

Working in Denmark

- a guide to the Danish labour market



3 edition, May 2009



Contents

I. Preface by the Danish Minister for Employment	1
II. The most important characteristics of the Danish labour market	2
1. Most employees are members of a trade union	2
2. The social partners play the leading role	2
3. Pay and working conditions are laid down in collective agreements	3
4. Cooperation is the standard – and industrial disputes are governed by rules	4
5. The right to take industrial action	4
III. The most important rules for EU citizens working in Denmark	6
1. Rules on residence and work for EU citizens	6
2. Rules on the provision of services and on posting of workers	6
3. Rules for self-employed persons setting up a business in Denmark	9
4. Rules on occupational health and safety at the workplace	10
5. Rules on social security benefits and unemployment insurance	12
6. Pensions	13
IV. List of most important labour laws	16
V. Relevant contacts	18
1. Authorities	18
2. The social partners – selected central organisations and representative parties on the labour market	20

I. Preface by the Danish Minister for Employment

Open labour markets and free movement of goods and services are crucial to the continued development of prosperity in Europe. Therefore, Denmark wants close cooperation and increased trade within the EU.

Denmark places great emphasis on maintaining the balance on the Danish labour market. The Danish Government finds it important that people working in Denmark, regardless of their nationality, are offered pay and working conditions that meet the standards that generally apply in Denmark.

In Denmark, pay and working conditions are generally established through collective agreements entered into between trade unions and employers' organisations. The Government intervenes as little as possible in the regulation of pay and working conditions as long as the social partners, i.e. wage earners and employers, are able to solve their problems in a reasonable way. In return, the Government ensures a social safety net and active employment efforts for people who become unemployed. This division of responsibilities between the Government and the social partners constitutes the cornerstone of the Danish labour market model. The philosophy behind the "Danish model" is that the social partners have the best insight into the problems that occur on the labour market. Therefore the social partners are able to find solutions that match current challenges much quicker and more easily. The Danish labour market is characterised by cooperation rather than dispute.

The Danish model provides good conditions for a flexible labour market. Accordingly, Denmark has successfully combined economic growth, high employment and social security – also known as "flexicurity".

As a result of the Danish labour market model, there are special conditions and rules that citizens and enterprises from other EU Member States must know before taking on a job or providing services in Denmark. This guide describes the most important conditions and rules for the Danish labour market. The aim is to avoid misunderstandings and promote good cooperation between Danish and foreign employees, enterprises, organisations and authorities.



Inger Støjberg
Minister for Employment

II. The most important characteristics of the Danish labour market

Three out of four employees are members of a trade union

1. Most employees are members of a trade union

The Danish labour market model is characterised by the strong labour market organisations. Danish employers and employees are typically members of an organisation. About 75 per cent of Danish employees are members of a trade union with union density varying from sector to sector.

Employees and employers are organised according to sector in national trade unions and organisations. At the end of this guide you will find information about a number of central organisations and selected industrial organisations, representing employees and employers, respectively.

Foreign employees and enterprises may also become members of Danish organisations.

The Danish Construction Association (Dansk Byggeri) has foreign members

The Danish Construction Association is an example of an employers' organisation with several foreign enterprises among its members. Members of the Danish Construction Association are automatically covered by collective agreements. Moreover, the Danish Construction Association can answer questions concerning collective agreements and labour market legislation. In connection with industrial disputes, the Danish Construction Association may provide legal assistance, and in some cases, members may also receive compensation in connection with industrial disputes. Other organisations offer similar conditions and opportunities.

2. The social partners play the leading role

The social partners cover the majority of the Danish labour market, and therefore they play a leading role in defining pay and working conditions on the labour market.

No statutory minimum wage in Denmark

In Denmark, there is a long tradition for division of responsibilities between the Government and the social partners, where the Government intervenes as little as possible in the regulation of pay and working conditions. Accordingly there is no statutory minimum wage in Denmark. Pay and working conditions are instead mainly regulated through collective agreements entered into between trade unions and employers' organisations.



3. Pay and working conditions are laid down in collective agreements

A collective agreement is a contract between two parties, stipulating the working conditions applicable to the individual employment relationships in the enterprises or sectors concerned. In collective agreements one of the contracting parties will always be a trade union representing the employees. The other party to the agreement may be a single employer or an employers' organisation.

An employer covered by a collective agreement must offer the terms of the agreement to all employees working within the area of the collective agreement. This means that an employee who is not a member of a trade union must nevertheless be offered the same pay and working conditions as other employees in the enterprise.

**Contractual wage to everyone
– including employees who are
not members of a trade union**

Collective agreements with non-organised employers

If an employer is not a member of an employers' organisation, the trade union may try to enter into a collective agreement with the individual employer. Such collective agreements between an individual employer and a trade union are most often entered into as "adoption agreements. An adoption agreement obligates the employer to comply with the relevant collective agreement in the occupational field concerned.

Adoption agreements with Danish trade unions may be relevant in relation to foreign employers.

Foreign employers may conclude an adoption agreement

Adoption agreements with foreign employers

The building and construction sector, in particular, has seen several examples of foreign non-organised employers entering into adoption agreements with Danish trade unions. The agreements cover the work that the enterprises carry out in Denmark. Foreign employers typically adhere to a collective agreement that the trade union has already concluded with a Danish employers' organisation in the occupational field concerned. In such negotiation situations, the foreign enterprise may seek advice from the relevant Danish employers' organisation.

Peace duty when there is a collective agreement

4. Cooperation is the standard – and industrial disputes are governed by rules

The social partners are obligated to comply with the terms of collective agreements. This also apply to any foreign enterprise that has concluded a collective agreement, or is bound by its membership of a Danish employers' organisation.

When a collective agreement has been concluded there is a general peace duty. This means that strikes and lockouts are normally unlawful for the duration of the collective agreement. Usually, this does not cause many problems because the parties are most often able to discuss matters and negotiate solutions to specific disputes. In Denmark there is a well-developed system of cooperation agreements and a fundamental respect for the agreements concluded.

If either of the parties to a collective agreement does not comply with the collective agreement, this party may be ordered to pay a fine negotiated between the parties themselves, or imposed on one of the parties by the Danish Labour Court. Even though a collective agreement has been concluded, dispute may arise as to the interpretation of the agreement. In this case, either party may demand that the interpretation dispute is solved by industrial arbitration.

The employee representative (shop steward) represents employees and the trade union

Collective agreements also regulate special rules about employee representatives (shop stewards). An employee representative is an employee elected among the employees at the enterprise to represent them and the trade union at the workplace. The employee representative is subject to special employment protection, meaning that he or she cannot be dismissed unless there are compelling reasons to do so.

The employee representative (shop steward) has formal authority to negotiate with the management about issues concerning pay and working conditions. In addition, the employee representative may enter into agreements with the employer by mandate from the other employees – though in some cases subject to the approval from the relevant trade union.

Right to take industrial action

5. The right to take industrial action

In Denmark, trade unions have a fundamental right to try to obtain collective agreements with employers and employers' organisations. The trade unions may reinforce their claim by taking

industrial action against the employer. This also applies in relation to foreign employers carrying out work in Denmark with their own foreign employees.

The right to take industrial action is based on many years of practice by the Danish Labour Court. In Denmark, there is a far-reaching right to take industrial action and sympathy action (to support an on-going strike). The lawfulness of industrial action depends on whether the action concerns work that normally falls within the trade union's field of activity. However, it is not a requirement that the enterprise concerned have any employees that are members of the trade union taking industrial action.

A condition for the legality of any industrial action that is aimed at foreign enterprises that temporarily post employees to Denmark, is that the foreign service provider has been made aware of the provisions laid down in collective agreements that are entered into by the most representative social partners in Denmark, and that are applicable to the whole Danish sector. Such collective agreements must clearly state the wage to be paid in accordance with the collective agreements. Any dispute may be brought before the Danish Labour Court.

Strike, boycott and sympathy actions are types of collective industrial action that a trade union may take.

- In the case of a *strike* the trade union instructs its members to cease working at the enterprise affected by a dispute.
- In the case of *boycott* the trade union instructs its members to refrain from taking a job at the enterprise affected by a dispute.
- In the case of *sympathy actions* the trade union or another trade union within the same central organisation supports the central dispute by instructing its members to strike, or refrain from carrying out work at the enterprise.

Strike, boycott and sympathy actions

A dispute often involves the trade union members showing up outside their workplace. However, it is not allowed to physically block the entrance to the workplace, nor is it permitted to block the entrance for persons or materials.

Danish trade unions may take industrial action to obtain a collective agreement

There are several examples of Danish trade unions taking industrial action in order to obtain a collective agreement. This is the case in relation to Danish as well as foreign employers. In relation to foreign employers the right to take industrial action has been particularly relevant in the building and construction sector. For example: A trade union may instruct its members not to deliver goods, pick up waste and carry out work for owners or employers with which the trade union wants a collective agreement. Another example: Electricians working on a building project may refuse to carry out work for the building owner because the foreign enterprise responsible for the rest of the construction work has not entered into a collective agreement.

Cases pertaining to the lawfulness of an industrial action may be brought before the Danish Labour Court, which makes its decisions through a quick procedure.

Like the trade unions, the employers' organisations may take industrial action. Employers may establish *lockouts* and *boycotts* which correspond to the trade unions' use of strikes and boycotts

III. The most important rules for EU citizens working in Denmark

There are four different ways that EU citizens may stay and work in Denmark:

- As an employee employed in a Danish enterprise.
- As a posted worker employed with a foreign enterprise providing services in Denmark.
- As a foreign-registered self-employed person or enterprise providing services in Denmark.
- As a Danish-registered self-employed person with own business in Denmark.

In the four situations above, different regulations apply. These regulations are as summarised below followed by sections that describe occupational health and safety, social security, and pension.

1. Rules on residence and work for EU citizens

EU citizens have a right to stay in Denmark for up to three months. As a jobseeker, persons may stay in Denmark for up to six months provided that they are able to support themselves. EU citizens who are unemployed in their home country, and who are entitled to unemployment insurance benefits in their home country, may bring such benefits with them from their home country for a period of up to three months.

EU citizens who are employees in Denmark are exempt from the requirement of a work permit. If the stay is expected to last for more than three months, they must get an EU registration certificate from the regional state administration no later than three months after entry.

See also the section on social security benefits and unemployment insurance on page 12.

2. Rules on the provision of services and on posting of workers

A foreign enterprise established in an EU Member State may provide services in Denmark, and may then post its employees to carry out the work.

If the posting exceeds a period of three months, the posted employee must apply to the Danish Immigration Service for an EU registration certificate as a posted worker no later than three months

Requirements about registration certificate from the regional state administration after three months

Requirements about registration certificate from the Danish Immigration Service after three months



after entry. If the posted worker is a third country citizen, he or she must apply for a residence card from the Danish Immigration Service no later than three months after entry.

Duty to notify to RUT

Foreign service providers that post workers to Denmark are obligated to report certain information about their business, the service delivered, and about the relevant posted employees to the Register for Foreign Service Providers (RUT – Registret for Udenlandske Tjenesteydere).

The notification takes place with the Danish Commerce and Companies Agency and relevant information and forms may be accessed on www.virk.dk/RUT. Two forms are needed for the notifications to RUT:

- The first form is the one to be used for the first basic notification of the enterprise. The basic notification includes basic data about the enterprise. If the enterprise is also subject to pay VAT in Denmark (see below), this basic notification will also serve as a VAT registration of the enterprise in Denmark. As part of the basic notification, information about the first task (service) performed in Denmark, may be listed.
- The second form is the one to be used for all following notifications of tasks (services) that are carried out in Denmark. This form is used in situations where the enterprise takes on new tasks in Denmark, and where the enterprise has already made the basic notification.

Information about the provision of services must be reported no later than the date on which the provision of a service commences. If there are changes to the information, the enterprise must report these changes no later than eight calendar days after the changes take effect.

Enterprises with posted employees must report information to RUT

Foreign enterprises must settle VAT themselves for services provided to private individuals

VAT

An enterprise that is not established or represented in Denmark, but wishes to provide services here, only needs to be registered for VAT if the customer to whom it provides a service is a private individual. If the customer to whom the service is provided is another enterprise, the enterprise receiving the service is to pay VAT for the foreign enterprise. VAT registration must take place no later than eight days before commencement of the activities subject to registration.

The form for VAT registration can be found at www.virk.dk/RUT and is the same as for basic registration in RUT (see above).

Danish Posting of Workers Act

The Danish Act on Posting of Workers

The posting enterprise is covered by the Danish Act on Posting of Workers, and must therefore comply with the Danish regulations on safety and health, working hours, holiday, equal treatment etc. For more information about these regulations, visit www.posting.dk – the Danish website on posting of workers. See also the section on occupational health and safety on page 10 and the list of most important labour laws on page 16. The Danish Act on Posting of Workers does not lay down a requirement to pay a minimum wage to posted employees. This is due to the fact that there is no statutory minimum wage in Denmark.

Trade unions will try to enter into an adoption contract

Collective agreement with a Danish trade union

In Denmark there is no statutory requirement that an employer should follow or enter into a collective agreement. However, foreign enterprises that post their employees to Denmark should be aware that Danish trade unions will try to obtain a collective agreement on the pay and working conditions for the work that is carried out in Denmark.

Normally, the relevant Danish trade union approaches the foreign enterprise and makes a request that an adoption agreement be signed. The foreign enterprise may choose to negotiate a collective agreement with the trade union itself. Alternatively, the enterprise may choose to join a Danish employers' organisation, and the enterprise will then be covered by the collective agreement entered into between the relevant employers' organisation and the trade union. At the same time, the employers' organisation will be able to provide the enterprise with legal advice for the enterprise's negotiations with the trade union. The enterprise may also refrain from entering into a collective agreement. The enterprise should then be aware that the trade union will take industrial action. See the section on the right to take industrial action on page 4 in this guide.

In Denmark, trade unions and employers' organisations agree that posted employees from other EU Member States should have the same rights as their Danish colleagues in similar jobs with regard to pay and working conditions. This is laid down in the agreement concluded between the parties' central; LO (the Danish Confederation of Trade Unions) and DA (the Confederation of Danish Employers).

This is also reflected in a clause that most major contractors in the Danish building industry apply when making agreements with sub-contractors. Under this clause, sub-contractors are bound to pay their employees in accordance with the contractual terms laid down for the building and construction sector in Denmark.

The social partners recommend that foreign employers join the relevant Danish employers' organisation, thus committing themselves to respect Danish pay and working conditions. As mentioned earlier, the Danish Construction Association has many foreign enterprises among its members.



3. Rules for self-employed persons setting up a business in Denmark

EU citizens may set up a business in Denmark and they have a right to stay in Denmark for the purpose of running it.

Enterprises that are set up in Denmark, must register with the Danish Commerce and Companies Agency no later than eight days before commencement of business activities.

In connection with the registration, the Danish authorities will check whether the person is self-employed, or whether in reality the person is in an employment relationship with a Danish employer.

Registration of enterprises at the Danish Commerce and Companies Agency

“Arms-and-legs enterprises”

The term “arms-and-legs enterprises” is used to describe someone who is hired as a self-employed person but who is de facto in an employment relationship. An example could be a Lithuanian craftsman hired as an independent bricklayer to build a house. The owner and the craftsman agree that the owner is to provide the materials, work tools etc. The owner instructs the craftsman on the work that needs to be carried out, and pays the craftsman a wage for the time spent. The only thing that the craftsman brings with him/her is his or her services – i.e. “arms and legs”. Accordingly, the craftsman is de facto an employee. In such a situation industrial action may be taken against the relevant employer with demands for a collective agreement.

The Danish safety and health regulations apply to all work

4. Rules on occupational health and safety at the workplace

The Danish health and safety regulations apply regardless of the connection in which a person is working in Denmark. Foreign employers and employees in Denmark must therefore always comply with the Danish health and safety regulations, and like Danish enterprises they are subject to inspections by the Danish Working Environment Authority.

Obligations of the employer

Employers as well as employees have obligations under the Danish Working Environment Act

The employer must ensure that everyone can work under safe and healthy conditions in full compliance with the Danish health and safety legislation. Thus, the employer is obligated to supervise the work and ensure that it is carried out in a safe and healthy manner. Accordingly, the employer is obligated to inform the employees of any danger of accidents and health risks in connection with their work, and to instruct them so that the work can be performed safely.

Obligations of the employees

Employees are obligated to comply with the safety instructions for their work, e.g. how to operate machines and how to use hazardous substances. This also applies with regard to any requirements to use gloves, earplugs, breathing masks etc. Employees must also help to ensure that the safety instructions are working properly. For instance, employees are not allowed to remove safety guards or deactivate exhaust systems. Employees who become aware of defects or omissions in connection with safety are obligated to report these to the safety representative, the supervisor or the employer.

Employers and employees may be sanctioned

Employers and employees may be sanctioned for violating the health and safety legislation.

Safety work must be organised in cooperation between employees and management

Organisation of safety and health work

Enterprises with ten or more employees are required by law to have a safety organisation that handles day-to-day occupational health and safety work at the enterprise. The safety organisation has representatives for the employees and the management.

At enterprises with less than ten employees, safety and health work must take place in cooperation between the employer and the employees. At temporary or mobile workplaces, including building and construction sites, safety and health work must be organised in a safety organisation when an employer has five or more people occupied at the site.

The role of the Danish Working Environment Authority

Inspections and actions by the Danish Working Environment Authority

The Danish Working Environment Authority monitors whether private and public-sector enterprises comply with the rules laid down in the health and safety legislation. An enterprise can be subject to both reported and surprise inspection visits.

The Danish Working Environment Authority may issue an order that conditions which contravene the health and safety legislation be made safe. If an enterprise, an employee or others do not meet their obligations under the health and safety legislation, the Danish Working Environment Authority may initiate one or more of the following actions:

- Prohibit that the work continues and issue notice that work may only be resumed once it can be done in a safe and healthy manner.
- Issue an improvement notice stipulating that conditions must be brought into order within a specified time-limit.
- Report the employer and/or employees to the police for violation of the Working Environment Act.

- Issue administrative fines.
- Issue an improvement notice to use an Authorised Health and Safety Consultant

The Danish Working Environment Authority issues a prohibition notice against work at a building site

The Danish Working Environment Authority visited a construction site where work was being carried out by posted employees from Poland. The employees were demolishing an old roof. According to the Danish Working Environment Authority, the work was not being carried out in a safe and healthy manner because the work was being done at a height of up to about seven metres without any protection from falling down. The work being done on the roof was not safe either: There were open, unguarded holes in the roof and a weak supporting structure with a poor load-carrying capacity. Against this background, the Danish Working Environment Authority issued a prohibition notice against further work and traffic on the roof. The Polish enterprise then had one week to account for how the prohibition notice had been met. A short time later, the enterprise informed the Authority that it had set up fall protection gear. The proposed solutions were approved by the Danish Working Environment Authority and work was resumed.

The Danish Working Environment Authority's authority to act is described in more detail at www.at.dk/sw13465.asp (In Danish).

The most important regulations

The following paragraphs describe a number of important health and safety regulations. More detailed descriptions can be found in Danish and English on the website of the Danish Working Environment Authority: www.at.dk.

It must be possible to operate machines without risk

Employees must be able to operate, repair and clean machinery and tools without risk of injury. If there are still risks connected with the use of a machine, it must be equipped with an emergency stop button and directions for use, making the machine as safe as possible to use.

Machines

Chemical exposure must be avoided

Any work with dangerous substances and materials must be planned and carried out in such a way that employees avoid unnecessary exposure. The employer is obligated to draw up instructions for use of dangerous substances and materials, and give the employees instructions on how to deal with such substances and materials.

Chemical substances

Ergonomic strain

Unnecessary strain and uncomfortable working postures must be avoided. Employers are therefore obligated to make available to their employees technical aids and tools, for instance trolleys and roller tables.

Physical strain

Exposure to noise

The average noise level during a working day must be limited as far as possible and not exceed 85 decibels.

Noise



Psychological strain

Mental strain

Mental strain may occur in all types of jobs due to the psychological working environment. The employer must pay attention to this and take any appropriate measures.

Rest period regulations

Rest period regulations must be respected

Generally, working hours must be planned in a way that gives employees a total rest period of at least 11 hours per day. In addition to the daily rest period, employees are required to have at least one day off per week. Employees are obligated to comply with the rest period regulations.

Access to toilet, eating facilities and drinking water

Welfare facilities

Welfare facilities are not merely a requirement at permanent workplaces. At building sites and similar workplaces, the employer must usually ensure the employees access to a toilet, eating facilities, drinking water, a sink with hot and cold running water, changing rooms and washing facilities as well as sleeping facilities depending on the nature of the work.

5. Rules on social security benefits and unemployment insurance

EU citizens who work in Denmark for a Danish employer are covered by Danish legislation on social security. This also applies if the person resides in another EU Member State.

Persons subject to Danish social security legislation are covered by the Danish social security schemes on equal footing with Danish employees and are required to satisfy the same conditions in order to receive benefits. Please contact the municipalities and the National Social Security Agency for more information about the rules.

The security schemes include industrial injury insurance and sickness/maternity benefits, health insurance, unemployment insurance and social pension.

Unemployment insurance

In Denmark it is voluntary to be insured against unemployment. In order to become insured against unemployment, the employee must apply for admission to an unemployment insurance fund.

The application must be made in writing, and a prerequisite for admission is that the employee is employed in Denmark, and that the unemployment insurance fund has received the written application.

Persons who have worked in another EU/EEA country may include periods of insurance and employment from this work in order to meet the conditions of the Danish unemployment insurance provided that

- an application is made to join a Danish unemployment insurance fund no later than eight weeks after cessation of the insurance in the home country, and
- the person has commenced work for a minimum of 296 hours within a period of 12 weeks.

Persons who have been members of a Danish unemployment insurance fund within the last five years, may include insurance and employment periods provided that

- an application is made to join a Danish unemployment insurance fund no later than eight weeks after cessation of the insurance in the home country, and
- the person resides in Denmark.

Persons from other EU countries, who have been admitted to a Danish unemployment insurance fund, have the same rights and must meet the same obligations as Danish citizens.

The most important conditions for achieving a right to Danish unemployment benefits are that

- the person has been a member of a Danish unemployment insurance fund for a minimum of one year (periods of insurance and employment from another EU country may be included),
- the person complies with an employment requirement of 1924 hours of work within the last three years,
- the person has registered as unemployed with the jobcentre, and
- the person is available for work on the Danish labour market at one day's notice.

More information about the current rules, as well as information about unemployment insurance funds in the different sectors and professions can be found at the website of the National Directorate of Labour www.adir.dk

6. Pensions

Denmark differentiates between two overall pension types; social pensions (paid by the state) and supplementary pensions (linked to employment and paid by the employer and wage earner together).

Social pensions are the state retirement pension which is statutory and part of social security in Denmark as well as the ATP contribution (labour market supplementary pension) by which all wage earners are generally covered.

Supplementary pensions are collective pension schemes that are agreed as part of the collective agreement between the social partners as well as a company pension which is agreed individually between the employer and employee. In Denmark it is common to have some sort of supplementary pension arrangement.

Insurance and employment periods earned from another EU country may be included

Certain conditions must be complied with before a person can receive unemployment benefits

Please contact the National Directorate of Labour for more information about the rules

Supplementary pension paid by employer and wage earner together is a widespread phenomenon

Social pensions

Employees earn their entitlement to state retirement pension and early retirement pension. Entitlement to full Danish pension is generally conditioned by 40 years of residence or employment in Denmark between the age of 15 and 65. If for a shorter period the pension is calculated as 1/40 of the full pension for each year that the person qualifies for pension in Denmark.

ATP (labour market supplementary pension)

All Danish wage earners with more than nine hours' employment per week make payments to ATP to supplement their state retirement pension. The employer pays 2/3 and the employee 1/3 of the ATP contribution. The ATP contribution is automatically deducted from monthly wage payments. If a person has paid ATP in Denmark and resides abroad at the date of state retirement age, ATP must be informed of the address abroad in order to pay the pension.

Supplementary pensions

Collective pension schemes are widespread in the public sector. Usually 17.1 per cent of wages before tax are paid into a pension savings plan. The employer pays 2/3 whereas 1/3 of the employee's wage is paid into the pension savings plan. The savings often include both savings for pension, a health insurance and insurance in the event of disability, critical illness and death.

If you are employed in a private company you are not automatically covered by a collective pension scheme. If there is no collective pension scheme, company pensions are today very widespread. A company will typically offer the employee a pension scheme where the company pays what corresponds to 10 per cent of the wage on top of the ordinary pay to a pension scheme set up by the employee. It is often part of the agreement that the employee pays what corresponds to 5 per cent of the wage so that an amount totalling 15 per cent of the wage is paid.

If a person takes a job abroad he or she can choose to have his or her payments to a supplementary pension paid out. If so, this payment is subject to tax, as pension payments have not been subject to tax when reaching pension age. The terms may vary from one scheme to the other and the individual pension fund may provide more information about this.

IV. List of most important labour laws

The Danish Working Environment Act lays down the general rules on working in Denmark. The Act includes responsibilities for both employers and employees on occupational health and safety. The Danish Working Environment Act is complemented by a series of regulations to complete and clarify the general provisions of the Act.

The Holiday Act entitles employees to five weeks of paid holiday per year in proportion to the duration of their employment relationship the previous year.

The Employers' and Salaried Employees' (Legal Relationship) (Consolidation) Act ensures salaried employees certain minimum rights in their employment relationship (e.g. full pay during sickness and holiday, notice of termination depending on seniority, redundancy payment and a demand for objective reasons of dismissal). Salaried employees are persons who occupy a civil servant position, with average working hours of more than eight hours per week and who perform one or more of the types of duties stated in the Act.

The Act on Equal Treatment of Men and Women as regards Access to Employment and Maternity Leave etc. prohibits discrimination on the ground of gender and covers rules on taking maternity leave.

The Act on Equal Pay prohibits gender-based wage discrimination.

The Act on Discrimination on the Labour Market prohibits direct or indirect discrimination on the basis of race, colour, religion, political opinion, sexual orientation or national, social or ethnic origin.

The Act on Protection against Dismissal due to Organisational Matters (the Right of Association Act) protects employees against dismissal on the grounds that they are or are not members of a specific association.

The Act on Collective Redundancies obligates companies to negotiate with the employees in connection with major company reductions.

The Act on the Legal Position and Employees in the Event of the Transfer of the Enterprise means that the buyer of a company is subject to the same obligations as regards the employees that the seller is bound to, at the time of the transfer.

The Act on the Employees' Guarantee Fund ensures employees a wage if their employer goes into liquidation.

The Act on the Employers' Duty to Inform the Employee about the Terms of the Employment Relationship obligates the employer to prepare a statement of terms and employment containing the most important information about the terms of employment.

The Act on the Use of Health Data etc. on the Labour Market generally only allows employers to receive information pertaining to illnesses that significantly affect job performance.

The Act on Benefits in the Event of Sickness or Maternity entitles the employee to receive sickness benefits in the first three weeks from the employer and subsequently from the municipality, and maternity leave benefits in connection with absence due to pregnancy, maternity leave and adoption etc. from the municipality.

The Act on Employers' Use of Job Clauses aims at limiting the use of job clauses and ensuring that the necessary clauses are concluded in a manner that is fair to the employee affected.

The Act on Part-Time Work protects part-time employees against discrimination, improves the quality of part-time work and enables the development of part-time work on a voluntary basis.

The Act on Fixed-Term Work aims at improving the quality of fixed-term employment by use of the principle of non-discrimination and setting up a framework to prevent abuse arising from successive fixed-term employment contracts or relationships.

The Industrial Court Act lays down rules on bringing cases before the court. The Industrial Court primarily handles cases on violation of collective agreements. Most cases are about unofficial strikes and lack of payment under the collective agreement. The social partners are represented in the Industrial Court by the central organisations. This is primarily the Danish Confederation of Trade Unions (LO) and the Confederation of Danish Employers (DA).

The Act on Conciliation in Industrial Disputes (Official Conciliator's Act) aims to conciliate the parties, particularly in relation to the conclusion of new collective agreements.

The Working Time Directive has been implemented in Denmark, and consequently there are rules on rest periods, maximum weekly working hours, night work (in the Danish occupational safety and health legislation) etc.

The Danish Act on Posting of Workers includes provisions that implement Directive 96/71/EC of the European Parliament and the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services.

V. Relevant contacts

1. Authorities

The Ministry of Employment

Ved Stranden 8
DK-1061 København K
Tel.: +45 72 20 50 00
E-mail: bm@bm.dk
Website: www.bm.dk

The Danish Ministry of Employment is the overall Governmental authority for the labour market in Denmark.

The Ministry has overall responsibility for EU cooperation on the labour market.

The National Directorate of Labour

Stormgade 10
Postboks 1103
DK-1009 København K
Tel.: +45 38 10 60 11
E-mail: adir@adir.dk
Website: www.adir.dk

The National Directorate of Labour is an agency under the auspices of the Ministry of Employment and the Danish authority in the social field of the labour market policy.

The National Directorate of Labour administers legislation concerning unemployment insurance and sickness benefits, holiday, active social policy and social assistance and may provide further information on the rules in these fields

The National Labour Market Authority

Holmens Kanal 20
Postboks 2150
DK-1016 København K
Tel.: +45 35 28 81 00
E-mail: ams@ams.dk
Website: www.ams.dk

The National Labour Market Authority is an agency under the auspices of the Ministry of Employment undertaking tasks in relation to the strengthening of a flexible and well-functioning labour market.

The National Labour Market Authority is also responsible for the website www.workindenmark.dk containing information for foreigners about Denmark and the Danish labour market. The website also features a job bank and a CV database.

The National Labour Market Authority is also responsible for the EURES cooperation in Denmark.

Information on rules concerning posting of workers: www.posting.dk

Information on EURES: www.eures.dk

The Danish Working Environment Authority (Arbejdstilsynet – AT)

Landskronagade 33
DK-2100 København Ø
Tel.: +45 70 12 12 88
E-mail: at@at.dk
Website: www.at.dk

The Danish Working Environment Authority (WEA) is an agency under the auspices of the Ministry of Employment and the Danish authority in the field of occupational health and safety. WEA is responsible for ensuring a safe, healthy and good working environment at all Danish workplaces through inspection, information and regulation.

WEA can provide more detailed information about occupational safety and health and about the rules in this field.

WEA has regional inspection centres throughout Denmark and their addresses can be found at: www.at.dk

The Danish Commerce and Companies Agency

Kampmannsgade 1
DK-1780 København V
Tel.: +45 33 30 77 00
E-mail: eogs@eogs.dk
Website: www.eogs.dk

The Danish Commerce and Companies Agency (DCCA) is an agency under the auspices of the Ministry of Economic and Business Affairs whose primary task is the basic registration of all Danish businesses. Here you can set up a business or a company. DCCA also draw up acts and regulations for financial statements, companies and auditors etc.

DCCA is a registration authority for the notification of information to RUT that foreign service providers performing tasks in Denmark are required to make.

SKAT (The Central Customs and Tax Administration)

Hovedcentret
Østbanegade 123
DK-2100 København Ø
Tel.: +45 72 22 18 18
E-mail: skat@skat.dk
Website: www.skat.dk

SKAT is an authority under the auspices of the Danish Ministry of Taxation and is responsible for collecting taxes in Denmark by through a central office and a number of local tax centres.

SKAT can provide information about the Danish taxation rules, including which rules apply to foreigners staying in Denmark and foreign enterprises with activities in Denmark.

The Regional State Administrations

Addresses and phone numbers for the relevant regional state administrations can be found on: www.statsforvaltning.dk (in Danish).

The Regional State Administrations include five independent and regional institutions which exercises governmental functions at the regional level.

The Regional State Administrations issue registration certificates for EU citizens who are to stay in Denmark for more than three months – except, however, posted workers who are required to obtain a registration certificate from the Danish Immigration Service.

The Danish Immigration Service

Ryesgade 53
DK-2100 København Ø
Tel.: +45 35 36 66 00
E-mail: us@us.dk
Website: www.nyidanmark.dk

The Danish Immigration Service is an agency under the auspices of the Ministry of Refugee, Immigration and Integration Affairs.

The Danish Immigration Service administers the legislation concerning foreigners, i.e. processes applications for asylum, family reunification, visa, work permits etc.

The Danish Immigration Service also issues registration certificates for posted workers from other EU countries who reside in Denmark for more than three months.

You can find application forms and specific information for different types of stay in Denmark at: www.nyidanmark.dk

2. The social partners – selected central organisations and representative parties on the labour market

The Danish Confederation of Professional Associations (AC)

Nørre Voldgade 29
Postboks 2192
DK-1017 København K
Tel.: +45 33 69 40 40
E-mail: ac@ac.dk
Website: www.ac.dk

The Confederation of professionals in Denmark (FTF)

Niels Hemmingsens Gade 12
Postboks 1169
DK-1010 København K
Tel.: +45 33 36 88 00
E-mail: ftf@ftf.dk
Website: www.ftf.dk

The Danish Confederation of Trade Unions (LO)

Islands Brygge 32D
DK-2300 København S
Tel.: +45 35 24 60 00
E-mail: lo@lo.dk
Website: www.lo.dk

The Confederation of Danish Employers (DA)

Vester Voldgade 113
DK-1790 København V
Tel.: +45 33 38 90 00
E-mail: da@da.dk
Website: www.da.dk

The Danish Confederation of Employers' Associations in Agriculture (SALA)

Vester Farimagsgade 1, 5th
Postbox 367
DK-1504 København V
Tel.: +45 33 13 46 55
E-mail: info@sala.dk
Website: www.sala.dk

AC, FTF, LO, DA and SALA are central organisations which have the smaller, professional trade organisations as their members. The central organisations represent their members at a central level.

The most representative parties on the labour market (building and construction sector) are:

The Cartel of unions in the Building, Construction and Wood Sectors (BAT)

Kampmannsgade 4
DK-1790 København V
Tel.: +45 70 30 03 00
E-mail: bat@batkartellet.dk
Website: www.batkartellet.dk

The Danish Timber Industry and Construction Workers' Union (TIB)

Mimersgade 41
DK-2200 København N
Tel.: +45 88 18 70 00
E-mail: tib@tib.dk
Website: www.tib.dk

United Federation of Danish Workers (3F)

Kampmannsgade 4
DK-1790 København V
Tel.: + 45 70 30 03 00
E-mail: 3f@3f.dk
Website: www.3f.dk

The Danish Construction Association (Dansk Byggeri)

Nørre Voldgade 106
Postbox 2125
DK-1015 København K
Tel.: +45 72 16 00 00
E-mail: info@danskbyggeri.dk
Website: www.danskbyggeri.dk

Beskæftigelsesministeriet

Ved Stranden 8
1061 København K

Phone +45 72 20 50 00
Fax +45 33 12 13 78

www.bm.dk

