REGULATION CONCERNING AMENDMENTS TO THE REGULATIONS ON GUARANTEE OF REMUNERATION FOR WORK AND OF PASSAGE HOME FOR EMPLOYEES ON SHIPS REGISTERED IN THE NORWEGIAN INTERNATIONAL SHIP REGISTER

Laid down by the Norwegian Maritime Authority on 19 December 2017 under the Act of 21 June 2013 No. 102 relating to employment protection etc. for employees on board ships (Ship Labour Act) section 4-7, cf. Regulations of 3 July 2013 No. 974.

I

Regulations of 18 February 2005 No. 146 on guarantee of remuneration for work and of passage home for employees on ships registered in the Norwegian International Ship Register are amended as follows:

New title should read:

REGULATIONS ON GUARANTEE FOR REMUNERATION AND OF PASSAGE HOME FOR EMPLOYEES ON *MOBILE OFFSHORE UNITS* REGISTERED IN THE NORWEGIAN INTERNATIONAL SHIP REGISTER

Section 1 should read:

Section 1 Scope of application

These Regulations apply to any employee who is not covered by Norwegian social security schemes pursuant to statute or to a reciprocal agreement or by the social security Regulation of the EEA Agreement, Regulation (EEC) No 1408/71, Article 14b, and who is employed on board *mobile offshore units* registered in the Norwegian International Ship Register.

Section 2 should read:

Section 2 The company's obligation to furnish a guarantee of remuneration and of coverage of passage home in the event of bankruptcy

For *every mobile offshore unit* registered in the Norwegian International Ship Register, the company shall furnish a guarantee of remuneration due to employees as referred to in section 1, as a result of the institution of bankruptcy proceedings against a person or company that is directly or indirectly responsible for paying remuneration for the service of employees on board *the mobile offshore unit*. The guarantee shall cover:

a) The employee's claims to outstanding remuneration for their work pursuant to statute or agreement with the employer in the event of his or her bankruptcy.
b) Other remuneration for work pursuant to a contract of service, such as holiday or leisure time remuneration, claims for the reimbursement of the expenses of a passage home pursuant to statute or agreement, claims against the employer for a pension or any other loss of remuneration of service on board.
c) Any interest due or cost incurred through the recovery of claims as mentioned in paragraphs a) and b).

Section 4 should read:

Section 4 Maximum amounts of the guarantee

The requirements laid down in these Regulations for insurance or a guarantee in the event of bankruptcy is considered to be complied with if *a mobile offshore unit* has a guarantee of at least NOK

500,000. Exemptions may be granted according to the following scale, provided that the employees' and employers' organisations concerned agree to it:

a) total crew from 1 to 5 employees; NOK 250,000;

b) total crew from 6 to 10 employees; *NOK 350,000*.

The guarantor may limit his or her ability as regards the cost of a passage home to NOK 15,000 per crew member within the limits of liability set out in the first paragraph.

The guarantor may limit his or her total liability of more than one *mobile offshore unit*, but not to less than the net total of NOK 10 million. In cases where the guarantor's total liability pursuant to this section does not amount to NOK 10 million, the limits of liability mentioned in this section are cumulated.

II

This Regulation enters into force immediately.