



DANMARKS REDERIFORENING

(DANISH SHIPOWNERS' ASSOCIATION)

København, den 11. september 2013

OVERENSKOMSTNYT

MLC – "To whom it may concern" erklæringer

Flere skibe/rederier har i forbindelse med deres MLC syn fået anmærkning om, at de overenskomster, der i ansættelseskontrakten henvises til, ikke kunne fremvises i en engelsk oversættelse.

Efter Rederiforeningens opfattelse kan der hverken i konventionen eller i Søfartsstyrelsens bekendtgørelse om arbejdsgiverens pligt til at indgå skriftlig kontrakt med den søfarende udledes noget krav om, at overenskomsterne som sådan skal oversættes til engelsk. Et sådant krav kan alene udstrækkes til at gælde de dele af en overenskomst der regulerer forhold, der er underlagt havnestatskontrol, det vil sige de 14 punkter der fremgår af overensstemmelseserklæringerne, og som vi i Danmark hverken har tradition for eller anledning til at regulere særskilt i overenskomsterne, da der typisk er tale om lovregulerede områder (mindstealder, arbejdsmiljø, kost, lønudbetaling etc.).

Rederiforeningen har i den anledning fået udarbejdet vedhæftede "TO WHOM IT MAY CONCERN" erklæringer, hvor de maritime organisationer bekræfter, at overenskomsterne ikke indeholder elementer, der er genstand for havnestatskontrol og dermed engelsk oversættelse.

Såfremt rederiet ønsker at anvende eventuelle i overenskomsterne indeholdte aftaler om fravigelser af hviletiden, må dette først ske efter at aftalerne er registeret i Søfartsstyrelsen, og den registrerede aftaletekst skal forefindes om bord på dansk og engelsk på et let tilgængeligt sted, jf. § 6 stk. 2 i bekendtgørelsen om søfarendes hviletid.

Hensigten med erklæringen er dels, at rederierne med henvisning hertil kan afskrive de anmærkninger der i den anledning måtte være givet i forbindelse med MLC synet/certificeringen, og dels ved at fremvise erklæringen overbevise en eventuel havnestatsinspektion om det samme.

Med venlig hilsen
DANMARKS REDERIFORENING

Bertil Hohlmann

TO WHOM IT MAY CONCERN

According to Standard A.2.1 of the 2006 Maritime Labour Convention (MLC) any applicable collective bargaining agreement (CBA) forming part of a seafarers' employment agreement shall be available on board. For ships trading internationally those portions of the CBA's subject to port state inspection shall also be available in English.

The CBA's which may be concluded with the undersigned Danish unions for service on Danish flagged vessels may only be available in Danish language. However, with the exception of any agreed derogation of rest hour regulations, the CBA's do not contain portions subject to port state control as such portions are governed by legislation as outlined in the ships Declaration of Maritime Labour Compliance – Part I.

Consequently and to avoid imposing unnecessary burdens the undersigned parties hereby confirm that there is no requirement or need for making their CBA's in Danish language (or parts hereof) available in English language. Any questions or clarification in this respect may be made to the relevant undersigned Danish unions or associations being party to the CBA in question.

Copenhagen 29th August 2013



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