January 2026

European Social Charter

European Committee of Social Rights

Conclusions XXIII-1

DENMARK

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts "conclusions"; in respect of collective complaints, it adopts decisions.

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.[1]

The 1961 European Social Charter was ratified by Denmark on 3 March 1965. The time limit for submitting the 43rd report on the application of this treaty to the Council of Europe was 31 December 2024 and Denmark submitted it on 20 December 2024.

The present chapter on Denmark concerns 8 situations and contains:

– 1 conclusion of conformity: Article 3§2

– 7 conclusions of non-conformity: Articles 3§1, 4§3, 5, 6§1, 6§2, 6§4, 20

The next report from Denmark will be due on 31 December 2026.

[1] *The conclusions as well as state reports can be consulted on the Council of Europe's Internet site (www.coe.int/socialcharter).*

Article 3 - Right to safe and healthy working conditions

Paragraph 1 - Safety and health regulations

The Committee takes note of the information contained in the report submitted by Denmark.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 3§1 of the 1961 Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The right to disconnect

In a targeted question, the Committee asked for information on the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours, including the right to disconnect; and on how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.

The report notes that Denmark does not have any regulations on the right to disconnect. However, it refers to the regulations in place concerning rest time. Moreover, in accordance with Act No. 501 of 16 May 2023, workers with unpredictable work patterns have the right to refuse work outside their allocated time frames and cannot be penalised for exercising this right.

The Committee recalls that, consistent with States Parties' obligations under Article 3§1 of the 1961 Charter, in order to protect the physical and mental health of persons teleworking or working remotely and to ensure the right of every worker to a safe and healthy working environment, it is necessary to fully enable the right of workers to refuse to perform work outside their normal working hours (other than work considered to be overtime and fully recognised accordingly) or while on holiday or on other forms of leave (sometimes referred to as the "right to disconnect") (Statement of interpretation on Article 3§2, Conclusions 2021).

The Committee concludes that the situation in Denmark is not in conformity with Article 3§1 of the 1961 Charter on the ground that workers do not have the right to disconnect.

Personal scope of the regulations

In a targeted question, the Committee asked for information on the measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations; and on whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.

Self-employed workers

The report notes that occupational health and safety regulations cover any work carried out for an employer. However, some provisions also apply to work carried out by self-employed workers, including rules on technical aids, substances and materials, as well as on the planning and execution of work.

Teleworkers

The report does not provide the requested information. In response to a request for additional information, the report states that occupational health and safety legislation applies to all work carried out for an employer, including work performed by teleworkers. Notably, the regulation on screen work, including the specific layout requirements it sets out, also applies to screen work at home if the worker performs such work regularly for more than two days per week on average over a month. However, there are a few exceptions to occupational health and safety

legislation with respect to teleworking, for instance in relation to workplace layout requirements.

Domestic workers

The report does not provide the requested information. In response to a request for additional information, the report states that occupational health and safety legislation applies to all work carried out for an employer, including work performed by domestic workers. The Committee notes, based on other sources, that domestic workers are not treated differently from other groups regarding social protection and labour protection (Kvist, J. (2024). *Access for domestic workers to labour and social protection – Denmark*. European Social Policy Analysis Network, Brussels: European Commission).

Temporary workers

The report notes that temporary workers, interim workers and workers on fixed-term contracts enjoy the same occupational health and safety protections as workers on contracts of indefinite duration.

Conclusion

The Committee concludes that the situation in Denmark is not in conformity with Article 3§1 of the 1961 Charter on the ground that workers do not have the right to disconnect.

Article 3 - Right to safe and healthy working conditions

Paragraph 2 - Enforcement of safety and health regulations

The Committee takes note of the information contained in the report submitted by Denmark.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 3§2 of the 1961 Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The Committee asked for information on measures taken to ensure the supervision of the implementation of health and safety regulations concerning vulnerable categories of workers such as: (i) domestic workers; (ii) digital platform workers; (iii) teleworkers; (iv) posted workers; (v) workers employed through subcontracting; (vi) the self-employed; (vii) workers exposed to environmental-related risks such as climate change and pollution.

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions.

The report indicates that the Danish Working Environment Authority (the DWEA) monitors compliance with legislation on occupational health and safety and offers guidance on health and safety conditions in Denmark.

Domestic workers

In response to a request for additional information, the report states that domestic workers are covered by regulations in the Working Environment Act and that the DWEA is authorised by the Working Environment Act to supervise the work they perform in private homes.

The report notes that the DWEA is thus entitled to enter private workplaces and check compliance with working environment legislation upon presentation of appropriate identification. However, the 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. Should a homeowner refuse a DWEA visit, an inspection may be carried out after assessing whether there is a risk of serious violations or dangerous situations. In such cases, DWEA may request police assistance to access the private home.

Digital platform workers

The report notes that the DWEA conducted an inspection campaign targeting platform-based employment in the transport and food delivery sector in 2022. The inspectors were trained in working environment risks associated with heavy lifting and time pressure. The inspection campaign also focused on determining whether the platforms workers were truly self-employed or employed by the platform companies. As part of the campaign, the DWEA held meetings with workers and managers at platform companies to discuss common work environment risks in the sector. The initiatives of that campaign are currently part of the general inspections in the sector.

Teleworkers

The report indicates that a new executive order on the working environment in relation to remote working entered into force in spring 2022. The rules were developed in close cooperation with the social partners. The aim was to update the rules in the light of the increasing prevalence of teleworking. In addition to the new rules for teleworking, the DWEA has developed a dedicated theme page on its website with extensive information on the working environment in relation to teleworking and related matters.

The Committee notes that, under Article 3 of the Charter, teleworkers, who regularly work outside of the employer’s premises by using information and communications technology,

enjoy equal rights and the same level of protection in terms of health and safety as workers working at the employer's premises.

States Parties must take measures to ensure that employers comply with their obligations to ensure safe and healthy working conditions for their teleworkers, such as: (i) assessing the risks associated with the teleworker's work environment; (ii) providing or ensuring access to ergonomically appropriate equipment and protective equipment; (iii) providing information and training to teleworkers on ergonomics, safe use of equipment, physical risks (e.g. musculoskeletal disorders, eye strain) and prevention of psychosocial risks (e.g. isolation, stress, cyberbullying, work-life balance, including digital disconnect, and electronic monitoring); (iv) maintaining clear documentation and records; (v) providing appropriate support through human resources or health and safety officers/services; and (vi) ensuring that teleworkers can effectively report occupational accidents or health and safety issues encountered during teleworking. States Parties must also take measures to ensure that teleworkers comply with the guidelines and regulations on health and safety and co-operate with employers and labour inspectorate or other enforcement bodies in this sense.

The labour inspectorate or other enforcement bodies must be entitled to effectively monitor and ensure compliance with health and safety obligations by employers and teleworkers. This requires to: (i) conduct regular and systematic supervision, including remote audits; (ii) review employers' risk assessments and training documentation; (iii) verify the appropriateness and effectiveness of preventive measures taken by employers; (iv) have adequate resources, legal authority, and clearly defined powers to issue corrective instructions and impose proportionate and dissuasive sanctions in cases of non-compliance.

Posted workers

With regard to posted workers performing work in Denmark, the report indicates that their employer must notify the register of foreign service providers (RUT). The notification must include the type of work undertaken, the address at which work is performed, and its start and end dates. The report notes that, in some industries such as construction, the DWEA inspects all companies (and self-employed persons) that notify the RUT, whereas in other industries, only parts of the companies are inspected.

Workers employed through subcontracting

In response to a request for additional information, the report states that the employer who actually engages the worker has full employer responsibility in relation to the worker under the Working Environment Act. The DWEA supervises workers employed through subcontracting in a manner consistent with the supervision of the employer's other workers.

Self-employed workers

The report notes that legislation on occupational health and safety applies to all forms of work carried out for an employer. However, some provisions also cover work that is carried out by self-employed workers, including rules pertaining to technical aids, substances and materials, as well as the planning and execution of work.

Workers exposed to environment-related risks such as climate change and pollution

In response to a request for additional information, the report indicates that the general working environment regulation provides that the temperature at the workspace under normal working and climate conditions should be maintained at 20-22°C, and that the temperature should not fall below 18°C. In circumstances where this is not feasible, e.g. during a heat wave, employers are still obliged to take the necessary measures to protect their workers. With regard to exposure to UV-radiation from the sun, it is the employer's responsibility to

ensure that workers are protected, either by wearing UV-protective clothing or applying sunscreen.

The Committee recalls that States must effectively monitor the application of standards addressing climate-related safety and health risks, including through appropriate supervisory mechanisms, and should undertake these efforts in close consultation with employers' and workers' organisations.

Risk assessment and prevention/protection plans should include measures aimed at mitigating the effects of climate change on the safety and physical and mental health of workers (for example, provision of personal protective equipment, appropriate clothing, sun protection, hydration, ventilation, as well as the introduction of reduced or flexible working hours and the provision of mental health support and other support services, where appropriate). The Committee further stresses the importance of providing guidance and training to employers and workers, as well as implementing awareness-raising activities, collection of data and carrying out of research concerning the impact of climate change.

Conclusion

The Committee concludes that the situation in Denmark is in conformity with Article 3§2 of the 1961 Charter.

Article 4 - Right to a fair remuneration

Paragraph 3 - Non-discrimination between and women men with respect to remuneration

The Committee takes note of the information contained in the report submitted by Denmark.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 4§3 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

The notion of equal work and work of equal value

In its targeted question the Committee asked the report to indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The Committee recalls that under Article 4§3 in order to establish whether work performed is equal or of equal value, factors such as the nature of tasks, skills, educational and training requirements must be taken into account. Pay structures shall be such as to enable the assessment of whether workers are in a comparable situation with regard to the value of work. The value of work, that is the worth of a job for the purposes of determining remuneration should be assessed on the basis of objective gender-neutral criteria, including educational, professional and training requirements, skills, effort, responsibility and working conditions, irrespective of differences in working patterns. These criteria should be defined and applied in an objective, gender-neutral manner, excluding any direct or indirect gender discrimination.

The Committee considers that the notion of equal work or work of equal value has a qualitative dimension and may not always be satisfactorily defined, thus undermining legal certainty. The concept of “work of equal value” lies at the heart of the fundamental right to equal pay for women and men, as it permits a broad scope of comparison, going beyond “equal”, “the same” or “similar” work. It also encompasses work that may be of a different nature, but is, nevertheless, of equal value.

States should therefore seek to clarify this notion in domestic law as necessary, either through legislation or case law (Conclusions XV-2, Article 4§3, Poland). No definition of work of equal value in legislation and the absence of case law would indicate that measures need to be taken to give full legislative expression and effect to the principle of equal remuneration, by setting the parameters for a broad definition of equal value.

According to Article 1, para 2 of the Danish Equal Pay Act, employers must pay men and women equal remuneration, as far as all pay elements and pay conditions are concerned, for the same work or for work of equal value. In particular, when an occupational classification system is used to regulate pay, the system must be based on the same criteria for male and female employees and be designed in such a way that it excludes discrimination based on gender. According to Article 1(3), the assessment of the value of the work must be based on an overall assessment of the relevant qualifications and other relevant factors.

The Committee notes from the *Country Report on Gender Equality of the European Experts on Gender Equality and Non-discrimination* (Denmark, 2024) that no parameters are laid down in the Equal Pay Act for what constitutes “equal value”. Article 1(3) states that the assessment of the value of the work must be carried out in the form of an overall assessment of relevant qualifications and other relevant factors.

There is no generally applied threshold for determining when indicators are sufficient to indicate work of the same value. There is not even a general consensus as to which ”value” is measured – whether it is value for the individual employer, value of the merits of the individual regardless of the employer’s needs, the general value in society, or a combination of these.

However, the Committee notes that in judicial practice, certain parameters are set. In judgment C-400/93146, the Court lists factors such as the nature of the work, the training requirements and the working conditions. In addition, the comparison must cover a relatively large number of workers, in order to ensure that differences found are not due to minor reasons. The report also refers to the *HK Privat* and *Novozymes* case, in which HK called on Novozymes to acknowledge that the laboratory assistants' work was of equal value to that of technicians and to bring the average salary up to the same level.

The Committee observes that the concept of equal work or work of equal value is defined and developed in domestic case law. The Committee considers that the situation is in conformity with the Charter on this point.

Job classification and remuneration systems

In its targeted question the Committee asked the report to provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.

The Committee considers that pay transparency is instrumental in the effective application of the principle of equal pay for work of equal value. Transparency contributes to identifying gender bias and discrimination and it facilitates the taking of corrective action by workers and employers and their organisations as well as by the relevant authorities. In this respect, job classification and evaluation systems should be promoted and where they are used, they must rely on criteria that are gender-neutral and do not result in indirect discrimination. Moreover, such systems must consider the features of the posts in question rather than the personal characteristics of the workers (UWE v. Belgium, Complaint No. 124/2016, decision on the merits of 5 December 2019). Where gender-neutral job evaluation and classification systems are used, they are effective in establishing a transparent pay system and are instrumental in ensuring that direct or indirect discrimination on the grounds of gender is excluded. They detect indirect pay discrimination related to the undervaluation of jobs typically done by women. They do so by measuring and comparing jobs the content of which is different but of equal value and so support the principle of equal pay.

The Committee considers that States Parties should take the necessary measures to ensure that analytical tools or methodologies are made available and are easily accessible to support and guide the assessment and comparison of the value of work and establish gender neutral job evaluation and classification systems.

According to the report, pay is determined and regulated by the social partners either in collective agreements through extensive collective bargaining or by individual contracts. The principle of equal pay is enshrined in the collective agreements and it is the responsibility of the social partners to ensure that the principle is reflected in the collective agreements.

The Committee notes from the Report on Gender Equality of the European Experts of Gender Equality and non-Discrimination (Denmark, 2024) that many collective agreements have implemented the Equal Pay Act, which thereby transfers disputes concerning equal pay to the Labour Court and the industrial tribunals instead of to the ordinary courts. Furthermore, the signatory parties to the largest sectoral collective agreement in Denmark, the employer organisation, the Confederation of Danish Industry (Dansk Industri) and the association of trade unions, the Central Organisation of Industrial Employees in Denmark (CO-Industri) have established their own Equal Pay Council, which can hand out a fine where there is a violation of the rule concerning the preparation of gender-disaggregated equal wage statistics/equal pay report, or in special circumstances.

In accordance with Section 5a(6) of the Equal Pay Act, an undertaking can choose to enter into an agreement with the employees or their union representatives with the purpose of preparing a report on equal pay. A report on equal pay must contain a description of conditions that are important for the remuneration of women and men in the undertaking, and an action

plan with a view to preventing or reducing the pay gap between women and men, as well as a follow-up on the action plan. The report must cover all the company's employees and be prepared in accordance with the principles of the Employee Information and Consultation Act or a collective agreement (Section 3 of the Employee Information and Consultation Act). The statement must cover a period of one to three years and must be prepared no later than the end of the calendar year in which the obligation to compile gender-disaggregated wage statistics existed. The existence of this option illustrates the role of the social partners, even if it is not mandatory for employers to use it.

The Committee also notes from the Report on Gender Equality that an example of good practice is found in the company *Refyne*, which has complete wage transparency, explicitly stating the prevention of discrimination as the reason for this.

The Committee notes that the job classification and remuneration systems that reflect the equal pay principle. Therefore, the situation is in conformity on this point.

Measures to bring about measurable progress in reducing the gender pay gap

In its targeted question the Committee asked the report to provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time.

The Committee considers that States are under an obligation to analyse the causes of the gender pay gap with a view to designing effective policies aimed at reducing it. The Committee recalls its previous holding that the collection of data with a view to adopting adequate measures is essential to promote equal opportunities. Indeed, it has held that where it is known that a certain category of persons is, or might be, discriminated against, it is the duty of the national authorities to collect data to assess the extent of the problem *(*European Roma Rights Centre v. Greece, Complaint No. 15/2003, decision on the merits of 8 December 2004, §27). The gathering and analysis of such data (with due safeguards for privacy and to avoid abuse) is indispensable to the formulation of rational policy (European Roma Rights Centre v. Italy,Complaint No. 27/2004, decision on the merits of 7 December 2005, §23).

The Committee considers that in order to ensure and promote equal pay, the collection of high-quality pay statistics broken down by gender as well as statistics on the number and type of pay discrimination cases are crucial. The collection of such data increases pay transparency at aggregate levels and ultimately uncovers the cases of unequal pay and therefore the gender pay gap. The gender pay gap is one of the most widely accepted indicators of the differences in pay that persist for men and women doing jobs that are either equal or of equal value. In addition, to the overall pay gap (unadjusted and adjusted, the Committee will also, where appropriate, have regard to more specific data on the gender pay gap by sectors, by occupations, by age, by educational level, etc (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019, §206).

While the Committee acknowledges that the realisation of the obligation to take adequate measures to promote equal opportunities is complex, the States Parties must take measures that enable the achievement of the objectives of the Charter within a reasonable time, with measurable progress and to an extent consistent with the maximum use of available resources (International Association Autism-Europe (AIAE) v. France, Complaint No. 13/2002, §53).

The Committee has held that where the States have not demonstrated measurable progress in reducing the gender pay gap, the situation amounted to a violation of the Charter (University Women of Europe (UWE) v. Finland, Complaint No. 129/2016, decision on the merits of 5 December 2019).

According to the report, under the Equal Pay Act, enterprises with at least 35 employees and at least 10 men and 10 women in the same job function must develop an annual gender segregated pay statistics at enterprise level. They can also choose to use the statistics they receive from Statistics Denmark or their employers' organisation.

The Committee notes that in June 2026, the new EU Directive on Pay Transparency (Directive 2023/970) will be implemented into Danish legislation and by the social partners with regards to the collective agreements. According to Article 4 of the Directive, Member States shall take the necessary measures to ensure that employers have pay structures ensuring equal pay for equal work or work of equal value.

The report states that in general, men receive higher wages compared to women across all sectors when the average pay gap is calculated. The average gender pay gap is the difference in gross salary and does not consider whether woman and men have different educational background or function. The pay gap between women and men declined between 2004 and 2020. However, it started to increase after 2020.

The Committee notes from Eurostat that the gender pay gap increased considerably between 2018 and 2019 from 14.6% to 17.7% and although it declined to 13.8% in 2020, it has stagnated at around 14% since 2020 (14.2% in 2021, 13.8% in 2022 and 14% in 2023) and therefore no measurable progress has been achieved. In this context, the Committee considers that the situation is not in conformity with the Charter as no measurable progress has been made in reducing the gender pay gap.

Conclusion

The Committee concludes that the situation in Denmark is not in conformity with Article 4§3 of the 1961 Charter on the ground that no measurable progress has been made in reducing the gender pay gap.

Article 5 - Right to organise

The Committee takes note of the information contained in the report submitted by Denmark.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to the targeted questions for Article 5 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Positive freedom of association of workers

In its targeted question a), the Committee asked for information on measures that have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

According to the report, freedom of association is guaranteed by the Constitution and the Freedom of Association Act. The act protects employees in relation to hiring and dismissal based on trade union membership. The report also indicates that the State encourages and promotes trade union membership by granting a personal tax reduction to those who join a trade union. However, according to the report, it is the trade unions themselves who, without the Government's involvement, are developing strategies to increase unionisation in all sectors where union membership rate is low. The report also states that the Danish Trade Union Confederation adopted a strategy for 2023-2026 at its latest Congress to promote union membership.

The report refers to the recently adopted EU Platform Work Directive on improving working conditions in platform work. According to the report, the directive is about to be implemented in Denmark in close collaboration with the social partners.

The report also states that, in Denmark, collective agreements have been adopted in the platform economy, for instance, the cleaning platform “Hilfr” and the platform for food delivery “Just Eat” have entered into collective agreements with one of the largest unions in the Trade Union Confederation. However, the Government does not have any information about the level of unionisation in this sector.

Lastly, at a more general level, the Government has funded a system for resolving disputes between the social partners to support the Danish labour market model, in which workers‘ wages and working conditions are regulated by collective agreements, the rate of unionisation is high and workers’ and employers' organisations are strong.

In its Conclusions XXII-3 with respect to Article 5 (Denmark), the Committee found that the situation in Denmark was not in conformity with Article 5 of the Charter on the ground that Article 10 of Act No. 408/1988 on the Danish International Shipping Register impaired the right of Danish trade unions to effectively protect the social and economic interests of members not residing in Denmark working on board ships registered in the Danish International Shipping Register, by not allowing them to engage in collective bargaining on their behalf.

The Committee notes that that the right to collective bargaining in respect of non-resident seafarers engaged on vessels entered in the International Shipping Register continues to be unduly restricted (see mutatis mutandis International Labour Organization. (2024). Observation (CEACR) – adopted 2023, published 112nd ILC session (2024). Right to Organise and Collective Bargaining Convention, 1949 (No. 98) – Denmark. NORMLEX). The Committee therefore reiterates its previous conclusion of non-conformity with Article 5 of the 1961 Charter (Conclusions XXII-3).

Legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining

In reply to the Committee's request for information concerning the legal criteria for determining the recognition of employers' organisations for the purposes of social dialogue and collective bargaining (targeted question b)), the report states that in Denmark, there is no procedure for registering trade unions and employers' associations and the Government does not keep any registers of trade unions or employers' associations. There are no statutory rules defining when an employer organisation may participate in social dialogue or engage in collective bargaining.

The report indicates that the process of collective bargaining in the private sector is conducted autonomously according to the terms set by the General Agreement concluded between the Danish Trade Union Confederation (FH) and the Confederation of Danish Employers (DA), dating back to the 1899 September Settlement, that has been amended a few times since then.

In the private sector, the largest employer organisation is the Confederation of Danish Employers, an umbrella organisation for 11 employer organisations, such as the Confederation of Danish Industry and the Danish Chamber of Commerce, which are widely recognised and represent a significant portion of Danish employers, i.e. approximately 25 000 companies, which in turn employ 30 % of the total workforce (and 50 % of the workforce in the private sector). Their legitimacy is thus based on large membership and broad representation across various business sectors.

The report states that there is no formal process for Government recognition of employer organisations.

Representativeness is ensured by employer organisations having a substantial membership within the sectors they represent, granting them significant influence on the labour market. For an employer organisation to participate in collective bargaining, it must be recognised by unions as a legitimate negotiating partner. This typically requires that the organisation is of certain size and represents a significant portion of employers in a given sector.

Legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining

In a targeted question, the Committee requested information on the legal criteria for determining the recognition and representativeness of trade unions in social dialogue and collective bargaining. It particularly requested information on the status and prerogatives of minority trade unions; and on the existence of alternative representation structures at company level, such as elected employee representatives (targeted question c)).

According to the report, in Danish law, there are no legal criteria for when a trade union may engage in social dialogue and collective bargaining. Collective bargaining takes place on an ad hoc basis, and there are no general criteria to determine when negotiations should occur. As in the case of employers' associations, representativeness is ensured by trade unions having a large number of members within a specific sector or field. For example, the Danish Confederation of Trade Unions is the largest national trade union confederation with 6 member organisations, including the United Federation of Danish Workers and Danish Metalworkers' Union. The Danish Confederation of Trade Unions has 1.3 million members (workers).

A minority trade union is entitled to take part in collective bargaining if it has a legitimate professional interest in seeking a collective agreement. This means that the activity for which the trade union is trying to conclude a collective agreement usually falls within the trade union's professional field.

The report states that the Danish labour market model is based on the collective representation of workers rather than on individual rights of workers. Due to the high degree

of coverage of collective agreements on the labour market (above 80 %, according to the figures provided by the Confederation of Danish Employers), a worker representative at the enterprise-level will normally be member of the union.

A Cooperation Agreement between the social partners lays down the conditions for discussions between the management and employees on all relevant issues at the workplace. It reflects the general respect and trust between the social partners. It also reflects the high degree of responsibility placed on the social partners to try to find constructive solutions to problems, which might otherwise turn into labour disputes.

The right of the police and armed forces to organise

In a targeted question, the Committee requested information on whether and to what extent members of the police and armed forces are guaranteed their right to organise (targeted question d)).

The report states that, in Denmark, there are no special rules for the police and armed forces. Freedom of association is guaranteed by the Constitution and protected by legislation. The structure of social dialogue and collective bargaining is similar to the one described above.

Conclusion

The Committee concludes that the situation in Denmark is not in conformity with Article 5 of the 1961 Charter on the ground that the right of Danish trade unions to effectively protect the social and economic interests of members not residing in Denmark working on board ships registered in the International Shipping Register is unduly impaired.

Article 6 - Right to bargain collectively

Paragraph 1 - Joint consultation

The Committee takes note of the information contained in the report submitted by Denmark.

The Committee recalls that for the purposes of the present report, States were asked to reply to the targeted questions for Article 6§1 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions.

Measures taken to promote joint consultation

In a targeted question, the Committee asked as to what measures are taken by the Government to promote joint consultation.

According to the report, there are no general or formal measures specifically aimed at promoting joint consultations. Instead, joint consultations are established on an ad hoc basis. The Government involves labour market stakeholders (social partners) in processes such as consultations, aiming to engage them as fully as possible in labour market policy and new legislation in this area. Additionally, the government regularly invites labour market partners to participate in tripartite cooperation.

Issues of mutual interest that have been the subject of joint consultations and agreements adopted

In a targeted question, the Committee asked as to what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

According to the report, in the past five years, the Government and the social partners have agreed on 37 tripartite agreements. A prevalent issue of mutual interest was the Covid-19 crisis, during which the Danish government and the social partners concluded more than 15 tripartite agreements, implemented with little to no delay. On 15 March 2020, an agreement on a temporary wage compensation scheme for private workers was reached, applying retroactively from 9 March 2020. This scheme helped private businesses, which experienced declining orders and fewer customers due to Covid-19, to pay their workers. The task of recruiting workers for specific roles in the social and health sector is another example of an issue of mutual interests. On 21 November 2020, a joint consultation resulted in the Government and the social partners reaching an agreement to make it more attractive to apply for jobs in the social and health sector. The agreement was implemented in Danish municipalities, taking effect on 1 July 2021. A third example of an issue of mutual interests is adult education and continuing training. On 12 September 2023 the Government and the social partners concluded the latest agreement, with the goal of ensuring a continuously qualified workforce. The agreement allocates 360 million Kroner yearly to continuing education programmes ensuring a permanent boost of the workforces' competences.

Joint consultation on digital transition and the green transition

In a targeted question, the Committee asked if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

Digital transition

According to the report, the Danish Ministry of Digital Affairs and Agency for Digital Government have not concluded any tripartite agreements.

The Committee notes that the report does not contain any information on joint consultations held on issues relating to the digital transition. It concludes that it has not been established that joint consultations on the digital transition have been held in Denmark.

Green transition

The Danish Ministry of Climate, Energy and Utilities have submitted information on the Danish Green Tripartite "Agreement on a Green Denmark":

In December 2023, the Danish Government set up a green tripartite with the objective of finding a comprehensive solution for the future of the agricultural sector in Denmark through dialogue, common thinking and joint commitments. The green tripartite consisted of the Danish Government and partners from agricultural business organisations, environmental organizations and leading industry. The green tripartite has drawn inspiration from the Danish tripartite tradition of the labour market. Its mandate has been to find broad-based and long-term solutions to the agri-food sector's climate and environmental challenges, and to come up with recommendations for how best to manage Denmark's land, nature and drinking water resources through implementable solutions. On 24 June 2024, the green tripartite reached an agreement for a long-term transition of agricultural production, including land use. The 'Agreement on a Green Denmark' establishes a framework for reducing greenhouse gas emissions in the agri-food sector, which will contribute to realizing the Danish national climate target in 2030 and meet Denmark's obligations under the Effort Sharing and LULUCF regulations (Land use, land-use change, and forestry, Regulations (EU) 2018/842 and 2018/841).

Furthermore, the report states that efforts will be made to increase afforestation and improve conditions within nature, biodiversity, water environment, and drinking water, including setting out principles to ensure compliance with the EU Water Framework Directive (Directive 2000/60/EC) and through the establishment of a Green Area Fund to support the transition.

Conclusion

The Committee concludes that the situation in Denmark is not in conformity with Article 6§1 of the 1961 Charter on the ground that it has not been established that joint consultations have been held on matters relating to the digital transition.

Article 6 - Right to bargain collectively

Paragraph 2 - Negotiation procedures

The Committee takes note of the information contained in the report submitted by Denmark.

The Committee recalls that, for the purposes of the present report, States were asked to reply to targeted questions for Article 6§2 of the 1961 Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion, the Committee found that the situation in Denmark was not in conformity with Article 6§2 of the 1961 Charter on the ground that the right to collective bargaining in respect of non-resident seafarers engaged on vessels entered in the International Shipping Register was unduly restricted (Conclusions XXII-3 (2022)). The assessment of the Committee will therefore concern the information provided in the report in response to the targeted questions asked, including the previous conclusion of non-conformity as part of the targeted questions.

Coordination of collective bargaining

In a targeted question, the Committee asked for information on how collective bargaining was coordinated between and across different bargaining levels. Specifically, the question sought details on factors such as *erga omnes* clauses and other mechanisms for the extension of collective agreements, as well as to the favourability principle and the extent to which local or workplace agreements could derogate from legislation or collective agreements concluded at a higher level.

The report notes that Denmark does not have legislation providing for *erga omnes* clauses or other extension mechanisms and that the employment relationship is regulated exclusively by the social partners through recurring collective bargaining. Regarding the favourability principle, the report states that Denmark follows the "agreement principle", which grants social partners considerable autonomy to determine wages and working conditions through collective agreements. Collective agreements cannot generally be overridden by individual contracts, even if the individual terms are more favourable to the worker.

Promotion of collective bargaining

In a targeted question, the Committee asked for information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining). The Committee also asked for information on the measures taken or planned to address those obstacles, their timeline, and the outcomes expected or achieved in terms of those measures.

The report indicates that collective bargaining generally functions well, with some challenges in emerging sectors such as the platform and gig economy that are analysed further below. The Committee notes, based on other sources, that collective bargaining coverage in Denmark remains stable at 82% of workers, with 100% coverage in the public sector and approximately 73% in the private sector, and that collective bargaining functions in a generally satisfactory manner (Eurofound (2024). *Working life country profile: Denmark* and Müller, T. (Ed.). (2025*). Collective bargaining and minimum wage regimes in the European Union: The transposition of the EU Directive on adequate minimum wages in the EU27*. Brussels: European Trade Union Institute (ETUI)).

However, the Committee also notes that the right to collective bargaining in respect of non-resident seafarers engaged on vessels entered in the International Shipping Register continues to be unduly restricted (see *mutatis mutandis* International Labour Organization. (2024). *Observation (CEACR) – adopted 2023, published 112nd ILC session (2024). Right to Organise and Collective Bargaining Convention, 1949 (No. 98) – Denmark.* NORMLEX). The

Committee therefore reiterates its previous conclusion of non-conformity with Article 6§2 of the 1961 Charter (Conclusions 2022).

Self-employed workers

In a targeted question, the Committee asked for information on the measures taken or planned to guarantee the right of self-employed workers, particularly those who are economically dependent or in a similar situation to workers, to bargain collectively.

The report states that Denmark does not have any formal legislation on this subject. Since self-employed and economically dependent self-employed individuals are not legally considered workers, their inclusion in collective bargaining is more complex. Nonetheless, the issue has gained increasing attention, particularly within the platform economy, where many self-employed individuals are economically dependent on a single platform or company. In response, some unions and industry organisations have taken initiatives to organise and negotiate on behalf of economically dependent self-employed individuals, particularly in sectors such as delivery services, where they form a significant part of the workforce. The Committee notes, based on other sources, several recent examples of collective agreements that have been extended to cover nominally self-employed workers. Such arrangements concerned for example domestic workers or food delivery couriers, among other groups of workers (Eurofound. *Platform Economy Database: Database of initiatives and court cases in the EU*).

Conclusion

The Committee concludes that the situation in Denmark is not in conformity with Article 6§2 of the 1961 Charter on the ground that the right to collective bargaining in respect of non-resident seafarers engaged on vessels entered in the International Shipping Register is unduly restricted.

Article 6 - Right to bargain collectively

Paragraph 4 - Collective action

The Committee takes note of the information contained in the report submitted by Denmark.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 6§4 of the Charter (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within Group 1).

In its previous conclusion (Conclusions 2022), the Committee held that the situation in Denmark was not in conformity with Article 6§4 of the Charter on the ground that that civil servants employed under the Civil Service Act are denied the right to strike.

The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted questions, including the previous conclusion of non-conformity as related to the targeted questions.

Prohibition of the right to strike

In its targeted questions, the Committee asked States Parties to indicate the sectors where the right to strike is prohibited and to provide details on relevant rules and their application in practice, including relevant case law.

The report states that the Civil Service Act, which governs civil service employment prohibits civil servants from striking. According to the report, civil servants are predominantly employed in the administration, emergency services and the military.

Under Article G of the Revised Charter (Article 31 of the 1961 Charter), the right to strike of certain categories of public servants may be restricted, including members of the police and armed forces, judges and senior civil servants (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §113, citing Conclusions I (1969), Statement of Interpretation on Article 6§4).

Restrictions to the right to strike of certain categories of civil servants, for example those whose duties and functions, given their nature or level of responsibility, are directly affecting the rights and freedoms of others, the public interest, national security or public health, may serve a legitimate purpose in the meaning of Article G (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour “Podkrepa” and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §45). The Committee takes the view, however, that a denial of the right to strike to public servants as a whole cannot be regarded as compatible with the Charter (European Organisation of Military Associations (EUROMIL) v. Ireland, Complaint No. 112/2014, decision on the merits of 12 September 2017, §113, citing Conclusions I (1969)), Statement of Interpretation on Article 6§4. Allowing public officials only to declare symbolic strikes is not sufficient (Confederation of Independent Trade Unions in Bulgaria (CITUB), Confederation of Labour “Podkrepa” and European Trade Union Confederation (CES) v. Bulgaria, Complaint No. 32/2005, decision on the merits of 16 October 2006, §§44-46).

Moreover, the imposition of an absolute prohibition of strikes to categories of public servants, such as prison officers, firefighters or civil security personnel, is incompatible with Article 6§4, since such an absolute prohibition is by definition disproportionate where an identification of the essential services that should be provided would be a less restrictive alternative.

The Committee recalls that the situation in Denmark has been in violation of the 1961 Charter since Conclusions XX-3 (2014) on the grounds that civil servants employed under the Civil Service Act are denied the right to strike.

As there has been no change to the situation the Committee reiterates its previous conclusion. The Committee concludes that the situation is not in conformity with Article 6§4 of the Charter on the ground of the absolute prohibition on the right of strike for civil servants.

Restrictions on the right to strike

In the targeted questions, the Committee has asked States Parties to indicate the sectors where the right to strike is restricted and to provide details on the relevant rules and their application in practice, including relevant case law.

The Committee notes that the report states that there are no sectors where the right to strike is restricted apart from the prohibition in the civil service.

Minimum service requirement

In its targeted questions, the Committee asked States Parties to indicate the sectors in which there is a requirement of a minimum service to be upheld and to provide details on relevant rules and their application in practice, including relevant case law.

The report states that a minimum level of service must be upheld in the sectors where public employees are employed, such as in emergency services. But it also states that there is no legislation regarding the requirement of a minimum service and that the minimum services are defined through collective agreements.

Under Article 6§4 the right of workers in essential services to take collective action may be subjected to limited restrictions in order to ensure the continued operation of such services, for example during a public health emergency. However, any such restrictions must satisfy the conditions laid down by Article G of the Charter (Statement on Covid-19 and social rights adopted on 24 March 2021). Employers should not have the power to unilaterally determine the minimum service required during a strike (Conclusions 2018, Serbia). In Denmark, the minimum service is defined through collective agreements.

Therefore, the Committee considers that the situation in Denmark is in conformity with Article 6§4 of the Charter.

Prohibition of the strike by seeking injunctive or other relief

In its targeted questions, the Committee asked States Parties to indicate whether it is possible to prohibit a strike by obtaining an injunction or other forms of relief from the courts or another competent authority (an administrative or arbitration) and if affirmative, to provide information on the scope and number of decisions in the past 12 months.

The report provides no information on this.

Conclusion

The Committee concludes that the situation in Denmark is not in conformity with Article 6§4 of the 1961 Charter even taking into account the possibility of subjecting the right to collective action to restrictions under Article 31, on the grounds that civil servants employed under the Civil Service Act are denied the right to strike.

Article 1 of the 1988 Additional Protocol - Right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex

The report states that Denmark has not accepted Article 20. The Committee recalls that Denmark has accepted Article 1 of the Additional Protocol.

Women's participation in the labour market and measures to tackle gender segregation

In its targeted question the Committee asked the report to provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical) as well as information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.

Under Article 20 States Parties should actively promote equal opportunities for women in employment, by taking targeted measures to close the gender gap in labour market participation and employment. They must take practical steps to promote equal opportunities by removing *de facto* inequalities that affect women's and men's chances. The elimination of potentially discriminatory provisions must therefore be accompanied by action to promote quality employment for women.

States must take measures that address structural barriers and promote substantive equality in the labour market. Moreover, the States should demonstrate a measurable progress in reducing the gender gap in employment.

The Committee notes, that according to Eurostat in 2025 the female employment rate in the EU 27 stood at 71.3%, up from 70% in 2023, compared to 81% and 80.3% for males, respectively, revealing a gender employment gap of around 10%. In its assessment of national situations, the Committee examines the evolution of female employment rates as well as the gender employment gap and considers whether there has been a measurable progress in reducing this gap.

Effective parity in decision-making positions in the public and private sectors

In its targeted question, the Committee asked the national report to provide information on measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors; the implementation of those measures; progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.

Article 20 of the Revised European Social Charter guarantees the right to equal opportunities in career advancement and representation in decision-making positions across both public and private sectors. To comply with Article 20, States Parties are expected to adopt targeted measures aimed at achieving gender parity in decision-making roles. These measures may include legislative quotas or parity laws mandating balanced representation in public bodies, electoral lists or public administration.

The Committee underlines that the effectiveness of measures taken to promote parity in decision-making positions depends on their actual impact in closing the gender gap in leadership roles. While training programmes for public administration executives and private sector stakeholders are valuable tools for raising awareness, their success depends on whether they lead to tangible changes in recruitment, promotion, and workplace policies. States must demonstrate measurable progress in achieving gender equality by providing statistical data on the proportion of women in decision-making positions.

The Committee notes from EIGE that 32.5% of the members of Parliaments were women in the EU27 in 2023 and 32.8% in 2025. The EU27 average for senior female ministers amounted

to 32.8% in 2023 and 29.9% in 2025. In its assessment of national situations, the Committee examines the percentage of women in decision-making positions in parliaments and ministries and considers whether measurable progress has been made in increasing their share.

Women's representation in management boards of publicly listed companies and public institutions

In its targeted question the Committee asked the national report to provide statistical data on the proportion of women on management boards of the largest publicly listed companies and on management positions in public institutions.

The Committee considers that Article 20 of the Charter imposes positive obligations on States to tackle vertical segregation in the labour market, by means of, inter alia, promoting the advancement of women in management boards in companies. Measures designed to promote equal opportunities for women and men in the labour market must include promoting effective parity in the representation of women and men in decision-making positions in both the public and private sectors (Conclusions 2016, Article 20, Portugal). States must demonstrate a measurable progress achieved in this area.

The Committee notes from EIGE the percentage of women on boards of large publicly listed companies amounted to 33.2% in 2023 and 35.1% in 2025 in the EU 27. As regards the percentage of female executives, it stood at 22.2% in 2023 and 23.7% in 2025. In its assessment of national situations, the Committee examines the percentage of women on boards and in executive positions of the largest publicly listed companies and considers whether a measurable progress has been made in increasing their share.

Conclusion

The Committee concludes that in the absence of the national report on this provision, it has not been established that the situation in Denmark is in conformity with Article 1 of the Additional Protocol to the Charter as regards measurable progress in reducing the gender employment gap; measures taken to promote the participation of women in decision-making positions and the representation of women on boards and executive position in the largest publicly listed companies.