

Translation: Only the Danish document has legal validity.

Order no. 1112 of 15 November 2019

issued by the Danish Ministry of Industry, Business and Financial Affairs

Order on the employer's obligation to conclude a written contract with fishermen on the conditions of employment¹

In pursuance of section 3(1) and section 70(1) of the Danish Act on Seafarers' Conditions of Employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*), see Consolidated Act no. 1662 of 17 December 2018, the following provisions are laid down as authorised under section 1(1)(vii) of Order no. 744 of 24 June 2013 on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

Application

Section 1. This Order applies to the conditions of employment of any person, including the master, who is employed or engaged or works on board a Danish fishing vessel and who does not work on board only when the vessel is in port, but see subsection (2).

Subsection 2. This Order does not apply to a fishing vessel owner who operates the vessel single-handedly.

Employer's obligation to provide information

Section 2. The shipowner or the employer or the person acting on behalf of the shipowner or the employer (hereinafter referred to as the employer) shall, on commencement of the employment relationship or in case of any changes thereto, provide the seafarer with information, in writing, about all essential conditions of employment, including at least the following:

- (i) The identities of the employer and the employee.
- (ii) The place of work given as the name and port registration number of the ship.
- (iii) The position for which the employee is hired.
- (iv) The date and place of conclusion of the contract.
- (v) The date of commencement of employment.
- (vi) The voyage(s) for which the employee is hired, if this can be determined at the time of conclusion of the contract.
- (vii) The date from which wages are to be calculated.
- (viii) The amount of wages agreed.
- (ix) What has been agreed about the place of discharge or period of notice. If the employment relationship is of a temporary nature, this must be indicated as well as the date of expiration.
- (x) Information about rights regarding:
 - (a) minimum hours of rest,
 - (b) holiday, holiday allowance or holiday with pay,
 - (c) the health and social security cover and benefits,
 - (d) the protection covering the employee in case of illness, personal injury or death in connection with service, and
 - (e) repatriation.

¹ This Order contains provisions implementing Council Directive 91/533/EEC of 14 October 1991 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship, Official Journal 1991, no. L 288, pages 32-35, and provisions implementing parts of Council Directive 2017/159/EU of 19 December 2016 implementing the Agreement concerning the implementation of the Work in Fishing Convention, 2007 of the International Labour Organisation, concluded on 21 May 2012 between the General Confederation of Agricultural Cooperatives in the European Union (Cogeca), the European Transport Workers' Federation (ETF) and the Association of National Organisations of Fishing Enterprises in the European Union (Europêche), Official Journal 2017, no. L 25, page 12.

(xi) The normal daily or weekly working hours.

(xii) Indication of the collective agreement or contract governing the employment relationship. If the collective agreement or contract has been concluded by parties outside the company, information about the identities of such parties must be provided.

(xiii) When the employment relationship is terminated, the date of notice/date of dismissal and the date of discharge as well as the reason for the termination of the employment must be given in writing.

Subsection 2. The provision of subsection (1), however, does not apply to changes to the employment relationship solely due to amendments to the acts or collective agreements applicable to the employment relationship.

Subsection 3. The obligation to provide information pursuant to subsection (1)(viii)-(xi) is considered fulfilled if the information is provided in applicable legislation or is included in a collective agreement that covers the employment relationship.

Subsection 4. A contract concerning the conditions of employment pursuant to subsection (1) must be signed by the employer and the employee.

Section 3. The contract must be kept on board in physical or digital format. The contract must be accessible to the employee and available on request.

Subsection 2. A copy of the contract must be provided to the employee.

Section 4. The provisions of this Order may not, by individual or collective agreement, be deviated from to the detriment of the employee.

Penalty provisions

Section 5. If the shipowner or the employer or the person acting on behalf of the shipowner or the employer fails to comply with his or her obligation to provide information, he or she will be liable to punishment by 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*).

Subsection 3. When imposing criminal liability under subsection (2), persons who are hired to perform work on board the ship by others than the shipowner are also considered to be associated with the shipowner.

Entry into force, etc.

Section 6. This Order enters into force on 15 November 2019.

Subsection 2. Order no. 1007 of 16 August 2013 on the employer's obligation to conclude a written contract with the fisherman on the conditions of employment is repealed.

Section 7. This Order does not apply to Greenland.

Ministry of Industry, Business and Financial Affairs, 11 November 2019

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