

(Translation. Only the Faroese version has legal validity)

**Executive order No. 88 of 27 May 2021 on the employer's obligation to conclude a written contract with the seafarer on the conditions of employment on board fishing vessels**

Under the provisions in section 3 subsection 3 and section 68 in Parliamentary Act No. 4 of 15 January 1988 on seafarers' conditions of employment, etc., as amended by Act No. 71 of 30 May 2011, the following shall be laid down:

**Section 1.** This executive order shall apply to seafarers who serve on fishing vessels pursuant to section 1 subsection 1 and section 47 in the Parliamentary Act.

*Subsection 2.* In case of doubt whether the person concerned shall be considered as employed on board, 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, the employer or the person acting on behalf of the shipowner or the employer shall, on commencement of the employment relationship or in case of any changes thereto, provide the seafarer with information, in writing, about all essential conditions of employment.

*Subsection 2.* The employment contract shall contain at least the following information:

- 1) The employee's full name, date and year of birth and place of birth.
- 2) The employer's name and address.
- 3) The place and date of the conclusion of the employment contract.
- 4) The place of work given as the name and port registration number of the ship.
- 5) The position for which the employee is hired.
- 6) The date of commencement of employment.
- 7) The date from which wages are to be calculated.
- 8) The amount of wages agreed.
- 9) Place of departure and term of notice. If the employment is time-limited, it must be indicated when the contract will terminate.
- 10) Rights regarding:
  - a) holiday, holiday pay or wages during holidays when relevant,
  - b) minimum hours of rest,
  - c) health protection and social security,
  - d) protection covering the employee in case of illness, personal injury or death in connection with service,
  - e) free repatriation with subsistence allowance.
- 11) Normal daily or weekly hours of work.
- 12) Information on what collective bargaining agreement or contract regulates the employment relationship.

13) Information on the contracting parties or the agreement parties. If the collective bargaining agreement or contract has been concluded by parties outside the company, information shall be given about these parties' identity.

*Subsection 3.* When the employment contract is terminated, the date of dismissal and the date of discharge as well as the reason for the termination of the employment relationship shall be given in writing.

*Subsection 4.* The provisions in subsection 1 do not apply, if the reason of the changes is due to amendments to acts, executive orders or collective bargaining agreements applicable to the employment.

*Subsection 5.* The obligation to provide information pursuant to subsection 2 no. 8-11 is considered fulfilled if the information is provided in applicable legislation or is included in a collective bargaining agreement that covers the employment contract.

*Subsection 6.* The employment contract must be signed by the employee as well as the employer pursuant to subsection 1.

**Section 3.** A copy of the employment contract must be kept on board the vessel. The employment contract shall be accessible to the seafarer and available on request.

*Subsection 2.* The seafarer shall be provided with a copy of the employment contract.

**Section 4.** The provisions of this executive order shall not, by individual or collective bargaining agreement, be deviated from to the detriment of the rights of the employee.

**Section 5.** Violation of section 2 shall be punished by fine.

*Subsection 2.* Companies and other legal persons shall incur criminal liability under the regulations in chapter 5 of the Faroese 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.

**Section 6.** This executive order comes into force the day after it has been promulgated.

Ministry of Environment, Industry and Trade, 27 May 2021

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Minister

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