

(Translation. Only the Faroese version has legal validity)

**Executive order No. 42 of 14 May 2013  
on the handling of complaints on board Faroese ships**

Under the provisions in section 62 (1) and section 68 in Act No. 4 from 15th January 1988 on seafarers conditions of employment, etc., amended by Act No. 71 from 30th May 2011, the following shall be laid down:

**Section 1.** This executive order shall apply to complaints from employees on board ships, cf. section 1(1) and section 47 in Act on seafarers' conditions of employment, etc., irrespective of the type and trade area of the ships, except for fishing vessels and pleasure vessels.

*Subsection 2.* In case of doubt whether the person concerned is covered by the executive order, the issue shall be decided by the Faroese Maritime Authority following previous consultation with the shipowner and seafarer organisations that the issue concerns.

**Section 2.** The shipowner shall be responsible for the drawing up of written procedures on reasonable, effective and fast consideration of complaints from employees about conditions related to the payment, ship service, conditions of employment as well as the accommodation, recreational facilities, health protection, food and care on board.

**Section 3.** The complaint procedure shall contain provisions stipulating that the employee always has the right to complain to the master or the shipowner and, if relevant, to the relevant authorities.

*Subsection 2.* It shall be evident from the complaint procedure that complaints shall be filed with the employee's superior. If the superior cannot solve the problem to the satisfaction of the seafarer, the seafarer may proceed to the master, who shall ensure the further consideration of the case.

*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, which will make it reasonably possible for the employee to bring on the complaint.

*Subsection 2.* It shall be clearly stated in the complaint procedure that the procedure does not replace the rights to complain which the seafarer may otherwise have pursuant to law, cf. section 9.

**Section 5.** The complaint procedure established shall contain measures protecting against the risk of victimization. Victimization covers any negative act by other crewmembers, or others associated with the ship or the shipping company on the basis of a complaint the purpose of which is not exclusively to harm the shipping company or one of the employees.

**Section 6.** The procedure shall at any time give the complainant a right to be accompanied or represented during the complaint procedure.

**Section 7.** All complaints and decisions concerning the complaints shall be registered on board and the complainant shall have a copy.

**Section 8.** All employees shall, as an addition to their employment contract, be given a copy of the complaint procedures applicable on board the ship. This shall include contact information for the

Faroese Maritime Authority and the responsible authority in the employee's country of residence if they are not the same. The addition shall also state one or more persons on board the ship who can, in confidentiality, provide the employees with impartial advice about their complaint and in other ways help them follow the complaint procedures of the ship.

*Subsection 2.* Any subsequent amendments to the complaint procedure shall be handed out to all the employees.

**Section 9.** Depending on the contents of a dispute, complaints can be brought before:

- 1) A Faroese court, or
- 2) Faroese arbitration

**Section 10.** Violation of sections 2-8 shall be punishable to a fine.

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

*Subsection 3.* When determining criminal liability according 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. If a document of compliance has been issued pursuant to the International Safety Management Code or a certificate has been issued according to the Maritime Labour Convention to another organisation or person, the master of the vessel as well as the seafarers shall be considered to be associated with the one to whom the document has been issued.

**Section 11.** This executive order shall enter into force 20th August 2013.

Vinumálaráðið, 29th April 2013

Johan Dahl

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Permanent Secretary