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1961 EUROPEAN SOCIAL CHARTER

Answers to additional questions related to

43rd National Report on the implementation of the European
Social Charter

submitted by

THE GOVERNMENT OF DENMARK

Articles 2, 3, 4, 5, 6, and 20

CYCLE 2024

DENMARK

Article 3.1

Please provide information on:

- the measures taken to ensure that teleworkers and domestic workers are protected by occupational health and safety regulations.

The Danish working environment legislation applies to all work carried out for an employer, including work performed by teleworkers and domestic workers.

In relation to teleworking, however, there are a few exceptions to the working environment legislation, including requirements for the layout of the workplace. The requirements of the working environment legislation for the layout of the workplace do not generally apply to the home workplace. However, the regulation on screen work – including the special requirements for the layout of the workplace set out therein – also apply to screen work at home, if the employee performs the screen work at home regularly and more than two days a week as an average over a month.

Article 3.2

Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations by the labour inspection or other competent authorities concerning the following categories of workers:

- *domestic workers;*

Domestic workers are covered by regulations in the Working Environment Act and DWEA is authorized by the Working Environment Act to supervise the work they perform in private homes. DWEA is thus entitled to enter private workplaces and check compliance with working environment legislation upon presentation of appropriate identification.

DWEA does not generally supervise work that can be attributed to the employer's private household, but may, after a more specific assessment, supervise in the event of serious complaints and accidents. If the owner of the home does not want a visit from DWEA, it will depend on a specific assessment whether DWEA will nevertheless carry out an inspection in the home in question. However, there must be very special reasons for DWEA to carry out an inspection in the home against the owner's wishes. The assessment includes whether there are serious violations or dangerous situations. In such cases, DWEA may, if necessary, gain access to the home with the help of the police.

- *workers employed through subcontracting;*

Concerning *workers employed through subcontracting* in Denmark, the employer who hires and actually employs the employee has full employer responsibility in relation to the employee under the Working Environment Act.

It is DWEA's assessment that this approach in the Working Environment Act provides the greatest assurance that the employees' working environment conditions are taken care of by the employer who actually has the opportunity to ensure sound working environment conditions.

DWEA supervises Workers employed through subcontracting at the same time as and on an equal footing with the supervision of the employer's other employees.

- *workers exposed to environmental-related risks such as climate change and pollution*

With regard to *environmental-related risks such as climate change and pollution*, climate and pollution conditions are rather gentle in Denmark and not expected to change dramatically in the future. Thus, the general working environment regulation is as a whole considered adequate. In relation to workers exposure to heat or cold, the regulation ensure that temperature at the workspace under normal working and climate conditions is 20-22°C and that the temperature should not fall below 18°C. In situations where this is impossible, e.g. under a heat wave, the employer is still obliged to take the necessary measures to protect workers. In relation to exposure to UV-radiation from the sun, the employer is obliged to ensure that workers are protected, either by wearing UV-protective clothing or sun-screen.