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EUROPEAN SOCIAL CHARTER

35th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF DENMARK

(Article 1, 9, 10, 15, 18 and
Article 1 of the 1988 Additional Protocol)

for the period 01/01/2011 – 31/12/2014

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35th Danish Report on the Application of the European Social Charter

Submitted by the
Government of Denmark

**Concerning articles 1, 9, 10, 15 and 18
for the period 1st January 2011 – 31st December 2014**

January 2016

In pursuance of article 23 of the Charter, copies of this report have been communicated to:

The Confederation of Danish Employers (DA)
The Danish Confederation of Trade Unions (LO)
Confederation of Professionals in Denmark (FTF)
The Danish Confederation of Professional Associations (AC)
The Danish Institute for Human Rights

Content

Article 1 – The Right to Work⁴

Article 1§1 – Policy of full employment	4
New legislation since the last report	4
Question of the ECSR:	7
Question of the ECSR:	8

Article 1§2 – Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)	6
New legislation since the last report	6
Question of the ECSR	8
Answer: Loss of unemployment benefits	8

Article 1§3 – Free placement services	8
New legislation since the last report	8
Question of the ECSR:	9
Answer: Impact of the Local Government Reform	9
Question of the ECSR :	10
Answer: Performance of job centres	10

Article 9 – The Right to Vocational Guidance 11

Article 9	11
New legislation since the last report	11
Question of the ECSR:	11

Article 10 – The Right to Vocational Training 13

Article 10§1 – Promotion of technical and vocational training; access to higher technical and university education	13
New legislation since the last report	13

Art. 10§2 –Apprenticeship	14
New legislation since the last report	14
Question of the ECSR:	14

Article 10 §3 – Vocational training and retraining of adult workers	15
New legislation since the last report	15
Basic education for adults	16
Adult vocational training	16
Update on financing	16

Article 10§4 – Encouragement for the full utilisation of available facilities	17
New legislation since the last report	17

Article 15 – The right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement 19

Article 15§1 Education and training for persons with disabilities	19
New legislation since the last report	19
Primary and Lower Secondary School - the public school	19
Primary and Lower Secondary School - private schools	20
Upper secondary education – youth education	20
Anti-discrimination	24
Question of the ECSR	25

Article 15§2 – Employment of persons with disabilities	25
New legislation since the last report	25
Question of the ECSR:	27
Answer: Prohibiting discrimination	27

Article 18 – The right to engage in a gainful occupation in the territory of other Contracting Parties²⁸

Article 18 § 1 – Applying existing regulations in a spirit of liberality	28
New legislation since the last report	28
Work permits	28
Residence permits issued according to section 9 a of the Danish Aliens Act	31
New schemes that came with the 2014 Reform of International Recruitment	34
Question of ECSR	35
Question of ECSR:	36
Article 18 § 2: Simplifying existing formalities and reducing dues and taxes.....	37
New legislation since the last report	37
Obtaining a residence permit	37
Submitting an application	37
Digital applications	37
Fees	38
International Citizen Service centres	38
Work in Denmark	38
Question of the ECSR:	38
Question of the ECSR:	39
Article 18 § 3 – Liberalising regulations.....	40
New legislation since the last report	40
Question of the ECSR:	40
Question of the ECSR	40
<i>Additional Protocol to the European Social Charter 41</i>	
Article 1 - Additional Protocol.....	42
New legislation since the last report	42
Question of the ESCR:	42

Article 1 – The Right to Work

Article 1§1 – Policy of full employment

New legislation since the last report

During the period, a number of reforms have been implemented. The employment rate is relatively high, however, maintaining or raising the level is one of the aims of all the reforms. This is mainly addressed by enlarging the workforce.

Reform of the Disability Pension and Flexi-job Scheme (2012)

The fundamental objective of the reform of the disability pension and flexi-job scheme is to get as many people as possible to work and support themselves. Access to disability pension is limited as regards persons less than 40 years old, and there is an increased focus on citizens receiving the necessary help to embark a life of education, training and employment rather than being awarded permanent disability pension.

The target group of the reform is persons with complex problems, where social, employment, and health-related challenges create barriers to entering the labour market, and where lack of special allowances during a period of assessment of resources implies that they are at risk of ending up receiving disability pension.

The reform also includes the establishment of rehabilitation teams in each of the Danish municipalities, consisting of an interdisciplinary group of social workers. The teams are to ensure that citizens who are at risk of ending up as disability pensioners will enter an individual, interdisciplinary rehabilitation programme. In the interdisciplinary rehabilitation programme focus is on strengthening the working capacity of the individual, and to enable the individual to address possible social, employment or health-related challenges, with the aim of gaining employment.

At the same time, the flexi-job scheme has been made more inclusive and targets persons with very limited working capacity. The way subsidies are awarded in the scheme has been restructured and in general flexi-jobs are now more temporary.

The reform of the disability pension and the flexi-job scheme came into force on 1 January 2013. The municipalities are working in line with the reform and the intentions behind it. Hence, the organisational framework behind the reform is in place, and all municipalities have set up rehabilitation teams. Furthermore, the cooperation between the municipalities and the regional health care system, with regards to health assessments and counselling connected to the rehabilitation teams appears to be well-functioning. From the central government, focus is on supporting the municipalities in their work with developing the interdisciplinary cooperation, which is central to achieving the goals of the rehabilitation programmes.

Since the reform came into force, there has been a steady movement away from passive income support within the disability pension scheme towards more active efforts through the flexi-job scheme and the interdisciplinary rehabilitation programmes. The reform has also resulted in the creation of many flexi-jobs of only a few hours a week (mini flexi-jobs). This allows more people with a limited work capacity, including persons with disabilities, to better gain a foothold in the labour market.

The Cash Benefit Reform (2013)

The objective of the cash benefit reform is that young persons under 30 years without any professional training or education, who receive public income support, should enter education or training as quickly as possible. Meanwhile, young persons with professional training or education and adults (persons older than 30 years), who receive cash benefits should obtain

employment. Through the reform, young persons will no longer receive cash benefits, but rather a lower benefit rate – education aid – which corresponds to the level of assistance offered under the state education grant. This supports the overall objective of education. With the reform of the cash benefit system, the employment initiatives will be initiated sooner. Meanwhile, it must be continuous, and based on the challenges and resources of the individual. For resourceful recipients of education aid or cash benefits, special measures are introduced, where socially useful tasks are to be carried out for public employers. Young people who are ready to start education could for instance be offered a pre-course at an educational institution (building bridge to education), wage subsidies, or job training in private businesses. The more vulnerable youths and adults (i.e. those who may not readily be able to start an education or a job because of, for example, health problems, etc.) must receive holistic assistance, which could include job training or mentoring.

Parts of the cash benefit reform came into force on 1 January 2014. The municipalities are working in line with the intentions of the reform, and are establishing programmes that support targeted, early and continuous measures for the individual. The Ministry of Employment has initiated a number of tests and projects that aim to support the implementation of the cash benefit reform in the municipalities. The municipalities are showing interest in applying for funds to participate in tests and projects that can develop the right offers for recipients of education aid or cash benefits.

The number of cash benefit and education aid recipients has been stagnant, and has since decreased in the period after the reform came into effect.

The Ministry of Employment has prepared a preliminary impact evaluation of the youth initiatives under the cash benefit reform based on data from the phasing-in period (January 2014 to May 2014). The results indicate that the cash benefit reform has a positive effect on the flow into education and employment among the under-thirties.

The Reform of the Sickness Benefit Scheme (2014)

The main objective of the reform of the sickness benefit scheme is that persons who are on sick leave should return to the labour market quicker by means of earlier, and more business-oriented, measures, and hereby avoid prolonged absence and unemployment. It is also central to the reform that no one on sick leave risks finding oneself without public support.

The reform of the sickness benefit scheme has entered into force in two phases.

The first phase took effect on 1 July 2014. It includes the following elements: The date of the assessment of whether sickness benefits may be prolonged is brought forward to 22 weeks into the sickness period rather than 52 weeks under the previous regime. With the sickness benefit reform, persons on sick leave, who cannot get their sickness benefits extended, have the possibility of entering into a job clarifying programme comprising a temporary special allowance. In the job clarification programme, the person on sick leave receives an income (the interdisciplinary rehabilitation programme benefit), which is lower than the sickness benefit rate. In the first part of the reform a new extension rule is also introduced, in case of life-threatening, serious illness.

The second phase of the reform took effect on 5 January 2015. It includes a significant restructuring of the effort on sickness benefits. A new model for visitation and monitoring of persons receiving sickness benefits are introduced. This implies that, among other things, persons on sick leave with complex problems and in need of interdisciplinary measures must have their case handled by the municipal rehabilitation teams. The second phase of the reform also includes a strengthening of the company-related effort for the recipients of sickness benefits. This also introduces the possibility of fast track, where companies and the persons on sick leave can request the municipality to launch extraordinarily early measures in sickness benefit cases where the expected period of sickness leave is longer than eight weeks.

Furthermore, it is an important part of the reform that the sick persons own doctor is included early and systematically.

The reform of the sickness benefit system is still being phased in. Hence, it is still too early to evaluate the effects of the reform.

The Employment Reform (2014)

The purpose of the employment reform is to ensure that resources are utilised in a better and more effective way, so that more unemployed persons obtain lasting employment as soon as possible. The reform aims to secure that the employment scheme, to a greater extent than today, is based on individual needs and allows room for the fact that all unemployed are different, and therefore have different needs for support and guidance in order to obtain employment. Therefore, the municipalities and the unemployment insurance funds have more freedom in organising individually tailored measures for the unemployed. The unemployed themselves also hold a responsibility. This can contribute to increasing the ownership of the process among the unemployed, and hereby increasing the opportunities of the unemployed to get back into the labour market.

A main focus of the reform is to ensure an overall boost of the education level of those unemployed with the fewest skills through a series of targeted initiatives. This is elaborated under article 10.

The reform also ensures support for the unemployed, who are at risk of having a weak attachment to the labour market. Another consequence of the reform is that the young and seniors receive a right-and-duty offer earlier. Meanwhile, new graduates from higher education will have greater opportunities of gaining a foothold in the labour market, for example through the possibility of vocational traineeships of a longer duration. At the same time, the long-term unemployed will receive a more intensive and individually tailored scheme. Development work will also be conducted, aimed at strengthening the quality of the scheme for the unemployed who are at risk of long-term unemployment. The reform modifies the employment measures for all unemployed, including the unemployed with disabilities or impairments.

The bulk of the employment reform came into force on 1 July 2015, with the exception of some elements that were already in force from 1 January 2015. In addition, a number of ICT tools will be implemented from 2016 and onwards.

Article 1§2 – Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

New legislation since the last report

Prison Work

Prisoners are not required to work for private undertaking/enterprises, public/state undertaking within or outside the prison.

Prison work is separated into 2 sectors – a sector for prison industry and a sector for internal service/ domestic work.

Prison Industry

The inmates are employed in 7 different branches:

- Agriculture, market gardening and forestry
- Textile, sewing, upholstery etc.
- Occupation in graphic industries and bookbinding
- Metal workshops
- Production of furniture, windows, doors etc.
- Production kitchens

- Assembly tasks for private companies

Internal Service/domestic work

The inmates are employed in 6 different branches:

- Cleaning and housekeeping
- Carpentry
- Painting
- Plumbing and heating
- Blacksmith
- Park and gardens

According to the Sentence Enforcement Act, the workplaces of the institutions must be designed so that the working conditions for the inmates are fully adequate in terms of health and safety.

The time spent by prisoners at work or in vocational training must be kept within standard working hours currently in force on the ordinary labour market (37 hours a week) including overtime hours.

All prisoners who are employed with work, training or education are paid by the prison authorities except for the prisoners who have permission to work with activities arranged by themselves or to work outside the prisons in jobs on the ordinary labour market.

Prisoners receive pay, the hourly rate being Euro 1,8 to 2,7 (2015 level), The amount is not taxed and has been fixed on the basis of the amount that a recipient of social security benefits would typically have at his disposal after paying fixed expenses for food and lodging.

1. Prohibition of discrimination in employment

Question of the ECSR: *“The Committee asks for updated information on jobs in the public sector/civil service or other occupations reserved for Danish nationals.”*

Answer: In accordance with the rules on the free movement of labour, citizens from the other countries in the EU and the EEA enjoy the same opportunities of employment in positions where individuals with Danish nationality are employed as civil servants.

In general, there is no requirement of Danish nationality in connection with ap-pointments in central government administration. However, there are exceptions with regard to certain positions as:

- Permanent secretaries
- Judges
- Senior deputy judges
- Certain positions as prosecutor
- Employees in the police corps
- Governors of prisons
- Prison officers
- Inspectors of the fishery inspection.
- Priests/Deans
- Bishops

There are approximately 15,400 positions within the above mentioned groups.

Appointment as civil servants is only possible provided the employee has Danish nationality, cf. section 27 of the Danish Constitution.

In cases where individuals with Danish nationality are employed as civil servants, individuals without Danish nationality will be employed on terms corresponding to those of civil servants, cf. section 58c of the Civil Servants Act. With respect to pension, they will also be treated like civil servants.

Question of the ECSR: *“The Committee ask the next report to provide information on other measures taken to promote equality in employment.”*

Answer: Public authorities are bound by the common administrative law maxime which means that all must be treated equally before the law. Public authorities must therefore not make unfair discrimination.

2. Prohibition of forced labour

Question of the ECSR *“The Committee refers to its statement of interpretation and question in the General Introduction. It asks that the next report include updated information on this issue.”*

Answer: Loss of unemployment benefits

Unemployment benefits are terminated for three weeks if the jobseeker refuses to take up proposed employment without one of the 23 valid reasons that may justify a refusal to accept a job offer (selvforskyldt ledig). The benefits are terminated if it is the second time of refusal within twelve months from the date when the unemployment benefit was granted for the first time.

However, the benefits can be restored once the person has worked in a regular job for at least 300 hours within three months or 276 hours within a 12-weeks period.

Article 1§3 – Free placement services

New legislation since the last report

The Danish Agency for Labour Market and Recruitment is the national agency responsible for public employment service. The Agency was established on 1 January 2014 due to a merger of the National Labour Market Authority and the Agency for Retention and Recruitment.

The Danish Agency for Labour Market and Recruitment is responsible for the provision of employment services and work in cooperation (through a pre-established legal framework) with the separate unemployment insurance funds (A-kasser).

As an agency under the Ministry of Employment, the Danish Agency for Labour Market and Recruitment is subject to the control of government.

With the Employment Reform described above, the employment system was reorganized. The regional level of the institutional setup was eliminated. Instead, the agency now has three regional labour market divisions which support the job centres.

There are 94 job centres run by municipalities at the local level. The municipalities have politically elected councils, which are responsible for employment measures. Job centres perform the task of supporting the unemployed to access employment, training or education.

At the national level, The Danish Agency for Labour Market and Recruitment develops strategic policies and employment initiatives to be implemented at the local level and assist the Ministry in policy development, legislative work and developing reform proposals.

The Social Partners are involved in the management, supervision and monitoring of the Danish Agency for Labour Market and Recruitment by law. They are members of the national employment council and are represented in the eight regional employment councils as well.

These partners include employer and worker organizations, the municipalities, the regions and the organization for disabled people.

The regional labour market divisions are secretariats for the regional employment councils, and The Danish Agency for Labour Market and Recruitment is secretariat for the national employment council.

The main tasks of the regional employment councils are to:

- Cooperate with the municipalities and support employment schemes across municipalities
- Discuss the development of the employment schemes with the municipalities
- Cooperate and coordinate the employment schemes between institutions with the unemployment insurance funds, the regional growth fora and educational institutions
- Coordinate employers' initiatives taking areas of shortage of labour and areas with high unemployment into consideration.

Question of the ECSR – *“The Committee asks whether the new institutional framework has had a positive impact on the quality of the labour market services provided by the employment service.”*

Answer: Impact of the Local Government Reform

In 2009, legislation concerning the establishment of a one-tier municipal employment system etc. was adopted, Act No. 483 of 12 June 2009. The Act is part of the overall implementation of the Agreement on a one-tier municipal employment system.

At national level, the Minister for Employment has the overall responsibility for the employment policies. The Danish Agency for Labour Market and Recruitment is responsible for implementing and following up on employment policies on behalf of the minister. This means that The Danish Agency for Labour Market and Recruitment is responsible for ensuring implementation of new legislation and following up on results at the national level and developing new tools and methods that support employment policy.

The Danish Agency for Labour Market and Recruitment has established three regional labour market divisions. Their task is, among other things, to support job centres with the implementation of the employment policy and to support development of employment initiatives across municipalities.

At local level 94 municipal job centres are responsible for setting local priorities and implementing local employment policies. The job centres have the responsibility for the implementation of ALMPs, but within a national framework for central coordination, steering and implementation.

With the reform, the municipalities have taken over the costs of activation of insured unemployed, and the unemployed retain their existing rights and obligations. The municipalities have taken over the government staff, and the law regulates staffs' rights and obligations in connection with the transition. The social partners are involved as previously through the National Employment Council, regional and (until 2014) local employment councils.

We have no knowledge of effect of studies evaluating the impact of the change in institutional framework on the quality of the labour market services.

Question of the ECSR – “ It therefore asks the next report to include updated information on the number of vacancies notified to employment services, and the placement rate, that is, the number of placements made as a percentage of the total vacancies notified to the employment services.”

Answer: Performance of job centres

Below you will find the number of vacancies notified to employment services (the job centres).

Unfortunately, data is not available on the placement rate. Placement is mainly made through the online tool www.jobnet.dk. The Danish Agency for Labour Market and Recruitment is responsible for the website, and one of the main functions is a CV bank available to employers. Thereby, match between unemployed and employers can be made without direct contact to the job centre.

Number of vacancies notified to Jobnet.dk (employment services)

Year	Number of vacancies
2011	126,168
2012	148,438
2013	166,656
2014	180,561

Kilde: www.jobindsats.dk

Article 9 – The Right to Vocational Guidance

Article 9

New legislation since the last report

In June 2014 a comprehensive reform of vocational education and training (VET) was adopted by the Danish Parliament. Changes within the field of guidance were part of this legislation.

The legislation regarding pupils' readiness for further education was moved from 9th grade to 8th grade. This means, that there will be one more year for teachers and guidance practitioners to support pupils to get ready for youth education. Until the changes of legislation teachers and guidance practitioners would have too short time to support and help pupils to improve their competencies. With another year it is more realistic that the necessary support will have a positive impact on pupils' readiness for education.

Introductory courses are made obligatory in 7th grade. This means, that all pupils must attend youth guidance to be introduced to the different educational possibilities. The course has a duration of one week.

Bridge building-courses are made obligatory for pupils in 9th grade if they are assessed not-ready for youth education in 8th grade. This is made in order to help these pupils to have more inside knowledge of different youth education programmes. As part of the new legislation individual guidance is only for the group of pupils being assessed not-ready for further education in 8th grade. Class-based guidance is for all pupils from 7th grade.

Update on financing

The total amount spent on guidance according to the state budget.

Expenditure on local/regional guidance activities, which are the major part of the activity is not included.

	2011	2012	2013	2014
Total (million DKK)	67,3	64,2	62,1	53,1

Source: National State budget for 2011-2014

Question of the ECSR: *“The Committee again recalls the importance of submitting this information and asks that it be included in the next report”*

Answer: With regard to expenditure, staffing and number of beneficiaries we can inform you that in Denmark, guidance is performed by several different organizations. Educational guidance for persons under the age of 25 who have not completed an upper secondary or vocational education is the responsibility of the youth guidance centres that are organizationally placed in the 98 municipalities. The guidance centres also provide some guidance towards upper secondary or vocational education on the compulsory education level. A guidance centre may be shared by several municipalities or be specific to one municipality. The guidance centres may be more or less closely associated with the job centres, see below.

Vocational guidance for the unemployed may also be provided by the job centres that are also run by the municipalities. Guidance about tertiary education is provided by 5 regional offices under contract to the Ministry of Higher Education and Science.

As the guidance centres are run by the municipalities, who have the power of levying local taxation, and have different places in the municipal organization, there is no total amount of expenditures. It is estimated that about 1000 persons work in the youth guidance centres, and that about 650.000 persons below 25 years of age may be beneficiaries of the educational guidance provided by the youth guidance centres.

Any figures pertaining to the subject of vocational guidance for unemployed persons may be provided by the Ministry of Employment. Any figures regarding guidance for tertiary education may be provided by the Ministry of Higher Education and Science.”

Question of the ECSR: *“The Committee asks that the next report contain up-dated information on how equal treatment of nationals of other State Parties is ensured in law and in practice. In particular, the Committee wishes to know whether access to guidance for nationals of non-European Union nationals is conditioned on any length of residence or employment requirements.”*

Answer: We inform you that the educational guidance legislation regarding persons between the ages of 15 and 24 years of age without a completed upper secondary or vocational education states that anybody under 25 years old living or in long-term residence in the municipality who are neither in full-time employment or have started or have completed upper-secondary or higher education after they have left primary school or 10th grade should be contacted and offered educational guidance. Guidance is also available for other young persons under 25 years old who contact the Guidance Centres. In addition, the guidance centres provide some educational guidance for pupils at the compulsory education level.

As such, there are no conditions regarding length of residence or employment.

Any information about legislation regarding vocational guidance for the unemployed may be provided by the Ministry of Employment. Any information about the legislation regarding guidance for tertiary education may be provided by the Ministry of Higher Education and Science.”

Article 10 – The Right to Vocational Training

Article 10§1 – Promotion of technical and vocational training; access to higher technical and university education

New legislation since the last report

In June 2014 a comprehensive reform of vocational education and training (VET) was adopted by the Danish Parliament. The reform, which came into force in August 2015, will contribute to more young people choosing VET, more VET-students completing a VET-programme and to improving the quality of the programmes.

The reform includes among other things a new one-year basic course for the youngest students (under 25 years) coming directly from compulsory school, focus on strengthening attractive learning environments, introduction of new pathways for adults +25 years and a new tenth grade in compulsory school targeted at VET programmes is also introduced.

At the same time, admission requirements are introduced, opportunities for taking higher-level courses as well as programmes including upper secondary general and vocational qualification are expanded, and better opportunities for further and higher education are made available.

Finally a new two-year combined youth education is established targeting persons under 25, who do not possess the qualifications for completing a vocational or general upper secondary education. This programme is aimed at obtaining employment and further education.

The access to technical and vocational training is regulated in Chapter 2 of Consolidation Act 789 of 16 June 2015 on VET (includes reforms enacted in 2014, but coming into effect in 2015). In principle, it is required of applicants who do not have an apprenticeship agreement, that they have left the primary school system with a certain level of marks in Danish and math combined with a positive assessment of their preparedness to study, but this may be waived as a consequence of a test and/or an interview, cf. sections 5 – 5 b of the Act. Over a trial period of two years, some applicants failing to obtain the necessary results in this manner may be offered intensive courses during the summer before trying once more, confer section 8 of the Consolidation Act on VET and Executive Order no. 1192 of 12 November 2014 as amended by executive order no. 717 of 26 May 2015.

The consultation with employers' and workers' organizations concerning VET is regulated in chapter 5 of Consolidation Act 789 of 16 June 2015 on VET (see above).

The legal framework in regard to granting facilities for access to higher education is Act no 961 of 1 September 2014 on a study qualifying exam in conjunction with VET (eux) and section 37 of Executive Order no 1010 of 22 September 2014 on VET, which is identical with section 30 of the former Executive Order no 1514 of 15 December 2010 on VET. Eux is a type of upper secondary vocational education and training introduced originally in Denmark in August 2010. It enables the student to obtain upper secondary general skills within a VET-programme. After completion the student is qualified for employment in the profession corresponding to the VET and has as well direct access to higher education programmes as well.

Art. 10§2 –Apprenticeship

New legislation since the last report

The system of apprenticeship is specified in sections 31 - 32 of Consolidation Act 789 of 16 June 2015 on VET. They are identical with the corresponding sections in the Consolidation Act no. 510 of 19 May 2010. The school-based practical training system is regulated in chapter 7 a of Consolidation Act no. 789 of 16 June 2015 on VET.

During the specified period, the following changes have been made in the legal framework for school-based practical training, as set out in the relevant chapter of the Consolidation Act no. 510 of 19 May 2010 and later Consolidation Acts:

Act no 1615 of 22 December 2010, incorporated in sections 66 k and 67 a of the Act on VET as conditions for participating in school-based training - warranting the payment of subsidies to the school – the conditions already known from section 19 of the same law and from section 15 of the law on institutions for technical and vocational training, cf. Consolidation Act no. 776 of 10 June 2015, in particular for foreign nationals, either that they have received one of a number of special kinds of residence permit or the fact that they are entitled to access under EU law or an international agreement.

Act. no. 1348 of 21 December 2012 introduces a system of schools being chosen to act as placement centers and sets out a time limit for the commencement of the school based practical training after the first part of the VET, cf. sections 35 and 66 a and b of Consolidation Act 789 of 16 June 2015 on VET. These centers are responsible for cooperating with the local business community on establishing apprenticeships, as well as offering school-based practical training for students who do not conclude a training agreement with a company.

Act no. 634 of 16 June 2014 (coming into effect in 2015) gives the Minister for Education the right to establish for which educations there should be access to school based practical training – instead of, as previously, for which educations this should not be the case, and removes the authority of the minister to set limits for the number of places.

Question of the ECSR: *Having noted the employment rate of students one year after completion of an education, the Committee asks whether there is a difference between the employment rate of students who completed their education through school-based practical training. It also asks that the next report contain figures on the difference between supply and demand in respect of apprenticeship places.*

Answer: With regard to the difference on employment rates for students with apprenticeship contract and students completing only school based training no regular statistical data is available measuring difference. The employment rate for all VET students (92% with apprenticeship) was 81% in 2014 according to the Monitoring report for Denmark from the European Commission. Most of the students in school based training has so far succeeded in getting an apprenticeship contract for part of the training before the final exam and graduation and then having not only school based training. It will require a special data production to provide statistics on the difference.

With regard to the difference between supply and demand on placements for apprenticeship training figures on VET-students with a contract and students seeking an apprenticeship placement can be provided on the overall situation by April 2015:

	april 2015
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Number of VET-students with a placement contract (apprenticeship)	71,513
Number of new placement contracts with last 12 month.	44,341
Number of VET-students seeking placement (still under the required basic programme)	4,741
Number of VET students seeking placement (has completed the basic programme)	1,188
Number of VET-students in school based training	8,450

Overall the supply of apprenticeship placements has slightly decreased the recent years but is currently quite stable providing on average a total of 45,000 new placement contracts every year. This is generally not sufficient to meet the demand for placements from students even though in some sectors and in some geographical areas vacant placements are available for students.

Source:

<http://statweb.uni-c.dk/databanken/uvmDataWeb/ShowReport.aspx?report=PRK-noegletal>

Article 10 §3 – Vocational training and retraining of adult workers

New legislation since the last report

As mentioned under article 1, the employment reform of 2014 introduced an increased focus on boosting the education level of the unemployed with the least skills through a series of targeted initiatives. For example, the unskilled unemployed and unemployed with outdated educations will have better opportunities to get an education boost. Meanwhile, there are more opportunities for the unemployed with the least education to receive short courses that target specific labour market needs. A few examples are given below.

Right to six weeks job-targeted vocational training

Before the reform all unemployed had a right to six weeks education after four months of unemployment. This right is now reduced. From 2015, the initiative is mainly targeted low skilled and skilled unemployed. They have the right to six weeks vocational training programmes from the first day of unemployment. This training is mainly offered through the AMU programs (AMU programmes are targeted low-skilled and skilled workers), which provide the participants with skills and competences applicable in the labour market and primarily directed towards specific sectors and job functions.

Through 11 continuing training and education committees, each one responsible for a specific sector of the labour market, the social partners play a major role in the decision on which specific adult vocational training programmes are offered.

Regional funding to the PES/job centre to buy short vocational training programmes

From 2015 the PES/job centre gets 100 million Danish kroner to buy short vocational training programmes to all unemployed. To secure that the short vocational training programmes are tailored to the demand from the businesses, it is up to the social partners in the eight Regional Labour Market Councils (RAR) to decide what kind of short vocational training programmes the PES/job centre can get financed from the extra funding.

Funding to secure that more unemployed persons get a chance to move from unskilled to skilled

From August 2015, unskilled unemployed over 30, who received unemployment benefits, will get the chance to apply for and finish one of the 107 vocational training programmes (VET). The programmes must be available within the benefits duration of two years, and there must be a specific agreement between the unemployed and the PES/job centre.

The unemployed will get the chance to follow the new VET programmes for adults aged 25 or older (EUV). These programmes build on their prior learning and skills of the unemployed.

The unemployed will have to “pay” with a cut in their unemployment benefit. A loan is offered to allow unemployed to draw the full benefits during their training/ education, before repaying it when the education, training period ends.

RKV - Assessment of non-formal and informal learning

From 2015, unemployed over 30 have the right to an assessment of their non-formal and informal competences. The aim of giving credit for competences acquired through education, on the labour market or from spare time activities.

Recognition of prior learning according to the competence assessment programmes (RKV) will also support the composition of an individual training plan including one or several adult vocational training programmes for the participant. The participant may have credits similar to a completed adult vocational training programme or part of it.

Basic education for adults

Executive order no 1405 of 22 December 2010 with later amendments was in force throughout the remainder of the period in question, but basic education for adults (gvu) has now been replaced by new VET programmes targeting adults + 25 years as part of the VET reform, cf. chapter 7 d of Consolidation Act 789 of 16 June 2015 on VET (the change coming into effect after the specified period).

Adult vocational training

Since 1 January 2013, the inmates of prisons have had the opportunity to participate in adult vocational training improved, as it is now possible to have the training carried out inside the institutions. This is regulated in Executive Order no. 1663 of 27 December 2012, cf. section 27a of Consolidation Act 226 of 4 March 2014 on adult vocational training.

From 1 August 2013 the Act on adult vocational training, cf. the abovementioned Consolidation Act, in section 10a, explicitly provides for the right of inhabitants of the Nordic countries to participate in adult vocational training under certain circumstances, cf. Executive Order no. 724 of 21 July 2013 on adult vocational training.

Update on financing

Total amount spent on VET according to the state budget

	2011	2012	2013	2014
Total - Initial VET (million DKK)	6,070	6,286	6,260	6,200
Total - Adult VET/CVET (million DKK)	820,4	776,9	726,9	767,3

Source: National State budget for 2011-2014

Article 10§4 – Encouragement for the full utilisation of available facilities

New legislation since the last report

Below follows a few updates relating to the period January the 1st 2011 - December the 31st 2014.

The State Educational Grant and Loan Scheme ("SU") is managed by the Danish Agency for Higher Education in collaboration with the educational institutions and under the auspices of the Ministry of Higher Education and Science. The system is governed by Act No. 39 on Educational Support of 15 January 2014 (executive order no. 39 of 25 January, 2014).

All students enrolled in higher education are entitled to a number of monthly grants corresponding to the prescribed duration of the chosen study, plus 12 months. From the 1st of July 2014 only students having less than two years gap between receiving a diploma from a youth education programme and enrolling in the first higher education are entitled to the additional 12 months of monthly grants.

Grants and loans, 2014

Monthly grant:	
- Students who lived with their parents	2,903 DKK
- Students who had left home	5,839 DKK
Monthly grant for students aged 18 and 19 following a youth education programme	
- Students who lived with their parents	1,293 DKK – 2,903 DKK
- Students who had left home	3,745 DKK – 5,839 DKK
Monthly student loan	
- Loan	3,020 DKK
- Completion loan	7,791 DKK
Monthly grants and loans for parents	
- Additional loan	1,511 DKK
- Additional grants for single parents	5,903 DKK
- Additional grants for parents who live with another student	2,358 DKK

We take note, that Denmark is criticized for failing to fully comply with article 10, paragraph 4, point b, which states that financial support must be provided whenever it is appropriate. To be specific the scheme is criticised for, in certain circumstances, requiring non-Danish nationals to have resided in Denmark for two years before they have the opportunity to receive SU (The State Educational Grant and Loan Scheme)

Under Danish legislation non-Danish nationals may qualify for receiving SU on the same terms as Danish nationals, if they have the rights to social benefits under EU-law or have a certain degree of connection to Denmark. The nature of this connection is defined in seven provisions that are enumerated in Danish legislation.

The seven provisions, which are applicable for all non-Danish nationals, include non-Danish nationals who are subject to the Act of Integration of Aliens in Denmark, non-Danish-nationals who entered Denmark with their parents before the age of 20 and have since then had permanent residence in Denmark and non-Danish nationals who have resided in Denmark for a

period of at least 5 years. The seven provisions also include two circumstances in which there is a two years' residency requirement. The residency requirement is combined with either marriage to a Danish citizen or with having had employment involving at least 30 hours of work a week.

As Denmark sees it, it is necessary to establish certain restrictions in order to keep providing the same high level in terms of educational support. Denmark welcomes young people from other countries coming to Denmark to receive an education. However, the Danish national budget cannot bear the burden that would be involved if everyone could receive SU as long as they can justify that they have not entered Denmark with the main purpose of receiving education.

Furthermore these restrictions have to be as objective as possible due to the reality of mass administration where most decisions are based on clear, objective criteria relying on data that can be obtained and processed digitally. Both residence requirements fulfil this specification.

It is Denmark's understanding that Article 10, paragraph 4, point b, allows for a certain amount of flexibility, and that, besides legal residency, additional conditions can be established in order to become eligible for support. These conditions must of course fall within the category of what can be considered "appropriate".

It is Denmark's conviction that the two provisions containing residency requirements do not represent an expression of discrimination, and – seen in connection with the fact that the provision in question is not the only path to become eligible to Danish student support – can be contained within in what is "appropriate", re. Article 10, paragraph 4, point b."

Article 15 – The right of physically or mentally disabled persons to vocational training, rehabilitation and social resettlement

Article 15§1 Education and training for persons with disabilities

New legislation since the last report

The Danish Ministry for Children, Education and Gender Equality recognizes the right of persons with disabilities to education and works actively to ensure equal access to education for all students. Ninety five percent of a youth cohort must complete at least a post-compulsory education. This includes people with disabilities. All pupils and students must be encouraged to and given the opportunity to complete an education programme. A higher degree of education among people with disabilities is an important step towards meeting the objective of inclusion, equal treatment and equal opportunities. Reasonable adjustments must be provided when necessary.

Equal opportunities are a goal for the coming years too in order to obtain the objectives of an inclusive mainstream education system at all levels including lifelong learning. The Danish Ministry for Children, Education and Gender Equality has set out work to ensure an inclusive education system beginning within the primary and lower secondary school.

The focus on equal opportunities is seen throughout the educational system. The goals are to challenge all students to reach their full potential. The educational institutions admit an increasingly diverse group of students. This requires for them to take initiatives to assure retention policy, to draw up action plans and work out guidelines for how to work towards reducing dropout among other things. The initiatives are part of the overall goals of extending the participation rates.

Primary and Lower Secondary School - the public school

Inclusion goal

It is a fundamental principal that there should always be room for all children in the public school system. Too many students, however, have not been able to participate in ordinary classroom teaching.

To meet this challenge the Government has agreed with the local government's organisation on a range of initiatives moving towards greater inclusion. Today the percentage has increased from 94,4 in 2010/11 to 95,2 in 2014/15.

The Government has taken various initiatives to promote inclusion

- *New legislation on inclusive education in the public school*

In 2012 the definition of special education was changed to 'teaching in special schools and special classes or instruction in regular classrooms, where students receive support for at least 9 hours a week'. The amendment supports an inclusive learning environment by giving the municipalities' greater flexibility in organizing teaching for pupils with support needs for less than 9 hours a week.

To support that the students' development and learning take place in mainstream education as far as possible, differentiated teaching and team formation can be used. Teaching with two teachers and teaching assistants, who can help both each student and the class as a whole may also be applied by local authority's decision.

Children who need further support than the use of differentiated teaching and team formation should be offered additional training or other professional support. Also personal assistance that can help the child overcome practical difficulties at school shall be given, if needed.

- *Reform of primary and secondary school*

From the school year 2014/2015 all students have a longer and more varied school day.

The reform has three focused goals:

- The public school must challenge all students to reach their full potential.
- The public school must lower significance of social background on academic results.
- Trust in the school and student well-being must be enhanced through respect for professional knowledge and practice in the public school.

The reform of the public school gives a new framework for developing the public schools and to achieve the goals for inclusion.

The strengthening of mainstream teaching is seen as the most important focus to support the process towards greater inclusion.

- *Other initiatives*

The Ministry for Children, Education and Gender Equality has established an outreach consulting unit - the National Inclusion Counselling Unit (now a part of the National Corps of Learning Consultants) – that will advise municipalities and schools on strategic competence development. The main focus is to develop practice-oriented competence strategies, e.g. action learning courses, to transform knowledge into new educational practice.

The Ministry also continuously monitor the change moving towards greater inclusion and has established a Centre for Inclusive Education and Special Needs Education – now a part of The Public School Resource Centre.

Primary and Lower Secondary School - private schools

Denmark has a tradition of private schools receiving a substantial government subsidy. Approximately 15 percent of all children at basic school level attend private schools. The legislation contains detailed rules about government financial support but only the most general rules about the educational content and whether the overall teaching is equal to what is generally achieved in the public school. It is thus demanded of private education that it measures up to that of the public schools. In 2012 the financial support system was changed so that today the private schools may apply for specific grants towards expenditure incurred in connection with the teaching of pupils with learning disabilities or other special needs. At the same time the schools receive a grant towards the general expenditure incurred in connection with the group of pupils in need of support for less than 9 hours a week which gives the schools a possibility of increased flexibility for this group.

Upper secondary education – youth education

New combined post-compulsory education

In connection with the parliamentary adoption of the act on vocational training in 2014 a new combined post-compulsory education was introduced. The combined post-compulsory education is an offer for young people who are motivated for education, but do not have a realistic chance of completing an ordinary VET education, who make use of non-qualifying offers, or who are not enrolled in an education. Students in this programme are eligible for special assistance support if they need it. The education was introduced in august 2015.

Strengthened teaching differentiation

The act on vocational training in 2014 includes an increased use of differentiation as a teaching method in vocational education and an emphasis on developing new methods for differentiated teaching. Developing new methods may e.g. include developing different ways of explaining the technical material to the students, which are based on students' different learning styles and technical qualifications.

Act on guidance on education and employment and duty to education, employment etc.

All students must receive guidance, but not everyone needs individual guidance. In connection with the Act on vocational training in 2014 an agreement stipulated that guidance activities must be focused in order to secure earlier, better and more goal-oriented measures for pupils in primary and lower secondary schools who are at risk of not proceeding to a post-compulsory education.

New notice of choice of youth education and occupation

Youth Guidance Centres - "Ungdommens Uddannelsesvejledning (UU)" are the natural link in the transition between primary and secondary education. It is important that information about the possible need for support and special aids is used and disseminated during transitions in the education system to ensure smooth transitions for the students affected and to reduce drop-out rates. In 2014 the counselors got new and expanded tasks such as screening for dyslexia and disclosure of information about pupils who have need for special educational support to secondary education.

Special needs in post-compulsory education - STU

Young persons with special needs who are unable to attend mainstream upper-secondary education even with special educational assistance must be offered the opportunity to attend an individual 3 year educational programme that is specially adapted to their varying needs.

- The educational programme was started in 2007. The target group in this programme is young people with intellectual disabilities or general support needs.

Special upper secondary school programme for pupils with Asperger Syndrome

In 2013 a special upper secondary programme for pupils with Asperger Syndrome was made permanent from the school year of 2014/15. The programme consists of classes with no more than 10-12 students in each class, and with classrooms arranged so students can retire and work individually, when necessary. Each student has a mentor. Students participate in exams under the same conditions as pupils in the regular upper secondary school programmes.

Survey on education results and patterns for children and youth with disabilities

A study published in January 2015 "Education Results and patterns for children and youth with disabilities" showed that there are big differences in the educational achievements of students with disabilities and peer students without disabilities. The study was launched in cooperation with the disability organizations.

In the group of young people with disabilities, students with visual impairment, movement disability, dyslexia and mental disorders, etc. are included, whereas students with significant cognitive disabilities such as mental retardation are not included. The study is based on data from Statistics Denmark from 2012.

The study showed that young people with disabilities to a lesser extent accomplish 9th grade, perform worse at the final exams in school, to a lesser extent start secondary education, often are older, when they do, and take longer to accomplish it.

Compensatory support such as special educational support makes it possible for disabled people to participate in upper secondary education and VET-programmes. However there are still barriers in relation to conducting training entirely on an equal footing with citizens without disabilities.

The Danish Ministry for Children, Education and Gender Equality is considering how to approach this challenge.

Current initiatives

Council of Youth Education

In June 2014 The Danish Parliament passed an act on the Council of Youth Education. The Council is an independent council which has the task of advising the Minister for Children, Education and Gender Equality on transversal and common issues and challenges in post compulsory education. The council must ensure a holistic approach to the social and political mission that all young people should accomplish a post compulsory education.

The council has initially chosen to focus on early school leavers.

Special Educational Assistance (SEA)

Students with disabilities are included in the mainstream setting and eligible for special educational assistance along with the possible support described above. The educational legislation ensures that students in need of special educational assistance are entitled to have this provided by the educational institutions through the National Agency for Education and Quality.

The available data on special educational assistance since the last report are presented here.

Number of SEA-recipients by educational affiliation

	2011	2012	2013	2014
Vocational Schools	6,093	6,554	7,129	7,670
High School¹	4,262	5,170	5,773	6,625
Higher Education	3,001	3,907	5,046	5,943
Total	13,356	15,631	17,948	20,238

¹ The high school category also contains students attending the social and healthcare training programmes. This is due to administrative circumstances in the applying process.

The data show a total increase around 50 percent from 2011 to 2014 of pupils and students receiving special educational assistance in vocational schools, high school and higher education. For students in higher education alone the increase is almost 100 percent from 2011-2014.

The largest group of students supported is students with dyslexia. This group has therefore been in focus in several initiatives. Among the groups increasing the most are also students with mental health difficulties and developmental disorders. The National Agency for Education and Quality is currently conducting a project on new forms of support for these groups. The project involves a survey mapping of the support offered to students in youth education with these difficulties, a trial programme at 8-10 educational institutions where different forms of support are tested to examine how special educational assistance can be developed in the youth education area, and a data analysis. The project will be presented in the autumn of 2015.

Best possible transitions

The Danish Ministry for Children, Education and Gender Equality has been working to create better transitions between education programmes and occupation throughout the last three years in a project called 'Best possible transitions'. The objective is to promote seamless transitions for pupils and students with disabilities. The project involves the loan of an 'IT backpack' which is a computer with specialized software. The IT backpack is made available to the student through state-sector schemes and may be brought along to other education schemes. It means that support will continue uninterrupted.

The initiatives in the project also involved the development of an integrated dyslexia screening approved for use throughout the educational system, so that a student can use the screening as documentation for dyslexia at all educational levels from primary school grade 3 in the Danish public school, throughout lower secondary school, youth education and further and higher education. While the researchers from the University of Copenhagen and the University of Aarhus were developing the screening it became clear, that there was also a need for a guide on inclusive and special needs pedagogy. The Danish Ministry for Children, Education and Gender Equality decided to support this, and the guide will be available in the autumn of 2015.

The new integrated dyslexia screening is currently being developed to be made available for students with dyslexia in other educational areas in life-long learning, labour market training courses etcetera.

Integration in the labour market

The transition project involved an analysis of the transition to and integration in the labour market for students with disabilities. A report on disability, education and occupation ('Handicap, Uddannelse og Beskæftigelse') was made public in October 2014.

The analysis differentiates between the proportion of people with disabilities with a completed education who are attending further education or working and to persons without disabilities. The study gives the first detailed and nation-wide picture of integration in the labour market. 24 per cent of the persons with a mental health disorder have a job, while the number is 45 percent with a mobility disability, and 64 per cent who have a sensory and communication disability. The report does not include persons with dyslexia as a separate category.

The higher degree of education completed the better integration in the labour market. This goes for people with disabilities too. The proportion of employment is lower though for virtually all levels of education for persons with disabilities compared to persons without disabilities.

It is, in particular, persons with a mental health disorder, who experience the greatest challenges in relation to employment.

Among the initiatives in the best possible transitions project was also 'network conferences' for counsellors with the purpose to develop and further support networking between educational institutions and job centers hoping that this will lead to more young people participating in education and being integrated in the labour market, respectively.

The results suggest that there is an untapped potential, which the labour market could benefit from. The National Agency for Education and Quality will repeat the analysis in 2016.

Anti-discrimination

Denmark fully shares the intention of article 15, paragraph 1, and is striving to ensure that students with disabilities have the same opportunity for completing an education as all other students, and that students with disabilities do not experience any discrimination in the education system.

Denmark is committed to ensuring an inclusive education system at all levels following the accession to the Salamanca Declaration and the ratification of the UN Convention on the Rights of Persons with Disabilities.

Within the process of ratification of the UN Convention on the rights of persons with disabilities in Denmark in 2009 there was a thorough review of Danish law in order to assess whether Danish law was in conformity with the specific provisions of the Convention, including also article 5 on Equality and non-discrimination.

It is a fundamental principle in Danish law that all people are equal before the law. Persons with disabilities enjoy the same rights and protection under the law as other citizens.

Public authorities are bound by the common administrative law maxim that equality means that all must be treated equally before the law. Public authorities must therefore not make unfair discrimination against people with disabilities.

In 1993 the Government adopted the draft resolution (B) 43 on equal treatment and equal opportunities for disabled and non-disabled persons. The resolution recommends all state and municipal authorities as well as private companies and organisations to comply with the principle of equal opportunities and equal treatment of persons with disabilities with those of other citizens.

The provision has its parallel in article 26 of the Convention on Civil and political rights and article 2 of the Convention on economic, social and cultural rights.

Establishing rights of persons with disabilities and the obligation of the educational institutions to fulfil these rights in the general educational legislation provides professionally well-founded inclusive support in the mainstream education system. At the same time the legal requirements are supported through central government support schemes, counselling and projects.

Denmark has taken many initiatives to further the objective of ensuring the rights of persons with disabilities to education as described above. These initiatives along with the increase in the number of students who receive support from the special educational assistance schemes

must be interpreted to the effect that schools and educational institutions take their task and responsibility very seriously and include disabled persons in the mainstream education system.

Question of the ECSR: *“The Committee asks next report to indicate the total number of children with disabilities”*

Answer: Unfortunately, there is no data covering this area.

Article 15§2 – Employment of persons with disabilities

New legislation since the last report

Act on Compensation for Disabled Persons in Employment

Persons with disabilities – regardless of disability – are covered by general employment policy measures. If the disability entails a need for special measures or assistance, personal assistance, for example, such measures or assistance can be granted through the Act on Compensation for Disabled Persons in Employment, etc. The objective of the compensation schemes is to enhance and stimulate the possibilities of employing persons with disabilities and retaining them in the market, and to offer them the same possibilities of pursuing a trade or profession as persons without disabilities.

The objective of the Danish Act on Compensation for Persons with Disabilities in Employment is to enhance and stimulate the possibilities of employing persons with disabilities and retaining them on the labour market, and to offer them the same possibilities of pursuing a trade or profession as persons without disabilities. The Act on Compensation for Disabled Persons in Employment contains four schemes:

Personal assistance for persons with disabilities in employment

Subsidies may be granted to a business for the remuneration, etc. of a personal assistant. Personal assistance can be offered to unemployed people, wage earners and self-employed businessmen in need of special personal assistance because of physical or mental impairment. The objective of the scheme is to offer persons with disabilities the same possibilities of pursuing a trade or a profession as persons without disabilities. The personal assistance is to help the person in fulfilling the job for which the person concerned has a need for special personal assistance due to his or her functional impairment.

Support may also be offered to employees who, on account of permanent and severe physical or mental impairment, have a need for personal assistance outside normal working hours to take part in general supplementary and further training in the relevant job.

Wage subsidies on employment of newly educated people

With a view to gradual inclusion in the labour market of a disabled person who has completed an education programme of at least 18 months duration, which may entitle the person to membership of an unemployment insurance fund, support may be granted to employment with a public or private employer for a period of up to two years after the programme was completed. Employment with subsidies will only be awarded if the person has not obtained employment that has produced experience in the field for which the education programme qualifies him or her. Wage subsidies may be granted for a period of up to one year.

Preferential access

In connection with filling a vacant position, public employers are under an obligation to give a disabled person who has difficulty finding employment in the ordinary labour market preferential access to the vacant position if, in the opinion of the employer, the person with disability has the same qualifications as the other applicants.

Subsidies for aids, etc., for workstation design and layout

Under the employment legislation, subsidies are granted for aids, tools, small-scale workstation design and layout or teaching equipment.

Since 2011 there have been several comprehensive reforms that in different ways support the intention that more people with disabilities must be included in the labour market.

- The Reform of Disability Pension and the Flexi-Job Scheme
- The Cash Benefit Reform
- The Reform of Sickness Benefit
- The Employment Reform

The Reform of Disability Pension and the Flexi-Job Scheme

One of the results of the reform of disability pension and flexi-job scheme is that the most vulnerable persons on the labour market receive new measures and help to get further on in life. At the same time the flexi-job scheme is especially focused on persons with a very limited ability to work. In this context, the Government has set aside 465 million Danish kroner on last year's budget in order to create more flexi-jobs.

The Cash Benefit Reform (includes persons on cash benefits/social assistance)

The cash benefit reform supports unemployed who due to social or health problems have difficulties finding a job or completing an education. The main goal of the reform is that no one should be left to themselves and that everyone should have access to the help and support they need in order to get employed or get an education and become self-supporting.

For example, persons that are hospitalized with a psychiatric disease will have a right to be assigned a 'discharge coordinator'. The right of a discharge coordinator exists before, during and after the person has been discharged from hospital. The coordinator will help to restore and support a normal everyday life with home, family, finances, networking and work. In addition, mentoring facilities have been improved and targeted the unemployed who are most in need.

The Employment Reform

With the reform, people with disabilities receive the same measures as other unemployed on the basis of the unemployed person's needs and individual challenges. If a person's disability is a barrier to obtain employment, there are certain special possibilities in the legislation which can be initiated as a supplement to the ordinary employment enhancement measures. Such measures may include a personal assistant in order to ensure a focused aid to the particular person with disabilities.

The Reform of Sickness Benefits

Before sickness benefits are paid for 22 weeks within 9 months, the local authorities must review the recipient's situation. Benefits may be paid for a longer period if the recipient fulfils the conditions for prolongation. If the recipient is still unfit for work due to sickness, but does not fulfil the conditions for prolongation, he/she has the right to a job assessment period with benefits payable during a process focusing on resources.

The local authorities are responsible for monitoring and carrying out an individual and flexible assistance plan taking into account the nature of the illness and the recipient's needs and conditions.

Question of the ECSR: *“It furthermore asks what remedies are available to people in sheltered employment in case of alleged discrimination”*

Answer: Prohibiting discrimination

The Danish Act on Prohibition of Differential Treatment on the Labour Market forbids direct and indirect differential treatment and harassment as well as instructions to discriminate on grounds of disability, etc. Disability was inserted in the act as a discrimination criterion that implements parts of Council Directive 2000/78 establishing a general framework for equal treatment in employment and occupation.

People in job training, subsidized employment or flex jobs are covered by the law prohibiting discrimination.

Article 18 – The right to engage in a gainful occupation in the territory of other Contracting Parties

Article 18 § 1 – Applying existing regulations in a spirit of liberality

New legislation since the last report

The rules regarding work and residence permits are as mentioned in the previous report (31st report regarding the reference period 2007-2010) contained in the Danish Aliens Act.

The provisions in the Danish Aliens Act have been amended several times since 2010. Most relevant to Article 18, a number of larger amendments were made with the Reform of International Recruitment from December 2014, which aim at improving the recruitment of foreign labour. The reform entered into force on January 1, 2015.

When describing the rules governing work and residence permits for foreign labour, it is found necessary to describe these as they are today, as the relevant provisions in law have been subject to extensive changes with the reform of international recruitment. However, in order to respect the reporting period of this report, the changes that came with the reform will be marked clearly and described separately. The aim of this approach is to understand which rules governed the period 2010-2014, and which rules that were significantly changed or added with the new reform.

Work permits

As a general rule, foreigners coming to Denmark on a non-employment basis, e.g. foreigners who are granted asylum, or family related migrants may on the basis of their residence permit take up any employment and are not required to obtain a separate work permit. This also applies to family members of foreigners who have been granted a residence permit on the basis of employment.

The requirement to obtain a work permit applies to immigrants who come to Denmark to seek employment or self-employment. However, a work permit is issued when the foreigner obtains a residence permit on the basis of employment or due to his or her status as self-employed. As stated in the previous report, immigrants who have been granted a residence permit according to the Greencard Scheme are exempt from the requirement of a work permit.

The provisions regarding work permits are contained in the Danish Aliens Act and the Aliens Order.

According to section 13(1) of the Danish Aliens Act, a foreign national must have been granted a work permit to be allowed to take paid or unpaid employment, to be self-employed or to provide services with or without remuneration.

According to section 14(1) of the Danish Aliens Act, the following foreign nationals do not require work permits:

- Nationals of another Nordic country;
- Foreign nationals to whom the EC rules apply;
- Foreign nationals granted a permanent residence permit;
- Foreign nationals granted a residence permit as refugees (section 7 or 8), on the basis of family reunification (section 9), on humanitarian grounds for foreign nationals whose applications for asylum have been definitely refused (section 9 b), on the basis of former Danish nationality (section 9 d) or on the basis of a need for temporary protection for foreign nationals from the Kosovo Province of the Former Republic of Yugoslavia holding or formerly holding a residence permit pursuant to the Kosovo

Emergency Act or being or having been registered as an asylum-seeker on the basis of an application submitted before 30 April 1999 (section 9 e);

- Foreign nationals granted a residence permit on the basis of exceptional reasons (section 9 c (1)) when the permit has been issued in immediate continuation of a residence permit under section 9 b;
- Foreign nationals granted a residence permit on the basis of exceptional reasons, including e.g. unaccompanied minors and asylum-seekers who were unable to return to their home countries (section 9 c) when the permit was issued to a foreign national who has been submitted an application for a residence permit under section 7;
- Foreign nationals granted a residence permit on the basis of exceptional reasons (section 9 c (1)) when the permit has been issued as a result of family ties to a person living in Denmark (section 9 m and 9 n);
- Foreign nationals granted a residence permit under section 9 c (4) when the work is naturally associated with the alien's residence in Denmark on that basis of residence. According to section 9 c (4) a residence permit may be issued to an alien who carries out literacy activities, etc., and who has been offered residence in a municipality by the local council as an element in the municipality's membership of an international organisation approved by the Minister for Culture upon consultation with the Minister for Immigration, Integration and Housing.

According to section 14(2) of the Danish Aliens Act, the Minister for Immigration, Integration and Housing may order that other foreign nationals are exempt from the requirement of a work permit.

Therefore, according to section 24 (1) of the Aliens Order (Ministry of Immigration, Integration and Housing, Executive Order No. 375 of 20 March 2015), the following foreign nationals are exempt from the requirement of a work permit:

- Foreign nationals, who are mentioned in section 14 (1) and 14 a (1) of the Danish Aliens Act
- Foreign diplomats residing in Denmark, and others with corresponding diplomatic credentials, as well as accompanying family members and individuals employed in their personal household;
- Personnel working in foreign trains and motor vehicles in international traffic;
- Personnel on Danish commercial ships that are engaged in international traffic, providing the ships call at Danish ports a maximum of 25 times per year (changed with effect from 11 May, 2015, see executive order no. 622 of 8 May 2015, section 24 (1) (4));
- Crew members on cruise ships acting as tourist guides for some of or all the passengers of the cruise for up to 72 hours after the cruise ship has called at a Danish port, if the crew member's function as a tourist guide is a natural part of his other work on board the cruise ship (changed with effect from 1 May, 2015, see executive order no. 375 of 20 March 2015, section 24 (1)(5));
- Cabin crew who work on Danish aircrafts operating on routes with a flight time of at least 5 hours between Denmark and the foreigner's home country, and where local passengers based on language or cultural barriers, including lack of knowledge of European languages, demand cabin staff with knowledge of the language and culture that are relevant to the passengers.

- Qualified crew members of flight operators or alliance partners for the purpose of providing assistance to survivors and their family members, to the family members of fatal casualties and to relevant authorities in connection with aircraft accidents;
- Foreigners who have been issued a residence permit according to the Greencard Scheme (residence permit according to section 9 a (2) (1)) and establishment card (residence permit according to section 9 a (2) (10) of the Danish Aliens Act).
- Professional board members who enter the country to perform the task as a board member in a maximum total of 40 days within a calendar year (**entered into force January 1st, 2015**).

According to section 24 (2) of the Aliens Order, the following foreign nationals are exempt from the requirement of a work permit for a period of 3 months from entry:

- Scientists and lecturers invited to teach etc. in Denmark
- Foreigners who will work as scientists or guest lecturers with affiliation to a university or company in Denmark (**entered into force January 1st, 2015**).
- Potential Ph.D. students, who will participate in a screening procedure for the purpose of a university in Denmark being able to decide, whether the foreigner should initiate a Ph.D. education at the university (**entered into force January 1st, 2015**).
- Artists, including musicians and other entertainers, whose participation constitutes a substantial or essential part of a noteworthy artistic event;
- Representatives on business trips for foreign firms or companies, which do not have branch offices in Denmark;
- Fitters, consultants or instructors who have entered Denmark to fit, install, inspect or repair machines, equipment, computer programmes or similar items, or inform on the use of such items, provided the individual is employed by the firm that manufactured the equipment etc.;
- Individuals employed in the household of foreigners visiting Denmark for up to 3 months;
- Professional athletes and coaches with regard to sport and training, including try-out and associated personnel. The exemption does not apply in an employment agreement has been concluded with a sports club in Denmark.

According to section 25 (1) of the Aliens Order, a work permit will be issued to a foreigner who for instance has been granted a residence permit according to section 9 a (2) (2-9) and (11-13) of the Danish Aliens Act (on the basis of employment or activities as a self-employed person).

According to section 25 (2) of the Aliens Order, a work permit is issued to foreign nationals with a residence permit on the basis of exceptional reasons (section 9 c (1)(5) among others – and who are not exempt of the requirement of a work permit – may be granted a work permit. When examining an application in such cases the focus is on the purpose. Furthermore, a work permit is issued to foreign nationals holding a residence permit based on studies (section 9 i (1)).

According to section 25 (3) of the Aliens Order, a work permit is issued to foreign nationals with a residence purpose as a religious preacher etc.

Foreign nationals holding a residence permit on the basis of studies (section 9 i (1)) in order to pursue a post-secondary education are eligible for a permit to work 20 hours per week (15 hours before January 1st, 2015), as well as full-time during the months June-August according to section 16 (1) of Executive Order No. 1550 of 23 December 2014 concerning residence and work permits to foreign students.

A foreign national holding a residence permit as au pair is not eligible for a work permit, because the tasks the au pair undertakes for a host family are not formally regarded as work. Note however, that with the new au pair law from 2015, that entered into force on July 1st, 2015, an au pair person is free to take up unpaid voluntary work (section 9j (10) of the Danish Aliens Act).

Residence permits issued according to section 9 a of the Danish Aliens Act

The provisions regarding issue of residence permits on the basis of employment or self-employment are contained in section 9 a of the Danish Aliens Act.

In June 2014, the Social Democrats (S), The Social Liberal Party, The Socialist People's Party, the Danish Liberal Party, the Danish People's Party, the Conservative Party and Liberal Alliance concluded a new agreement to secure the supply of labour to enterprises, which included initiatives to increase recruitment of foreign labour.

Legislation which implemented the agreement on recruitment of foreign labour was passed by the Danish Parliament in December 2014 and entered into force on January 1st, 2015.

Reference is made to Act No. 1488 of 23 December 2014 amending the Aliens Act (recruitment of foreign labour, etc.). The new rules are mentioned when relevant. The rules regarding issue of residence permits on the basis of employment are hereafter as follows:

Greencard Scheme – residence permit in pursuance of section 9 a (2) (1) of the Danish Aliens Act

It is possible to be granted a residence permit for the purpose of seeking work, and subsequently working, in Denmark. A residence and work permit under the Greencard Scheme is issued on the basis of an individual evaluation using a point system designed to assess whether the applicant will be able to find qualified work in Denmark.

In order to be granted a residence permit under the Greencard Scheme, the foreigner must attain at least 100 points. Before the reform entered into force on January 1st, 2015, points were given for educational level, language skills, work experience adaptability and age. With the new legislation, points are no longer given for age or work experience.

Extra points are given for education within a field where there is a high demand for foreign highly qualified labour (See The Positive List), or for degrees from a university which is internationally acknowledged for offering high-quality education.

From 2010-2014, the foreigner could be granted a first-time residence permit under the Greencard Scheme for up to 3 years. Prior to the end of this period, the foreigner could apply for an extension of up to 1 year and again before the end of this period, the foreigner could apply for an extension of up to four years.

The residence permit could be extended if the foreigner had worked for the past 12 months for a minimum of ten hours per week. Moreover, the residence permit could be extended for one year if the foreigner lost his job through no fault of his own (e.g. due to cutbacks) no more than three months before applying for an extension, and if prior to this, the foreigner worked for 12 months for a minimum of ten hours per week.

With the reform of the international recruitment scheme which entered into force on January 1st, a number of changes have been made to the greencard scheme in order to improve the Greencard Scheme and limit the problems with highly qualified greencard-holders ending up unemployed or in low qualified employment. From January 1st, 2015, changes have therefore been made with regard to the validity periods of greencards and the criteria for having a greencard extended have also been changed, so that the extension is only given if the greencard-holder after two years can document to have earned a certain income.

The Positive List – residence permit in pursuance of section 9 a (2) (2) of the Danish Aliens Act

Foreign nationals who have been offered a job in a profession currently experiencing a shortage of qualified professionals have particularly easy access to the Danish labour market. These professions and fields are listed on the Positive List.

The educational level required to be eligible for a residence permit in accordance with a Positive List is an educational level of at least a Professional Bachelor degree.

The Positive List is comprised of professional fields currently experiencing a shortage of well-qualified manpower, e.g. the scientific, medical and technological sectors.

Foreign nationals who have been hired to work within one of the professions on the Positive List will immediately be eligible for a residence and work permit. In these cases, the Danish Agency for International Recruitment and Integration have not requested a labour market scrutiny statement, but have instead immediately granted a permit on the condition that the applicant has a specific job offer, and that the proposed salary and employment conditions correspond to Danish standards.

In certain cases, applicants may be required to submit appropriate professional credentials or similar documents, e.g. for doctors trained abroad, who must have an authorisation from the Danish Health and Medicines Authority.

The permit can be extended even if the pay limit is raised, leaving the annual pay under the new limit, provided that the foreigner is still in the same job, on the same terms and conditions.

The Pay Limit Scheme – residence permit in pursuance of section 9 a (2) (3) of the Danish Aliens Act

Foreign national nationals who have been offered a job with a gross annual pay of no less than DKK 375,000 can get a residence and work permit. In these cases, the Danish Agency for International Recruitment and Integration have not requested a labour market scrutiny statement, but have immediately granted a permit on the condition that the applicant has a specific job offer, and that the proposed salary and employment conditions correspond to Danish standards. There are no specific requirements with regards to education, field or the specific nature of the job.

The permit can be extended even if the pay limit is raised, leaving the annual pay under the new limit, provided that the foreigner is still in the same job, on the same terms and conditions.

The Corporate Scheme – residence permit in pursuance of section 9 a (2) (4) of the Danish Aliens Act

Until recently, foreign nationals who were employed in a Danish company's foreign subsidiary or department and were to work in the Danish company in connection with an innovative, developmental or educational purpose could get a residence permit upon a number of conditions including that the proposed salary and employment conditions correspond to Danish standards. In these cases, the Danish Agency for International Recruitment and Integration have not requested a labour market scrutiny statement, but have granted a permit if the above mentioned criteria were met.

On 1 April 2015 the Corporate scheme was replaced by the Fast-track scheme (see description below under "other types of salaried work") which requires for the company in Denmark to be certified. This means that from 1 April 2015, no more corporate approvals or new residence permits under the Corporate scheme could be granted.

A residence permit granted under the Corporate scheme before 1 April 2015 can be extended under the previously applicable rules as long as the company's corporate approval is valid.

Labour market ties – residence permit in pursuance of section 9 a (2) (5) of the Danish Aliens Act, (from January 1st, 2015 section 9 a (2) (12))

A residence permit may be issued to certain foreign nationals (for instance with asylum or family reunification cases) if extension of the foreigners residence permit are refused according to section 11 (2), according to section 19(1), or if the foreigners residence permit is revoked according to section 19 (1), provided that the alien has regular employment of prolonged duration or has been self-employed for a prolonged period, and employment or business considerations make it appropriate.

Such a residence permit can be granted on the grounds of both skilled and unskilled work, and self-employment.

Other types of salaried work – residence permit in pursuance of the previous section 9 a (2) (6) of the Danish Aliens Act, (from January 1st, 2015 section 9 a (2) (4-9) and (11))

From the period 2010-2014, residence and work permits were granted only if substantial professional or labour market considerations so warranted. When examining applications for residence and work permits, the authorities would pay particular attention to the following:

- Whether professionals residing in Denmark are available, or the EU/EEA who are qualified to carry out the job in question (this relates only to certain types of applications).
- Whether the job in question is of such special character that a residence and work permit is recommended.

In all circumstances, it was a requirement that salary and employment conditions correspond to Danish standards, and that an employment contract has been concluded between the foreign employee and his or her employer.

In some cases, the Danish Agency for International Recruitment and Integration required a statement from the relevant trade organization or a regional Labour Market Council in order to process an application.

In order to ensure transparency for foreigners applying for a residence and work permit after section 9 a (2) (6), the provision has been targeted with effect from January 1, 2015, with the new reform of international recruitment. In addition, access to residence and work permits to foreigners with employment within areas which are not characterised by a high qualification level has been limited. The relevant provisions are now contained in the Danish Aliens Act section 9 a (2) (4-9) and (11).

Self-employment – residence permit in pursuance of the previous section 9 a (2) (6) of the Danish Aliens Act, (from January 1st, 2015, section 9 a (2) (11))

From the period 2010-2014, it was possible to be granted a work and residence permit in order to be self-employed and/or operate an independent company in Denmark.

The Danish Agency for International Recruitment and Integration would pay particular attention to the following conditions:

- There had to be particular Danish business interests related to the establishment of the business in Denmark.
- The foreigner had to present documentation that he/she has access to sufficient financial means to run the business.
- The foreigner's presence and involvement had to be vital to the establishment of the business, and the foreigner must participate actively in its day-to-day operation.

With the reform of international recruitment, which entered into force on January 1st 2015, the previous rules for self-employment are specified, and is now contained in a new section 9 a (2) (11) of the Danish Aliens Act. With this new provision, the reform introduced a 3-year experiment with a new scheme called Start-up Denmark. The new scheme should be used by self-employed persons when applying for a residence and work permit. The scheme can also be used by two persons who wish to establish a company together.

Involuntarily unemployed – residence permit in pursuance of section 9 a (8) of the Danish Aliens Act, (from January 1st, 2015, section 9 a (11) of the Danish Aliens Act).

The Danish Aliens Act contains rules that aim at giving foreigners who lose their job a possibility to remain in Denmark and seek a new job:

In the period 2010-2014, a foreigner who had been granted a residence permit based on the Positive List and the Pay Limit Scheme and has become involuntarily unemployed could be granted a residence permit for up to 6 months from the end of the employment for the purpose of seeking a new job. If the foreigner finds a new job during this period, the foreigner can apply for a residence permit under section 9 a (2) of the Danish Aliens Act and then start working. From January 1st, 2015, this possibility is extended to cover parts of the new Fast-track Scheme (see description below).

New schemes that came with the 2014 Reform of International Recruitment

New Fast-track scheme – residence and work permit in pursuance of section 9 a (2) (13) (entered into force on January 1st, 2015)

The reform of international recruitment did, as mentioned, result in a number of changes in the Danish Aliens Act. Most importantly, the new reform introduced a new scheme for international recruitment called “the fast-track scheme”. The fast track scheme facilitates a quick and flexible jobstart for highly qualified foreign labour and makes it easier for certified companies to recruit employees with special competences or qualifications to Denmark. It works in the way that the employer submits an online application for a fast-track permit wishing for a quick job start on behalf of the employee. Thereafter, the applicant submits his biometric data, whereafter a residence and work permit is granted if all conditions are met. The fast-track scheme can be used by foreigners who have been offered employment in a certified company and where the employment lives up to one of the following conditions:

- 1) The foreigner is employed on the conditions of the pay limit scheme
- 2) The foreigner is employed as researcher
- 3) The employment involves education at a highly qualified level
- 4) The employment corresponds to a short-term stay of less than 3 months

After entering Denmark, the employee can immediately contact the local municipality, register an address and receive a Health Insurance Card.

New Establishment card, residence permits in pursuance of the new article 9 a (2) (10) (entered into force on January 1st, 2015)

Foreign nationals who have completed a Danish master’s degree or a Danish PhD degree can be granted a residence permit with the aim of establishing themselves in Denmark after their Danish educational programme has been finished.

Foreigners who have been granted a residence permit under the Establishment card scheme do not need to obtain a work permit. Moreover the residence permit gives the right to take up employment without it being necessary to apply for a new work permit when the foreigner changes his job. Lastly, the Establishment scheme also gives the right to work as an entrepreneur.

The administration of the residence permits in pursuance of section 9 a of the Danish Aliens Act

The Danish Agency for International Recruitment and Integration (previously the Danish Agency for Labour Market and Recruitment) administrates the Danish Aliens Act regarding the processing of applications for residence and work permits.

The decision made by the Agency regarding residence and work permits in in pursuance of section 9 a of the Danish Aliens Act can be appealed to the Immigration Appeals Board (formerly the Ministry of Employment).

Question of ECSR: *“The Committee requests that the next report provides more pertinent information concerning only the State Parties, comprising the total number of applications made, granted and rejected”.*

Answer: The following tables list the number of applications made, granted and rejected. Please note that the number of permits granted and the number of applications rejected does not sum up to the total of applications received in a given year, as some cases naturally are decided on the following year.

The tables list first-time applications, permits and rejections for State Parties outside the EU/EEA after section 9 a (2) of the Danish Aliens Act from 2011-2014. Unfortunately, there is no data available on the number of applications in 2011.

Total number of applications made in in pursuance of section 9 a of the Danish Aliens Act					
	2011	2012	2013	2014	Total
Albania	NA	8	18	9	35
Andorra	NA	0	0	0	0
Armenia	NA	9	15	15	39
Azerbaijan	NA	5	3	3	11
Bosnia-Hercegovina	NA	22	20	13	55
Georgia	NA	7	4	5	16
Macedonia (FYROM)	NA	15	25	20	60
Moldova	NA	6	18	3	27
Montenegro	NA	5	1	4	10
Russia	NA	137	167	157	461
San Marino	NA	0	0	0	0
Serbia	NA	45	89	78	212
Turkey	NA	150	114	139	403
Ukraine	NA	642	716	902	2260
Total	NA	1051	1190	1348	3589

Total number of permits granted after section 9 a of the Danish Aliens Act					
	2011	2012	2013	2014	Total
Albania	5	6	13	7	31
Andorra	0	0	0	0	0
Armenia	8	8	12	13	41
Azerbaijan	8	4	5	5	22
Bosnia-Hercegovina	8	11	15	8	42
Georgia	7	4	4	4	19
Macedonia (FYROM)	11	12	18	12	53

Moldova	35	7	15	6	63
Montenegro	1	4	0	3	8
Russia	146	116	130	130	522
San Marino	0	0	0	0	0
Serbia	38	42	75	66	221
Turkey	72	107	92	84	355
Ukraine	598	535	697	711	2541
Total	937	856	1076	1049	3918

Total number of rejections after section 9 a of the Danish Aliens Act					
	2011	2012	2013	2014	Total
Albania	4	2	4	3	13
Andorra	0	0	0	0	0
Armenia	0	2	4	2	8
Azerbaijan	0	1	0	1	2
Bosnia-Herzegovina	2	1	8	1	12
Georgia	0	1	2	0	3
Macedonia (FYROM)	2	3	4	6	15
Moldova	5	2	0	1	8
Montenegro	0	1	2	1	4
Russia	14	13	15	7	49
San Marino	0	0	0	0	0
Serbia	6	4	11	11	32
Turkey	17	57	26	17	117
Ukraine	85	45	67	51	248
Total	135	132	143	101	511

Question of ECSR: “The Committee asks Denmark to provide information in the next report on the number of work permits granted to applicants from non-EEA States for the types of salaried work which fall under the Section 9 a (1) (vi), as well as on the work permit refusal rate with respect to applicants from such States, as this information is relevant in order to assess the degree of liberality in applying existing regulations governing access to national labour market”

Answer: The number of work permits granted to applicants from non-EEA States for the types of salaried work which fall under the Section 9 a (2) (6) is stated in the table below (kindly note the mistake in the question originally asked, as there exists no 9 a (1) (6)).

The table lists only the number of first time permits/rejections given after Section 9 a (2) (6).

Applications, rejections and refusal rate after Section 9 a (2) (6)					
	2011	2012	2013	2014	Total
Applications	3058	2039	2207	2407	9711
Permits	2050	1592	1781	1913	7336
Rejections	251	246	301	160	958
Work permit refusal	10,9%	13,4%	14,5%	7,7%	11,6%

rate					
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** Please note that the work permit refusal rate does only relate to the number of rejections given in comparison with the total number of applications given within a year. It does not necessarily reflect rejections given to the direct applications, as some applications received in one year may be handled in the following calendar year. The work refusal rate is counted as the percentage of rejections out of the total permits and rejections given. Note, moreover, that Section 9 a (2) (6) no longer exists in its previous form, after the reform of international recruitment, which entered into force on January 1st, 2015.*

Article 18 § 2: Simplifying existing formalities and reducing dues and taxes

New legislation since the last report

Obtaining a residence permit

From 2011-2014, a number of schemes have been in place in order to make it easier for foreign nationals to get a residence and work permit in Denmark. Reference is made to the description of the Greencard Scheme, the Positive List, the Pay Limit Scheme and the Corporate scheme.

From January 1st, 2015, when the reform of international recruitment entered into force, easier access for researchers and new schemes such as the Fast-track and Establishment Card Scheme have been introduced to make the procedure of obtaining a residence permit simpler. Reference is made to the description of the new schemes above. These will be reported on more thoroughly in the next report.

Submitting an application

The provisions regarding submission of applications of residence permits according to section 9 a of the Danish Aliens Act are contained in pursuance of section 9 a (4-6) of the Danish Aliens Act (section 9 a (4) before January 1st, 2015). From the period 2011-2014. No significant changes in the previous conditions and regulations for submitting an application.

Digital applications

As mentioned in the previous report, Denmark has had a strong focus on simplifying and speeding up the processing time for foreign nationals seeking a residence and work permit based on employment in Denmark. In order to ease the application process, there has been a constant focus on digitalisation of application procedures since July 2010.

With the reform of international recruitment, which entered into force on January 1st 2015, the Danish Agency for International Recruitment and Integration has been given the authority to issue administrative social security numbers to foreign nationals who are granted a residence and work permit on the basis on employment in Denmark, as well as to their accompanying family members. This covers foreign nationals with a residence and work permit on the basis of the Fast Track Scheme, the Pay Limit Scheme, the Positive List, Researchers, Self-employed, Trainees and foreign nationals with individual qualifications. This is done to ease the administrative process and in order for the foreign worker to be established in Denmark right away, since the social security number gives access to other services in Denmark such as the tax rate and deduction card, a medical card and access to sign children up for school or day care. It is important to note, however, that the administrative social security number does not change the general regulations governing a social security number and that an administrative social security number in itself does not entail additional rights for the registered person.

Since July 2015, it has been possible to apply digitally for a residence and work permit under nearly all employment and study schemes.

Fees

The legislation that governed the fees for submitting applications and complaints in the areas of family reunification, study and work from 2011-2014 are contained in section 9 (h) of the Danish Aliens Act. In the period from 2011-2014, no changes have been made to the regulations in this area, in comparison to what was stated in the previous report. Note, however, that fees are regulated yearly, which is seen from the table below.

From January 1st 2015, the legislation that governs the fees has been simplified so that the number of fees have been reduced from a total of 9 different fees covering 16 case types, to a total of 5 different fees covering a larger case type area (with the introduction of new schemes). Moreover, the regulations for rejecting an application have been changed, so that an application is no longer automatically rejected due to the applicant filing it under a wrong case category or due to a missing payment of up to 200 DKK.

International Citizen Service centres

As mentioned in the last report, four International Citizen Service centres were established in 2011 in the four largest cities in Denmark in order to serve foreign workers, their accompanying families and international students, collecting, in one place all the services and authorities that they typically need to get in contact with in order to settle in Denmark. At the International Citizen Service centres, foreign employees or job seekers, their accompanying families and international students can apply for and get a registration certificate for EU citizens and they can hand in an application for a residence and work permit and get a tax and deduction card, a social security number, a medical card, help with job seeking and useful information about living and working in Denmark. Non-EU citizens can hand in an application for a residence and work permit.

Work in Denmark

Work in Denmark, which was launched already in 2008, but was not mentioned in the latest report, is a public employment service for highly qualified international candidates looking for a job in Denmark, and Danish companies searching for talented foreign employees. There are three Work in Denmark centres placed in the three largest cities in Denmark, which offer a series of recruitment services to employers and information and guidance to jobseekers living and working in Denmark. In addition, the website workindenmark.dk provides both job seekers and employers with the information, guidance and tools to bring together Danish employers and foreign candidates.

Question of the ECSR: *(With regard to section 9 a (2) (vi)) “The Committee asks 1) what in particular is considered as serving ‘Danish business interests’ and 2) what is the minimum financial means required to obtain a self-employment permit.”*

Answer: Other types of salaried work

- 1) “What in particular is considered as serving Danish business interests?”

Before January 1, 2015, a residence permit could be issued in the pursuance of the previous section 9 a (2) (6) if essential employment or business considerations so warrant. It follows from the previous section 9 a (5), that the Regional Labour Market Council shall issue an opinion as to whether the conditions of section 9 a (2) (6) are met. The opinion of the Regional Labour Market Council has generally focused on whether there is a shortage of labour in relation to the concrete employment and whether the specific job can be considered as ordinary or non-ordinary employment. Normally, it is not possible to be granted a residence and work permit on the basis of unskilled or ordinary skilled labour.

From January 1, 2015, when the reform of international recruitment entered into force, the possibility of being granted a residence and work permit on the basis of other types of salaried work and self-employment has been specified in a number of new provisions contained in section 9 a (2) (4-9) and (11). For instance, the rules for residence and work permits for self-employed persons are included in the new section 9 a (2) (11). In the consulted Danish Aliens Act, the term “particular Danish business interests” is no longer used, as the articles are sought specified to ensure transparency.

2) “Minimum financial means required to obtain a self-employment permit?”

From 2011-2014, before the reform of international recruitment entered into force on January 1, 2015, the processing of applications for residence and work permits for self-employed persons was based on a concrete and individual assessment of each case. The processing of an application included an assessment of whether there was a financial basis to operate or establish a business. However, there was no fixed minimum financial means required to obtain a self-employment permit.

From January 1, 2015, with the introduction of the aforementioned Start-up Denmark scheme, the foreigner must prove to have the minimum financial means required to support himself. Consequently, if the applicant applies for a residence and work permit as self-employed, the applicant must prove to have at his disposal an amount equivalent to one year’s social benefits for single non-providers over the age of 30. The annual amount is DKK 130,188 for the main applicant (12 x 10,849 (2015 level)).

Question of the ECSR: “*The Committee asks what is the level of fees?*”

Answer: Level of fees

A processing fee must normally be paid when a foreign national applies for a residence permit in the following case types: Work, studies, au pair, interns, accompanying family members of a person working or studying in Denmark. The processing fees for applying for a residence permit are regulated every year on 1 January. From 2011-2014, the processing fees were as follows:

Processing fees after Section 9 a (2)**				
	2011	2012	2013	2014
Section 9 a (2) (1)	6100 DKK 819 EUR	6275 DKK 842 EUR	6375 DKK 856 EUR	6485 DKK 870 EUR
Section 9 a (2) (2)	3025 DKK 406 EUR	3115 DKK 418 EUR	3165 DKK 425 EUR	3225 DKK 433 EUR
Section 9 a (2) (3)	3025 406 EUR	3115 DKK 418 EUR	3165 DKK 425 EUR	3225 DKK 433 EUR
Section 9 a (2) (4)	3025 DKK 406 EUR	3115 DKK 418 EUR	3165 DKK 425 EUR	3225 DKK 433 EUR
Section 9 a (2) (5)	3900 DKK 523 EUR	4015 DKK 539 EUR	4080 DKK 548 EUR	4155 DKK 558 EUR
Section 9 a (2) (6)	*3900 DKK 523 EUR	*4015 DKK 539 EUR	*4080 DKK *548 EUR	*4155 DKK *558 EUR
Section 9 a (8) – involuntary unemployed	3025 DKK 406 EUR	3115 DKK 418 EUR	3165 DKK 425 EUR	3225 DKK 433 EUR

* In some cases, the processing fees required for applications under Section 9 a (2) (6) correspond only to the processing fees required for applications under Section 9 a (2) (2-4). The euro amounts are calculated based on a euro exchange rate of 745.

** A fee must also be paid when submitting an application for an extension of a residence permit or a permanent residence permit, or when submitting an appeal or request to reopen a case in the abovementioned case types.

Article 18 § 3 – Liberalising regulations

New legislation since the last report

In the period of 2011-2014, no significant changes were made in the regulations governing the right to engage in gainful occupation in another Contracting State. The general rules have already been described under article 18 § 1. However, as also mentioned under the reporting related to article 18 § 1, a number of changes have been made to the regulations with the reform of international recruitment, which entered into force on January 1st, 2015. Among them are initiatives to ensure transparency and further liberalisation of regulations, such as the Fast Track scheme, more liberal regulations for researchers, and the possibility for international students to receive an establishment card. All these initiatives will be reported on more thoroughly in the next report.

Question of the ECSR: *“The Committee asks for information in the next report on the number of applications for work permits submitted by nationals of non-EEA States, as well as on the grounds for which work permits are refused to nationals of non-EEA States Parties to the Charter.”*

Answer: The following table lists the number of applications for work permits submitted by nationals of non-EEA States. There are no statistics indicating specific grounds for refusal. However, the two most common categories are: “Conditions not fulfilled” and “Lack of sufficient information”.

Total number of applications after Section 9 a (2)					
	2011	2012	2013	2014	Total
All non-EEA States	9415	8093	9338	10070	36916

Question of the ECSR: *“The Committee asks for information in the next report about the measures eventually adopted (either unilaterally, or by way of reciprocity with other States Parties to the Charter) to liberalise regulations governing the recognition of foreign certificates, professional qualifications and diplomas, with a view to facilitating the access to national labour market. Such information shall concern the category of dependent employees, as well as the category of self-employed workers, including workers wishing to establish companies, agencies or branches in order to engage in a gainful occupation.”*

Answer: In the area of the Danish Ministry of Higher Education and Science, we can inform the Committee that we have no measures adopted (either unilaterally, or by way of reciprocity with other States Parties to the Charter) to liberalise regulations governing the recognition of foreign certificates, or professional qualifications and diplomas, with a view to facilitating the access to the national labour market from the period 2011-2014.

Additional Protocol to the European Social Charter

Danish report concerning Article 1
for the period 1st January 2011- 31st December 2014

Article 1 - Additional Protocol

New legislation since the last report

The Equal Pay Act from 1976 prohibits discrimination against women and men in connection with pay differentials.

In June 2014, the Danish Government amended the Equal Pay Act and adopted new legislation to improve and extend the existing scope of gender-segregated pay statistics.²

Thus, enterprises with 10 full-time employees or more and at least 3 male and 3 female employees are subject to the regulation on gender-segregated pay statistics. This extends the scope of the regulation from approximately 2.24 million employees and 3.500 enterprises to approximately 2.7 million employees and 13.000 enterprises.

Enterprises will also receive gender-segregated pay statistics automatically and free of charge.

Question of the ESCR: *In its Conclusions, the Committee has requested further information regarding the possibility for comparisons of pay and jobs outside the company directly involved in an equal pay case.*

Answer: In Denmark, the level of pay is regulated by the Social Partners through collective agreements or individual contracts. There is no statutory minimum wage, but the Social Partners must adhere to the provisions of the Equal Pay Act.

The Ministry of Employment can inform the Committee that under the Equal Pay Act, the individual employer is required to pay equal remuneration to women and men for equal work or work of equal value.

In an equal pay case, a question of discrimination on grounds of sex thus relates to the individual employer's remuneration of his male and female employees performing the same work or work of equal value.

The individual employer is only responsible under the Act in relation to his own employees, and not in relation to how other employers choose to remunerate their employees who perform comparable work or job functions.

Thus, a comparison of pay conditions in one company with pay conditions in other companies in a specific equal pay case falls outside the scope of the Equal Pay Act.

² Act no. 513 of 26 May 2014.