

IF YOU



- * HAVE BEEN SUBJECT TO AN INDUSTRIAL INJURY AND IS
- * UNFIT TO WORK
- * ARE **NOT** A DANISH CITIZEN
- * HAVE BEEN EMPLOYED ON A DANISH SHIP FLYING THE DANISH FLAG (DIS).

THEN YOU HAVE RIGHTS ACCORDING TO DANISH LAW

WE HOPE THIS LEAFLET WILL BE HELPFUL TO YOU

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All the maritime danish unions
are affiliated to the

ITF



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Section about:

Expenses towards treatment, medicine, aids, etc.:
www.ask.dk/da/English/Industrial-injuries/What-type-of-compensation-can-you-expect/Expenses-towards-treatment-medicine-aids-etc.aspx

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ABBREVIATIONS:

NBII National Board of Industrial Injuries
DMA Danish Maritime Authority
DSAIA Danish Shipowners Accident Insurance Association
DSA Danish Shipowners Association
SASV Shipowners Association for Smaller Vessels
CBA Collective Bargaining Agreement
DIS Danish International Ship register

PURPOSE:

The purpose of this folder 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.

Help from the Danish unions is free of all costs. It is already paid for by the shipowners.

Sektion 1

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 DSA and SASV, the amount to be paid during sickness equals your **basic** wage.

Sektion 2

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 National Board of Industrial Injuries 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

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.*

THE NATIONAL BOARD OF INDUSTRIAL INJURIES (NBII)

The NBII 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.

You can find information and an English version of the Act (legislation) (55 pages) online using this link:

<http://www.ask.dk/en/English/Industrial-injuries/Legislation.aspx>

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 NBII 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 %**, no compensation is given. If the degree is 100 %, the amount given is DKK 752.000 (by January 1st, 2010). 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 % 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 67 (depending on the year of birth).

It is important to bear in mind that the NBII'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 2009, the interim payment is Danish Kroner 136.000. 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 NBII. An appeal could delay the payment of compensation. Also, sickness benefit from Denmark ends when the decision is made by NBII and will not be resumed during an appeal. The average consideration time for an appeal to the NBII is no less than 6 months (in 2007).

The **NBII has nothing to do** with:

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

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.*

DANISH SHIPOWNERS ACCIDENT INSURANCE ASSOCIATION (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 NBII 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 NBII.

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 new article in AMOSUP's CBA with DSA and SASV, valid from the 1st of February 2008:

"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.

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.

1)

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).

2)

The Danish Shipowner Accident Insurance Association:

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

Section 6

DANISH UNIONS

3 Danish maritime unions have made an agreement with the Danish ship-owners 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 preliminary work in Denmark. CO-Sea is a union for all ratings, and engineers on smaller vessels.

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.

Section 7

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).

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

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