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RAP/RCha/DNK/41 (2022)

EUROPEAN SOCIAL CHARTER

Comments by the Confederation of Danish Employers on the
41st National Report on the implementation of the European
Social Charter

submitted by

THE GOVERNMENT OF DENMARK

Articles 2, 4, 5, 6 and article 2 and 3 of the Additional Protocol
for the period 01/01/2017 – 31/12/2020

Comments registered by the Secretariat on
13 December 2022

CYCLE 2022

Comments from Confederation of Danish Employers to be submitted:

Art 2§2 – Public holidays with pay

Page 4-5: The Confederation of Danish Employers shall question the reasoning for the opinion of the Committee, that Denmark is not in conformity on the ground that it has not been established that workers do not receive a sufficiently increased salary for work on public holidays. Also questions concerning wage settlements, including for public holidays, if applicable, will be dealt by the social partners.

Art 4§1- Decent remuneration

Page 8: In the description of the wage compensations scheme, The Confederation of Danish Employers want to highlight that in the wage compensations scheme as also mentioned in the report, it was a pre-condition, that the company paid the contractually agreed amount in full and did not lay off any workers. However, the compensation did not in any way cover the full salaries of the workers. These losses come in addition to the general economic losses due to lack of activity for many companies due to the pandemic. Thus, a huge economic burden of the pandemic was actually covered by the companies. See also the Governments comments on page 19, “4”.

Art. 4§2 - Remuneration for overtime work

Page 9: It is more correct to mention that inactive part of on-call time outside the working place “as-a-starting-point” is regarded as rest period.

Page 10: Regarding telework it should be mentioned that the European social partners in 2002 agreed on a framework agreement on telework that has been also implemented by the social partners in Denmark. The European social partners started in autumn 2022 negotiations on a new binding agreement on telework.

Art 4§3 - non-discrimination between women and men with respect to remuneration

The Confederation of Danish Employers finds that in the government’s report the numbers – and relatively few - of actual cases concerning equal pay should be highlighted. The employers find no legal ground for the committee’s theory for comparisons across companies. The employers share the observations from the government that unexplained differences of pay is not a measure of discrimination. As such the concept of a “pay gap” should be abolished in any legal connection.

Article 6 The right of workers to bargain collectively

Page 22-23: The Confederation of Danish Employers shares the view of the government that there is no inconformity regarding art 6§4 concerning strike for workers who are not members of a trade union.