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EUROPEAN SOCIAL CHARTER OF 1961

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

submitted by

THE GOVERNMENT OF DENMARK

(Articles 1, 9, 10, 15 and 18
for the period 01/01/2007 – 31/12/2010)

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CYCLE XX-1 (2012)

31st Danish Report
on the application of the
European Social Charter

Concerning Articles 1, 9, 10, 15 and 18
for the period 1st January 2007 – 31st December 2010

February 2011

In accordance with 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)

The Confederation of Professionals in Denmark (FTF)

The Danish Confederation of Professional Associations (AC)

Article 1 – The Right to Work

Article 1§1 - Policy of full employment

Question 1:

Historically, employment policy has received high priority and played an important role in the Danish economy. Among other things, this is reflected in the rate of reforms and legislation in the employment area that Denmark has implemented over the past many years.

In the last decade, the focus of Danish employment policies has, among other things, been on further intensification of the active labour market policies, enhanced incentives to work, and later retirement.

Employment policy is a highly prioritised policy area in Denmark, partly because of the major challenges currently facing Denmark and which will continue as Denmark adapts its labour market to the challenges of globalisation and a rapidly diminishing workforce.

Within the employment area, Denmark ranks high among the countries in the OECD which spend the most resources on measures directed at active employment. Denmark spends about 1.6 per cent of its GDP on active employment promotion measures, while other countries, in comparison, spend only half or a third of this.

In Denmark, unemployment has been declining until the autumn of 2008, when the economic crisis led to a sharp increase in unemployment. However, as of 2011, the unemployment level in Denmark remains low seen from a historical and international perspective.

During the economic crisis the Government has considered it crucial to ensure that as many people as possible keep their attachment to the labour market and maintained their qualifications, without, as a side effect, limiting the effective labour supply and increasing the level of structural unemployment. Targeted adjustments to the elements of the flexicurity model have contributed to this development – including by temporarily increasing flexibility in short term working arrangements and increasing assistance to people under notice.

The contents of the employment policy

The contents of the active employment efforts in Denmark are, as a starting point, regulated by the Act on Active Employment Measures. The purpose of the active employment measures is to contribute to a well-functioning labour market.

The Danish employment system consists of a number of schemes, the purpose of which is to include as many people as possible in the labour market. Unemployed people entitled to income-related benefits are offered guidance and qualification enhancement, on-the-job training and employment with subsidised wages. Efforts are also targeted at creating more practical training places for young people, preventing long-term unemployment and reforming the anticipatory pension scheme, and initiatives are taken in relation to other categories of vulnerable workers.

Active employment measures affect the overall economic trend by helping to ensure that the effective supply of labour is as large as possible. This provides the best conditions for economic growth. Active employment measures help decrease structural unemployment in several ways. For instance, active employment measures help ensure that unemployed people make real efforts to find a job, despite relatively high public benefits. In addition, the measures help to prevent unemployed people from losing their attachment to the labour market by maintaining, as well as upgrading, their skills. This is instrumental in reducing structural unemployment.

In addition to bringing forward and intensifying the activation measures, more focus has been put on job counselling. The authorities maintain early and regular contact with the unemployed with the aim of shortening the unemployment period as much as possible. Furthermore, there has been an increased focus on reducing sickness absence, which includes making offers to absentees to allow them to be active during recovery.

Denmark has not made fundamental changes in the activation policy during the crisis. Everyone has a right - and duty - to accept an offer for activation measures, and the minimum requirements are laid down in the legislation.

Major employment-policy challenges in Denmark in the coming years

In the long run, the greatest employment policy challenges in Denmark will be labour shortages as a consequence of declining size of the workforce. In the future, an increasing number of Danish retirees will not be replaced by a corresponding influx of young people entering the work force.

This demographic development, with more seniors and fewer young people, is increasing the pressure on the workforce. The declining size of the workforce threatens the basis for ensuring growth in industry and employment.

A strengthening of the labour supply and employment is therefore of vital importance for the welfare of the Danish society and the financing of the public sector.

In order to increase labour supply and employment, a number of labour market reforms have been implemented over the past few years and several new initiatives are under implementation. Meeting the national employment target for 2020 requires further reforms. These reforms are expected both to strengthen the incentive to work as well as the measures targeting integration of vulnerable groups, including young people, elderly, ethnic minorities and disabled persons.

Question 2:

Initiatives in employment policy

The following is a summary of the main labour market reforms and initiatives to promote labour supply and employment in the period from 01.01.2007 to 31.12.2010.

The Local Government Reform – the Ministry of Employment’s Area (2007)

The Public Employment Service (PES) and the employment authorities in the municipalities merged in 91 new job centres - one in each of the municipalities.

Four new employment regions are responsible for following up the effects and outcomes of the employment measures being pursued in the job centres.

At all three levels, national, regional and local, the social partners are involved through their participation in the Employment Councils. There is one employment council at the national level, four employment councils at the regional level and employment councils at the local level, one in each of the municipalities

The Job Plan Agreement (2008)

- Adjustment and harmonization of the rules regarding supplementary unemployment insurance benefits so that, in the future, insured part-timers can receive supplementary benefits for up to 30 weeks within a 104-week reference period
- Disability pensioners on the ‘old scheme’ (“*førtidspension – gammel ordning*”) who are able to work will receive full assurance that they will not risk losing their pension entitlements by working

- It is made more attractive for old age pensioners to continue working through the introduction of an additional income test offset of 30,000 DKK and by reducing the employment requirements for deferred pension (“*opsat pension*”) from 1500 to 1000 hours per year
- A tax credit of up to 100,000 DKK has been introduced for 64-year-olds who have worked full time since the age of 60
- Increased international recruitment efforts including marketing of Denmark as a place to work, relaxation of the residency requirements for qualified foreigners, and better service for businesses and job seekers (notably via the establishment of three “Work in Denmark” centres in Aarhus, Copenhagen and Odense and corresponding website www.workindenmark.dk)
- The adult apprentice scheme (“*voksenlærlingeordningen*”) is further expanded by 1,000 additional persons in 2008 and by 500 additional persons in 2009

Agreement on the Adult Apprentice Scheme (2008)

- Subsidies to adult apprentices are granted legal right status. At the same time, subsidies under the scheme are targeted towards adult apprentices who have either an outmoded education or no professional training.

Sick Leave Action Plan (2008)

- No later than four weeks within the sick leave period, employers are obliged to conduct an interview with the sick employee about how and when the employee can return to work
- After eight weeks of sick leave, the job centres must assess the possibility of a gradual return.
- The job centres will have the opportunity to provide offers of activation for all persons on sick leave
- The state-municipal reimbursement system is rearranged to give job centres incentives to provide activation offers for persons on sick leave
- A new medical certificate for employers to promote job retention of persons on sick leave.

Agreement on the 2009 Budget (2008)

- The ‘employer period’ in the sickness allowance legislation is extended from 15 to 21 calendar days (3 weeks) with a view to encourage individual employers to do more to prevent short-term sickness absence.
- The period with employer paid unemployment benefits (G-days) is extended to three days in order to reduce short-term unemployment.

De-bureaucratisation (2009)

- Simplification of the rules on activation of young unemployed.
- Simplification of the sanctions rules for recipients of social security, introductory benefits and starting allowances.
- Simplification of the procedures in the job centres’ client reception.
- Increased targeting of the activation measures.

A One-Tier Municipal Employment System (2009)

- Transfer of the state job centre functions to the municipalities
- The Mayor as Chairman of the local employment council
- Expansion of the employment regions' responsibilities:
 - Establishment of an advisory function
 - Employment regions to be involved in the development of employment plans and performance audit
- Involvement of other stakeholders in efforts to promote employment through state procurement framework
- Harmonization of wage subsidy quotas
- The Labour Market Appeal Authority ("*Arbejdsmarkedets Ankenævn*") is to be merged with the Employment Committee of the Appeal Board ("*Ankestyrelsens Beskæftigelsesudvalg*")
- Municipal co-financing of expenditure on unemployment benefits and the costs of activating insured unemployed (1st of January 2010)
- Activation benefits are abolished by the 1st of January 2010, where after activated insured are entitled to unemployment benefits
- The rules about fortnightly payment of unemployment benefits by the unemployment insurance funds are repealed, so that unemployment benefits are only paid on a monthly basis to the unemployed person by the unemployment insurance funds.
- The rules on the counselling obligation of the governance authorities ("*forvaltningsmyndighederne*") and unemployment insurance funds guidance obligation are harmonized
- The municipal oversight of employment availability of the unemployed is strengthened

Four Initiatives to Assist Persons at Risk of Unemployment (2009)

- More flexible rules for the planning of temporary job sharing ("*arbejdsfordeling*")
- Extended access to the 'notification pool' ("*varslingspuljen*")
- Establishment of a national notification contingency plan ("*varslingsplan*")
- Strengthened monitoring of labour market trends

Agreement on More Young People in Education and Jobs (2009)

- Activation for 15-17-year-olds – young people aged 15-17 years who are not in school or employed may now be activated by the job centre, including on-the-job training, counselling and skills upgrading, and mentoring support
- Immediate activation for 18-19-year-olds – personal, early and activity-based action for 18-19-year old social security and unemployment benefit recipients
- A new chance for young people – special subsidies to job centres that make an extra effort to get more young people under 30 years, with more than 12 months on continuous public support, in company oriented activation (wage subsidies or on-the-job training)
- Improving opportunities for participation in job rotation and upgrading of skills for young unemployed people through ordinary employment etc.
- Establishment of a National Youth Unit to support the job centres organising the youth action plan ("*ungeindsatsen*")

Four Initiatives to help employers and persons at risk of Unemployment (2010)

In January 2010, The Minister for Employment announced new initiatives to assist employers that are restructuring their organisations and employees that are about to be dismissed:

- The existing support to education of unemployed persons who are dismissed can now be extended beyond the date where the dismissed persons leave the firm. The total duration of education and training can be up to 8 weeks
- The job centres will be obliged to assist persons under notice to draft an individual action plan that spells out the steps to be taken to return to employment
- Persons that are not covered by a collective agreement will get the same rights as persons working under such agreements, when it comes to access to temporary reduced working time with support from supplementary unemployment (the so called work-sharing scheme)

Action plan on long term unemployment (2010)

The Action plan includes seven initiatives to tackle long term unemployment. According to the plan approx. DKK 270 million will be spent on education and improvement of skills. Funds have been earmarked partly for a regional allocation for job specific requalification, partly for financing courses in reading, writing and arithmetic for unemployed people.

Fiscal Consolidation Agreement (2010), including an unemployment benefit reform.

The agreement contains a reform of the benefit scheme reducing the unemployment benefit period from 4 years within the last 6 years to 2 years within the last 3 years from 1 July 2010.

The condition (employment) to qualify for unemployment benefit has been harmonized to 52 weeks of employment in all cases. The harmonisation is effective as of July 2012.

The recently formed government plans to extend the period for receiving unemployment benefits has been extended with 6 months from 2 years to 2.5 years, for those particular persons whose right to unemployment benefits otherwise would end in the second half of 2012.

An active labour market effort that works (2010)

The Government has concluded two political agreements aimed at strengthening the municipalities' financial incentives to improve the efficiency of their employment policies with an increased focus on enterprise-based on-the-job training.

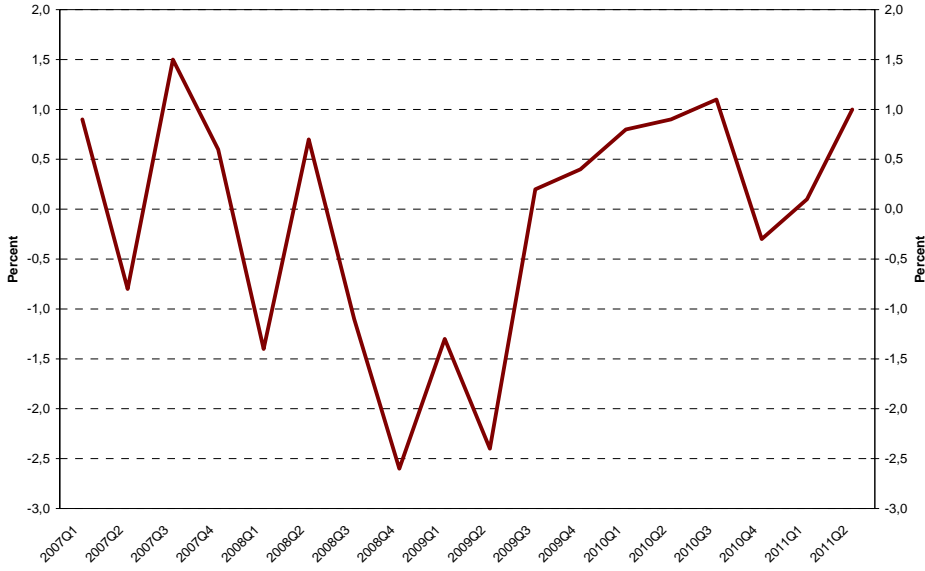
The agreements imply that the municipalities receive a higher state reimbursement rate (50 per cent) for expenses during periods in enterprise-based activation and ordinary education, while a lower reimbursement rate (30 per cent) applies during periods in other guidance and qualification upgrading (for example courses and activation projects) as well as passive income support.

At the same time, the state reimbursement rates will be harmonized and reduced across a range of benefits including unemployment benefits, social security, start assistance (for migrants), rehabilitation payment and unemployment/social assistance. A common ceiling is introduced in respect of per student-year operating expenses for educations taken up as part of the insured jobless persons' rights to six weeks of self chosen education.

Question 3

See figures on the following pages:

Figure 1. Seasonally adjusted GDP growth rate



Source: www.statistikbanken.dk, Table: NATKN01

Note: Real growth in percent, compared to previous period.

Table 1. Employment by sector, 2007 - 2010

	2007	2008	2009	2010
Total	2.821.641	2.857.565	2.801.519	2.684.992
Agriculture, forestry and fishery	2,8%	2,7%	2,7%	2,7%
Resources	0,2%	0,2%	0,2%	0,2%
Industrial production	13,1%	13,2%	12,8%	11,4%
Energy supply	0,4%	0,4%	0,5%	0,5%
Water supply	0,6%	0,7%	0,4%	0,4%
Building and construction	6,8%	6,8%	6,3%	5,8%
Trade	15,2%	15,4%	15,8%	15,4%
Transport	5,3%	5,3%	5,1%	4,9%
Hotels, restaurants and catering	3,2%	3,2%	3,0%	3,0%
TV and radio	1,4%	1,3%	1,3%	1,3%
Telecommunications	0,6%	0,6%	0,6%	0,6%
IT	1,5%	1,7%	1,8%	1,8%
Finance and insurance	2,9%	3,1%	3,1%	3,1%
Real estate	1,4%	1,5%	1,5%	1,5%
Counseling	3,2%	3,2%	3,4%	3,4%
Research and development	0,5%	0,5%	0,6%	0,6%
Advertising	1,3%	1,4%	1,3%	1,2%
Cleaning, maintenance and renovation	4,8%	4,9%	4,7%	4,6%
Public administration, police and defense	5,2%	4,9%	5,1%	5,5%
Education, research and guidance	7,4%	7,3%	7,5%	8,0%
Healthcare	5,6%	5,6%	5,9%	6,3%
Social institutions	11,9%	11,6%	11,7%	12,7%
Culture	1,6%	1,6%	1,7%	1,8%
Services	2,6%	2,5%	2,5%	2,6%
Unknown	0,4%	0,4%	0,7%	0,7%

Source:

www.statistikbanken.dk, Table: RASA1

Table 2. Employment rate 2007 – 2010

Employment rate by gender (population aged 16-64 years)	2007	2008	2009	2010
Male	79,8	80,2	77,5	73,2
Female	73,7	74,5	72,4	70,4
Total	76,8	77,4	75,0	71,8

Source: www.statistikbanken.dk, Table: RAS1F1

Table 3. Youth employment rate

Youth employment rate by gender and age		2007	2008	2009	2010
Male	16-17	52,0	52,6	49,4	43,6
	18-19	68,2	69,5	61,8	53,6
	20-24	78,6	78,8	70,7	63,6
	25-29	84,0	84,0	78,6	73,3
Female	16-17	52,6	53,5	54,2	50,3
	18-19	67,9	70,2	64,6	58,4
	20-24	73,7	74,6	67,4	64,1
	25-29	76,7	77,7	71,4	68,4
Total	16-17	52,3	53,1	51,7	46,9
	18-19	68,1	69,8	63,2	56,0
	20-24	76,2	76,8	69,1	63,8
	25-29	80,3	80,9	75,0	70,9

Source: www.statistikbanken.dk, Table: RAS1F1

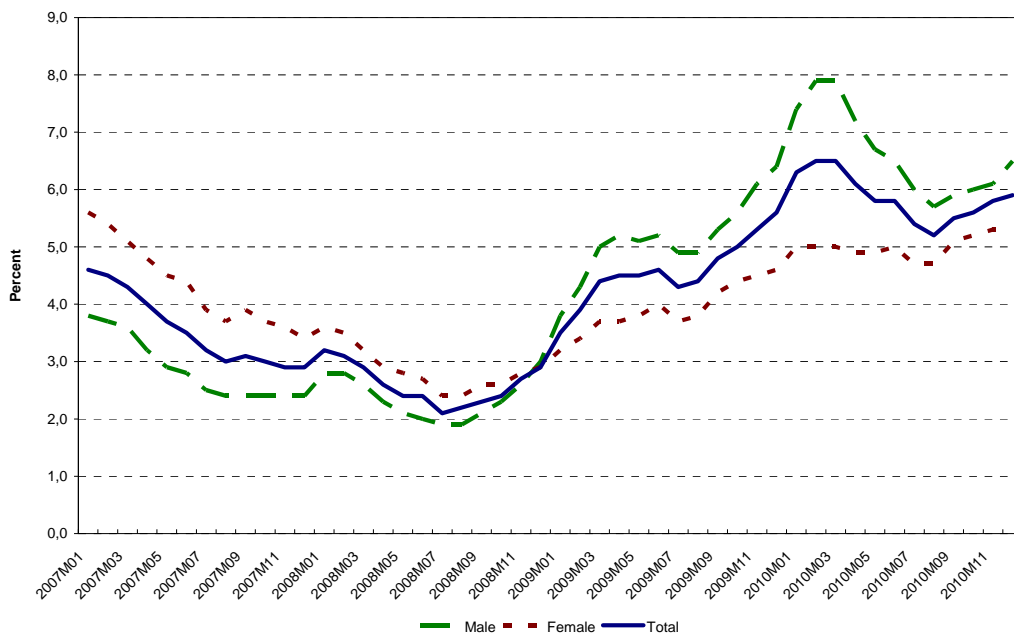
Table 4. Activity rate (total labour force as a percentage of the population aged 15 years and over)

Activity rate by gender (population aged 16-high)	2006	2007	2008	2009	2010
Total	78,3	79	79,1	76,2	74,5
Male	81,2	81,8	81,8	78,9	76,5
Female	75,3	76,2	76,3	73,5	72,4

Source:

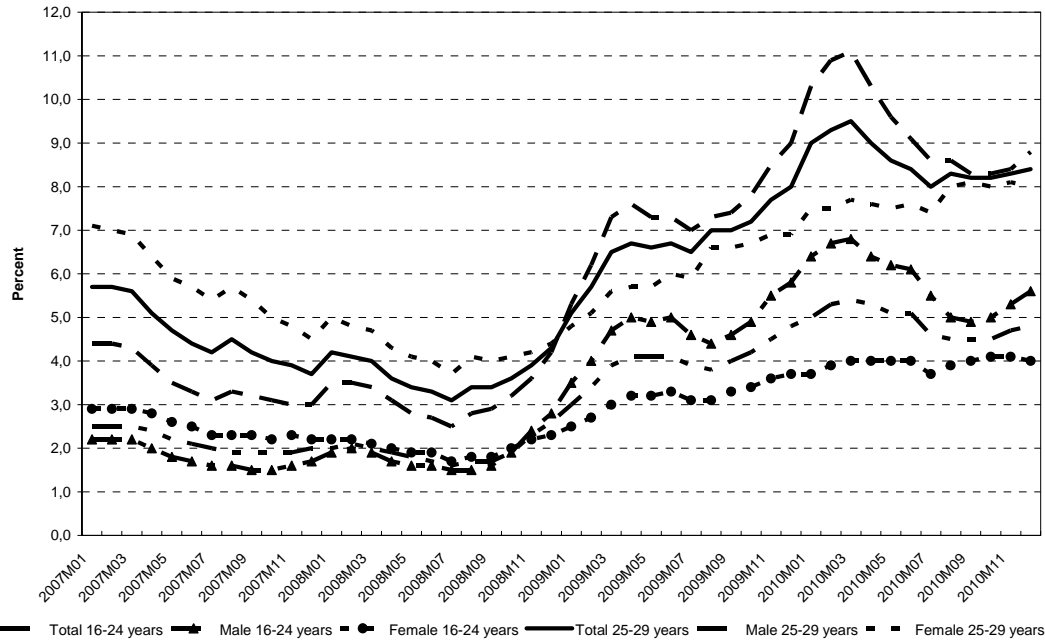
www.statistikbanken.dk, Tables: RAS1F1

Figure 2. Unemployment rate by gender (full time unemployed, pct. of labour force)



Source: www.statistikbanken.dk, Table: AUP01

Figure 3: Youth unemployment rate by gender and age (full time unemployed, pct. of labour force)



Source: www.statistikbanken.dk, Table: AUP01

Table 5. Employment status by gender

Employment status by gender		2007	2008	2009	2010
Male	Self-employed	140.042	139.271	151.566	148.733
	Co-working spouse	727	660	664	639
	Top managers	51.715	53.357	67.703	65.297
	Employees, highest level	179.658	182.174	193.016	194.554
	Employees, intermediate level	176.106	187.488	203.908	193.588
	Employees, basic level	522.043	530.989	540.248	496.153
	Other employees	135.275	136.680	157.420	142.779
	Employees, unspecified	291.345	281.083	160.702	152.561
Female	Self-employed	48.001	48.589	56.882	56.191
	Co-working spouse	6.480	5.987	5.630	5.007
	Top managers	18.789	20.269	25.299	25.371
	Employees, highest level	163.066	165.338	172.944	189.955
	Employees, intermediate level	286.191	303.292	316.461	302.165
	Employees, basic level	508.947	523.916	535.288	507.307
	Other employees	96.827	99.981	115.684	106.354
	Employees, unspecified	196.429	178.491	98.104	98.338

Source: www.statistikbanken.dk, Table: RASA1

Table 6. Public expenditure on LMP as a percentage of GDP

Programmes	2004	2005	2006	2007	2008	2009
10: PES and administration	0,33	0,32	0,30	0,28	0,37	0,45
20: Training	0,54	0,50	0,43	0,33	0,23	0,30
40: Employment incentives	0,33	0,25	0,21	0,13	0,13	0,19
50: Supported employment and rehabilitation	0,51	0,51	0,57	0,55	0,61	0,68
51: Supported employment	0,23	0,27	0,36	0,37	0,45	0,53
52: Rehabilitation	0,28	0,24	0,22	0,18	0,16	0,16
80: Out-of-work income maintenance and support	1,94	1,67	1,30	0,98	0,73	1,29
90: Early retirement	0,72	0,67	0,57	0,52	0,48	0,44
100: Total	4,37	3,92	3,37	2,80	2,56	3,35
110: Active measures (10-70)	1,70	1,58	1,51	1,30	1,34	1,62
112: Categories 20-70 only	1,37	1,27	1,21	1,02	0,98	1,17
120: Passive measures (80-90)	2,66	2,34	1,86	1,50	1,21	1,73

Source: www.OECD.Stat

Article 1: Paragraph 2 – the right to an occupation freely entered upon

Question 1 and 2

Since the last report on Article 1 § 2, only one amendment concerning the establishment of an administrative appeal board has been made to the Act on Prohibition against Discrimination on the Labour Market etc., see below. The most recent Consolidating Act is from 2008; cf. Consolidation Act No. 1349 of 16 December 2008.

Act No. 387 of 27 May 2008 (the Act on The Board of Equal Treatment) establishes an administrative appeal board that may consider complaints on grounds of gender, race, colour, religion or belief, disability, political opinion, age or sexual orientation, national, social or ethnic origin.

The act implements part of the government platform: "[The society of possibilities](#)"¹ from November 2007, where it is stated that the government is to improve the access to complaining about discrimination including the elderly, persons with disabilities and homosexuals by accumulating all complaints of discrimination in one board, "The board of Equal Treatment" (Ligebehandlingsnævnet).

The background of the act was to ensure a more uniform access for the individual to have dealt with a complaint of discrimination. The protected criteria are equal criteria, but this was not reflected in the former opportunities to complain about discrimination. Only complaints about discrimination on grounds of gender and ethnic origin were dealt with in administrative appeal boards in respectively the Gender Equality Board and the Complaints Committee for Ethnic Equal Treatment. Regarding the other criteria, there was only opportunity for regular judicial review or for review in the dispute settlement system for the organised employees.

The Board of Equal Treatment, which came into force on 1 January 2009, covers all fields of discrimination stipulated in the Danish anti-discrimination legislation today.

The Board may award compensation and set aside dismissals to the extent provided for by the said acts, etc. The decisions made by the Board cannot be appealed against to any other administrative authority. Once the Board has made a decision about a complaint, either party may bring the matter before the courts. Where the decisions made by the Board are not observed, the Board shall, at the complainant's request and on his or her behalf, bring the matter before the courts. Bringing a case before the Board of Equal Treatment is free of charge. It is also free of charge for the complainant, when the board, at the complainant's request, brings the matter before the court.

¹ http://stm.dk/a_2821.html

The Board of Equal Treatment is established similar to the former Gender Equality Board. The chairpersons shall be professional judges. The other members shall hold an MA degree in law.

The secretariat for The Board of Equal Treatment regularly holds dialogue sessions with stakeholders, particularly organisations that have special insight into equality issues. The purpose of these meetings is to obtain knowledge about how the board can best communicate with the citizens who may need the board. Also, the secretariat makes educational presentations for organisations and trade unions.

Furthermore the government provides financial support (2010, 2011 and 2012) to the annual holding of the diversity award MIA (Diversity in Working Life), which was first launched in 2003 by The Danish Institute for Human Rights (DIHR). MIA is the Danish acronym for "Diversity in The Workplace". The annual award celebrates Danish private and public companies that through company policies and management have noticeably contributed to the promotion of diversity and equal treatment in the workplace.

The overall message of the MIA project is: "Stop discrimination and use human differences as a resource for business and society". As such, the MIA-project is not only about legislation and problems of discrimination. It is also a positive vision of a society made strong and innovative through plurality and inclusiveness. Companies are important institutions for social development and change. The idea of the project is to target companies to raise awareness about discrimination and promote diversity in this area as well as other areas of society.

Question 3

The Government follows the development in practice from the national courts in cases concerning the prohibition of differential treatment in the relation between an employer and an employee. Different websites publish judgments on differential treatment on the labour market. There are no official statistics on the number of cases about employment discrimination at the courts. Also The Board of Equal Treatment publishes all its judgements on its website so it is possible to follow the development of practice.

In 2009 The Board of Equal Treatment dealt with 22 cases concerning ethnic discrimination (both outside and on the labour market) and 10 cases concerning age, disability, sexual orientation etc. In 2010 the Board of Equal Treatment dealt with 26 cases concerning ethnic discrimination (both outside and on the labour market) and 33 cases concerning age, disability, sexual orientation etc. (on the labour market).

Article 1§3 Free employment services for all workers

Question 1:

The Danish employment system is organised at three levels. At the national level, the National Labour Market Authority, and ultimately the Minister for Employment, has the overall responsibility for the employment policy.

The National Labour Market Authority is also responsible for implementing and following up on employment policy on behalf of the Minister for Employment. This means that the National Labour Market Authority is responsible for ensuring implementation of new legislation, following up on results at national level and developing new tools and methods that support employment policy.

A central focus of the national management of employment policy is to ensure that policies contribute to a higher and more efficient labour supply.

Therefore, one of main tasks for PES (The Labour Market Authority) at a central level is to generate and communicate knowledge about the labour market and to build up knowledge about what works for different

groups.

The Danish Labour Market Authority collects information in three ways:

- 1) Research and randomized trials to find the best and fastest ways of bringing different groups of unemployed persons back into the labour market
- 2) Evaluations, including evaluation of the economic steering mechanisms in the employment field
- 3) Data on the results of the active labour market efforts

The knowledge the Danish Labour Market Authority collects is used to propose policies and develop employment policy.

At a regional level, there are four central employment regions. The employment regions are - on behalf of the Minister for Employment and the National Labour Market Authority - responsible for monitoring and following up on measures, results and outcomes of employment policy. The employment regions also support job centres in developing employment measures, thus ensuring better measures, as well as results and outcomes from the measures. The employment regions have no direct contact with citizens and enterprises.

At the local level, the municipalities are politically and financially responsible for employment measures for citizens and enterprises within the frameworks of legislation. Each municipality has a job centre (however, a small amount of municipalities share a job centre) which provides employment-directed services for citizens and enterprises in the local area. This means that 91 municipalities (out of 98) are responsible for the actual organisation and implementation of the employment measures.

In Denmark, the strategic goal of the PES is to increase the supply of labour. It is the task of the job centres to move people from benefits into employment.

Therefore, the benchmarks and values in the Danish PES are as follows:

- Getting a job as quickly as possible is always the goal. For young people, education is the first priority
- Jobs have to be sought actively – it is not something people are given
- Focus on unemployed people who cannot work or do not want a job
- Active labour market policy is the road to success for job centres
- A small amount of contact with the labour market is better than none
- The best service we can give to enterprises: getting jobseekers into jobs quickly

Apart from the groups that receive unemployment benefits and the ones that receive social benefits, the job centres also handle efforts regarding recipients of sickness benefits, people that are rehabilitees (recovering from severe illness or trauma) and persons assigned to flex-jobs receiving unemployment allowances or special benefits:

- People on sick leave
- People on sick leave from employment and unemployment
- Persons on rehabilitative training
- Persons with reduced ability to work who need rehabilitative training (retraining)
- Persons receiving unemployment benefits for people in flex jobs
- Persons with reduced ability to work assigned to a flex job (light jobs with special conditions)

The social partners are involved in the management of employment measures at national, regional and local levels via the National Employment Council, the four regional employment councils and the local employment council.

An overview of the main labour market reforms and initiatives in the Employment Policy in the period from 01.01.2007 to 31.12.2010 is described in Article 1§ 2.

Question 2

The overall aim for the job centres is to increase the supply of labour, procure jobs and ensure labour market retention. The Minister for Employment will each year announce a limited number of goals for areas of initiatives which need special focus in the coming years in order to prioritise the efforts.

The announcement of employment policy focus areas and goals will take place on the basis of a recommendation by the regional employment councils and the National Employment Council.

The three employment policy goals for employment efforts were in 2010:

- Job centres must ensure a reduction in the number of unemployed people with more than three months of continuous unemployment.
- Job centres must ensure a reduction in the number of people who receive sickness benefits for more than 26 weeks, compared with the previous year.
- Job centres must ensure that the number of young people under 30 years of age who receive public assistance benefits is reduced, compared with the previous year.

The Minister's goals guide the job centres' planning of efforts and are an essential element in the employment plan and the performance audit. This contributes to ensuring coherent national employment efforts across the 91 job centres.

Question 3

For statistics regarding article 1 § 3, question 3 please refer to article 1, question 3.

Figures on the result of the efforts of the job centres can be found on the National Labour Market Authority's statistics portal Jobindsats.dk. The portal Jobindsats.dk is accessible to the public. The National Labour Market Authority develops, and is responsible for, ongoing maintenance of Jobindsats.dk.

The portal covers all the important aspects of the employment measures and provides data concerning the recipients of social benefits, unemployment benefits, disability pensions, sickness benefits etc. The portal also contains statistics for the population and the labour market, municipal employment measures, initiatives aimed at ethnic minorities and unemployed people on the fringes of the labour market, and for labour supply and demand.

The portal provides an overview of the changes that occur in the labour market and the outcomes that have been achieved at the individual job centres. It is also possible to benchmark performance outcomes across municipalities and regions. The aim of the portal is to provide politicians, managers and employees with a better foundation for making decisions and planning their initiatives both locally, regionally and nationally.

Users can easily and quickly find the updated results and effects of the employment effort in Denmark. Jobindsats.dk provides the possibility of comparing the effort and the results across municipalities and regions. The comprehensive collection of figures on Jobindsats.dk all concern the situation and the effort regarding persons who are not employed.

Jobindsats.dk provides access to figures that can be used in two ways:

- To obtain an overview of the effort in municipalities or at job centres.
- For detailed and in-depth analysis in the data bank.

Jobindsats.dk is developed and expanded continuously in order to be concurrent with the employment area.

With Jobindsats.dk, politicians, managers and employees in municipalities and job centres obtain an overview of the status of getting unemployed persons recruited as well as the general situation on the labour market. They can follow the effect and the results of the local, regional and national effort. Jobindsats.dk provides an overview of which municipalities do well, and which do not do as well and a picture of what works and what does not work.

The aim of Jobindsats.dk is for politicians, leaders and employees to have a better basis for making decisions and organising the effort locally, regionally, and nationally.

Article 9 – The Right to Vocational Guidance

Question 1

The acts and orders that are relevant to vocational guidance are listed below, all of which pertain to the area covered by the Danish Ministry of Education, are available at

<http://www.uvm.dk/Uddannelse/Vejledning/Love%20og%20regler.aspx>

- Consolidation Act 671 of 21st June 2010 on education and vocation and obligation to education and vocation etc.
- Executive Order 872 of 7th July 2010 on obligation to education, vocation or other activity
- Executive Order 873 of 7th July 2010 on guidance in choice of youth education
- Executive Order 874 of 7th July 2010 on educational readiness, educational plans and procedures concerning choice of youth education
- Executive Order 875 of 7th July 2010 on bridge building, introductory courses etc.
- Executive Order 876 of 7th July 2010 on choice of further education, retention on educational institutions etc.

As of 2010, 13 regional adult education and training centres, so-called “VEU-centres”, have been established by an Executive Order 1390 of 10 December 2010 on Adult Education and Training Centres and Centre Councils (Bekendtgørelse nr. 1390 af 10. december 2010 om VEU-centre og centerråd). This is a result of the amendments which have been incorporated into the act on adult vocational education and training (Lov nr. 1100 af 30. november 2009 om ændring af lov om arbejdsmarkedsuddannelser m.m. (Etablering af VEU-centre og centerråd m.v.)). The purpose of the regional adult education and training centres is to improve the overall infrastructure for guidance and provision of adult vocational education and training. Guidance and counselling for employees and companies regarding adult education and training play a key role in the tasks of the regional centres.

Question 2

Guidance practitioners at the regional guidance centres and the youth guidance centres must have qualification at diploma level in order to practice guidance. A majority of guidance practitioners at the youth guidance centres have educational background as teachers before entering the guidance field whilst the typical guidance practitioners at the regional guidance centres are younger persons with a university degree and often with experiences with guidance practice at university level. At the moment we have no exact statistics in terms of age or sex in the field of guidance practitioners.

What follows is a description of the guidance system in Denmark. The report is updated with the changes of legislation and new initiatives since 2007.

The guidance system in brief

Educational and vocational guidance is given high priority in Denmark. The overall structure and seven national targets in the field of guidance are defined in the Act on Guidance in Relation to Choice of Education, Training and Career, which was first adopted by the Danish parliament in April 2003. Subsequently, the 2003 act has been amended in 2006, 2007, 2008, 2009, and 2010. The Ministry of Education is responsible for continuous supervision and development of guidance services in the educational sector.

The Act on Guidance is primarily targeted at young people up to the age of 25 years, but it also concerns services for adults wishing to enter a higher education programme.

Different types of guidance centres and options exist:

- Youth Guidance Centres – “Ungdommens Uddannelsesvejledning (UU)” with responsibility for guidance related to the transition from compulsory school to youth education.
- Regional Guidance Centres - “Studievalg” with responsibility for guidance related to the transition from youth education to higher education.
- VEU-Centres. The purpose of the regional adult education and training centres is to improve the overall infrastructure for guidance and provision of adult vocational education and training.
- eGuidance Centre – “eVejledning” is a virtual guidance centre, which is a national guidance unit set up in January 2011. It offers guidance through virtual communication to young people and adults – everyone, who wants information about education and occupation.
- The National Guidance Portal – www.Uddannelsesguiden.dk/www.ug.dk.

National guidance objectives

The Division for Guidance in the Danish Ministry of Education is actively involved in international co-operation in the field of guidance, and the main aims and elements of the Danish guidance reform are very much in line with the EU Resolution on Lifelong Guidance and with EU and OECD recommendations on guidance policies and practices. Guidance must be conducive to compliance with objectives of lifelong learning and promotion of a culture of independence.

Great importance has been attached to ensuring that guidance on the choice of education, training and career is independent of sector interests or the interests of institutions of education. The importance to society of ensuring that guidance enabling each individual student to find an efficient and appropriate way through the system of education while at the same time developing competencies that are in demand in the labour market, has been made clear.

The objectives stress the overall purposes of guidance on the choice of education, training and career:

- The guidance provided must ensure that each individual young person to whom guidance is given will have an adequate basis for making realistic decisions concerning the choice of education, training and career that will challenge his or her potential, and that enables the young person to complete a youth education.
- For society the guidance must support and promote the objective of a high rate of employment in a well-functioning labour market.
- Guidance must be targeted at young people who, without a special targeted guidance, will have difficulties in choosing, beginning or completing a youth education or choosing a job.
- Guidance must contribute to achieving, that dropout and reselection of education are limited and that young persons complete education with the utmost professional and personal benefit.

Youth Guidance Centres - “Ungdommens Uddannelsesvejledning (UU)”

The municipalities must ensure that guidance is provided on the choice of youth education and career.

Today fifty-one municipal youth guidance centres provide guidance services for young people up to the age of 25. The fifty-one centres represent the 98 municipalities in Denmark, each centre covering a ‘sustainable’ area in terms of the number and variety of youth education institutions as well as geographical distance. The youth guidance centres count approximately 1000 guidance practitioners and the total expenditure is 400 million DKK a year (2011). The number of recipients varies from 300,000 to 400,000 a year.

The youth guidance centres focus on guidance in relation to the transition from compulsory to youth education or, alternatively, to the labour market. The main target groups are:

- Pupils in compulsory school – forms 8 to 9 (10) – there is a clear focus on the group of young people at the age of 15-17 years, and new legislation from 2010 gives the youth guidance centres a special responsibility regarding this target group. Guidance practitioners assess – in co-operation with

schools – the “educational readiness” of young people before entering youth educational programmes. Educational plans for every young person in 8th, 9th and 10th grade are crucial tools in the guidance of young people.

- Young people under the age of 25, who have not completed a youth education or training programme or are not in employment. The centres are obliged to establish contact with this group of young people and help them get back into education and training or employment.
- Young people with a special need for guidance – a transverse target group that includes young people whose problems relate to the continuation or completion of an education programme.

Local authorities define the overall framework for guidance activities in their area. Objectives, methods, planned activities as well as the performance (results, outcome) of each youth guidance centre are published on the internet.

The importance of cross-sectoral cooperation is emphasised in the Danish legislation on guidance to ensure a coherent guidance system and regular sharing of experience, knowledge and best practices. The youth guidance centres must thus work closely with:

- Primary and lower secondary schools and youth education institutions in their respective areas
- Local business life and the public employment service

In cooperation with the school principals, the youth guidance centres organise guidance activities at schools. Primary schools are responsible for the provision of general career education from form 1 to form 9 (10), whereas specific guidance in relation to the transition from compulsory to youth education and the pupils’ personal education plans are provided by guidance counsellors from the youth guidance centres – at the schools of the students to whom the guidance is provided.

In accordance with the philosophy behind legislation on guidance, guidance is regarded as a continuous process that should increase young people’s awareness of their abilities, interests and possibilities, thus enabling them to make decisions regarding education and employment on an informed basis. The youth guidance centres may be considered the first step in a lifelong guidance process.

Regional Guidance Centres -“Studievalg”

Seven Regional Guidance Centres have the responsibility for guidance of

- Students in youth education programmes.
- Young people and adults outside the education system who wish to enrol in a programme of higher education.

The contents of the guidance provided shall apply nationally, but the guidance shall be offered on a regional basis in collaboration with institutions of youth education, institutions of higher education and the Employment Service.

The regional guidance centres are responsible for:

- Guidance in relation to the transition from youth education programmes to programmes of higher education.
- Provision of quality information about all higher education programmes in Denmark.
- Provision of quality information about occupations or professions that higher education programmes may lead to.

The regional guidance centres focus on the transition from youth education programmes to programmes of higher education. The regional centres organise a wide variety of careers education and careers guidance

activities for all students in upper secondary education – at the students' schools. This includes workshops, seminars, careers fairs as well as individual and group guidance sessions.

Furthermore, people from both of the above-mentioned target groups are welcome to call, e-mail or visit the centres to obtain information or to make an appointment for a guidance session. On a regular basis, people will also be able to meet guidance counsellors from the centres at public libraries or other venues in their local area to ensure that geographical distance does not prevent people from getting access to relevant guidance services.

The regional guidance centres number about 75 guidance practitioners and the expenditure is 43 million DKK a year (2011) and the number of recipients varies from 100,000 to 150,000 a year.

The seven regional guidance centres have been selected after a call for tenders. They are contracted with the Ministry of Education for periods of 4 years, and we are now in the middle of the second contract-period. Most of them are consortia of different educational institutions. Like the youth guidance centres, the regional guidance centres are obliged to cooperate with relevant partners in their region to ensure a coherent guidance system and a regular exchange of experience, knowledge and best practice. Relevant partners include:

- Youth education and higher education institutions.
- The social partners.
- Local authorities.
- The eGuidance Centre.

VEU-Centres

As of 2010, thirteen regional adult education and training centres, the so-called VEU-centres, have been established by Executive Order 1390 of 10 December 2010 on Adult Education and Training Centres and Centre Councils (Bekendtgørelse nr. 1390 af 10. december 2009 om VEU-centre og centerråd). The purpose of the regional adult education and training centres is to improve the overall infrastructure for guidance and provision of adult vocational education and training. Guidance and counselling for employees and companies regarding adult education and training play a key role in the tasks of the regional centres.

For further information and the geographical distribution of the centres: <http://www.veu-center.dk/>

eGuidance Centre – “eVejledning”

In January 2011 the Ministry of Education launched the national virtual guidance portal (www.evejledning.dk)

The eGuidance Centre is a national guidance unit, which offers guidance through virtual communication and guidance tools to guide applicants and others who want information about education and occupation. It is possible for anyone to get into contact with counsellors seven days a week (Monday-Thursday 10 am to 10 pm, Friday 10am to 20pm, and in weekends 12am to 20pm). The counsellors can be reached on email, phone, text message, and chat. The unit consists of a fulltime-staff in a centre in Copenhagen, and a part-time staff spread geographically and in connection to local and regional guidance centres.

eGuidance offers guidance on choice of secondary education, higher education and vocational training. They offer help in getting an overview of job and career opportunities afterwards. eVejledning can be contacted both if you have specific questions about enrolment, study or provision of education and if you need a more comprehensive guidance on your options.

National Guidance Portal -"Uddannelsesguiden.dk"

In 2004 the Danish Ministry of Education set up Uddannelsesguiden.dk (the Education Guide), which is an Internet-based information and guidance tool. This guidance portal contains comparable information about youth education programmes, programmes of higher education and other relevant education programmes as well as possible occupations following completion of the programmes and up-to-date labour market information.

Increased use of ICT-based careers information and guidance is one of the objectives of the Danish Guidance Act. If more people can help themselves by finding the careers information they need to make informed decisions about education, training and careers, there will be more resources available for people with special needs for guidance.

The target groups of the guidance portal are:

- Students in forms 6-10 to whom guidance is provided in the school system.
- Young people enrolled in youth education and training programmes to whom guidance is provided.
- Young people in programmes of higher education who want to enrol in a relevant master's programme or a programme of continuing education, or who wish to switch to another study programme.
- Other young people and adults who want to enrol in a youth education programme or a programme of higher education that falls outside the general guidance structure.
- Adults who want to return to the educational system.
- Guidance counsellors, teachers and education consultants who provide guidance to the groups mentioned above.
- Parents seeking information and tools to help their children.
- Others who seek information about the educational system but who are neither seeking enrolment in a study programme nor have formal guidance responsibility.

The information provided at Uddannelsesguiden.dk includes:

- Complete information about education and training programmes in Denmark at all levels.
- Information about vocations and occupations in Denmark.
- Information about current employment perspectives in relation to the individual articles about education and career.
- News about labour market issues and the long-term labour market situation.
- Surveys, articles providing guidance including articles aimed at specific target groups.
- Information about registration for and admission to education and training programmes.
- Virtual Resource Centre.
- Net-based education log with personal login.
- Various search facilities.

Guidance tools at Uddannelsesguiden.dk

Different programmes are available now. These are new features, which are meant to help and inspire users;

- Jobcompass (systematic job search programme).
- Education choice tool.
- Jobcity (finding different kinds of jobs).
- Careercompass.

- Vocational education tool.

The Ministry of Education is responsible for the portal, the operation of which has been outsourced to a private service provider. Since 2004 there has been an on-going cooperation between the Ministry of Education and the private provider in order to have updated information and guidance-tools at the site.

Virtual Resource Centre

Following the reform, the Danish Ministry of Education functions as a national centre of guidance expertise. The centre is mainly aimed at professional guidance counsellors, people working with guidance counsellor training, public authorities and decision-makers. The most important task of the Virtual Resource Centre is to contribute to coordination and quality development of the guidance provided by making information about guidance-related subjects available to people involved in guidance.

The Resource Centre collates, processes, and disseminates information about all aspects of guidance and produces some information itself. The centre covers all areas within the field of education, training and career guidance across educational and occupational boundaries. International aspects are taken into account wherever relevant. The Resource Centre's information is made available to the public at www.uddannelsesguiden.dk.

National Dialogue Forum on Guidance

In 2004, the Minister for Education established National Dialogue Forum on Guidance in order to secure a close dialogue between the Minister and relevant organisations, institutions, guidance practitioners' associations, end users and individuals holding a leading position in the field of guidance. The forum congregates about 4 times a year, having discussions on relevant themes within the field of career guidance. It furthermore conducts a yearly conference on a topical theme.

Individual members are appointed for a period of two years, whereas member organisations of the Dialogue Forum are appointed for a period of four years. The Minister may, however, choose to appoint additional members for a shorter period of time, in case it is considered relevant for the work of the Dialogue Forum.

Examples of organisations: Employers' organisations, trade unions, guidance practitioner associations, youth organisations, municipal authorities.

Question 3

In accordance with the Act on Active Employment Measures (LBK nr 710 of 23/06/2011) Job centres are obliged to provide information and guidance to jobseekers on opportunities for employment and training.

The Division for Guidance in the Danish Ministry of Education is actively involved in international co-operation in the field of guidance, and the main aims and elements of the Danish guidance reform are very much in line with the EU Resolution on Lifelong Guidance and with EU resolutions and recommendations on guidance policies and practices.

The Ministry of Education is responsible for continuous supervision and development of guidance services in the educational sector subject to Consolidation Act 671 of 21 June 2010 on education and vocation and obligation to education and vocation etc. (lovbekendtgørelse om vejledning om uddannelse og erhverv samt pligt til uddannelse, beskæftigelse m.v.)

According to the Budget the Danish Ministry of Education spent DKK 85.9 million in 2011 on various guidance activities. These guidance activities include the Regional Guidance Centres, eGuidance Centre, the national web portal www.ug.dk, the virtual resource centre and the national dialogue forum.

Within the fiscal years 2007-2010 the Danish Ministry of Education spent the following amounts on guidance activities:

2007	2008	2009	2010
65.6 mio. DKK	65.3 mio.DKK	77.2 mio DKK	68.8 mio.DKK

What is important here is, that this expenditure covers only the central, national budget, and that, as mentioned below, the major part of expenditure is financed by local authorities/municipalities.

The major part of the guidance activity in Denmark is financed of the 98 local authorities/municipalities. The municipalities are obliged to have the guidance activity, which is regulated by the overall national legislation, but it is up to every single municipality to decide the level of expenditure on guidance activities. In total the expenditure is around 400 mio. kr. per year covering guidance activities in the fifty-one centres. There is big variation on the expenditure per municipality due to the size of population of young people under the age of 25.

Youth Guidance Centres -"Ungdommens Uddannelsesvejledning (UU)"

Fifty-one municipal youth guidance centres provide guidance services for young people up to the age of 25. The fifty-one centres represent the 98 municipalities in Denmark, each centre covering a 'sustainable' area in terms of the number and variety of youth education institutions as well as geographical distance. The youth guidance centres numbered about 1000 guidance practitioners. The number of recipients varies from 300.000 to 400.000 a year.

Regional Guidance Centres -"Studievalg"

The seven regional guidance centres number about 75 guidance practitioners and the expenditure is 43 million DKK a year (2011). The number of recipients varies from 100,000 to 150,000 a year.

VEU-Centres

13 regional adult education and training centres, so-called "VEU-centres" are established. See chapter above. For further information and the geographical distribution of the centres: <http://www.veu-center.dk/>

Guidance in relation to completion of education

At all institutions for youth education and higher education there is a big effort on working for retention of students in education. As part of this retention work, guidance will typical be an integrated part. It is up to institutions to decide whether to use guidance practitioners or other qualified persons.

Educational institutions cooperate with youth guidance centres and regional guidance centres. This cooperation has a general and also a more specific perspective regarding pupils/students in risk of dropping out of education.

Training of guidance practitioners

With the 2007 amendments of the Act on guidance, it is a requirement that guidance practitioners in the education system complete the diploma programme in educational and vocational guidance. Six university

colleges in Denmark offer a one-year modular common training programme at diploma level for guidance practitioners across sectors. Furthermore, the Danish University of Education offers a one-year Master of Education programme in guidance counselling. In Denmark, guidance practitioners have different professional backgrounds before entering the guidance programme. They are typical either primary school teachers, university graduates, social workers or have other relevant professional background.

Regarding the qualification level all guidance practitioners will either have completed the diploma programme or will be enrolled in the programme. A small part of practitioners have preferred the master degree, and an even smaller part of practitioners will have had an assessment of prior learning.

Regarding age of practitioners, a rather large group of practitioners at the youth guidance centres will be pensioned the coming years, and many young people are therefore entering the area now and the following years. It seems to be a popular area of work for younger people, which has to do with the important role of guidance. Practitioners in the regional guidance centres are to a large degree recruited from universities and are therefore younger people. The average age in the regional guidance centres is lower than in youth guidance centres. So we have a different situation in the two types of guidance centres regarding age.

In terms of sex there is a majority of women. Approximately 2/3 of all practitioners at the youth guidance centres are men. At the regional guidance centres about 3/4 of the practitioners are women. A better balance between men and women would be preferable.

Activities of PES/the job centres concerning guidance of adult unemployed and employed people

Question 1 and Question 2.

In the Danish employment system, the main provider of vocational guidance to citizens is the PES. As of 2007, this guidance is provided through the new job centres.

The guidance efforts are targeted at obtaining employment opportunities on the labour market. The guidance is based on the situation of the individual, and labour market and training terms, and it aims at strengthening the competences of the citizen relative to the labour market.

The guidance has one overall goal: to obtain employment for the unemployed citizen. However, the means applied may vary depending on the education or employment history of the citizen receiving training. Guidance concerning education may e.g. cover help to seek and apply for relevant information on education opportunities, in, for instance, the training guide of the Ministry of Education, or refer to the guidance schemes of the Ministry of Education.

Every citizen – employed and unemployed alike - may receive guidance free of charge. However, focus is primarily on helping the unemployed back into the labour market. All job centres have access to self-help tools, which are, for instance, PCs with internet access and software developed to support the guidance.

Finally, the private unemployment insurance funds may advise their members generally on job opportunities, offers and voluntary training and education.

The regional employment council is responsible for coordinating the guidance efforts in the employment system. The most important coordination task consists of providing the other guidance schemes, the job centres, the trade unions etc. with up-to-date and relevant knowledge on labour market trends.

In Denmark, the jobcentres undertake employment related tasks for all unemployed young people, e.g. placements. However, it is the youth guidance centres and not the job centres that are responsible for the co-

operation with schools and provide guidance services/vocational orientation. The Ministry of Education has the overall responsibility of the youth guidance centres.

There are 45 municipal youth guidance centres which provide guidance services for young people up to the age of 25. The youth guidance centres focus on guidance related to the transition from compulsory school to youth education or, alternatively, to the labour market.

The main target groups for the youth guidance centres are: pupils in primary and lower secondary school and young people under the age of 25 who are not in education, training or employment. Their main role is to help young people under 25 in getting back into the educational system. The youth guidance centres must offer guidance and assistance to any youth, who has completed compulsory education, is less than 25-year-olds, has not completed an upper secondary education or a higher education or is not currently studying one of these. The centres also provide service to young people under the age of 25 who contact the centres themselves for guidance.

Guidance activities include individual and group guidance sessions, as well as introductory courses and bridge-building schemes to give pupils a „taste“ of conditions, levels and requirements at different youth education institutions. Cross-sectored co-operation is emphasised in the Danish legislation on guidance to ensure a coherent guidance system and a regular exchange of experiences, knowledge and best practice. The youth guidance centres are thus obliged to co-operate closely with the job centre, as well as primary and secondary schools and youth education institutions in the area.

Question 3

There are no statistics available.

Article 10 - The Right to Vocational Training

Article 10§1

Question 1

The access to technical and vocational training is regulated in section 5 of Consolidation Act no 171 of 2 March 2011 on vocational education and training (VET). No changes have been made in the specified period.

The consultation with employers' and workers' organisations concerning VET is regulated in chapter 5 of Consolidation Act no 171 of 2 March 2011 on VET. No changes have been made in the specified period.

The legal framework in regard to granting facilities for access to higher technical and university education is Act no 578 of 1 July 2010 on study qualifying exam in conjunction with VET (eux) and section 30 of Executive Order no 1514 of 15 December 2010 on VET. No changes have been made to section 30 of Executive Order no 1514 of 15 December 2010 on VET in the specified period. Eux is a type of upper secondary education in Denmark implemented in August 2010. Eux combines VET with the higher preparatory examination program (hf). After the completion of eux the student has the right to work in accordance with the chosen profession and the student moreover has the right to access higher technical and university education in accordance with hf.

Adult vocational training

Since 2007, a tripartite agreement between the government and the social partners on a shared responsibility on the financing of adult vocational training has been agreed upon. In 2008, the social partners have successfully agreed on enhancing the employees' rights to training within the private sectors and the collective agreements. They have furthermore agreed upon a new financial scheme where companies pay a 'levy' per employee to competence funds set up within the sectors in order to promote workforce participation in continuing vocational training, including publicly financed adult vocational and in-service training.

Question 2

In august 2010, eux was implemented in one of the 12 access channels – building and construction – with a total of approx. 30 students in 3 schools.

The 12 access channels are:

1. Motor vehicle, aircraft and other means of transportation
2. Building and construction
3. Construction and user service
4. Animals, plants and nature
5. Body and style
6. Human food
7. Media production
8. Business
9. Production and development
10. Electricity, management and IT
11. Health, care and pedagogy
12. Transport and logistics

Adult vocational training

The implementation of legislation concerning increased recognition of actual competences in adult vocational education and training from general adult education to diploma level came into force in 2007. Adult workers have the opportunity to acquire public recognised certificates or a shortened training

programme on the basis of an individual assessment of their competences. The implementation of the new legal framework has included a number of accompanying measures and initiatives such as a partnership agreement between the Government (Minister for Education) and the social partners, a national campaign to promote recognition of non-formal and informal learning in cooperation with the largest social partner organisations in Denmark, development of guidelines, information packages and handbooks for the implementation at institutions being responsible for the assessment and recognition of competences. Furthermore, easily accessible documentation tools that can be used by the individual (and companies) to identify and to document non-formal and informal competences acquired has been made available on the Internet.

The initiative has been evaluated in 2009/2010 and preparation of an action plan to further promote recognition of non-formal and informal learning is being developed by a committee including social partner representatives.

For further information on adult vocational training, please consult:

<http://eng.uvm.dk/Fact-Sheets/Adult-education-and-continuing-training/Adult-vocational-training>

Question 3

Total amount spent on vocational education and training in MDKK

	2007	2008	2009	2010
In total	5,452.0	5,431.1	5,735.4	6,005.4

For further information on the number of vocational and technical training institutions, types of education provided and other relevant information, please consult:

The Danish Ministry of Education – Statistical Publication no. 2 – 2010, Facts and Figures 2009:

http://eng.uvm.dk/News/~UVM-EN/Content/News/Eng/2010/Jun/~media/UVM/Filer/Stat/Tvaergaende/PDF10/100629_Tal_der_taler_eng_elsk.ashx

Furthermore, an updated publication titled *Education and Training in Denmark* containing key facts and figures on education and training in Denmark will be published online at www.uvm.dk during the month of February 2012.

Article 10§2

Question 1

The system of apprenticeship is specified in section 2 of Consolidation Act no 171 of 2 March 2011 on VET. The school-based practical training system is regulated in chapter 7a of Consolidation Act no 171 of 2 March 2011 on VET.

During the specified period the following changes have been made in the legal framework in connection with apprenticeship and school based practical training:

Act no. 561 of 6 June 2007 merged the rules in regards to vocational training, basic social and health education and agricultural education into one act. After this merger all vocational training is subject to the same rules.

Act no. 1218 of 14 December 2009 introduced access to practical training at a school for pupils who have completed a stage of an education. The act also allows the school in consultation with the local education committee to determine that a pupil before completion of the related practical training to implement parts of the school teaching except teaching, which includes final exams. Finally, the act introduced a subsidy to companies that hires a pupil who involuntarily lost a training agreement, e.g. due to the pupil's former employers bankruptcy.

Executive order no. 22 of 12 January 2010 introduced a requirement for pupils who wanted admission to practical training at a school, to provide three educational wishes at the start of their basic programs and to document their search for internships and to participate in additional basic education, which is offered pupils without a training agreement. The aim of the additional basic education is for the pupil to continue in another education where there is a better chance of obtaining a training agreement.

Act no. 580 of 1st June 2010 introduced the production school-based training, which is a specially organised education for pupils without the capability to complete another secondary education.

Executive order no. 1514 of 15 December 2010 repealed the requirement in act no. 22 of 12 January 2010 that pupils who wanted admission to practical training at a school should participate in additional basic education.

Executive order no. 363 of 27 April 2011 amended the list of courses that are not offered as practical training at a school, so that the newly created port and terminal education is not offered as practical training at a school. The order also added the educations truck mechanic and personal vehicles mechanic to the list of educations, which are offer as practical training at a school.

Question 2

Since the financial crisis started in 2008 the Parliament has agreed on three political agreements in order to ensure a sufficient number of apprenticeships. The three agreements focused on the creation of new apprenticeships by giving a bonus for employers, who hired VET students. The agreements also increased the numbers of school-based practical training facilities and helped students who lost their apprenticeship as a result of a company going bankrupt. The general purpose of the agreements was to secure that every VET student still had the possibility to complete an education.

An educational guarantee exists. This guarantee ensures that a student that cannot obtain an apprenticeship is guaranteed to complete one of the educations in the access channel in which the student was enrolled. Students in this situation get accepted to enter school-based practical training. In every access channel there is at least one education that does not have restricted intake into school-based practical training. The system therefore always contains enough places to satisfy the demand for vocational training.

Question 3

The employment rate

The employment rate of students is registered one year after completing an education. In 2007 the rate was 86.8 % for students completing in 2006, in 2008: 87.5 %, in 2009: 83.7 % and in 2010: 78.5%. The rate does not include students that continued in higher education or students that started their own company.

For information on public expenditure and other relevant information, please consult :

The Danish Ministry of Education – Statistical Publication no. 2 – 2010, Facts and Figures 2009 :

http://eng.uvm.dk/News/~/UVM-EN/Content/News/Eng/2010/Jun/~//media/UVM/Filer/Stat/Tvaergaende/PDF10/100629_Tal_der_taler_eng_elsk.ashx

Furthermore, an updated publication titled *Education and Training in Denmark* containing key facts and figures on education and training in Denmark will be published online at www.uvm.dk during the month of February 2012.

Article 10§3

Article 10 §3 a and b:

Questions 1-2

Basic education for adults

Executive Order no 1405 of 22 December 2000 on basic education for adults (gvu) with later amendments regulates the provision or promotion of adequate and readily available training facilities for adult workers.

Adult vocational training

As of 2010, 13 regional adult education and training centres, so-called “VEU-centres”, have been established by an Executive Order 1390 of 10 December 2010 on Adult Education and Training Centres and Centre Councils (Bekendtgørelse nr. 1390 af 10. december 2009 om VEU-centre og centerråd). This is a result of the amendments which have been incorporated into the act on adult vocational education and training (Lov nr. 1100 af 30. november 2009 om ændring af lov om arbejdsmarkedsuddannelser m.m. (Etablering af VEU-centre og centerråd m.v.)). Guidance and counselling for employees and companies regarding adult education and training are playing a key role in the tasks of the regional centres and so do the coordination of the provision of general and vocational adult education and training. The regional centres include in total more than 130 providers of general and vocational adult education and training in a cooperative networks. The centres receive state financial support to guidance and counselling activities at local and regional level.

For further information on adult vocational training, please consult:

<http://eng.uvm.dk/Fact-Sheets/Adult-education-and-continuing-training/Adult-vocational-training>

Question 3

For information on adult education and continuing training and other relevant information, please consult :

The Danish Ministry of Education – Statistical Publication no. 2 – 2010, Facts and Figures 2009 :

http://eng.uvm.dk/News/~/UVM-EN/Content/News/Eng/2010/Jun/~//media/UVM/Filer/Stat/Tvaergaende/PDF10/100629_Tal_der_taler_eng_elsk.ashx

Furthermore, an updated publication titled *Education and Training in Denmark* containing key facts and figures on education and training in Denmark will be published online at www.uvm.dk during the month of February 2012.

Article 10§4

Article 10 §4a and b

Danish students are entitled to public support for his or her further education - regardless of social standing. Tuition at Danish public and most private educational institutions is free for Danish students and for EU/EEA students as well as for students participating in an exchange programme. From 2006 all other students have to pay a tuition fee. Support for students' living costs is awarded by the State Educational Grant and Loan Scheme (Danish acronym: SU), a system managed by the Danish Educational Support Agency (Styrelsen for Videregående Uddannelser og Uddannelsesstøtte) in collaboration with the educational institutions and under the auspices of the Ministry of Science, Innovation and Higher Education. The system is governed by "lov om statens uddannelsesstøtte (SU-loven)", see "lovbekendtgørelser nr. 661 af 29. juni 2009".

There are two main support programmes; one for people over 18 following a youth education program and one for students enrolled in higher education courses

For people over 18 following a youth education program i.e. a general upper secondary, vocational upper secondary or vocational education and training program. Students must attend classes, sit examinations and in other ways demonstrate that they are active in their educational programmes. No time limits are placed on this type of support. Students are eligible for support for any number of courses, with the exception of certain upper secondary programmes. Until students are 20, their grants depend upon their parents' income. When that exceeds a certain amount the grants are reduced on a sliding scale, ending in a minimum grant.

Every student enrolled in a higher education course is entitled to a number of monthly grants corresponding to the prescribed duration of the chosen study, plus 12 months. Inside a maximum of 70 grants students can change from one course to another. If you are taking a higher education programme and have used all your study grant portions, you can get a completion loan. You can receive a completion loan in the last year of your studies.

All students living with their parents are supported with a lower grant than students living in lodgings. Students under 20 enrolled in a youth education program are supported as if they are living with their parents whether they do so or not, but may apply for an exemption. In particular situations - mainly sickness and childbirth - students can apply for extra monthly grants. New mothers are eligible for 12 and new fathers for 6 extra monthly grants, with certain stipulations.

In combination with the grants, students are offered supplementary state loans (grants 2/3, loans 1/3 of total support). The interest rate for these loans is set by Parliament. About half of all students make use of state loans. If you are taking a higher education programme and have used up all your study grant portions, you can get a completion loan.

For students who have children additional grants and loans are offered. All students who are entitled to support from the State Educational Grant and Loan Scheme are entitled to an additional loan if they are parents, that is if they live with their own children less than 18 years of age. Students who are parents, and who are married to or equally living with another student is entitled to an additional grant. Students who are single parents are eligible to a larger additional grant.

For all students who have received financial assistance within a calendar year, an earnings ceiling applies governing how much additional income they may have. If the earnings ceiling is exceeded part of the excess grant and loans support must be repaid. The earnings ceiling varies according to whether the student concerned for the particular months has revived grant and loan support (earnings ceiling = DKK 6,850 (for students following a youth education program and DKK 8,464 for students enrolled in a higher education course), has declined grant and loans support (earnings ceiling = DKK 17.107), or has been outside the

education system (earning ceiling = DKK 32,926). The annual earnings ceiling is calculated by adding together the earnings ceilings for the 12 months of the respective year.

Over 300,000 Danes benefit from these two types of educational support every year. The annual budget amounts to over 11 billion Danish Kroner, around 0.8 per cent of Gross National Product. The average after-tax annual income of students receiving support and earning an average private income - corresponding to roughly 10 hours paid work a week - is about 60% of that of typical industrial workers.

As a rule, foreign students enrolled in Danish courses of study are not eligible for educational support. However foreign citizen may be given equal status according to Danish rules and apply for Danish state educational support for a study programme in Denmark if they fulfil one of the following conditions:

- The foreign citizen is covered by section 2, subsection 2 or 3 in the Danish Act on the Integration of Foreigners in Denmark (the Danish Integration Act).
- The foreign citizen has moved to Denmark together with his/her parents before he/she reached the age of 20. It is a condition that the family is still residing in Denmark.
- The foreign citizen has lived continuously in Denmark for at least two years immediately prior to the time of application and has at the same time been married to or lived with a Danish citizen as a registered partner for at least two years. It is a condition that the foreign citizen is still married or living in a registered partnership at the time of application.
- The foreign citizen has immediately before starting the study programme for which he/she are applying for state educational support lived in Denmark continuously for at least two years and has had at least 30 hours of paid work every week. Paid work means that, having a valid work permit, the foreign citizen has had either an ordinary job and received ordinary pay for the purposes of labour law, or has worked as a self-employed trader. An au pair stay is not regarded as paid work as they do not have a work permit as an au pair but only a residence permit for temporary residence as an au pair.
- The foreign citizen has lived in Denmark continuously for at least five years (not with the purpose of education).
- The foreign citizen is a German citizen belonging to the Danish minority in South Schleswig.

As far as EU rules and regulations make it possible, EU citizens can also gain support from the Danish system.

Grants and loans, 2010

Monthly grant:	
- Students who lived with their parents	2,677 DKK
- Students who had left home	5,384 DKK
Monthly grant for students aged 18 and 19 following a youth education program	
- Students who lived with their parents	1,192 DKK – 2,677 DKK
- Students who had left home	3,453 DKK – 5,384 DKK
Monthly student loan	
- Loan	2,755 DKK
- Completion loan	7,105 DKK
Monthly grants and loans for parents	
- Additional loan	1,450 kr.
- Additional grants for single parents	5,662 kr.
- Additional grants for parents who live with another student	2,262 kr.

Article 10 §4 c:

Time spent on supplementary training at the request of an employer is counted as ordinary working hours.

Article 10 §4 d:

The supervision, in consultation with the employers' and workers' organisations, of the efficiency of apprenticeship is specified in chapter 2 of Executive Order no 1514 of 15 December 2010 on VET. The rules have been changed in the way that the national trade committees' duties to supervise the training parts of the school-based practical training system have been clarified. The change in the legal framework has not had any effect on the already established duties of the national trade committees.

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

Article 15§1

Question 1

There has been no change in the general legal framework in regard to access to special needs education for persons with physical or mental disabilities. In 2009 and 2010 two minor changes to the Act on the Folkeskole concerning special needs education and the procedure to complain before an impartial complaints board were implemented. The changes are procedural in nature and have not changed the access to complaining substantially.

Students with a disability have the opportunity to apply for special educational assistance (SPS). The SPS aims to ensure that students with a physical or psychological disability can go through an educational program on equal terms as non-disabled students. Students can receive different types of aid, for instance assistive technology, sign language interpreters and specially prepared learning materials.

Question 2

As no changes have been made, no new initiatives have been taken as regards implementation.

Question 3

A study of educational results and –patterns of children and young people with non-cognitive handicaps from 2009 shows that out of a group of children from the cohort born in 1990 in 12 Danish municipalities, consisting of 18,178 persons, 1,228 persons were registered with a non-cognitive handicap.

A study of special needs education in the Danish Folkeskole from 2010 shows that approximately 84,000 pupils (14.3 per cent of all pupils between 6 and 16 years of age) received special needs education in the school year 2008/2009.

The study is based on a mapping and analysis of special needs education in 12 Danish municipalities selected to represent an adequate level of diversity in terms of size, socio-economic conditions etc., so they serve as a qualified basis of recording activities and expenses in the school year 2008/2009.

Special needs education in Denmark is mostly offered within less extensive provisions in the mainstream Folkeskole and within segregated provisions in special classes and special schools.

Approximately 51,000 pupils (or 8.7 per cent) received special needs education in inclusive settings. Of these, 44,840 pupils attended 0-6 lessons per week, 4,111 pupils 7-11 lessons per week and 2,373 pupils were individually integrated, thus they received special education most of their time in school, but also took part in lessons given in the mainstream classroom.

The rest of the approximately 33,000 pupils - thus 5.6 per cent of all pupils in the Folkeskole - received special education in segregated settings - 13,383 pupils in special classes and 19,371 pupils in special schools. There are 453 special education institutions in Denmark and approx. 600 public primary and lower secondary schools have special classes (integrated classes) for special education pupils.

Activity	Number of pupils	Percentage (1)
Special needs education, total	84,079	14.3
Inclusive provisions	51,324	8.7
- Standard special needs education (0-6 lessons per week)	44,840	7.6
- Standard special needs education (7-11 lessons per week)	4,111	0.7
	2,373	0.4

- Individual integration	32,754	5.6
Segregated provisions	13,383	2.3
- Special classes	19,371	3.3
- Special schools		

(1) Number of pupils in special needs education, as percentage of all pupils in the Folkeskole (587,180 pupils).
Source: Deloitte data collection, 2010.

From 2008 to 2010, the number of students with a disability receiving SPS increased from approximately 5500 to approximately 8300 in upper secondary school and from approximately 1900 to approximately 2600 at further and higher educations.

In 2010 the educational services for students with disabilities amounted to 70.5 million DKK at further and higher educations, 118.1 million DKK at the general and vocational upper secondary education, and 470 million DKK at free private independent schools.

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

Article 18 § 1

Question 1

The rules regarding work and residence permits are as mentioned in the previous report (twenty-seventh report regarding reference period 2003-2006) contained in the Danish Aliens Act.

The provisions in the Danish Aliens Act have been amended several times since 2006. Relevant to Article 18, a number of amendments were made in 2008, aiming to increase the recruitment of foreign labour.

1. Work permits

In general, 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 those foreigners who have been granted a residence permit on basis of employment.

The requirement to obtain a work permit does, in general, apply to immigrants who come to Denmark on the basis of 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. It should be noted that immigrants who have been issued a residence permit according to the so-called 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 in Denmark.

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 falling within the EC rules;
- 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 Federal 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 are unable to return to their home countries (section 9 c) when the permit has been issued to a foreign national who has 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;
- 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 literary 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 of Refugee, Immigration and Integration Affairs.

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

Thus according to section 33 (1) of the Aliens Order (Ministry of Justice, Executive Order No. 475 of 12 May 2011), the following foreign nationals are exempt from the requirement of a work permit:

- Foreign nationals, who are mentioned in section 14 (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;
- 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 onboard the cruise ship;
- 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;
- Cabin crew who work on Danish aircrafts operating on routes with a flight time of at least 5 hours between Denmark and the foreigners home country or countries which are linguistically or culturally linked to 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;
- Foreigners who have been issued a residence permit according to the Greencard Scheme (residence permit according to section 9 a (2) (i) of the Danish Aliens Act).

According to section 33 (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;
- 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 programs 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 if an employment agreement has been concluded with a sports club in Denmark.

According to section 34 (1) of the Aliens Order a work permit will be issued to a foreigner who has been granted a residence permit according to section 9 a of the Danish Aliens Act (on the basis of employment or activities as a self-employed person).

According to section 34 (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)) when the residence permit has been granted reference to trainee placement.

According to section 34 (3) of the Aliens Order, other persons with a residence permit on the basis of exceptional reasons (section 9 c (1)) – who are not exempt of the requirement of a work permit – can be granted a work permit. When examining an application in such cases the focus is on the purpose.

According to section 34 (4) of the Aliens Order, a work permit is issued to foreign nationals with a residence permit as a religious preacher etc.

Foreign nationals with a residence permit on the basis of exceptional reasons (section 9 c (1)) in order to pursue a post-secondary education are eligible for a permit to work 15 hours per week, as well as full-time during the months June-August according to section 14 (1) of Executive Order No. 904 of 4 July 2007 concerning residence and work permits to foreign students.

A foreign national with 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.

2. 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 February 2008 the Government, the Danish People's Party, the Social Liberal Party (det Radikale Venstre) and Liberal Alliance (then named New Alliance) concluded an agreement to ensure 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 June 2008 and put in to force by 1 July 2008. Reference is made to Act No. 486 of 1 June 2008 amending the Aliens Act (recruitment of foreign labour, etc.). The rules regarding issuance of residence permits on the basis of employment are hereafter as follows:

Greencard Scheme – residence permit according to section 9 a (2) (i) 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 the likelihood that 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. Points are given for: educational level, language skills, work experience, adaptability and age.

The foreigner can be granted a first-time residence permit under the Greencard Scheme for up to 3 years. Before the end of this period, the foreigner can apply for an extension of up to 1 year. Before the end of this period, the foreigner can apply for an extension of up to four years.

The residence permit can be extended if the foreigner has worked for the past 12 months for a minimum of ten hours per week. The residence permit can be extended for one year if the foreigner has 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.

The Positive List – residence permit according to section 9 a (2) (ii) 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 after the Positive List was extended to comprise applicants with an educational level of at least a Professional Bachelor degree in July 2008.

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 Immigration Service will not request a labour market scrutiny statement, but will immediately grant 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., foreign-trained doctors, who must have an authorisation from the Danish National Board of Health.

The permit can be extended even if the foreigner's job is no longer on the Positive List, provided that the foreigner is still in the same job, on the same terms and conditions.

The Pay Limit Scheme – residence permit according to section 9 a (2) (iii) of the Danish Aliens Act

Foreign 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 Immigration Service will not request a labour market scrutiny statement, but will immediately grant 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 according to section 9 a (2) (iv) of the Danish Aliens Act

Foreign nationals who are employed in a Danish company's foreign affiliate or department and are to work in the Danish company in connection with an innovative, developmental or educational purpose can 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 Immigration Service will not request a labour market scrutiny statement, but will grant a permit if the above mentioned criteria are met.

Other types of salaried work – residence permit according to section 9 a (2) (vi) of the Danish Aliens Act

Residence and work permits are granted only if substantial professional or labour market considerations so warrant. When examining applications for residence and work permits, the authorities will pay particular attention to the following:

- Whether there are available professionals residing in Denmark 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 a special character that a residence and work permit is recommended.

In all circumstances, it is 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 Immigration Service will require a statement from the relevant trade organisation or a Regional Labour Market Council in order to process an application.

Self-employment – residence permit according to section 9 a (2) (vi) of the Danish Aliens Act

It is possible to be granted a work and residence permit in order to be self-employed and/or operate an independent company in Denmark.

When processing the application, the Danish Immigration Service will pay particular attention to the following conditions:

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

Labour market ties – residence permit according to section 9 a (2) (v) of the Danish Aliens Act

A residence permit may be issued to a foreign national if extension of the foreigners residence permit under sections 7 to 9 or sections 9 b to 9 e of the Danish Aliens Act is refused according to section 11 (2), according to section 19(1), or 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.

Involuntarily unemployed – residence permit according to section 9 a (8) of the Danish Aliens Act

Denmark has also - in 2008 – introduced new rules that aim at giving foreigners who lose their job a possibility to remain in Denmark and seek a new job:

A foreigner who has been granted a residence permit based on Positive List or the Pay Limit Scheme and has become involuntarily unemployed may 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.

Question 2:**The administration of the residence permits issued according to section 9 a of the Danish Aliens Act**

The Danish Immigration Service administrates the Danish Aliens Act, and is involved with all aspects of the residence of foreigners in Denmark - including work permits. In other words the Danish Immigration Service processes the applications for residence and work permits.

The rulings made by the Immigration Service regarding residence and work permits according to section 9 a of the Danish Aliens Act can be appealed to the Ministry of Employment (formerly the Ministry of Refugee, Immigration and Integration Affairs).

Question 3:**Statistics on the rate of refusals to issue work permits, broken down by country and whether these are first time requests or applications for renewal**

The total number of refusals of work permits* broken down by country and whether these are first time requests or applications for renewal – in the period 2007-2010 are stated in the table below:

Nationality	2007 **		2008		2009		2010	
	First time	Renewal	First time	Renewal	First time	Renewal	First time	Renewal
Afghanistan	6		9		3	1	12	
Albania	6		6		4		1	
Algeria	3						5	1
Angola			1					
Argentina					1		4	3
Armenia	8		2		1		3	
Australia	14	1	16		9	1	14	1
Azerbaijan	1						2	
Bangladesh	3		5		62		767	
Benin	1		1					
Bolivia			1					
Bosnia-Herzegovina	27		13		5	2	11	
Botswana					2			
Brazil	22	1	19		15		19	
British Nationals Overseas								
Bulgaria	15		15				10	
Burkina Faso					5			
Burma							1	
Burundi					1			1
Cambodja					1		3	
Cameroon	4		7		8		79	
Canada	18	1	10		14	1	27	
Chile	4	1	2		2		7	

Colombia	5		3		4		4	
Congo (Brazzaville)			1		3			
Costa Rica							4	
Cuba	1		1	1	3		3	
Dem. Rep. of Congo							1	
Dominican Republic	1						1	
Ecuador			1		1			
Egypt	8		7		6	1	16	
Ivory Coast	3		1		3		2	
Estonia	7		2		6			
Etiopia			2		1		9	
Philippines	31	1	43		119		66	1
Gabon							1	
Gambia	1				1		1	
Georgia			1					
Ghana	8		18	1	27		40	
Greece							1	
Guatemala					1		1	
Guinea							2	
Guinea-Bissau	2		1					
Haiti						1		
Honduras			3		3			
Hong Kong							1	
Belarus	10		10		9		18	1
India	20		30		94	1	1.682	2
Indonesia	4				1		3	
Iraq	14		23	1	25		22	
Iran	8		9		23		71	
Israel	4	1	8		5		6	
Italy	1							
Jamaica			1				3	
Japan	5		4		4	1	11	
Jordan	1		2		2		8	1
Kazakhstan	1				2		1	
Kenya			1		4	1	4	
China	54	5	104	2	137		112	13
Kirgizstan			1		1		5	
Kosovo			4		4		6	2
Croatia	10		20		8		10	
Latvia	35	1	11		1		4	
Libanon	2		6		5		11	
Liberia			1		1		1	
Libya	1		1				3	

Lithuania	70	1	29		5			1
Madagascar								
FYROM	13		9		8	1	16	1
Malawi							1	
Malaysia	2				1	1	6	1
Malta	1							
Morocco	14		6		18	2	25	2
Mauritania	1							
Mauritius	1		1				4	
Mexico	4		5		2		8	
Moldova	3		9		7		7	
Mongolia	2		1				2	
Montenegro	1				3			
Mozambique							3	
Netherlands					1			
Nepal	3		20		15	1	377	
New Zealand	4		8		2		1	
Nicaragua			1		1			
Niger							3	
Nigeria	5		25	2	36	1	171	
North Korea								
Pakistan	27	1	33		322	3	2.060	5
Panama	1		1				1	
Paraguay							2	
Peru	2		2		4			
Poland	300	4	72	4	36		9	2
Romania	22		9		2		4	4
Russia	36	2	60		71	3	47	3
Saudi Arabia						2		
Senegal			2		1		3	1
Serbia	19		18		11		22	1
Sierra Leone					1		4	
Singapore	1				2		2	
Slovakia	3	1					3	1
Slovenia	2							
Somalia	4		7		1		1	
Spain								1
Sri Lanka	8		10		8		19	
Stateless	4				6		5	
Stateless Palestinians	9		9		8		10	
Sudan	2		1		1		7	
Surinam							1	
Sweden	1							

South Africa	1		7		3		2	
South Korea							12	
Syria	2		3	1	5		4	
Tanzania	1		1		6			
Chad					1			
Thailand	47		40		68		57	3
Czech Republic	13		1		2			
Togo	1				1		1	
Tunisia	2		5		9		8	
Turkey	65	6	82	1	56	1	98	4
Germany	4				1		3	
Uganda	5		6		6	1	5	
Ukraine	100	1	67		160	26	284	104
Hungary	18	2	1					
USA	39	1	50		39	1	62	3
Uzbekistan	2				2		9	2
Venezuela	1		2		1		1	
Vietnam	12		34		20	1	19	
Zambia			2		3			
Zimbabwe	2						2	
Austria						2		
Total	1.249	31	1.066	13	1.593	56	6.490	165

* Refusals of work permits include the following categories: The Pay Limit Scheme, The Greencard Scheme, Job-seeking after loss of job, The Corporate Scheme, The Positive List, Specialists, Other wage-earners and self-employed, Trainees, Family ties to person granted a residence permit in the area of work, etc. and decisions regarding the national transitional rules for the new EU Member States (were abolished as of 1 May 2009). Decisions on work to pre 2004 EC/EEA member-states are not included.

** The category 'Family ties to person granted a residence permit in the area of study, etc.' is included.

Number of applications for work permits made, granted and rejected:

	2007	2008	2009	2010
Afghanistan	10	7	10	11
Albania	12	21	11	16
Algeria	4	4	8	6
Angola	4			
Argentina	15	11	13	7
Armenia	15	5	8	14
Australia	96	124	100	109
Azerbaijan	3	3	13	7
Bangladesh	9	129	755	777
Barbados				1
Belarus	1			3
Belgium			3	1
Benin	3		4	1
Bolivia	2	1	1	3

Bosnia-Herzegovina	38	16	10	19
Botswana		2	1	1
Brazil	116	111	94	95
British Nationals Overseas			1	
Bulgaria	857	660	104	16
Burma			1	4
Burkina Faso		7		1
Burundi		2	2	1
Cambodia		1	5	
Cameroon	3	63	170	177
Canada	137	225	192	248
Chile	14	8	16	17
Colombia	28	29	34	24
Congo (Brazzaville)	2		2	2
Costa Rica	3		4	9
Cuba	3	2	11	14
Cyprus		1		
Dem. Rep. of Congo				1
Dominica			1	1
Dominican Republic		2		
Ecuador	4	5	6	5
Egypt	22	25	33	53
El Salvador	1	1		5
Ivory Coast	3	5	6	27
Estonia	264	109	13	3
Ethiopia	4	5	33	53
Fiji	1	2	1	
Philippines	349	352	335	337
Finland				1
France	9	10	7	8
Gabon		3	1	1
Gambia	2	6	2	6
Georgia	7	10	8	9
Ghana	27	55	73	93
Greece	1	4	1	1
Guatemala	1	3	11	5
Guinea			1	4
Guinea-Bissau		1		
Guyana		1		
Haiti			4	2
Honduras	2	5	2	1
Hong Kong	4	1	2	2
Belarus	45	81	66	67

India	1.183	1.918	3.806	3.521
Indonesia	22	22	30	42
Iraq	40	46	63	42
Iran	26	81	189	263
Ireland	5		3	3
Israel	33	28	23	30
Italy	4	3	25	39
Jamaica	2	1	4	4
Japan	90	83	148	96
Jordan	9	4	11	24
Yugoslavia				6
Kazakhstan	1	5	7	12
Kenya	10	14	14	22
China	420	629	655	789
Kirgizstan		2	7	6
Kosovo		10	9	4
Croatia	43	38	22	22
Kuwait		1	2	3
Latvia	1.437	617	36	10
Lebanon	11	16	12	18
Liberia	1	1	2	4
Libya	3	2	2	7
Lithuania	4.339	1.548	99	14
Luxembourg			1	
Madagascar			1	
FYROM	40	49	19	27
Malawi	1	1	1	
Malaysia	118	29	48	40
Maldives			1	
Mali		1		1
Malta	57	7		
Morocco	37	63	52	56
Mauritania	2			
Mauritius	2	9	6	6
Mexico	29	55	32	43
Moldova	20	27	37	22
Mongolia	3	2	3	7
Montenegro		6	4	
Mozambique	2	1	2	
Namibia	1			
Netherlands	7	7	5	6
Nepal	13	31	295	408
New Zealand	27	44	20	16

Nicaragua	1	7	3	1
Niger				4
Nigeria	31	123	230	304
North Korea	1			1
Pakistan	138	501	2.671	2.182
Panama	4	1	5	2
Paraguay	1	1	2	2
Peru	13	11	6	7
Poland	24.461	10.110	354	89
Portugal	1	2	4	1
Qatar				3
Romania	1.981	1.278	130	37
Russia	220	288	277	241
Rwanda			1	1
Saudi Arabia			5	4
Switzerland	6	5	3	1
Senegal	6	14	10	9
Serbia	2	103	83	111
Serbia and Montenegro	98			1
Sierra Leone	2	1	1	1
Singapore	26	40	36	26
Slovakia	1.211	483	37	27
Slovenia	33	24	7	1
Somalia	9	5	1	1
Spain	5	12	20	2
Sri Lanka	18	22	28	33
St. Vincent and the Grenadines		1		
Stateless	6		7	7
Stateless Palestinians	21	11	19	19
United Kingdom	492	168	175	396
Sudan	4	5	17	16
Surinam			1	
Sweden	3			
Swaziland			1	
South Africa	41	41	42	42
South Korea	22	27	33	40
Syria	8	10	15	15
Taiwan	7	10	10	15
Tanzania	4	8	13	7
Chad		1		
Thailand	190	156	166	172
Czech Republic	401	164	12	1
Togo	2	4	2	1

Trinidad and Tobago	4	2	4	3
Tunisia	12	10	12	25
Turkmenistan				3
Turkey	130	181	174	191
Germany	22	25	24	25
Uganda	15	15	16	15
Ukraine	754	1.315	1.383	1.326
Hungary	921	407	82	2
Uruguay		2	1	1
USA	448	645	613	663
Uzbekistan	24	49	66	43
Venezuela	8	21	13	15
Vietnam	39	50	35	42
Yemen		5	4	2
Zambia	2	6	3	4
Zimbabwe	3	3	8	7
Austria	4	3		
Unknown	69	44	27	37
Total	42.083	23.939	14.767	14.109

Note: The application figures cannot be compared directly with the numbers on decisions since the two categories include different subcategories.

Article 18 § 2

Questions 1 and 2:

Obtaining a residence permit

A number of schemes have – as mentioned above – been designed 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.

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 section 9 a (4) of the Danish Aliens Act.

An application for a residence permit under section 9 a (2) (i), section 9 a (2) (ii), section 9 a (2) (iii), section 9 a (2) (iv) or section 9 a (2) (vi) of the Danish Aliens Act may be submitted in Denmark if the foreigner resides in Denmark lawfully (on the basis of a visa-free stay, on the basis of a visa, on the basis of a residence permit or according to EU-regulation), and no particular reason make it inappropriate. A foreigner, who has submitted another application for a residence permit and who is entitled to remain in Denmark while this other application is being processed, may also, unless particular reasons make it inappropriate, submit an application for a residence permit under section 9 a (2) (i), section 9 a (2) (ii), section 9 a (2) (iii), section 9 a (2) (iv) or section 9 a (2) (vi) of the Danish Aliens Act.

An application for a residence permit under section 9 a (2) (i), section 9 a (2) (ii), section 9 a (2) (iii), section 9 a (2) (iv) or section 9 a (2) (vi) of the Danish Aliens Act may not be submitted in Denmark if the foreigner is not lawfully residing in Denmark or if the foreigner has been given a time-limit for departure.

Foreigners who may not submit their application in Denmark may submit their application abroad.

An application for a residence permit under section 9 a (2) (v) can only be submitted by a foreigner who already stays in Denmark and has held a work permit for a significant period of time.

Digital applications and International Citizen Service centres

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. Since July 2010 it has been possible for these foreigners to apply digitally for a residence and work permit in Denmark. Subsequently, the possibility to apply digitally has also been made available to accompanying families of foreign workers.

A test project is currently running, in which the immigration authorities that issue work and residence permits under the Positive List and the Pay Limit Scheme also issue a social security number at the same time. This is done 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 a tax rate and deduction card, a medical card and access to sign children up for school or day care.

Four International Citizen Service centres have also been established in the four largest cities in Denmark in order to serve foreign workers, their accompanying families and international students, collecting all the services and authorities that they typically need to get settled in Denmark in one place.

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 non EU citizens, and they can hand in an application for a residence and work permit and get a tax rate and deduction card, a social security number, a medical card, help with job seeking and useful information about living and working in Denmark. The possibility of establishing a similar digital project with one digital access point to all relevant authorities in Denmark is currently being investigated.

Fees

In May 2010, the Government and the Danish People's Party concluded an agreement called "Restoration of the Danish Economy". The agreement included several initiatives and amongst these was an initiative according to which fees for submitting applications and complaints in the areas of family reunification, study and work were to be introduced.

New legislation which implemented this initiative was passed by the Danish Parliament in December 2010 and put into force by 1 January 2011. Reference is made to Act No. 1604 of 22 December 2010 amending the Aliens Act (Fee for submitting applications and complaints in the areas of family reunification, study and work). The provisions regarding fees for applications are contained in section 9 (h) of the Danish Aliens Act.

Now, an applicant normally has to pay a fee for submitting an application for a residence permit based on employment (residence permits according to section 9 (a)). *Similarly a fee has to be paid when an applicant wishes to appeal a decision made by the Danish Immigration Service to the Ministry of Employment or when an applicant requests a case to be reopened by the Danish Immigration Service or by the Ministry of Employment. The fee for the application covers the processing of the case. This means that the fee will not be refunded if the application, appeal or request to reopen a case is turned down. Furthermore, the fee will not be refunded if, during the processing of the case, the applicant chooses to withdraw the application, appeal or request. The fee for submitting an appeal or a request to reopen a case will be refunded if the appeal or the request is granted.*

An applicant does not have to pay a fee for the application if such a requirement could interfere with Denmark's international obligations or EU regulation.

Question 3

The total number of granted work permits (first time)*, broken down by country in the period 2007-2010 are stated in the table below:

Nationalities	2007 **	2008	2009	2010
Afghanistan		1	4	2
Albania	3	11	12	12
Algeria	5	5	5	5
Angola	3			
Argentina	24	16	13	13
Armenia	7	8	4	11
Australia	123	127	114	121
Azerbaijan	5	1	14	3
Bangladesh	18	50	126	292
Belgium			1	1
Benin	1	1	2	2
Bhutan		2		1
Bolivia	3		4	2
Bosnia-Herzegovina	14	12	4	13
Botswana		1		2
Brazil	104	138	93	108
British Nationals Overseas			1	
Bulgaria	316	327	66	10
Burkina Faso		1	1	1
Burma		1		3
Burundi		1	1	1
Cambodia		1	3	
Cameroon	10	28	80	148
Canada	185	233	185	189
Chile	15	10	16	7
Colombia	29	31	31	30
Congo (Brazzaville)	3	5	1	1
Costa Rica	4		2	9
Cuba	5	2	7	11
Cyprus		1		
Dominica				1
Dominican Republic		1		
Ecuador	3	2	5	9
Egypt	23	19	34	38

El Salvador	1	1		4
Ivory Coast	1	7	1	5
Eritrea			2	
Estonia	159	38	8	1
Ethiopia	6	6	18	69
Fiji	1	1		2
Philippines	294	263	295	257
Finland	1			1
France	6	6	6	9
Gabon		3	1	
Gambia	1	3	3	3
Georgia	8	9	7	8
Ghana	29	22	39	58
Greece	2		3	1
Guatemala	1	5	11	4
Guinea				3
Guyana		1		
Haiti			2	
Honduras			1	1
Hong Kong	6	1	2	1
Belarus	38	66	65	58
India	1.755	1.934	2.147	2.959
Indonesia	33	27	29	44
Iraq	11	9	24	19
Iran	45	72	137	259
Ireland	4	1	1	2
Israel	41	20	29	33
Italy	6	1	19	40
Jamaica	3		1	2
Japan	141	137	164	135
Jordan	7	7	7	14
Kazakhstan	1	3	2	12
Kenya	11	14	10	20
China	607	784	737	763
Kirgizstan				2
Kosovo		7	4	1
Croatia	26	22	19	17
Lesotho				
Latvia	643	206	19	1
Lebanon	7	14	4	8
Liberia	1		1	
Libya	2	1		4
Lithuania	1.866	459	49	17

Madagascar		1	1	
FYROM	24	43	19	18
Malawi	1			
Malaysia	141	46	45	41
Maldives		1	1	
Mali		1		1
Malta	57	7		
Morocco	39	36	37	39
Mauritania		1		
Mauritius	1	6	6	5
Mexico	46	59	48	42
Moldova	12	26	30	13
Mongolia		3	1	8
Montenegro	6	3	4	2
Mozambique	3			
Namibia	2			
Netherlands	5	4	4	7
Nepal	56	67	28	140
New Zealand	28	41	21	17
Nicaragua	1	6	3	
Nigeria	41	60	118	146
North Korea	1			
Pakistan	160	246	483	1.306
Panama	7	4	4	2
Paraguay		1	4	1
Peru	15	7	7	8
Poland	9.785	2.954	272	37
Portugal			1	1
Qatar				3
Romania	709	534	126	38
Russia	239	197	287	220
Rwanda				1
Saudi Arabia	3	1		5
Switzerland	3	2	2	3
Senegal	7	9	7	9
Serbia	91	87	80	106
Sierra Leone	2			
Singapore	31	40	41	23
Slovakia	455	155	54	
Slovenia	16	15	4	1
Spain	8	10	4	4
Sri Lanka	10	13	18	19
St. Vincent and the Grenadines			1	

Stateless	4	2		2
Stateless Palestinians	9	7	7	10
United Kingdom	478	163	177	412
Sudan	7	3	10	21
Sweden	1			
Swaziland			1	
South Africa	45	50	32	40
South Korea	50	35	35	34
Syria	5	4	14	14
Taiwan	21	22	13	21
Tanzania	8	5	7	6
Thailand	143	88	118	112
Czech Republic	123	91	10	
Togo			1	
Tonga				1
Trinidad and Tobago	6	6	4	2
Tunisia	7	4	6	16
Turkmenistan		1		3
Turkey	132	127	144	132
Germany	22	19	17	24
Uganda	7	10	13	8
Ukraine	567	1.086	1.295	1.049
Hungary	460	223	25	2
Uruguay		4	3	1
USA	602	718	660	679
Uzbekistan	27	45	64	49
Venezuela	11	11	17	21
Vietnam	21	32	28	28
Yemen			5	
Zambia	5	3	2	3
Zimbabwe	3	3	3	12
Austria	4	4		
Total	21.440	12.638	9.168	10.851

* Granted work permits include the following categories: The Pay Limit Scheme, The Greencard Scheme, Job-seeking after loss of job, The Corporate Scheme, The Positive List, Specialists, Other wage-earners and self-employed, Trainees, Family ties to person granted a residence permit in the area of work, etc. and decisions regarding the national transitional rules for the new EU Member States (were abolished as of 1 May 2009). Decisions on work to pre 2004 EC/EEA member-states are not included.

** The category 'Family ties to person granted a residence permit in the area of study, etc.' is included.

Average processing time measured in days per person for first-time applications for work permits – in the period 2007-2010 are stated in the table below:

Year	Decisions *	Processing time - days
2007	26.554	84
2008	35.198	180
2009	7.300	113
2010	2.946	137

Note: Decisions on work to pre 2004 EC/EEA member-states are not included, whereas decisions regarding the national transitional rules for the new EU Member States are included in the figures. This explains the large decrease from 2008 to 2009.

* The decisions figures in this table cannot be directly compared with the decisions figures in spreadsheet "Decisions 2007 -10". In spreadsheet "Decisions 2007 -10" decisions refer to negative and positive decisions, whereas decisions in this table also include cases closed on other grounds (e.g. disappearances, withdrawals, etc.), since they involve some case processing (production time).

Article 18 § 3

Questions 1 and 2

The general rules have already been described (cf. the answer to question 1 concerning Article 18 § 1). Specifically regarding Article 18 § 3 the following may be highlighted:

According to section 9 a (7) of the Danish Aliens Act a foreigner who has been granted a residence permit under section 9 a (2) (ii), section 9 a (2) (iii), section 9 a (2) (iv) or section 9 a (2) (vi) and who has concluded a contract of or has been offered new employment may, upon submitting an application for a residence permit on the basis of the new employment, reside in Denmark and work during the period until it has been decided whether the alien can be granted a residence permit. The application for a new residence permit must be submitted when the alien commences his new job at latest.

Reference is also made to the description above regarding residence permits issued according to section 9 a (2) (v) and section 9 a (8) of the Danish Aliens Act.

**Answers and supplementary information as requested by the ECSR
on the basis of previous reporting on the articles covered by the 27th
Danish Report**

Article 1 — Right to work

Article 1 § 1 – Policy of full employment

Question of the ESCR: “The Committee requests up-to-date information on the unemployment rate for immigrants.”

Answer: The question is answered by the following table.

Unemployment rate by origin and gender (full time unemployed, pct. of labour force)

		2004	2005	2006	2007	2008	2009	2010
All	All origins	7,3%	7,0%	5,6%	3,7%	2,7%	5,0%	6,2%
	Persons of Danish origin	6,6%	6,2%	4,9%	3,4%	2,4%	4,4%	5,6%
	Immigrants from western countries	10,7%	9,9%	8,1%	6,0%	4,5%	8,3%	10,9%
	Descendants of immigrants from western countries	7,3%	6,9%	5,8%	4,4%	3,6%	6,1%	7,7%
	Immigrants from non-western countries	20,7%	23,1%	21,2%	16,4%	12,3%	15,7%	18,3%
	Descendants of immigrants from non-western countries	11,8%	12,1%	11,6%	10,0%	9,4%	14,9%	19,9%
Female	All origins	8,1%	8,1%	6,8%	4,4%	3,0%	4,2%	5,3%
	Persons of Danish origin	7,5%	7,3%	6,0%	4,2%	2,7%	3,8%	4,7%
	Immigrants from western countries	11,6%	11,0%	9,4%	7,2%	5,1%	7,5%	10,1%
	Descendants of immigrants from western countries	7,3%	7,2%	6,6%	4,9%	4,1%	5,9%	7,2%
	Immigrants from non-western countries	22,8%	27,8%	27,2%	21,8%	15,9%	17,8%	20,0%
	Descendants of immigrants from non-western countries	12,2%	13,5%	13,8%	11,8%	10,4%	14,9%	19,6%
Male	All origins	6,5%	5,9%	4,5%	3,0%	2,5%	5,6%	7,1%
	Persons of Danish origin	5,9%	5,2%	3,9%	2,6%	2,2%	5,0%	6,4%
	Immigrants from western countries	9,9%	8,8%	6,9%	5,0%	3,9%	9,0%	11,8%
	Descendants of immigrants from western countries	7,3%	6,6%	5,1%	3,9%	3,2%	6,2%	8,1%
	Immigrants from non-western countries	19,1%	19,5%	16,6%	12,4%	9,6%	14,1%	17,0%
	Descendants of immigrants from non-western countries	11,5%	10,8%	9,6%	8,4%	8,4%	15,0%	20,2%

Source: www.statistikbanken.dk, www.Jobindsats.dk

Question of the ECSR: “The Committee further notes that in 2006 the Government signed, with the social partners, an agreement whose two objectives are to reduce unemployment, and promote employment, of migrants and young people, in particular by diversifying activation opportunities. Implementation of the agreement began at the end of the reference period. The Committee requests that the next report provide information on the results of the measure.”

Answer: The Agreement from 2006 on integration of immigrants includes job package plan

In December 2006, the government, the Danish municipalities and regions, and the social partners presented an agreement on integration, aimed at increasing employment levels among immigrants and their families. The new agreement is a revision of an earlier agreement; among the latest initiatives is the introduction of a ‘job package’. The talks came about as a result of the political Welfare Agreement from June 2006 and supplement an earlier agreement from 2002.

The government and the social partners discussed the possibilities of how to follow up on earlier initiatives and experiences of the 2002 agreement. As a result, the new agreement focuses on the following areas:

- the 'staircase model';
- job packages;
- a mentoring programme for individual workers;
- a network for immigrant women;
- clarification of competences;
- local cooperation between municipalities and job centres, companies, and the management and employee representatives in workplaces.

Staircase model

As part of the discussions, the parties to the agreement have agreed that DA, LO and KL should launch a new integration project, aimed at testing and supporting the use of the staircase model alongside different job packages. Under the former Ministry of Refugee, Immigration and Integration Affairs (Ministeriet for Flygtninge, Indvandrere og Integration) a new language course based on 'Danish for the labour market' as a three-year pilot scheme was offered. This course was to supplement basic Danish language skills among immigrant workers, and is now placed under the responsibility of the Ministry of Social Affairs and Integration (Social- og Integrationsministeriet).

Job Package

One of the most interesting initiatives in the agreement is the introduction of a job package, which is based on the staircase model but is more goal-specific. The job package is a combination of competence clarification of the single unemployed immigrant, Danish language lessons, support and skills development, and employment on special terms at the workplace until the person is qualified for a job on standard terms. The idea of the job package is aimed primarily at the most unskilled group of unemployed immigrants. For the time being, 12 job categories have been chosen for a job package profile, which include production assistant in the manufacturing sector, truck driver, postal worker, warehouse worker in the pharmaceutical industry, slaughterhouse worker and cable worker, among others.

The result of a completed integration project VIP2 (Enterprise-oriented Integrations), where a number of municipalities and workplaces have used the job package has been good.

Mentoring programme

Apart from further strengthening the staircase model and introducing the job package, the agreement has established a special mentoring programme. A qualified employee, who could also possibly be an immigrant, will monitor a new employee on special terms as part of a workplace introduction course.

A campaign about the use of mentor has been conducted.

A new Agreement in 2010 supporting the integration on the labour market

In October 2010 the government, municipalities and social partners have signed a renewed four-party agreement on integration.

The agreement will strengthen the integration of immigrant on the labour market and to help promote growth in Denmark. The four parties have agreed that the following initiatives:

- Establishment of a practical integration project to improve the immigrant teenagers - especially boys - to take and complete an education,
- A new effort to support focus on employment for spouse
- A new effort to strengthen the assessment of the qualification of new arrivals
- A new effort focusing on the quality of Danish teaching for immigrants

Question of the ESCR: *“The report states that various steps were taken to help maintain the over-55s in their jobs or to make other employment available. In the public sector a tripartite agreement was also concluded with the social partners during the reference period in order to test new employment initiatives for the over-55s. The Committee asks to be kept informed of the outcome”.*

Answer: In the unemployment insurance area, the extended benefit period for 55-59-year-old recipients will be phased out so that, by 2012, uniform rules will apply to all recipients of unemployment benefits. At the same time, senior jobs are offered to people aged 55 years and above, who lose their benefit entitlement as a result of the reduced benefit period.

Unemployment rate by age groups and gender (full time unemployed, pct. of labour force)

		2007	2008	2009	2010
Total	16-64	3,7	2,7	5,0	6,2
	55-59	4,7	3,0	4,9	6,2
	60-64	4,2	2,5	3,3	4,3
Male	16-64	3,0	2,5	5,6	7,1
	55-59	4,0	3,0	5,9	7,7
	60-64	3,6	2,3	3,8	5,0
Female	16-64	4,4	3,0	4,2	5,3
	55-59	5,4	3,0	3,7	4,7
	60-64	5,2	2,8	2,6	3,4

Source: www.statistikbanken.dk, Table: AULP01

Question of the ESCR: *“The Committee asks about the total number of participants in all active measures”.*

Answer: The question is answered by the following table:

Number of participants in active measures

	2007	2008	2009	2010
Total	113.821	106.064	159.773	221.566
Education and Guidance	91.518	87.321	132.653	176.875
Job training	20.691	18.494	25.141	47.314
- Private sector	8.169	6.213	6.105	15.981
- Public sector	12.698	12.530	19.331	32.125
Business internship	16.393	16.606	37.207	71.004
- Private sector	5.178	5.379	23.412	50.291
- Public sector	5.127	4.634	15.522	24.752
Adult apprentice (unemployed)	3.442	3.646	2.896	2.131

Source: www.Jobindsats.dk

Article 1 § 2

1. prohibition of discrimination in employment

Question of the ECSR: *“The committee reiterates its request for details on how the concept of indirect discrimination is defined and interpreted by the courts.”*

Answer: According to the article 1, 3 in the Act on Prohibition against Discrimination on the Labour Market etc. indirect discrimination is defined as the situation where an apparently neutral provision, criterion or practice would put persons having a particular race, colour, religion or belief, political opinion, a particular sexual orientation, a particular disability or a particular age, at a particular disadvantage compared with other persons unless that particular provision, criterion or practice is objectively and reasonably justified by a legitimate aim, and if the means of achieving that aim are appropriate and necessary.

As an example of how the courts interpret the article the government refers to the judgment of 12 February 2010 in case no. 196/2007 from the Danish Supreme Court:

The Maritime and Commercial Court had reached a decision as to the extent of which a language requirement could be considered contrary to the Act on Prohibition against Discrimination on the Labour Market etc. In the specific case the court found that a language requirement was laid down as an objective basis and therefore this was a case of unlawful indirect discrimination on the grounds of national origin. The company was acquitted as it was up to the company to decide whether the level of spoken Danish was sufficient. The decision was appealed to the Supreme Court, and The Supreme Court upheld the judgment with reference to and interpretation of the law.

The case concerned a Dutch employee, who got dismissed from his job, when the section, where he worked, was closed down. The company chose to keep one employee with management experience and one who spoke fluent Danish. The Dutch employee claimed that he had been exposed to direct or indirect discrimination on ground of national origin, as he did not speak fluent Danish. The Maritime and Commercial Court found, that he had not been exposed to direct discrimination, as the notice of resignation did not contain a specific reference to his national origin. About the requirement for employees to speak fluent Danish the Court found that such requirement affects all employees, who do not have Danish as mother tongue, and that such requirement therefore constitutes indirect discrimination. However the Court found that in the specific case, where the work consists in establishing contact to potential clients by phone, such a requirement can be justified. The Court hereafter concluded that it must be handed over to the employer to decide whether the level of spoken Danish was sufficient. The company was thus acquitted. The decision was appealed to Supreme Court. The Supreme Court upheld the judgment with reference to and interpretation of the law.

Question of the ECSR: “The Committee requests information that removal of the ceiling applies to all cases in which discrimination has been recognised.”

Answer: In the former report from 2007 it was stated, that there is no ceiling to the size of compensation in the victimisation provision of section 15 of the Act on equal treatment, and section 3 of the Act on equal pay. In the conclusions XIX-1 (2008) the Committee requests conformation that removal of the ceiling applies to all cases in which discrimination has been recognised.

Non-compliance with the Act on Prohibition against Discrimination on the Labour Market etc (discrimination based on grounds other than gender) is sanctioned pursuant to section 7 following which persons whose rights have been violated can be awarded compensation. There is no ceiling connected to this right to compensation.

Question of the ECSR: “According to another source¹, a new body for promoting equal treatment (Det Fælles Klagenævn for Ligebehandling) was to be set up to deal with all grounds of discrimination. The Committee requests information on this. In its previous conclusions the Committee noted that, where discrimination based on race or ethnic origin alone was involved, complaints could be filed with the Human Rights Institute. The Committee asked for further information on that possibility. In the absence of information in the present report it repeats its request.”

Answer: Reference is made to the main report, article 1§2

Question of the ECSR: *“As the Government has not replied on these points, the Committee again requests information on:*

- a) The right of associations to have the courts recognise any breach of the prohibition on employment discrimination*
- b) The number of discrimination cases*
- c) Initiatives to promote equal treatment”*

Answer:

a) Trade unions and other organisations can file complaints about employment discrimination on behalf of their members and the people they represent. Complaints can be filed to the Board of Equal Treatment, the national court or be treated in the industrial dispute system. The rights and duties of the individual employees derive from the rights and duties of their trade union. The authority to bring legal action is vested in the individual unions. If, for instance, an employee feels his rights have been violated, it is for the union to take legal action.

b) Reference is made to the main report – answer to question 3 as regards Article 1 § 2.

c) Reference is made to the main report – answer to question 2 as regards Article 1 § 2.

2. Prohibition on forced or compulsory work

Question of the ECSR: *“The Committee again asks the government to answer the questions on prison work (...)*

- Can a prisoner be required to work (...)*
- What types of work may a prisoner be obliged to perform?*
- What are the employment conditions and how are they set?*

Answer: *“Prisoners are not (irrespective of consent) required to work for private undertakings/enterprises, public/state undertakings within or outside the prison. During the last 3 months prisoners may apply for leave to work for an employer or participate in education or training outside the prison.*

The inmates work for the prisons in 8 different branches inside the prison:

1. Agriculture, gardening and forestry
2. Laundry, sewing, and work in depots
3. Occupation in graphic industries and bookbinding
4. Metal work
5. Production of furniture
6. Production kitchens
7. Assembly tasks for private companies
8. Projects Production schools

According to Article 40 of 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 occupied 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 wages in the form of work money, the hourly wage being USD 1.70 to 2.70 (2011 level) USD 1 to 1.5 (1997 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.”

Question of the ECSR: *The ESCR asks for” more detailed information on this subject [whether employees may be dismissed or reprimanded by their employers for private reasons], including, in particular, references to relevant legislation and case-law”.*

Answer: The Act on the use of health data etc. on the labor market, cf. Act No. 286 of 24 April 1996 ensures that health information is not wrongfully used to limit employees' ability to obtain or retain employment. The premise is that health information is private in nature. The Act therefore requires an employer under or in connection with an employment just to ask for medical information, which will have significant impact on employee's work performance of the work. The Act does not apply if other laws or regulations hereunder set up restrictions on the use of health information.

According to the Danish Act on Prohibition against Discrimination on the labour market etc § 4, an employer may not in connection with recruitment or employment of an employee request, collect or receive and make use of information about the employees race, colour, religion or belief, political opinion, sexual orientation or national, social or ethnic origin.

Question of the ECSR: *“The Committee again invites the government to reply to its question (...) as to whether any legislation against terrorism precludes persons from taking up certain types of employment.”*

Answer: Chapter 13 in the Danish Criminal Code includes provisions concerning terrorism. The Danish Criminal Code includes inter alia provisions on financing of terrorism, recruitment for terrorism and training, instruction and teaching etc. of a person to commit or instigate the acts covered by the provisions on terrorism. Please see the attached document concerning the Danish provisions on terrorism in the Criminal Code which was transmitted to the Council of Europe’s Committee of Experts of Terrorism (CODEXTER) in 2006.

Subsequently, the Danish Criminal Code criminalises certain actions relating to terrorism, but the provisions on terrorism do not explicitly preclude persons from taking up certain employment.

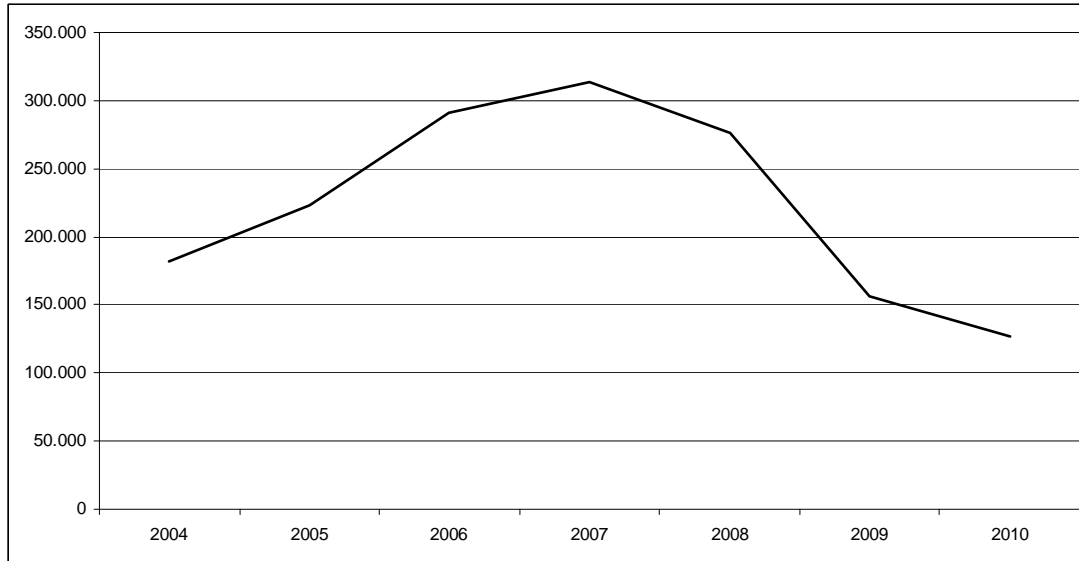
Article 1 § 3 – Free placement services

Question of the ESCR: *“The present report does not use the terms "vacancies" and "placement" as such, referring instead to "job orders". The total number of such vacancies came to 62,842 in 2005. The number of job orders filled by the PES in 2005 was 46,157, corresponding to a placement rate of about 74%.As the figures provided by the report do not give a full picture of the situation the Committee requests that the next report gives details for further indication, such as the average length of time necessary to fill vacancies.”*

Answer: In Denmark, information on job vacancies comes from the public job centres internet facility for all jobseekers and employers in Denmark, www.jobnet.dk. Here, employers can post their vacancies or ask the local job centre for help file a vacancy. The job centres mainly rely on the employers volunteering

information on vacancies. In Denmark, only public employers are required to report vacancies to www.jobnet.dk, not private employers. The average length of time necessary to fill vacancies is not compiled. The following chart illustrates the numbers of job orders received in the Danish “Jobnet”.

Number of job orders 2004 – 2010.



Source: www.Jobindsats.dk

Question of the ESCR: *“As regards involvement of the social partners in running the Public Employment Service, they were to be given new responsibilities under the municipal reform. The Committee will look into this aspect of the matter in its next conclusion”.*

Answer: Tripartite cooperation between trade unions, employers' organisations and the State is a very characteristic feature of the Danish labour market model. This constellation has contributed to the establishment of the flexicurity model in Denmark. The social partners are involved in employment policy through councils at national, regional and local level.

Article 9

Question of ECSR: *“The Committee asks for information in the next report on spending on vocational guidance in the education system, numbers of staff and the total number of beneficiaries. It asks for this information to appear systematically in each report.”*

Answer: Reference is made to the main report – answer to question 3 as regards Article 9.

Question of the ECSR: *“The Committee asks for up-to-date information in the next report on spending on vocational guidance in the labour market, numbers of staff and total number of beneficiaries.”*

Answer: Reference is made to the main report – answer to question 3 as regards Article 9.

Article 10 – Right to vocational training

Article 10 § 1 – Promotion of technical and vocational training

Question of the ECSR: *“The Committee wishes to know what is the completion rate of students enrolled in vocational education and how many find jobs upon completion. It also wishes to know whether there are enough places to satisfy the demand for vocational training.”*

Answer: The employment rate of trainees is registered one year after completing an education. In 2007 the rate was 86.8 % for trainees completing in 2006, in 2008: 87.5 %, in 2009: 83.7 % and in 2010: 78.5%. The rate does not include trainees that continued in higher education or trainees that started their own company.

In the Danish VET the Government has established an educational guarantee. This guarantee ensures that a trainee that cannot obtain an apprenticeship, is guaranteed to complete one of the educations in the access channel in which the trainee was enrolled. Trainees in this situation get accepted to enter school-based practical training. In every access channel there is at least one education that does not have restricted intake into school-based practical training. The system therefore always contains enough places to satisfy the demand for vocational training.

Article 10, § 3 - Unemployed persons

Question of the ECSR: *“The Committee wishes to know what the activation rate is – i.e. the ratio between the annual average number of previously unemployed participants in active measures divided by the number of registered unemployed persons and participants in active measures.”*

Answer: The activation rate is as follows:

2007: 9.7 %
2008: 14.7 %
2009: 15.8 %
2010: 19.6 %

Question of the ECSR: *“The Committee asks what permanent residence or employment signify.”*

Answer: The two terms signify the conditions an individual must meet to be able to have access to adult vocational training. The individual needs to meet at least one of the two conditions, at the moment this person applies for access to the training.

Employment in this context means that the person needs to have a contract in a Danish based company. This means that commuters who for example live in Sweden or Germany in theory also can be granted access to adult vocational training, if they work at an enterprise that is based in Denmark.

Permanent residence means in this context that the person applying for adult vocational training has to have a permanent address (fast bopæl) in Denmark and needs to be registered in the cpr-register (civil registration system).

In the previous report, the term “fast bopæl” must have been translated faultily into “permanent residence” instead of “permanent address”. Whether or not a person can have access to adult vocational training is not dependent on one’s nationality, or whether or not the person has received a permanent residence/work permit or a time-limited residence/work permit. However, it is possible for people whose Danish language skills prove not to be sufficient after a language test, to follow a course in another language, or to follow the course partially in Danish and partially in another language.

Article 15

Article 15 § 1

Question of the ECSR: *“As regards the new act of June 2007 [Act on education for young people with special needs], the Committee asks the Government to provide comprehensive information on its scope as well as on its impact in practice. In particular, it asks whether non-discrimination on the ground of disability is generally provided for with regard to the field of education. It also specifically asks whether the new legislation requires a compelling justification for special or segregated educational systems and confers an effective remedy on those who are found to have been unlawfully excluded or segregated or otherwise denied an effective right to education.”*

Answer: Act on Education for Young People with Special Needs came into force on 1st August 2007 (Lov om ungdomsuddannelse for unge med særlige behov). In this way the Danish government guarantees persons with learning disabilities and other young people with special needs who cannot undergo the traditional education system a legal claim to a 3-year youth training (secondary education) for young people with special needs after leaving primary school arranged individually based on the skills of young people, maturity and interests.

The municipality of residence must give considerable weight to the wishes of the young persons and parents regarding the organisation of the youth training. The youth training shall as far as possible be organised taking into account the young person’s skills, maturity and interests and provide a planned and coordinated course. The youth training consists of elements of education, training and practical activities and is implemented after an individual training plan for the young person.

The Youth Guidance Centre (Ungdommens Uddannelsesvejledning) assesses whether a young person can complete the traditional education system and sets to the municipality of residence, if the young person in question must be offered a secondary education for young people with special needs.

The young person may complain about the municipality of residence decision to offer or refuse an offer of a 3-year youth training (secondary education) for young people with special needs. The same applies to the municipalities of residence decision as to the content of this training. The complaint can be brought to the Complaints Board for Special Education (Klagenævnet for vidtgående specialundervisning).

The on-going evaluation of youth training for young people with special needs shows that youth training for young people with special needs generally lives up to the expectations from the preparatory work.

On 28 February 2010 3.418 active students were enrolled in secondary education for young people with special needs and 3.731 have been doing this training. 103 students have completed youth training and 210 have closed this training. The total number of students corresponds to the expectations during the preparatory work.

Question of the ECSR: *“The Committee asks the next report to provide information on the number of people with disabilities attending vocational training or rehabilitation, receiving a rehabilitation grant as the primary subsidy or a grant for vocational training at further educational level and at higher educational level.”*

	1st August 2007	1st August 2007	28th February 2009	28th February 2010
Students total	379	1.223	2.216	3.731
Active students			1.832	3.418

Groups of participants with different disabilities	1st August 2007 percent	1st August 2007 percent	28th February 2009 percent	28th February 2010 percent
General learning difficulties	75,3	67,5	71,2	50,4
Developmental disorders	9,4	16,5	20,4	21,5
Social and environmental problems	0,8	1,6	2,3	6,0
Reading and writing difficulties	0,0	0,0	0,1	2,7
Hearing difficulties	0,0	0,1	0,2	1,4
Visual difficulties	0,0	0,1	0,1	0,9
Movement difficulties	2,1	2,1	0,1	0,8
Mental difficulties	0,8	0,5	2,1	3,8
Other difficulties	2,6	2,1	1,2	3,3
Combination of different difficulties	9,1	9,4	2,3	9,2
Total	100	100	100	100

Question of the ECSR: *The Committee asks for information on “the impact of the measures taken with respect to vocational training on the subsequent integration of persons with disabilities in the labour market [and] concerning the availability of judicial or administrative remedies for those who are found to have been unlawfully excluded or segregated or otherwise denied an effective right to vocational training.”*

Answer:

Article 15 § 2 – employment for persons with disabilities

Question of the ECSR: *“The Committee [asks for] up-to-date total number of persons with disabilities in the working age.*

Answer: Contribution from Danish authorities will follow

Question of the ECSR: *”The Committee requests the next report to clarify how [Act no. 1074 of 7 September 2007]helps employers to implement their reasonable accommodation obligation in practice. (...) [T]he Committee also reiterates its previous questions concerning the reasonable accommodation obligation (...) i.e.: Has the reasonable accommodation obligation given rise to cases before the court? Has the reasonable accommodation obligation prompted an increase in employment of persons with disabilities in the open labour market?”*

Answer: Contribution from Danish authorities will follow

Question of the ECSR: *“The Committee asks the next report to include the total number of persons with disabilities working in sheltered workshops.”*

According to a report published by the Danish National Centre for Social Research: “Disability and Employment – the development between 2002-2010”, 15.9% of the population between 16-64 years in 2010 answer ‘yes’ when asked if they are disabled or have long-term health problems. This equals 560.000 persons/individuals constituting a marked decrease in numbers compared to 2008 where 660.000 estimated that they suffered from a handicap or a long-term health problem.

In 2010, according to Statistic Denmark, a total of 9.569 persons were included in ‘Sheltered employment’ under the provision of the Consolidation Act on Social Services, § 103. This figure constitutes an increase of 15 % compared to 2008, where 8.356 persons worked under sheltered employment.

Additional Protocol to the European Social Charter

**Danish report concerning Article 1
for the period 1st January 2007 – 31st December 2010**

Article 1 of the Additional protocol

Question 1

The Danish Government wishes to create equal opportunities for men and women. It is the aim that men and women shall be considered equal and shall have the same opportunities.

The Government is thus working on dismantling the barriers that are preventing women and men from living the life they want. The Government encourages respect for diversity and the personal choice of the individual. Gender equality is an essential part of the Danish democracy.

The Act on equality between men and women was adopted in 2000 and has been amended on an ongoing basis in 2008, 2009 and 2011. The Act lays down an express prohibition against discrimination on grounds of gender, provisions to promote gender equality, an obligation for public institutions to draw up reports on gender equality, demands for the representation of gender in public committees, commissions, boards, etc. The principle of sharing the burden of proof applies in the field of the Act as for the Act on gender equality and the Act on equal pay to men and women.

The Act on equal treatment of men and women as regards access to employment etc. entered into force in 1978. The Act was amended in 1984, 1989, 1990, 1994, 1997, 2000, 2002, 2005, 2006 and 2011. The Act protects both men and women against gender-based discrimination in relation to employment, sexual harassment, maternity leave and other issues on the labour market.

The Act on equal pay to men and women, which was first adopted in 1976, was amended in 1986, 1989, 1992, 2000, 2001, 2002, 2006 and 2008. The Act prescribes that any employer shall give men and women equal pay, including equal pay conditions, for the same work or work of the same value.

As mentioned in earlier reports the Act on Equal Treatment of Men and Women and the Act on Equal Pay to Men and Women include provisions concerning victimisation in connection with legal proceedings in relation to gender equality and equal pay. If an employee is dismissed under these circumstances the employer shall pay damages. The employees' access to wage information is also protected by a victimisation provision.

The most serious violation of the prohibition against discrimination is considered to be dismissal due to pregnancy and maternity leave. In recognition of this view, the victim will be awarded a large compensation if discrimination is established. Among employers there is great respect for the prohibition against dismissal due to pregnancy and maternity leave.

Other violations of the prohibition against discrimination, e.g. sexual harassment and deterioration of working conditions, are heard by industrial arbitration tribunals, the courts and the Board of Equal Treatment, making it easy for the victim to have a complaint heard.

The Act on Entitlement to Leave and Benefits in the Event of Childbirth<https://www.retsinformation.dk/Forms/R0710.aspx?id=31753 - FN501#FN501> is to ensure that parents are entitled to absence in case of pregnancy, childbirth and adoption and to ensure that parents with attachment to the labour market are entitled to maternity benefits during absence in case of pregnancy, childbirth and adoption. All parents shall be entitled to absence.

A woman shall be entitled to absence from work due to pregnancy from the beginning of a four-week period preceding the expected date of childbirth.

A mother shall have a right and a duty to absence for the first two weeks after childbirth. Subsequently, she shall be entitled to absence for another 12 weeks.

A father shall be entitled to absence from work for two consecutive weeks after the birth of the child or from the reception of the child in the home or subject to agreement with his employer within the first 14 weeks after childbirth.

After the 14th week following childbirth or the reception of the child, either parent shall be entitled to parental leave for 32 weeks. The father shall, however, be entitled to begin the parental leave within the first 14 weeks after childbirth.

An employee shall be entitled to maternity benefits from the local authority where the person concerned has been attached to the labour market continuously for the last 13 weeks prior to the beginning of the period of absence. In 2011 the benefits amount to DKK 195.000 for one year of leave.

The Act on Maternity Equalisation in the Private Labour Market applies to the private labour market. All employers may receive reimbursement for employees who under the rules governing benefits in the event of illness or childbirth are entitled to benefits during absence in case of pregnancy, childbirth and adoption (maternity benefits).

Reimbursement shall be granted on the basis of the employer's request to the local authority or other public authority for permission to assume the employee's right to maternity benefits under the rules governing maternity benefits. The reimbursement shall constitute the difference between maternity benefits and pay during maternity leave within a fixed ceiling.

All employers shall pay a contribution to the maternity equalisation scheme for each of their employees. The contribution shall constitute an annual amount per full-time employee. The amount shall be adjusted gradually in relation to the time the employee is employed per week.

The Act on the Board of Equal Treatment from 2008 established The Board of Equal Treatment instead of The Gender Equality Board. The Board of Equal Treatment deals with complains related to discrimination both inside and outside the labour market. The Board deals with complaints related to discrimination based on gender, race, colour, religion or belief, political views, sexual orientation, age, disability or national, social or ethnic origin *within* the Labour Market. Outside the labour market, the Board deals with complaints related to discrimination based on race, ethnic origin or gender. It is free of charge to make a complaint to the Board.

The Danish Institute for Human Rights (DIHR) has in 2011 been appointed equality body in relation to gender by the Danish Parliament. This means that DIHR is mandated to promote, evaluate, monitor, and support equal treatment of women and men without discrimination on the basis of gender. The mandate is stated in an amendment of the Act governing the Establishment of the Danish Centre for International Studies and Human Rights.

The Danish Confederation of Trade Unions (LO) and the Confederation of Danish Employers (DA) agree on promoting a development, which prevents any type of discrimination on the labour market. The social partners have a joint interest in keeping the gender equality debate on the best possible basis. Therefore the social partners also promote gender equality in their collective agreements.

The administrative procedures and the supplementary agreement concerning gender equality on the labour market that has been mentioned in earlier reports are still in force.

Question 2

The gender equality work is mainly handled by the following institutions:

- The Minister for Gender Equality and The Department of Gender Equality
- The Minister for Employment and the Ministry of Employment
- The Board of Equal Treatment (mentioned under Q no. 1)
- The Danish Institute for Human Rights (mentioned under Q no. 1)
- External gender equality players

The Minister for Gender Equality and Department of Gender Equality

The Minister for Gender Equality is responsible for the Government's overall activities in the field of gender equality and co-ordinates the equality work of other ministries and is responsible for the Act on Gender Equality.

The Minister for Gender Equality is responsible for implementing the mainstreaming strategy, not only in relation to other ministries but also other parts of the public administration. Parallel to the mainstreaming strategy, the Minister lays down rules and guidelines for the gender equality work and initiates special measures to promote gender equality and equal opportunities, i.e. a dual approach is applied.

In 2007, a new inter-ministerial action plan for gender mainstreaming was adopted. The action plan runs until 2011. The action plan focuses on implementation, anchoring, ability grouping and management. All ministries must formulate gender equality policies and specific targets for their own ministry; competences must be built in order to work professionally on gender equality in all ministries and gender equality must be incorporated in central parts of the individual fields of responsibility of the ministries and relevant major inter-ministerial tasks. The gender equality department has received funds from the EU's PROGRESS-program to develop an online tool that can support public authorities and institutions in their efforts to improve gender equality. The tool will ease the work involved in keeping updated with the Gender Equality Act's requirements on gender mainstreaming of all planning and administration and will help contribute to a renewal of the strategic gender main-streaming effort in the public sector.

Every other year public institutions must submit gender equality reports to the Minister for Gender Equality. The 2011 report must contain a description of whether the ministry, institution or organisation has formulated a gender equality policy, and, if so, its contents. In addition to this the gender balance must be reported at each employment grade, as well as other factors relevant to the ministry, institution or organisation's efforts when it comes to gender equality. The 2011 reports will be looked at to identify whether public institutions have improved since the 2009 gender equality report.

Each year the Minister draws up a report and a perspective and action plan for gender equality for the Danish Parliament where it is subject to a debate.

The Minister for Gender Equality is also responsible for the government's goals on having more women in decision-making positions. A still increasing number of companies in Denmark are working on targets in order to bring all talents into the labour market and the government's initiatives in these areas gains strong support in the corporate sector. More than 100 companies have signed a "Charter for more women in executive management". The first evaluation of the charter took place in late 2010 and was based on reports from 8 public authorities and 16 private companies. This evaluation showed, among other things, that the vast majority of the participating organisations and companies have a special focus on attracting female leaders in the recruitment process.

In 2010 the Minister for Gender Equality launched, in collaboration with representatives from Danish companies, institutional investors, private equity funds, recruiters and researchers, "Operation Chain Reaction: Recommendations for more women on boards of directors". The Minister for Gender Equality will follow up annually on the recommendations and put aspects of the recommendations up for debate. Since the

launching of the recommendations for more women on boards in November 2010, they have been signed by more than 50 of Denmark's leading companies; this includes more than half of the ones listed at the Danish blue-chip stock index – the C20. In 2011 the work continues by getting business owners and the board chairmen to sign the recommendations.

In 2010 the Minister for Gender Equality and the organisation Forum 100% initiated a study examining what happens to boys after finishing an upper secondary education. During the next two years, funds from the “Fund for promotion of gender equality” will, among other things, be allocated to areas which focus on supporting projects that will develop and promote methods to ensure that more boys complete an education. The fund will also be allocated to support projects aiming at encouraging girls and boys to choose from the broad variety of educations that are on offer as to eliminate stereotypical gender-biased career paths. To encourage more girls to consider a career within science or technology the Minister for Gender Equality, in cooperation with the Danish Society of Engineers, is introducing “Working as problem solvers in internships” – girls in science and technology.

The Minister for Employment and the Ministry of Employment

The Ministry has formulated a gender policy within its area. For the Ministry of Employment the goals are very clear:

- Disaggregate the gender-segregated labour market
- Equal treatment
- Reduce the pay differentials between women and men
- Reduce women's extra unemployment
- Reconcile family life and working life

Denmark has an equality-friendly labour market. Women's employment rates are high and their working hours increasing. This is a prerequisite for economic independence, the most important goal of gender equality.

But a number of imbalances still exist and call for continued action. In the reference period, the measures have been concentrated on the issues of equal pay, the gender-segregated labour market and reconciling work and family life.

The Government aims at reducing the gender-segregated labour market.

A comprehensive commission setup by the Ministry of Finance on pay in the public sector delivered its final report in May 2010. One of the main conclusions in the report was the importance of reducing gender segregation in the labour market.

The mainstreaming strategy is used to analyse the performance of the Ministry of Employment to promote gender equality on the labour market. The dismantling of the gender-segregated labour market is particularly in focus in this work. The Ministry of Employment reports every year to the Minister of Gender Equality and has every year fulfilled the expectations.

Rules on gender-segregated wage statistics broken down by enterprises were introduced in 2006, cf. Act No. 562 of 9 June 2006. The Act aims at increasing the attention on and intensifying the work with reducing any wage differences between men and women at the enterprises. This takes place by increasing the visibility and information on wage differences between men and women at enterprises exceeding a certain size. Major enterprises have been requested to prepare gender-divided wage statistics so that the necessary decision-making basis can be made to ensure that the individual enterprise may work actively on discovering or preventing unintentional wage differences between women and men. The study must be made on a detailed basis.

In the beginning of 2011 the Ministry of Employment has funded and initiated a comprehensive study and evaluation on the rules on gender-segregated wage statistics based on questionnaires to companies included by the rules. The result is expected to be available in the fall 2011.

In addition, a website on equal pay has been set up; www.ligelon.dk with legislation, decisions, statistics and guidance on the wage differences between women and men. The webpage is undergoing an evaluation and will be renewed in 2011-2012.

Seminars are held regularly by the Ministry of Employment with scientists, the social partners and enterprises on equal pay to men and women in order to discuss and initiate initiatives that may reduce the wage differences between women and men.

Every year the Ministry of Employment publishes a report on Men and Women in the Labour Market with all the most relevant statistical data.

The regulation on the right to leave and benefits in the event of childbirth is an important prerequisite for mothers and fathers opportunities to function on the labour market. Therefore the rules are organised in a very flexible way in order to give employers and employees the opportunity to find solutions which suit both parties. The state funded benefits are relatively high so parents have a sufficient income under leave. Many employers top up so many employees are entitled to full pay under parts of the leave.

External gender equality players:

Furthermore, the gender equality work is handled by a wide range of independent organisations and institutions which to different extent receive public support, including the Danish Centre for Information on Women and Gender (KVINFO), which acts as a national centre for knowledge, information and debate, the women's and gender research at various universities, the Women's Council in Denmark, which is an international umbrella organisation dealing with women's rights and gender equality.

In its previous conclusion, the Committee also asked for information on women's career development. The report provides the following data: in the public sector 13.1% of women are employed in managerial positions whereas in the private sector only 4% of women are employed in such positions. In order to improve the situation, the Government has targeted women in managerial positions as a special action area for the private sector, the aim being to make visible that it is good business to employ more female managers.

Question 3

As mentioned the Ministry of Employment publishes a report on Men and Women in the Labour Market every year on relevant statistical data.

Below are some of the latest statistics from 2009:

- Employment rate: The latest report from December 2010 reveals that almost 73.4 pct. of Danish women aged 16-64 worked. The Danish women have the highest employment rate in the EU. In comparison 77.8 pct. of the Danish men in the same age group worked in the labour market. The difference between men and women in this capacity has decreased over the years.
- Management: Almost 3 out of 10 top managers/executives are women. This figure has gone up by 45 pct. from 1998 to 2009. The part of female top managers/executives in the private sector is 5.4 pct.
- Education: Women and men are almost equally educated but women do more often have a higher education than men.

- The choices young Danish men and women make are to a large extent determined by gender. For example, six per cent of those who started nursing studies in 2010 were men², while 27 per cent of those who started an engineering programme were women^{3,4}. It would seem that young men's attitudes are more entrenched than women's. For example, 22 per cent of men believe that it is important to find a job that suits their gender, but this only applies to 14 per cent of women⁵.
- 23 per cent of boys do not complete a secondary education, while this only applies for 18 per cent of girls. Today women make up 65 per cent of those between the ages of 15 and 69 with at least three years of post-secondary education.⁶
- Part time: More women than men work part time, and work in the public sector. Family issues more often influence women's part time work than men. 37 pct. of the women and 14 pct. men work part time.
- Unemployment: Women have a lower employment rate than men. But more women are unemployed for a longer period of time.
- Pay: Women earn between 18-20 pct. less than men. Almost all of the pay differences can be explained with reasons like women take more leave when they become a parent, they work more part time, more women work in the public sector for less pay and more men are managers.
- Retirement: Women retire earlier than men do and women pay less to their retirement than men do.
- Child care: 73% of children less than 3 years are cared for in formal child care. This is the highest coverage rate in the EU⁷

² Danish Nurses' Organisation 2010.

³ "Prognosis for shortage of engineers", the Danish Society of Engineers, 2009.

⁴ There is a significant difference in the gender balance within the various lines of study in the engineering field. In the 2010 intake for MSc programmes such as mechanical and production engineering, as well as mechatronics, only men were admitted. Among the lines of study with more women included health and production (76 per cent women), biotechnology (62 per cent women), and environmental technology (59 per cent women).

⁵ "Young people's choice of education and employment", Centre for Gender Equality Research, 2005.

⁶ Ministry of Education and the Economic Council of the Labour Movement

⁷ Eurostat for 2009

**Answers and supplementary information as requested by the ECSR
on the basis of previous reporting on the articles covered by the 27th
Danish Report as regards the Additional Protocol**

Article 1 Additional Protocol

Question of the ECSR: *“The Committee asks whether it is possible in equal pay cases to make comparisons of pay and jobs outside the company directly concerned.”*

Answer: The Act on Equal Pay to Men and Women states in article 1, paragraph 2 that all employers shall offer men and women equal pay, including equal pay conditions, for the same work or work given the same value. The evaluation of the value of the work shall take place on the basis of a general evaluation of relevant qualifications and other relevant factors. It is a condition that a comparison can be made between two employees. The Act is an implementation of the directive no. 2006/54/EF. The current case law only operates with comparisons within the same company.

Question of the ECSR: *“The Committee asks for more information in the next report on how equal treatment for women and men is being promoted by means of collective agreements”*

Answer: The Danish legislation described in the general report on article 1 of the Additional Protocol must be followed to the point by the social partners when they agree on collective agreements. This also includes The Act on Equal Pay to Men and Women.

The Committee specifically asks for information on how equal treatment is being promoted in the collective agreements. Within the legal framework the social partners can promote gender equality in other ways as well by private collective agreements.

As an example of this the result of the collective bargaining in the private sector in 2010 can be mentioned. The main social partners on the Danish labour market agreed on implementing The Act on Equal Pay to Men and Women directly in the collective agreement. This was meant as a signal of the importance of the rules on equal pay. The implementation also had the more practical consequence that future cases on discrimination with regard to equal pay can be processed in the quick and professional Labour Court etc. The main social partners in the industrial sector also made an agreement on establishing a special board that can process cases on discrimination based on the rules on equal pay.

Several of the social partners have seminars on gender equality issues as well as theme sites/information campaigns on their webpages on different aspects of gender equality.

Article 18

Article 18 § 1

Question of the ECSR: *"The Committee asks for the next report to contain statistics on the number of applications for permits made, granted and rejected."*

Answer: Reference is made to the main report – answer to question 3 as regards Article 18 § 1.

Article 18 § 2

Question of the ECSR: *"The Committee invites the Government to explain why it has increased the charges for work and residence permits. Furthermore, bearing in mind that these charges are paid on submission of the application, the Committee asks whether they are reimbursed if the application is rejected."*

Please kindly refer to the description above regarding the fee for submission of an application or appeal for residence permit in Denmark.