

## **Order on the application of the Maritime Labour Convention to seafarers' working conditions on foreign ships**

Pursuant to section 3(2) and section 32(8) of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 654 of 15 June 2010, as amended by act no. 251 of 30 March 2011, the following provisions shall be laid down:

**Section 1.** Foreign ships in Danish ports and foreign ships in Danish territorial waters not in innocent passage shall meet the requirements of the UN Maritime Labour Convention.

*Subsection 2.* The provisions of the act on safety at sea (*lov om sikkerhed til søs*) on control and the possibilities of taking administrative measures, including orders, prohibitions, detentions and bans, shall apply to the ships mentioned in subsection 1.

**Section 2.** Anyone who grossly or negligently contravenes section 1(1) shall be liable to punishment by fine or imprisonment for a term not exceeding one year.

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

- 1) the contravention has resulted in injury to life or health or in a risk hereof;
- 2) a prohibition or order has previously been issued in connection with the same or similar conditions; or
- 3) the contravention has resulted in an obtained or intended economic advantage for the contravener or others.

*Subsection 3.* In the absence of confiscation of the economic profit obtained by the contravention, special account shall be taken of the amount of any obtained or intended economic advantage in connection with the determination of the amount of the fine or any additional fines.

*Subsection 4.* Companies, etc. (legal persons) may be liable to punishment pursuant to the provisions laid down in chapter 5 of the penal code (*straffeloven*).

*Subsection 5.* In case of liability to punishment under subsection 4, persons hired to carry out work on board the ship by others than the shipowner shall also be considered as being affiliated with the shipowner. If a document of compliance pursuant to the International Safety Management Code or a certificate pursuant to the Maritime Labour Convention has been issued to another organisation or person than the shipowner, the master and the seafarers shall also be considered as being affiliated with the one to whom the document has been issued.

*Subsection 6.* A legal person who proves that it has done everything necessary to ensure a good and safe working environment shall, however, not be liable to punishment in cases where an employee contravenes the provisions of the order on the use of personal protective aids, extraction measures, protective equipment or safety provisions serving only to protect the person as such.

**Section 3.** This order shall enter into force on 20 August 2013.

*Danish Maritime Authority, 28 June 2013  
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