



European
Social
Charter

Charte
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COUNCIL
OF EUROPE

CONSEIL
DE L'EUROPE

29/10/2012

RAP/Cha/DK/XXXI(2012)Add

EUROPEAN SOCIAL CHARTER OF 1961

REPLY TO SUPPLEMENTARY QUESTIONS

31st National Report on the implementation of
the 1961 European Social Charter

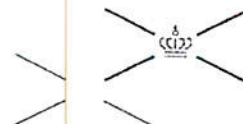
submitted by

THE GOVERNMENT OF DENMARK

(Article 1§2
for the period 01/01/2007 – 31/12/2010)

Report registered by the Secretariat on 2 October 2012

CYCLE XX-1 (2012)



Beskæftigelsesministeriet
Att. Lis Witsø-Lund

Bilag:
Sagsbehandler: AMS
Sagsnummer.: 2012/002202
28. september 2012

HØRING VEDRØRENDE DEN EUROPÆISKE SOCIALPAGT ARTIKEL 1, § 2

Europarådet har henvendt sig til Beskæftigelsesministeriet vedrørende spørgsmål til Danmark om den europæiske socialpagt. Beskæftigelsesministeriet har på den baggrund henvendt sig til Forsvarsministeriet og anmodet Forsvarsministeriet om at besvare spørgsmål relateret til den europæiske socialpagt artikel 1, § 2.

Forsvarsministeriet har anmodet forsvaret om at besvare spørgsmålene.

Forsvaret har oplyst følgende:

What is the length of any compulsory minimum period of service required of those serving in the professional armed forces?

In general, employees of the Danish Armed Forces do not have a compulsory minimum service term. However, there are some exceptions, which are addressed in the reply to the following question.

Are there any circumstances, such as specialized training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces? On which conditions may the persons concerned leave the service before the expiry of this term?

There is a compulsory minimum period of service for employees who have undergone specialized training or courses which meet the following criteria:

- After completion of specialized training or a course, the employee is qualified for employment in the civilian labour market, and the Danish Armed Forces are not able – or willing – to compete in relation to terms of wages and employment. Furthermore, the below conditions are present:
 - The training/degree is in demand outside the Danish Armed Forces.
 - Sudden departure or resignation of the employee concerned will have strategic significance for the functional capacity of the defence.
 - In addition to involving heavy expenses, the training/course is of long duration, and it is wage-earning.

At present this entails, in practice, a minimum compulsory service term in relation to the following courses and specialized training:

- Pilot
Duration of training period + 12 years
- Air traffic controller
Duration of training period + 6 years
- Engineering degree obtained at a civilian academic institution
Duration of degree course + 3 years
- Danish language course received by foreign doctors before employment as second lieutenant in the Danish Armed Forces.
Duration of language course + 1½ year

The total duration of the compulsory service term is determined by the length of the respective courses and training periods, as well as the expenses met by the Danish Armed Forces.

Conditions for leaving the service before the expiry of term

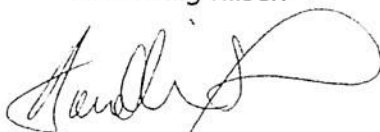
The minimum compulsory term of service can at any point be suspended or discontinued by request of the employee. This is ordinarily the case when an employee resigns from his or her position. However, a resignation entails an obligation to reimburse the Danish Armed Forces for some or all expenses incurred in regard to wages and other expenses related to the course or training.

In the event that the compulsory term of service is discontinued due to disciplinary action, the obligation to reimburse expenses can only be upheld if there is reason to assume that the employee deliberately has sought to release himself from the compulsory term of service by committing a disciplinary infraction.

The compulsory term of service can also be discontinued for reasons outside the employee's control, such as a medical condition, or due to lack of ability or necessary skills. In these cases, the claim for reimbursement will be waived.

Finally, the compulsory term of service is ordinarily discontinued, if the employee has not been placed in a relevant position within one year after completing the course or training.

Med venlig hilsen

A handwritten signature in black ink, appearing to read 'Anne Marie Sørensen', with a large, stylized flourish at the end.

Anne Marie Sørensen
specialkonsulent

SECRETARIAT GENERAL

**DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW**

DIRECTORATE OF HUMAN RIGHTS

*HEAD OF THE DEPARTMENT
OF THE EUROPEAN SOCIAL CHARTER
AND THE EUROPEAN CODE OF SOCIAL SECURITY,
EXECUTIVE SECRETARY
OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS*

ESC 170
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COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Ms Lis Witsø-Lund
Ministry of Employment
International Labour Law Centre
Ved Stranden 8
DK-1061 Copenhagen K

Strasbourg, 14 June 2012

Dear Ms Witsø-Lund,

The European Committee of Social Rights is currently examining the States' reports on the European Social Charter with respect to the thematic group on "employment, training and equal opportunities" and has instructed me to forward to you the enclosed questions.

The Committee would be grateful if you could reply to these questions before 27 July 2012 in order to allow the information to be taken into account in Conclusions 2012.

Yours sincerely,

Régis Brillat



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EUROPEAN COMMITTEE OF SOCIAL RIGHTS

COMITE EUROPEEN DES DROITS SOCIAUX

14 June 2012

Questions addressed to Denmark

Article 1§2 (prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon):

- *What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?*
- *Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?*