



## **You have rights according to Danish law if you**

-  have been subject to an industrial injury and you are not fit for duty
-  are a Philippine citizen
-  have been employed on a Danish ship flying the Danish flag (DIS)

read about  
your **RIGHTS**  
and how to get  
**HELP**

Published by:  
Danish Union for Seafarers

**CO-Sea**



All the maritime Danish unions  
are affiliated to the **ITF**

## Abbreviations used in this booklet:

LMI	Labour Market Insurance
DMA	Danish Maritime Authority
DSAIA	Danish Shipowners Accident Insurance Association
DS	Danish Shipping
SA2010	Shipowners Association of 2010
CBA	Collective Bargaining Agreement
DIS	Danish International Ship register

## Guide and help

The purpose of this booklet is to guide and help you in relation to assistance from Denmark, if you have been subject to an industrial injury from work onboard a Danish ship registered in DIS.

### Simplified information

It should be noted, that the information in this booklet has been simplified, especially the parts relating to the LMI.



## SICK PAY

### The shipowner

The shipowner is obliged to pay the seafarer during sickness for a maximum of 4 months.

This is under the condition that the obligatory medical reports declare you unfit

for duty. When you are fit for duty, the sick pay stops.

According to existing AMOSUP CBA's with DS and SA2010, the amount to be paid during sickness equals your basic wage.



## SICKNESS BENEFIT

### The Danish Maritime Authority (DMA)

If you are still unfit for duty after the 4 months of sick pay, the DMA is responsible for the payment of sickness benefit.

Sickness benefit will be paid until:

Either

1) A doctor declares you fit for duty

Or

2) The Labour Market Insurance in Denmark (see section 3) has come to a decision regarding your case. It should be noted, that the payment of sickness benefit will also stop during an appeal case.

The amount paid as sickness benefit is 90% of the basic wage at the most. Danish tax might be deducted from the amount.

The DMA will pay for two months at a time and payment is made through the Danish diplomatic representation in the Philippines. On account of practical and currency issues, delays do occur from

when payment is requested in Denmark until the payment is actually carried out in the Philippines via the Danish Consulate.

It should be expected that a new medical report has to be presented every two months. A request for this will come through the Danish Consulate and will normally be by referral to an ordinary doctor.

By the end of the 4 months with sick pay from the shipowner, we recommend that – if you are still unfit for duty - you send a report from your normal doctor declaring you unfit for duty. This might contribute to your case progressing less slowly before the DMA starts paying sickness benefit.

An English version of the DMA website can be found using this link:

[www.dma.dk](http://www.dma.dk)

sign  
**power  
of attorney**  
and get  
**HELP**

**The Danish Union for Seafarers, CO-Sea, can help you in connection with sickness benefit if we receive a **power of attorney** from you.**

**Then we can:**

- 1) Get access to all documents regarding your case.**
- 2) Send reminders and demand status reports from the authorities.**



## COMPENSATION

### The Labour Market Insurance (LMI)

The LMI is the administrator of the Act on Protection against the Consequences of Industrial Injuries on Danish work places. The Act applies to all employees on Danish places of work.

In the worst cases it might take up to several years until a decision is reached regarding your case. Unfortunately, letters from the Danish authorities to non-Danes are sometimes sent out in Danish. In such cases, you are welcome to send a copy of the letter to CO-Sea by post or e-mail, and we will take action. The content of these letters is not necessarily that important. Often they are standard letters that are automatically sent out when a certain time limit has been reached. But do not ignore if you do not understand!

If your case is accepted as an industrial injury and meets certain criteria, the LMI will normally make a decision about two

different types of compensation:

#### 1. Compensation for Permanent Injury (one-off payment):

Compensation for a permanent injury is decided according to the degree of the injury. If the degree is **below 5 pct.**, no compensation is given. If the degree is 100 %, the amount given is DKK 898.500 (by January 1st, 2019). The amount may be reduced depending on your age.

#### 2. Compensation for Loss of Earning Capacity (monthly payments):

Compensation is given when the loss of earning capacity is estimated to be **15 pct. or more**. Monthly payment may in some cases be converted into a one-off payment. The payment runs until the injured person reaches the age of 65 or 68 (depending on the year of birth).

**CO-Sea can help you in connection with compensation claims from Denmark. To do so, we need a **power of attorney** from you. Then we can:**

- 1) **Receive copies of all letters and documents regarding your case.**
- 2) **Send reminders and demand status reports from the authorities.**
- 3) **Appeal a decision on your behalf.**



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## LMI - please note that:

You can find information and an English version of the Act (legislation) (55 pages) online using this link: <http://www.aes.dk/en/English/Industrial-injuries/Legislation.aspx>

### The LMI has nothing to do with:

1. Sickness benefit (see section 2)
2. Compensation according to CBA/POEA Act (see section 4)

It is important to bear in mind that the LMI's decisions regarding compensation have nothing to do with the degrees of disablement determined in relation to the POEA Act and POEA contracts.

### Death:

When death is caused by an industrial injury, a so-called "interim payment" is paid to the bereaved (be advised that there are special rules as to who the bereaved are). In 2019, the interim payment is Dan-

ish Kroner 169.000. In addition to this, continuous payments may be paid to the bereaved for loss of breadwinner.

It is possible to appeal the decisions made by the LMI. An appeal could delay the payment of compensation. Also, sickness benefit from Denmark ends when the decision is made by LMI and will not be resumed during an appeal. The average consideration time for an appeal to the LMI is no less than 6 months (in 2017).

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## Danish Shipowners Accident Insurance Associationb (DSAIA)

Most Danish shipowners are insured in the DSAIA regarding compensation according to the Act on Protection against the Consequences of Industrial Injuries.

### The DSAIA is

**1)** often the connecting link between the LMI and the injured person. When it comes to obtaining medical reports, the DSAIA will send a request to the Danish Consulate asking them to have you examined by a specialist doctor. The Consulate will inform you which doctor to consult. When the DSAIA contacts the Danish

Consulate, they will also send you a letter informing you of this

and

**2)** the company paying compensation according to the decision by the LMI.

### The DSAIA does not deal with:

- 1) Sickness benefit (see section 2)
- 2) Compensation according to CBA/POEA Act (see section 4)

**CO-Sea** is in ongoing contact with the DSAIA regarding all registered cases.

sektion **4**

## **CBA/POEA-ACT**

Danish unions have no influence on compensation in relation to CBA/POEA Act. Be aware of the following article in AMOSUP's CBA with DSA and SASV:

"No claim for compensation according to POEA Rules can be settled prior to a final

decision concerning compensation according to the Danish Industrial Act has been made." "When meeting out compensation according to POEA-rules, any entitlements according to the Danish Industrial Injuries Act should be set off."

We advise you to contact **AMOSUP** for further assistance



### **PERSONAL LAWYER?**

**Many Filipinos with an industrial injury hire a local lawyer for assistance in compensation cases. These lawyers often have their own interests because they are hired on the condition that they are paid a part of the compensation. We cannot give advice regarding such assistance. In general, we always advise you to seek assistance from AMOSUP (which is free of charge).**

sektion **5**

## **MEDICAL EXPENSES**

Your rights include reimbursement of necessary expenses for medical consultations and medicine. In some cases, also for transportation and accommodation. Therefore, always save your receipts in good condition.

### **The Danish Maritime Authority:**

The DMA covers doctor bills for medical reports demanded by the DMA in connection with obtaining sickness benefit. Reimbursement is normally paid by the Danish Consulate. In the first 4 months

when sick pay is given by the shipowner, it is often the shipowner, who pays the medical expenses (which they will then be reimbursed for by the DMA).

### **The Danish Shipowner Accident Insurance Association:**

The DSAIA covers the expenses when they request statements by specialist doctors to be used by the LMI. Reimbursement is normally paid by the Danish Consulate or alternatively by the DSAIA on receiving original receipts.

# USEFULL LIST OF CONTACTPOINTS

## Embassy of Denmark

11th/F 11th Corporate Center  
11th Avenue corner Triangle Drive  
Bonifacio Global City  
Taguig City 1634

Phone: +63 2 865 8800  
E-mail: [mnlamb@um.dk](mailto:mnlamb@um.dk)  
Web: [filippinerne.um.dk](http://filippinerne.um.dk)

## AMOSUP

Seamen's Center  
Cabildo Corner Sta.  
Potenciana Streets  
Intramuros, Manila

Phone: 527-9491 to 98  
E-mail: [legal@amosup.org](mailto:legal@amosup.org)  
Web: [www.amosup.org.ph](http://www.amosup.org.ph)

## The Labour Market Insurance

Sankt Kjelds Plads 11  
Postbox 3000  
2100 Copenhagen O  
Denmark

Phone: +45 72 20 60 00  
E-mail: [aes@aes.dk](mailto:aes@aes.dk)  
Web: [www.aes.dk](http://www.aes.dk)

## Royal Danish Consulate

6/F Suite 605 Keppel Center  
Cebu Business Park  
6000 Cebu City  
Phone: +63 32 4156151  
[cebudanishconsulate@gmail.com](mailto:cebudanishconsulate@gmail.com)

## Royal Danish Consulate

Agusan National Road  
KM 12, SASA  
8000 Davao City  
Phone: +63 82 272 7301  
[dvoconsul@maersk.com](mailto:dvoconsul@maersk.com)

## The Danish Maritime Authority

Fjordvænget 30  
4220 Korsoer  
Denmark

Phone: +4572 19 60 00  
E-mail: [sfs@dma.dk](mailto:sfs@dma.dk)  
Web: [www.dma.dk](http://www.dma.dk)

## Danish Shipowners Accident Insurance Association

Amaliegade 33B  
1256 Copenhagen K  
Denmark

Phone: +45 33 13 86 88  
E-mail: [skade@ufds.dk](mailto:skade@ufds.dk)  
Web: [www.ufds.dk](http://www.ufds.dk)

# sektion 6



## FREE HELP FROM DANISH UNIONS

Three Danish maritime unions have made an agreement with the Danish shipowners to assist non-Danish seamen having an industrial injury onboard Danish DIS-ships.

Help and assistance from the Danish unions is free of charge for the seafarer. One of the three unions, CO-Sea, takes care of the coordination of the prelimi-

nary work in Denmark. CO-Sea is a union for all ratings, engineers on smaller vessels and navigators on DS ships.

If a maritime officer (e.g. navigator or engineer) is injured, the case will be transferred from CO-Sea to the relevant Danish union as soon as we receive a signed **power of attorney** from the injured seaman.

### Navigators on SA2010 ships



Danish Maritime Officers

#### Danish Maritime Officers

Vermlandsgade 65  
2300 Copenhagen S  
Denmark

+45 33 45 55 65  
mail@ledernesofart.dk

### Ratings / Navigators

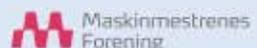


#### CO-Sea + Metal Maritime

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2610 Roedovre  
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cosea@co-sea.dk

### Maritime Engineers



Maskinmestrenes  
Forening

#### Danish Engineers' Association

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