

Danish Shipowners' Association

TRANSLATED VERSION

Annex 1

Description of the historical background for the development of the DIS act and the DIS Main Agreement

1 June 2016

The parties in the maritime labour market that want to contribute to establishing and maintaining a strong maritime industry in Denmark have, since 1997, had a formalised cooperation, which is currently consolidated in the DIS Main Agreement of 28 February 2013.

The DIS Main Agreement

The first agreement on cooperation made was a direct follow-up on the recommendations of the so-called "Funder Committee" in 1996 (Report no. 1312, March 1996 – "A future for Danish shipping"). This committee, which had been established as a consequence of a Parliamentary debate in 1995, recommended that the two sides of industry formulated a set of rules of the game to ensure that the collective agreements concluded with foreign organisations were made at an "internationally acceptable level", while at the same time ensuring that the Danish trade unions respected the shipowners' right to conclude collective agreements with foreign organisations, thereby ensuring the competitiveness of Danish shipping.

The agreement was a charter stating that the shipowners would not conclude agreements below the international level and containing the shipowners' acceptance of the trade unions' possible presence during such negotiations in order to "ensure" that the agreements met this condition. On the part of the shipowners, the parties to the agreement were the Shipowners' Association of 1895 and the Shipowners' Association for Small Ships (now merged into the Shipowners' Association of 2010) and the Danish Shipowners' Association, and on the part of the wage earners, they were the Danish Association of Navigating Officers (now Danish Maritime Officers), the Danish Engineers' Association, the Danish Radio Officers' Association of 1917, the Danish Metalworkers' Association and the Semi-Skilled Workers' Union in Denmark (now 3F).

In October 2000, the parties renewed the agreement for a two-year period and, on the part of the wage earners, the group was extended to include the National Danish Restaurant Trade Union (now 3F) and the Danish Maritime Catering Union (now the Maritime Division of the Danish Metalworkers' Union). The new agreement meant, inter alia, that regular meetings of the DIS Contact Committee were introduced, just as it contained a number of obligations on the employer side, inter alia an action plan to "strengthen the maritime industry and the employment of Danish seafarers at an internationally competitive level". When the agreement was about to be renewed, agreement was not reached with the SID (3F) and the National Danish Restaurant Trade Union (RBF). Consequently, the new three-year agreement of 1 March 2002 did not include SID/RBF. In connection with this agreement, a framework agreement was drawn up, which described in more detail the minimum level to be included in collective agreements with foreign trade unions.

The peace and quiet that had been expected with a three-year agreement did, however, not become reality since the International Transport Workers' Federation (ITF) – at the suggestion of the Danish Seamen's Union/SID – adopted a resolution making it possible to declare ships registered in the Danish International Register of Shipping as ships flying a so-called flag of convenience (FOC).

The unions that participated in the DIS Contact Committee took sharp issue with the ITF decision and the Contact Committee showed its legitimacy by ensuring that the ITF did not declare any ships FOC. It can be added that the resolution and the actions of the SID (3F) were also judged by the Industrial Tribunal, which established in its ruling that the steps taken in the struggle had been illegal. The SID was given a DKK 3 million fine.

Faced with these challenges, the Contact Committee decided to further strengthen the cooperation, and in this connection the existing agreement was replaced by an agreement making it possible for Danish trade unions to represent foreign seafarers in disputes as a consequence of Danish law; and they actually do this. At the same time, the shipowners assumed an obligation to inform the Danish trade unions about industrial injuries incurred by foreign seafarers. In other words, the employer side accepted that Danish trade unions assumed some of the core tasks that they also perform for members in Denmark. Payment of an administrative fee for performing these tasks was agreed on. Today, this fee amounts to DKK 120 per foreign seafarer on board DIS ships and it is paid directly to the Danish trade unions in the Contact Committee by the shipowners.

Since then, the DIS Main Agreement has been renewed twice, in 2005 and in 2013. In connection with these renewals, the shipowner side has undertaken to recognise bilateral agreements between the foreign trade unions and the Danish trade unions on representation on Danish boards and committees and that the Danish trade unions can attend to the interests of the foreign seafarers in disputes pertaining to labour legislation.

Other issues related to the cooperation between the parties

In addition to the DIS Main Agreement, an agreement has also been concluded within the framework of the DIS Contact Committee to pay persons domiciled in Sweden and Norway wages at the same level as that of persons domiciled in Denmark. This is secured by considering Swedish and Norwegian seafarers to be covered by the collective agreements concluded by the Danish trade unions, with the necessary adjustments.

Furthermore, it has been agreed that shipowners make a number of work-experience placements available for special purposes.

In 2009, the Contact Committee decided to establish a guarantee scheme for seafarers on board DIS ships so that the seafarer is secured financing of his or her voyage home after having signed off due to entrance into a war zone or in connection with other dangerous situations, for example voyages in piracy-infested waters.

Attending to the interests of foreign seafarers

Seafarers serving on board Danish ships are covered by the act on seafarers' conditions of employment, etc. (the seamen's act) irrespective of nationality or home address and thereby they are secured the rights following from work on board a Danish ship. In addition to the special provisions of the maritime legislation, seafarers domiciled outside Denmark are to a greater or smaller extent also covered by the general Danish provisions on social security. For EU seafarers this follows from EU law, and for seafarers from third countries this follows from the bilateral social security agreements concluded. Thus, many foreign seafarers are automatically covered by public Danish pension schemes.

All seafarers, irrespective of nationality, are also covered by the Danish act on industrial injuries with Danish industrial injury insurance. Thus, they are secured in situations where they are in need of security benefits due to sickness or bodily injury during or in immediate connection with their service on board. The assistance can have the form of health insurance benefits such as medical care, hospitalisation, medicine, repatriation or sickness benefits or maternity/paternity benefits in connection with maternity/paternity leave according to the special regulations for seafarers.

Especially for seafarers from so-called labour force supplying countries, such as the Philippines, it is not unusual that they are perhaps also covered by supplementary national regulations, which is especially justified when the seafarer is serving on board ships where he or she does not enjoy the same type of social security as is the case on board Danish ships. Often such national regulations and the benefits deriving from them are adjusted to the public security level in the country concerned – or rather the lack thereof.

Collective agreements concluded with foreign trade unions pursuant to section 10(3) of the DIS act do, insofar as possible, take account of the possibility of the seafarers being covered by more sets of regulations simultaneously.

In order to make the foreign seafarers' way through the Danish security and authority system easier, mechanisms have been established within the framework of the DIS Main Agreement whereby the Danish trade unions can assist foreign seafarers though they are not members of Danish trade unions.

According to the DIS Main Agreement, the shipowners are obliged to inform the trade unions about foreign seafarers' reported industrial injuries or deaths so that the Danish trade union can proactively offer its assistance to foreign seafarers/their surviving relatives free of charge. This is a service and security for foreign seafarers that national seafarers do not enjoy since they are required to be members. Foreign seafarers can also, upon their own initiative, contact the Danish organisations whose contact details are printed in the collective agreements concluded with the foreign trade unions.

Collective agreements for foreign seafarers

According to the DIS Main Agreement, Danish shipowners commit themselves to ensure that foreign seafarers' wage and working conditions are at least at an internationally acceptable level. Danish trade unions guarantee foreign trade unions and international associations of trade unions that Danish shipowners meet this obligation and, more specifically, ensure this in connection with Danish shipowners' conclusion of collective agreements with foreign trade unions. In practice, Danish trade unions contribute both constructively and critically when Danish shipowners negotiate and conclude collective agreements with foreign trade unions. In this connection, it deserves to be mentioned that, since 1999, only the Danish Metalworkers' Union has – on behalf of the other trade union members of the DIS Contact Committee – played an active role and taken part in all negotiations. The Danish Metalworkers' Union has also had the ongoing dialogue and contact with the foreign trade unions on behalf of everyone.

In consideration of foreign seafarers working internationally on board ships and with shipowners of different nationalities, the wage and working conditions are basically very international, but on board Danish ships they have typically been extended with a third part pension scheme and with holiday- and other rights, such as occupational health protection deriving from Danish law.