



**Consolidated Report on the application of ILO  
Conventions Nos 12, 19, 42, 102, 118, 130 & the  
European Code of Social Security ratified by**

# DENMARK

2023

**Government Production Team**

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<b>Part X: Survivors benefit</b>	<b>Not accepted part</b>	
<b>Part XI: Level of benefits/ Standards to be complied with by periodical payments</b>	<b>All</b>	

- Please enter any modifications or new information using TRACK CHANGES function in MICROSOFT WORD.
- Where the text of the corresponding provisions of the ECSS and C102 has the same wording, the wording of C102 is taken as the basis, with eventual changes in the ECSS reproduced in brackets.
- Questions of the Report Form on the European Code of Social Security (ECSS) or on ILO Conventions (e.g. RF/C102) for which information is lacking are reproduced in a box below the respective provisions.
- Replies to pending questions raised by the CEACR may be provided in a box below the CEACR comments.

## Summary table

Category	Relevant Articles	Questions raised by the CEACR
<b>Part II. Medical Care</b>		
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II-5. Cost-sharing	<i>Art.10(2) C102/ECSS</i> <i>Art.17 C130</i>	
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VI-16. Right of complaint and appeal	Art.70 C102, Art.69 ECSS	
VI-17. Financing and Administration	Art.71,72 C102 Art.70,71 ECSS	
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IX-5. Adjustment of Benefit		Art.65(10) C102/ECSS or Art.66(8) C102/ECSS
IX-6. Qualifying period	Art.57 C102/ECSS	
IX-7. Duration of Benefit	Art.58 C102/ECSS	
IX-8. Suspension of Benefit	Art.69 C102, Art.68 ECSS	
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IX-10. Financing and Administration	Art.71,72 C102 Art.70,71 ECSS	
<b>Part XI. Standards to be complied with by periodical payments</b>		
	Art.65,66,67 C102/ECSS Art.22 C130	

Part XII. Equality of treatment of non-national residents		
Convention No. 102	Art.68	
Convention No. 130	Art.32	
Convention No. 19	Art.1-4	
Convention No. 118	Art.1-3, 5-11	Art.4

## Part I. General provisions

**Denmark** has accepted the obligations of the Code under Parts II (Medical care), III (Sickness benefit), IV (Unemployment benefit), V (Old-age benefit), VI (Employment injury benefit), VII (Family benefit), VIII (Maternity benefit) and IX (Invalidity benefit). DK has also been bound, since 1955, by the Social Security (Minimum Standards) Convention, 1952 (No. 102), of the International Labour Organization (ILO), of which it has accepted Parts II, IV, V, VI and IX. With regard to Parts II and III of the Code, Denmark has been bound since 1978 by higher standards under the Medical Care and Sickness Benefits Convention, 1969 (No. 130). Denmark is also bound by the Equality of Treatment (Social Security) Convention, 1962 (No. 118), since 1969, of which it has ratified with respect to the branches medical care (a), sickness benefit (b), employment injury benefit (g) and unemployment benefit (h). With respect to the human rights treaties establishing the right to social security, Denmark has accepted the obligations under Article 12 of the European Social Charter, 1961, and Article 9 of the International Covenant on Economic, Social and Cultural Rights.

The Code came into force for Denmark on 17 February 1974.

***The Part I “General provisions” comprises the following explanatory and procedural clauses:***

- **Articles 1-5 C102**
- **Articles 1-5 ECSS**
- **Articles 1-5 C130**

**Article 6 of C102/C130/ECSS**

*For the purpose of compliance with Parts II, III, IV, V, VIII (in so far as it relates to medical care), IX or X of this Convention (Code), a Member (Contracting Party) may take account of protection effected by means of insurance which, although not made compulsory by national laws or regulations for the persons to be protected:*

- a. is supervised [subsidised - ECSS] by the public authorities [or, where such insurance is complementary only, is supervised by the public authorities - ECSS] or administered, in accordance with prescribed standards, by joint operation of employers and workers;
- b. covers a substantial part of the persons whose earnings do not exceed those of the skilled manual male employee [determined in accordance with Article 65 - ECSS]; and
- c. complies, in conjunction with other forms of protection, where appropriate, with the relevant provisions of the Convention (Code).

## Part II. Medical Care

**Denmark** has accepted the obligations resulting from Part II of C102, Part II of C130 and Part II of the ECSS.

**Commented [TAL1]:** DK has not ratified the Protocol to the ECSS.

Category	Information available	Information missing / questions raised by the CEACR
<b>II-1. Regulatory framework</b>	Art.7 C102/ECSS Art.8 C130	
<b>II-2. Contingencies covered</b>	Art.8 C102/ECSS Art.7 C130	
<b>II-3. Persons Protected</b>	Art.9 C102/ECSS Art.10,12 C130*	
<b>II-4. Types of Benefits</b>	Art.10(1) C102/ECSS Art.13 C130	
<b>II-5. Cost-sharing</b>	Art.10(2) C102/ECSS Art.17 C130	
<b>II-6. Objectives of Medical Care</b>	Art.10(3) C102/ECSS Art.9 C130	
<b>II-7. Promotion of the general health service</b>	Art.10(4) C102/ECSS	
<b>II-8. Qualifying period</b>	Art.11 C102/ECSS Art.15 C130	
<b>II-9. Minimum duration of Benefit</b>	Art.12 C102/ECSS Art.16 C130	
<b>II-10. Suspension of Benefit</b>	Art.69 C102, Art.68 ECSS Art.28 C128	
<b>II-11. Right of complaint and appeal</b>	Art.70 C102, Art. 69 ECSS Art.29 C130	
<b>II-12. Financing and-Administration</b>	Art.71*,72 C102 Art.70*,71 ECSS Art.30,31 C130	

### List of applicable legislation

#### Changes made during the reference period 1 July 2020– 30 June 2021

##### Act No 272 of 26 March 2019 to amend the Danish Healthcare Act

Certain non-residents in Denmark are charged payment for emergency hospital treatments that they may receive under a temporary stay in Denmark. These persons are also charged payment for non-emergency hospital treatment in cases where it is not reasonable to refer the person to treatment in their home country. The act has not changed the fact that the treatment may still be provided free of charge when the regional authorities consider it reasonable. However, in case of emergency, no acutely ill or injured person may be denied hospital treatment in the public healthcare system with reference to payment claims. The act came into force on 1 July 2019.

### II – 1. Regulatory framework

#### **Article 7. C102 and ECSS**

Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of benefit in respect of a condition requiring medical care of a preventive or curative nature in accordance with the following Articles of this Part.

#### **Article 8. C130**



*Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of medical care of a curative or preventive nature in respect of the contingency referred to in subparagraph (a) of Article 7.*

*Report 2022-ECSS:*

The Danish health care system is predominantly a single-payer system, financed by general taxation. Any individual, who is a resident of Denmark, that is registered in the CPR, is thus automatically covered by services and goods provided by the public health insurance. However, for certain health care services patients are subject to co-payments.

There are two categories of health service coverage and each covered individual is free to choose whether he or she wishes to be covered by Group 1 or Group 2. Roughly 99 percent of the residents have chosen to be covered by Group 1. With regard to many of the services, the person's rights depend on which group he or she has chosen.

*Report 2021-ECSS:*

Publicly financed healthcare covers all primary, specialist, hospital, and preventive care, as well as mental health and long-term care services. Home care and hospice care are organized and financed by the regions [See under Part II-12. Financing and Administration].

*Report 2022-C130:*

Vaccinations: All young people below the age of 18 who are Danish nationals, or who are residents in Denmark can be vaccinated against whooping cough, diphtheria, tetanus, polio, measles, German measles, mumps, and Hemophilus influenza type b. Furthermore, all children below the age of 2, persons aged 65 years and above, and persons with some chronic diseases who are Danish nationals or who are resident in Denmark can be vaccinated against pneumococcal disease (PCV 13 or PCV 20). Girls aged 12-17 who are Danish nationals or are residents in Denmark, can be vaccinated free of charge against cervical cancer (HPV vaccination). This offer is also extended to boys aged 12-17 born the first of July 2007 or later.

- <https://www.ssi.dk/vaccinationer/risikogrupper/invasiv-pneumokoksygdom>
- <https://www.ssi.dk/vaccinationer/boernevaccination/vaccination-mod-livmoderhalskraeft>

All females over the age of 18 who are Danish nationals or are residents in Denmark, may be vaccinated free of charge against German measles. All people over the age of 18 who are Danish nationals or are residents in Denmark, may be vaccinated free of charge against measles, if they haven't been previously vaccinated or have had measles.

- <https://www.ssi.dk/vaccinationer/risikogrupper/gratis-maeslingevacc-til-voksne>

Children under the age of two years, whose mother suffers from chronic hepatitis B and are a Danish nationals or residents in Denmark, may be vaccinated against hepatitis B free of charge. All intravenous drug abusers can be vaccinated against hepatitis B free of charge. Often a combined hepatitis A/B vaccine is used for the vaccination so that protection against hepatitis A is provided at the same time. Furthermore, persons who live together with a person with chronic hepatitis B, as well as steady sexual partners of a person with chronic hepatitis B can be vaccinated free of charge against hepatitis B. Only hepatitis B vaccine is given in these cases. Male residents in the Capital Region of Denmark, who have sex with men may likewise be vaccinated against hepatitis B. People who are infected with hepatitis C may receive a vaccination against hepatitis A og B free of charge.

- <https://www.ssi.dk/vaccinationer/risikogrupper/personer-med-sarlig-risiko-for-hepatitis-b-smitte/gratis-vacc-mod-hep-til-udsatte-grupper>

Children between 2-6 years, pregnant women, persons aged 65 years and above and persons with some chronic diseases can be vaccinated against influenza, free of charge. The costs are covered by the regions.

- <https://www.sst.dk/da/influenza>

All persons registered as residing in Denmark are offered free vaccination against COVID-19 in keeping with the Danish Health Authority's prioritized target groups. The right extends to persons with the right to vaccination benefits during a stay in Denmark pursuant to EU law or international agreements. As of 1 March 2021, also persons with a temporary residence of a minimum of 1 month in Denmark have been included in the Danish COVID-19 Vaccination Plan. Access to vaccination is granted from the 14th day of residence.

*Report 2021-ECSS:*

**Changes made during the period covered 1 July 2011 – 30 June 2012**

On 1 January 2012, a revised act regarding health research ethics came into force. Under the Committee Act, it is the responsibility of the committee system on health research ethics to ensure that health research projects - from a research ethical point of view - are carried out in a responsible manner and that the rights, safety, and wellbeing of trial subjects participating in such biomedical research projects are protected, while at the same time possibilities are being created for the development of new, valuable knowledge. Later revisions include provisions for ethical evaluation of research projects using health data derived from human biological material.

## II - 2. Contingencies covered

### **Article 8. C102 and ECSS**

*The contingencies covered shall include any morbid condition, pregnancy, and confinement and their consequences.*

### **Article 1 (j). C130**

*The term "sickness" means any morbid condition, whatever its cause.*

### **Article 7. C130**

*The contingencies covered shall include:*

*(a) need for medical care of a curative nature and, under prescribed conditions, need for medical care of a preventive nature.*

Not relevant. The Danish healthcare system is predominantly financed by general taxation. All Danish residents have equal and universal access to needed services within the capacity and capability of the public health care system.

## II - 3. Persons protected

### **Article 9. C102 and ECSS**

*The persons protected shall comprise:*

*(a) prescribed classes of employees, constituting not less than 50 per cent of all employees, and also their wives and children; or*

*(b) prescribed classes of the economically active population, constituting not less than 20 per cent of all residents, and also their wives and children; or*

*(c) prescribed classes of residents, constituting not less than 50 per cent of all residents.*

### **Protocol to the ECSS**

*Article 9 shall read:*

*The persons protected shall comprise:*

*(a) prescribed classes of employees, constituting not less than 80 per cent of all employees, and also their wives and children; or*

*(b) prescribed classes of the economically active population, constituting not less than 30 per cent of all residents, and also their wives and children; or*

*(c) prescribed classes of residents, constituting not less than 65 per cent of all residents.*

### **Article 10. C130**

*The persons protected in respect of the contingency referred to in subparagraph (a) of Article 7 shall comprise:*

*(a) all employees, including apprentices, and the wives and children of such employees; or*

*(b) prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population, and the wives and children of persons in the said classes; or*

*(c) prescribed classes of residents constituting not less than 75 per cent of all residents.*

### **Article 12. C130**

*Persons who are in receipt of a social security benefit for invalidity, old age, death of the breadwinner or unemployment, and, where appropriate, the wives and children of such persons, shall continue to be protected, under prescribed conditions, in respect of the contingency referred to in subparagraph (a) of Article 7.*

Report 2021-ECSS:

**Commented [TAL2]:** DK has not ratified the Protocol to the ECSS

All registered Danish residents are automatically entitled to publicly financed healthcare, which is largely free of charge at the point of use. You are considered a resident, when you are registered in the Civil Registration System (CPR).

*Report 2022-ECSS: [Statistics Denmark]*

- A. Number of residents protected: **5.9 million**
- B. Total number of residents: **5.9 million**
- C. Number of residents protected (A) per cent of the total number of residents (B): **100%**

## **II - 4. Types of benefit**

### **§1. Article 10. C102 and ECSS**

*The benefit shall include at least:*

- (a) *in case of a morbid condition,*
  - (i) *general practitioner care, including domiciliary visiting;*
  - (ii) *specialist care at hospitals for in patients and out patients, and such specialist care as may be available outside hospitals;*
  - (iii) *the essential pharmaceutical supplies as prescribed by medical or other qualified practitioners; and*
  - (iv) *hospitalisation where necessary; and*
- (b) *in case of pregnancy and confinement and their consequences,*
  - (i) *pre-natal, confinement, and post-natal care either by medical practitioners or by qualified midwives; and*
  - (ii) *hospitalisation where necessary.*

### **Protocol to the ECSS**

*Article 10, paragraphs 1, shall read:*

#### **1. The benefit shall include at least:**

- (a) *in the case of a morbid condition;*
  - (i) *care by general practitioners, including domiciliary visiting, and care by specialists in accordance with prescribed conditions;*
  - (ii) *hospital care including maintenance, care by general practitioners or specialists as required, nursing and all auxiliary services required;*
  - (iii) *all necessary non-proprietary pharmaceutical supplies and proprietary preparations regarded as essential; and*
  - (iv) *conservative dental care for the children protected; and*
- (b) *in the case of pregnancy, confinement and their consequences:*
  - (i) *pre-natal, confinement, and post-natal care either by medical practitioners or by qualified midwives;*
  - (ii) *hospitalisation where necessary; and*
  - (iii) *Pharmaceuticals supplies.*

### **Article 13. C130**

*The medical care referred to in Article 8 shall comprise at least:*

- (a) *general practitioner care, including domiciliary visiting;*
- (b) *specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals;*
- (c) *the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners;*
- (d) *hospitalisation where necessary;*
- (e) *dental care, as prescribed; and*
- (f) *medical rehabilitation, including the supply, maintenance, and renewal of prosthetic and orthopaedic appliances, as prescribed.*

## **The benefit in case of a morbid condition**

### **1) General practitioners care**

*Report 2021-C102/ECSS:*

The general practitioners (GP) occupy a central position in the healthcare system. . A significant role of the GP is to help ensure that the patient is given the right treatment and is referred to the right professionals in the health service. The GP is thus a coordinator with professional responsibility for referring patients to hospitals, specialists, and other professionals, when necessary.

*Report 2021-ECSS:*

Residents covered by health insurance Group 1 (see *Article 8. C130*) have to register with a specific general practitioner. Residents covered by Group 2 are not registered with a specific practitioner and can choose freely between GPs, but is not entitled to be seen by a specific GP. (See *Article 8. C130*)

## **2) Specialist Medical Care**

*Report 2021-C102/ECSS:*

Outpatient specialist care is delivered through hospital-based ambulatory clinics (fully integrated and funded, as are other public hospital services) or by self-employed specialists in privately owned facilities.

## **3) Nursing**

*Report 2021-C102/ECSS:*

When prescribed by a GP, municipalities are to provide home nursing free of charge. Moreover, the municipalities are obliged to provide all necessary appliances free of charge. Home nursing provides treatment and nursing at home to residents, who are temporarily or chronically ill or dying.

## **4) Hospitalization**

*2023-ECSS:*

***Changes made during the period covered 1 July 2022 – 30 June 2023:***

*Act. 413 of 25/04/2023*

On February 23rd, the Danish Government and the Danish Regions agreed on an emergency plan for the health care system. As part of the emergency plan, the existing "extended free choice of hospital" for physical treatment is temporarily extended from 30 to 60 days between 1 June 2023 - 31 December 2024. All other parts of the "extended free choice of hospital" as described above and in Act. 653 of 08/06/2016 still applies.

*Report 2021-C102/ECSS:*

Residents are automatically entitled to publicly financed hospitalization when necessary. Most hospital beds are publicly owned and patients can choose among public hospitals upon referral.

*Report 2021-ECSS:*

***Changes made during the reference period 1 July 2016 – 30 June 2017***

*Act. 653 of 08/06/2016*

As of 1 October, 2016, patients have the right to a so-called 'extended free choice of hospital', if the region cannot ensure that treatment is initiated within 30 days. This means that patients may choose to go to a private hospital in Denmark or to a public or private hospital abroad at the expense of the region. The regions are also required to ensure that any patient referred to a hospital is assessed and given a time for appointment and diagnosis within 30 days from the date of referral. If the region is not able to provide the said appointment within 30 days because of lack of capacity, the extended free choice of a hospital also applies, i.e. the patient may go to a private hospital or a hospital abroad to be diagnosed. The right to treatment, diagnosis and extended free choice of hospital applies to both mental and physical illness.

## **5) Pharmaceuticals**

*Report 2022-C102:*

Pharmaceuticals used in the public hospital sector are provided and paid for by the regions, which are responsible for the hospitals and pharmacies at hospitals. The hospital sector decides and makes guidelines for the pharmaceutical products used and makes tenders to control pharmaceutical expenditures.

Outpatient pharmaceutical products in the primary sector are handled by private pharmacies, which are administered through a licensing system. Private pharmacies have a monopoly on the sale to consumers of prescription-only medicines and some over-the-counter (OTC) medicines. A number of OTC-medicines can be sold by pharmacies as well as other shops. The pharmacy mark-up is regulated by law. Pharmacies receive a dispensary fee whenever they sell a prescribed product, i.e., prescription-only medicines and OTC-medicines sold on prescription. The value-added tax (VAT) rate for medicines is the same as the standard rate (25%).

Most prescription-only medicines bought in pharmacies in Denmark are reimbursed according to the amount spent by a patient during the year. The maximum amount of co-payment paid by patients is fixed at 4,335 (€582) per year (2022 prices) (temporarily reduced to DKK 3,075 (€413) until the end of 2023).

The pharmacies are obliged to offer patients the cheapest medicine with the same active ingredient. Patients may choose more expensive medicines, but they have to pay the difference.

## **6) Dental care**

*Report 2021-ECSS:*

Residents are entitled to public subsidies covering expenses for dental care. These subsidies comprise prevention as well as certain treatments. Children and youths are offered cost-free dental care until the age of 22. Special subsidies are provided to groups of patients with extraordinary needs for dental care as a result of certain diseases or disabilities.

The municipalities are bound to provide dental care for residents who, as a consequence of reduced mobility or considerable physical or mental disabilities, are having difficulties using the regular dental care services.

*Report 2021-ECSS:*

### **Changes made during the period covered 1 July 2020 – 30 June 2021**

From 1 July 2020 the municipalities are bound to provide free of charge acute and pain-relieving dental care as well as dental care necessary for everyday life to vulnerable groups.

## **7) Nutrition**

*Report 2022-ECSS:*

Residents are entitled to public subsidies covering parts of the expenses for special nutritive preparations prescribed by a physician in connection with illness.

## **8) Physiotherapeutic treatment**

*Report 2021-ECSS:*

Residents are, on the recommendation of a physician, entitled to public subsidies covering expenses for physiotherapeutic treatment. Physiotherapy as part of hospital treatment is free of charge for persons with permanent severe physical disability and persons without severe physical disability, but with permanent functional impairment as a result of progressive disease.

## **9) Psychological treatment**

*Report 2021-ECSS:*

On prescription of a physician, certain groups of risk are entitled to public subsidies covering expenses for treatment by a psychologist. Since 2021 people between 18 and 24 years with anxiety or depression have been entitled to treatment by a psychologist free of charge.

## **10) Chiropody treatment**

*Report 2021-ECSS:*

On prescription of a physician, diabetics and certain other groups of patients are entitled to public subsidies covering expenses for treatment by a chiropodist.

## **11) Chiropractic treatment**

*Report 2021-ECSS:*

Residents are entitled to public subsidies covering expenses for certain treatments by a chiropractor.

## **12) Glasses**

*Report 2021-ECSS:*

On the first acquisition of glasses and when a change of lenses or frame is necessary, residents are entitled to public subsidies covering expenses of lenses and frames for children under the age of 16.

### 13) Transportation

*Report 2021-ECSS:*

Residents covered by Group 1, especially those in receipt of old age or anticipatory pension, or if the distance to the location of treatment exceeds 50 km (only in the case of specialist treatment) or in the case of acute emergency treatment (but not residents covered by Group 2), may normally in the event of illness get reimbursed for expenses of necessary transportation between their homes and the physician.

### 14) Funeral benefit

Death grants are meant as a subsidy to cover for funeral costs when a person deceases.

<https://www.retsinformation.dk/eli/lt/2015/561>

#### Conditions

Death grants are provided to those who pay for a funeral of a person who was residing in Denmark and eligible to Danish health insurance or of a person that did not have Danish residence but was eligible to funeral benefits according to EU-regulations or a bilateral agreement between Denmark and another country.

#### Benefit rate

The amount provided depends on the age of the deceased and the financial circumstances of the deceased and his or her surviving husband/wife.

The maximum amounts provided to cover costs of a funeral is 10,100 DKK for a funeral of a child below the age of 18 and 12,100 DKK for a funeral of persons above 18 years.

The amounts provided are gradually reduced if the value of the assets of the deceased and his or her surviving husband/wife exceeds 20,300 DKK for a deceased without a spouse and 40,500 DKK for a deceased with a spouse and/or with children below the age of 18.

This means that if the value of the assets exceeds a certain amount, death grants will not be provided. For a deceased without a spouse the amount is 32,400 DKK. For a deceased with a spouse and/or children below the age of 18 the value of assets must not exceed 52,600 DKK.

However, the death grants provided to cover costs of a funeral of a person who was born before 1 April 1957 is always 1,050 DKK as a minimum.

The benefits are a lump sum.

*Report 2021-ECSS:*

Municipalities are bound to provide funeral benefits depending on the financial circumstances of the deceased and his or her surviving relatives.

### 15) Medical drug abuse treatment

Persons who apply for medical and/or social drug abuse treatment at the municipality have a right to a medical examination prior to the commencement of the treatment, and persons who apply for medical drug abuse treatment, have a right to treatment within 14 days after application. In addition, persons who are referred to medical drug abuse treatment have a right to choose another treatment center than the one that the municipality has referred them to.

### 16) Alcohol abuse treatment

Persons who apply for medical and/or social alcohol abuse treatment at the municipality are entitled to treatment within 14 days after application. In addition, persons who are referred to alcohol abuse treatment are entitled to choose another treatment center than the one that the municipality has referred them to.

*Report 2021-ECSS:*

Act No. 238 of 31 January 2017 to amend the Danish Act on the Right to Complain and Receive Compensation within the Health Service, cf. Consolidation Act No. 995 of 14 June 2018.

Parents, who lose a child due to an injury in connection with treatment by the Danish Health Service, or due to adverse reactions caused by medicinal products, may receive a special financial compensation of DKK

179,000. Furthermore, the regions have to offer and pay for psychological consultations. The amendment applies to claims made from 17 March 2017 onwards.

### **The benefit in case of pregnancy and confinement and their consequences**

*Report 2021-ECSS:*

#### **Pregnancy and confinement**

A pregnant woman may obtain prenatal care from her family doctor and a midwife at a public hospital. Patients are offered several examinations before and immediately after delivery. During pregnancy further prenatal diagnostic screening is offered to women, where it is deemed relevant.

The municipal health authorities are notified of all births and offer the mother and child healthcare from a visiting public health nurse. Each child is visited several times during its first year depending on the need of the individual child and/or family.

#### **Hospitalisation**

A woman may choose to give birth in a hospital or at home. 98 per cent of all deliveries take place at a hospital. The hospital clinics/maternity wards give care and treatment to pregnant women, women in labour, mothers who have given birth, and new-borns. Only approximately 2 pct. chooses to give birth at home. It is stated by law, that women have a right to home confinement. The regions, which are responsible for all public hospital services, must provide midwife assistance in cases of home confinement. Moreover, the regions are responsible for providing antenatal services.

*Report 2021-C102:*

Pregnant residents are offered health-promoting and prophylactic consultations in relation to the pregnancy. These consultations include medical check-ups performed by her family doctor and a follow-up after childbirth. During these consultations, the midwife observes the mother and child to support and ensure healthy living.

In Denmark, antenatal care includes midwife consultation, preparation classes, prenatal diagnostics such as scans and blood samples for assessment of risk for Down' Syndrome and other specific congenital abnormalities.

The labour is supervised by a midwife, in case of complications a doctor or obstetrician will oversee the birth. If needed, the women have various options regarding pain relief medicines when giving birth at a clinic. Depending on the clinic, the woman can choose between Epidural anesthesia, nitrous oxide, sterile water papule injections, pudendal block acupuncture, zone therapy, hydrotherapy – bath and shower.

## **II - 5. Cost-sharing**

### **§2. Article 10. C102 and ECSS**

*The beneficiary or his breadwinner may be required to share in the cost of the medical care the beneficiary receives in respect of a morbid condition; the rules concerning such cost-sharing shall be so designed as to avoid hardship.*

#### **Protocol to the ECSS**

*Article 10, paragraphs 2, shall read:*

*The beneficiary or his breadwinner may be required to share in the costs of the medical care which the beneficiary receives:*

*(a) in case of morbid condition, provided that the rules concerning such cost-sharing shall be so designed as to avoid hardship, and that the part of the cost paid by the beneficiary or breadwinner shall not exceed:*

*(i) for care by general practitioners and specialists outside hospital wards: 25 per cent;*

*(ii) for hospital care: 25 per cent;*

*(iii) for pharmaceutical supplies: 25 per cent on the average;*

*(iv) for conservative dental care: 33 1/3 per cent;*

*(b) in case of pregnancy, confinement and their consequences, in respect of pharmaceutical supplies only for which the part of the cost paid by the patient or breadwinner shall not exceed 25 per cent on the average; the rules concerning such cost-sharing shall be so designed as to avoid hardship;*

*(c) where cost-sharing takes the form of a fixed sum in respect of each case or course of treatment or each prescription of pharmaceutical supplies, the total of such payments made by all persons protected in respect*

**Commented [TAL3]:** DK has not ratified the Protocol to the ECSS.

of any one of the types of care referred to in sub-paragraphs a or b shall not exceed the specified percentage of the total cost of that type of care within a given period.

#### **Article 17. C130**

Where the legislation of a Member requires the beneficiary or his breadwinner to share in the cost of the medical care referred to in Article 8, the rules concerning such cost-sharing shall be so designed as to avoid hardship and not to prejudice the effectiveness of medical and social protection.

#### *Report 2021-ECSS:*

There is no cost-sharing for hospital and primary care services. Cost-sharing is applied to dental care for those aged 18 (raised to age 22 and fully implemented in ultimo 2025) and older (subsidies varies depending on treatments), outpatient prescriptions, and corrective lenses. Cost-sharing is not required in the case of pregnancy and confinement and their consequences.

#### *Report 2021-C102:*

Out-of-pocket payments represented 17 per cent of total health expenditures in 2015, covering mostly outpatient drugs, corrective lenses, hearing aids, psychologists, and dental care.

#### *Report 2016-ECSS:*

Out-of-pocket payments represented 12.4 per cent of total health expenditures in 2013 (OECD 2014), covering mostly outpatient drugs, corrective lenses, hearing aids, and doctor and dental care. Patients with outpatient medicine expenses of more than DKK 4.435 in 2023 (596 EUR) per year receive 100 pct. reimbursement when purchasing reimbursable pharmaceuticals after their expenses have reached the threshold of DKK 4.435 (2023). Private specialists, hospitals, and dentists are free to set their fees for patients not covered by public funding.

### **1) General practitioners care, including home visits**

#### *Report 2021-ECSS:*

General practitioners care services are provided free of charge. Moreover, when prescribed by a GP, municipalities are to provide home nursing free of charge.

#### *Report 2021-ECSS:*

Residents covered by Group 1 are entitled to free medical assistance from their GP, whose fees are determined by a fixed price system. Residents covered by Group 2 receive public subsidies corresponding to the expenses of similar medical assistance from a GP for persons covered by Group 1. Since the fees are determined by a free price system, residents covered by Group 2 are subject to co-payments for any expenses exceeding the fees for similar assistance to residents covered by Group 1.

### **2) Specialist care at hospitals for in-patients and out-patients and such specialist care as may be available outside hospitals**

#### *Report 2021-ECSS:*

All specialist care at hospitals for in-patients and out-patients is provided free of charge. Specialist care available outside hospitals is free of charge upon referral from a GP for residents covered by Group 1. Note, that 98.5 per cent of the Danish population have chosen to be covered by Group 1. Patients covered by Group 2 may visit any specialist without a referral, but are subject to co-payments for any expenses exceeding the fees for similar assistance to residents covered by Group 1.

### **3) Pharmaceuticals**

#### *Report 2021-ECSS:*

Denmark has extensive reimbursement schemes for pharmaceuticals. The predominant scheme is a needs-based reimbursement scheme allocating public reimbursement to those patients that have the largest expenses for prescribed medicines eligible for reimbursement.

#### *Report 2021-C102:*

The reimbursement system in Denmark is based on individual needs, and the reimbursement rates for pharmaceuticals depend on a given patient's prior consumption of medicine within an individual reimbursement period of one year. E.g. the reimbursed amount depends on the total expenses - calculated on the basis of reimbursement prices of pharmaceuticals which the given patient has purchased within a



period of one year. The reimbursement rates – i.e. the limits to how much patients must pay themselves for medicine and how much the Danish regions subsidize – are adjusted annually.

- If a patient's expenditure exceeds DKK 1,045, but is below DKK 1,750 within a year, 50 per cent of the expenditure between DKK 1,045 and 1,750 is to be reimbursed.
- If a patient's expenditure is between DKK 1,750 and 3,795, 75 per cent of the expenditure between DKK 1,750 and 3,795 is to be reimbursed.
- If a patient's expenditure for reimbursable pharmaceuticals is between DKK 3,795 and 20,636, 85 per cent of the expenditure between DKK 3,795 and 20,636 is to be reimbursed. (Temporarily from April through December 2023, the limit is lowered; if expenditure is between DKK 3,795 and 11,570, 85 per cent of the expenditure between DKK 3,795 and 11,570 is to be reimbursed.)
- And if a patient's expenditure for reimbursable pharmaceuticals exceeds DKK 20,636, the amount exceeding DKK 20,636 is to be reimbursed at the rate of 100 percent. (Temporarily from April through December 2023, the limit is lowered; if expenditure exceeds DKK 11,570, the amount exceeding DKK 11,570 is to be reimbursed at the rate of 100 percent.)
- Thus, the maximum amount of co-payment paid by patients is fixed at DKK 4,335 (€582) per year (2022 prices). (Temporarily from April through December 2023, the maximum is reduced to DKK 3,075 (€413)).

The size of reimbursement is calculated on the basis of the cheapest generic medicine. If patients choose to buy a more expensive medicine, they will have to pay the difference between the price of the medicine and the reimbursement price themselves.

*Report 2017-C102, Report 2021-ECSS:*

The cost limits and the price ceiling are changed on 1 January each year.

*Report 2021-ECSS:*

On application from the treating physician, the Danish Medicines Agency is to grant reimbursement of 100 percent of all pharmaceuticals prescribed by a physician for patients, who are terminally ill and who, according to a physician's prognosis, shall not live much longer and shall not benefit from hospital treatment.

*Report 20217-ECSS:*

**Changes made during the period covered 1 July 2011 – 30 June 2012:**

On 1 January 2012, the government abolished the regulation (in the health care act) on patients' co-payment for treatment with assisted reproduction and full (user) payment for sterilization and fertilization in the public health care system, which came into effect on 1 January 2011.

*Report 2021-ECSS:*

**Changes made during the period covered 1 July 2018 – 30 June 2019:**

Reimbursement of cannabis products in the Danish Medicinal Cannabis Pilot Program 2018-2021:

Patients in Denmark who are prescribed medical cannabis as part of the Danish Medicinal Pilot Program receive reimbursement during the period 2018-2025.

The reimbursement amount is deducted automatically when purchased at the pharmacy. Terminally ill patients are reimbursed at 100 per cent when buying cannabis products under the pilot program, whereas other patients are reimbursed at 50 per cent up to an annual reimbursement amount of DKK 10,000.

The reimbursement scheme is stated in act. No. 2466 of 14 December 2021.

#### **4) Hospital treatment**

*Report 2021-ECSS:*

All hospital treatment in public hospitals, including medicines, is provided free of charge to the patient. All hospital expenditures including medicine treatment are funded by the five Danish regions (tax-financed). Payment follows the patient to the receiving hospital if it is located in another region.

#### **5) Rehabilitation**

*Report 2021-C102:*

Rehabilitation is offered free of charge to persons who are discharged from hospital when there is a need for rehabilitation from a medical point of view. Upon discharge, the hospital will make a rehabilitation plan

describing the functional level and rehabilitation needs of the patient. The rehabilitation plan is sent electronically to the municipality, who is in charge of the rehabilitation, as well as to the GP of the patient. The municipality will organize health-related rehabilitation efforts in conjunction with other efforts that will contribute to the citizen's overall rehabilitation under the health law as well as other legislation.

## 6) Dental care

### *Report 2021-ECSS:*

Cost-sharing is applied to dental care for those aged 18 and older (coinsurance of 35 per cent to 60 per cent of total cost).

Child dental care: Municipalities are bound to provide all dental care to residents below the age of 22, free of charge.

### *Report 2011-C130:*

Residents below the age of 22 may freely choose dental treatment by a public dentist in any municipality or by any private dentist.

### **Changes made during the period covered 1 July 2021 – 30 June 2022:**

#### *Report 2022-ECSS*

From 1<sup>st</sup> July 2022 it will be possible for persons who have turned 18 after the 31<sup>st</sup> of December 2021 and the following generations to get free dental care until they turn 22 years of age. Every year, a new generation will be able to get free dental care from the age of 18 until they turn 22 years of age until everyone has the right to receive free dental care from the day they are born until the day they turn 22 years of age. If a treatment is not yet terminated when a patient turns 22 years of age, the treatment will still be free of charge until it is fully performed.

## 7) Right to interpretation

### *Report 2021-C102:*

Everyone who has been granted a residence permit and lives in Denmark has free access to the healthcare system. Additionally, most examinations and treatments are free of charge.

### *Report 2021-ECSS:*

#### **Changes made during the period covered 1 July 2018 – 30 June 2019:**

However, in 2018 a scheme for interpreter service charges was introduced with the newly drafted section 50 in the Health Act.

According to the new section 50 and the associated "[Bekendtgørelse nr. 855 af 23/06/2018 om tolkebistand efter sundhedsloven](#)", all non-Danish-speaking persons have access to free interpreting assistance for the first 3 years they live in Denmark.

If a person has lived in Denmark for more than 3 years, during which the persons has been offered lessons in Danish, the person is expected to master the Danish language at a sufficient level.

After 3 years of residence in Denmark, persons who still need interpreting assistance will therefore have to pay a fee for this. However, people who - as a result of reduced mental or physical functioning are not able to learn Danish - even after 3 years of residence in Denmark will still receive free interpreting assistance.

Likewise, children under the age of 18, and accompanying parents are exempted from the scheme.

## II - 6. Objectives of Medical Care

### **§3. Article 10. C102 and ECSS**

*The benefit provided in accordance with this Article shall be afforded with a view to maintaining, restoring, or improving the health of the person protected and his ability to work and to attend to his personal needs.*

### **Article 9. C130**

*The medical care referred to in Article 8 shall be afforded with a view to maintaining, restoring, or improving the health of the person protected and his ability to work and to attend to his personal needs.*

#### *Report 2021-ECSS:*

Universal access to health care is the underlying principle inscribed in Denmark's Health Law which sets out the government's obligation to promote public health and to prevent and treat illness, suffering, and functional limitations. Other core principles include high quality; easy and equal access to care; seamless care; choice; transparency; access to information; and short waiting times for care. The law also assigns responsibility to regions and municipalities for delivering health services.

The municipalities have the main responsibility for health promotion and preventive services for citizens. The municipalities' prevention and health promotion tasks include both citizen-oriented efforts to prevent illness and accidents, and patient-oriented efforts to prevent and further limit the development of a disease or postpone complications. In connection with civic prevention and health promotion, it is important to be aware that it includes everyone - including, for example, people with disabilities or mental illness and other groups with special needs.

#### *Report 2021-C130:*

The purpose of the Act on legal security and administration in the social field is to:

1. Safeguard the rights and influence of citizens in connection with the social authorities' administration. Emphasise that the duty of the social authorities is to plan early health-oriented assistance.
2. Prevent that persons who have, or risk having, difficulties in maintaining a job are offered assistance for their support.
3. Lay down structural and basic principles for the administration of social cases.
4. Thus, the Act contains rules on how the local authority, the county, and the State are to deal with cases in pursuance of the relevant legislation.

#### *Report 2021-ECSS:*

##### ***Changes made during the reference period 1 July 2020 – 30 June 2021***

##### **Act No 113 of 31 January 2017 to amend the Sickness Benefits Act, Authorization Act, and Danish Act on the Right to Complain and receive compensation within the Healthcare System**

The Act introduces a new approach to quality work in healthcare services. The new approach to quality emphasizes quality development rather than quality control and focuses on clear goals and results that create value for the patients. The amendment applies as of 1 April 2017.

## **II - 7. Promotion of the general health service**

### ***§4. Article 10. C102 and ECSS***

*The institutions or Government departments administering the benefit shall, by such means as may be deemed appropriate, encourage the persons protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.*

#### *Report 2022-C102:*

The first time a resident visits the family doctor (GP) in connection with her pregnancy, she is informed of the maternal medical benefits of the general health service. Close to all pregnant women use the general health services in the field of maternity having had this information. In cases of, e.g., socially exposed pregnant women or pregnant women with a substance abuse problem who fail to appear at the health promotion and prophylactic consultations, an out-reaching effort is made.

## **II - 8. Qualifying period**

### ***§1(f) Article 1 C102, §1(i) Article 1 ECSS, C130***

*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

### ***Article 11. C102 and ECSS***

*The benefit specified in Article 10 shall, in a contingency covered, be secured at least to a person protected who has completed, or whose breadwinner has completed, such qualifying period as may be considered necessary to preclude abuse.*

### ***Article 15. C130***

*Where the legislation of a Member makes the right to the medical care referred to in Article 8 conditional upon the fulfilment of a qualifying period by the person protected or by his breadwinner, the conditions governing*

*the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected.*

*Report 2021-ECSS:*

Residents are entitled to publicly financed health care, which is largely free of charge at the point of use. You are considered a resident, when registered in the Civil Registration System (CPR).

## II - 9. Minimum duration of benefit

### **Article 12. C102 and ECSS**

*The benefit specified in Article 10 shall be granted throughout the contingency covered, except that, in case of a morbid condition, its duration may be limited to 26 weeks in each case, but benefit shall not be suspended while a sickness benefit continues to be paid, and provision shall be made to enable the limit to be extended for prescribed diseases recognised as entailing prolonged care.*

### **Protocol to the ECSS**

*Article 12 shall read:*

*The benefits specified in Article 10 shall be granted throughout the contingency covered, except that hospital care may be limited to 52 weeks in each case or 78 weeks in any consecutive period of three years.*

**Commented [TAL4]:** DK has not ratified the Protocol to the ECSS

### **Article 16. C130**

- 1. The medical care referred to in Article 8 shall be provided throughout the contingency.*
- 2. Where a beneficiary ceases to belong to the categories of persons protected, further entitlement to medical care for a case of sickness which started while he belonged to the said categories may be limited to a prescribed period which shall not be less than 26 weeks: Provided that the medical care shall not cease while the beneficiary continues to receive a sickness benefit.*
- 3. Notwithstanding the provisions of paragraph 2 of this Article, the duration of medical care shall be extended for prescribed diseases recognised as entailing prolonged care.*

Not relevant, there is no minimum duration of benefit as long as the person is applicable for residency.

*Report 2019 C102 and ECSS*

All residents in Denmark in need of hospital care may, within certain limits, freely choose any public and some private hospitals. In general, the duration of different types of medical care is based on a medical assessment.

If the region cannot ensure that treatment will be initiated within 30 days, patients have the right to a so-called 'extended free choice of hospital'. This means that patients may choose to go to a private hospital in Denmark or to a public or private hospital abroad.

The regions are also required to ensure that any patient referred to a hospital is assessed with a view to diagnosis within one month from the date of referral. If for medical reasons, it is not possible to determine the condition of the patient within one month, the patient must receive a detailed plan to ensure further investigation of his/her health problem, including, for example, further examinations at another hospital. If for reasons of capacity, the region is not able to provide an assessment with a view to diagnosis within 30 days, the extended free choice of hospital applies, i.e. the patient may go to a private hospital or a hospital abroad to be diagnosed.

The right to treatment, diagnosis, and free choice of hospital applies to both mental and physical illness.

*Report 2023-ECSS:*

Changes made during the period covered 1 July 2022 – 30 June 2023:

On February 23rd, the Danish Government and the Danish Regions agreed on an emergency plan for the health care system. As part of the emergency plan, the existing "extended free choice of hospital" for physical treatment is temporarily extended from 30 to 60 days between 1 June 2023 - 31 December 2024. All other parts of the "extended free choice of hospital" as described above still applies.

## II - 10. Suspension of benefit

### **Article 69. C102, Article 68. ECSS**

*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed--*

- (a) as long as the person concerned is absent from the territory of the Member;*
- (b) as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
- (c) as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
- (d) where the person concerned has made a fraudulent claim;*
- (e) where the contingency has been caused by a criminal offence committed by the person concerned;*
- (f) where the contingency has been caused by the wilful misconduct of the person concerned;*
- (g) in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;*

#### **Article 28. C130**

*1. A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed:*

- (a) as long as the person concerned is absent from the territory of the Member;*
- (b) as long as the person concerned is being indemnified for the contingency by a third party, to the extent of the indemnity;*
- (c) where the person concerned has made a fraudulent claim;*
- (d) where the contingency has been caused by a criminal offence committed by the person concerned;*
- (e) where the contingency has been caused by the serious and wilful misconduct of the person concerned;*
- (f) where the person concerned, without good cause, neglects to make use of the medical care or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;*

Not relevant, there is no suspension of benefit as long as the person is applicable for residency

*Report 2019 C102 and ECSS:*

*All residents in Denmark have access to the public healthcare system, and most services are provided free of charge. The municipalities, regions, and private providers may only suspend or refuse health services provided under the Health Act in accordance with a medical assessment.*

## **II - 11. Right of complaint and appeal**

#### **Article 70. C102, Article 69. ECSS**

- 1. Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.*
- 2. Where in the application of this Convention (Code) a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.*
- 3. Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.*

#### **Article 29. C130**

- 1. Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.*
- 2. Where in the application of this Convention a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this Article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.*

*Report 2021-C102:*

The Act on Complaints and Damages in the Health Care System (Act no. 547 of 24 June 2005 as amended by Consolidated act no. 24 of 21 January 2009 and Act no. 706 of 25 June 2010) is relevant for ILO convention no. 102.

By Act no. 706 of 25 June 2010, The National Agency for Patients' Rights and Complaints was established as a single point of access for patients who wish to complain about the professional treatment in the Danish health service. The key change is that it is now also possible to complain about the complete course of treatment (the professional activity of the health care system), where formerly it was only possible to complain about individual health care professionals. Patients, who file a complaint, are furthermore offered to enter into a dialogue with the health care professional in question.

Please find below links to:

<https://www.retsinformation.dk/eli/lt/2023/9> - Act no. 9 of 4th of January 2023: Bekendtgørelse af lov om klage- og erstatningsadgang inden for sundhedsvæsenet (retsinformation.dk)

*Report 2021-C102:*

Reference is made to the previous report. However, since 2018 a new authority - the Danish Agency for Patient Complaints - has taken over the tasks regarding patient complaints about the professional treatment in the Danish Health System from the former National Agency for Patients' Rights and Complaints.

Since 1 February 2015 a digital self-service is available on [www.borger.dk](http://www.borger.dk) for submitting complaints.

*Report 2021-ECSS:*

***Changes made during the period covered 1 July 2012 – 30 June 2013***

Act 1257 of 18/12/2012

The act amends the Act on the Right to Complain and Receive Compensation within the Health Service. Before this amendment, compensation for injuries on patients occurring at private hospitals and clinics were covered by the Danish regions. Following the amendment, compensation will be covered by the private hospitals and health care clinics. In order to ensure that potential damages are covered, private hospitals and health care clinics will be subject to an insurance obligation.

*Report 2021-ECSS:*

***Changes made during the reference period 1 July 2016 – 30 June 2017***

Act No 113 of 31 January 2017 to amend the Sickness Benefits Act, Authorization Act and Danish Act on the Right to Complain and receive compensation within the Healthcare System

Patients who complain about a healthcare service are offered a consultative dialogue with relevant healthcare professionals. With this Act, patients have the opportunity, on a permanent basis, to use an independent advisor free of charge in connection with the dialogue. The amendment applies as from 1 February 2017.

*Report 2021 ECSS*

***Changes made during the reference period 1. July 2017 – 30 June 2018***

Act No. 314 of 25 April 2018 to amend the Danish Act on the Right to Complain and Receive Compensation within the Health Service, cf. Consolidation Act No. 995 of 14 June 2018.

Patients, whose injuries occur in connection with treatment by the Danish Health Service, or due to adverse reactions caused by medicinal products, may receive financial compensation. The area of situations where compensation can be given has been extended, in terms of protection of the compensation. The amendment applies for cases where the Patient Compensation Association makes a decision on 1 July 2018 and onwards.

Act No. 522 of 29 May 2018 on Compensation for Pleural Mesothelioma indirectly caused by Asbestos

Family members/household members to persons who work with asbestos, are entitled to compensation for pleural mesothelioma. The compensation scheme has been in force since 1 January 2016, but is now passed by law. Furthermore, the law has been changed on 1 July 2021: persons diagnosed with Pleural Mesothelioma, who are not included as a part of the household, but who have been in close contact with a person who worked with asbestos are now entitled to compensation.

*Report 2021 ECSS:*

***Changes made during the reference period 1. July 2018 – 30 June 2019***

With the amendment, which has been applied since 1 February 2017, any patient, who accepts an offer to enter into consultative dialogue with the relevant healthcare professionals, has to be offered an independent advisor, which they may bring to the meeting, free of charge. Before the amendment, the right to bring an advisor to the dialogue had its legal basis in the Public Administration Act; however, there was no requirement that the patient was offered an advisor. In 2013 the organization "Danish Patients" offered all patients who entered dialogue an independent advisor as part of a trial program. The trial was a success,

and the program has been carried on since then, to some extent, with no basis in law. The amendment ensures that all patients who agree to consultative dialogue, are offered an independent advisor free of charge, and ensures that the program is permanent. This way all patients are ensured the opportunity to receive the same guidance. The independent advisors are not representatives for the patient, but support the patient to ensure that the consultative dialogue is comfortable, constructive, and equal. The amendment does not change the patient's ability to appeal decisions to the court.

#### **Changes made during reference period 1. July 2019 – 30 June 2021**

Act no 601 of 12 April 2021 on Compensation for Pleural Mesothelioma indirectly caused by Asbestos which extends the compensation scheme. By the amendment, all persons who have been close to a factory that manufactures asbestos and have been exposed to this, will be covered by the compensation scheme, provided they have not worked at the factory themselves.

<https://www.retsinformation.dk/eli/lt/2021/601>

## **II - 12. Financing and Administration**

**See under Part XIII-3**

#### **Article 30. C130**

*1. Each Member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention and shall take all measures required for this purpose.*

*2. Each Member shall accept general responsibility for the proper administration of the institutions and services concerned in the application of this Convention.*

#### **Article 31. C130**

*Where the administration is not entrusted to an institution regulated by the public authorities or to a government department responsible to a legislature:*

- (a) representatives of the persons protected shall participate in the management under prescribed conditions;*
- (b) national legislation shall, where appropriate, provide for the participation of representatives of employers;*
- (c) national legislation may likewise decide as to the participation of representatives of the public authorities.*

**See under Part XIII-3**

*Report 2021-ECSS:*

The state holds the overall regulatory and supervisory functions in Denmark, while the regions and municipalities are responsible for providing the healthcare services. This means that the regions and municipalities can adjust their services according to regional needs and available facilities within the financial and national legal framework. Thus, the nature of the benefits provided (including the pharmaceutical supplies provided and the services provided in case of hospitalization) are determined by the relevant region or municipality and can vary across different regions and municipalities. However, the regional and local services provided by regions and municipalities are highly regulated by the National Health Authorities to ensure high quality and equal access.

Five administrative regions governed by democratically elected councils are responsible for the planning and delivery of specialized services, but also have tasks related to specialized social care and coordination. The regulation of task provided is partly determined by the yearly financial agreements.

The regions manage, and finance hospitals and the majority of services delivered by general practitioners (GPs), office-based specialists, physiotherapists, dentists, and pharmacists.

Municipalities are responsible for financing and delivering nursing home care, home nurses, some dental services, school health services, home help, and treatment for drug and alcohol abuse. Municipalities are also responsible for general prevention and rehabilitation tasks; the regions are responsible for specialized rehabilitation.

*Report 2021-ECSS:*

#### **Changes made during the period covered 1 July 2012 – 30 June 2013**

##### Evaluation of the local government reform

The Government has conducted an evaluation of the local government reform, which was implemented in January 2007, and the division of tasks and responsibilities between the central government, the regions, and the municipalities. One of the main areas of focus for the evaluation was health care and public health.

The other areas were specialized social services, regional development, and the environment. The evaluation was published in March 2013.

Within the area of health, the main conclusion is that the division of tasks is well-functioning in general, but there are a number of interface problems, which among other things mean that the patient pathways are not sufficiently coherent. Therefore, the evaluation puts forward a number of recommendations to strengthen and broaden the corporation between regions and municipalities and to strengthen preventive treatment, rehabilitation, and eHealth.

*Report 2021-ECSS:*

***Changes made during the period covered 1 July 2013 – 30 June 2014:***

**Act no. 1463 of 17/12/2013**

The Act implements the recommendations regarding the healthcare sector from the evaluation of the local government reform. In order to strengthen and broaden the corporation between regions and municipalities and to among other things strengthen preventive treatment and rehabilitation, a region and the municipalities within the geographical area of the region has to negotiate and agree on one health agreement (thus 5 in total in Denmark). Furthermore, changes have been made in order to ensure better possibilities for the regions to cooperate (through corporations, general partnerships, etc.) with both municipalities and companies regarding relevant tasks.

*Report 2021-ECSS:*

***Changes made during the period covered 1 July 2014 – 30 June 2015:***

**Agreement on the organization of the future supervisory activities of the Danish Health and Medicines Authority**

The 7<sup>th</sup> of May 2015 a political agreement on the organization of the future supervisory activities of the Danish Health and Medicines Authority as regard of supervision of the health sector and authorized health personnel was signed. The agreement includes a number of elements which will support the future supervisory activities. Greater transparency on the supervisory work of the Danish Health and Medicines Authority, allocation of additional resources, an end to the use of voluntary agreements tightening of the use of specialist statements, better filing (journaliation) practice, and reorganization towards a risk-based supervision are among some of the elements from the agreement.

*Report 2021-ECSS:*

***Changes made during the reference period 1 July 2016 – 30 June 2017***

**Act. 653 of 08/06/2016**

As of 1 October 2016, patients have the right to a so-called 'extended free choice of hospital', if the region cannot ensure that treatment is initiated within 30 days. This means that patients may choose to go to a private hospital in Denmark or to a public or private hospital abroad at the expense of the region. The regions are also required to ensure that any patient referred to a hospital is assessed and given a time for appointment and diagnosis within 30 days from the date of referral. If the region is not able to provide the said appointment within 30 days because of lack of capacity, the extended free choice of the hospital also applies, i.e. the patient may go to a private hospital or a hospital abroad to be diagnosed. The right to treatment, diagnosis and extended free choice of hospital applies to both mental and physical illness.

*Report 2023-ECSS:*

***Changes made during the period covered 1 July 2022 – 30 June 2023:***

**Act. 413 of 25/04/2023**

On February 23rd, the Danish Government and the Danish Regions agreed on an emergency plan for the health care system. As part of the emergency plan, the existing "extended free choice of hospital" for physical treatment is temporarily extended from 30 to 60 days between 1 June 2023 - 31 December 2024. All other parts of the "extended free choice of hospital" as described above and in Act. 653 of 08/06/2016 still applies.



## Part III. Sickness Benefit

*Denmark has accepted the obligations resulting from Part III of C130 and Part III of the ECSS.*

Category	Relevant Articles	Questions raised by the CEACR
<b>III-1. Regulatory framework</b>	<i>Art.13 ECSS, Art.18 C130</i>	
<b>III-2. Contingencies covered</b>	<i>Art.14 ECSS, Art.7(b) C130</i>	
<b>III-3. Persons Protected</b>	<i>Art.15 ECSS, Art.19 C130</i>	
<b>III-4. Level and Calculation of Benefit</b>	<i>Art.16 ECSS</i>	<i>Art.21 C130</i>
<b>III-5. Qualifying period</b>	<i>Art.17 ECSS, Art.25 C130</i>	
<b>III-6. Minimum duration of Benefit</b>	<i>Art.18 ECSS, Art.26 C130</i>	
<b>III-7. Funeral Benefit</b>	<i>Art.27 C130</i>	
<b>III-8. Suspension of Benefit</b>	<i>Art.68 ECSS, Art.28 C130</i>	
<b>III-9. Right of complaint and appeal</b>	<i>Art.69 ECSS, Art.29 C130</i>	
<b>III-10. Financing and Administration</b>	<i>Art.70,71 ECSS Art.30,31 C130</i>	

### List of applicable legislation

[Consolidated Act No 1263 of 2nd of September 2022 on Sickness Benefit as amended by:  
Act No 878 of 21<sup>st</sup> of June 2022  
Act No 295 of 20<sup>th</sup> of Marts 2023](#)

**Consolidated Act No 48 of 13 January 2016 on benefits during sickness etc. as amended by:**  
[Act No 624 of 8 June 2016](#)  
[Act No 628 of 8 June 2016](#)

**Administrative Orders:**  
[Order No 1348 of 30 November 2015](#)  
[Order No 1270 of 19 November 2015](#)  
[Order No 1416 of 16 December 2014](#)  
[Order No 807 of 27 June 2014](#)  
[Order No 728 of 29 June 2012](#)  
[Order No 172 of 27 February 2012](#)  
[Order No 1415 of 11 December 2007](#)

### III - 1. Regulatory framework

#### **Article 13. ECSS**

*Each Contracting Party for which this Part of the Code is in force shall secure to the persons protected the provision of sickness benefit in accordance with the following Articles of this Part.*

#### **Article 18. C130**

*Each Member shall secure to the persons protected, subject to prescribed conditions, the provision of sickness benefit in respect of the contingency referred to in subparagraph (b) of Article 7.*

### III - 2. Contingency covered

#### **Article 14. ECSS**

*The contingency covered shall include incapacity for work resulting from a morbid condition and involving suspension of earnings, as defined by national laws or regulations.*

#### **Article 7 (b). C130**

*The contingencies covered shall include*

*(b) incapacity for work resulting from sickness and involving suspension of earnings, as defined by national legislation.*

The general principle of the Sickness Benefit Act is that sickness benefit is paid by way of compensation in the event of loss of earning capacity owing to sickness, including injury.

The principal purpose of the law is to ensure that a person, who is incapable to work due to sickness, may receive both benefit and support, to secure that the sick person will be able to work as soon as possible.

#### **Tax financed protection scheme for employees and self-employed with earnings-related benefits**

The sickness benefits are paid by the employer in the first 30 days of the employees' absence from work (the employer's period). The sickness benefits are paid by the municipality if the employee is sick for more than 30 days. From the second day of absence, smaller companies may take out insurance to cover the cost of this period.

The first two weeks of a self-employed person's sickness are paid by themselves, and in case the self-employed person is still sick after this period, the municipality pays the sickness benefits. Self-employed persons can take out insurance to cover some of the cost for the first two weeks – either from the first or the third day.

Sickness benefits to unemployed persons are paid by the unemployment funds during the first 14 days of the sickness period.

#### **Report form for C130:**

*Please indicate the degree of incapacity for work prescribed for entitlement to the sickness benefit.*

A person must be absent from work due to illness for a minimum period of four hours a week in order to receive sickness benefits.

### III - 3. Persons protected

#### **Article 15. ECSS**

*The persons protected shall comprise:*

- a. prescribed classes of employees, constituting not less than 50 per cent of all employees; or*
- b. prescribed classes of the economically active population, constituting not less than 20 per cent of all residents; or*
- c. all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.*

#### **Article 19. C130**

*The persons protected in respect of the contingency specified in subparagraph (b) of Article 7 shall comprise:*

- a. all employees, including apprentices; or*
- b. prescribed classes of the economically active population, constituting not less than 75 per cent of the whole economically active population; or*
- c. all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 24.*

Sickness benefits are granted to employed persons, unemployed persons, self-employed persons, and persons who have sustained an injury from work. The person must have an existing affiliation to the labour market and must fulfil the general requirements in the sickness benefits act.

**Report form for C102/ECSS:**

1. Please state to which of the subparagraphs a), b), or c) of Article 15 of C102/ECSS recourse is had and provide for statistical data depending on the chosen subparagraph:

**Title I under Article 76 for Article 15(a) of C102/ECSS**

A. Number of employees protected<sup>1</sup>:

All employees, who have a current connection to the labour market are protected by the rules. That includes unemployed person who are members of an unemployment insurance fund.

i) under general scheme ...

The workforce in 2020 was 2.9 million. People aged 16-66 years. The workforce is made up of the employed and the unemployed

ii) under special schemes (if any) ...

iii) Total ...

B. Total number of employees<sup>2</sup> ...

C. Number of employees protected (A(iii)) per cent of total number of employees (B). Please state how these data are computed and give dates of reference.

100 % of employees are protected if they fulfil the employment criteria. (Sources KMD and Statistics Denmark).

**Title II under Article 76 for Article 15(b) of C102/ECSS**

A. Number of economically active persons protected<sup>3</sup>:

i) under general scheme ...

ii) under special schemes (if any) ...

iii) Total ...

B. Total number of residents<sup>4</sup> ...

C. Number of economically active persons protected (A(iii)) per cent of total number of residents (B). Please state how these data are computed and give dates of reference.

**Title III under Article 76 for Article 15(c) of C102/ECSS**

A. Please give the rules applied to determine whether a resident is entitled to benefit during the contingency covered.

B. Please indicate, more particularly:

a. the amount of the means of any description which excludes a resident altogether from entitlement to benefit;

the amount of the means of any description which is allowed without a reduction of the full benefit.

i.

**Title I under Article 76 for Article 15(a) of C102/ECSS**

All employees, who have a current connection to the labour market are protected by the rules. That includes unemployed person who are members of an unemployment insurance fund.

The workforce in 2020 was 2.9 million. (People aged 16-66 years). The workforce is calculated on the basis of both employed and the unemployed persons.

100 % of employees are protected if they fulfil the employment criteria. (Sources KMD and Statistics Denmark).

**Commented [TALS]:** To be updated at next detailed reporting in 2025.

**III - 4. Level and Calculation of Benefit****Article 16. ECSS**

1. Where classes of employees or classes of the economically active population are protected, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.
2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with

<sup>1</sup> Dependants who are protected in their breadwinner's right should not be included in this number.

<sup>2</sup> This number should comprise all employees, including civil servants and, for Parts II, III, V, VII, VIII, IX, and X, also unemployed persons.

<sup>3</sup> Dependants who are protected in their breadwinner's right should not be included in this number.

<sup>4</sup> This number should comprise all residents, including children and old people.

*the requirements of Article 67; provided that a prescribed benefit shall be guaranteed, without means test, to the prescribed classes of persons determined in accordance with Article 15. a or b.*

#### **Article 21. C130**

*The sickness benefit referred to in Article 18 shall be a periodical payment and shall:*

- a. where employees or classes of the economically active population are protected, be calculated in such a manner as to comply either with the requirements of Article 22 or with the requirements of Article 23;*
- b. where all residents whose means during the contingency do not exceed prescribed limits are protected, be calculated in such a manner as to comply with the requirements of Article 24.*

#### **Article 22. C130**

- 1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain for the standard beneficiary, in respect of the contingency referred to in subparagraph (b) of Article 7, **at least 60 per cent** of the total of the previous earnings of the beneficiary and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary. [...]*

Sickness benefits are calculated based on previous income, either as an employee or as self-employed.

The sickness benefits to an employee are calculated on the basis of the weekly working hours during the absence and the hourly earnings that were achieved on average in the present employment within the last three months.

Sickness benefits for self-employed persons are calculated based on the income of the business as it is documented in the latest annual report from the tax authorities.

An unemployed person who is a member of an unemployment insurance fund receives the same amount of sickness benefits, which they would have been eligible to receive in unemployment benefits on the first day of unemployment, if they had not become ill.

The maximum amount of sickness benefits amounts to DKK 122.97 per hour (DKK 4,550 per week) in 2023. The amount is considered to be an appropriate level of benefits. The same maximum amount has been set for unemployment benefits and maternity benefits. (2023)

Moreover, it should be noted that the sickness benefits in Denmark is an individual right independent of the marital status of the receiver of the benefits. Likewise, the right is independent of the person's status as a breadwinner. Most people are self-supporting in Denmark, and for the most part, both spouses contribute to the economic support of the family. The fact that the benefit is an individual right, entails that both spouses can receive sickness benefits at the same time if both parties fulfil the legal requirements in the sickness benefits act.

#### **Report form for C102/ECSS/C130:**

- 1. If recourse is had to subparagraphs (a) or (b) of Article 15 of C102/ECSS (Article 19 of C130) for determining the persons protected, please state whether you have recourse, for the calculation of the benefit, to the provisions of Article 65 or to those of Article 66 of C102/ECSS (Articles 22 or 23 of C130).*
- 2. Please furnish information under this Article as follows:*
  - I. if recourse is had to Article 65 of C102/ECSS (Article 22 of C130), in the form set out in Titles I, II and V under Article 65 below;*
  - II. if recourse is had to Article 66 C102/ECSS (Article 23 of C130), in the form set out in Titles I, II and V under Article 66 below.*

#### **For Article 65 of C102/ECSS (Article 22 of C130)**

##### **Title I (Information on the standard wage)**

- A. Please summarize the rules for the calculation of the benefit and the computation of the previous earnings. Please state whether recourse is had to the provisions of paragraph 3 of Article 65 and, if so, please indicate the maximum amount prescribed for the benefit or for the earnings taken into account for the computation of the benefit.*

- B. Please state to which of the provisions of paragraph 6 of Article 65 you have recourse for selecting the skilled manual male employee to whose wage paragraph 3 of Article 65 refers.

Please specify more particularly:

- a. if recourse is had to subparagraph (b) of paragraph 6:
    - i. how the division and the major group of economic activity to which the typical skilled employee belongs are determined with reference to paragraph 7; and
    - ii. how the typical skilled employee in the major group is chosen; or
  - b. if recourse is had to subparagraph (c) of paragraph 6, how the earnings of all persons protected are computed; or
  - c. if recourse is had to subparagraph (d) of paragraph 6, how the average earnings of all the persons protected are computed.
- C. Please indicate, in any event, the time basis on which the wage of the typical skilled employee is calculated, with reference to the provisions of paragraph 9 of Article 65. Please confirm that, in accordance with the provisions of paragraph 4 of that Article, the same time basis is used for calculating the benefit and the family allowances.
- Please indicate the amount of the wage of the skilled manual male employee selected as shown under B (standard wage).

#### Title II (Information on the replacement rate of benefit)

The standard beneficiary for whom the following information should be given is a man with a wife and two children where the previous earnings serving for the calculation of the benefit are equal to the wage of the skilled manual male employee shown in Title I above.

- D. Amount of benefit granted during the time basis.
- E. Amount of family allowances, if any, payable during employment for a period equal to the time basis.
- F. Amount of family allowances, if any, payable during the contingency for a period equal to the time basis.
- G. Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E).

#### Title V (replacement rate for a woman employee)

The beneficiary for whom the following information should be given is a woman employee whose previous earnings serving for the calculation of benefit were equal to the wage of the skilled manual male employee shown in Title I above.

- D. Amount of benefit granted during the time basis.
- G. Amount of benefit (D) per cent of the standard wage (C).

#### For Article 66 of C102/ECSS, if chosen

#### Title I (Information on the standard wage)

- A. Please state to which of the provisions of paragraph 4 and following of Article 66 recourse is had for selection of the ordinary adult male labourer to whose wage paragraph 1 of Article 66 refers.
  1. Please specify, more particularly, whether recourse is had to subparagraph (b) of paragraph 4; if so, please state:
    - (i) how the division and the major group of economic activity to which the ordinary labourer belongs are determined, with reference to paragraph 5; and
    - (ii) how the typical ordinary labourer in the major group is chosen.
  - B. Please indicate, in any event, the time basis on which the wage of the ordinary adult labourer is calculated, with reference to the provisions of paragraph 7 of Article 66. Please confirm that, in accordance with the provisions of paragraph 2 of that Article, the same time basis is used for calculating the benefit and the family allowances.
- A. Please state the amount of the wage of the ordinary adult labourer selected (standard wage).

#### Title III (Information on the replacement rate of benefit)

The standard beneficiary for whom the following information should be given, for each scheme concerned, is a man with a wife of pensionable age.

**Commented [TAL6]:** The replacement rate in title II covers men and women.

**Commented [TAL7]:** Not chosen

- C. Amount of benefit granted during the time basis.
- D. Amount of family allowances, if any, payable in respect of the wife during employment, for a period equal to the time basis.
- E. Amount of family allowances, if any, payable in respect of the wife during the contingency, for a period equal to the time basis.
- F. Sum of benefit and family allowances payable during the contingency (C+E) per cent of sum of the standard wage and family allowances payable during employment (B+D).  
Please summarize the rules for the calculation of the benefit.

**Title V (replacement rate for a woman employee)**

*The beneficiary for whom the following information should be given, for each scheme concerned, is a woman employee.*

- C. Amount of benefit granted during the time basis.*
- F. Amount of benefit (C) per cent of the standard wage (B).*  
*Please summarize the rules for the calculation of the benefit.*

**Commented [TAL8]:** No special rules for women employee.

**Title I**

- C. **In 2022 (estimated on the latest available data from 2018)**, the **monthly** reference wage was DKK 35,113 (unskilled worker) 36,699 DKK (skilled worker).

**Title II (Information on the replacement rate of benefit) (covers male and female workers)**

- D. **In 2022**, the amount of **monthly** benefit was DKK 19,351 (maximum fixed in legislation).
- E. **In 2022, the amount of monthly** family benefit payable during employment was DKK 2,781 (Child and Youth Allowance; full custody – 2 children (1-year-old and 3-year-old)).
- F. **In 2022, the amount of monthly** family benefit payable during contingency was DKK 2,781 (Child and Youth Allowance; full custody).
- G. Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E):

**DKK 22,132 (19,351 + 2,781) / DKK 37,894 (35,113 + 2,781) = 58.4 %**

*\* The figures under sections C) D) E) F) of Titles I, II, or III should be provided for the same period of time (per month, 3 months, per year, etc.)*

**Commented [ILB9]:** To be updated at next detailed reporting in 2025.

*To the calculation of the replacement level, we notice that the used reference wage is higher, than what we understand was expected in the Code. The 58.4 % would therefore have been higher, if the intended reference wage had been used. In addition, most workers in DK are entitled to uphold their salary during sickness according to collective agreements and legislation. The legislators have also promoted this though the Danish sickness benefit system, because when the salary is paid to the worker, the amount of the benefit can then be paid to the employer as reimbursement.*

### III - 5. Qualifying period

**§1(i) Article 1 ECSS/C130**

*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

**Article 17. ECSS**

*The benefit specified in Article 16 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.*

**Article 25. C130**

*Where the legislation of a Member makes the right to the sickness benefit referred to in Article 18 conditional upon the fulfilment of a qualifying period by the person protected, the conditions governing the qualifying period shall be such as not to deprive of the right to benefit persons who normally belong to the categories of persons protected.*

**Report form for C102/ECSS:**

*Please state the length of the qualifying period which has been considered necessary to preclude abuse.  
Please summarize the rules concerning the computation of the qualifying period.*

In order to be entitled to sickness benefits, a person has to fulfil certain criteria.

- The persons must be unable to work because of their illness. The person must live in Denmark or be covered by Regulation (EC) No 883/04 on the coordination of social security systems;
- The person must pay Danish tax on their income.

In addition, there are certain employment criteria the person must meet in order to receive sickness benefits. They are:

**Employees:**

Sickness benefits paid by the employer:

- The minimum working period of 74 hours during the last eight weeks immediately preceding the sickness.

**Sickness benefits paid by the municipality:**

- The employee must fulfil a period of work of at least 240 hours within the last six months immediately preceding the sickness, or
- The employee must be entitled to benefits from unemployment insurance or similar benefits (activation measures) if they had not become ill, or
- The employee must be entitled to temporary labour market benefit if they had not become ill, or
- Persons who within the last month have completed a vocational education for a period of at least 18 months, or
- Pupils in a vocational training course regulated by law, or
- Persons in a flexible job (Fleksjob) with a private or public employer.

**Self-employed:**

- Employment in own company within the last 12 months for at least six months in half of the contractual working time (normally 18.5 hours) of which one month immediately precedes the illness, or
- Receipt of flex wage subsidy (flekslønstilskud) (i.e., a benefit for self-employed who have a flexible job in their own company).

### **III - 6. Minimum duration of Benefit**

**Article 18. ECSS**

*The benefit specified in Article 16 shall be granted throughout the contingency, except that the benefit may be limited to 26 weeks in each case of sickness, need not be paid for the first three days of suspension of earnings.*

**Article 26. C130**

1. *The sickness benefit referred to in Article 18 shall be granted throughout the contingency: Provided that the grant of benefit may be limited to not less than 52 weeks in each case of incapacity, as prescribed.*
2. *Where a declaration made in virtue of Article 2 is in force, the grant of the sickness benefit referred to in Article 18 may be limited to not less than 26 weeks in each case of incapacity, as prescribed.*
3. *Where the legislation of a Member provides that sickness benefit is not payable for an initial period of suspension of earnings, such period shall not exceed three days.*

**Report form for C102/ECSS:**

*Please state whether the duration of sickness benefit is limited and, if so, specify the limit or limits fixed and indicate how they are determined. Please state whether a waiting period is provided for and, if so, indicate the length of such period and the rules concerning its computation.*

See below.

In principle, sickness benefit is a short-term benefit.

For employees, the first 30 days are paid by the employer, and after the 30 days, the municipality pays the sickness benefits. Every four weeks, the municipality must consider if the sickness benefit should continue, or if other measures should be initiated, e.g., rehabilitation or payment of a social pension. The municipality may ask for a medical certificate if they deem it necessary.

When the municipality has paid sickness benefits to a person for 22 weeks, the person will have received sickness benefits for 26 weeks; four weeks (the employer) + 22 weeks (the municipality)

When the municipality has paid sickness benefits for 22 weeks within a period of nine months to a person, the municipality must assess whether the person fulfils one of the seven criteria for an extension of sickness benefits. The criteria are:

1. if there is a strong probability that vocational rehabilitation measures will be initiated, which may lead to the sick person being able to return to work,
2. if it is considered necessary to carry out job training or to take other measures in order to clarify the sick person's working capacity, the sickness benefit can be extended with a maximum of 69 weeks,
3. if the sick persons are undergoing or waiting for a medical treatment that is expected to restore the sick persons working capacity within 134 weeks,
4. if the local authorities have assessed that the case must be dealt with in the rehabilitation team to decide if the person can obtain a job clarification process, a flexi-job or disability pension,
5. if the person has a serious lethal illness, determined by a doctor,
6. if a case has been brought for compensation under the industrial injury legislation,
7. if an application has been filed for anticipatory social pension (early retirement)

If a person does not meet any of the criteria, but is nevertheless unable to work due to incapacity for work, the person may be offered a job assessment process with benefits during a process focusing on resources.

#### Waiting Period

For an employee, the right to sickness benefits begins from the first day of absence or from the first day of absence after the right to benefits from the employer has stopped (if they fulfil the criteria)

Self-employed persons are entitled to sickness benefits after two weeks of sickness.

Self-employed persons may choose to join a special insurance scheme for self-employed persons so that they will also be entitled to sickness benefits during the first two weeks of the sickness period. The insurance scheme is partly financed by the state.

### **III - 7. Funeral Benefit**

#### **Article 27. C130**

1. *In the case of the death of a person who was in receipt of, or qualified for, the sickness benefit referred to in Article 18, a funeral benefit shall, under prescribed conditions, be paid to his survivors, to any other dependants or to the person who has borne the expense of the funeral.*
2. *A member may derogate from the provision of paragraph 1 of this Article where:*
  - a. *it has accepted the obligations of Part IV of the Invalidity, Old-Age and Survivors' Benefits Convention, 1967;*
  - b. *it provides in its legislation for cash sickness benefit at a rate of not less than 80 per cent of the earnings of the persons protected; and*
  - c. *the majority of persons protected are covered by voluntary insurance which is supervised by the public authorities and which provides a funeral grant.*

#### **Report form for C130:**

*Please state under what circumstances funeral benefits are paid to the survivors of a deceased person who has in receipt of, or qualified for, sickness benefit, or to other dependants or to the person who bore the expense of the funeral.*

### **See above part II.4.13.III – 8. Suspension of Benefit**

#### **Article 69, C102/ Article 68, ECSS**

*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed:*

- a. *as long as the person concerned is absent from the territory of the Member;*



- b. *as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
- c. *as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
- d. *where the person concerned has made a fraudulent claim;*
- e. *where the contingency has been caused by a criminal offence committed by the person concerned;*
- f. *where the contingency has been caused by the wilful misconduct of the person concerned;*
- g. *in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;*

#### **Article 28. C130**

1. *A benefit to which a person protected would otherwise be entitled in compliance with this Convention may be suspended to such extent as may be prescribed:*
  - a. *as long as the person concerned is absent from the territory of the Member;*
  - b. *as long as the person concerned is being indemnified for the contingency by a third party, to the extent of the indemnity;*
  - c. *where the person concerned has made a fraudulent claim;*
  - d. *where the contingency has been caused by a criminal offence committed by the person concerned;*
  - e. *where the contingency has been caused by the serious and wilful misconduct of the person concerned;*
  - f. *where the person concerned, without good cause, neglects to make use of the medical care or the rehabilitation services placed at his disposal, or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;*
  - g. *in the case of the sickness benefit referred to in Article 18, as long as the person concerned is maintained at public expense or at the expense of a social security institution or service; and*
  - h. *in the case of the sickness benefit referred to in Article 18, as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, subject to the part of the benefit which is suspended not exceeding the other benefit.*
2. *In the cases and within the limits prescribed, part of the benefit otherwise due shall be paid to the dependants of the person concerned.*

#### **Report form for C102/ECSS:**

*Please indicate the provisions, if any, for the suspension of sickness benefits.*

A person may lose the right to sickness benefit if they:

- without acceptable reasons, do not participate in the municipality's follow-up measures,
- do not meet the obligation to report or document the absence from work as an employee due to illness,
- delay the recovery process.

### **III - 9. Right of complaint and appeal**

#### **Article 70. C102, Article 69. ECSS**

1. *Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.*
2. *Where in the application of this Convention (Code) a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.*
3. *Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.*

#### **Article 29. C130**

*Every claimant shall have a right of appeal in the case of refusal of the benefit or complaint as to its quality or quantity.*

#### **Report form for C102/ECSS:**

*Please state whether every claimant has a right of appeal in case of refusal of sickness benefits or complaint as to its quality or quantity, as stipulated in paragraph 1 of this Article. Please summarize the rules which apply in the case of an appeal.*

If a person does not agree with the municipality's decision regarding their sickness benefit case, they can file a complaint to the municipality within four weeks after the decision. The municipality then reassesses the complaint within four weeks after receiving the complaint.

If the municipality maintains its decision, the municipality will send the complaint to the appeal body, Ankestyrelsen.

### **III - 10. Financing and Administration**

***See under Part XIII-3***

## Part IV. Unemployment benefit

*Denmark has accepted the obligations resulting from Part IV of C102 and Part IV of the ECSS.*

Category	Relevant Articles	Questions raised by the CEACR
<b>IV-1. Regulatory framework</b>	<i>Art.19 C102/ECSS</i>	
<b>IV-2. Contingency covered</b>	<i>Art.20 C102/ECSS</i>	
<b>IV-3. Persons Protected</b>	<i>Art.21 C102/ECSS</i>	
<b>IV-4. Level and Calculation of Benefit</b>	<i>Art.22 C102/ECSS</i>	
<b>IV-5. Qualifying period</b>	<i>Art.23 C102/ECSS</i>	
<b>IV-6. Minimum duration of Benefit</b>	<i>Art.24(1,2) C102/ECSS</i>	
<b>IV-7. Waiting period</b>	<i>Art.24(3,4) C102/ECSS</i>	
<b>IV-8. Suspension of Benefit</b>	<i>Art.69 C102, Art.68 ECSS</i>	
<b>IV-9. Right of complaint and appeal</b>	<i>Art.70 C102, Art.69 ECSS</i>	
<b>IV-10. Financing and Administration</b>	<i>Art.71,72 C102 Art.70,71 ECSS</i>	

### List of applicable legislation

[Consolidated Act No 503 of 11 MAY 2023 on the Unemployment Insurance etc. as amended.](#)

The Danish act on unemployment insurance incorporates Part IV of the international obligations. A number of changes in the Danish unemployment insurance legislation have been introduced over the last couples of years. Most of the changes are the result of labour market reforms.

### IV - 1. Regulatory framework

#### **Article 19. C102 and ECSS**

*Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of unemployment benefit in accordance with the following Articles of this Part.*

The unemployed have a statutory right to unemployment benefit in a voluntary scheme that is relatively easy to enter and to obtain benefits from. In this scheme, the compensation degree is for many low-paid groups as high as 90 per cent of the previous earnings.

To the unemployed persons, the important thing is to get back into work and then take it from there. All statistics show that it is far easier to go from a job to a better job than from unemployment to a job. Statistics also demonstrate that it is easier for short-term unemployed to get back into work compared to long-term unemployed. The availability rules play an important role and help to assist unemployed persons to get a job in the early stages of the unemployment period.

### IV - 2. Contingency covered

#### **Article 20. C102 and ECSS**

*The contingency covered shall include suspension of earnings, as defined by national laws or regulations, due to inability to obtain suitable employment in the case of a person protected who is capable of, and available for, work.*

Report form for C102/ECSS:

*Please give the definition of the contingency which, under national laws or regulations, gives rise to unemployment benefit.*

Entitlement to unemployment benefits is based on a number of conditions that must be met by the member of the unemployment insurance fund. To be entitled to unemployment benefit the full-time insured member must:

1. meet the membership requirement, i.e., have been a member of an unemployment insurance fund for at least 12 months,
2. meet the work requirement, i.e., have reported an income of at least DKK 254.328 (2023) within the last three years. However, a maximum of DKK 21.194 (2022) per month can be included.
3. be registered as a jobseeker at the local public employment service (PES) and
4. be available for work,

Apprentices and persons who have completed vocational training of at least 18 months duration, can - regardless of the above mentioned (in 1 and 2) - qualify for unemployment benefits after one month of membership.

If the member meets all the requirements, they will be entitled to unemployment benefits for two years within a three-year period (the benefit period). However, apprentices and persons who have completed vocational training of at least 18 months duration, will from 1 May 2023 be entitled to unemployment benefits for one year within a two-years period. The member will be entitled to another two years of benefits every time they have been employed in the benefit period as a wage or salary earner or as a self-employed person for at least 12 months (1,924 hours) within the last three years. Only work in membership periods is taken into account. In order to encourage unemployed persons to take jobs of shorter duration, it is possible to extend the initial unemployment benefit period. Each reported working hour provides two hours of unemployment benefits. It is possible to extend the unemployment benefit period by one year within a 1.5-year period.

The amount of unemployment benefits constitutes 90 per cent of the previous earnings of the unemployed person subject to a maximum (DKK 19,728 per month). For part-time insured members, the benefits constitute a maximum of 2/3 of the maximum paid to a full-time insured member (DKK 13,152 per month). The amount of daily cash benefit is not influenced by the unemployed person's means or by the earnings or means of a spouse or other family members. (2023)

However, from 1 May 2023 the maximum amount of unemployment benefits in the first 3 months of unemployment constitutes DKK 23.449. For part-time insured members, the benefits constitute a maximum of 2/3 of the maximum paid to a full-time insured member (DKK 15,632), if the person has an uninterrupted membership for 4 years and a previous income of 508,656, and if the part-time insured has a previous income of DKK 339.096 within the latest 3 years prior to unemployment.

All kinds of employment count when assessing the requirements of previous income and calculation of the unemployment benefit rate. This means that both incomes from self-employment, non-standard work, and standard work are taken into account. However, it is a demand that self-employed close down their business in order to receive unemployment benefit.

Thus, with regard to the above-mentioned, the member may - by performing a minimum of work - be ensured economic support at a high level all their working life. The right to unemployment benefits expires when the member attains the age of 67 (the current Danish retirement age 2023). The unemployment insurance system is based on rights and obligations. A member that meets the above-mentioned requirements, obtains a right to unemployment benefits whenever unemployed - throughout the benefit period. In return, the member has the obligation to actively minimize each period of unemployment by actively seeking jobs. The obligation to minimize the "loss" is a general and central obligation in connection to all sorts of insurances. Therefore, an unemployed person must register as a jobseeker with the local public employment service (PES) to be available for work throughout the period of unemployment at a days' notice. Furthermore, this includes accepting measures that will upgrade skills and qualifications, thereby making unemployed persons better equipped to find a job and re-enter the labour market.

#### **IV - 3. Persons protected**

##### **Article 21. C102 and ECSS**

*The persons protected shall comprise:*

- a. prescribed classes of employees, constituting not less than 50 per cent of all employees; or
- b. all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.

#### Report form for C102/ECSS:

1. Please state to which of the subparagraphs of Article 21 of C102/ECSS recourse is had and provide for statistical data depending on the chosen subparagraph:

##### Title I under Article 76 for Article 21(a) of C102/ECSS

- A. Number of employees protected<sup>5</sup>:
  - i) under general scheme ...
  - ii) under special schemes (if any) ...
  - iii) Total ...
- B. Total number of employees<sup>6</sup> ...
- C. Number of employees protected (A(iii)) per cent of total number of employees (B). Please state how these data are computed and give dates of reference.

##### ~~Title II under Article 76 for Article 21(b) of C102/ECSS~~

- ~~A. Please give the rules applied to determine whether a resident is entitled to benefit during the contingency covered.~~
- ~~B. Please indicate, more particularly:~~
  - ~~a. the amount of the means of any description which excludes a resident altogether from entitlement to benefit;~~
  - ~~i. the amount of the means of any description which is allowed without a reduction of the full benefit.~~

Commented [TAL10]: Not chosen

#### Recourse to sub-paragraph (a) under Article 21 of C102/ECSS.

The class includes all insured members of the recognised unemployment benefit funds who fulfil the conditions mentioned in article 20.

##### Title I under Article 76:

A. Number of insured persons as by January 2020:	2.250.000
B. Total number of employees:	2.900.000
C. A as a percentage of B:	77,6 percent

Commented [TAL11]: To be updated at next detailed reporting in 2025.

## IV – 4. Level and Calculation of Benefit

### Article 22. C102 and ECSS

1. Where classes of employees are protected, the benefit shall be a periodical payment calculated in such manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.
2. Where all residents whose means during the contingency do not exceed prescribed limits are protected, the benefit shall be a periodical payment calculated in such a manner as to comply with the requirements of Article 67. [provided that a prescribed benefit shall be guaranteed, without means test, to the prescribed classes of employees determined in accordance with Article 21.a. - ECSS]

The calculation of the unemployment benefit rate is based on the 12 months with the highest income within the past 24 months. Only income in a membership period is included in the calculation. In general, the unemployment benefit rate will be 90 per cent of the previous income from employment. However, the rate is limited to the maximum rate of DKK 19,728 per month (2023).

Unemployment benefits in Denmark are an individual right independent of the benefit recipient's marital status and status as a breadwinner. Most people are self-supporting in Denmark, and for the most part, both spouses contribute to the economic support of the family. The fact that the benefit is an individual right

<sup>5</sup> Dependants who are protected in their breadwinner's right should not be included in this number.

<sup>6</sup> This number should comprise all employees, including civil servants and, for Parts II, III, V, VII, VIII, IX, and X, also unemployed persons.

means that both spouses can receive unemployment benefits at the same time if both parties fulfil the legal requirements.

#### Temporary changes made due to the consequences of COVID-19

To minimize layoffs under the COVID-19 crisis, the Government, trade unions, and employers' organizations reached a tripartite agreement on a new, temporary work-sharing arrangement. The work-sharing arrangement allows private sector employers to reduce working hours for their employees at short notice, while employees obtain improved access to unemployment benefits at 120 per cent of the maximum unemployment benefit rate. The scheme is valid from September 2020 to March 2022 and the period will not be included in the members' benefit period.

Due to the consequences of COVID-19, unskilled and skilled workers with outdated training are granted the right to higher unemployment benefits if they begin vocational education. Unemployed persons obtain the right to receive 110 per cent of the regular unemployment benefits if they begin vocational education within in-demand skills. That is skills for industries with high potential for subsequent employment in 2020-2021.

#### **Report form for C102/ECSS:**

1. *If recourse is had to subparagraph a) of Article 21 of C102/ECSS for determining the persons protected, please state whether you have recourse, for the calculation of the benefit, to the provisions of Article 65 or to those of Article 66 of C102/ECSS.*
2. *Please furnish information under this Article as follows:*
  - I. *if recourse is had to Article 65 of C102/ECSS, in the form set out in Titles I, II and V under Article 65 below;*
  - II. *if recourse is had to Article 66 of C102/ECSS, in the form set out in Titles I, II and V under Article 66 below.*

#### **For Article 65 of C102/ECSS**

##### **Title I (Information on the standard wage)**

- A. *Please summarize the rules for the calculation of the benefit and the computation of the previous earnings. Please state whether recourse is had to the provisions of paragraph 3 of Article 65 and, if so, please indicate the maximum amount prescribed for the benefit or for the earnings taken into account for the computation of the benefit.*
- B. *Please state to which of the provisions of paragraph 6 of Article 65 you have recourse for selecting the skilled manual male employee to whose wage paragraph 3 of Article 65 refers.*  
*Please specify more particularly:*
  - a. *if recourse is had to subparagraph (b) of paragraph 6:*
    - i. *how the division and the major group of economic activity to which the typical skilled employee belongs are determined with reference to paragraph 7; and*
    - ii. *how the typical skilled employee in the major group is chosen; or*
  - b. *if recourse is had to subparagraph (c) of paragraph 6, how the earnings of all persons protected are computed; or*
  - c. *if recourse is had to subparagraph (d) of paragraph 6, how the average earnings of all the persons protected are computed.*
- C. *Please indicate, in any event, the time basis on which the wage of the typical skilled employee is calculated, with reference to the provisions of paragraph 9 of Article 65. Please confirm that, in accordance with the provisions of paragraph 4 of that Article, the same time basis is used for calculating the benefit and the family allowances.*  
*Please indicate the amount of the wage of the skilled manual male employee selected as shown under B (standard wage).*

##### **Title II (Information on the replacement rate of benefit)**

*The standard beneficiary for whom the following information should be given is a man with a wife and two children where the previous earnings serving for the calculation of the benefit are equal to the wage of the skilled manual male employee shown in Title I above.*

- D. *Amount of benefit granted during the time basis.*
- E. *Amount of family allowances, if any, payable during employment for a period equal to the time basis.*
- F. *Amount of family allowances, if any, payable during the contingency for a period equal to the*

timebasis.

- G. Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E).

**Title V (replacement rate for a woman employee)**

The beneficiary for whom the following information should be given is a woman employee whose previous earnings serving for the calculation of benefit were equal to the wage of the skilled manual male employee shown in Title I above.

D. Amount of benefit granted during the time basis.

G. Amount of benefit (D) per cent of the standard wage (C).

**Commented [TAL12]:** No special rules for woman employee.

**Title I**

- D. In 2022 (estimated on the latest available data from 2018), the **monthly** reference wage was DKK 35,113 (unskilled worker) 36,699 DKK (skilled worker).

**Title II (Information on the replacement rate of benefit) (covers male and female workers)**

- H. In 2022, the amount of **monthly** benefit was DKK 19,351 (maximum fixed in legislation).  
I. In 2022, the amount of **monthly** family benefit payable during employment was DKK 11,124 (Child and Youth Allowance; full custody – 2 children (1 year-old and 3 year-old)).  
J. In 2022, the amount of **monthly** family benefit payable during contingency was DKK 2,781 (Child and Youth Allowance; full custody).  
K. Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E):

**DKK 22,132 (19,351 + 11,124) / DKK 39,498 (35,113 + 2,781) = 54 %**

\* The figures under sections C) D) E) F) of Titles I, II, or III should be provided for the same period of time (per month, 3 months, per year, etc.)

**Commented [ILB13]:** Updated (2022). To be updated at next detailed reporting in 2025.

## IV – 5. Qualifying period

**§1(f) Article 1 C102, §1(i) Article 1 ECSS**

The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

**Article 23. C102 and ECSS**

The benefit specified in Article 22 shall, in a contingency covered, be secured at least to a person protected who has completed such qualifying period as may be considered necessary to preclude abuse.

**Report form for C102/ECSS:**

Please state the length of the qualifying period which has been considered necessary to preclude abuse.  
Please summarize the rules concerning the computation of the qualifying period.

The qualifying period for unemployment insurance benefit is:

- Membership of an unemployment insurance fund for at least one year, and
- Having an income of at least 254,328 DDK (2023) earned within a reference period of the latest 36 months. However, a maximum amount of 21,194 DKK per month (2023) applies, which means that at least 12 months of employment is necessary. (2023)

Re-entitlement to unemployment benefits requires employment as a wage or salary earner or as a self-employed person for at least 52 weeks (1,924 hours – corresponding to one year of full-time work) within the last 3 years. For part-time insured members, the work requirement is 34 weeks (1,258 hours) within the last 3 years.

## IV - 6. Minimum duration of Benefit

**§1§2 Article 24. C102 and ECSS**

- The benefit specified in Article 22 shall be granted throughout the contingency, except that its duration

may be limited,

- a. where classes of employees are protected, to 13 weeks within a period of 12 months, [or to 13 weeks in each case of suspension of earnings - ECSS]; or
  - b. where all residents whose means during the contingency do not exceed prescribed limits are protected, to 26 weeks within a period of 12 months; [provided that the duration of the prescribed benefit, guaranteed without means test, may be limited in accordance with sub-paragraph a of this paragraph - ECSS].
2. Where national laws or regulations provide that the duration of the benefit shall vary with the length of the contribution period and/or the benefit previously received within a prescribed period, the provisions of paragraph 1 of this article shall be deemed to be fulfilled if the average duration of benefit is at least 13 weeks within a period of 12 months.

**Report form for C102/ECSS:**

Please state whether the duration of unemployment benefits is limited and, if so, specify the limit or limits fixed and indicate how they are determined.

If all the requirements are met, the member will be entitled to unemployment benefits for two years within a three-year period (the benefit period), calculated in hours – 3,848 hours within a three-year period.

It is possible to extend the period if the member has, for example, been ill or on maternity leave.

The member may prolong the benefit period up to 50 per cent (one year within a 1.5-year-period) by taking all types of work on ordinary terms during the benefit period. This means more flexibility in the accumulation of the right to unemployment benefit. Each working hour extends the unemployment benefit period by two hours.

The member will resume the right to a new two-year benefit period if the member has been employed as a wage or salary earner or as a self-employed person for at least 12 months (1,924 hours) within the last three years. Only work in membership periods is taken into account.

Temporary changes made due to the consequences of COVID-19

Due to the consequences of COVID-19, the Danish Government has decided that during the period between 1 March and 31 August 2020 and between 1 January and 30 June 2021, unemployed persons do not spend their right to unemployment benefits, nor do they spend their right to supplementary unemployment benefits.

Unemployed persons who lose their rights to unemployment benefit in the period 1 November 2020 to 31 October 2021, will have their unemployment benefit extended by two months. If the right to unemployment benefits expires in the period 1 November 2021 to 31 December 2021, as a result of the pause in the unemployment benefit seniority from 1 January 2021 to 28 February 2021, the unemployment benefit will likewise be extended by two months.

Unemployment beneficiaries may thereby receive unemployment benefits for up to fourteen months longer. To be covered by the measure, it is a condition that the unemployed person is a member of an unemployment insurance fund in the periods.

No recourse to paragraph 2.

## IV – 7. Waiting Period

**§3§4 Article 24. C102 and ECSS**

3. The benefit need not be paid for a waiting period of the first seven days in each case of suspension of earnings, counting days of unemployment before and after temporary employment lasting not more than a prescribed period as part of the same case of suspension of earnings.
4. In the case of seasonal workers, the duration of the benefit and the waiting period may be adapted to their conditions of employment.

**Report form for C102/ECSS:**

Please state whether a waiting period is provided for and, if so, indicate the length of such period and the rules concerning its computation.



*Please state whether any special rules have been adopted as regards benefits /or seasonal workers and, if so, what are these rules.*

No waiting period for employees.

In the case that the unemployment is self-induced, there is a waiting period of three weeks before the unemployed will receive unemployment benefits.

Persons who stop running their own business as the main occupation will not receive benefits until after a waiting period. The waiting period starts the day after showing documentation that the business is closed down.

The waiting period is generally three weeks, but if the closure of the business is caused by bankruptcy or foreclosure sale, it may be reduced to one week.

Furthermore, as an incentive to take a job while receiving unemployment benefits, there is a waiting period of one day every four months. Every four months, the unemployment insurance fund must review the working hours in the last four months. If the unemployed person has not worked for more than 148 hours within the four months, the unemployment insurance fund must deduct one day's benefits. The unemployed person may avoid the waiting day if they have received payment for more than 148 hours of work within the last four months.

Persons becoming unemployed after self-employment have a waiting period of three weeks (under certain circumstances one week). No other waiting periods are provided.

#### IV - 8. Suspension of Benefit

##### **Article 69, C102/ Article 68, ECSS**

*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed:*

- a. as long as the person concerned is absent from the territory of the Member;*
- b. as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
- c. as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
- d. where the person concerned has made a fraudulent claim;*
- e. where the contingency has been caused by a criminal offence committed by the person concerned;*
- f. where the contingency has been caused by the wilful misconduct of the person concerned;*
- g. in the case of unemployment benefit, where the person concerned has failed to make use of the employment services placed at his disposal;*
- h. in the case of unemployment benefit, where the person concerned has lost his employment as a direct result of a stoppage of work due to a trade dispute, or has left it voluntarily without just cause; and*

##### **Report form for C102/ECSS:**

*Please indicate the provisions, if any, for the suspension of unemployment benefits.*

The right to unemployment benefits expires when the person attains the age of 67 (the current Danish retirement age 2023).

The right to unemployment benefit may expire in pursuance of the provisions laid down in sub-paragraphs (d), (h), and (i) of Article 68:

d. The rights to benefit may lapse for a certain period of time if the member has acted grossly negligent or fraudulent in relation to the unemployment insurance fund, e.g., misleading information, etc.

h. Benefit is not payable to an unemployed member who - without good cause - refuses to take a reasonable job, or if the public employment service or the unemployment insurance fund has tried in

vain to fill a job by referring the member to an interview with an employer and the member has not had a valid cause for refusing or has failed to turn up. As a first-time sanction, there is a waiting period of three weeks before unemployment benefits will be paid again. In repeated cases, the member will have to re-qualify for entitlement to unemployment benefits through ordinary employment.

i. No benefit can be paid to a member who is affected by a strike or lockout while the dispute takes place. A member who - without good cause - quits his job will forfeit the entitlement to unemployment benefits for three weeks. In repeated cases, the member will have to re-qualify for entitlement to unemployment benefits through ordinary employment.

If the unemployed cancels or fails to appear at a meeting that the unemployment insurance fund or the PES has appointed, the unemployed will lose benefits for that day, and payments are cut off until the unemployed contacts the organiser of the meeting. This applies regardless of the type of meeting or activity.

If a person refuses a job offer, the unemployment insurance fund will have to assess whether or not the refusal is to be sanctioned. The refusal will not be sanctioned, if the person has had a valid reason for refusing the job offer, for instance, due to health problems or transportation time. There are 11 valid reasons for refusing a job after administrative order on self-induced unemployment. If the refusal is to be sanctioned, the person will be "self-inflicted unemployed" and the benefit will, in most cases, be suspended for three weeks. After the suspension, the person will be eligible for unemployment benefits again. However, if a person is continuously non-compliant the benefits will be suspended until documented that the person has been employed over 300 hours in a consecutive period of time. All valid reasons are listed in the statutory order no 1699 of 18 August 2021 on self-inflicted unemployment.

<https://www.retsinformation.dk/eli/ta/2021/1699>

#### IV – 9. Right of complaint and appeal

##### **§1§3. Article 70. C102, Article 69. ECSS**

1. Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.
3. Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.

##### **Report form for C102/ECSS:**

*Please state whether every claimant has a right of appeal in case of refusal of unemployment benefits or complaint as to its quality or quantity, as stipulated in paragraph 1 of this Article. Please summarize the rules which apply in the case of an appeal.*

Decisions taken by the unemployment insurance fund may be appealed to The Centre for Complaints on Unemployment Insurance (Center for klager om arbejdsløshedsforsikring), which is subject to The Danish Agency for Labour Market and Recruitment. Decisions by The Centre for Complaints on Unemployment Insurance can be appealed to The National Social Appeal Board (Ankestyrelsen), whose decisions are final. Furthermore, decisions made by any of these bodies can be appealed to the National Courts. However, the courts will often choose to await the final decision of The National Social Appeal Board before trying a case.

In the Act on Public Administration<sup>7</sup>, minimum standards are set for the administrative proceeding made by the public authorities in order to ensure the protection of a person subject to a decision made by the public authorities. As stated in the Act on Public Administration, decisions made by the PES leading to a placement or referral to a job fall within the concept of a decision made by public authorities. Consequently, the person referred to the job will have the right to appeal the decision of the PES to The National Social Appeal Board. The PES will have to reassess its decision before sending the appeal to The National Social Appeal Board. The decision made by The National Social Appeal Board is final.

#### IV - 10. Financing and Administration

*See under Part XIII-3*

<sup>7</sup> Consolidated act No 433 of 22 April 2014.

The unemployment insurance system as a voluntary scheme is administered by private unemployment insurance funds. The funds are private associations of employees or self-employed persons who have joined an association to ensure economic support for the members in the event of unemployment.

There are 22 state recognized unemployment insurance funds with approximately 2,250,000 members. Some of the unemployment insurance funds are closely connected with the trade unions and other occupational organizations, but there are no requirements as to membership of such an organization in order to become a member of an unemployment insurance fund.

## Part V. Old-age Benefit

*Denmark has accepted the obligations resulting from Part V of C102 and Part V of the ECSS.*

Category	Relevant Articles	Questions raised by the CEACR
<b>V-1. Regulatory framework</b>	<i>Art.25 C102/ECSS</i>	
<b>V-2. Contingency covered</b>	<i>Art.26 C102/ECSS</i>	
<b>V-3. Persons Protected</b>	<i>Art.27 C102/ECSS</i>	
<b>V-4. Level and Calculation of Benefit</b>	<i>Art.28 C102/ECSS</i>	
<b>V-5. Adjustment of Benefit</b>		<i>Art.65(10)C102/ECSS or Art.66(8)C102/ECSS</i>
<b>V-6. Qualifying period</b>	<i>Art.29 C102/ECSS</i>	
<b>V-7. Duration of Benefit</b>	<i>Art.30 C102/ECSS</i>	
<b>V-8. Suspension of Benefit</b>	<i>Art.68 ECSS, Art.69 C102</i>	
<b>V-9. Right of complaint and appeal</b>	<i>Art.69 ECSS, Art.70 C102</i>	
<b>V-10. Financing and Administration</b>	<i>Art.70,71 ECSS Art.71,72 C102</i>	

### List of applicable legislation

Consolidated act. No. 527 25 April 2022 <https://www.retsinformation.dk/eli/lt/2022/527>

### V - 1. Regulatory framework

#### Article 25. C102 and ECSS

*Each Member (Contracting Party) for which this part of this Convention (Code) is in force shall secure to the persons protected the provision of old-age benefit in accordance with the following Articles of this Part.*

### V - 2. Contingency covered

#### Article 26. C102 and ECSS

- The contingency covered shall be survival beyond a prescribed age.*
- The prescribed age shall be not more than 65 years or such higher age [that the number of residents having attained that age is not less than 10 per cent of the number of residents under that age but over 15 years of age - ECSS] as may be fixed by the competent authority with due regard to the working ability of elderly persons in the country concerned.*
- National laws or regulations may provide that the benefit of a person otherwise entitled to it may be suspended if such person is engaged in any prescribed gainful activity or that the benefit, if contributory, may be reduced where the earnings of the beneficiary exceed a prescribed amount and, if non-contributory, may be reduced where the earnings of the beneficiary or his other means or the two taken together exceed a prescribed amount.*

#### Report form for ECSS:

*Please state the age for title to old-age benefit. If this age is more than 65, please indicate the number of residents having attained that age per cent of the total number of residents under that age but over 15 years of age.*

*Please state whether recourse is had to paragraph 3 of this Article and, if so, please summarize the rules concerning the suspension or the reduction of benefit where the beneficiary is engaged in any gainful activity.*

The pension scheme is universal and covers the entire Danish population. The right to pension is acquired on the basis of residency in Denmark, and it is thereby not conditioned by contributions nor periods of employment completed in Denmark. In principle, the disbursed pension amounts are uniform and not graduated according to the previously earned income of the pensioner.

The pensionable age in 2023 is 67 years. (32,1 % of residents in Denmark in 2022 had attained the pension age, while the group of 65-67 years-old constituted 5 % of the population of 15-67 years-old in 2022)

Udbetaling Danmark are in charge of the administration. The expenses are reimbursed via the Central Government budget.

The pension consists of a basic amount and a pension supplement. Pensioners whose financial situation is particularly difficult, may also receive a personal allowance, health allowance and different other allowances.

#### Supplementary pension allowance

A supplementary pension allowance was introduced on 27 December 2003 to include another allowance in helping out pensioners with a difficult financial situation. The allowance was originally a temporary allowance negotiated each year in connection with the finance bill, but in December 2004, it was made permanent. The supplementary pension allowance is means tested.

#### Deferred pension

Regulation on deferred pension was introduced in 2004. From 1 July 2004, all persons who have attained the age of 65 (pensionable age - 2004) - and also persons over 65 years who have received a social pension for a period, may choose to defer social pension and participate actively on the labour market in return for a higher pension at a later stage. It is a condition that the person who has deferred their social pension, receives an income from personal work for at least 1000 hours each calendar year.

When the person chooses to take out a social pension, the current social pension payment is increased by a percentage (the deferral percentage) during the rest of the pensioner's life. The deferral percentage is calculated as the ratio between the number of months that the pension has been deferred and the average life expectancy of the citizen when taking up the social pension.

The retirement age is calculated in relation to the latest life-expectancy for age 60 plus 0.6 years because of the expected life-expectancy in the interval between the moment of calculation and actual implementation. This is deducted with 14.5 years which are the presumed retirement period. It is adjusted every five years. Thus, the present standard pensionable age of 66.5 (2022 before June 30th) will be raised to 67 by July 1st 2022 and thereafter from 67 to 68 in 2030 and from 68 to 69 in 2035. People working after reaching pensionable age can earn higher pensions. Public pensions are fully indexed to wages.

#### Early retirement pension:

On the 1 January 2021 a new early retirement pension entered into force aimed at workers who entered the labour market at an early age. The model is based on how many years a person has been in the labour market between the age of 16 and 61. Thus, a person can retire 1-3 years earlier than the standard pension age if they have worked between 42-44 years when they are 61 years old. The demands will rise as the pension age increases. In the determination of how many years an individual has worked, time spent on for example parental leave, working as an self-employed, paid internships as part of education, part-time work, 'flex jobs', and time unemployment benefit and sickness benefit is included. The administration is handled by Udbetaling Danmark, Early Retirement Pension. Applications for early retirement pension could be submitted from 1 August 2021, and from 1 January 2022, people could retire on an early retirement pension.

### **V - 3. Persons protected**

#### **Article 27. C102 and ECSS**

*The persons protected shall comprise:*

- a. *prescribed classes of employees, constituting not less than 50 per cent of all employees; or*

- b. *prescribed classes of the economically active population, constituting not less than 20 per cent of all residents; or*
- c. *all residents whose means during the contingency do not exceed limits prescribed in such a manner as to comply with the requirements of Article 67.*

The public old-age pension scheme covers the entire Danish population. The following persons are entitled to pensions:

- Danish nationals
- Refugees and stateless persons who have been granted a permanent residence in Denmark
- Foreign nationals covered by international or bilateral agreements on social security;
- Other foreign nationals who have been resident in Denmark for a minimum of 10 years between the age of 15 and pensionable age, of which not less than 5 years immediately prior to the date on which the pension is first payable.

#### **Report form for C102/ECSS:**

1. Please state to which of the subparagraphs of Article 27 of C102/ECSS recourse is had and provide for statistical data depending on the chosen subparagraph:

##### **Title I under Article 76 for Article 27(a) of C102/ECSS**

- A. *Number of employees protected<sup>8</sup>: The whole Danish population are covered by the pension scheme*
  - i) *under general scheme ...*
  - ii) *under special schemes (if any) ...*
  - iii) **Total ...**
- B. *Total number of employees<sup>9</sup> ...*
- C. *Number of employees protected (A(iii)) per cent of total number of employees (B). Please state how these data are computed and give dates of reference.*

##### **Title II under Article 76 for Article 27(b) of C102/ECSS**

- A. *Number of economically active persons protected<sup>10</sup>: The whole Danish population are covered by the pension scheme*
  - i) *under general scheme ...*
  - ii) *under special schemes (if any) ...*
  - iii) **Total ...**
- B. *Total number of residents<sup>11</sup>... 5,9 million*
- C. *Number of economically active persons protected (A(iii)) per cent of total number of residents (B). Please state how these data are computed and give dates of reference.*

##### **Title III under Article 76 for Article 27(c) of C102/ECSS**

- A. *Please give the rules applied to determine whether a resident is entitled to benefit during the contingency covered.*
- B. *Please indicate, more particularly:*
  - a. *the amount of the means of any description which excludes a resident altogether from entitlement to benefit;*
  - i. *the amount of the means of any description which is allowed without a reduction of the full benefit.*

See above. The public old-age pension scheme covers the entire Danish population: 5,9 million (2023)

## **V - 4. Level and Calculation of Benefit**

### **Article 28. C102 and ECSS**

*The benefit shall be a periodical payment calculated as follows:*

<sup>8</sup> Dependants who are protected in their breadwinner's right should not be included in this number.

<sup>9</sup> This number should comprise all employees, including civil servants and, for Parts II, III, V, VII, VIII, IX, and X, also unemployed persons.

<sup>10</sup> Dependants who are protected in their breadwinner's right should not be included in this number.

<sup>11</sup> This number should comprise all residents, including children and old people.

- a. where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;
- b. where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.

**Report form for C102/ECSS:**

1. If recourse is had to subparagraph a) of Article 28 of C102/ECSS for determining the persons protected, please state whether you have recourse, for the calculation of the benefit, to the provisions of Article 65 or to those of Article 66 of C102/ECSS.
2. Please furnish information under this Article as follows:
  - a. if recourse is had to Article 65 of C102/ECSS, in the form set out in Titles I, III and V under Article 65 below;
  - b. if recourse is had to Article 66 of C102/ECSS, in the form set out in Titles I, III and V under Article 66 below.

**For Article 65 of C102/ECSS, if chosen**

**Title I (Information on the standard wage)**

- A. Please summarize the rules for the calculation of the benefit and the computation of the previous earnings. Please state whether recourse is had to the provisions of paragraph 3 of Article 65 and, if so, please indicate the maximum amount prescribed for the benefit or for the earnings taken into account for the computation of the benefit.
- B. Please state to which of the provisions of paragraph 6 of Article 65 you have recourse for selecting the skilled manual male employee to whose wage paragraph 3 of Article 65 refers.

Please specify more particularly:

- a. if recourse is had to subparagraph (b) of paragraph 6:
  - i. how the division and the major group of economic activity to which the typical skilled employee belongs are determined with reference to paragraph 7; and
  - ii. how the typical skilled employee in the major group is chosen; or
- b. if recourse is had to subparagraph (c) of paragraph 6, how the earnings of all persons protected are computed; or
- c. if recourse is had to subparagraph (d) of paragraph 6, how the average earnings of all the persons protected are computed.
- C. Please indicate, in any event, the time basis on which the wage of the typical skilled employee is calculated, with reference to the provisions of paragraph 9 of Article 65. Please confirm that, in accordance with the provisions of paragraph 4 of that Article, the same time basis is used for calculating the benefit and the family allowances.

Please indicate the amount of the wage of the skilled manual male employee selected as shown under B (standard wage).

**Title III (Information on the replacement rate of benefit)**

The standard beneficiary for whom the following information should be given, for each scheme concerned, is a man with a wife of pensionable age where the previous earnings of the husband serving for the calculation of the benefit are equal to the wage of the skilled manual male employee shown in Title I, under C, above.

- D. Amount of benefit granted during the time basis.<sup>12</sup>
- E. Amount of family allowances, if any, payable in respect of the wife during employment, for a period equal to the time basis. None
- F. Amount of family allowances, if any, payable in respect of the wife during the contingency, for a period equal to the time basis. None
- G. Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E).

**Title V (replacement rate for a woman employee)**

<sup>12</sup> Please indicate the length of the qualifying period required of the standard beneficiary, specifying whether recourse is had to paragraph I, 3 or 4 of Article 29.

The beneficiary for whom the following information should be given is a woman employee whose previous earnings serving for the calculation of benefit were equal to the wage of the skilled manual male employee shown in Title I above.

D. Amount of benefit granted during the time basis. 10,225 DKK

G. Amount of benefit (D) per cent of the standard wage (C).

**For Article 66 of C102/ECSS, if chosen**

**Title I (Information on the standard wage)**

- A. Please state to which of the provisions of paragraph 4 and following of Article 66 recourse is had for selection of the ordinary adult male labourer to whose wage paragraph 1 of Article 66 refers.
1. Please specify, more particularly, whether recourse is had to subparagraph (b) of paragraph 4; if so, please state:
    - (i) how the division and the major group of economic activity to which the ordinary labourer belongs are determined, with reference to paragraph 5; and
    - (ii) how the typical ordinary labourer in the major group is chosen.
  2. Please indicate, in any event, the time basis on which the wage of the ordinary adult labourer is calculated, with reference to the provisions of paragraph 7 of Article 66. Please confirm that, in accordance with the provisions of paragraph 2 of that Article, the same time basis is used for calculating the benefit and the family allowances.
- B. Please state the amount of the wage of the ordinary adult labourer selected (standard wage).

**Title III (Information on the replacement rate of benefit)**

The standard beneficiary for whom the following information should be given, for each scheme concerned, is a man with a wife of pensionable age.

- C. Amount of benefit granted during the time basis.<sup>13</sup>
- D. Amount of family allowances, if any, payable in respect of the wife during employment, for a period equal to the time basis.
- E. Amount of family allowances, if any, payable in respect of the wife during the contingency, for a period equal to the time basis.
- F. Sum of benefit and family allowances payable during the contingency (C+E) per cent of sum of the standard wage and family allowances payable during employment (B+ D).  
Please summarize the rules for the calculation of the benefit.

**Title V (replacement rate for a woman employee)**

The beneficiary for whom the following information should be given, for each scheme concerned, is a woman employee.

- C. Amount of benefit granted during the time basis. Woman without a man:
- F. Amount of benefit (C) per cent of the standard wage (B).  
Please summarize the rules for the calculation of the benefit.

3. If recourse is had to subparagraph b) of Article 28 of C102/ECSS for determining the persons protected, please state provide the following statistical data under Article 67 of C102/ECSS.

**TITLE I**

- A. Please state how the scale determining the rate of benefit is prescribed or fixed. Please include a copy of such scale with this report.
- B. Please state whether recourse is had to the provisions of subparagraph (b) of Article 67 and, if so, indicate the reductions made in the rate of benefit according to the amount of the other means of the family of the beneficiary.

**TITLE III**

The standard beneficiary for whom the following information should be furnished, for each scheme concerned, is a man with a wife of pensionable age whose means during the contingency are lower than or equal to the substantial amounts shown under Article 27 above.

<sup>13</sup> Please indicate the length of the qualifying period required of the standard beneficiary, specifying whether recourse is had to paragraph 1, 3 or 4 of Article 29.



**The old-age pension are not financed by means of contributions from employers and employees,**  
*The full income-tested pension, including the pensions supplement but excluding all other supplements:*  
*A man with a wife:*

- C. Amount of benefit granted during the time basis.<sup>14</sup>*
- D. Amount of family allowances, if any, payable in respect of the wife during employment, for a period equal to the time basis. None*
- E. Amount of family allowances, if any, payable in respect of the wife during the contingency, for a period equal to the time basis. None*
- F. Sum of benefit and family allowances payable during the contingency (C+ E) per cent of sum of the standard wage<sup>15</sup> and the family allowances payable during employment (B+D).*

#### **TITLE V**

*Note: If recourse is had to subparagraph (d) of Article 67, please give the information requested in Title I under Article 66 and, in addition, the information requested below.*

- A. Total amount of benefits paid under the schemes concerned during the period covered by the report.*
- B. Total number of residents.<sup>16</sup>*
- C. 20 per cent of the total number of residents.*

<i>Parts V, IX and X</i>
<i>D. Presumed ratio "beneficiaries/insured persons".</i>
<i>E. Presumed number of beneficiaries (Cx D).</i>

*F. Total amount of benefit that would be payable according to Article 66 = percentage shown in the Schedule to Part XI multiplied by standard wage calculated as shown under Title I under Article 66 multiplied by E.<sup>17</sup>*

#### **Title III (Information on the replacement rate of benefit) (30 years)**

- D. In 2022, the amount of monthly benefit was DKK 13,432 (maximum fixed in legislation).*
- E. In 2022, the amount of family allowances, if any, payable in respect of the wife during employment, for a period equal to the time basis: None*
- F. In 2022, the amount of family allowances, if any, payable during contingency in respect of the wife during employment: None*
- G. Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E):*

**DKK 13,432 / DKK 35,113 = 38.3 %**

*\* The figures under sections C) D) E) F) of Titles III should be provided for the same period of time (per month, 3 months, per year, etc.)*

*Family allowances are paid to parents of dependent children which is not the typical situation for old-age pensioners. However, if old age pensioners are parents of dependent children, they would be entitled to family allowances.*

**Commented [ILB14]:** Updated (2022) To be updated at next detailed reporting in 2025.

<sup>14</sup> Please state the length of the qualifying period required of the standard beneficiary, specifying whether recourse is had to paragraph 1 or to paragraph 3 of Article 29.

<sup>15</sup> The standard wage in this case is the wage of the ordinary labourer the amount of which is shown in Title I under Article 66.

<sup>16</sup> This number should comprise all residents, including children and old people.

<sup>17</sup> The data requested in this Title relate exclusively to the last stage of the calculation which has to be made if recourse is had to Article 67 (d). In fact, it is necessary to make an estimate of the cost which would have been incurred during the period of reference under a fictitious system that provided benefits complying with the requirements of Article 66. Such a calculation may require extensive actuarial studies and its results will depend on the bases and the hypotheses used by the Member. A Member wishing to have recourse to Article 67 (d) will therefore have to furnish proof, involving the calculations referred to, that its actual system of social assistance costs at least 130 per cent of the cost that would be incurred under the fictitious system above-mentioned. Please explain the methods applied, the bases used and the hypotheses assumed in making the estimates given in Title V.

The old-age pension are not financed by means of contributions from employers and employees,

**Title III (Information on the replacement rate of benefit) (Full=40 years)**

- D. In 2022, the amount of **monthly** benefit was DKK 16,937 (maximum fixed in legislation).
- E. In 2022, the amount of family allowances, if any, payable in respect of the wife during employment, for a period equal to the time basis: None
- F. In 2022, the amount of family allowances, if any, payable during contingency in respect of the wife during employment: None
- G. Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E):

**DKK 16,937 / DKK 35,113 = 48.2 %**

*\* The figures under sections C) D) E) F) of Titles III should be provided for the same period of time (per month, 3 months, per year, etc.)*

*Family allowances would normally be paid to parents of dependent children which is not the typical situation for old-age pensioners. However, if old age pensioners are parents of dependent children, they would be entitled to family allowances.*

*The old-age pension are not financed by means of contributions from employers and employees,*

*The old-age pension benefit in this calculation covers the basic social pension supplemented by the pension supplement amounts (pensionstillæg. Ældretillæg, Mediecheck and ATP).*

*To the calculation of the replacement level, we notice that the used reference wage is higher, than what we understand was expected in the Code. The 38.3 % (30 years) would therefore have been higher, if the intended reference wage had been used. In addition, many old age pensioners in DK are entitled to housing benefit as a supplement to the old-age pension benefit. The monthly housing benefit amounts up to DKK 4.280 (2022).*

**TITLE V**

*Note: If recourse is had to subparagraph (d) of Article 67, please give the information requested in Title I under Article 66 and, in addition, the information requested below.*

A. Total amount of benefits paid under the schemes concerned during the period covered by the report.

B. Total number of residents.<sup>18</sup> 5,923 mil. In 2023.

C. 20 per cent of the total number of residents.

**V - 5. Adjustment of benefits**

**§10 Article 65, §8 Article 66. C102 and ECSS**

*The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.*

**Report Form for the ECSS (Title VI):**

1. Please state the methods adopted for giving effect, where necessary, to the provisions of paragraph 10 of Article 65 or of paragraph 8 of Article 66 of C102 and the ECSS.
2. Please give the following information:

**Commented [ILB15]:** Updated (2022). To be updated at next detailed reporting in 2025.

<sup>18</sup> This number should comprise all residents, including children and old people.

<i>Period under review</i>	<i>Cost-of-living index</i>	<i>Index of earnings<sup>19</sup></i>
<i>A. Beginning of period<sup>20</sup> .....</i>	<i>.....</i>	<i>.....</i>
<i>B. End of period<sup>21</sup>.....</i>	<i>.....</i>	<i>.....</i>
<i>C. Percentage <math>\frac{A}{B}</math>.....</i>	<i>.....</i>	<i>.....</i>

3. Please state whether the amount of the periodical payments has been reviewed during the period of reference. If so, please indicate the changes made in the level of benefits and furnish the following information:

<i>Period under review<sup>22</sup></i>	<i>Benefit</i>		
	<i>Average per Beneficiary<sup>23</sup></i>	<i>Benefit for Standard Beneficiary</i>	<i>Other estimates of benefits level</i>
<i>A. Beginning of period .....</i>			
<i>B. End of period.....</i>			
<i>C. Percentage <math>\frac{A}{B}</math>.....</i>			

<i>Period under review<sup>24</sup></i>	<i>Benefit</i>		
	<i>Average per Beneficiary<sup>25</sup></i>	<i>Benefit for Standard Beneficiary</i>	<i>Other estimates of benefits level</i>
<i>A. Beginning of period (2016).....</i>	117.601 DDK	166.144 DDK	36.894 DDK
<i>B. End of period (2019).....</i>	124.688 DDK	176.835 DDK	38.208 DDK
<i>C. Percentage <math>\frac{A}{B}</math>.....</i>	106 %	106 %	104 %

#### **Title VI under article 65:**

Old-age pensions are adjusted as at 1 January each year in accordance with increases in wages.

Report 2016-C102: Public old-age pension is adjusted annually, on the basis of the trend in wages in the private sector. The adjustment is reduced by 0.3 percentage point if the wage increase exceeds 2.0 per cent. The resultant savings on expenditure are to be used on initiatives that benefit pensioners and other groups of transfer payment recipients whose benefits have been correspondingly adjusted.

**Commented [TAL16]:** To be updated at next detailed reporting in 2025.

## **V - 6. Qualifying period**

### **§1(f) Article 1 C102, §1(i) Article 1 ECSS**

The term *qualifying period* means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

#### **Article 29. C102 and ECSS**

1. The benefit specified in Article 28 shall, in a contingency covered, be secured at least:
  - a. to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 30 years of contribution or employment, or 20 years of residence; or

<sup>19</sup> The index of earnings should correspond to the classes of employees or economically active persons shown under the Article dealing with persons protected (Article 27, 33 or 61). If no index of earnings is available, the index of money wages may be substituted.

<sup>20</sup> The indices at the beginning and end of each period should refer to the same base.

<sup>21</sup> The indices at the beginning and end of each period should refer to the same base.

<sup>22</sup> This period should, as far as possible, coincide with the period referred to in the table under para.2

<sup>23</sup> Please give such data in columns I, II, and III as will show the percentage variation of the benefit.

<sup>24</sup> This period should, as far as possible, coincide with the period referred to in the table under para.2

<sup>25</sup> Please give such data in columns I, II, and III as will show the percentage variation of the benefit.

- b. *where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom while he was of working age, the prescribed yearly average number of contributions has been paid.*
- 2. *Where the benefit referred to in paragraph 1 of this article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:*
  - a. *to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of 15 years of contribution or employment; or*
  - b. *where, in principle, all economically active persons are protected, to a person protected who has completed a prescribed qualifying period of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with paragraph 1.b of this Article has been paid.*
- 3. *The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, ten years of contribution or employment, or five years of residence.*
- 4. *A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the benefit corresponding to the reduced percentage exceeds ten years of contribution or employment but is less than 30 years of contribution or employment; if such qualifying period exceeds 15 years, a reduced benefit shall be payable in conformity with paragraph 2 of this Article.*
- 5. *Where the benefit referred to in paragraphs 1, 3 or 4 of this Article is conditional upon a minimum period of contribution or employment, a reduced benefit shall be payable under prescribed conditions to a person protected who, by reason only of his advanced age when the provisions concerned in the application of this Part come into force, has not satisfied the conditions prescribed in accordance with paragraph 2 of this Article, unless a benefit in conformity with the provisions of paragraphs 1, 3 or 4 of this Article is secured to such person at an age higher than the normal age.*

**Report Form of C102/ECSS:**

1. *Please indicate the nature and the length of the minimum qualifying period or the minimum average yearly number of contributions, as the case may be, which entitles the persons protected to a pension. Please summarize the rules concerning the computation of such qualifying period. Please state whether recourse is had to paragraphs 1 and 2 or paragraph 3 or 4 of this Article.*
2. *If recourse is had to paragraphs 1 and 2 the benefit the amount of which is shown under Article 28 should be the benefit granted during the time basis to a standard beneficiary who has completed 30 years of contribution or employment, or 20 years of residence. Please indicate, under this Article, how the reduced benefit is calculated to which a standard beneficiary is entitled who has completed a qualifying period of 15 years of contribution or employment or in respect of whom half the yearly average number of contributions prescribed for title to full benefit has been paid.*
3. *If recourse is had to paragraph 3 the benefit the amount of which is shown under Article 28 should be the benefit granted during the time basis to a standard beneficiary who has completed ten years of contribution or employment or five years of residence.*

Entitlement to public old-age pension is acquired on the basis of residence in Denmark and is thus not conditional on payment of contributions or of periods of employment completed in Denmark.

Pension entitlement is subject to permanent residence in Denmark for a period of no less than three years between the age of 15 and the pension age.

## V - 7. Duration of Benefit

### Article 30. C102 and ECSS

*The benefits specified in Articles 28 and 29 shall be granted throughout the contingency.*

## V - 8. Suspension of Benefit

### Article 69, C102/ Article 68, ECSS

*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed:*

- a. *as long as the person concerned is absent from the territory of the Member;*

- b. *as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
- c. *as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
- d. *where the person concerned has made a fraudulent claim;*
- e. *where the contingency has been caused by a criminal offence committed by the person concerned;*
- f. *where the contingency has been caused by the wilful misconduct of the person concerned;*

**Report form for C102/ECSS:**

*Please indicate the provisions, if any, for the suspension of old-age benefits.*

The basic amount of social pension is only exportable if:

- The pensioner is a Danish citizen who has reached the pensionable age and has been permanently resident in the Realm of Denmark for a period of not less than 30 years between the age of 15 and the pensionable age.
- The pensioner is a Danish citizen who takes up residence in another country after having been granted a pension and has been permanently resident in the Realm of Denmark for a period of not less than 10 years after the age of 15. The condition as to residence must have been complied with on the date on which the applicant attained the pensionable age.
- The pensioner is an EU-citizen and covered by the Regulation (EC) 883/04, which lays down the rules according to which a person with residence in one EU-country may receive pension from another EU-country. These rules substitute the requirements of the Danish Pensions Act regarding Danish nationality and residence in the Realm of Denmark.

In other cases pension will not be payable abroad unless otherwise is provided in a bilateral or multilateral agreement on social security.

## V - 9. Right of complain and appeal

### **§1§3. Article 70. C102, Article 69. ECSS**

1. *Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.*
3. *Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.*

**Report form for C102/ECSS:**

Please state whether every claimant has a right of appeal in case of refusal of old-age benefit or complaint as to its quality or quantity, as stipulated in paragraph 1 of this Article. Please summarize the rules which apply in the case of an appeal.

Decisions on old age benefits under the legislation are made by the Udbetaling Danmark. If a person does not agree with the decision made by Udbetaling Danmark, they can file a complaint to Udbetaling Danmark within four weeks after the decision. Hereafter, Udbetaling Danmark has four weeks to reassess the complaint after receiving the complaint. If Udbetaling Danmark maintains its decision, the complaint may be brought before The National Board of Appeal (Ankestyrelsen).

## V - 10. Financing and Administration

### **See under Part XIII-3**

The Danish authority (Udbetaling Danmark) is in charge of the administration and defrayal. The expenses are reimbursed via the Central Government budget and financed through general taxation.

## Part VI. Employment Injury Benefit

*Denmark has accepted the obligations resulting from C12, Part VI of C102 and Part VI of the ECSS.*

Category	Relevant Articles	Questions raised by the CEACR
<b>VI-1. Regulatory framework</b>	<i>Art.31 ECSS/C102 Art. 1 C12, Art 1 C42</i>	
<b>VI-2. Contingency covered</b>	<i>Art.32 ECSS/C102</i>	
<b>VI-3. List of Occupational Diseases</b>	<i>Art.2 C42</i>	
<b>VI-4. Persons Protected</b>	<i>Art.33 C102/ECSS</i>	
<b>VI-5. Medical Care and allied benefits</b>		<i>Art.34 C102/ECSS</i>
<b>VI-6. Prevention, rehabilitation and placement services</b>	<i>Art.35 C102/ECSS</i>	
<b>VI – 7. Temporary or initial incapacity for work</b>	<i>Art.36(1) C102/ECSS</i>	
<b>VI – 8. Total loss of earning capacity</b>	<i>Art.36(1) C102/ECSS</i>	
<b>VI – 9. Partial loss of earning capacity</b>	<i>Art.36(2) C102/ECSS</i>	
<b>VI – 10. Death of the breadwinner: periodical payment</b>	<i>Art.36(1) C102/ECSS</i>	
<b>VI – 11. Lump-sum payment</b>		<i>Art.36(3) C102/ECSS</i>
<b>VI-12. Adjustment of Benefit</b>		<i>Art.65(10) C102/ECSS or Art.66(8) C102/ECSS</i>
<b>VI-13. Qualifying conditions</b>	<i>Art.37 C102/ECSS</i>	
<b>VI-14. Duration of Benefit</b>	<i>Art.38 C102/ECSS</i>	
<b>VI-15. Suspension of Benefit</b>	<i>Art.69 C102, Art.68 ECSS</i>	
<b>VI-16. Right of complaint and appeal</b>	<i>Art.70 C102, Art.69 ECSS</i>	
<b>VI-17. Financing and Administration</b>	<i>Art.71,72 C102 Art.70,71 ECSS</i>	

### List of applicable legislation

Consolidated Act No. 1186 of August 19, 2022 <https://www.retsinformation.dk/eli/Ita/2022/1186>

#### Administrative Orders:

- No. 1034 of May 28, 2021, on the list of occupational diseases reported before January 1, 2005.
- No. 1033 of May 28, 2021, on the list of occupational diseases reported on or later than January 1, 2005.
- No. 1700 of December 15, 2015, on conversion of monthly payments into lump sums for industrial injuries before January 1, 2011.
- No. 1700 of December 15, 2015, on conversion of monthly payments into lump sums for industrial injuries before January 1, 2011.
- No. 941 of June 21, 2022, on notification of accidents at work.

- No. 1478 of December 2, 2016, on the obligation of doctors and dentists to report occupational diseases to the Working Environment Authority (Arbejdstilsynet) and the National Board of Industrial Injuries (Arbejdsskadestyrelsen).
- No. 1271 of October 26, 2007, on optional insurance with the Labour Market Occupational Diseases Fund (AES).
- No. 1482 of December 2, 2016, on reporting of certain types of cancer that may be work-related.
- No. 900 of June 24, 2016, on payment of expenses for medical treatment and aids under the Workers' Compensation Act.
- No. 942 of June 21, 2022, on the access of insurance companies and the Labour Market Occupational Diseases Fund to manage claims concerning payment of expenses for medical treatment and aids etc. under the Workers' Compensation Act.
- No. 1606 of December 9, 2016, on insurance against industrial injuries in connection with transportation to and from work.
- No. 812 of September 29, 2003, on assessment of the annual wages of self-employed persons and assisting spouses.

## VI - 1. Regulatory framework

### Article 1. C12

*Each Member of the International Labour Organisation which ratifies this Convention undertakes to extend to all agricultural wage-earners its laws and regulations which provide for the compensation of workers for personal injury by accident arising out of or in the course of their employment.*

The Danish rules concerning industrial injuries insurance apply to industrial injuries in all occupations, including agriculture. Any person who work in a paid employment relationship or as an unpaid assistant in the service of an employer, and who carries out permanent, temporary, or casual work in Denmark, is insured in the event of an industrial injury. Additionally, children suffering from an injury caused during pregnancy due to the work of their mothers are insured. Any employer who employs persons entitled to be covered under the insurance scheme, is liable to take out insurance.

Commented [TAL17]: C42 was denounced on 24 Aug 2021

Reference is made to Report 2016 C12 (Report for the period 1 June 2013 to 31 May 2016) and the general description of the Danish industrial injuries insurance system after 1 January 2004 contained in the report on Convention No.102 (Minimum Standards).

### Article 31. ECSS

*Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of employment injury benefit in accordance with the following Articles of this Part.*

## VI - 2. Contingencies covered

### Article 32. C102/ECSS

*The contingencies covered shall include the following where [the state of affairs described is – ECSS] due to accident or a prescribed disease resulting from employment:*

- a morbid condition;*
- incapacity for work resulting from such a condition and involving suspension of earnings, as defined by national laws or regulations;*
- total loss of earning capacity or partial loss thereof in excess of a prescribed degree, likely to be permanent, or corresponding loss of faculty; and*
- the loss of support suffered by the widow or child as the result of the death of the breadwinner; in the case of a widow, the right to benefit may be made conditional on her being presumed, in accordance with national laws or regulations, to be incapable of self-support.*

#### Report form for C102/ECSS:

- Please state whether national laws or regulations prescribe a minimum degree of loss of earning capacity that gives rise to the medical care benefits (Article 34) and cash benefits in case of temporary incapacity and permanent incapacity (Article 36), and, if so, indicate the degree.*
- Please also state whether recourse is had to the last sentence of subparagraph (d) of Article 32, according to which, in the case of the widow, the right to benefit may be made conditional on her being presumed to be incapable of self-support, if so, please specify the rules.*

1. Medical care benefits can be paid regardless of the degree of loss of earning capacity when the injury is recognized as an industrial injury. Compensation for the loss of earning capacity is to be paid if the loss of earning capacity is 15 per cent or more.
2. Compensation for the loss of a breadwinner is granted to the spouse or cohabiting partner as monthly payments for a period of up to ten years. Denmark recognizes the fact that the contingency might be longer than ten years if the spouse or cohabiting partner is incapable of self-support. Therefore, the Danish Workers' Compensation system provides the possibility to extend the duration of compensation for the loss of the breadwinner beyond ten years.

## VI – 3. List of Occupational Diseases

### Article 2. C42

Commented [TAL18]: C42 was denounced on 24 Aug 2021

List of diseases and toxic substances	List of corresponding trades, industries and processes
Poisoning by lead, its alloys or compounds and their sequelae.	<ul style="list-style-type: none"> <li>▪ Handling of ore containing lead, including fine shot in zinc factories.</li> <li>▪ Casting of old zinc and lead in ingots.</li> <li>▪ Manufacture of articles made of cast lead or of lead alloys.</li> <li>▪ Employment in the polygraphic industries.</li> <li>▪ Manufacture of lead compounds.</li> <li>▪ Manufacture and repair of electric accumulators.</li> <li>▪ Preparation and use of enamels containing lead.</li> <li>▪ Polishing by means of lead files or putty powder with a lead content.</li> <li>▪ All painting operations involving the preparation and manipulation of coating substances, cements or colouring substances containing lead pigments.</li> </ul>
Poisoning by mercury, its amalgams and compounds and their sequelae.	<ul style="list-style-type: none"> <li>▪ Handling of mercury ore.</li> <li>▪ Manufacture of mercury compounds.</li> <li>▪ Manufacture of measuring and laboratory apparatus.</li> <li>▪ Preparation of raw material for the hat making industry.</li> <li>▪ Hot gilding.</li> <li>▪ Use of mercury pumps in the manufacture of incandescent lamps.</li> <li>▪ Manufacture of fulminate of mercury primers.</li> </ul>
Anthrax infection.	<ul style="list-style-type: none"> <li>▪ Work in connection with animals infected with anthrax.</li> <li>▪ Handling of animals' carcasses or parts of such carcasses including hides, hoofs and horns.</li> <li>▪ Loading and unloading or transport of merchandise.</li> </ul>
Silicosis with or without pulmonary tuberculosis, provided that silicosis is an essential factor in causing the resultant incapacity or death.	Industries or processes recognised by national law or regulations as involving exposure to the risk of silicosis.
Phosphorous poisoning by phosphorous or its compounds, and its sequelae.	Any process involving the production, liberation or utilisation of phosphorous or its compounds.
Arsenic poisoning by arsenic or its compounds, and its sequelae.	Any process involving the production, liberation or utilisation of arsenic or its compounds.
Poisoning by benzene or its homologues, their nitro- and amido-derivatives, and its sequelae.	Any process involving the production, liberation or utilisation of benzene or its homologues, or their nitro- or amido-derivatives.
Poisoning by the halogen derivatives of hydrocarbons of the aliphatic series.	Any process involving the production, liberation or utilisation of halogen derivatives of hydrocarbons of the aliphatic series designated by national laws or regulations.



Pathological manifestations due to: <ul style="list-style-type: none"> <li>a) radium and other radioactive substances;</li> <li>b) X-rays.</li> </ul>	Any process involving exposure to the action of radium, radioactive substances, or X-rays.
Primary epitheliomatous cancer of the skin.	Any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances.

Occupational diseases qualify for compensation in the same way and with the same benefits and amounts as work accidents. Compensation claims are dealt with on the basis of the European mixed system, which entails a list of diseases and a possibility for recognition as an occupational disease on an individual basis by the Occupational Diseases Committee.

The list of occupational diseases is a list of work-related diseases, which are recognised as industrial injuries if a person has suffered certain exposures in the workplace.

The list is constantly updated so that it covers the most recent research. The update is executed by the Occupational Diseases Committee composed of representatives from i.e. the Danish Health Authority, the Working Environment Authority, and the social partners. When there is adequate medical documentation that a disease is caused by a certain exposure, the disease is included on the list of occupational diseases.

Even if a reported disease does not qualify for recognition on the basis of the list, it might still be recognized if the Occupational Diseases Committee finds that it is likely, beyond reasonable doubt that the disease was caused by the working conditions.

## VI - 4. Persons protected

### Article 33. C102/ECSS

*The persons protected shall comprise prescribed classes of employees, constituting not less than 50 per cent of all employees, and, for benefit in respect of death of the breadwinner, also their wives and children.*

#### Report form for C102/ECSS:

Please provide for statistical data:

#### Title I under Article 76 for Article 33 of C102/ECSS

- a. Number of employees protected<sup>26</sup>:
  - i) under general scheme ...
  - ii) under special schemes (if any) ...
  - iii) Total ...
- b. Total number of employees<sup>27</sup> ...
- c. Number of employees protected (A(iii)) per cent of total number of employees (B). Please state how these data are computed and give dates of reference.

#### Title 1:

- a. i) 2.9 million.  
ii) -  
iii) 2.9 million.
- b. 2.9 million.<sup>28</sup>
- c. 100 per cent (2022)

**Commented [TAL19]:** To be updated at next detailed reporting in 2025.

## VI - 5. Medical Care and allied benefits

### Article 34. ECSS

<sup>26</sup> Dependants who are protected in their breadwinner's right should not be included in this number.

<sup>27</sup> This number should comprise all employees, including civil servants and, for Parts II, III, V, VII, VIII, IX, and X, also unemployed persons.

<sup>28</sup> Source: Statistics Denmark. January 2020.

1. *In respect of a morbid condition, the benefit shall be medical care as specified in paragraphs 2 and 3 of this article.*
2. *The medical care shall comprise:*
  - a. *general practitioner and specialist in-patient care and out-patient care, including domiciliary visiting;*
  - b. *dental care;*
  - c. *nursing care at home or in hospital or other medical institutions;*
  - d. *maintenance in hospitals, convalescent homes, sanatoria or other medical institutions;*
  - e. *dental, pharmaceutical and other medical or surgical supplies, including prosthetic appliances, kept in repair, and eyeglasses; and*
  - f. *the care furnished by members of such other professions as may at any time be legally recognized as allied to the medical profession, under the supervision of a medical or dental practitioner.*
3. *[4 – C102]. The medical care provided in accordance with the preceding paragraphs shall be afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs.*

**Report form for C102/ECSS:**

1. Please indicate in detail the nature of the medical benefits provided, referred to in paragraph 2 of Article 34.

There are no restrictions on the type of medical treatment (medicine, prosthesis, dental treatment, spectacles, etc.) that can be covered under the Workers' Compensation Act, provided that the expense is incurred as a result of the work injury and that the treatment is deemed necessary for the best possible cure.

2. Please state what measures are taken to give effect to paragraph 4 of Article 34 of the ECSS (paragraph 3 of C102).

There are no rules in the Workers' Compensation Act on maintaining, restoring, or improving the health of injured persons. The responsibility for treatment and rehabilitation is in Denmark with the public health service. Reference is made to Part II and Part III.

**Report 2022-ECSS:**

Any person with legal residence in Denmark is entitled to medical care according to their needs. This also applies in the event of an industrial injury. Usually, the benefit will be granted by the National Health Security in form of free medical attention, hospital treatment, etc., cf. Part II and Part III.

With regard to its coverage, the Workers' Compensation Act states that costs of medical care or rehabilitation, which is required to obtain the best possible cure, will be defrayed to the extent that such costs are not covered under the Health Act or as an element of treatment in a public hospital. That means that compensation for all expenses, incidental to medical care and rehabilitation, not payable by the National Health Security, will be paid by the employment injury insurance. As a consequence of this rule, an injured person is entitled to compensation for the costs of medical care to the extent stated in Paragraph 2 of Article 34. Either direct payment will be made on the part of the insurance company, or the injured person will pay for the benefit subject to full reimbursement.

## VI – 6. Prevention, rehabilitation and placement services

**Article 35. C102/ECSS**

1. *The institutions or Government departments administering the medical care shall co-operate, wherever appropriate, with the general vocational rehabilitation services, with a view to the re-establishment of handicapped persons in suitable work.*
2. *National laws or regulations may authorize such institutions or departments to ensure provision for the vocational rehabilitation of handicapped persons.*

**Report form for C102/ECSS:**

1. Please state briefly what measures are taken to give effect to the provisions of this Article.

Please see the answer to paragraph 4 of Article 34 of the ECSS (paragraph 3 of C102) above.

## VI – 7. Temporary or initial incapacity for work

**§1. Article 36. C102/ECSS**

*In respect of incapacity for work, total loss of earning capacity likely to be permanent or corresponding loss of faculty, or the death of the breadwinner, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.*

In cases of temporary or initial incapacity for work - whether this is due to an occupational injury or another reason - sickness benefit is granted under the general sickness benefit scheme and ensures financial protection. Only permanent loss of earning capacity as a consequence of the industrial injury is covered by the Danish rules concerning industrial injuries insurance. Please, see Part III for further information.

**Report form for C102/ECSS:**

1. Please state whether recourse is had, under paragraph 1 of this Article, to the provisions of Article 65 or to those of Article 66, for the calculation of the benefit.
2. Please furnish information under this Article as follows:
  - a. if recourse is had to Article 65 of C102/ECSS, in the form set out in Titles I, II and V under Article 65 below;
  - b. if recourse is had to Article 66 C102/ECSS, in the form set out in Titles I, II and V under Article 66 below.

**For Article 65 of C102/ECSS**

**Title I (Information on the standard wage)**

- A. Please summarize the rules for the calculation of the benefit and the computation of the previous earnings. Please state whether recourse is had to the provisions of paragraph 3 of Article 65 and, if so, please indicate the maximum amount prescribed for the benefit or for the earnings taken into account for the computation of the benefit.
- B. Please state to which of the provisions of paragraph 6 of Article 65 you have recourse for selecting the skilled manual male employee to whose wage paragraph 3 of Article 65 refers.

Please specify more particularly:

- a. if recourse is had to subparagraph (b) of paragraph 6:
  - i. how the division and the major group of economic activity to which the typical skilled employee belongs are determined with reference to paragraph 7; and
  - ii. how the typical skilled employee in the major group is chosen; or
- b. if recourse is had to subparagraph (c) of paragraph 6, how the earnings of all persons protected are computed; or
- c. if recourse is had to subparagraph (d) of paragraph 6, how the average earnings of all the persons protected are computed.
- C. Please indicate, in any event, the time basis on which the wage of the typical skilled employee is calculated, with reference to the provisions of paragraph 9 of Article 65. Please confirm that, in accordance with the provisions of paragraph 4 of that Article, the same time basis is used for calculating the benefit and the family allowances.  
Please indicate the amount of the wage of the skilled manual male employee selected as shown under B (standard wage).

**Title II (Information on the replacement rate of benefit)**

*The standard beneficiary for whom the following information should be given is a man with a wife and two children where the previous earnings serving for the calculation of the benefit are equal to the wage of the skilled manual male employee shown in Title I above.*

- D. Amount of benefit granted during the time basis.
- E. Amount of family allowances, if any, payable during employment for a period equal to the time basis.
- F. Amount of family allowances, if any, payable during the contingency for a period equal to the time basis.
- G. Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E).

**Title V (replacement rate for a woman employee)**

**Commented [TAL20]:** No special rules for a woman employee.

*The beneficiary for whom the following information should be given is a woman employee whose previous earnings serving for the calculation of benefit were equal to the wage of the skilled manual male employee shown in Title I above.*

*D. Amount of benefit granted during the time basis.*

*G. Amount of benefit (D) per cent of the standard wage (C).*

Please see Part III for further information

## VI – 8. Total loss of earning capacity likely to be permanent

### **§1. Article 36. C102/ECSS**

*In respect of incapacity for work, **total loss of earning capacity likely to be permanent** or corresponding loss of faculty, or the death of the breadwinner, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.*

#### **Report form for C102/ECSS:**

1. *Please state whether recourse is had, under paragraph 1 of this Article, to the provisions of Article 65 or to those of Article 66, for the calculation of the benefit.*

Recourse is had to Article 65 of C102/ECSS.

2. *Please furnish information under this Article as follows:*

- I. *if recourse is had to Article 65 of C102/ECSS, in the form set out in Titles I, II and V under Article 65 below;*
- II. *if recourse is had to Article 66 C102/ECSS, in the form set out in Titles I, II and V under Article 66 below.*

#### **For Article 65 of C102/ECSS**

##### **Title I (Information on the standard wage)**

- A. *Please summarize the rules for the calculation of the benefit and the computation of the previous earnings. Please state whether recourse is had to the provisions of paragraph 3 of Article 65 and, if so, please indicate the maximum amount prescribed for the benefit or for the earnings taken into account for the computation of the benefit.*
- B. *Please state to which of the provisions of paragraph 6 of Article 65 you have recourse for selecting the skilled manual male employee to whose wage paragraph 3 of Article 65 refers.*

*Please specify more particularly:*

- a. *if recourse is had to subparagraph (b) of paragraph 6:*
  - i. *how the division and the major group of economic activity to which the typical skilled employee belongs are determined with reference to paragraph 7; and*
  - ii. *how the typical skilled employee in the major group is chosen; or*
- b. *if recourse is had to subparagraph (c) of paragraph 6, how the earnings of all persons protected are computed; or*
- c. *if recourse is had to subparagraph (d) of paragraph 6, how the average earnings of all the persons protected are computed.*

- C. *Please indicate, in any event, the time basis on which the wage of the typical skilled employee is calculated, with reference to the provisions of paragraph 9 of Article 65. Please confirm that, in accordance with the provisions of paragraph 4 of that Article, the same time basis is used for calculating the benefit and the family allowances.*

*Please indicate the amount of the wage of the skilled manual male employee selected as shown under B (standard wage).*

Recourse is had to subparagraph (b) of paragraph 6.

##### **Title II (Information on the replacement rate of benefit)**

*The standard beneficiary for whom the following information should be given is a man with a wife and two children where the previous earnings serving for the calculation of the benefit are equal to the wage of the skilled manual male employee shown in Title I above.*

- D. Amount of benefit granted during the time basis.
- E. Amount of family allowances, if any, payable during employment for a period equal to the time basis.
- F. Amount of family allowances, if any, payable during the contingency for a period equal to the time basis.
- G. Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E).

#### **Title V (replacement rate for a woman employee)**

*The beneficiary for whom the following information should be given is a woman employee whose previous earnings serving for the calculation of benefit were equal to the wage of the skilled manual male employee shown in Title I above.*

- D. Amount of benefit granted during the time basis.
- G. Amount of benefit (D) per cent of the standard wage (C).

Compensation for the loss of earning capacity is granted if there is a permanent loss of earning capacity of between 15 and 100 per cent as a consequence of the industrial injury. The compensation is calculated on the basis of the earned income in the 12 months preceding the injury. The maximum annual earned income is adjusted on an annual basis in accordance with the general development in wages.

There is a maximum to the amount of the annual earned income. This maximum is adjusted on 1 January every year. The maximum amount as of 1 January, 2023, is DKK 588,000.

The compensation can be determined at no more than 83 per cent of the annual earned income after deduction of the labour market contribution of 8 per cent. In the event of a total loss of earning capacity, the compensation at a maximum annual earned income is DKK 448,997 (588,000 x 0.92 x 0.83).

Compensation for the loss of breadwinner to the surviving spouse or cohabiting partner is granted in the form of, on the one hand, a lump sum, which as of 1 January, 2023, amounts to DKK 184,500, and on the other hand, a periodical payment amounting to 30 per cent of the annual earned income of the deceased, cf. above. The maximum periodical payment amounts to DKK 176,400.

Compensation for the loss of breadwinner to surviving children is granted as a periodical payment until the child's 18th birthday and amounts to 10 per cent of the annual earned income of the deceased, cf. above. In case the child is under education after turning 18, the benefit may be extended till the child's 21st birthday.

*Recourse is had to subparagraph (b) of paragraph 6.*

#### **Title II (Information on the replacement rate of benefit) – skilled worker**

- D. In 2022, the amount of monthly benefit was DKK 39,146 (maximum fixed in legislation).
- E. In 2022, the amount of monthly family benefit payable during employment was DKK 2,781 (Child and Youth Allowance; full custody – 2 children (1-year-old and 3-year-old)).
- F. In 2022, the amount of monthly family benefit payable during contingency was DKK 2,781 (Child and Youth Allowance; full custody).
- G. Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E):

**DKK 41,927 (39,146 + 2,781) / DKK 39,480 (36,699 + 2,781) = 106.2 %**

*Monthly wage for all unskilled employees who are not managers (men and women). Calculated as full-time employees: DKK 35,113. (2022)*

#### **Title II (Information on the replacement rate of benefit) – unskilled worker**

- H. In 2022, the amount of monthly benefit was DKK 39,146 (maximum fixed in legislation).
- I. In 2022, the amount of monthly family benefit payable during employment was DKK 2,781 (Child and Youth Allowance; full custody – 2 children (1-year-old and 3-year-old)).

**Commented [ILB21]:** Updated (2022) To be updated at next detailed reporting in 2025.

- J. In 2022, the amount of **monthly** family benefit payable during contingency was DKK 2.781 (Child and Youth Allowance; full custody).
- K. Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E):  
**DKK 41,927 (39,146 + 2,781) / DKK 37,894 (35,113 + 2,781) = 106.4 %**

*\* The figures under sections C) D) E) F) of Titles I, II, or III should be provided for the same period of time (per month, 3 months, per year, etc.)*

*\*The injury benefit covers male and female works who are 75 % injured with invalid pension. This high degree of disability has been chosen to illustrate where people will only receive social benefits and no longer uphold an employment relationship.*

**Commented [ILB22]:** Updated (2022) To be updated at next detailed reporting in 2025.

## VI – 9. Partial loss of earning capacity

### §2. Article 36. C102/ECSS

In case of **partial loss of earning** capacity likely to be permanent, or corresponding loss of faculty, the benefit, where payable, shall be a periodical payment representing a suitable proportion of that specified for total loss of earning capacity or corresponding loss of faculty.

#### **Report form for C102/ECSS:**

Please indicate what proportion of the benefit in respect of total loss of earning capacity is granted in case of partial loss of earning capacity likely to be permanent, or corresponding loss of faculty.

See section VI-8 above for compensation for the total loss of earning capacity. In the event of a partial reduction in the earning capacity, the injured will receive a proportional fraction thereof. Compensation will not be granted where the loss of earning capacity is less than 15 per cent.

## VI – 10. Death of the breadwinner: periodical payment

### §1. Article 36. C102/ECSS

In respect of incapacity for work, total loss of earning capacity likely to be permanent or corresponding loss of faculty, or **the death of the breadwinner**, the benefit shall be a periodical payment calculated in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66.

Compensation for the loss of breadwinner to the surviving spouse or cohabiting partner is granted in the form of, on the one hand, a lump sum, which as per 1 January 2023 amounts to DKK 184,500, and on the other hand a periodical payment amounting to 30 per cent of the annual earned income of the deceased, cf. above. The maximum periodical payment amounts to DKK 176,400.

Compensation for the loss of breadwinner to surviving children is granted as a periodical payment until the child's 18th birthday and amounts to 10 per cent of the annual earned income of the deceased, cf. above. In case the child is under education after turning 18, the benefit may be extended till the child's 21st birthday.

There are no different salary tables for women and men in Denmark. Reference is therefore made to Title II.

#### **Report form for C102/ECSS:**

1. Please state whether recourse is had, under paragraph 1 of this Article, to the provisions of Article 65 or to those of Article 66, for the calculation of the benefit.
2. Please furnish information under this Article as follows:
  - I. if recourse is had to Article 65 of C102/ECSS, in the form set out in Titles I, IV, and V under Article 65 below;
  - II. if recourse is had to Article 66 C102/ECSS, in the form set out in Titles I, IV, and V under Article 66 below.

Recourse is had to Article 65 of C102/ECSS.

#### **For Article 65 of C102/ECSS**

#### **Title I (Information on the standard wage)**

- A. Please summarize the rules for the calculation of the benefit and the computation of the previous earnings. Please state whether recourse is had to the provisions of paragraph 3 of Article 65 and, if so, please indicate the maximum amount prescribed for the benefit or for the earnings taken into account for the computation of the benefit.
- B. Please state to which of the provisions of paragraph 6 of Article 65 you have recourse for selecting the skilled manual male employee to whose wage paragraph 3 of Article 65 refers.

Please specify more particularly:

- a. if recourse is had to subparagraph (b) of paragraph 6:
    - i. how the division and the major group of economic activity to which the typical skilled employee belongs are determined with reference to paragraph 7; and
    - ii. how the typical skilled employee in the major group is chosen; or
  - b. if recourse is had to subparagraph (c) of paragraph 6, how the earnings of all persons protected are computed; or
  - c. if recourse is had to subparagraph (d) of paragraph 6, how the average earnings of all the persons protected are computed.
- C. Please indicate, in any event, the time basis on which the wage of the typical skilled employee is calculated, with reference to the provisions of paragraph 9 of Article 65. Please confirm that, in accordance with the provisions of paragraph 4 of that Article, the same time basis is used for calculating the benefit and the family allowances.  
Please indicate the amount of the wage of the skilled manual male employee selected as shown under B (standard wage).

#### **Title IV (Information on the replacement rate of benefit)**

The standard beneficiary for whom the following information should be given, for each scheme concerned, is a widow with two children.

- C. Amount of benefit granted during the time basis.
- D. Amount of family allowances, if any, payable during employment<sup>29</sup> for a period equal to the time basis.
- E. Amount of family allowances, if any, payable during the contingency for a period equal to the time basis.
- F. Sum of benefit and family allowances payable during the contingency (C+ E) per cent of sum of the standard wage and family allowances payable during employment (B+D).  
Please summarize the rules for the calculation of the benefit.

#### **Title V (replacement rate for a woman employee)**

The beneficiary for whom the following information should be given is a woman employee whose previous earnings serving for the calculation of benefit were equal to the wage of the skilled manual male employee shown in Title I above.

- D. Amount of benefit granted during the time basis.
- G. Amount of benefit (D) per cent of the standard wage (C).

There are no different salary tables for women and men in Denmark. Reference is therefore made to Title II.

## **VI – 11. Lump-sum payment**

### **§3. Article 36. C102/ECSS**

*The periodical payment may be commuted for a lump sum--*

- a. where the degree of incapacity is slight; or
- b. where the competent authority is satisfied that the lump sum will be properly utilised.

**Draft Resolution  
on the application of the European Code of Social Security  
by Denmark**

<sup>29</sup> Family allowances payable during employment to an employee with two children.

(Period from 1 July 2021 to 30 June 2022)

**Article 36(3) of the Code.**

**Conversion of the periodical benefit for permanent partial loss of earning capacity into a lump sum.**

The Committee has been concluding since 2017 that the Danish Workers' Compensation Act provides compensation for permanent injury of less than 50 per cent in form of lump-sum payments to a much larger extent than permitted under *Article 36* of the Code. The Committee recalled the requirement of *Article 36* that, as a rule, benefits in case of total or partial permanent loss of earning capacity shall be paid periodically. It further recalled that only in exceptional situations, where the degree of incapacity is either slight or where the competent authority is satisfied that the lump sum will be properly utilized, paragraph 3 of *Article 36* provides for the possibility of commuting a periodical payment for a lump sum. The Committee also noted the indication by the Government that it would look more closely at the Committee's assessments, including on the payment of benefits as a periodical payment, under the framework of a legal reform of the occupational injury system, in consultation with the social partners.

The Committee notes the indication by the Government that the announced work on a reform of the occupational injury system in Denmark has been delayed due to the COVID-19 situation, but that political negotiations are now expected to begin in the first half of 2022. The Government also indicates that the Council of Europe's assessment that more compensation should be paid as an ongoing benefit will also be examined in the context of this reform. ***The Committee therefore firmly hopes that the Government will take the opportunity of the upcoming reform to align its legislation with Article 36 of the Code and requests the Government to take the necessary measures, without further delay, to ensure that the national employment injury system, and more specifically its provisions concerning the conversion of a periodical payment into a lump sum for persons with partial loss of earnings capacity of 15 per cent and higher, give full effect to the country's international obligations under Article 36 of the Code.***

**Please provide a reply to the question:**

Denmark has previously informed the Committee that payment of benefits as a periodical system would be included in the discussions in the political negotiations regarding a reform of the Workers' Compensation system in Denmark. The negotiations ended with a political agreement in September 2022, and the agreement include several changes to the Workers' Compensation system. However, the topic revolving payment of benefits as a periodical payment was not included in the Agreement.

As explained by Denmark in the report in 2018, the social security system in Denmark should be seen in context with the different possibilities of financial support that an injured person has after an occupational injury. Because of the overall social security system, it is not considered a risk with regard to the injured person's future financial situation to pay out the compensation as a lump sum when the injured person has half or more of his or her earning capacity intact. Therefore, Denmark continues to be of the opinion that Denmark does not violate the fundamental purpose of the provision in *Article 36(3)*.

Denmark is prepared to present to the Committee how the Workers' Compensation system should be seen as part of the larger social security system that exists in Denmark. Denmark has understood that the ILO in the near future will conduct a general survey and accommodate an ILC-discussion on the international standards on workers' compensation on occupational diseases. If so, Denmark is also prepared to contribute actively and constructively to this debate.

**Report 2022-ECSS:**

The political discussions on an agreement in the field of occupational injuries have been further delayed. The political negotiations are ongoing for the moment, and an agreement is expected to be concluded in the autumn of 2022.

**Report 2021-ECS:**

Reference is made to previous answers on this subject. Denmark maintains its position. As stated earlier, the Government has initiated a reform of the occupational injury system. However, the work on the reform has been delayed due to the Covid-19 situation. Political negotiations are now expected to begin in the first half of 2022. In the context of this political reform work, the Council of Europe's assessment that more compensation should be paid as an ongoing benefit, will be examined.

The Committee will be briefed on the outcome of the reform work.



## VI – 12. Adjustment of benefit

### §10 Article 65, §8 Article 66. ECSS

The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

#### Report Form/ECSS (Title VI):

1. Please state the methods adopted for giving effect, where necessary, to the provisions of paragraph 10 of Article 65 or of paragraph 8 of Article 66 of C102 and the ECSS.

2. Please provide for the following information:

3. Please state whether the amount of the periodical payments **for loss of earning capacity likely to be permanent** has been reviewed during the period of reference. If so, please indicate the changes made in the level of benefits and furnish the following information:

Period under review <sup>30</sup>	Benefit		
	Average per Beneficiary <sup>31</sup>	Benefit for Standard Beneficiary	Other estimates of benefits level
A. Beginning of period .....			
B. End of period.....			
C. Percentage $\frac{A}{B}$ .....			

4. Please state whether the amount of the periodical payments **in case of the death of a breadwinner** has been reviewed during the period of reference. If so, please indicate the changes made in the level of benefits and furnish the following information:

Period under review <sup>32</sup>	Benefit		
	Average per Beneficiary <sup>33</sup>	Benefit for Standard Beneficiary	Other estimates of benefits level
A. Beginning of period .....			
B. End of period.....			
C. Percentage $\frac{A}{B}$ .....			

#### Report Form/ECSS (Title VI):

1. Please state the methods adopted for giving effect, where necessary, to the provisions of paragraph 10 of Article 65 or of paragraph 8 of Article 66 of C102 and the ECSS.

2. Please provide for the following information:

Period under review	Cost-of-living index	Index of earnings <sup>34</sup>
A. Beginning of period <sup>35</sup> .....	100,0	100,0 .....
	102,7 .....	106,3 .....

**Commented [TAL23]:** The calculation/information has not been updated since Denmark's detailed reporting in 2021. To be updated at next detailed reporting in 2025.

<sup>30</sup> This period should, as far as possible, coincide with the period referred to in the table under para.2

<sup>31</sup> Please give such data in columns I, II, and III as will show the percentage variation of the benefit.

<sup>32</sup> This period should, as far as possible, coincide with the period referred to in the table under para.2

<sup>33</sup> Please give such data in columns I, II, and III as will show the percentage variation of the benefit.

<sup>34</sup> The index of earnings should correspond to the classes of employees or economically active persons shown under the Article dealing with persons protected (Article 27, 33 or 61). If no index of earnings is available, the index of money wages may be substituted.

<sup>35</sup> The indices at the beginning and end of each period should refer to the same base.

B. End of period <sup>36</sup> .....	0,97 .....	0,94 .....
C. Percentage A .....		
B		

3. Please state whether the amount of the periodical payments **for loss of earning capacity likely to be permanent** has been reviewed during the period of reference. If so, please indicate the changes made in the level of benefits and furnish the following information:

Period under review <sup>37</sup>	Benefit (Monthly)		
	Average per Beneficiary <sup>38</sup>	Benefit for Standard Beneficiary	Other estimates of benefits level
A. Beginning of period .....	DKK 10.410	DKK 24.208	
B. End of period .....	DKK 11.064	DKK 25.730	N/A
C. Percentage A .....	0,94	0,94	
B			

4. Please state whether the amount of the periodical payments **in case of the death of a breadwinner** has been reviewed during the period of reference. If so, please indicate the changes made in the level of benefits and furnish the following information:

Period under review <sup>39</sup>	Benefit (Monthly - wife and two children)		
	Average per Beneficiary <sup>40</sup>	Benefit for Standard Beneficiary	Other estimates of benefits level
A. Beginning of period .....	DKK 12.104	DKK 12.104	
B. End of period .....	DKK 12.865	DKK 12.865	N/A
C. Percentage A .....	0,94	0,94	
B			

## VI – 13. Qualifying conditions

### Article 37. C102/ECSS

The benefit specified in Articles 34 and 36 shall, in a contingency covered, be secured at least to a person protected who was employed on the territory of the Member (Contracting Party) concerned at the time of the accident if the injury is due to accident or at the time of contracting the disease if the injury is due to a disease and, for periodical payments in respect of death of the breadwinner, to the widow and children of such person.

#### Report form for C102/ECSS:

Please state whether, in accordance with the provisions of this Article:

- all employees protected who were employed in the territory at the time of the accident or at the time of contracting the disease are entitled to the benefits stipulated in Articles 34 and 36;
- the widow and children of an employee who was employed in the territory at the time of the accident or at the time of contracting the disease are entitled to the periodical payments stipulated in Article 36 without any conditions as to residence.

- All employees protected, who were employed in the territory or on a Danish vessel at the time of the accident or at the time of contracting the disease, are entitled to the benefits stipulated in Articles 34 and 36.
- The widow and children of an employee, who was employed in the territory or on a Danish vessel at the time of the accident or at the time of contracting the disease, are entitled to the periodical payments stipulated in Article 36 without any conditions as to residence.

<sup>36</sup> The indices at the beginning and end of each period should refer to the same base.

<sup>37</sup> This period should, as far as possible, coincide with the period referred to in the table under para.2

<sup>38</sup> Please give such data in columns I, II, and III as will show the percentage variation of the benefit.

<sup>39</sup> This period should, as far as possible, coincide with the period referred to in the table under para.2

<sup>40</sup> Please give such data in columns I, II, and III as will show the percentage variation of the benefit.

## VI – 14. Duration of benefit

### Article 38. C102/ECSS

*The benefit specified in Articles 34 and 36 shall be granted throughout the contingency, except that, in respect of incapacity for work, the benefit need not be paid for the first three days in each case of suspension of earnings.*

#### **Report form for C102/ECSS:**

1. Please confirm that, in accordance with the provisions of this Article, the benefits stipulated in Articles 34 and 36 above are granted throughout the contingency.
2. Please state whether a waiting period is provided for in case of incapacity for work and, if so, indicate the length of such period.

1. The monthly compensation payments cease by the end of the month when the injured person reaches the national pension age.  
Surviving children of the deceased are entitled to compensation for the loss of the breadwinner until their 18th birthday.
2. There is no waiting period for benefits from the industrial injury insurance. The benefits are granted with effect from the date of the loss or the date of the death.

## VI - 15. Suspension of benefit

### Article 69, C102/Article 68, ECSS

*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed--*

- a. *as long as the person concerned is absent from the territory of the Member;*
- b. *as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
- c. *as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
- d. *where the person concerned has made a fraudulent claim;*
- e. *where the contingency has been caused by a criminal offence committed by the person concerned;*
- f. *where the contingency has been caused by the wilful misconduct of the person concerned;*

#### **Report form for C102/ECSS:**

*Please indicate the provisions, if any, for the suspension of medical care benefits and cash benefits in case of employment injury.*

(a)-(c): No suspension.

(d): Expiration of the right to compensation and the claim for reimbursement in the case of fraud (for example, if a court finds that the injured party and the employer have violated the penal code by intentionally and knowingly stating that a leisure injury is a work injury).

(e)-(f): An injured person may be disqualified, completely or partly, from receiving compensation for permanent injury or loss of earning capacity if such person “wilfully or by unlawful action or omission” provoked or made a substantial contribution to the occurrence of the industrial injury.

The term “unlawful action or omission” is to be read as unlawful action or unlawful omission and means, in practice, a conscious disregard of statutory provisions for the activity in question which caused the injury.

The term “substantial contribution to the occurrence of the industrial injury” is to be understood in the sense that unlawful behaviour is the predominant cause of the occurrence of the injury, without which the injury would not have occurred.

In practice, a “sine qua non” consideration is made. This means that it is a prerequisite for reducing the compensation that the injury would not have occurred without the unlawful action or the unlawful

omission. Conversely, if the injury might have occurred regardless of the unlawful behaviour, the compensation will not be reduced.

The provisions have only been applied a few times. There have not been reductions by more than 1/4 of the compensation in practice. It is only in the event of an intentionally self-inflicted injury or suicide that the compensation may lapse.

It is a prerequisite in connection with suicide that the working conditions were not the cause of the suicide (depression, bullying, etc.). In practice, surviving dependants of a seaman have often been granted compensation if the seaman, after having been long at sea, has committed suicide due to depression.

## VI – 16. Right of complaint and appeal

### ***§1§3. Article 70. C102, Article 69. ECSS***

- 1. Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.*
- 3. Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.*

#### **Report form for C102/ECSS:**

*Please state whether every claimant has a right of appeal in case of refusal of the employment injury benefit or complaint as to its quality or quantity, as stipulated in paragraph 1 of this Article. Please summarize the rules which apply in the case of an appeal.*

Decisions on entitlement under the legislation are made by the Labour Market Insurance and may be brought before the Social Appeals Board for final administrative settlement. The decisions of the Social Appeal Board can be appealed in court.

## VI - 17. Financing and Administration

***See under Part XIII-3***

## Part VII. Family Benefit

*Denmark has accepted the obligations resulting from Part VII of the ECSS.*

Category	Relevant Articles	Questions raised by the CEACR
VII-1. Regulatory framework	Art.39 ECSS	
VII-2. Contingency covered	Art.40 ECSS	
VII-3. Persons Protected	Art.41 ECSS	
VII-4. Types of Benefits	Art.42 ECSS	
VII-5. Qualifying period	Art.43 ECSS	
VII-6. Calculation of Benefit	Art.44 ECSS	
VII-7. Duration of Benefit	Art.45 ECSS	
VII-8. Suspension of Benefit	Art.68 ECSS	
VII-9. Right of appeal	Art.69 ECSS	
VII-10. Financing and Administration	Art.70,71 ECSS	

### List of applicable legislation

- Allowances for Children and Young Persons Act [Lov om en børne- og ungeydelse]  
(Consolidation Act No 724 of 5 June 2022 <https://www.retsinformation.dk/eli/lta/2022/724>)
- as amended by:
- Child Benefits and Advance Payment of Maintenance Support [Lov om børnetilskud og forskudsvis udbetaling af børnebidrag]  
(Consolidated Act No. 64 of 21 January 2019, as amended)  
<https://www.retsinformation.dk/eli/lta/2019/63>

### VII - 1. Regulatory framework

#### Article 39. ECSS

*Each Contracting Party for which this Part of the Code is in force shall secure to the persons protected the provision of family benefit in accordance with the following Articles of this Part.*

Child and Youth Allowance is granted to children below the age of 18. For children aged 0 to 14, the allowance is granted in accordance with the child allowance scheme, which contains three subgroups (children aged 0-2, 3-6, and 7-14). For children aged 15 to 17, the allowance is granted in accordance with the youth allowance scheme.

The allowance is paid in advance. For children aged 0 to 14, the allowance is paid out in quarterly amounts, while for children aged 15-17, the amount is paid out in monthly rates.

The Child and Youth Allowance is, ordinarily, split evenly between the custody holders.

The Act of Child and Youth Allowance is under the jurisdiction of the Ministry of Taxation. It is administered by the Danish authority "Udbetaling Danmark". The expenditures are borne by the State.

Child Benefits is given to certain groups of children below the age of 18. The three most commonly known types of child benefits are ordinary child benefit, extra child benefit and the special child benefit.

Ordinary Child Benefit is given:

1. If the person having full or partially custody of the child is a single parent.

2. When both or only one of the parents who has the custody is single and the child spends the same amount of time with both parents, unless the child is reported at the national register of the parent not being single.
3. When one of the parents are incarcerated in one of the institution under the Danish Department for Prisons and Probation for more than three months and the other parent is single.
4. When both parents receive social pension.
5. When social pension to one or both of the pension-entitled parents is not paid while serving a sentence in a prison or in an institution.

Extra Child Benefit is given when the parent who has custody of one or more children has the child/children living with him/her and gets ordinary child allowance as a single parent and it is granted after number 1-3 in the list mentioned above. Only one extra child allowance is granted even if there is more than one child.

Special Child Benefit is granted:

1. Where paternity has not been established.
2. Where only one of the parents is alive.
3. When a child is adopted by a single person.
4. Where one or both parents receive social pension according to the Social Pensions Act.
5. When social pension to one or both of the pension-entitled parents are not paid while serving a sentence in a prison or in an institution.
6. Where it is not possible to issue an allowance resolution according to agreements with other states, which can form the basis for advance payment of child maintenance allowance.

When both parents are dead, the special child benefit is granted twice.

Special Child Benefit after no. 4 will be reduced when the person who receives pension or is entitled to pension is married to a person with a higher income.

In addition, there are benefits for parents of special groups of children:

1. Multiple Birth Benefit is given to parents for each child except the first at multiple births until the child reaches the age of seven.
2. Adoption Benefit is granted to parents adopting a foreign child for the expenses in this connection.
3. Child Benefit for parents under education is given depending on the parents' income.
4. Supplementary Child Benefit for parents in trainee or school practice can be granted to single parents who receive wage during education or traineeships as well as to parents who are cohabitating with a person who is enrolled in an education approved for the State Education Grant or receives educational assistance.

In January 2020 the Danish Government introduced the Temporary Child Benefit for parents on integration benefits and parents affected by the current cap on social assistance. The earmarked Temporary Child Benefit was provisional and was not prolonged after the 31<sup>st</sup> of December 2022.

## VII - 2. Contingency covered

### **Article 40. ECSS**

*The contingency covered shall be responsibility for the maintenance of children as prescribed.*

### **§(h) Article 1. ECSS**

*the term "child" means a child under school leaving age or under 15 years of age, as may be prescribed.*

#### **Report form for the ECSS:**

*Please indicate briefly the conditions of eligibility for the benefits provided for in Article 42 to the persons protected (number of children, age limit of children, etc.).*

Entitlement to Child and Youth Allowance is subject to the following conditions:

1. The person who has custody of the child or has taken the child into care with a view to adoption must be subject to full tax liability in Denmark.
2. The child must be resident in Denmark.
3. The child must not have entered into matrimony.
4. The child must not be maintained by public funds.
5. The municipal council has not made a decision to report to Udbetaling Danmark to stop the payment of the Child and Youth Allowance for the following quarter due to the parents' omission to comply with parental orders imposed by the municipal council.
6. The municipal council has not made a decision to report to Udbetaling Danmark to stop the payment of the Child and Youth Allowance for the following month due to the child in the age of 15-17 omission to follow a verdict of education, employment, or other activity.
7. The person who has custody of the child qualifies for the child and youth allowance through periods of employment or residence in Denmark.
8. The municipal council has not made a decision to report to Udbetaling Danmark to stop the payment of the Child and Youth Allowance for the following quarter due to the parents' omission to comply with letting their child participate in language evaluation and language stimulation, when required.
9. The municipal council has not made a decision to report to Udbetaling Danmark to stop the payment of the Child and Youth Allowance for the following quarter due to the parents' omission to comply with letting the child participate in mandatory learning propositions or undertake the obligations of teaching the child themselves.
10. The municipal council has not made a decision to report to Udbetaling Danmark to stop the payment of the Child and Youth Allowance for the following quarter due to the child's school attendance within a quarter being lower than 85 percent and not due to probable cause.

The conditions regarding full tax liability and residence of the child do not apply to persons covered by the EEC Regulation no. 883/2004.

Entitlement to Child Benefits is subject to the following conditions:

1. The child or one of the parents who has the custody of the child must be a Danish citizen or have resided or worked in Denmark for a longer period of time (1 or 3 years) (child benefit is covered by the regulation (EC) No 883/2004 on the coordination of social security systems, which means that for EU-citizens the principle of aggregation of periods apply) However, the condition of being a Danish citizen does not apply to refugees who have been granted residence in Denmark on the grounds of certain laws
2. The child must be resident in Denmark.
3. The child must not have entered into matrimony.
4. The child must not be maintained by public funds.
5. The person to whom the allowance is to be paid must be resident in Denmark.

## VII - 3. Persons protected

### **Article 41. ECSS**

*The persons protected shall comprise, as regards the periodical payments specified in Article 42:*

- a. *prescribed classes of employees, constituting not less than 50 per cent of all employees; or*
- b. *prescribed classes of the economically active population, constituting not less than 20 per cent of all residents.*

#### **Report form for the ECSS:**

*1. Please state to which of the subparagraphs of Article 41 of ECSS recourse is had and provide for statistical data depending on the chosen subparagraph:*

#### **Title I under Article 76 for Article 41(a) of ECSS**

- A. Number of employees protected<sup>41</sup>:  
     i) under general scheme ...  
     ii) under special schemes (if any) ...  
     **iii) Total ...**
- B. Total number of employees<sup>42</sup> ...
- C. Number of employees protected (A(iii)) per cent of total number of employees (B). Please state how these data are computed and give dates of reference.

**Title II under Article 76 for Article 41(b) of ECSS**

- A. Number of economically active persons protected<sup>43</sup>:  
     i) under general scheme ...  
     ii) under special schemes (if any) ...  
     **iii) Total ...**
- B. Total number of residents<sup>44</sup>...
- C. Number of economically active persons protected (A(iii)) per cent of total number of residents (B). Please state how these data are computed and give dates of reference.

The Child and Youth Allowance and the Child Benefits are general schemes covering all groups of the population.

The Child and Youth Allowance is reduced if the entitled custody holder earn more than DKK 852.600 per year.

## VII - 4. Types of Benefit

### Article 42. ECSS

The benefit shall be:

- a. a periodical payment granted to any person protected having completed the prescribed qualifying period; or
- b. the provision to or in respect of children of food, clothing, housing, holidays or domestic help; or
- c. a combination of (a) and (b).

**Report form for the ECSS:**

Please state to which of the subparagraphs of this Article recourse is had.

If recourse is had to subparagraph (a) or (c) please state the amount of the periodical payment made in respect of each dependent child.

If recourse is had to subparagraph (b) or (c) please specify the nature of the benefits in kind provided and the methods of providing them.

Recourse to subparagraph (a).

As of 1 of January 2023, the annual amounts were as follows:

#### Child and Youth Allowance

Age 0 to 2 years:	18,984 DDK
Age 3 to 6 years:	15,024 DDK
Age 7 to 14 years:	11,820 DDK
Age 15 to 17 years:	11,820 DDK

#### Child Benefits

Ordinary child allowance (for each child):	6,232 DDK per year
Extra child allowance (per family):	6,352 DDK per year

#### Special child allowance:

<sup>41</sup> Dependants who are protected in their breadwinner's right should not be included in this number.

<sup>42</sup> This number should comprise all employees, including civil servants and, for Parts II, III, V, VII, VIII, IX, and X, also unemployed persons.

<sup>43</sup> Dependants who are protected in their breadwinner's right should not be included in this number.

<sup>44</sup> This number should comprise all residents, including children and old people.



- if both parents are dead	36,000 DKK per year
- in other cases	18,000 DKK per year

**Special groups:**

- multiple birth allowance	10,288 DKK per year
- adoption allowance (once-for-all payment)	59,191 DKK per year
- for parents under education (maximum)	8,188 DKK per year

## VII - 5. Qualifying period

### **§1(i) Article 1 ECSS**

*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

### **Article 43 ECSS**

*The benefit specified in Article 42 shall be secured at least to a person protected who, within a prescribed period, has completed a qualifying period which may be one month of contribution or employment, or six months of residence, as may be prescribed.*

#### **Report form for the ECSS:**

*Please state, for each scheme concerned, the nature and the duration of the qualifying period, if any, for title to the benefits provided in accordance with the provisions of this Article. Please summarize the rules for the computation of the qualifying period.*

#### Child and Youth Allowance

Entitlement to child and youth allowance is gradually acquired through periods of employment or residence in Denmark of 6 months' duration.

6 months:	8.3 pct.
12 months:	16.7 pct.
18 months:	25.0 pct.
24 months:	33.3 pct.
30 months:	41.7 pct.
36 months:	50.0 pct.
42 months:	58.3 pct.
48 months:	66.7 pct.
54 months:	75.0 pct.
60 months:	83.3 pct.
66 months:	91.7 pct.
72 months:	100.0 pct.

A person who has been entitled to receive the Child and Youth Allowance before 1 January 2018 and continues to uphold the entitlement, will acquire the maximum amount of Child and Youth Allowance after two years of employment or residence in Denmark.

In determining the periods of employment or residence in Denmark periods of work or residence in EU/EEA or Switzerland is included.

#### Child Benefits

Foreigners may be entitled to Child Benefit, if the child or at least one of the parents who has custody of the child has been resident in Denmark in the recent year; concerning the special child allowance yet during the latest 3 years. However, the condition of residence does not apply to refugees who have been granted residence in Denmark based on certain laws.

Entitlement to child benefits is gradually acquired through periods of employment or residence in Denmark of 6 months' duration.

6 months:	8.3 pct.
12 months:	16.7 pct.

18 months:	25.0 pct.
24 months:	33.3 pct.
30 months:	41.7 pct.
36 months:	50.0 pct.
42 months:	58.3 pct.
48 months:	66.7 pct.
54 months:	75.0 pct.
60 months:	83.3 pct.
66 months:	91.7 pct.
72 months:	100.0 pct.

A citizen of the EU/EEA or Switzerland is entitled to the maximum amount of child and youth allowance and child benefits on the basis of work or residence in EU/EEA or Switzerland as well as in Denmark.

**Draft Resolution**  
**on the application of the European Code of Social Security**  
**by Denmark**  
**(Period from 1 July 2021 to 30 June 2022)**

**Part VII (Family benefit), Article 43 of the Code. Length of qualifying period of employment or residence.** The Committee previously noted that entitlement to child and youth allowances (børne- og ungeydelse) is made subject to the condition that the eligible parent having custody of a child has resided or worked in Denmark (or another EU/EEA Member State or Switzerland in accordance with EC-Regulation No. 883/2004) for at least six years within the last ten years. Parents who have resided or worked in Denmark for a shorter period than six years within the last ten years acquire entitlement to child and youth allowances only gradually through six-month periods of employment or residence starting with 8.3 per cent of the full amount after a period of employment or residence of six months and ending with 100 per cent of the full amount only after a period of employment or residence of 72 months. The Committee recalled that Article 43 of the Code permits the establishment of qualifying periods for entitlement to family benefits not exceeding either one month of contribution or employment or six months of residence. The Committee requested the Government to take the necessary measures to reduce the required qualifying periods of employment or residence for family benefits in accordance with Article 43 of the Code.

The Committee notes that, according to the Government, the qualifying condition of a certain period of employment or residence has been prescribed with a view to secure a certain attachment to Denmark either through employment or residence. The Government also indicates that the qualifying period is equal for Danish residents as well as foreigners and that the social security provisions regarding the Danish child and youth allowance provides for a sufficiently high level of coverage and protection to meet the standards of the European Code of Social Security.

The Committee recalls once again that Article 43 of the Code permits the establishment of qualifying periods for entitlement to family benefits only to a rather limited extent and that such a period should not exceed either one month of contribution or employment or six months of residence. It is thus not compatible with this provision to make acquirement of a right to family benefits dependent on longer qualifying periods of employment or residence as this is the case under Danish law. ***The Committee therefore reiterates its request to the Government to take the necessary measures to reduce the required qualifying periods of employment or residence for family benefits in accordance with Article 43 of the Code.***

**Please provide a reply to the question:**

The Government notes that the Committee reiterates its request for the Government to take the necessary measures to reduce the required qualifying periods of employment or residence for family benefits in accordance with Article 43 of the Code.

The Government finds it of great importance to have a balance between a child and youth allowance with a high level of coverage and protection while securing a certain attachment to Denmark.

Therefore, as the Government previously have noted, it is a requirement for entitlement to the Danish Child and Youth Allowance that the custody holder maintains a certain attachment to Denmark either

through employment or residence. The entitlement to the Child and Youth Allowance is gradually acquired through periods of employment or residence in Denmark of six months' duration and according to the EC-regulation No. 883/2004 employment or residence obtained in another EU/EEA Member State or Switzerland is included in determining the qualifying period. The qualifying period is equal for Danish residents as well as foreigners.

The Government believes that the qualifying period is suitable and necessary to secure a certain attachment to Denmark. Although the Child and Youth Allowance is gradually obtained within a period of six years the Government believes that the social security regarding the Danish Child and Youth Allowance contains such a high level of coverage and protection that the system overall meets the standards within the European Code of Social Security.

#### Report 2022-ECSS:

For entitlement to the Danish child and youth allowance it is a requirement that the custody holder maintains a certain attachment to Denmark either through employment or residence. Therefore, the entitlement to the child and youth allowance is gradually acquired through periods of employment or residence in Denmark of 6 months' duration.

According with the EC-regulation No. 883/2004 employment or residence obtained in another EU/EEA Member State or Switzerland is included in determining the qualifying period.

The length of the qualifying period of employment or residence is fixed to secure a certain attachment to Denmark. The qualifying period is equal for Danish residents as well as foreigners.

Although the child and youth allowance are gradually obtained within a period of six years, the Government believes the social security regarding the Danish child and youth allowance contains a high level of coverage and protection and hereby meets the standards within the European Code of Social Security.

## VII - 6. Level and Calculation of Benefit

### Article 44. ECSS

*The total value of the benefits granted in accordance with Article 42 to the persons protected shall be such as to represent 1.5 per cent of the wage of an ordinary adult male labourer as determined in accordance with the rules laid down in Article 66, multiplied by the total number of children of all residents.*

#### Report form for the ECSS:

A. Please furnish information on the **standard wage** under Title I under Article 66 below:

#### Title I under Article 66

A.1. Please state to which of the provisions of paragraph 4 and following of Article 66 recourse is had for selection of the ordinary adult male labourer to whose wage paragraph 1 of Article 66 refers.

1. Please specify, more particularly, whether recourse is had to subparagraph (b) of paragraph 4; if so, please state:
  - a. how the division and the major group of economic activity to which the ordinary labourer belongs are determined, with reference to paragraph 5; and
  - b. how the typical ordinary labourer in the major group is chosen.
2. Please indicate, in any event, the time basis on which the wage of the ordinary adult labourer is calculated, with reference to the provisions of paragraph 7 of Article 66. Please confirm that, in accordance with the provisions of paragraph 2 of that Article, the same time basis is used for calculating the benefit and the family allowances.

A.2. Please state the amount of the wage of the ordinary adult labourer selected (standard wage).

B. Please also furnish the following information on the **total value of family benefits**:

- B.1. total amount of cash benefits granted in respect of children of the persons protected, as shown under Article 41 above,
- B.2. total value of benefits in kind granted in respect of children of the persons protected 1, as shown under Article 41 above,

*B.3. total value of benefits in cash and in kind granted in respect of children of the persons protected (B1+B.2).*

*C. Please furnish:*

- (i) *the total number of children of all residents;*
- (ii) *the total value of benefits in cash and in kind (B.3) per cent of the wage of the ordinary adult male labourer (A.2) multiplied by the total number of children of all residents (C.i).*

A.2	Standard wage (2021):	421..356	DKK
B.1*	Total amount of cash benefits (2021):	17,991,1	mill. DKK
B.2	Total amount of benefits in kind:	0	mill. DKK
B.3	B.2+B.1	17,991,1	mill. DKK
C.i	Total number of children (January 1, 2021)	1,151,729	
C.ii	$B3/(A.2 \times C.i) = 17,991,100,000 / (421.356 \times 1,151,729) \times 100 = 3,7$		pct.

\* B1 includes both child and youth allowance and child benefits.

**Commented [TAL24]:** To be updated at next detailed reporting in 2025.

## VII – 7. Duration of Benefit

### Article 45. ECSS

*Where the benefit consists of a periodical payment, it shall be granted throughout the contingency.*

*Please, indicate the duration of family benefits.*

See article 40 above under part VII - 2. Contingency covered.

## VII - 8. Suspension of Benefit

### Article 68. ECSS

*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed--*

- a. *as long as the person concerned is absent from the territory of the Member;*
- b. *as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
- c. *as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
- d. *where the person concerned has made a fraudulent claim;*
- e. *where the contingency has been caused by a criminal offence committed by the person concerned;*
- f. *where the contingency has been caused by the wilful misconduct of the person concerned;*

#### Report form for the ECSS:

*Please indicate the provisions, if any, for the suspension of family benefits.*

See article 40 above under part VII - 2. Contingency covered.

## VII – 9. Right of complaint and appeal

### Article 69. ECSS

- 1. *Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.*
- 3. *Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.*

#### Report form for the ECSS:

*Please state whether every claimant has a right of appeal in case of refusal of family benefits or complaint as to its quality or quantity, as stipulated in paragraph 1 of this Article. Please summarize the rules which apply in the case of an appeal.*

**Family Benefit**

Decisions on entitlement, including the amount of child and youth allowance and child benefits, are made by the Danish authority Udbetaling Danmark in accordance with the Act of Child Allowances and the Act of Child Benefits and Advance Payment of Maintenance Support. Decisions can be referred to the Social Appeals Board. It is generally not possible to refer the decision of the Social Appeals Board before another administrative authority.

A decision regarding questions of tax liability is made by the Danish Tax Authorities and can be referred to Skatteankestyrelsen, or action can be brought before the Danish courts.

**VII - 10. Financing and Administration**

*See under Part XIII-3*

## Part VIII. Maternity benefit

*Denmark has accepted the obligations resulting from Part VII of the ECSS.*

Category	Relevant Articles	Questions raised by the CEACR
VIII-1. Regulatory framework	Art.46 ECSS	
VIII-2. Contingency covered	Art.47 ECSS	
VIII-3. Persons Protected	Art. 48 ECSS	
VIII-4. Medical Care	Art.49 ECSS	
VIII-5. Calculation of Benefit	Art.50 ECSS	
VIII-6. Qualifying period	Art.51 ECSS	
VIII-7. Minimum duration of Benefit	Art.52 ECSS	
VIII-8. Suspension of Benefit	Art.68 ECSS	
VIII-9. Right of appeal	Art.69 ECSS	
VIII-10. Financing and Administration	Art.70,71 ECSS	

### List of applicable legislation

[Consolidated Act No 1391 of 30th of September 2022 on benefits and leave during Maternity etc.](#)

as amended by:

[Act No 343 of 22<sup>nd</sup> March 2022](#)

[Act No 878 of 21<sup>st</sup> of June 2022](#)

[Act No 879 of 21<sup>st</sup> of June 2022](#)

[Act No 457 of 2<sup>nd</sup> of May 2023](#)

### VIII - 1. Regulatory framework

#### Article 46. ECSS

*Each Contracting Party for which this Part of the Code is in force shall secure to the persons protected the provision of maternity benefit in accordance with the following Articles of this Part.*

### VIII - 2. Contingency covered

#### Article 47. ECSS

*The contingencies covered shall include pregnancy and confinement and their consequences, and suspension of earnings, as defined by national laws or regulations resulting therefrom.*

Maternity/paternity/parental leave benefits are payable to employed persons, unemployed persons, and self-employed persons. The person concerned must have an existing affiliation to the labour market and must fulfil the general requirements in the maternity act.

### VIII - 3. Persons protected

#### Article 48. ECSS

*The persons protected shall comprise:*

- all women in prescribed classes of employees, which classes constitute not less than 50 per cent of all employees, and, for maternity medical benefit, also the wives of men in these classes; or*
- all women in prescribed classes of the economically active population, which classes constitute not less than 20 per cent of all residents, and, for maternity medical benefit, also the wives of men in these classes.*

**Report form for the ECSS:**

1. Please state to which of the subparagraphs of Article 48 of ECSS recourse is had and provide for statistical data depending on the chosen subparagraph:

**Title I under Article 76 for Article 48(a) of ECSS**

A. Number of employees protected<sup>45</sup>:

All employees, who have a current connection to the labour market are protected by the rules. That includes unemployed person who are members of an unemployment insurance fund.

i) under general scheme ...

The workforce in 2020 was 2.9 million. People aged 16-66 years. The workforce is made up of the employed and the unemployed

ii) under special schemes (if any) ...

iii) Total ...

B. Total number of employees<sup>46</sup> ...

C. Number of employees protected (A(iii)) per cent of total number of employees (B). Please state how these data are computed and give dates of reference.

100 % of employees are protected if they fulfil the employment criteria. (Sources KMD and Statistics Denmark).

**Title II under Article 76 for Article 48(b) of ECSS**

A. Number of economically active persons protected<sup>47</sup>:

i) under general scheme ...

ii) under special schemes (if any) ...

iii) Total ...

B. Total number of residents<sup>48</sup> ...

C. Number of economically active persons protected (A(iii)) per cent of total number of residents (B). Please state how these data are computed and give dates of reference.

**Title I under Article 76 for Article 48(a) of ECSS**

Maternity benefit is a general scheme covering the entire workforce, including unemployed persons who are members of an unemployment insurance fund.

100 % of employees are protected if they fulfil the employment criteria.

**VIII - 4. Maternity Medical Care****Article 49. ECSS**

1. *In respect of pregnancy and confinement and their consequences, the maternity medical benefit shall be medical care as specified in paragraphs 2 and 3 of this Article.*
2. *The medical care shall include at least:*
  - a. *pre-natal, confinement and post-natal care either by medical practitioners or by qualified midwives; and*
  - b. *hospitalisation where necessary.*
3. *The medical care specified in paragraph 2 of this Article shall be afforded with a view to maintaining, restoring or improving the health of the woman protected and her ability to work and to attend to her personal needs.*
4. *The institutions or Government departments administering the maternity medical benefit shall, by such means as may be deemed appropriate, encourage the women protected to avail themselves of the general health services placed at their disposal by the public authorities or by other bodies recognised by the public authorities.*

<sup>45</sup> Dependants who are protected in their breadwinner's right should not be included in this number.

<sup>46</sup> This number should comprise all employees, including civil servants and, for Parts II, III, V, VII, VIII, IX, and X, also unemployed persons.

<sup>47</sup> Dependants who are protected in their breadwinner's right should not be included in this number.

<sup>48</sup> This number should comprise all residents, including children and old people.

**Report form for the ECSS:**

1. Please indicate in detail the nature of the benefits provided, with reference to paragraph 2 of this Article, specifying more particularly the services provided in case of hospitalization.
2. Please confirm that, in accordance with the provisions of this Article, the beneficiary or her breadwinner is not required to share in the cost of the medical benefits provided. If the scheme provides for the reimbursement of the expenses which the beneficiary or the breadwinner was obliged to incur in order to obtain the benefits stipulated in paragraph 2, please furnish all available information to show that the beneficiary or breadwinner does not share in the cost of such benefits.
3. Please indicate in detail what measures are taken to give effect to the provisions of paragraphs 3 and 4 of this Article.

1. In connection with pregnancy, all women have the right to up to five health promotion and prophylactic consultations incl. medical check-ups performed by a family doctor. One of these consultations is placed after childbirth. In addition to this, The National Health Authority recommends 7-9 health promotion and prophylactic consultations performed by a midwife depending on necessity. During these consultations, the health of mother and child is observed and promoted.

The hospital clinics/maternity wards give care and treatment to pregnant women, women in labour, mothers who have recently given birth, and to new-borns. Only approximately two per cent choose to give birth at home. It is laid down by law that women have a right to home birth. The regions, which are responsible for all public hospital services, must provide midwife assistance in cases of home birth. Furthermore, the regions are responsible for providing antenatal services.

Typical antenatal services are midwife consultations, antenatal and parent preparation classes, smoking cessation programs, prenatal diagnostic screening such as nuchal fold scan and blood sample including an assessment of the risk of Down's Syndrome or other chromosomal abnormality and scan to determine any specific congenital anomalies. During labour, the woman is attended to by a midwife and in case of complications, a doctor. There are various options for pain relief during labour offered at the clinics: epidural anaesthesia, nitrous oxide, sterile water papule injections, pudendal block acupuncture, zone therapy, hydrotherapy – bath, and shower. Not all clinics offer all possibilities.

In cases of an uncomplicated delivery and maternity period, multiparous mothers typically leave the hospital a few hours after childbirth. Since the beginning of 2023 prim parous mothers have the right to stay at the hospital for 2 days after childbirth or to receive a home visit from qualified health personnel if they leave the hospital within 24 hours after childbirth. In case of complications, the stay in the hospital can be longer.

2. Maternity medical care and health services are a part of the general health care system and free of charge.
3. The first time a woman visits the family doctor in connection with her pregnancy, she is informed of the maternal medical benefits of the general health service. Given this information, nearly all women avail themselves of the general health services in the field of maternity. To promote equity in health, target and tailor the services are provided based on a stratified approach where services are expanding with increasing vulnerability. An increasingly extensive effort is enacted in cases of, i.e. socially vulnerable pregnant women or pregnant women with a substance abuse problem, gender based or domestic violence, or the like who fail to appear at the health promotion and prophylactic consultations.

## VIII - 5. Level and Calculation of Benefit

### Article 50. ECSS

*In respect of suspension of earnings resulting from pregnancy and from confinement and their consequences, the benefit shall be a periodical payment calculated in such a manner as to comply either with the*



requirements of Article 65 or with the requirements of Article 66. The amount of the periodical payment may vary in the course of the contingency, subject to the average rate thereof complying with these requirements.

The benefits are calculated based on previous income, either as an employee or as self-employed.

Udbetaling Danmark calculates an employee's benefits based on the working hours during the leave and the average income in the past three months before the first day of leave.

The benefits for self-employed persons are calculated based on the income of the business. The latest annual report from the tax authorities is used as documentation for the income of the business.

An unemployed person, who is a member of an unemployment insurance fund, receives the same amount of maternity/paternity/parental leave benefits, which he or she would receive in unemployment benefits.

There has been set a maximum amount of maternity/paternity/parental benefits, which amounts to DKK 122.97 pr. Hour (DKK 4,550 per week) in 2023. The amount is politically determined and is based on what is considered to be an appropriate level of benefits. The same maximum amount has been set for unemployment benefits and sickness benefits. (2023)

Moreover, it should be noted that the maternity/paternity/parental leave benefits in Denmark are an individual right independent of the marital status of the receiver of the benefits. Furthermore, the right is independent of the person's status as breadwinner. Most people are self-supporting in Denmark, and for the most part, both spouses contribute to the economic support of the family. The fact that the benefit is an individual right means that both spouses can receive benefits, and even at the same time if both parties fulfil the legal requirements in the maternity act.

**Report form for the ECSS:**

1. Please state whether recourse is had, under paragraph 1 of this Article, to the provisions of Article 65 or to those of Article 66, for the calculation of the benefit.
2. Please furnish information under this Article as follows:
  - I. if recourse is had to Article 65 of ECSS, in the form set out in Titles I and V under Article 65 below;
  - II. if recourse is had to Article 66 of ECSS, in the form set out in Titles I and V under Article 66 below.

**For Article 65 of the ECSS**

**Title I (Information on the standard wage)**

- A. Please summarize the rules for the calculation of the benefit and the computation of the previous earnings. Please state whether recourse is had to the provisions of paragraph 3 of Article 65 and, if so, please indicate the maximum amount prescribed for the benefit or for the earnings taken into account for the computation of the benefit.
- B. Please state to which of the provisions of paragraph 6 of Article 65 you have recourse for selecting the skilled manual male employee to whose wage paragraph 3 of Article 65 refers.

Please specify more particularly:

- a. if recourse is had to subparagraph (b) of paragraph 6:
  - i. how the division and the major group of economic activity to which the typical skilled employee belongs are determined with reference to paragraph 7; and
  - ii. how the typical skilled employee in the major group is chosen; or
- b. if recourse is had to subparagraph (c) of paragraph 6, how the earnings of all persons protected are computed; or
- c. if recourse is had to subparagraph (d) of paragraph 6, how the average earnings of all the persons protected are computed.
- C. Please indicate, in any event, the time basis on which the wage of the typical skilled employee is calculated, with reference to the provisions of paragraph 9 of Article 65. Please confirm that, in accordance with the provisions of paragraph 4 of that Article, the same time basis is used for calculating the benefit and the family allowances.  
Please indicate the amount of the wage of the skilled manual male employee selected as shown under B (standard wage).

**Title V (replacement rate for a woman employee)**

*The beneficiary for whom the following information should be given is a woman employee whose previous earnings serving for the calculation of benefit were equal to the wage of the skilled manual male employee shown in Title I above.*

*D. Amount of benefit granted during the time basis.<sup>49</sup>*

*G. Amount of benefit (D) per cent of the standard wage (C).*

#### **Title I**

**In 2022 (estimated on the latest available data from 2018), the monthly reference wage was DKK 35,113 (unskilled worker) 36,699 DKK (skilled worker)**

#### **Title V**

**D. In 2022, the amount of weekly benefit was DKK 4,465 (maximum fixed in legislation) – which correlates with monthly DKK 19,351.**

**G. DKK 19,351 / DKK 35,113 = 55 %**

**Commented [TAL25]:** To be updated at next detailed reporting in 2025.

### **VIII - 6. Qualifying period**

#### **§1(i) Article 1 ECSS**

*The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.*

#### **Article 51. ECSS**

*The benefit specified in Articles 49 and 50 shall, in a contingency covered, be secured at least to a woman in the classes protected who has completed such qualifying period as may be considered necessary to preclude abuse, and the benefit specified in Article 49 shall also be secured to the wife of a man in the classes protected where the latter has completed such qualifying period.*

#### **Report form for the ECSS:**

*Please state, for each scheme concerned, the length of the qualifying period which has been considered necessary to preclude abuse. Please summarize the rules concerning the computation of the qualifying period.*

An employee will be entitled to maternity/paternity/parental leave if the person has worked for the last four whole months, and they meet the following conditions:

Been in employment the day before the leave starts or on the first day of it.

- Have worked at least 160 hours within the last four whole months before the leave.
- Have worked at least 40 hours per month for at least three of those four months.

A self-employed can get maternity benefits if the person meets these five conditions:

- The person must have worked for at least six months within the last 12 months.
- The person must have worked for the last month before the maternity leave.
- There must be a profit in the business.
- The person must have worked at least half-time (18.5 hours per week) in the business.

### **VIII - 7. Minimum duration of Benefit**

#### **Article 52. ECSS**

<sup>49</sup> For maternity benefit (Article 50) the amount of which varies in the course of the contingency, the amount should be the average amount. Please indicate, in this event, the amount of the benefit

- i. during the first week;
- ii. during the following 11 weeks; and
- iii. during any subsequent period.

*The benefit specified in Articles 49 and 50 shall be granted throughout the contingency, except that the periodical payment may be limited to 12 weeks, unless a longer period of abstention from work is required or authorised by national laws or regulations, in which event it may not be limited to a period less than such longer period.*

**Report form for the ECSS:**

*Please state whether, in accordance with the provisions of this Article, the medical benefits stipulated in Article 49 are granted throughout the contingency. Please specify also:*

- a. *the duration of the period during which the periodical payments stipulated in Article 50 are granted and*
- b. *the duration of any period of abstention from work which may be required or authorized by national laws or regulations.*

Everyone has the right to maternity/parental/paternity leave. The mother has 4 weeks before expected birth, 10 weeks after the birth and 32 weeks after the 10 weeks. The father/co-mom has 2 weeks after the birth within 10 weeks after the birth and 32 weeks after the 10 weeks.

The right to leave does not equal the right to leave with maternity/paternity/parental leave benefits. Employed workers, unemployed persons, who is a member of an insurance fund, and self-employed persons have the right to leave with benefits in the following periods (They will have the right to receive cash benefits if they fulfil the criteria (see VII)).

- Pregnancy leave: four weeks before birth.
- Fathers'/co-moms leave: 2 weeks immediately after birth.
- Maternity leave: 10 weeks after birth. It is mandatory for the mother to use 2 weeks immediately after birth. The other 8 weeks can be giving to the other parent only in specific situations, for example if the mother begins to work again fulltime.
- Parental leave is after the first 10 weeks after birth, where
  - The mother has 14 weeks. The mother may give the weeks to the other parent except for 9 weeks which is earmarked, if she is an employed worker.
  - The father/co-mom has 22 weeks. The father/co-mom can give the weeks to the other parent except for 9 weeks which is earmarked, if the father/co-mom is an employed worker.

If a parent wishes to give some weeks of leave with benefits to the other parent, the other parent still has to fulfil the criteria in order to receive benefits (see VII).

Employed parents may postpone part of their parental leave with benefits to later. The weeks are to be used before the child is nine years old. The parents have a right to postpone 5 weeks, and if they conclude an agreement with their employer they may postpone more weeks (except the 9 earmarked weeks which have to be used before the child turns one).

Prior to the four weeks before the expected date of birth, maternity benefit may be payable if the pregnant woman is not able to work due to the fact that the pregnancy takes a sickly course, which would cause a risk to her health or her foetus if she had continued working. The same applies if the distinct nature of the work involves a danger to the foetus, or if the public authorities to the effect lay down provisions that pregnant women must not carry out that type of work. It is a prerequisite that the employer cannot offer any other suitable employment.

The parents have a special right to absence from work for up to three months after the birth if the child is hospitalised because of sickness. For instance, the child could be born prematurely or have too low a birth weight. The three months will not count towards the use of parental leave with benefits.

Adopting parents, who are staying abroad to receive a child, have each the right to be absent from work for up to four weeks before receiving the child. The right to absence may be extended for up to an additional four weeks if the stay abroad is extended for reasons that are not attributable to the adopters.

Furthermore, the adopting parents have the right to leave with benefits after receiving the child in the following periods:

- Each parent: 6 weeks, which are to be used within the first 10 weeks after receiving the child. Only two weeks are to be used together. A parent may give 4 weeks to the other parent.
- Each parent: 18 weeks after the 10 weeks. For employed workers 9 weeks are earmarked each parent.

## VIII - 8. Suspension of Benefit

### Article 68. ECSS

*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed--*

- a. as long as the person concerned is absent from the territory of the Member;*
- b. as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
- c. as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
- d. where the person concerned has made a fraudulent claim;*
- e. where the contingency has been caused by a criminal offence committed by the person concerned;*
- f. where the contingency has been caused by the wilful misconduct of the person concerned;*

#### **Report form for the ECSS:**

Please indicate the provisions, if any, for the suspension of maternity benefits.

Suspension may be made if a person has received the cash benefit through the misconduct of the person concerned (d). That means if the person, for example, has had fictitious employment before the birth.

## VIII - 9. Right of complaint and appeal

### Article 69. ECSS

- 1. Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.*
- 3. Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.*

#### **Report form for the ECSS:**

*Please state whether every claimant has a right of appeal in case of refusal of maternity benefits or complaint as to its quality or quantity, as stipulated in paragraph 1 of this Article. Please summarize the rules which apply in the case of an appeal.*

If a person disagrees with Udbetaling Denmark's decision regarding their maternity leave benefit case, they may file a complaint with Udbetaling Denmark within four weeks after the decision. Following this, Udbetaling Denmark reassesses the complaint within four weeks after receiving the complaint.

If Udbetaling Denmark maintains its decision, and the person still disagrees with the decision, they may send the complaint to the appeal body, Ankestyrelsen.

## VIII - 10. Financing and Administration

*See under Part XIII-3*

## Part IX. Invalidity benefit

*Denmark has accepted the obligations resulting from Part IX of C102 and Part IX of the ECSS.*

Category	Relevant Articles	Questions raised by the CEACR
<b>IX-1. Regulatory framework</b>	<i>Art.53 C102/ECSS</i>	
<b>IX-2. Contingency covered</b>	<i>Art.54 C102/ECSS</i>	
<b>IX-3. Persons Protected</b>	<i>Art.55 C102/ECSS</i>	
<b>IX-4. Level and Calculation of Benefit</b>	<i>Art.56 C102/ECSS</i>	
<b>IX-5. Adjustment of Benefit</b>		<i>Art.65(10) C102/ECSS or Art.66(8) C102/ECSS</i>
<b>IX-6. Qualifying period</b>	<i>Art.57 C102/ECSS</i>	
<b>IX-7. Duration of Benefit</b>	<i>Art.58 C102/ECSS</i>	
<b>IX-8. Suspension of Benefit</b>	<i>Art.69 C102, Art.68 ECSS</i>	
<b>IX-9. Right of complaint and appeal</b>	<i>Art.70 C102, Art.69 ECSS</i>	
<b>IX-10. Financing and Administration</b>	<i>Art.71,72 C102 Art.70,71 ECSS</i>	

### List of applicable legislation

Consolidated Act No 527 of 25 of April 2022 on social pensions as amended by:

<https://www.retsinformation.dk/eli/ta/2022/527>

Administrative order No 2238 of 29 December 2020:

<https://www.retsinformation.dk/eli/ta/2020/2238>

### IX - 1. Regulatory framework

#### **Article 53. C102 and ECSS**

*Each Member (Contracting Party) for which this Part of this Convention (Code) is in force shall secure to the persons protected the provision of invalidity benefit in accordance with the following Articles of this Part.*

### IX - 2. Contingency covered

#### **Article 54. C102 and ECSS**

*The contingency covered shall include inability to engage in any gainful activity, to an extent prescribed, which inability is likely to be permanent or persists after the exhaustion of sickness benefit.*

In Denmark, invalidity benefit is granted as disability pension within the framework of the Social Pension Act.

Disability pension is granted on the basis of work capacity criteria. In addition, all relevant activation, rehabilitation, and treatment measures must have been exhausted, as it provides documentation to the effect that the person concerned is not able to provide for their living.

With the implementation of the reform in 2013, disability pension is in principle abolished for persons under the age of 40, unless it is evident that they will never be able to work again. Instead of disability pension, people with much-reduced work capacity will be offered individually tailored rehabilitation and support programs of up to three years duration. These rehabilitation programs could consist of labour market support activities, treatment in the health care sector, and social support.

The rehabilitation model involves close cooperation between the health sector, the relevant labour market institutions, social services, and the education sector. An interdisciplinary rehabilitation team is established in every municipality to ensure this integrated approach will work in practice. The rehabilitation team will discuss needs, make recommendations, and coordinate actions. A key element in the rehabilitation programs is to involve the client in the planning of it.

From January 2013, the disability pension grants require that the person has participated in at least one rehabilitation program. Young persons may participate in additional rehabilitation programs successively. No one potentially benefitting from this rehabilitation model will be granted a disability pension.

The person is always involved in the processing of the case.

Exempted from a rehabilitation program are only persons where it is evident that they will never be able to work again and persons above the age of 60.

The municipalities have the competence to award disability pensions to the citizens.

A new kind of disability pension- Senior Pension - was introduced on 1 January 2020. A new authority, "Seniorpensionsenheden" has the competence to award Senior Pension.

**Report form for C102/ECSS:**

*Please state the extent of invalidity, prescribed by national laws or regulations that gives rise to the benefits provided in accordance with Article 56.*

Disability pension and Senior Pension provide fundamental financial support to citizens with permanently reduced working capacity. Recipients may, to a limited extent, work while receiving a disability pension.

Disability pension may be granted to any person from the age of 18 to the old-age retirement age, whose work capacity is substantial and permanently reduced in such a degree that the person will not be able to provide for themselves from any type of work - including flex job.

Senior Pension may be granted to persons with a permanently reduced working capacity who have six years or less until the old-age retirement age. It is a condition that the person has a long-term link to the labour market of at least 20-25 years of employment, and that the working capacity is permanently reduced to a maximum of 15 hours a week in relation to the person's most recent job.

### IX - 3. Persons protected

**Article 55. C102 and ECSS**

*The persons protected shall comprise:*

- a. prescribed classes of employees, constituting not less than 50 per cent of all employees; or*
- b. prescribed classes of the economically active population, constituting not less than 20 per cent of all residents; or*
- c. all residents whose means during the contingency do not exceed limits prescribed in such a way as to comply with the requirements of Article 67.*

The invalidity pension and Senior Pension schemes cover the whole of the Danish population meeting the above-mentioned criteria.

**Report form for C102/ECSS:**

*1. Please state to which of the subparagraphs of Article 55 of C102/ECSS recourse is had and provide for statistical data depending on the chosen subparagraph:*

**Title I under Article 76 for Article 55(a) of C102/ECSS**

- A. Number of employees protected<sup>50</sup>:*
  - i) under general scheme ...*
  - ii) under special schemes (if any) ...*
  - iii) Total ...**

<sup>50</sup> Dependants who are protected in their breadwinner's right should not be included in this number.

- B. Total number of employees<sup>51</sup> ...
- C. Number of employees protected (A(iii)) per cent of total number of employees (B). Please state how these data are computed and give dates of reference.

**Title II under Article 76 for Article 55(b) of C102/ECSS**

- A. Number of economically active persons protected<sup>52</sup>:
  - i) under general scheme ...
  - ii) under special schemes (if any) ...
  - iii) Total ...
- B. Total number of residents<sup>53</sup>...
- C. Number of economically active persons protected (A(iii)) per cent of total number of residents (B). Please state how these data are computed and give dates of reference.

**Title III under Article 76 for Article 55(c) of C102/ECSS**

- A. Please give the rules applied to determine whether a resident is entitled to benefit during the contingency covered.
- B. Please indicate, more particularly:
  - a. the amount of the means of any description which excludes a resident altogether from entitlement to benefit;
  - b. the amount of the means of any description which is allowed without a reduction of the full benefit.

See above. The invalidity pension and Senior Pension schemes cover the entire Danish population meeting the above-mentioned criteria.

#### IX - 4. Level and Calculation of Benefit

**Article 56. C 102 and ECSS**

*The benefit shall be a periodical payment calculated as follows:*

- a. *where classes of employees or classes of the economically active population are protected, in such a manner as to comply either with the requirements of Article 65 or with the requirements of Article 66;*
- b. *where all residents whose means during the contingency do not exceed prescribed limits are protected, in such a manner as to comply with the requirements of Article 67.*

Entitlement to disability pension and Senior Pension at the highest rate is acquired on the basis of residence in Denmark between the age of 15 and the pensionable age. Thus, it is not conditional on payment of contributions nor periods of employment completed in Denmark. In principle, the pension amounts are the same for all and not graduated according to the previously earned income of the pensioner. However, the pension is graduated according to the number of years the person has resided in Denmark between the age of 15 and the pensionable age.

The entitlement to the highest rate is subject to a period of residence equivalent to no less than 90 per cent of the time the age of 15 and the pensionable age. Where the condition for pension at the highest rate is not complied with, the amount of pension payable will be assessed according to the ratio between the period of residence and 9/10 of the years between the age of 15 to the date on which the pension is first payable calculated as a percentage, which is rounded off to the nearest whole percentage.

In 2023, the highest amount of the disability pension is 19,738 DKK monthly for single persons and 16,778 DKK monthly for non-single persons. No distinction is made to gender, skills, etc. (2023)

<sup>51</sup> This number should comprise all employees, including civil servants and, for Parts II, III, V, VII, VIII, IX, and X, also unemployed persons.

<sup>52</sup> Dependants who are protected in their breadwinner's right should not be included in this number.

<sup>53</sup> This number should comprise all residents, including children and old people.

**Report form for C102/ECSS:**

1. *If recourse is had to subparagraph a) of Article 56 of C102/ECSS for determining the persons protected, please state whether you have recourse, for the calculation of the benefit, to the provisions of Article 65 or to those of Article 66 of C102/ECSS.*
2. *Please furnish information under this Article as follows:*
  - I. *if recourse is had to Article 65 of C102/ECSS, in the form set out in Titles I, II and V under Article 65 below;*
  - II. *if recourse is had to Article 66 C102/ECSS, in the form set out in Titles I, II and V under Article 66 below.*

**For Article 65 of C102/ECSS****Title I (Information on the standard wage)**

- A. *Please summarize the rules for the calculation of the benefit and the computation of the previous earnings. Please state whether recourse is had to the provisions of paragraph 3 of Article 65 and, if so, please indicate the maximum amount prescribed for the benefit or for the earnings taken into account for the computation of the benefit.*
- B. *Please state to which of the provisions of paragraph 6 of Article 65 you have recourse for selecting the skilled manual male employee to whose wage paragraph 3 of Article 65 refers.*

*Please specify more particularly:*

- a. *if recourse is had to subparagraph (b) of paragraph 6:*
  - i. *how the division and the major group of economic activity to which the typical skilled employee belongs are determined with reference to paragraph 7; and*
  - ii. *how the typical skilled employee in the major group is chosen; or*
- b. *if recourse is had to subparagraph (c) of paragraph 6, how the earnings of all persons protected are computed; or*
- c. *if recourse is had to subparagraph (d) of paragraph 6, how the average earnings of all the persons protected are computed.*
- C. *Please indicate, in any event, the time basis on which the wage of the typical skilled employee is calculated, with reference to the provisions of paragraph 9 of Article 65. Please confirm that, in accordance with the provisions of paragraph 4 of that Article, the same time basis is used for calculating the benefit and the family allowances.*  
*Please indicate the amount of the wage of the skilled manual male employee selected as shown under B (standard wage).*

**Title II (Information on the replacement rate of benefit)**

*The standard beneficiary for whom the following information should be given is a man with a wife and two children where the previous earnings serving for the calculation of the benefit are equal to the wage of the skilled manual male employee shown in Title I above.*

- D. *Amount of benefit granted during the time basis.<sup>54</sup>*
- E. *Amount of family allowances, if any, payable during employment for a period equal to the time basis.*
- F. *Amount of family allowances, if any, payable during the contingency for a period equal to the time basis.*
- G. *Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E).*

**Title V (replacement rate for a woman employee)**

*The beneficiary for whom the following information should be given is a woman employee whose previous earnings serving for the calculation of benefit were equal to the wage of the skilled manual male employee shown in Title I above.*

- D. *Amount of benefit granted during the time basis.*
- G. *Amount of benefit (D) per cent of the standard wage (C).*

<sup>54</sup> For invalidity benefit (Article 56 (a)), please indicate the length of the qualifying period required of the standard beneficiary, specifying whether recourse is had to paragraph I, 3 or 4 of Article 57.



**Title I (Information on the standard wage)**

- A. Please state to which of the provisions of paragraph 4 and following of Article 66 recourse is had for selection of the ordinary adult male labourer to whose wage paragraph 1 of Article 66 refers.
1. Please specify, more particularly, whether recourse is had to subparagraph (b) of paragraph 4; if so, please state:
    - (i) how the division and the major group of economic activity to which the ordinary labourer belongs are determined, with reference to paragraph 5; and
    - (ii) how the typical ordinary labourer in the major group is chosen.
  2. Please indicate, in any event, the time basis on which the wage of the ordinary adult labourer is calculated, with reference to the provisions of paragraph 7 of Article 66. Please confirm that, in accordance with the provisions of paragraph 2 of that Article, the same time basis is used for calculating the benefit and the family allowances.
- B. Please state the amount of the wage of the ordinary adult labourer selected (standard wage).

**Title II (Information on the replacement rate of benefit)**

The standard beneficiary for whom the following information should be given, for each scheme concerned, is a man with a dependent wife and two children.

- C. Amount of benefit granted during the time basis.<sup>55</sup>
- D. Amount of family allowances, if any, payable during employment, for a period equal to the time basis.
- E. Amount of family allowances, if any, payable during the contingency, for a period equal to the time basis.
- F. Sum of benefit and family allowances payable during the contingency (C+E) per cent of sum of the standard wage and family allowances payable during employment (B+D).

**Title V (replacement rate for a woman employee)**

The beneficiary for whom the following information should be given, for each scheme concerned, is a woman employee.

- C. Amount of benefit granted during the time basis.
- F. Amount of benefit (C) per cent of the standard wage (B).  
Please summarize the rules for the calculation of the benefit.

3. If recourse is had to subparagraph b) of Article 56 of C102/ECSS for determining the persons protected, please state provide the following statistical data under Article 67 of C102/ECSS.

**TITLE I**

- A. Please state how the scale determining the rate of benefit is prescribed or fixed. Please include a copy of such scale with this report.
- B. Please state whether recourse is had to the provisions of subparagraph (b) of Article 67 and, if so, indicate the reductions made in the rate of benefit according to the amount of the other means of the family of the beneficiary.

**TITLE II**

The standard beneficiary for whom the following information should be given, for each scheme concerned, is a man with a wife and two children whose means during the contingency are lower than or equal to the substantial amounts shown above.<sup>56</sup>

- C. Amount of benefit granted during the time basis.
- D. Amount of family allowances, if any, payable during employment for a period equal to the time basis.
- E. Amount of family allowances, if any, payable during the contingency for a period equal to the time basis.
- F. Sum of benefit and family allowances payable during the contingency (C+ E) per cent of sum of the standard wage<sup>3</sup> and family allowances payable during employment (B+ D).

<sup>55</sup> Please indicate the length of the qualifying period required of the standard beneficiary, specifying whether recourse is had to paragraph 1, 3 or 4 of Article 29.

<sup>56</sup> See under Article 15, 21 or 55, as the case may be.

## TITLE V

*Note: If recourse is had to subparagraph (d) of Article 67, please give the information requested in Title I under Article 66 and, in addition, the information requested below.*

A. Total amount of benefits paid under the schemes concerned during the period covered by the report.

B. Total number of residents.<sup>57</sup>

C. 20 per cent of the total number of residents.

Parts V, IX and X

D. Presumed ratio "beneficiaries/insured per-sons".

E. Presumed number of beneficiaries (C x D).

F. Total amount of benefit that would be payable according to Article 66 = percentage shown in the Schedule to Part XI multiplied by standard wage calculated as shown under Title I under Article 66 multiplied by E.<sup>58</sup>

## Title I (For Article 65 of C102/ECSS)

In 2022, the highest amount of the disability pension is 19,360 DKK monthly for single persons and 16,437 DKK monthly for non-single persons. No distinction is made to gender, skills, etc.

## Title II (Information on the replacement rate of benefit) (covers male and female workers)

- D. In 2022, the amount of **monthly** benefit was DKK 19,360 (maximum fixed in legislation).
- E. In 2022, the amount of **monthly** family benefit payable during employment was: DKK 2,781 (Child and Youth Allowance; full custody – 2 children (1 year-old and 3 year-old)).
- F. In 2022, the amount of **monthly** family benefit payable during contingency was DKK 2,781 (Child and Youth Allowance; full custody).
- G. Sum of benefit and family allowances payable during the contingency (D+F) per cent of sum of the standard wage and family allowances payable during employment (C+E):

**DKK 22,141 (19,360 + 2,781) / DKK 37,894 (35,113 + 2,781) = 58.4 %**

*\* The figures under sections C) D) E) F) of Titles I, II, or III should be provided for the same period of time (per month, 3 months, per year, etc.)*

**Commented [ILB27]:** Updated (2022). To be updated at next detailed reporting in 2025.

## IX – 5. Adjustment of benefits

### §10 Article 65, §8 Article 66. ECSS

*The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.*

The benefit rates will be adjusted according to the personal income of a certain amount. Each year the benefit rates are adjusted according to the rate adjustment percent (satsreguleringsprocent). The rate adjustment percent is calculated so that it follows the general increase in wages. A historical comparison between rate adjustment per cent (satsregulering) and the cost-of-living (nettopriser) is found here:

<sup>57</sup> This number should comprise all residents, including children and elderly persons.

<sup>58</sup> The data requested in this Title relate exclusively to the last stage of the calculation, which has to be made if recourse is had to Article 67 (d). In fact, it is necessary to make an estimate of the cost, which would have been incurred during the period of reference under a fictitious system that provided benefits complying with the requirements of Article 66. Such a calculation may require extensive actuarial studies, and its results will depend on the bases and the hypotheses used by the Member. A Member wishing to have recourse to Article 67 (d) will therefore have to furnish proof, involving the calculations referred to, that its actual system of social assistance costs at least 130 per cent of the cost that would be incurred under the fictitious system above-mentioned. Please explain the methods applied, the bases used, and the hypotheses assumed in making the estimates given in Title V.

<https://oes.dk/oekonomi/finanslov-og-udgiftsopfoelgning/indeks/fastprisberegninger/>. The benefits may also be adjusted according to the income of the spouse or partner if this exceeds a certain ceiling.

The benefit will be reduced if the person's income exceeds DKK 84,200 for single persons and DKK 133,700 for non-single persons (2023-amounts). (2023)

**Report Form for C102/ECSS (Title VI):**  
1. Please state the methods adopted for giving effect, where necessary, to the provisions of paragraph 10 of Article 65 or of paragraph 8 of Article 66 of C102 and the ECSS.  
2. Please give the following information:

Period under review	Cost-of-living index	Index of earnings <sup>59</sup>
A. Beginning of period <sup>60</sup> .....	.....	.....
B. End of period <sup>61</sup> .....	.....	.....
C. Percentage $\frac{A}{B}$ .....	.....	.....

3. Please state whether the amount of the periodical payments has been reviewed during the period of reference. If so, please indicate the changes made in the level of benefits and furnish the following information:

Period under review <sup>62</sup>	Benefit		
	Average per Beneficiary <sup>63</sup>	Benefit for Standard Beneficiary	Other estimates of benefits level
A. Beginning of period .....			
B. End of period .....			
C. Percentage $\frac{A}{B}$ .....			

Period under review <sup>64</sup>	Old age Benefit		
	Average per Beneficiary <sup>65</sup>	Benefit for Standard Beneficiary	Other estimates of benefits level
A. Beginning of period (2021) .....	132,500 DKK	185,368 DKK	
B. End of period (2022) .....	134,500 DKK	187,816 DKK	
C. Percentage $\frac{A}{B}$ .....	105%	103%	
B			

**Commented [TAL28]:** The calculation/information has not been updated since Denmark's detailed reporting in 2021.  
To be updated at next detailed reporting in 2025.

## IX - 6. Qualifying period

### §1(f) Article 1 C102, §1(i) Article 1 ECSS

The term qualifying period means a period of contribution, or a period of employment, or a period of residence, or any combination thereof, as may be prescribed.

<sup>59</sup> The index of earnings should correspond to the classes of employees or economically active persons shown under the Article dealing with persons protected (Article 27, 33, or 61). If no index of earnings is available, the index of money wages may be substituted.

<sup>60</sup> The indices at the beginning and end of each period should refer to the same base.

<sup>61</sup> The indices at the beginning and end of each period should refer to the same base.

<sup>62</sup> This period should, as far as possible, coincide with the period referred to in the table under para.2

<sup>63</sup> Please give such data in columns I, II, and III as it will show the percentage variation of the benefit.

<sup>64</sup> This period should, as far as possible, coincide with the period referred to in the table under para.2

<sup>65</sup> Please give such data in columns I, II, and III as it will show the percentage variation of the benefit.

#### **Article 57. C102 and ECSS**

1. *The benefit specified in Article 56 shall, in a contingency covered, be secured at least:*
  - b. *to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period which may be 15 years of contribution or employment, or 10 years of residence; or*
  - c. *where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, the prescribed yearly average number of contributions has been paid.*
2. *Where the benefit referred to in paragraph 1 is conditional upon a minimum period of contribution or employment, a reduced benefit shall be secured at least:*
  - a. *to a person protected who has completed, prior to the contingency, in accordance with prescribed rules, a qualifying period of five years of contribution or employment; or*
  - b. *where, in principle, all economically active persons are protected, to a person protected who has completed a qualifying period of three years of contribution and in respect of whom, while he was of working age, half the yearly average number of contributions prescribed in accordance with subparagraph (b) of paragraph 1 of this Article has been paid.*
3. *The requirements of paragraph 1 of this Article shall be deemed to be satisfied where a benefit calculated in conformity with the requirements of Part XI but at a percentage of ten points lower than shown in the Schedule appended to that Part for the standard beneficiary concerned is secured at least to a person protected who has completed, in accordance with prescribed rules, five years of contribution, employment or residence.*
4. *A proportional reduction of the percentage indicated in the Schedule appended to Part XI may be effected where the qualifying period for the pension corresponding to the reduced percentage exceeds five years of contribution or employment but is less than 15 years of contribution or employment; a reduced benefit shall be payable in conformity with paragraph 2 of this Article.*

#### **Report form for C102/ECSS:**

1. *Please indicate the nature and the length of the minimum qualifying period or the average yearly number of contributions, as the case may be, which entitles the persons protected to a benefit. Please summarize the rules concerning the computation of such qualifying period.*
2. *If recourse is had to paragraphs 1 and 2 the benefit the amount of which is shown under Article 56 should be the benefit granted during the time basis to a standard beneficiary who has completed 15 years of contribution or employment or ten years of residence. Please indicate under this Article how the reduced benefit is calculated to which a standard beneficiary is entitled who has completed a qualifying period of five years of contribution or employment or in respect of whom half the yearly average number of contributions prescribed for title to full benefit has been paid.*
3. *If recourse is had to paragraph 3 the benefit the amount of which is shown under Article 56 should be the benefit granted during the time basis to a standard beneficiary who has completed five years of contribution or employment or residence.*
4. *If recourse is had to paragraph 4 the benefit the amount of which is shown under Article 56 should be the benefit granted during the time basis to a standard beneficiary who has completed a qualifying period of more than five years but less than 15 years of contribution or employment. Please indicate the length of the qualifying period required.*

As mentioned above, the entitlement to disability pension is acquired on the basis of residence in Denmark, including Greenland and the Faroe Islands, and is thus not conditional on payment of contributions nor periods of employment completed in Denmark.

The entitlement to disability pension is subject to permanent residence in Denmark for a period of no less than three years between the age of 15 and the age of retirement.

#### **IX - 7. Duration of Benefit**

#### **Article 58. C102 and ECSS**

*The benefit specified in Articles 56 and 57 shall be granted throughout the contingency or until an old age benefit becomes payable.*

**Report form for C102/ECSS:**

*Please state whether, in accordance with the provisions of this Article, invalidity benefit is granted for the whole duration of the contingency or until it is replaced by old-age benefit.*

The disability pension is granted permanently. At the pensionable age, it will automatically be replaced by the old-age pension.

## IX - 8. Suspension of Benefit

### **Article 69, C102/ Article 68, ECSS**

*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed--*

- a. as long as the person concerned is absent from the territory of the Member;*
- b. as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
- c. as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
- d. where the person concerned has made a fraudulent claim;*
- e. where the contingency has been caused by a criminal offence committed by the person concerned;*
- f. where the contingency has been caused by the wilful misconduct of the person concerned;*

**Report form for C102/ECSS:**

*Please indicate the provisions, if any, for the suspension of invalidity benefits.*

A Danish citizen or a citizen from the EU, UK, or Switzerland, who takes residence in another country after having been granted pension may export the basic amount of the disability pension, if the person has been permanently residing in Denmark for a period of no less than ten years after the age of 15 or at least ¼ of the period from the age of 15 until the date on which the pension is first payable.

In other cases, disability pension is not exportable, unless it is otherwise provided in a bilateral or multilateral agreement on social security.

## IX - 9. Right of complaint and appeal

### **§1§3. Article 70. C102, Article 69. ECSS**

- 1. Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.*
- 3. Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.*

**Report form for the ECSS:**

*Please state whether every claimant has a right of appeal in case of refusal of invalidity benefits or complaint as to its quality or quantity, as stipulated in paragraph 1 of this Article. Please summarize the rules which apply in the case of an appeal.*

Decisions on benefits under the legislation are made by the municipalities, Udbetaling Danmark, and Seniorpensionsenheden and may be brought before The National Board of Appeal (Ankestyrelsen).

## IX - 10. Financing and Administration

**See under Part XIII-3**

**Part X. Survivors' benefit = not accepted**

## Part XI. Level of benefits, Standards to be complied with by periodical payments

### Article 65. C102 and ECSS

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the previous earnings of the beneficiary or his breadwinner and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.
2. The previous earnings of the beneficiary or his breadwinner shall be calculated according to prescribed rules, and, where the persons protected or their breadwinners are arranged in classes according to their earnings, their previous earnings may be calculated from the basic earnings of the classes to which they belonged.
3. A maximum limit may be prescribed for the rate of the benefit or for the earnings taken into account for the calculation of the benefit, provided that the maximum limit is fixed in such a way that the provisions of paragraph 1 of this Article are complied with where the previous earnings of the beneficiary or his breadwinner are equal to or lower than the wage of a skilled manual male employee.
4. The previous earnings of the beneficiary or his breadwinner, the wage of the skilled manual male employee, the benefit and any family allowances shall be calculated on the same time basis.
5. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.
6. For the purpose of this Article, a skilled manual male employee shall be:
  - a. a fitter or turner in the manufacture of machinery other than electrical machinery; or
  - b. a person deemed typical of skilled labour selected in accordance with the provisions of the following paragraph; or
  - c. a person whose earnings are such as to be equal to or greater than the earnings of 75 per cent. of all the persons protected, such earnings to be determined on the basis of annual or shorter periods as may be prescribed; or
  - d. a person whose earnings are equal to 125 per cent. of the average earnings of all the persons protected.
7. The person deemed typical of skilled labour for the purposes of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, and reproduced in the Annex to this Convention, or such classification as at any time amended, shall be used.
8. Where the rate of benefit varies by region, the skilled manual male employee may be determined for each region in accordance with paragraphs 6 and 7 of this Article.
9. The wage of the skilled manual male employee shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 8 of this Article is not applied, the median rate shall be taken.
10. The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

### Article 66. C102 and ECSS

1. In the case of a periodical payment to which this Article applies, the rate of the benefit, increased by the amount of any family allowances payable during the contingency, shall be such as to attain, in respect of the contingency in question, for the standard beneficiary indicated in the Schedule appended to this Part, at least the percentage indicated therein of the total of the wage of an ordinary adult male labourer and of the amount of any family allowances payable to a person protected with the same family responsibilities as the standard beneficiary.
2. The wage of the ordinary adult male labourer, the benefit and any family allowances shall be calculated on the same time basis.

3. For the other beneficiaries, the benefit shall bear a reasonable relation to the benefit for the standard beneficiary.
4. For the purpose of this Article, the ordinary adult male labourer shall be:
  - a. a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery; or
  - b. a person deemed typical of unskilled labour selected in accordance with the provisions of the following paragraph.
5. The person deemed typical of unskilled labour for the purpose of subparagraph (b) of the preceding paragraph shall be a person employed in the major group of economic activities with the largest number of economically active male persons protected in the contingency in question, or of the breadwinners of the persons protected, as the case may be, in the division comprising the largest number of such persons or breadwinners; for this purpose, the international standard industrial classification of all economic activities, adopted by the Economic and Social Council of the United Nations at its Seventh Session on 27 August 1948, and reproduced in the Annex to this Convention, or such classification as at any time amended, shall be used.
6. Where the rate of benefit varies by region, the ordinary adult male labourer may be determined for each region in accordance with paragraphs 4 and 5 of this Article.
7. The wage of the ordinary adult male labourer shall be determined on the basis of the rates of wages for normal hours of work fixed by collective agreements, by or in pursuance of national laws or regulations, where applicable, or by custom, including cost-of-living allowances if any; where such rates differ by region but paragraph 6 of this Article is not applied, the median rate shall be taken.
8. The rates of current periodical payments in respect of old age, employment injury (except in case of incapacity for work), invalidity and death of breadwinner, shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living.

#### Article 67. C102 and ECSS

In the case of a periodical payment to which this Article applies:

- a. the rate of the benefit shall be determined according to a prescribed scale or a scale fixed by the competent public authority in conformity with prescribed rules;
- b. such rate may be reduced only to the extent by which the other means of the family of the beneficiary exceed prescribed substantial amounts or substantial amounts fixed by the competent public authority in conformity with prescribed rules;
- c. the total of the benefit and any other means, after deduction of the substantial amounts referred to in subparagraph (b), shall be sufficient to maintain the family of the beneficiary in health and decency, and shall be not less than the corresponding benefit calculated in accordance with the requirements of Article 66;
- d. the provisions of subparagraph (c) shall be deemed to be satisfied if the total amount of benefits paid under the Part concerned exceeds by at least 30 per cent. the total amount of benefits which would be obtained by applying the provisions of Article 66 and the provisions of:
  - i. Article 15 (b) for Part III;
  - ii. Article 27 (b) for Part V;
  - iii. Article 55 (b) for Part IX;
  - iv. Article 61 (b) for Part X.

Part	Contingency	Standard Beneficiary	Percentage
III	Sickness	Man with wife and two children	45
IV	Unemployment	Man with wife and two children	45
V	Old age	Man with wife of pensionable age	40
VI	<u>Employment injury:</u>		
	Incapacity of work	Man with wife and two children	50
	Invalidity	Man with wife and two children	50
	Survivors	Widow with two children	40
VIII	Maternity	Woman	45
IX	Invalidity	Man with wife and two children	40

#### Commented [TAL29]:

The replacement rate for sickness benefit is 60 pct. – according to ILO C130



X	Survivors	Widow with two children	40
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Reference is made to the calculated replacement rates (Titles II and III) under each benefit branch part of this report.

#### Determination of the reference wage

The examination of detailed reports on the application of the Code requires determination of the relevant "standard wage" in accordance with *Articles 65 and 66* of the Code.

Based on the purpose and the current labour market situation, it is no longer considered relevant nor accurate to compare social benefits in Denmark with wage data from a reference group of skilled male employees in certain parts of the private metal industry, which today is a relatively small group at the labour market. Instead, Denmark has decided to use a broader reference wage that covers all employees who are not managers, regardless of gender, both the private sector and the public sector, calculated as full-time employees (cf. the highlighted bottom row in Table 1) in comparison with social benefits. Having done so, it should be noted the used reference wage is higher, than what we understand was expected in the Code. This influences on the calculations of replacement rates, why the percentage in fact should be higher. Since the latest updated wage figures refer to 2018, estimates have been made for the current reporting periods.

Throughout the calculations, Denmark has used the wage of an unskilled worker as the reference wage, since it is most representative group in relation to the average standard wage in Denmark.

#### Determination of family allowances

The examination of detailed reports on the application of the Code also requires determination of family allowances, according to the Code covering a family unit with a dependent spouse and two dependent children.

Today, social benefits in Denmark are granted to the individual person and not to the family. Therefore, a dependent spouse is no longer an up-to-date term.

Where the legislation fixes a ceiling or a maximum limit on the rate of the benefit or on the earnings taken into account for the payment of contributions (i.e. insurable earnings), the benefit has been calculated with reference to this maximum or ceiling.

#### Monthly earnings for various selected groups of employees (2016, 2017, 2018 and 2019, 2020 and estimated 2021 and 2022) Updated 2022

	Unskilled		Skilled	
	DKK	Number of persons	DKK	Number of persons
Metal and machine workers (men in the private sector within). Actual working time	32.333	20.809	39.042	42.253
Employees in industry (men). Actual working time	32.991	52.310	39.379	86.764
All employees who are not managers (see note) (men and women). Actual working time. Ministry of Employment	29.029	396.985	29.843	988.213
All employees who are not managers (see note) (men and women). Measured as full-time employees. Statistics Denmark. 2016	30.652	215.032	31.666	518.919
<b>UPDATED 2017</b>	31.385	223.649	32.712	5430281

<b>UPDATED 2018</b>	31.534	228.428	33.083	541.034
<b>UPDATED 2019</b>	<b>32.031</b>	<b>226.248</b>	<b>33.666</b>	<b>545.879</b>
<b>UPDATED 2020</b>	<b>32.874</b>	<b>220.584</b>	<b>34.359</b>	<b>541.589</b>
<b>UPDATED 2021</b>	<b>33.860*</b>	<b>220.584 *</b>	<b>35.390*</b>	<b>541.589*</b>
<b>UPDATED 2022</b>	<b>35.113 *</b>	<b>220.584*</b>	<b>36.699*</b>	<b>541.589*</b>

Note: For both rows, the standard monthly earnings are used, which Statistics Denmark calculates from the standard hourly earnings based on a 37-hour working week.

The first and second rows indicate the average monthly earnings of men working in industries 24-29 and Total industry, respectively, in the private sector. The distinction between skilled and unskilled is made on the basis of the highest level of education completed by the employees. Unskilled also includes persons with undeclared education and without completed primary education.

The third gives the average monthly earnings of all employees except those working in managerial positions or in jobs requiring the highest level of knowledge in the field concerned (Divisions 1, 2 and 3). The distinction between skilled and unskilled is made by job function only, with skilled defined as sections 4 to 7 and unskilled defined as sections 8 and 9. The fourth to sixth rows are defined in the same way, but as full-time employees and based on the current published wage statistics from Statistics Denmark.

Source: own calculations based on the wage register of the legal model and Statistibanken.dk LONS20.

**Commented [TAL30]:** To be updated in 2025.

## Part XII. Equality of treatment of non-national residents

**Commented [TAL31]:** To be updated in 2025 (or in 2028 according to the ILO reporting schedule for DK).

**Denmark has ratified C19, C102, 118, 121, 130**

### **Convention No. 102**

#### **Article 68**

1. Non-national residents shall have the same rights as national residents: Provided that special rules concerning non-nationals and nationals born outside the territory of the Member may be prescribed in respect of benefits or portions of benefits which are payable wholly or mainly out of public funds and in respect of transitional schemes.
2. Under contributory social security schemes which protect employees, the persons protected who are nationals of another Member which has accepted the obligations of the relevant Part of the Convention shall have, under that Part, the same rights as nationals of the Member concerned: Provided that the application of this paragraph may be made subject to the existence of a bilateral or multilateral agreement providing for reciprocity.

### **Convention No. 130**

#### **Article 32**

Each Member shall, within its territory, assure to non-nationals who normally reside or work there equality of treatment with its own nationals as regards the right to the benefits provided for in this Convention.

### **Convention No. 19**

#### **Article 1**

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to grant to the nationals of any other Member which shall have ratified the Convention, who suffer personal injury due to industrial accidents happening in its territory, or to their dependants, the same treatment in respect of workmen's compensation as it grants to its own nationals.
2. This equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to residence. With regard to the payments which a Member or its nationals would have to make outside that Member's territory in the application of this principle, the measures to be adopted shall be regulated, if necessary, by special arrangements between the Members concerned.

#### **Article 2**

Special agreements may be made between the Members concerned to provide that compensation for industrial accidents happening to workers whilst temporarily or intermittently employed in the territory of one Member on behalf of an undertaking situated in the territory of another Member shall be governed by the laws and regulations of the latter Member.

#### **Article 3**

The Members which ratify this Convention and which do not already possess a system, whether by insurance or otherwise, of workmen's compensation for industrial accidents agree to institute such a system within a period of three years from the date of their ratification.

#### **Article 4**

The Members which ratify this Convention further undertake to afford each other mutual assistance with a view to facilitating the application of the Convention and the execution of their respective laws and regulations on workmen's compensation and to inform the International Labour Office, which shall inform the other Members concerned, of any modifications in the laws and regulations in force on workmen's compensation.

### **Convention No. 118**

**[Please provide an updated information under the relevant Article of C118 in case of any new legislative or other measures affecting the application of C118 as well as statistical data on**

***the approximate number of foreign workers in the national territory, their nationality, their occupational distribution (more particularly, see Parts II and V of the [report form for C118](#))***

**Article 1. C118**

*In this Convention*

- a. *the term legislation includes any social security rules as well as laws and regulations;*
- b. *the term benefits refers to all benefits, grants and pensions, including any supplements or increments;*
- c. *the term benefits granted under transitional schemes means either benefits granted to persons who have exceeded a prescribed age at the date when the legislation applicable came into force, or benefits granted as a transitional measure in consideration of events occurring or periods completed outside the present boundaries of the territory of a Member;*
- d. *the term death grant means any lump sum payable in the event of death;*
- e. *the term residence means ordinary residence;*
- f. *the term prescribed means determined by or in virtue of national legislation as defined in subparagraph (a) above;*
- g. *the term refugee has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees of 28 July 1951;*
- h. *the term stateless person has the meaning assigned to it in Article 1 of the Convention relating to the Status of Stateless Persons of 28 September 1954.*

***Denmark has accepted branches (a), (b), (g) and (h)***

**Article 2. C118**

1. *Each Member may accept the obligations of this Convention in respect of any one or more of the following branches of social security for which it has in effective operation legislation covering its own nationals within its own territory:*
  - a. *medical care;*
  - b. *sickness benefit;*
  - c. *maternity benefit;*
  - d. *invalidity benefit;*
  - e. *old-age benefit;*
  - f. *survivors' benefit;*
  - g. *employment injury benefit;*
  - h. *unemployment benefit; and*
  - i. *family benefit.*
2. *Each Member for which this Convention is in force shall comply with its provisions in respect of the branch or branches of social security for which it has accepted the obligations of the Convention.*
3. *Each Member shall specify in its ratification in respect of which branch or branches of social security it accepts the obligations of this Convention.*
4. *Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office that it accepts the obligations of the Convention in respect of one or more branches of social security not already specified in its ratification.*
5. *The undertakings referred to in paragraph 4 of this Article shall be deemed to be an integral part of the ratification and to have the force of ratification as from the date of notification.*
6. *For the purpose of the application of this Convention, each Member accepting the obligations thereof in respect of any branch of social security which has legislation providing for benefits of the type indicated in clause (a) or (b) below shall communicate to the Director-General of the International Labour Office a statement indicating the benefits provided for by its legislation which it considers to be--*
  - a. *benefits other than those the grant of which depends either on direct financial participation by the persons protected or their employer, or on a qualifying period of occupational activity; or*
  - b. *benefits granted under transitional schemes.*
7. *The communication referred to in paragraph 6 of this Article shall be made at the time of ratification or at the time of notification in accordance with paragraph 4 of this Article; as regards any legislation adopted subsequently, the communication shall be made within three months of the date of the adoption of such legislation.*

**Article 3. C118**

1. *Each Member for which this Convention is in force shall grant within its territory to the nationals of any other Member for which the Convention is in force equality of treatment under its legislation with*

its own nationals, both as regards coverage and as regards the right to benefits, in respect of every branch of social security for which it has accepted the obligations of the Convention.

2. In the case of survivors' benefits, such equality of treatment shall also be granted to the survivors of the nationals of a Member for which the Convention is in force, irrespective of the nationality of such survivors.
3. Nothing in the preceding paragraphs of this Article shall require a Member to apply the provisions of these paragraphs, in respect of the benefits of a specified branch of social security, to the nationals of another Member which has legislation relating to that branch but does not grant equality of treatment in respect thereof to the nationals of the first Member.

#### Article 4. C118

1. Equality of treatment as regards the grant of benefits shall be accorded without any condition of residence: Provided that equality of treatment in respect of the benefits of a specified branch of social security may be made conditional on residence in the case of nationals of any Member the legislation of which makes the grant of benefits under that branch conditional on residence on its territory.
2. Notwithstanding the provisions of paragraph 1 of this Article, the grant of the benefits referred to in paragraph 6 (a) of Article 2--other than medical care, sickness benefit, employment injury benefit and family benefit--may be made subject to the condition that the beneficiary has resided on the territory of the Member in virtue of the legislation of which the benefit is due, or, in the case of a survivor, that the deceased had resided there, for a period which shall not exceed--
  - a. six months immediately preceding the filing of claim, for grant of maternity benefit and unemployment benefit;
  - b. five consecutive years immediately preceding the filing of claim, for grant of invalidity benefit, or immediately preceding death, for grant of survivors' benefit;
  - c. ten years after the age of 18, which may include five consecutive years immediately preceding the filing of claim, for grant of old-age benefit.
3. Special provisions may be prescribed in respect of benefits granted under transitional schemes.
4. The measures necessary to prevent the cumulation of benefits shall be determined, as necessary, by special arrangements between the Members concerned.

#### Equality of Treatment (Social Security) Convention, 1962 (No. 118) (Ratification: 1969)

Article 4 of the Convention. Condition of residence. With reference to its direct request of 2012, the Committee recalls that Denmark has accepted the obligations of the Convention for the following branches: medical care, sickness benefit, unemployment benefit and employment injury benefit. . The Government report received in 2016 states that there are no preconditions as to residence or stay in Denmark for granting of employment injury benefits which are paid worldwide. However, with regard to medical care, the right to benefits under the Danish Health Act arises out of registered residence in Denmark, and with regard to the sickness benefit, the main condition is that the person concerned has legal residence and income taxed in Denmark. As concerns the claimants of the unemployment benefit, they must be available for the Danish labour market. The report states that these conditions of legal and registered residence are equally applicable to Danish citizens and to foreigners and that the Government has no plans on amending the national legislation with a view to eliminating the residency condition concerning the sickness benefit and the unemployment benefit. It states, however, that the Convention is part of Danish legislation. This means that nationals of countries party to the Convention, who work in Denmark and reside abroad, can claim their rights according to the Convention. **The Committee requests the Government to confirm for the international record that the condition of residence imposed by the Danish legislation for granting medical care, sickness benefit and unemployment benefit is not to be applied to nationals of countries party to Convention No. 118, which overrides the corresponding provisions of the national legislation. The Committee requests the Government to supply proof that the social security institutions providing these benefits were officially informed about the legal obligations of Denmark vis-à-vis the claimants from these countries.**

#### **Please provide a reply to the question :**

In C118 article 4 it is stated:

1. Equality of treatment as regards the grant of benefits shall be accorded without any condition of residence: Provided that equality of treatment in respect of the benefits of a specified branch of social security may be made conditional on residence in the case of nationals of any Member the legislation of which makes the grant of benefits under that branch conditional on residence on its territory.
2. Notwithstanding the provisions of paragraph 1 of this Article, the grant of the benefits referred to in paragraph 6 (a) of Article 2--other than medical care, sickness benefit, employment injury benefit and family benefit--may be made subject to the condition that the beneficiary has resided on the territory of

the Member in virtue of the legislation of which the benefit is due, or, in the case of a survivor, that the deceased had resided there, for a period which shall not exceed--

- (a) six months immediately preceding the filing of claim, for grant of maternity benefit and unemployment benefit;

In the General Survey by the Committee of Experts on the Application of Conventions and Recommendations at the International Labour Conference 63rd Session 1977, it is stated:

"57. .... Consequently, a requirement of lawful residence in the country or of lawful authorisation to be in employment does not appear to be contrary to this principle; where such conditions are imposed the difference in treatment does not appear to be motivated by the alien status of the persons concerned but rather by their legal position under regulations governing entry into and residence in the country, or access to employment."

#### **Unemployment benefit scheme in Denmark**

All persons regardless of nationality have the same rights in the unemployment scheme.

Persons who reside in Denmark aged 18 until two years before the old-age pension age may join an unemployment insurance fund without a requirement of employment or self-employment. During the period of membership, there is no requirement of residence in Denmark.

Unemployment benefits may be paid out earliest after one year of uninterrupted membership and meeting a criterion for income (33,182 Euro earned over 3 years)

Income earned in Denmark as well as earned abroad are taken in consideration.

A member of an unemployment Insurance fund can only receive unemployment benefits if he or she resides in Denmark and is available for the Danish labour market.

As the unemployment insurance scheme is for all persons residing in Denmark we are of the opinion that the unemployment insurance scheme is in accordance with the principle of C118 - Equality of Treatment (Social Security) Convention, 1962.

#### **Sickness benefits**

All persons regardless of nationality have the same rights in the Danish sickness benefits scheme.

In order to receive sickness benefits from Denmark a person must;

- be absent from work due to illness for a minimum of four hours a week, lawfully reside in Denmark or be covered by Regulation (EC) No 883/04 on the coordination of social security systems,
- have a taxable income in Denmark or be covered by Regulation (EC) No 883/04 on the coordination of social security systems,
- and meet the specified requirements regarding connection to the labour market (employment).

As sickness benefit in cash is for all persons that fulfil the criteria regardless of nationality, we are of the opinion that the sickness benefits scheme is in accordance with the principle of C118 - Equality of Treatment (Social Security) Convention, 1962.

#### **Medical Care**

All residents in Denmark have access to the public healthcare system, and most services are provided free of charge. Persons covered by EU-Regulation (EC) 883/2004 on the coordination of social security system may also have access to the public healthcare system even though they are not residents in Denmark.

#### **Employment injury benefit**

There are no preconditions as to residence or stay in Denmark for granting of employment injury benefits which are paid worldwide.

#### **Article 5. C118**

1. *In addition to the provisions of Article 4, each Member which has accepted the obligations of this Convention in respect of the branch or branches of social security concerned shall guarantee both to its own nationals and to the nationals of any other Member which has accepted the obligations of the Convention in respect of the branch or branches in question, when they are resident abroad, provision*

*of invalidity benefits, old-age benefits, survivors' benefits and death grants, and employment injury pensions, subject to measures for this purpose being taken, where necessary, in accordance with Article 8.*

2. *In case of residence abroad, the provision of invalidity, old-age and survivors' benefits of the type referred to in paragraph 6 (a) of Article 2 may be made subject to the participation of the Members concerned in schemes for the maintenance of rights as provided for in Article 7.*
3. *The provisions of this Article do not apply to benefits granted under transitional schemes.*

#### **Article 6. C118**

*In addition to the provisions of Article 4, each Member which has accepted the obligations of this Convention in respect of family benefit shall guarantee the grant of family allowances both to its own nationals and to the nationals of any other Member which has accepted the obligations of this Convention for that branch, in respect of children who reside on the territory of any such Member, under conditions and within limits to be agreed upon by the Members concerned.*

#### **Article 7. C118**

1. *Members for which this Convention is in force shall, upon terms being agreed between the Members concerned in accordance with Article 8, endeavour to participate in schemes for the maintenance of the acquired rights and rights in course of acquisition under their legislation of the nationals of Members for which the Convention is in force, for all branches of social security in respect of which the Members concerned have accepted the obligations of the Convention.*
2. *Such schemes shall provide, in particular, for the totalisation of periods of insurance, employment or residence and of assimilated periods for the purpose of the acquisition, maintenance or recovery of rights and for the calculation of benefits.*
3. *The cost of invalidity, old-age and survivors' benefits as so determined shall either be shared among the Members concerned, or be borne by the Member on whose territory the beneficiaries reside, as may be agreed upon by the Members concerned.*

#### **Article 8. C118**

*The Members for which this Convention is in force may give effect to their obligations under the provisions of Articles 5 and 7 by ratification of the Maintenance of Migrants' Pension Rights Convention, 1935, by the application of the provisions of that Convention as between particular Members by mutual agreement, or by any multilateral or bilateral agreement giving effect to these obligations.*

#### **Article 9. C118**

*The provisions of this Convention may be derogated from by agreements between Members which do not affect the rights and duties of other Members and which make provision for the maintenance of rights in course of acquisition and of acquired rights under conditions at least as favourable on the whole as those provided for in this Convention.*

#### **Article 10. C118**

1. *The provisions of this Convention apply to refugees and stateless persons without any condition of reciprocity.*
2. *This Convention does not apply to special schemes for civil servants, special schemes for war victims, or public assistance.*
3. *This Convention does not require any Member to apply the provisions thereof to persons who, in accordance with the provisions of international instruments, are exempted from its national social security legislation.*

#### **Article 11. C118**

*The Members for which this Convention is in force shall afford each other administrative assistance free of charge with a view to facilitating the application of the Convention and the execution of their respective social security legislation.*

#### Updated Report ILO-C19

The Danish rules on industrial injuries insurance apply to industrial injuries in all occupations.

The rules are laid down in Consolidation Act No. 314 of 10 March 2022 on Workers' Compensation.

The Act came into operation on 1 January 2004.

Article 1: Compensations are payable worldwide. There are no special arrangements in place.

Article 2: A system for workmen's compensation has been in place since 1898.

Updated Report ILO-C118

*New legislation etc.*

- Consolidated Workers' Compensation Act No. 314 of 10 March, 2022. The Act came into force on 1 January 2004. The Act is administered by the National Board of Industrial Injuries under the Ministry of Employment.
- The Danish rules on industrial injuries insurance apply to any person performing work in Denmark, irrespective of citizenship. Work on board a ship sailing under Danish flag is considered to be work performed in Denmark. There are no preconditions with regard to residence or stay in Denmark for the granting of employment injury benefits. Benefits are payable worldwide.
- The Danish rules on industrial injuries insurance also apply to employees stationed abroad by a Danish company.

Article 4 of the Convention. Condition of residence.

- Medical Care: The Danish Health Act states that the right to benefits under this Act arises out of registered residence in Denmark not from nationality. However, the Act has an opening for providing benefits to people resident outside Denmark. The Minister has authority to lay down the specific limits and conditions. Furthermore, the Convention 118 is a part of Danish legislation. Therefore, persons covered by the Convention can claim rights arising from the convention, regardless that the Danish Health Act basically establishes the right to benefits from a principle on registered residence. This means that nationals of countries party to the Convention, who work in Denmark and reside abroad, can claim their rights according to the Convention.
- Unemployment benefits: All members of a Danish unemployment insurance fund who become unemployed and apply for benefits must be available for the Danish labour market, regardless of nationality.
- Sickness benefits: The main condition for a right to sickness benefits is that the person concerned has legal residence in Denmark and has an income taxed in Denmark. Furthermore, it is a condition, that the person in question has gained a certain affiliation to the Danish labour market (employment requirement).  
A migrant worker from Egypt or Mauritania will have a right to sickness benefit under the exact same circumstances as a migrant worker from Pakistan or Turkey will - namely if the employee fulfils the employment requirement and stays legally in Denmark.
- Unemployment benefits: There has not been made any plans on amending the national legislation with a view to eliminating the residency condition.
- Sickness benefits: There has not been made any plans on amending the national legislation with a view to eliminating the residency condition. It is possible to find information on the number of foreign nationals with an income in Denmark on the benchmarking tool [www.jobindsats.dk](http://www.jobindsats.dk). Jobindsats.dk provides information on the foreign workers nationality, occupation, the number of commuters who work in Denmark, but do not live in the country etc.

Updated Report C130

*For updated reporting on ILO-C130, reference is made to part II and III.*



## Part XIII. Common provisions

### XIII – 1. Suspension of benefit

#### **Article 69. C102, Article 68. ECSS**

*A benefit to which a person protected would otherwise be entitled in compliance with any of Parts II to X of this Convention may be suspended to such extent as may be prescribed--*

- a. as long as the person concerned is absent from the territory of the Member;*
- b. as long as the person concerned is maintained at public expense, or at the expense of a social security institution or service, subject to any portion of the benefit in excess of the value of such maintenance being granted to the dependants of the beneficiary;*
- c. as long as the person concerned is in receipt of another social security cash benefit, other than a family benefit, and during any period in respect of which he is indemnified for the contingency by a third party, subject to the part of the benefit which is suspended not exceeding the other benefit or the indemnity by a third party;*
- d. where the person concerned has made a fraudulent claim;*
- e. where the contingency has been caused by a criminal offence committed by the person concerned;*
- f. where the contingency has been caused by the wilful misconduct of the person concerned;*
- g. in appropriate cases, where the person concerned neglects to make use of the medical or rehabilitation services placed at his disposal or fails to comply with rules prescribed for verifying the occurrence or continuance of the contingency or for the conduct of beneficiaries;*
- h. in the case of unemployment benefit, where the person concerned has failed to make use of the employment services placed at his disposal;*
- i. in the case of unemployment benefit, where the person concerned has lost his employment as a direct result of a stoppage of work due to a trade dispute, or has left it voluntarily without just cause; and*
- j. in the case of survivors' benefit, as long as the widow is living with a man as his wife.*

### XIII – 2. Right of complaint and appeal

#### **Article 70. C102, Article 69. ECSS**

- 1. Every claimant shall have a right of appeal in case of refusal of the benefit or complaint as to its quality or quantity.*
- 2. Where in the application of this Convention (Code) a government department responsible to a legislature is entrusted with the administration of medical care, the right of appeal provided for in paragraph 1 of this article may be replaced by a right to have a complaint concerning the refusal of medical care or the quality of the care received investigated by the appropriate authority.*
- 3. Where a claim is settled by a special tribunal established to deal with social security questions and on which the persons protected are represented, no right of appeal shall be required.*

### XIII – 3. Financing and Administration

#### **Article 71. C102, Article 70. ECSS**

- 1. The cost of the benefits provided in compliance with this Convention (Code) and the cost of the administration of such benefits shall be borne collectively by way of insurance contributions or taxation or both in a manner which avoids hardship to persons of small means and takes into account the economic situation of the Member (Contracting Party) and of the classes of persons protected.*
- 2. The total of the insurance contributions borne by the employees protected shall not exceed 50 per cent of the total of the financial resources allocated to the protection of employees and their wives and children. For the purpose of ascertaining whether this condition is fulfilled, all the benefits provided by the Member (Contracting Party) in compliance with this Convention (Code), except family benefit and, if provided by a special branch, employment injury benefit, may be taken together.*
- 3. The Member (Contracting Party) shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention (Code), and shall take all measures required for this purpose; it shall ensure, where appropriate, that the necessary actuarial studies and calculations concerning financial equilibrium are made periodically and, in any event, prior to any change in benefits, the rate of insurance contributions, or the taxes allocated to covering the contingencies in question.*

**Article 72. C102, Article 71. ECSS**

1. Where the administration is not entrusted [to an institution regulated by the public authorities or – C102] to a Government department responsible to a legislature, representatives of the persons protected shall participate in the management, or be associated therewith in a consultative capacity, under prescribed conditions; national laws or regulations may likewise decide as to the participation of representatives of employers and of the public authorities.
2. The Member (Contracting Party) shall accept general responsibility for the proper administration of the institutions and services concerned in the application of the Convention (Code).

**Report form for the ECSS:**

1. Please state, the resources of each scheme concerned, and more particularly, the rate or the amount of the contributions raised on earnings for the purposes of financing the scheme, either by way of insurance contributions or of taxes.
2. Please furnish the following statistical information for the specific Parts.

<b>Part N</b>	<b>Resources allocated to the protection of employees, their wives and their children (A)</b>	<b>Insurance contributions borne by the employees protected (B)</b>
<b>Part II</b>		
<b>Part III</b>		
<b>Part IV</b>		
<b>Part V</b>		
<b>Part VI<sup>66</sup></b>		
<b>Part VIII</b>		
<b>Part IX</b>		
<b>Total</b>		

3. Total in column B per cent of total in column A, above.
4. Please state to which extent responsibility has been assumed by the Member for the provision of benefits.
5. Please indicate the principal changes that have been made during the period covered by the reports as regards:
  - i. benefit;
  - ii. rates of contribution;
  - iii. other resources.
6. Please state whether the necessary actuarial studies and calculations concerning the financial equilibrium are made periodically. Where this has not already been done, please forward the results of any such studies and calculations.
7. Please state whether the persons protected participate in the management of the scheme or schemes concerned, or whether their representatives are associated therewith. If so, please state how participation or association is secured.

<b>Part N</b>	<b>Resources allocated to the protection of employees, their wives and their children (A)</b>	<b>Insurance contributions borne by the employees protected (B)</b>
<b>Part II</b>	193.6 bill. DKK. (2019)	5.9 bill. DKK kr. (2019)
<b>Part III</b>	12,9 mil DKK	0,0
<b>Part IV</b>	14,0 mil DKK	9,2
<b>Part V</b>	144,9 mil DKK	0,0
<b>Part VI<sup>67</sup></b>	-	-
<b>Part VIII</b>	11,8 mil DKK	0,0
<b>Part IX</b>	50,4 mil DKK	0,0
<b>Total</b>	234,0 mil DKK	9,2

Source: The state budget for 2022

<sup>66</sup> The resources allocated to benefits in case of employment injury should not be included in this table if such benefits are provided under a special branch.

<sup>67</sup> The resources allocated to benefits in case of employment injury should not be included in this table if such benefits are provided under a special branch.

**As regards financing of industrial injury benefit**

Article 70, paragraph 2:

Benefits are granted under a special branch financed through the payment of premiums and contributions by the employers. Employees pay no part of the costs of benefits or administration.

**Commented [TAL32]:** To be updated in 2025.