

Translation: Only the Danish document has legal validity.

**Chapter A XII B
15 December 2009**

Technical regulation on occupational health in ships

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Occupational health services

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CHAPTER XII

Occupational health services

Part B The Danish Fishermen's Occupational Health Service and Its Secretariat

Regulation 1 The Danish Fishermen's Occupational Health Service

- 1 The Danish Maritime Authority shall establish the Danish Fishermen's Occupational Health Service.
- 2 The Danish Fishermen's Occupational Health Service is a private, non-profit organisation.
- 3 The purposes of the Danish Fishermen's Occupational Health Service are as follows:
 - .1 to improve fishermen's 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 fishing vessels; and
 - .3 to create and improve the basis on which the fishermen's safety organisations are made capable of solving issues of health and safety through organised occupational health work so that a safe and healthy working environment may be maintained which is in accordance with the technical and social development within the fishing industry and in society at any time.
- 4 The assignments of the Danish Fishermen's Occupational Health Service are as follows:
 - .1 to map and evaluate the occupational health problems of the industry in cooperation with the ship owners and the safety organisation;
 - .2 to provide information and guidance on the rules and regulations that apply to the fishing sector;
 - .3 to coordinate the work performed by the port safety committees;
 - .4 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 fishing vessels;
 - .5 to make suggestions and comments on new regulations as well as on individual cases that the Ships Inspection Council or the Danish Maritime Authority presents to it; and
 - .6 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 fishing vessels.
- 5 The Danish Fishermen's Occupational Health Service shall be managed by a board with up to eight members who represent the joint owners of fishing vessels and the ship owners 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 of the fishing industry according to a special selection procedure developed by the Ships Inspection Council.
- 7 More detailed rules on the Danish Fishermen's 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 Fishermen's Occupational Health Service

- 1 The Danish Fishermen's 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 fishing vessels and shall function as a secretariat to the

Danish Fishermen's Occupational Health Service and to any committees established by the Service.

- 3 All persons who are engaged in fishing at sea, including those who have fishing as a subsidiary occupation, shall be covered by the Secretariat.
- 4 The duties of the Secretariat are as follows, according to guidelines laid down by the Danish Fishermen's Occupational Health Service:
 - .1 to identify and evaluate problems of occupational health on fishing vessels and to assist the ship owners, the employees and the safety organisation of the fishing industry when solving occupational health issues;
 - .2 to advise the ship owners, the employees and the safety organisation of the fishing industry on the execution and evaluation of occupational hygiene measurements;
 - .3 to advise the ship owners, the employees and the safety organisation of the fishing industry 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 fisherman'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 Fishermen's Occupational Service, on the request of ship owners, 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 the fishing industry shall cooperate and keep each other informed about issues within all fields of importance to health and safety on board.
- 8 Members of the Danish Fishermen's Occupational Health Service as well as of its Secretariat may take part in individual port safety committee meetings without any voting rights as specifically agreed.
- 9 The ship owner shall be obliged to pass on material and information about occupational health received from the Secretariat to the employees of each individual ship as well as to the port safety committee to the extent necessary.
- 10 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 Fishermen's Occupational Health Service shall engage a Managing Director, who shall be in charge of the daily activities. In accordance with paragraphs 2 and 3, the Danish Fishermen's 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 Fishermen's 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 The Managing Director of the Secretariat of the Danish Fishermen's Occupational Health Service shall employ and dismiss members of staff, cf. paragraphs 1-3. The Managing Director shall prioritise and delegate tasks according to guidelines laid down by the Danish Fishermen's Occupational Health Service.
- 5 In connection with the performance of their tasks, the members of staff of the Secretariat shall be permitted to embark any Danish fishing vessel covered by the provisions of this part.

- 6 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.
- 7 The members of staff of the Secretariat shall present their identification upon request.
- 8 The ship's owner and master 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.
- 9 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.
- 10 The members of staff of the Secretariat may not inform the ship owner or the master that an examination or the like is being carried out as a consequence of a request made by one or more employees.
- 11 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 master and the relevant port safety committee and the employees concerned hereof forthwith.
- 12 The members of the Danish Fishermen's Occupational Health Service shall also be covered by the provisions of paragraphs 9-11 on the duty of confidentiality.

Regulation 4 Financing

- 1 The expenses for the establishment and operation of the Danish Fishermen's Occupational Health Service and its Secretariat, including expenses for the necessary further training of the Secretariat's staff, shall be paid by persons fishing for commercial purposes who have employees who work on board fishing vessels at sea as well as by all owners of vessels who carry out fishing for commercial purposes or as supplementary occupation (the ship owners). The public funds for the Danish Fishermen's Occupational Health Service and its Secretariat shall be determined on the Annual Budget.
- 2 Measures introduced by the Danish Fishermen's Occupational Health Service and its Secretariat may not involve expenses to those employed on board.
- 3 The overall financial framework of the functions and operation of the Danish Fishermen's Occupational Health Service and its Secretariat, excluding activities financed separately, may not exceed the 2008 level. The Danish Fishermen's 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.
- 4 The Danish Fishermen's Occupational Health Service shall determine the total financial framework as well as the distribution of the expenses on each individual ship owner.
- 5 Each individual ship owner shall be responsible for the registration with the Danish Fishermen's Occupational Service and its Secretariat, and he shall also be responsible for reporting the information required for determining the size of his contribution. The ship owner shall also be responsible for paying the financial contributions determined by the Danish Fishermen's Occupational Health Service to a place in this country determined by the Danish Fishermen's Occupational Health Service.
- 6 In case of non-payment of contributions due, the Danish Fishermen's Occupational Health Service may charge a reminder fee of DKK 100 as well as interest from the due date at the rate found in the Act on interest in connection with delayed payment, etc.
- 7 The Danish Maritime Authority may pay grants for activities to the Danish Fishermen's 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.
- 8 Consultants may be affiliated directly with the Danish Fishermen's Occupational Health Service or with one or more of the organisations represented through the Service.

Regulation 5 The Danish Maritime Authority

- 1 The Danish Maritime Authority shall ensure that the Danish Fishermen's Occupational Health Service observes the provisions of this part, and that its Secretariat 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 Fishermen's 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 Fishermen's 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 Fishermen's Occupational Health Service to provide statistical information about all conditions of occupational health on board fishing vessels.