

Translation: Only the Danish document has legal validity

*Order no. 1357 of 28 November 2018
issued by the Danish Maritime Authority*

Order on the Danish Maritime Occupational Health and Welfare Board and the Danish Maritime Occupational Health Service

In pursuance of section 1(5), section 5(4) and section 6 of the Act on the Danish Maritime Occupational Health and Welfare Board, see Consolidated Act no. 70 of 17 January 2014, as amended by Act no. 139 of 28 February 2018, and section 3(1)(vi) and section 32(9) of the 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, the following provisions are laid down:

Part 1

Application

Section 1. This Order contains provisions on:

- (i) Duties of the Danish Maritime Occupational Health and Welfare Board.
- (ii) Structure, duties and functions of the Danish Maritime Occupational Health Service, which is the name of the occupational health service established by the Danish Maritime Occupational Health and Welfare Board, see section 1(3) of the Act on the Danish Maritime Occupational Health and Welfare Board.
- (iii) Documentation and accounting of the Danish Maritime Occupational Health and Welfare Board and the Danish Maritime Occupational Health Service.
- (iv) Obtaining of an audit opinion on the annual report and on assurance of the separation of means for occupational health and welfare purposes.

Part 2

The Danish Maritime Occupational Health and Welfare Board

Section 2. The Danish Maritime Occupational Health and Welfare Board shall undertake the duties set out in section 1(2)(i)-(x) of the Act on the Danish Maritime Occupational Health and Welfare Board.

Section 3. The Danish Maritime Occupational Health and Welfare Board shall submit a report to the Danish Maritime Authority annually on the Board's work with both occupational health and welfare matters in the preceding year.

Section 4. At the request of the Danish Maritime Authority, the Danish Maritime Occupational Health and Welfare Board shall procure statistical information on all matters concerning occupational health at sea.

Part 3

The Danish Maritime Occupational Health Service

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Section 5. The Danish Maritime Occupational Health Service shall perform 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.

Section 6. The Danish Maritime Occupational Health Service shall undertake the duties set out in section 1(3)(i)-(v) of the Act on the Danish Maritime Occupational Health and Welfare Board.

Subsection 2. A seafarer's participation in a health examination, as referred to in section 1(3)(iv) of the Act on the Danish Maritime Occupational Health and Welfare Board, is subject to the consent of the person concerned.

Section 7. The Danish Maritime Occupational Health Service and the safety organisation in the individual ships shall cooperate and inform each other within all fields of importance to the safety and health on board.

Section 8. The Danish Maritime Occupational Health Service may attend the safety committee meetings of the individual ships without any voting rights and according to agreement.

Section 9. If a ship has no safety organisation, the Danish Maritime Occupational Health Service shall contact the shipowner, the master and the employees directly with a view to cooperation and information in all fields of importance to the safety and health on board.

Section 10. The Danish Maritime Occupational Health Service shall cooperate and take part in a mutual exchange of information with the authorities, institutions, etc. concerned.

Section 11. In addition to the duties set out in sections 5-10 of this Order, the Danish Maritime Occupational Health Service may, according to guidelines laid down by the Danish Maritime Occupational Health and Welfare Board, on the request of the shipowner, ship yards, manufacturers, suppliers or others and against payment, undertake to carry out tasks related to occupational health at sea.

Part 4

Management and staff of the Danish Maritime Occupational Health Service

Management

Section 12. The Danish Occupational Health and Welfare Board constitutes the board of the Danish Maritime Occupational Health Service.

Section 13. The board shall appoint a person to be in charge of the day-to-day management of the occupational health service.

Staff

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Section 14. In accordance with subsections (2) and (3) hereof, the board shall engage members of staff for the Danish Maritime Occupational Health Service whose number and composition must be such as to enable the Service to perform the duties referred to in section 3(3)(i)-(v) of the Act on the Danish Maritime Occupational Health and Welfare Board and sections 5-10 of this Order.

Subsection 2. Some of the members of staff must normally be employed with the Danish Maritime Occupational Health Service, but some of the Service's tasks may also be performed as consultancy work by private companies, public institutions and authorities, institutes, etc.

Subsection 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 Centre of Maritime Health and Society.

Section 15. In connection with the performance of their duties, the members of staff of the Danish Maritime Occupational Health Service are entitled to board any Danish merchant ship covered by section 5 of this Order.

Section 16. The members of staff of the Danish Maritime Occupational Health Service shall present their identification documents on request.

Section 17. When performing their tasks, the members of staff of the Danish Maritime Occupational Health Service shall ensure that the ship is not unduly detained and that the work on board is not unduly obstructed.

Section 18. The members of staff of the Danish Maritime Occupational Health Service shall keep confidential from any third parties any and all information which may come to their knowledge through their work. Such a duty of confidentiality is, however, limited by any duty of disclosure under other legislation

Section 19. The members of staff of the Danish Maritime Occupational Health Service may not inform the shipowner or the ship management that an examination or the like is being carried out as a consequence of an inquiry made by one or more employees.

Section 20. If, during the performance of their work, the members of staff of the Danish Maritime Occupational Health Service learn about conditions on board a ship that involve a risk to the health and safety of the employees, they are obliged to inform the shipowner, the ship's safety organisation and the employees concerned thereof forthwith.

Part 5

Obligations of shipowners etc.

Section 21. The shipowner is obliged to pass on materials and information about occupational health matters received from the Danish Maritime Occupational Health Service 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.

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Section 22. The ship's owner, master and chief engineer officer as well as anyone acting on their behalf are obliged to provide the members of staff of the Danish Maritime Occupational Health Service with all the assistance necessary in the performance of their tasks and to give them any information in that connection.

Subsection 2. Subsection (1) does not apply to tasks carried out against payment as set out in section 11.

Part 6

Financing

Section 23. The shipowners shall pay the expenses for the establishment and operation of the Danish Maritime Occupational Health Service and the part of the Board's work that concerns occupational health, including expenses for the necessary further training of the Service's staff.

Subsection 2. Any shipowner with employees belonging to the group of persons referred to in section 5 is covered by the Danish Maritime Occupational Health Service.

Subsection 3. The shipowners' contributions to the Danish Maritime Occupational Health Service and the part of the Board's work that concerns occupational health constitute a part of the fee set out in section 5(1) of the Act on the Danish Maritime Occupational Health and Welfare Board to be paid for each seafarer who is engaged on a Danish merchant ship, including masters, and who is insured against the consequences of accidents. The shipowner's contribution amounts to DKK 3.32 per day for each seafarer on ships with a gross tonnage of 20 or more which are registered in the Register of Shipping. For seafarers on ships registered in the Danish International Register of Shipping, however, the shipowner shall pay a fee of DKK 4.62 per day.

Subsection 4. The fees referred to in subsection (3) are adjusted annually from 2022 according to changes in the price and wage index of the Danish Ministry of Finance, see section 5(2) of the Act on the Danish Maritime Occupational Health and Welfare Board.

Section 24. Measures introduced by the Danish Maritime Occupational Health Service may not involve expenses to those employed on board.

Section 25. Each individual shipowner is responsible for the registration with the Danish Maritime Occupational Health and Welfare Board and the Danish Maritime Occupational Health Service.

Subsection 2. Shipowners who are members of the Danish Maritime Occupational Health and Welfare Board shall report the information required, including whether they are covered by the Danish Maritime Occupational Health Service, and shall pay the financial contributions set out in section 5(1) of the Act on the Danish Maritime Occupational Health and Welfare Board to a place in Denmark designated by the Board.

Part 7

Accounting and audit

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Section 26. The Danish Maritime Occupational Health and Welfare Board shall ensure that means deriving from seafarers are only applied to carry out and further activities related to seafarers' welfare at sea and during stays in ports both in Denmark and abroad, see section 4(3), third sentence, of the Act on the Danish Maritime Occupational Health and Welfare Board. Means comprise any type of means, including cash funds, shares, bonds, furniture and equipment, and real estate.

Section 27. The Danish Maritime Occupational Health and Welfare Board shall prepare financial statements for the Board and the Service according to the provisions of the Danish Financial Statements Act (*årsregnskabsloven*). The financial statements must be audited by an approved auditor.

Subsection 2. The audited annual report and auditor's records, if kept, prepared in connection with the financial statements must be submitted to the Danish Maritime Authority.

Section 28. The Danish Maritime Occupational Health and Welfare Board shall obtain an audit opinion stating that means deriving from seafarers have only been applied to carry out and further activities related to seafarers' welfare at sea and during stays in ports both in Denmark and abroad, see section 26.

Subsection 2. The audit opinion under subsection (1) must be submitted to the Danish Maritime Authority together with the annual report.

Part 8

Supervision by the Danish Maritime Authority

Section 29. The Danish Maritime Authority shall supervise the compliance with the provisions, including that the Danish Maritime Occupational Health Service has a staff whose composition and qualifications enable it to carry out the tasks that rest with it.

Part 9

Penalty provisions and entry into force, etc.

Section 30. Contravention of sections 21 and 22 is punishable with a fine.

Subsection 2. Criminal liability may be imposed on companies, etc. (legal persons) under the rules of Part 5 of the Danish Criminal Code (*straffeloven*).

Section 31. This Order enters into force on 1 December 2018.

Section 32. This Order does not apply to the Faroe Islands and Greenland.

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Ministry of Industry, Business and Financial Affairs, 28 November 2018

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