

## **Order on seafarers' hours of rest<sup>1</sup>**

The following shall be laid down pursuant to section 4(4), section 57 and section 70(1) of the act on seafarers' conditions of employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*), cf. consolidated act no. 73 of 17 January 2014, and section 1(3), section 3(1)(vi), section 3(2), section 16(3) and section 32(8) of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 72 of 17 January 2014, and by authority:

### *Definitions and application*

**Section 1.** This order shall apply to employees on board ships, cf. section 1(1) as well as section 49 of the act on seafarers' conditions of employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*) irrespective of the ships' use and trade areas, with the exception of fishing vessels and recreational craft.

*Subsection 2.* In case of doubt whether the person concerned is to be considered as employed on board, the issue shall be decided by the Danish Maritime Authority following consultation with the ship-owner and seafarer organisations that the issue concerns.

**Section 2.** Period of rest shall mean a consecutive period of not less than one hour's duration outside working hours.

*Subsection 2.* Hours of work shall mean the period during which an employee is to work on account of the ship.

*Subsection 3.* A working day shall mean any 24-hour period calculated from the first time an employee starts working in a calendar day.

*Subsection 4.* A week shall mean a consecutive seven-day period.

**Section 3.** On foreign merchant ships in Danish territorial waters, work shall not be carried out in contravention of the frames concerning hours of work and rest following from the STCW Convention and sections 1-12 of the agreement annexed to Council Directive 1999/63/EC, as amended by Council Directive 2009/13/EC of 16 February 2009, implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC.

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<sup>1</sup> This order implements parts of Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work, Official Journal 1994, no. L 216, page 12, and parts of Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST), Official Journal 1999, no. L 167, page 33, as amended by Council Directive 2009/13/EC of 16 February 2009, Official Journal 2009, no. L 124, page 30, Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports, Official Journal 2000, no. L 14, page 29, and Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012 amending directive 2008/106/EC on the minimum level of training of seafarers, Official Journal 2012, no. L 343, pages 78-105.

**Section 4.** A normal working hour standard for an employee is in principle based on an eight-hour day with one day of rest per week and time off on public holidays.

*Subsection 2.* For employees only the hours of rest shall be adjusted, cf. section 57 of the act on seafarers' conditions of employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*).

#### *Hours of rest, etc.*

**Section 5.** Employees shall have regular periods of rest of sufficient length to ensure health and safety.

*Subsection 2.* In every working day, the hours of rest of an employee of 18 years of age or older shall be of at least ten hours. The hours of rest may be divided into a maximum of two periods one of which shall be of at least six hours, cf. however sections 9 and 10. The time between two consecutive periods of rest shall not exceed 14 hours.

*Subsection 3.* The total hours of rest for a week shall amount to at least 77 hours.

*Subsection 4.* The Danish Maritime Authority may, upon the shipowner's request, permit the hours of rest pursuant to subsection 2 to be calculated within each calendar day.

*Subsection 5.* On Sundays and holidays, the shipowner shall not order an employee to carry out work that can be postponed.

*Subsection 6.* On Sundays and holidays, employees who so wishes should, furthermore, also be given the opportunity to hold an undisturbed service on board.

**Section 6.** As regards watchkeeping seafarers or seafarers whose work includes tasks in connection with safety and the prevention of pollution or as regards seafarers working on ships engaged on short voyages, the above-mentioned provisions on hours of rest may – in consideration of more frequent or longer periods of days off or where compensation is secured through days off – be deviated from through collective agreements. An agreement shall meet at least the minimum protection deriving from the provisions on hours of rest stipulated in the A Code, section VIII/1, paragraph 9, of the STCW Convention, which is given in annex 1.

*Subsection 2.* Deviations under subsection 1 shall be recorded with the Danish Maritime Authority before being applied, and the agreement text recorded shall be available on board in Danish and in English in an easily accessible place.

**Section 7.** An employee below the age of 18 shall have a total period of rest of at least 12 hours within the working day.

*Subsection 2.* The period of rest shall in general cover the period between 20.00 and 06.00 hours.

*Subsection 3.* As regards watchkeeping employees below the age of 18, the period of rest may be divided into a maximum of two periods. One of the periods of rest shall be of at least eight hours and be in the period between 20.00 and 06.00 hours.

*Subsection 4.* The period between two consecutive periods of rest shall not exceed 12 hours.

*Subsection 5.* The total hours of rest for a week shall be at least 84 hours.

*Subsection 6.* Subsections 2 and 3 shall not apply to employees below the age of 18 if it is necessary to place the periods of rest at some other time as part of vocational training, maritime training approved by the Danish Maritime Authority or similar training of at least two years' duration providing professional competences.

*Subsection 7.* Employees below the age of 18 shall have two consecutive days off a week. If required, the weekly days off may be postponed if they are replaced by similar time off later.

**Section 8.** Employees on call shall have a compensatory period of rest if the normal period of rest is interrupted as a consequence of the work and if such an interruption without any compensation for the employee means that the requirement for the hours of rest of the working day cannot be met.

*Subsection 2.* The total hours of rest of the working day for employees on call shall amount to at least ten hours. One of the periods of rest shall be of at least six hours. As regards employees below the age of 18, the total hours of rest in the working day, irrespective of the interruption, shall be of at least 12 hours and one of the periods of rest shall be of at least eight hours.

**Section 9.** Muster, fire and rescue drills and other prescribed drills shall be carried out so that they interfere with periods of rest as little as possible and do not result in fatigue.

*Subsection 2.* As regards employees who have turned 18 years of age and carrying out drills covered by subsection 1, the total hours of rest in the working day, irrespective of interruption, shall be of at least ten hours. One of the periods of rest shall be of at least six hours. As regards employees below the age of 18, the total hours of rest in the working day, irrespective of interruption, shall be of at least 12 hours and one of the periods of rest shall be of at least eight hours.

**Section 10.** The master may require that the seafarer works when it is necessary for the immediate safety of the ship, those on board or the cargo or to assist other ships or persons in distress at sea.

*Subsection 2.* The provisions of sections 5-9 may be deviated from in the situations mentioned in subsection 1.

*Subsection 3.* As soon as possible after the re-establishment of a normal situation, the master shall ensure that the seafarer who has carried out work during a planned period of rest gets a sufficient period of rest.

#### *Posters and recording*

**Section 11.** In an easily accessible place on board, a record shall be posted with information about each function on board, about the employees' periods of work at sea and in port, including watchkeeping periods for watchkeeping employees. The record shall be in Danish and in English, and the format shall have been approved by the Danish Maritime Authority. A record approved by the Danish Maritime Authority is reprinted as annex 1.

**Section 12.** The employees' daily periods of rest shall be recorded in a special record of the hours of rest on an ongoing basis, which shall be in Danish and in English, and the format of which shall have been approved by the Danish Maritime Authority. The record shall be made in duplicate. As annex 2 a record approved by the Danish Maritime authority is reprinted. Annex 3 contains an overview of the information that the recording of the hours of rest shall contain for the employees on board ships exclusively engaged in voyages between Danish ports and in cases where all the time spent on board is working hours.

*Subsection 2.* The master or a person authorised by the master and the employee shall sign the record of hours of rest every month.

*Subsection 3.* At suitable intervals and when the ship service terminates, the employee shall be issued with a signed copy of the record of the hours of rest.

*Subsection 4.* It shall be possible to present a copy of the record of the hours of rest on board for six months following the period of service. Subsequently, the shipowner shall keep the record for one year.

*Subsection 5.* A copy of the record of the hours of rest mentioned in subsection 4 shall be submitted to the Danish Maritime Authority when the Danish Maritime Authority so requests for control and endorsement.

*Subsection 6.* The Danish Maritime Authority may permit information about hours of rest to be recorded and stored in an electronic medium and that the submission of the information on hours of rest is made electronically. The Danish Maritime Authority may make such a permit conditional upon the recording, storage and submission of the information being made in a special format.

**Section 13.** The shipowner or the employer shall ensure that there is a possibility on board of complying with the obligations following from the order. In cases where the shipowner is not the employer, the obligation under the first sentence shall also rest with the shipowner.

**Section 14.** The Danish Maritime Authority shall check compliance with the provisions of this order.

*Subsection 2.* In case of non-compliance with the provisions of this order, the Danish Maritime Authority shall, in consideration of binding international conventions, take the necessary measures to prevent fatigue presenting an obvious risk to the health and safety of the employees. Such measures may include prohibitions against the ship leaving port until the employees are sufficiently rested.

*Subsection 3.* The Danish Maritime Authority's decision to detain a ship may by the relevant shipowner or operator of a ship or his representative in Denmark be brought before the Danish Shipping Tribunal. The bringing of a case before the Tribunal shall not have delaying effect.

**Section 15.** The Danish Maritime Authority may for the consideration of cases pursuant to this order require information about the employees' conditions of work from masters and shipowners.

#### *Penalty provisions*

**Section 16.** Contraventions of section 5(1)-(3), (5) and (6), section 6(2), section 7(1), (3)-(5) and (7), section 8(3), section 10(3), section 11, section 12(1)-(5), section 13 or section 15 shall be liable to punishment by fine or imprisonment for a term not exceeding one year.

*Subsection 2.* Anyone not observing prohibitions or orders pursuant to section 14(2) or a condition determined pursuant to section 12(6) shall be liable to punishment by fine or imprisonment for a term not exceeding one year.

*Subsection 3.* The penalty pursuant to subsections 1 and 2 may be increased to imprisonment for a term of up to two years if the contravention has been committed intentionally or grossly negligently and if:

- 1) the contravention has caused harm to life or health or risk hereof;
- 2) a prohibition or order has previously been issued for the same or similar conditions; or
- 3) the contravention has achieved or been intended to achieve an economic advantage for the contravener or others.

*Subsection 4.* It shall be considered especially aggravating circumstances if the contravention has caused harm to the life or health of young persons below the age of 18 or risk hereof, cf. subsection 3(i).

*Subsection 5.* If the benefit obtained through the contravention is not confiscated, the size of such financial benefit obtained shall be taken into account when determining the fine, including additional fines.

*Subsection 6.* Companies, etc. (legal persons) may be liable to punishment in accordance with the provisions of part 5 of the penal code (*straffeloven*).

*Subsection 7.* When determining liability to punishment pursuant to subsection 6, persons employed to carry out work on board the ship by others than the shipowner shall also be considered as being associated with the shipowner. If a document of compliance has been issued in accordance with the International Code on the Safe Operation of Ships or a certificate has been issued in accordance with the Maritime Labour Convention to another organisation or person, the master and the seafarers shall also be considered to be associated with the one to whom the document has been issued.

#### *Entry into force*

**Section 17.** This order shall enter into force on 24 May 2015.

*Subsection 2.* At the same time, order no. 1016 of 16 August 2013 on seafarers' hours of rest shall be repealed.

*Danish Maritime Authority, 21 May 2015*  
Henriette Bytoft Flügge / Alexander Milan

**STANDARDMODEL FOR OVERSIGT OVER TILRETTELÆGGELSE AF ARBEJDET OM BORD**  
**MODEL FORMAT FOR TABLE OF SHIPBOARD WORKING ARRANGEMENTS**

Skibets navn: \_\_\_\_\_ Skibets flag: \_\_\_\_\_ IMO-nr. (hvis det findes): \_\_\_\_\_  
Name of ship: \_\_\_\_\_ Flag of ship: \_\_\_\_\_ IMO number (if any): \_\_\_\_\_

Seneste ajourføring af oversigten: \_\_\_\_\_ side ( ) af ( ) sider  
Latest update of table: \_\_\_\_\_ ( ) of ( ) pages.

Reglerne om søfarendes samlede hviletid findes i § 57 i den danske lov om søfarendes ansættelsesforhold m.v., jf. bekendtgørelsen om søfarendes hviletid m.v., som er udstedt i overensstemmelse med konventionen om søfarendes arbejdsforhold (MLC) og i overensstemmelse med enhver gældende kollektiv overenskomst registreret i henhold til denne konvention og med den internationale konvention om uddannelse af søfarende, om sønæring og om vagthold af 1978, i ændret form (STCW-konventionen).<sup>2</sup>

The minimum hours of rest are applicable in accordance with article 57, cf. the Order on seafarers' hours of rest issued in conformity with the Maritime Labour Convention (MLC) and with any applicable collective agreement registered in accordance with that Convention and with the International Convention on standards of training, certification and watchkeeping for seafarers, 1978, as amended (STCW Convention).

**Minimal hviletid**

- 1) For søfarende på danske handelsskibe må hviletiden efter ovennævnte regler ikke være mindre end: i) ti timer i arbejdsdøgnet og ii) 77 timer om ugen.
- 2) Hviletiden i arbejdsdøgnet må ikke opdeles i mere end to perioder, hvoraf den ene mindst skal være på seks timer. Tiden mellem to på hinanden følgende hvileperioder må ikke overstige 14 timer.
- 3) For vagtgående søfarende eller for søfarende, hvis arbejde omfatter opgaver i forbindelse med sikkerhed og forebyggelse af forurening, eller for søfarende, der arbejder på skibe med korte rejser, kan ovennævnte hviletidsregler fraviges ved kollektive aftaler under hensyntagen til hyppigere eller længere fridagsperioder, eller hvor der sker sikring med kompenserende fridag. En aftale skal mindst opfylde den minimumsbeskyttelse, der følger af kravene til hviletid i A-koden, afsnit VIII/1, paragraf 9, i STCW-konventionen. Aftalerne om fravigelser skal være registreret i Søfartsstyrelsen, før de må anvendes.

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<sup>2</sup> Se side 2 i bilag 1 vedrørende uddrag af MLC og STCW-konventionen.  
See page 2 for selected extracts from MLC and the STCW Convention.



## UDDRAG FRA MLC OG STCW-KONVENTIONEN

### MLC

*Norm. A2.3, stk. 5, 6, 13 og 14.*

5. Begrænsningerne i arbejdstiden eller hviletiden fastsættes som følger: a) den maksimale arbejdstid må ikke overstige: i) 14 timer i nogen 24-timers-periode, og ii) 72 timer i nogen syvdøgnperiode, eller b) minimumsvarigheden af hvileperiode må ikke være mindre end: i) 10 timer i nogen 24-timers-periode, og ii) 77 timer i nogen syvdøgnperiode.

6. Hviletimer må ikke opdeles i mere end to perioder, hvoraf den ene skal være af mindst 6 timers varighed, og tiden mellem to på hinanden følgende hvileperioder må ikke overstige 14 timer.

13. Intet i denne norms stk. 5 og 6 er til hinder for, at en medlemsstat har nationale love eller forskrifter eller en procedure for, at den kompetente myndighed kan tillade eller registrerer kollektive overenskomster, der tillader fravigelser fra de fastsatte begrænsninger. Sådanne afvigelser skal så vidt muligt følge bestemmelserne i denne norm, men kan tage højde for mere hyppige eller længere frihedsperiode eller indrømmelser af kompenserende frihed for vagtgående søfarende eller søfarende, der arbejder om bord på skibe på kort rejse.

14. Intet i denne norm begrænser skibsførerens ret til at kræve, at en søfarende gør tjeneste i det antal timer, der er nødvendige for skibets, de om bordværendes eller lastens umiddelbare sikkerhed, eller med det formål at yde assistance til andre skibe eller personer i nød til søs. Skibsføreren kan derfor suspendere planen for arbejdstid eller hviletid og kræve, at en søfarende udfører arbejde i det antal timer, der er nødvendige, indtil normale forhold er genoprettet. Skibsføreren skal, så hurtigt som muligt efter at normale forhold er blevet genoprettet sikre, at søfarende, der har udført arbejde i en planlagt hvileperiode, gives en passende hvileperiode.

### STCW-konventionen

*Afsnit A-VIII/1, stk. 2, 3, 8 og 9.*

2. Enhver person, der pålægges at arbejde som vagthavende navigatør eller som menig på vagtholdet, eller en person, hvis arbejde omfatter opgaver i forbindelse med sikkerhed, forebyggelse af forurening og sikringsopgaver, skal have en hvileperiode på mindst: 1) ti timer over en 24-timersperiode og 2) 77 timer over en syvdages periode.

3. Hviletiden kan opdeles i højst to perioder, hvoraf en skal være på mindst seks timer, og tidsrummet mellem på hinanden følgende hvileperioder må ikke overskride 14 timer.

8. Uanset bestemmelserne i dette afsnit har skibsføreren på et skib ret til at kræve, at en søfarende arbejder det antal timer, som er nødvendigt for skibets, ombordværendes eller lastens umiddelbare sikkerhed eller for at bistå andre skibe eller personer i havsnød. I overensstemmelse hermed kan skibsføreren se bort fra hviletid og kræve, at en søfarende arbejder det antal timer, som er nødvendigt, indtil den normale situation er genoprettet. Så snart som muligt efter, at den normale situation er genoprettet, sørger skibsføreren for, at søfarende, som har udført arbejde i en planlagt hvileperiode, får en tilstrækkelige hvileperiode.

9. Parterne kan tillade undtagelser fra de i ovenstående stk. 2.2 og 3 krævede hviletider, forudsat at hvileperioden ikke er mindre end 70 timer i en hvilken som helst syvdagsperiode. Undtagelser fra de i stk. 2.2 angivne ugentlige hvileperioder tillades ikke i mere end to på hinanden følgende uger. Intervallet mellem de to undtagelsesperioder om bord skal ikke være mindre end to gange undtagelsesperiodens længde. Den i stk. 2.1 angivne hviletid kan inddrages i ikke flere end tre perioder, hvoraf mindst en skal have en længde på 6 timer, og ingen af de to øvrige perioder skal have en længde kortere end 1 time. Intervallet mellem på hinanden følgende hvileperioder må ikke være over 14 timer. Undtagelser må ikke overstige to 24-timersperioder i



en hvilken som helst syvdagesperiode. Undtagelserne skal så vidt muligt tage hensyn til den i afsnit B-VIII/1 anførte vejledning om forebyggelse af træthed (fatigue).

## **SELECTED TEXTS FROM MLC AND THE STCW CONVENTIONS**

### *MLC*

*Standard A2.3, paragraphs 5, 6, 13 and 14.*

5. The limits on hours of work or rest shall be as follows: (a) maximum hours of work shall not exceed: (i) 14 hours in any 24-hour period; and (ii) 72 hours in any seven-day period, or (b) minimum hours of rest shall not be less than: (i) 10 hours in any 24-hour period, and (ii) 77 hours in any seven-day period.

6. Hours of rest may be divided into no more than two periods, one of which shall be at least six hours in length, and the interval between consecutive periods of rest shall not exceed 14 hours.

13. Nothing in paragraphs 5 and 6 of this Standard shall prevent a Member from having national laws or regulations or a procedure for the competent authority to authorize or register collective agreements permitting exceptions to the limits set out. Such exceptions shall, as far as possible, follow the provisions of this Standard but may take account of more frequent or longer leave periods or the granting of compensatory leave for watch-keeping seafarers working on board ships on short voyages.

14. Nothing in this Standard shall be deemed to impair the right to the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of work or hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

### *STCW Convention*

*Section A-VIII/1, paragraphs 2, 3, 8 and 9.*

2. All persons who are assigned duty as officers in charge of a watch or as a rating forming part of watch and those whose duties involve designated safety, prevention of pollution and security duties shall be provided with a rest period of not less than: (1) a minimum of 10 hours of rest in any 24-hour period; and (2) 77 hours in any 7-day period.

3. The hours of rest may be divided into no more than two periods, one of which shall be at least 6 hours in length, and the intervals between consecutive periods of rest shall not exceed 14 hours.

8. Nothing in this section shall be deemed to impair the right of the master of a ship to require a seafarer to perform any hours of work necessary for the immediate safety of the ship, persons on board or cargo, or for the purpose of giving assistance to other ships or persons in distress at sea. Accordingly, the master may suspend the schedule of hours of rest and require a seafarer to perform any hours of work necessary until the normal situation has been restored. As soon as practicable after the normal situation has been restored, the master shall ensure that any seafarers who have performed work in a scheduled rest period are provided with an adequate period of rest.

9. Parties may allow exceptions from the required hours of rest in paragraphs 2.2 and 3 above provided that the rest period is not less than 70 hours in any 7-day period. Exceptions from the weekly rest period provided for in paragraph 2.2 shall not be allowed for more than two consecutive weeks. The intervals between two periods of exceptions on board shall not be less than twice the duration of the exception. The hours of rest provided for in paragraph 2.1 may be divided into no more than three periods, one of which

shall be at least 6 hours in length and neither of the other two periods shall be less than one hour in length. The intervals between consecutive periods of rest shall not exceed 14 hours. Exceptions shall not extend beyond two 24-hour periods in any 7-day period. Exceptions shall, as far as possible, take into account the guidance regarding prevention of fatigue in section B-VIII/1.

**STANDARDSKEMA TIL REGISTRERING AF SØFARENDES DAGLIGE HVILETID I  
DANSKE SKIBE**

Record of hours of rest of seafarers in Danish ships

Søfarendes (fulde navn): \_\_\_\_\_ Fødselsdato: \_\_\_\_\_ År: \_\_\_\_\_  
Seafarer (full name) Birthday Year

Stilling/rang: \_\_\_\_\_ Vagthavende:\* ja nej Skibets navn: \_\_\_\_\_  
Position/Rank Watchkeeper yes no Name of ship

\* Det relevante afkrydses.  
Delete as appropriate.

Følgende nationale love og administrative bestemmelser og/eller kollektive overenskomster om minimums-  
hviletid gælder på skibet:

The following national laws, regulations and/or collective agreements governing limitations on minimum  
rest periods apply to this ship

Måned: Month					
Dag/Day	Hvileperioder (fra-til) Periods of rest (from-to)			Hviletid i alt Hours of rest totally	Kommentarer Comments
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

16					
17					
18					
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21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

Undertegnede erklærer herved, at dette skema præcist viser den pågældende søfarers hviletid.

I agree that this record is an accurate reflection of the hours of rest of the seafarer concerned.

Navn på skibsfører eller den person, der af skibsføreren

er bemyndiget til at undertegne dette skema: \_\_\_\_\_

Name of master or person authorized by master to sign this record

Skibsførerens eller den bemyndigedes persons underskrift: \_\_\_\_\_

Signature of master or authorized person

Den søfarendes underskrift: \_\_\_\_\_

Signature of seafarer

En genpart af dette skema gives til den søfarende.

A copy of this record is to be given to the seafarer.

Denne formular undersøges og påtegnes i henhold til procedurer fastlagt af:  
This form is subject to examination and endorsement under procedures established by the

Søfartsstyrelsen  
Danish Maritime Authority

**Conditions for special recording of hours of rest**

The recording of hours of rest for seafarers on board merchant ships exclusively engaged in voyages between Danish ports and where the seafarer does not sleep on board so that all the time spent on board is working hours may form part of a form suitable for that purpose containing at least the following information:

- 1) The seafarer's name.
- 2) Date of birth (civil registration no. (CPR)).
- 3) Position on board.
- 4) Name of ship.
- 5) The place and duration of work.
- 6) Endorsement by the master or the person whom the master has authorised for this confirming that the hours of rest for seafarers have been met as regards the minimum daily hours of rest and the total weekly hours of rest.
- 7) Confirmation from the master or the person whom the master has authorised for this that the seafarer has received a copy of the form with the endorsement regarding hours of rest.