

# Executive Order on Complaints on Board Danish Ships 1)

Pursuant to section 64(1) and section 70(1) of the Act on Seafarers' Employment Conditions, etc, cf. Consolidated Act no. 1662 of 17 December 2018, as amended by Act no. 501 of 16 May 2023, the following is laid down by authority 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 to complain, etc:

**Section 1.** This Executive Order applies to complaints from employees on board ships, cf. section 1(1) and section 49 of the Act on Seafarers' Employment Conditions, etc., 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 is responsible for the preparation of written procedures for the fair, effective and prompt handling of complaints from employees regarding matters relating to pay, ship services, the employment relationship, including the employment contract, as well as living quarters, leisure facilities, health protection, and catering on board.

**Section 3.** The complaints procedure shall ensure that the seafarer always has the right to complain to the master or shipowner and, if necessary, to the relevant authorities.

*Subsection 2.* The complaints procedure shall state that complaints shall be submitted to the seafarer's superior. If the superior is unable to resolve the issue to the seafarer's satisfaction, the seafarer can go to the master, who will ensure the matter is dealt with.

*Subsection 3.* The master may complain directly to the shipowner.

**Section 4.** The complaint procedure shall ensure that the complaint is advanced without undue delay, giving the employee a reasonable opportunity to pursue the complaint.

*Subsection 2.* It must be clearly stated in the complaint procedure does not replace the right to complain that the employee may otherwise have under the legislation, cf. section 9.

**Section 5.** The established complaints procedure must include safeguards against the risk of personal harassment. Personal harassment includes any negative action taken by other crew members or others associated with the ship or the company as a result of a complaint, the purpose of which is not solely to harm the company or an employee.

**Section 6.** The procedure shall at all times give the complainant the right to be accompanied or represented during the complaint procedure.

**Section 7.** All complaints and decisions regarding complaints shall be recorded on board and a copy shall be given to the complainant.

**Section 8.** All employees shall be provided with a copy of the complaints procedures on board the ship in addition to their contract of employment. This must include contact details for the Danish Maritime Authority and the responsible authority in the employee's country of residence, if different. The appendix must also identify a person or persons on the ship who can confidentially and impartially advise employees on their complaint and otherwise assist them in following the complaint procedures on the ship.

*Subsection 2.* Any subsequent changes to the complaint procedure must be communicated to all employees.

**Section 9.** Depending on the content of the dispute, a complaint may be brought before:

- 1) A Danish court, or
- 2) The Danish labour law system.

*Subsection 2.* Subsection (1)(1) shall not apply if it otherwise follows from the Act on Recognition and Enforcement of Certain Foreign Judgements, etc., in Civil and Commercial Law, including executive orders issued pursuant to this Act.

**Section 10.** Violation of sections 2-8 is punishable by a fine.

*Subsection 2.* Criminal liability may be imposed on companies, etc., (legal persons) in accordance with 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 11.** The Executive Order shall enter into force on 1 July 2023.

*Subsection 2.* Executive Order no. 285 of 14 March 2013 on complaints on board Danish ships is repealed.

*The Danish Maritime Authority, 26 May 2023*

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#### Official notes

<sup>11</sup> The Order contains provisions implementing parts of Council Directive 2009/13/EC of 16 February 2009 implementing 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, L 124, p. 30-50, 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, L 186, page 105.