

Translation: Only the Danish document has legal validity.

*Order no. 591 of 26 of May 2023
issued by the Danish Maritime Authority*

Executive Order on the employer's obligation to enter into a written contract with the seafarer on the conditions of employment¹⁾

Pursuant to Section 3(1), Section 70(1) of the Act on Seafarers' Conditions of Employment, etc., cf. Consolidated Act no. 1662 of 17 December 2018, the following is determined by authorisation pursuant to Section 1(1)(6) of Executive Order no. 261 of 23 March 2020 on the transfer of certain powers to the Danish Maritime Authority and on the right of appeal, etc.:

Section 1. This Executive Order applies to employment conditions for employees on board ships, cf. Sections 1(1) and 49 of the Act on Seafarers' Conditions of Employment, irrespective of the use and trade area of the ships, with the exception of fishing vessels and recreational craft.

Subsection 2. In case of doubt as to whether the person in question is to be regarded as an employee on board, the question shall be decided by the Danish Maritime Authority after prior consultation with the organisations of shipowners and seafarers to which the question relates.

Section 2. The shipowner or the employer or the person who has taken the place of the shipowner or the employer (hereinafter referred to as the employer) shall enter into a written contract of employment with the employee prior to commencement of service.

Subsection 2. The contract of employment must contain information on all material terms and conditions of the employment relationship, including the following:

- 1) The employee's full name, date of birth, year of birth or age and place of birth.
- 2) Name and address of the employer.
- 3) Name and address of the hiring and brokerage service, if used.
- 4) The place of work indicated by the ship's name and IMO number. In the case of changing workplaces, information about this and the name and address of the employer, cf. no. 2.
- 5) Place and date of entering into the contract of employment.
- 6) The position for which the employee has been hired.
- 7) The time of taking up the position.
- 8) The duration and terms of any trial period, cf. Section 3a of the Act on Seafarers' Conditions of Employment, etc.
- 9) The right to training that the employer may offer, cf. Section 3c of the Act on Seafarers' Conditions of Employment, etc.
- 10) The day from which the employment is to run.
- 11) The amount of the agreed employment, including starting salary and any other components not included herein, stated separately.
- 12) Place of demission and notice period. If the employment relationship is fixed-term, this must be stated along with information about when the contract will end.

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13) Rights with regard to holidays, holiday allowance/pay during holidays and any other absences.

14) The normal daily or weekly working hours, and any arrangements for overtime work and its payment and, where applicable, arrangements for shift changes.

15) Right to repatriation.

16) Obligations of the shipowner and the employer for the health protection and social security of the employee.

17) Indication of the collective agreement or contract that regulates the employment relationship. If the collective agreement or contract is entered into by parties outside the organisation, the identity of these parties must be disclosed.

Subsection 3. The employee must be given a copy of the contract of employment signed by the employer. However, the contract of employment can be sent to the employee digitally provided that the contract is accessible to the employee and that it can be saved and printed. In this case, it is the employer's responsibility to document the sending or receipt.

Section 4. When the employment relationship is terminated, the date of termination/resignation and leaving date, as well as the reason for the termination of the employment relationship must be given in writing. An employee who believes that they have been subjected to measures with equivalent effect to dismissal because they have asserted their rights under Sections 3a - 3c of the Act on Seafarers' Conditions of Employment, etc., is entitled, upon request, to receive a written justification for the measure in question.

Section 3. In the event of any change in the circumstances mentioned in Section 2(2)(21-16), a new written contract of employment or an addendum to the contract of employment shall be entered into with the employee no later than when the change takes effect. However, this does not apply to changes in the laws, Executive Orders, statutory provisions or collective agreements that apply to the employment relationship.

Section 4. With regard to the information in Section 2(2)(8-16), the obligation to enter into a written contract of employment pursuant to Section 2(2) shall be deemed to have been fulfilled if the contract of employment refers to laws, administrative provisions, statutory provisions or a collective agreement that apply to the matters in question.

Section 5. An employee who takes up service on board a ship shall bring with them or, before the departure of the ship, obtain a copy of their contract of employment for the master, who shall keep it on board for as long as the employee remains on board. The seafarer's signature must be on the copy.

Subsection 2. On ships engaged in international voyages, the standard version of the contract of employment must be available on board in English as a minimum.

Subsection 3. If a collective agreement constitutes all or part of the employee's contract of employment, the shipowner shall ensure that a copy of this contract is available on board. For ships engaged on international voyages, the parts of the collective agreement(s) subject to port state inspection and applicable to the employees on board must be available in English.

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Section 6. The provisions of the Executive Order may not be deviated from to the disadvantage of the employee by individual or collective agreement.

Section 7. A copy of the seafarers' contract of employment shall be submitted to the Danish Maritime Authority when requested by the Authority.

Subsection 2. The master shall be responsible for ensuring that the submission in accordance with Subsection 1 takes place.

Section 8. The master shall ensure that a copy of the contract entered into between the European Community Shipowners' Association (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention of 2006, is on board and available to the crew. The contract can be made available electronically.

Section 9. Violations of Sections 2, 3, 5, 7 and 8 are punishable by a fine.

Subsection 2. Companies, etc., (legal persons) may be subject to criminal liability under the rules in Chapter 5 of the Danish Criminal Code.

Subsection 3. For the purpose of imposing criminal liability under Subsection (2), persons employed to perform work on board the ship by persons other than the shipowner shall also be deemed to be associated with the shipowner. Where a document of compliance under the Safety Management Code or a certificate under the Seafarers' Employment Convention has been issued to another organisation or person, the master and seafarers shall also be deemed to be associated with the person to whom the document has been issued.

Section 10. The Executive Order shall enter into force on 1 July 2023.

Subsection 2. Executive Order no. 238 of 7 March 2013 on the employer's obligation to enter into a written contract with the seafarer on the conditions of employment is repealed.

Subsection 3. Existing contracts of employment entered into before 1 July 2023 that do not comply with the rules of this Executive Order must, at the request of the employee, comply with the rules of the Executive Order within 2 months of receipt of the request.

The Danish Maritime Authority, 26 May 2023

Rasmus Høy Thomsen

/ Kristina Ravn

Official notes

¹ The Executive Order contains provisions transposing parts of Council Directive 2009/13/EC of 16 February 2009 giving effect to the Agreement entered into 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, Official Journal of the European Union 2009, No. L 124, p. 30, Directive 2013/54/EU of the European Parliament and of the Council of 20 November 2013 on certain responsibilities of the flag State for compliance with and enforcement of the Maritime Labour Convention of 2006, Official Journal of the European Union 2013, No. C(2013) 8, p. 1 L 329, page 1, and parts of Directive 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union, Official Journal of the European Union 2019, No. L 186, page.