that an examination or the like is being carried out as a consequence of a request made by one or more employees.
- 10 If, during the performance of their work, the members of staff of the Secretariat learn about conditions on board a ship that involve a risk to the health and safety of the employees, they shall be obliged to inform the ship owner, the ship's safety organisation and the employees concerned hereof forthwith.

Regulation 4 Financing

- 1 The ship owners shall pay the expenses for the establishment and operation of the Danish Maritime Occupational Health Service and its Secretariat, including expenses for the necessary further training of the Secretariat's staff. The public funds for the Danish Maritime Occupational Health Service and its Secretariat shall be determined on the Annual Budget. Measures introduced by the Danish Maritime Occupational Health Service and its Secretariat may not involve expenses to those employed on board.
- 2 The overall financial framework of the functions and operation of the Danish Maritime Occupational Health Service and its Secretariat, excluding activities financed separately, may not exceed the 2008 level. The Danish Maritime Occupational Health Service may, irrespective of the first sentence, change the financial framework in accordance with the development in prices, wages or the size of the merchant fleet.
- 3 The Danish Maritime Occupational Health Service shall determine the total financial framework as well as the distribution of the expenses on each individual ship owner.
- 4 The Danish Maritime Occupational Health Service shall draw up a budget for the overall financial framework of the functions and operation of the Danish Maritime Occupational Service and its Secretariat as well as the expected distribution of the expenses on each individual shipowner for a given period of 3 years. The financial framework shall be determined finally once a year in relation to the actual employment on board Danish ships and the tasks of general interest to the industry decided by the board of the Service. The board of the Service shall decide on an ongoing basis what individual services to the shipowners shall be paid separately.
- 5 Each individual ship owner shall be responsible for the registration with the Danish Maritime Occupational Service and its Secretariat. The ship owner shall also be responsible for reporting the information required and paying the financial contributions. The information required shall be submitted to a place in this country determined by the Danish Maritime Occupational Health Service and the financial contributions shall be paid to the same place.
- 6 The Danish Maritime Authority may pay grants for activities to the Danish Maritime Occupational Health Service in accordance with the provisions of the Order on the occupational health measures made by the Danish Occupational Health Service and the industrial occupational health services in force at any time and issued by the Ministry of Employment.
- 7 Consultants may be affiliated directly with the Danish Maritime Occupational Health Service or with one or more of the organisations represented through the Service.
- 8 The Danish Maritime Authority shall reimburse the expenses in relation with the Danish Maritime Occupational Health Service's occasional trips to ships in foreign ports with up to half of the travel expenses. Once a year, the Danish Maritime Authority shall determine the size of an annual maximum contribution to these expenses.

Regulation 5 The Danish Maritime Authority

- 1 The Danish Maritime Authority shall ensure that the provisions are observed, including that the Secretariat of the Danish Maritime Occupational Health Service has a staff made up of persons holding such qualifications that they are capable of carrying out the tasks that rest with them.
- 2 The Danish Maritime Authority may order the Danish Maritime Occupational Health Service to remedy conditions that are not in compliance with the provisions of this part immediately or within a period of time.
- 3 Each year, the Danish Maritime Occupational Health Service shall deliver a report to the Ships Inspection Council and the Danish Maritime Authority on the activities of the Service in the past year.
- 4 The Danish Maritime Authority may order the Danish Maritime Occupational Health Service to provide statistical information about all conditions of occupational health at sea.