

Translation. Only the Danish document has legal validity.

Order no. 825 of 20 September 1994 issued by the Danish Maritime Authority

Order on pregnant seafarers' right to retire and to a free home journey¹

In pursuance of section 9, section 18c(1), cf. section 49(vii) and section 73 of the seamen's act (*sømandsloven*), cf. consolidated act no. 11 of 6 January 1989, as amended most recently by act no. 287 of 27 April 1994, and by authority laid down in order no. 570 of 26 September 1988, the following provisions are laid down:

Section 1. The order shall apply to all pregnant seafarers carrying out work on a Danish ship, except for seafarers who carry out work on board only while the ship is berthed in port.

Section 2. A seafarer may require to be dismissed or to retire when it is proven through a medical declaration that she is pregnant and that it cannot be considered reasonable for her to continue serving in her position on board. The same shall apply when it must be considered necessary that the service is terminated in consideration of her, the coming birth or the child.

Subsection 2. The seafarer may require to retire after the expiry of the fourth month of pregnancy when it will not be possible for her to be attended by a doctor as necessary if she continues serving on board. The seafarer may always require to retire after the expiry of the sixth month of pregnancy.

Section 3. When a seafarer is no longer able to perform her duties on board due to pregnancy, the master shall exempt her from service on board and arrange for her retirement.

Section 4. A seafarer who may require retirement under section 2 and who wants to go to her place of residence in Denmark, shall have a right to a free home journey with subsistence allowance at the expense of the government. The same shall apply if she requires to be dismissed as a consequence of the pregnancy.

Subsection 2. If the birth takes place abroad, the Danish Maritime Authority may offer a free home journey as stipulated in subsection 1 for both the mother and the child also after the birth.

Subsection 3. If a pregnant seafarer wants to go to her place of residence in Denmark under subsection 1, the requirement for a free home journey shall insofar as possible be presented when retiring. A request for a home journey under subsection 2 shall be presented within one month after the birth.

Section 5. If a seafarer becomes aware that she is pregnant during service and if she wants to use the right to retire under section 2, she shall as soon as possible inform the master when she wants to retire.

Subsection 2. The master shall, when becoming aware of a seafarer's pregnancy, give her an opportunity to be attended by a doctor for the necessary prenatal care in the first port where this is possible. Furthermore, the master shall be obliged to inform the seafarer about the planned voyage of the ship to the extent that it is possible before the medical examination.

¹ The order contains provisions implementing parts of Council Directive no. 92/85/EEC, Official Journal 1992 L 348, p. 1.

Section 6. A home journey under section 4 shall be arranged by a Danish foreign representative or by the master if there is not Danish foreign representation at the place.

Subsection 2. It shall be a condition for acquiring refunds that the necessary documentation of the expenses incurred is available and that reasonable economic considerations have been taken in connection with measures under this order.

Section 7. This order shall enter into force on 1 October 1994.

Danish Maritime Authority, 30 September 1994

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