

Order on fishermen's hours of rest¹

In pursuance of section 57, section 70(1) 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, and section 3(1)(vi) and section 32(8) of the act on safety at sea (*lov om sikkerhed til søs*), cf. consolidated act no. 654 of 15 June 2010, the following provisions are laid down:

Definitions

Section 1. For the purposes of this act, the following definitions shall apply:

- 1) "Period of rest": A consecutive period of time of not less than 1 hour's duration which lies outside the working hours.
- 2) "Working hours": The period of time when a fisherman shall work because of the ship.
- 3) "Working day": A 24-hour period commencing the first time a fisherman starts working in a calendar day.
- 4) "Week": A consecutive 7-day period.
- 5) "Fisherman": An employee who serves on board a fishing vessel, cf. section 1(1) and section 49 of the act on seafarers' conditions of employment, etc. (*lov om søfarendes ansættelsesforhold m.v.*).

Application

Section 2. This order shall apply to fishermen.

Hours of rest, etc.

Section 3. A fisherman shall have regular periods of rest, sufficiently long to ensure health and safety.

Subsection 2. Within each working day, the hours of rest of a fisherman of 18 years of age or older shall be of at least 10 hours. It is possible to divide the hours of rest into no more than two periods one of which shall have a duration of at least 6 hours. The time elapsing between two consecutive periods of rest shall not exceed 14 hours.

Subsection 3. The total weekly hours of rest shall be at least 77 hours.

Section 4. A fisherman's total annual working hours shall not exceed 48 hours a week.

¹ 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, L 216, p. 12, and parts of Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, Official Journal 2003, L 299, p. 9.

Section 5. When the conditions of fishing or the processing of the fish so requires, deviations may be made from the regulations on hours of rest stipulated in section 3(2) and (3), in consideration of more frequent or longer periods of days off, or where compensation is secured in the form of days off, to the extent that due consideration is paid to the fisherman's health and safety.

Section 6. A fisherman below the age of 18 shall have a total period of rest of at least 12 hours within the working day.

Subsection 2. In general, the period of rest shall include the period between 20.00 and 06.00 hours.

Subsection 3. For watchkeeping fishermen below the age of 18, it shall be possible to divide the period of rest into no more than two periods. One of the periods of rest shall have a duration of at least 8 hours and be in the period between 20.00 and 06.00 hours.

Subsection 4. The time elapsing between two consecutive periods of rest shall not exceed 12 hours.

Subsection 5. The total weekly hours of rest shall be at least 84 hours.

Subsection 6. Subsections 2 and 3 shall not apply to fishermen below the age of 18 if it is necessary to place periods of rest at another time as part of an approved maritime training programme.

Subsection 7. Fishermen below the age of 18 shall have two consecutive days off a week. If so required, the skipper of the fishing vessel may postpone the weekly days off if they are substituted for similar time off at a later point in time.

Section 7. The skipper of a fishing vessel may require that the fisherman works when it is necessary for the immediate safety of the vessel, those on board or the cargo or in order to assist other ships or persons in distress at sea.

Subsection 2. Exemptions from the provisions of sections 3, 5 and 6 may be made in the situations stipulated in subsection 1.

Penalty provisions

Section 8. Contraventions of section 3, section 4 or section 6(1), (3)-(5) and (7) shall be punishable by fine or imprisonment for a period not exceeding 1 year.

Subsection 2. The penalty pursuant to subsection 1 may be increased to imprisonment for a term not exceeding two years if the contravention has been committed intentionally or through gross negligence and if:

- 1) the violation has resulted in damage to life or health, or risk of such damage, or
- 2) the violation has given or has been intended to give financial benefits to the transgressor or others.

Subsection 3. It shall be considered especially aggravating circumstances if the violation has resulted in damage to the life or health of young people below the age of 18, or risk of such damage, cf. subsection 2(i).

Subsection 4. If the financial benefit achieved is not confiscated, special consideration shall be given to the size of the achieved or intended financial benefit when determining the size of the fine, including supplementary fine.

Subsection 5. Companies etc. (legal personalities) may be liable to punishment according to the provisions of part 5 of the Penal Code.

Subsection 6. When determining liability to punishment under subsection 5, persons who are hired to carry out work on board the ship by others than the shipowner shall also be considered to be affiliated with the shipowner.

Entry into force

Section 9. This order shall enter into force on 20 August 2013.

Subsection 2. At the same time order no. 516 of 21 June 2002 on fishermen's hours of rest shall be repealed.

Section 10. This order shall not apply to Greenland.

Danish Maritime Authority, 16 August 2013
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