

## **Order on the employer's obligation to conclude a written contract with the fisherman on the conditions of employment<sup>1</sup>**

The following is laid down pursuant to section 3(1), section 70 and section 75 of the act on seafarers' conditions of employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*), cf. consolidated act no. 742 of 18 July 2005, as amended by act no. 493 of 12 May 2010:

### *Application*

**Section 1.** This order shall apply to the conditions of employment of employees on board fishing vessels, cf. section 1(1) and section 49 of the act on seafarers' conditions of employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*).

### *Employer's obligation of information*

**Section 2.** The shipowner or the employer or the one acting on behalf of the shipowner or the employer (hereinafter referred to as the employer) shall, when the seafarer commences service or in connection with any changes of the conditions of employment, in writing provide the seafarer with information about all important conditions of employment, including at least the following:

- 1) The identity of the employer and the employee.
- 2) The place of work given as the name of the ship.
- 3) The position for which the employee is hired.
- 4) The date of taking up the position.
- 5) The date from which the wages shall be calculated.
- 6) The amount of wages agreed.
- 7) What has been agreed about the place of discharge and length of period of notice. If the employment is time-limited, it shall be stated.
- 8) Information about rights regarding holiday, holiday pay or wages during holidays.
- 9) Normal daily or weekly working hours.
- 10) Information on what collective agreement or contract regulates the employment relationship. If the collective agreement or contract has been concluded by parties outside the company, information shall be given about these parties' identity.
- 11) 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 shall be given in writing.

*Subsection 2.* The provision of subsection 1 shall, however, not apply to changes to the conditions of employment solely due to amendments to the acts or collective agreements applicable to the employment.

*Subsection 3.* As regards the information obligation pursuant to subsection 1(vi)-(ix), the obligation shall be considered met if the information is evident from applicable law or is contained in a collective agreement covering the employment.

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<sup>1</sup> 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, L 288, pp. 32-35.

**Section 3.** The provisions of this order shall not, by individual or collective agreement, be deviated from to the detriment of the employee.

*Penalty provisions*

**Section 4.** If the shipowner, the employer or the one acting on his behalf has not met his information obligation, he shall be liable to punishment by fine.

*Subsection 2.* Companies, etc. (legal persons) may incur criminal liability pursuant to the provisions of part 5 of the penal code (*straffeloven*).

*Subsection 3.* When determining criminal liability pursuant to subsection 2, 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.

*Entry into force*

**Section 5.** This order shall enter into force on 20 August 2013.

*Danish Maritime Authority, 16 August 2013*

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