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EUROPEAN SOCIAL CHARTER

39th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF DENMARK

Articles 1, 9, 10, 15, 18, 20, 24 and 25

for the period 01/01/2015 - 31/12/2018

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CYCLE 2020

39th Danish Report on the Application of the European Social Charter

Submitted by the
Government of Denmark

**Concerning articles 1, 10, 15 and art. 1 of the 1988 Protocol
for the period 2015 - 2018**

January 2020

In pursuance of article 23 of the Charter, copies of this report have been communicated to:

The Confederation of Danish Employers (DA)
Danish Trade Union Confederation (FH)
The Danish Institute for Human Rights (IMR)
The Danish Confederation of Professional Associations (AC)
Local Government Denmark (KL)
Agency for Modernisation - Ministry of Finance

Art. 1 – The right to work

Art. 1, para. 1 – Labour market policy

Statistical information

Impact of employment policies:

	2015	2016	2017	2018
GDP growth rate	2,3	3,2	2	2,4
Employment rate	72	72,7	73,2	74,1
Employment rate -men	75,2	75,5	76	76,9
Employment rate -women	68,7	69,8	70,5	71,3
Unemployment rate	6,3	6	5,8	5,1
Unemployment rate -men	6,1	5,6	5,6	4,9
Unemployment rate-women	6,5	6,4	6,1	5,4
Youth unemployment rate	10,5	10,6	10,9	9,3
Long-term unemployment rate (15-74)	1,7	1,4	1,3	1,1

Reference: Eurostat

Public expenditure on active labour market policies as a percentage of GDP:

	2014	2015	2016	2017
Total expenditures	3.43	3.31	3.16	3.05
Active measures	2.03	2.04	2.03	1.96
Passive measures	1.40	1.27	1.13	1.09
Number of participants in active measures (training)	54003	55497	61042	58498
activation rate (participants/unemployed ratio)*	0.34	0.37	0.45	0.43

Reference: stat.oecd.org

* is calculated by dividing the number of participants in training with the total number of active participants

Employment policy

Reforms during the reference period:

Date	Reform title	Outcome
August 2018	Agreement on a simplified employment effort	<p>The reform focus on the simplification of employment efforts so that citizens face fewer requirements and are provided with more coherent and simple rules. It is expected that important resources will be released in municipalities and unemployment funds as a result of the reform.</p> <p><i>Main components of the agreement:</i></p> <ul style="list-style-type: none">• Fewer and simpler process requirements

		<ul style="list-style-type: none"> • Same rules across all categories of unemployed citizens • Increase number of digital solutions • Focus on the results of the municipalities through benchmarking.
October 2015	Unemployment benefits reform	<p><i>The reform contains two core elements:</i></p> <ul style="list-style-type: none"> • A new unemployment benefit system for employees who have the possibility to re-qualify for up to one year's extra unemployment benefits • A new unemployment benefit system for self-employed and atypical employees <p><i>Aims of the reform:</i></p> <ul style="list-style-type: none"> • A safe and flexible unemployment benefit system that can handle new, changing and complex forms of employment. • A simple and clear set of rules that provide greater certainty and predictability. • Synchronization of rules for employees and self-employed citizens based on the aforementioned. • A strengthened incentive for employment. • Taxable income as the basis for access to the unemployment benefit system. • That the unemployment benefit system is to a greater extent, based on objective, register-based and controlled information.
March 2016	Job reform, fase I	<p>Introduced a new limit on social benefits assistance and a 225-hourly rule for recipients of cash assistance (integration benefits and education and cash assistance).</p> <p><i>The purpose was:</i></p> <ul style="list-style-type: none"> • It should be more advantageous for benefit recipients to transition to the labour market and become self-sufficient. • Educational aid recipients' holiday will be reduced from five to four weeks in order to increase availability to the labour market.
August 2015	Reimbursement Reform	<p>Concerning the act on municipalities' financing of certain public benefits-paid by the municipalities, Udbetaling Danmark and unemployment insurance funds.</p> <p><i>Aims of the reform:</i></p> <ul style="list-style-type: none"> • To set a solid framework for the municipalities, so that they can focus on the individual unemployed citizen and organize the best possible transition to the labour market. • To promote increased focus on efforts that work. • Increase the municipality's incentives to reduce long-term unemployment, as the state reimbursement decreases in correspondence to the number of weeks on which citizens utilize public support. • To increase the transparency of the reimbursement system, as the state reimbursement has been rendered uniform across benefit recipient categories, but is reduced over time.

		<ul style="list-style-type: none"> Strengthen the focus on results within municipalities, as the reimbursement will be independent of the efforts.
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Art. 1, para. 2 – Discrimination, exploitation and forced labour

Statutory framework prohibiting discrimination in employment

The *Act on Prohibition against Discrimination on the Labour Market etc.*¹ explicitly prohibits discrimination on the grounds of race, colour of skin, religion or faith, political views, sexual orientation, age, disability or national, social or ethnic origin. The Act has not been amended in the period 2015-2018. Similarly, the *Act on Equal Treatment of Men and Women with regards to Employment etc.*² explicitly prohibits discrimination on the grounds of sex.

In December 2018, Danish Parliament unanimously adopted amendments to the Act of Equal Treatment³ as a direct response to the #MeToo-movement. *Firstly*, § 4 concerning the right to equal working conditions for men and women now explicitly states that this includes the prohibition against sexual harassment. *Secondly*, the courts may no longer take into account the tone or specific conduct at the work place when assessing a claim of sexual harassment. *Thirdly*, the average level of compensation was raised by 1/3 from 25.000 DKK to 33.000 DKK.

At the same time, the Danish Working Environment Authority has revised and updated their guidelines for preventing and tackling sexual harassment in the work place in dialogue with the Danish Social Partners.

The violation of rights under both Acts may be brought before the civil courts or the Board of Equal Treatment. Cases before the Board of Equal Treatment are free of charge and the Board will decide the cases on a written basis only

If the court or the Board finds that the complainant's rights have been violated, compensation is awarded to the complainant and no ceilings apply to the level of compensation.

Special measures as to migrants and refugees

No specific measures have been taken to counteract discrimination in employment specifically of migrants and refugees.

Legislation on forced labour

The legislation regarding exploitation of vulnerability and human trafficking to exploit a person for forced labour and slavery is found in section 262a and 282 in the Danish Criminal Code.

Section 262a in the Criminal Code (unofficial translation)

¹ Consolidated Act no. 1001, 24 August 2017, on Prohibition against Discrimination on the Labour Market etc. as later amended.

² Consolidated Act no. 645, 8 June 2011, on Equal Treatment of Men and Women with regards to Employment etc. as later amended.

³ Act no. 1709, 27 December 2018, amending the Act on Equal Treatment of Men and Women with regards to Employment etc.

“(1) A penalty of imprisonment for a term not exceeding ten years for human trafficking is imposed on any person who recruits, transports, transfers, harbours or subsequently receives another person who is or has been subjected to -

- (i) duress as defined in section 260; [as defined below]
- (ii) deprivation of liberty as defined in section 261; [as defined below]
- (iii) threats as defined in section 266; [as defined below]
- (iv) the wrongful creation, confirmation or exploitation of a mistake; or
- (v) any other improper procedure;

to exploit such other person for prostitution, the taking of pornographic photographs, the recording of pornographic films, pornographic performances, forced labour, slavery, practices similar to slavery, criminal acts or the removal of organs.

(2) The same penalty is imposed on any person who, for the purpose of exploitation of such other person for prostitution, the taking of pornographic photographs, the recording of pornographic films, pornographic performances, forced labour, slavery, practices similar to slavery, criminal acts or the removal of organs -

- (i) recruits, transports, transfers, harbours or subsequently receives a person under 18 years of age; or
- (ii) gives payment or other benefit to achieve the consent to such exploitation from a person having control over the victim and from the person receiving such payment or benefit.”

Section 260 in the Criminal Code

According to section 260 in the Criminal Code a fine or imprisonment for a term not exceeding two years for duress is imposed on any person who coerces someone to do, accept or fail to do something through the exertion of violence or through threats of violence, of considerable damage to property, of deprivation of liberty, of making an incorrect allegation of a criminal or defamatory act, or of disclosing private details. Furthermore, this section criminalizes any person who coerces someone to do, accept or fail to do something through threats of reporting or disclosing a criminal act, or of making true defamatory accusations, and such coercion is considered not to be properly justified by the underlying cause of the threat. According to section 260, subsection 2, if someone is coerced into marriage or to participate in a religious marriage ceremony with no legal effect, the punishment may increase to imprisonment for a term not exceeding four years. If someone is coerced into wearing a garment covering the face, the punishment may increase to imprisonment for a term not exceeding four years, see section 260, subsection 3.

Section 261 in the Criminal Code

Section 261 in the Criminal Code criminalizes deprivation of a person’s liberty. According to section 261, subsection 1, any person who deprives someone of his liberty is sentenced to a fine or imprisonment for a term not exceeding four years. According to section 261, subsection 2, it is considered an aggravating circumstance if the deprivation of liberty is effected for gain or for a long period, or if the deprivation of liberty was effected because someone was improperly held in custody as a person suffering from a mental disorder or mental retardation, enrolled in foreign war service, or confined to captivity or other dependency in a foreign country. Under those conditions, the penalty is imprisonment for a term not exceeding 12 years. Any person who causes someone to be deprived of his liberty as referred to in subsection 2 by gross negligence is sentenced to a fine or imprisonment for a term not exceeding six months.

Section 266 in the Criminal Code

Section 266 in the Criminal Code covers situations where a person threatens to commit a criminal act in a manner likely to create a serious fear in another person of his or other people's life, health or welfare. The penalty is a fine or imprisonment for a term not exceeding two years.

Section 282 in the Criminal Code (Exploitation of person's vulnerability)

Exploitation of a person's vulnerability in a contractual relationship is criminalized in section 282 in the Criminal Code. The section can be used, but is not limited to, cases of forced labour.

Unofficial translation:

“A person is guilty of usury if he exploits another person's substantial financial or personal problems, lack of insight, rashness or an existing dependency relationship to obtain or stipulate a condition of a service in a contractual relationship which is highly disproportionate to the compensation or for which no compensation is payable.”

Prosecution, and protection of victims of trafficking

Cases of human trafficking and usury are investigated by the police and are subject to public prosecution. In the end, it is the courts deciding in a case of human trafficking, whether the victim concerned is a victim of human trafficking according to the Criminal Code.

Rights and remedies available to victims of human trafficking

In the binding guidelines from the Director of Public Prosecutions, in the section on trafficking in persons, instructions to the police and the Prosecution Service on how to deal with cases of trafficking in persons are set. Clause 2.5 of the guidelines includes guidelines on how to deal with trafficking victims. Clause 2.5.1 prescribes that the police must always contact CMM (The Danish Centre against Trafficking in Human Beings), in cases where it is suspected that a person has been trafficked. CMM coordinates the necessary social measures through which the victim may be offered support and help. A person who is assessed to be a victim of human trafficking will be offered support and assistance, also in cases in which the perpetrators will not be charged with violation of Section 262a of the Criminal Code.

Pursuant to the Administration of Justice Act section 741 (e) the police and the prosecution service informs the victims of i.a. trafficking of human beings of their legal position, the expected progression of and important steps in the case. The information includes information on the victim's right to seek compensation.

According to the Administration of Justice Act section 741 (b) the police must inform the victim of the possibility of attaining a support attorney. This information must be given prior to the police's first interview of the victim and must be repeated in connection with the second police interview.

According to the Administration of Justice Act section 741 (a) support attorneys are assigned to victims of i.a. trafficking of human beings by the court during criminal proceedings unless the victim has declined an attorney. All police districts have a list of attorneys who can be contacted when a support attorney is to be appointed. A support attorney tasks can include explaining the procedures, informing the victim of trafficking about access to psychological and social support and the right to compensation, assisting them in court, handling the compensation claim and providing assistance if the victim applies for asylum or residence. Support attorneys are assigned free of charge for the victim unless the legal expense is covered by a legal expenses insurance or other insurance.

In addition to that, a victim of human trafficking can be assigned a contact person within the police, if the police considers that the person in question might have to witness in court. The contact person will often be a police officer and gives guidance and information on the rights of the victim of human trafficking and the legal process.

Lastly, in the guidelines from the Director of Public Prosecutions, in the section on guidance of the injured person (*vejledning af forurettede*), general guidelines to the prosecutors and to the police on how to inform victims about support services and legal measures available to them are set. The prosecutor have to inform and guide the victim about the case. The information and guidance should be given regularly and includes information about the court case, witness rights and duty, getting help throughout the process and the possibility of getting a support attorney.

Enable prosecution of exploiters

A central part of criminal proceedings is the testimony of victims or witnesses. The guidelines from the Director of Public Prosecutions prescribes in the section on Trafficking, clause 2.5.3, that the police and prosecution service must consider at an early stage of investigations in trafficking cases whether to carry out questioning in court of the victims. If there is a risk that a victim leaves the country before the trial, the prosecution service must carry out questioning of the victim at an earlier stage in order to secure the witness statement as evidence in the trial. However, in principle, the witness must still be summoned to give evidence in court during the trial, but if it is not possible to secure the presence of the witness, the prior statement given at an earlier stage may be used as evidence.

In order to ensure that prosecutors and police officers are kept informed of challenges and new patterns of trafficking, the Director of Public Prosecutions ensure that the abovementioned guidelines on how to deal with cases on trafficking of human beings are continuously amended in accordance with new developments in the area. The Director of Public Prosecutions has also made relevant case law on trafficking of human beings available online. Further, the Director of Public Prosecutions addresses issues of trafficking of human beings when relevant, for instance at meetings in the established academic networks where representatives of all police districts and regional prosecutors are present.

Protection of victims during criminal proceedings

A victim is lodged in a safe house, in which the victim can stay while legal proceedings are going on. Here the police can interview the victim, fetch the victim for an interview or for identification of possible crime scenes. In several of the cases, the victims have returned to their country of origin before the court case, but they can be brought back to Denmark during the court case, during under the police are responsible for their accommodation and protection.

Victims of trafficking who do not have a legal residence in Denmark, may be granted a temporary residence permit for the purpose of their cooperation with the police and the prosecution service in connection with prosecution proceedings. Pursuant to the Danish Aliens Act section 9 (c) (5) a temporary residence permit may be issued to an alien whose presence in Denmark is required for the purpose of police investigation or prosecution. It is a requirement for issuing this type of residence permit that the alien collaborates with the police. The residence permit cannot be renewed for a period longer than the investigation or prosecution period. The permit is obtainable not only for victims of human trafficking, but any alien whose presence in Denmark is required for the abovementioned purpose. The victim will receive food and accommodation during the time the case is proceeding in court. CMM covers the expenses for food and housing in these situations. A person who is assessed to be a victim of human trafficking will be offered support and assistance, also in cases in which the perpetrators will not be charged with violation of Section 262 (a) of the Criminal Code.

According to Section 856 of the Administration of Justice Act, the presiding judge may decide that the defendant should not be present while the victim is questioned, if the defendant's presence will prevent an unreserved statement from the witness. If the court decides that the name, occupation and address of a witness, including the victim, must not be disclosed to the defendant, the court may also decide that the defendant must leave the court room during the witness testimony. The decision may be made prior to a trial hearing upon request from the prosecution service, the defence or a witness, including the victim.

The rules regarding door closure in section 29 (a) of the Administration of Justice act also ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings.

During the court proceedings, the court can decide that the proceedings will not be open to the public if the victim is considered to be in danger. Section 29 (1) of the Administration of Justice Act further provides for the possibility to hold court proceedings in camera if the hearing in public will cause somebody to be unnecessarily aggrieved. Moreover, the court can decide that the victim's identity may not be made public.

The courts may decide that the offender has to leave the courtroom while the victim gives testimony, if there is reason to believe that the victim will not be able to give an unreserved testimony with the offender present. Children can give video recorded statements for the courts.

Reporting requirements for businesses

Legal requirements for large Danish businesses to account for their work on CSR (§99a)

Since 2009, the Financial Statements Act, cf. Section 99a, has required the approximately 1,100 largest Danish companies and all state-owned limited liability companies to report on Corporate Social Responsibility (CSR) in their annual reports. The regulation was revised in 2015 to implement Directive 2014/95/EU as regards disclosure of non-financial information by certain large undertakings and groups (the CSR Directive).

The revised regulation includes a larger scope of companies than required after the directive because the requirements of the Danish Financial Statements Act section 99 a applies to large undertakings that are subject to the requirements in accounting class C, and to all undertakings that are subject to the requirements in accounting class D (i.e. to listed companies and to state-owned limited liability companies, irrespective of their size).

Again in 2018, the Danish Parliament passed a bill ensuring that in the future, the same companies must also explicitly state in their annual reports which measures they are taking to respect environmental, social and employee matters, respect for human rights, anti-corruption and bribery matters, and to report if they do not have such measures in place. It must be stated for each policy area how the undertaking puts its CSR policy into practice, and any systems or procedures in this respect must be described. Details must also be given of the due diligence processes applied, if the undertaking uses such processes.

The Mediation and Complaints-Handling Institution for Responsible Business Conduct/The OECD National Contact Point (NCP) in Denmark

The Mediation and Complaints-Handling Institution for Responsible Business Conduct is the OECD National Contact Point (NCP) in Denmark. The NCP is instituted by law and deals with cases of whether Danish companies, public authorities or civil society organizations act in compliance with the principles set up by the OECD Guidelines for Multinational Enterprises. Private and public companies, organizations and authorities can be the subject of complaints if they violate the principles of the Guidelines. The complaint follows several steps from assessment to mediation or investigation and statement by the Institution.

The NCP is also responsible for raising awareness of what responsible business conduct entails, including due diligence. The NCP organizes several promotional activities to inform Danish businesses of the OECD Guidelines and creates awareness with sector specific Danish short versions of the OECD guidance, for instance for the textile and garment sector. The NCP secretariat is located at the Ministry of Industry, Business and Financial Affairs.

The gig economy

The Danish government decided in 2018 to set up a sharing economy council. One of the council's tasks is to provide recommendations to the government on how to support the Social Partners in finding a responsible framework for workers in the gig economy.

Furthermore, the Social Partners negotiated some of the first collective agreements for gig workers in 2018. The government supported the Social Partners in their efforts. Nevertheless, due to the Danish Labour Market

Model, whereby the Social Partners regulate pay and working conditions through collective bargaining and agreements, there is no tradition for governmental interference by law into the collective bargaining system.

National Action Plans to Combat Trafficking in Human Beings

Since 2002, the Danish efforts to combat trafficking in human beings have been regulated by consecutive National Action Plans (NAP's). The NAPs include measures on trafficking for forced labour. The fifth NAP covers 2019-2021. This NAP continues and develops previous efforts and ensures that Denmark continues to live up to international conventions.

The objectives of the NAP are to:

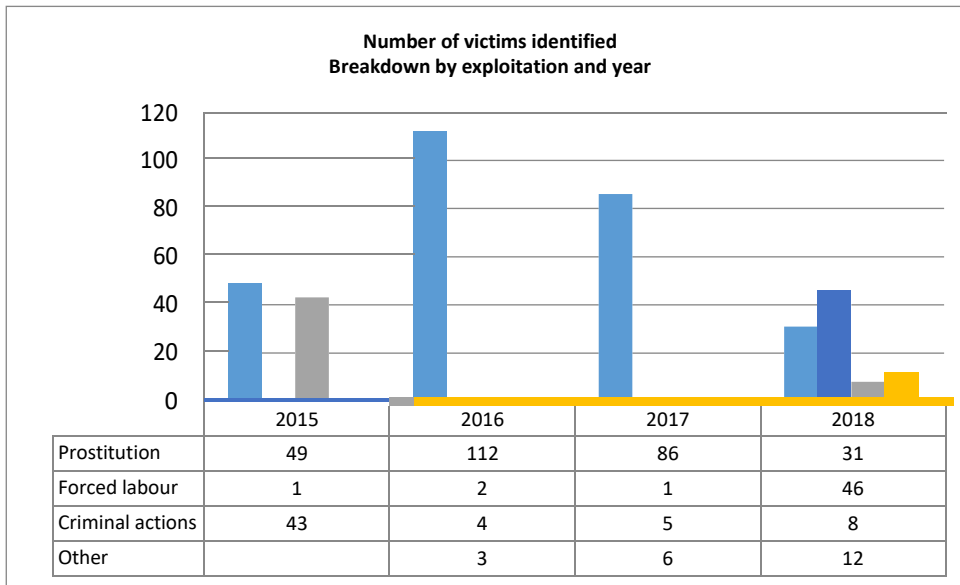
- Build confidence in and knowledge about the possibilities for support and assistance for victims and potential victims of human trafficking
- Provide information on human trafficking in relevant communities and build knowledge and awareness about human trafficking and thereby prevent and reduce demand.
- Prevent human trafficking through training relevant players and through knowledge and information.
- Identify victims of human trafficking so that they can be offered assistance, support and prepared repatriation.
- Offer prepared repatriation and reintegration to foreign nationals who are victims of trafficking, and who must or want to leave Denmark, to help them to a life without human trafficking.
- Investigate and prosecute traffickers to help curb human trafficking.
- Cooperate and coordinate to contribute to flexible, targeted and effective efforts against human trafficking.
- Provide knowledge about human trafficking to strengthen efforts and limit demand for the services provided by victims.
- Cooperate internationally to ensure exchange of experience and help maintain focus on human trafficking on the international agenda.

In order to meet new developments and challenges, the efforts in the NAPs plans have been regularly supplemented with other initiatives. This for example includes a project carried out by a Danish Labour Union, 3F, to develop new methods for outreach work among potential victims of forced labour.

The Danish Centre against Trafficking in Human Beings

The Danish Centre against Trafficking in Human Beings (The CMM) is the core of the nationwide social initiatives under NAP. The CMM is responsible for cooperation and knowledge sharing with authorities, CSOs (Chief Security Officer) and others working in the area.

Denmark does not as such have a national rapporteur in this area, but CMM works as an equivalent mechanism. As part of this, the CMM collects knowledge and statistics on human trafficking, including statistics on the prevalence of trafficking for forced labour. In recent years, there has been an increase in the number of identified victims of trafficking for forced labour from two victims in 2016 and one victim in 2017 to 47 victims in 2018. In 2019 (per September 10th), 15 persons were identified as victims of trafficking for forced labour out of a total of 44 victims. The main part of the victims of forced labour are male.



As a consequence of the increase in victims of forced labour, the CMM has focused on gathering knowledge on the needs that victims of trafficking for forced labour have, including the different needs that male and female victims might have, and offering relevant support under the NAP for this group.

Involvement of businesses and private sector

With regard to private sector engagement to prevent trafficking and discourage the demand for trafficking in human beings, the CMM has participated in an EU-funded multilateral project. The purpose of the project was to map different sectors of the labour market with the aim of enhancing collaboration with stakeholders involved to prepare Corporate Social Responsibility (CSR) guidelines to combat and prevent human trafficking in these sectors.

The CMM has developed a tool, “Managing the Risk of Hidden Forced Labour – A Guide for Companies and Employers”, which serve as a set of guidelines for companies and employers in risk of being associated with forced labour. The guidelines have been prepared in consultation with a number of different stakeholders and it describes the risk of human trafficking into forced labour and how best to avoid being associated with such cases. Furthermore, the guidelines include checklists of a number of measures, which advantageously may be taken by companies to reduce the risk of forced labour in the supply chain.

With funding from The Nordic Council of Ministers, the CMM has initiated a Nordic project on countering trafficking into forced labour. The project received funding in 2016 and is about to finalize (September 2019). A number of Nordic countries have participated in the project, and the CMM has the role of project manager. The objective of the project is to prevent and counter human trafficking into forced labour in the private and public sector through a strengthening of initiatives, cooperation, and information sharing and expertise within the Nordic countries. As part of the project the CMM has made a version 2.0 of the guidelines mentioned above in Danish and English (Managing the Risk of Hidden Forced Labour – A Guide for Companies and Employers), which was launched at a training session for companies and employers by the CMM in collaboration with The Danish Ethical Trading Initiative in the fall of 2019.

Protection of workers in the platform economy and inspections of businesses

The Danish Working Environment Authority (DWEA) is the Danish state body responsible for occupational health and safety and inspects working environment conditions in Denmark. In the Danish labour market, working hours and pay are primarily regulated by collective agreements or individual employment contracts between

employers and employees. There are no legal requirements for foreign companies with staff posted in Denmark to enter into collective agreements.

Since 2012, funds have been allocated to strengthen joint efforts against social dumping where DWEA, the tax authorities and the police work together to combat social dumping. The efforts of the authorities are primarily targeted at companies in construction, agriculture, forestry and horticulture, hotel and restaurant industries, cleaning, the auto industry and newspaper distribution where experience shows that for instance illegal labour is used.

The following number of joint actions have been carried out from 2015 to 2018:

2015: 8 national and 38 regional actions

2016: 8 national and 36 regional actions

2017: 8 national and 36 regional actions

2018: 8 national and 36 regional actions

DWEA carries out daily checks on foreign companies and Danish companies with primarily foreign labour. Annually, DWEA carries out about 5500 social dumping inspections. If inspectors suspect human trafficking or illegal work during an inspection, they contact the police immediately. DWEA does not have the authority to investigate cases of human trafficking and illegal work.

The Danish Working Environment Act encompasses work for an employer. However, certain provisions in the Working Environment Act about performing work, technical equipment, and substances and materials (the extended area) also apply to work that is not performed for an employer, i.e. self-employed. This includes rules about performing work, technical equipment, and substances and materials. As for workers in the “gig economy” or “platform economy” the DWEA has not at this moment taken any specific measures.

Art. 1, para. 3 - Conclusion of non-conformity (deferral)

Number of unemployed job seekers

The figure below illustrates the number of unemployed jobseekers receiving unemployment benefits or social benefits in the reference period.

		Number of unemployed jobseekers receiving social welfare benefits	Number of unemployed jobseekers receiving unemployment benefits
Countrywide	2015	27.154	86.454
	2016	26.478	80.581
	2017	22.177	80.999
	2018	18.753	79.348

Number of vacancies notified to the Agency

The figure below shows the number of vacancies notified to the job portal, Jobnet (which is owned by the Agency), in the reference period. Jobnet contains jobs in the public as well as the private sector. All recipients of unemployment benefits have to be registered at the site as jobseekers. It is mandatory for all public jobs to be posted at the site and private employers can use the site free of charge.

		Amount of new vacancies	Daily avg. number of posted vacancies
Countrywide	2015	11.806	207.649
	2016	12.962	218.500
	2017	16.305	241.070
	2018	21.508	252.094

Number of persons placed via the Agency etc. and the number of counsellors involved in placement services

The Danish employment system supports the job seeking of unemployed persons and if needed initiates contact between employers and unemployed job seekers. The Agency is not measuring placement made by the employment services. Job matches are a direct agreement between employers and employees.

Number of persons working in the public employment services

Denmark's PES model is very decentralized, meaning that municipalities are directly responsible for implementing and delivering employment services to unemployed jobseekers and to businesses. Although regulated by national law and partly nationally funded, the 94 municipal job centres are agencies or departments of the self-governing municipalities. Information is only available on those staff deployed by the PES (i.e. The Agency) at a national level. The number of persons working at The Danish Agency for Labour Market and Recruitment is 407 (30 April 2019, in FTE). There is no validated data about the numbers of local staff in the 94 municipalities, only an estimate from 2014 which is 8.600-8.900 local staff at the municipalities.

Private employment agencies how they are licensed, operate and co-ordinate their work with the Danish Agency for Labour Market and Recruitment

In the Danish employment efforts, the practice is that municipalities entrust other actors to carry out tasks and make decisions. The term "other actors" is a broad term for people and entities other than the job center itself, that perform tasks on behalf of the job center regarding employment efforts. Other actors may be private companies, organizations, other municipalities and unemployment insurance funds. There is no formal accreditation of other actors.

The municipalities are responsible for organizing employment efforts in the job center, including setting the framework for the involvement of other actors in the job center. Therefore, when the municipalities enter into agreements with other actors, the individual municipality determines what tasks other actors can perform and which decisions are left to other actors. The municipality has responsibility for overseeing the actors with whom they have agreements.

The involvement of other actors in the employment effort is regulated largely by the Act on active employment efforts and the *Executive Order and Guidance on other actors*. In addition to provisions on other actors, the Act also authorizes the Minister of Employment to lay down more detailed rules adhering to utilization of other actors. The aforementioned also applies to the sickness benefit law and the Act on active social policy.

Exercising authority

Other actors who are entrusted with the task of carrying out employment efforts are in the same manner as the job center responsible for the active participation of the unemployed citizen. Other actors must comply with the same rules that apply to the municipality in regards to arranging meetings, participating in activities and submitting notifications under this Act.

When the job center refers a person to another actor, and the job center considers that several actors are almost equally effective in bringing the person into regular employment, the unemployed person must be able to choose between these actors.

Framework agreements and contracts

The municipality can involve other actors in the employment efforts. The relationship between the municipality and other actors is further regulated through framework agreements or contracts. Framework agreements entail an agreement, which, after an invitation or announcement, is concluded between one or more contracting authorities and one or more actors. The purpose of the aforementioned is to determine the terms of the contracts during a given period.

Minimum requirements for framework agreements, sub-agreements and contracts are laid down in the Executive Order, e.g. in regards to the parties' obligations, quality, price, breach of contract and dispute resolution. Within the framework agreements, sub-agreements can be drawn up. These agreements relate to the specific task that the supplier must solve. The sub-agreement may include: provisions on the number of vacancies, time periods, etc.

Tasks performed without delegation of authority

A job center can purchase courses, training courses, etc. through third parties. However, such purchase of courses are to be understood as another entity when referencing the definition set forth in the Act on Active Employment Efforts and in the Law on Organizing and Supporting Employment Efforts.

Art. 1, para. 4 - Conclusion of non-conformity

Vocational guidance, training and rehabilitation

All persons in the Danish labour market system are covered by general employment measures. This means that persons with disability are at no point excluded from any legislation because of their disability, and therefore covered by the same legislation as any other person in the Danish labour market.

Since 2009, Denmark has had the Board of Equal Treatment. The Board covers all fields of discrimination in the Danish antidiscrimination legislation today. This means, among other things, that the Board deals with complaints of discrimination on the grounds of disability, race, colour, religion or belief, political opinion, sexual orientation, age or national, social or ethnic origin under the Act on the Prohibition of Discrimination in the Labour Market etc. The Board is independent and it is free of charge to file complaints. The secretariat for the Board assists individuals in lodging complaints.

The Danish active employment policy includes a number of vocational training schemes, including job rotation, 6-week job-oriented education programmes, company internships/apprenticeships, adult apprenticeships, courses for the deaf and blind and courses for dyslexic citizens etc. The Anti-Discrimination Act, which prohibits discrimination in the labour market apply to participation in the aforementioned courses. This is among other things to protect course participants with disabilities.

Under the Act on Compensation for People with Disabilities in Employment grants can be allotted to citizens with disabilities. The purpose of these grants is to ensure that disabled individuals can acquire the appropriate utilities and aids to safeguard their equal inclusion and involvement in the labour market.

The Danish government recently launched a nationwide campaign to aid more people with disabilities in the labour market . The campaign targets both companies, employees at job centers and citizens with disabilities. The campaign page can be found here <https://www.handicapogjob.dk/>.

Art. 10 – The right to vocational training

Art. 10, para. 1 – Matching of skills and integration of migrants in vocational training and education

Matching of skills acquired through vocational training

The Danish Agency for Labour Market and Recruitment adopts a wide range of measures to match the skills of the unemployed with the demands of the labour market and Danish companies.

These measures include:

- Labour market monitoring
- Citizens and business services
- Jobnet for Employers

The agency monitors the labour market by combining own statistics and surveys with data from Statistics Denmark (Danmarks Statistik) in order to enhance knowledge on the functioning of the labour market and to evaluate and improve employment policies and measures.

Labour market monitoring focusses on three perspectives or dimensions:

- Bottlenecks and the demands of public and private enterprises for labour
- The supply of labour
- Training of people on benefits and the use of active labour market measures. There is both a regional and a local perspective in all labour market monitoring.

The labour Market Balance

The Labour Market Balance is a data-based overview on supply and demand of labour in Denmark. It provides information on the employment situation for approximately 800 job-categories (DISO-AMS classification) at the national or regional level.

Recruitment survey

The Agency carries out a *recruitment survey* which asks more than 40,000 companies pr. year how many unsuccessful attempts at recruitment they have registered during the preceding six months. The data collection is targeted via electronic job postings and the person answering the questionnaire is the person who has been directly responsible for the employment process.

The recruitment survey is published every quarter based on ongoing data collection from the past six months (half year).

The aim of the research is to shed light on the nature and characteristics of companies' recruitment challenges in Denmark. The premises of the survey is to target companies that utilized electronic job postings. These companies are asked whether the recruitment was successful or unsuccessful. Based on the data from the recruitment analysis and full register data on employment, unemployment and job turnover, a Labour Market Balance is prepared, which is used to steer the jobcentres' initiation of vocational education provided through the labour market system.

Jobindsats.dk

Jobindsats.dk is a national statistics portal launched in 2007 by the Ministry of Employment. The website is hosted by the Agency. Jobindsats.dk contains relevant historic and current data on active labour market policies in Denmark. The legal basis of jobindsats.dk is set out in the Act of Organisation and Support of Active Labour Market Policy.

The primary purpose of jobindsats.dk is to create transparency regarding the work of the public employment service/job centres. Jobindsats.dk is targeted at local job centres with a specific focus on benchmarking, enabling job centres to carry out planning, management and follow-up procedures with respect to active labour market policies in their own municipality or unemployment insurance fund. Jobindsats.dk thus provides the best possible statistical foundation for decision-making.

Citizen and business services

STAR works via its three regional divisions to support cohesive business-oriented services, for example in connection with larger recruitment tasks. STAR also assists enterprises with international recruitment via a subdivision; Workindenmark. Workindenmark assists international job seekers with finding a job in Denmark and with various practicalities concerning working and living in Denmark.

Jobnet for Employers (Jobnet for Arbejdsgivere)

Jobnet for Employers is the employers' digital entry to the Jobcentre. The new updated version of Jobnet for Employers supports a faster and more accurate match between jobseekers and employers. Employers can fast and easy post job vacancies and search for candidates among the 150.000 CV's on Jobnet.

The employers can search for specific skills or qualifications among candidates (e.g. search for "MIG-welding") among all jobseekers on Jobnet. If the employers do not find the candidate they are looking for they can create a CV-agent that will notify them when a CV for a matching candidate is uploaded on Jobnet. Employers can also save interesting CVs or write a note to colleagues in the same company.

Integration of migrants and refugees in vocational education and training

Discrimination is prohibited by law. The Executive Order of the Ethnic Equal Treatment Act has the purpose to prevent discrimination and to promote equal treatment of all, irrespective of racial or ethnic origin in day-care, in schools, in educational institutions and in the labour market.

In October 2017, a political agreement in the Danish Parliament was reached on the establishment of a new preparatory basic education and training (Forberedende Grunduddannelse). The aim is to support a larger amount of young people below the age of 25 to proceed into the labour market, into upper secondary school or into vocational education and training. Young people are also offered, if necessary, lessons in Danish as a second language.

In 2018, a large majority of the parties to the Parliament entered into an agreement aimed at increasing the search for and completion of vocational education and training, including a strengthened effort in primary education. The agreement focuses on the fact that more people choose a vocational education and that the students are ensured a more coherent process from start to finish with an attractive teaching environment for young and older students with increased student involvement, strong identity creation and community. In practice, this will also include the integration of migrants and refugees.

Art. 10, para. 3 - Strategies and measures in place to ensure skilling and re-skilling

The primary purpose of Danish active employment measures is to contribute to a well-functioning labour market by assisting unemployed people to find work, to provide services to employers seeking labour or wishing to retain employees, and to support people with special needs, or a reduced ability to work, to find work.

An important part of the Danish active labour market policy is the part relating to education, guidance and upgrading of skills of unemployed people. This can consist of brief guidance and clarification activities, ordinary education and training (certified informal educational institutions, specifically arranged projects and training periods).

Vocational guidance in the employment system

Unemployed people can be provided with vocational guidance by the job centres through various guidance services. Through job centres, municipalities provide vocational guidance to jobseekers, including all young unemployed people. The youth guidance centres under the auspices of the Ministry of Education are responsible for cooperation with the school system.

Right to six weeks job-oriented vocational training

Low-skilled and skilled unemployed people who are members of an unemployment insurance fund have the right to six weeks vocational training during their unemployment-spell. This training is mainly offered via the AMU programmes (specifically labour-market targeted courses for low-skilled and skilled workers), which provide participants with skills and competences applicable in the labour market, and are primarily directed at specific sectors and job functions.

Through 11 continuing training and education committees, each responsible for a specific sector of the labour market, social partners play a major role in determining which specific adult vocational training programmes are offered under the programme.

Regional funding to the PES/job centres to purchase short vocational training programmes

From 2015 onwards, an annual pool of DKK 100 million have been made available to PES/job centres with which to purchase short vocational training programmes for all unemployed persons.

To ensure that these short vocational training programmes are tailored to the demand of the labour market, it is up to the social partners in the eight Regional Labour Market Councils (RAR) to decide what kind of short vocational training programmes PES/job centres are permitted to finance from the additional funding pool.

Funding to ensure more unemployed people are given the chance to gain vocational skills

From 2015, unskilled unemployed people over the age of 30 receiving unemployment benefits have the chance to apply for and complete a vocational training programme (VET). These programmes must be made available within the benefit period of two years, and there must be a specific agreement between the unemployed individual and the PES/job centre.

The unemployed will be given the opportunity to follow the new VET program for adults aged 25 or older (EUV). These programmes require a minimum of previous experience (merit) from an actual workplace.

RKV - Assessment of non-formal and informal learning

After consultation with the jobcentre, unemployed people can sign up for an assessment of their non-formal and informal competences. The aim of this is to give credit for competences acquired through education, work experience or from activities pursued in one's spare time. Recognition of prior learning by competence assessment programmes (RKV) will also support the composition of an individual training plan for the participant, including one or several adult vocational training programmes. The participant may already have credits equivalent to a completed adult vocational training programme or elements of one.

Adult apprenticeship scheme

The adult apprenticeship scheme entails that enterprises may be eligible for a subsidy for the salary paid in the practical training period when they enter into a training agreement with adults who have turned 25 years old at the commencement of the programme.

Upgrading of skills through employment

When employing a person in an ordinary job, the job centre can grant subsidies to an employer to cover their expenses incurred in connection with upgrading the skills of the employee. The job centre can grant subsidies for training employees who have been unemployed for 12 months. People under 30 years old or

people who are at risk of becoming long-term unemployed can get into the scheme after six months of unemployment.

A condition for granting subsidies is that the upgrading of skills goes beyond what the employer would normally be required to provide, for example, on-the-job training schemes or work tools that are specific to the individual employer.

Art. 10, para. 4 (ESC) - Conclusion of non-conformity

Residence requirement of two years for non-EEA nationals to be eligible for the State Educational Grant and Loan Scheme (SU)

As stated on previous occasions, the Danish Government finds that Denmark is in full compliance with article 10 (4)b of the European Social Charter.

The subject of the criticism is the Educational Grant and Loan Scheme. The scheme supports the living costs of students following full time youth education programmes and students enrolled in full time higher education courses. Under certain circumstances, the scheme requires non-Danish nationals to have resided in Denmark for two years before receiving financial support for education and training.

The rules governing qualification for Danish financial support for education and training describe two circumstances in which there are a two years' residency requirement. The residency requirement is combined with either marriage to a Danish citizen or with having been employed for at least 30 hours a week.

However, meeting one of these requirements is not the only way to qualify for financial support for education and training. A majority of foreign nationals – including nationals from non-EU-countries – qualify under one of the other provisions that are enumerated in the Danish regulation.

Notably, most non-EU-nationals who have obtained a permanent residence permit in Denmark – or reside lawfully in Denmark in order to obtain a permanent residence permit – are subject to the Act of Integration of Aliens in Denmark, and are thus eligible for financial support on the same terms as Danish nationals.

In addition, non-Danish nationals who entered Denmark with their parents before the age of 20 and resided in Denmark thereafter, also qualify for the financial support for education and training.

Article 10 (4)b states that economic support must be provided whenever it is appropriate. Thus, it is Denmark's understanding that article 10 (4)b allows for a certain amount of flexibility, and that, besides legal residency, additional conditions can be established in order to become eligible for support. These conditions must of course fall within the category of what can be considered as “appropriate”.

People who have resided in Denmark for two years and during that period have been married to a Danish citizen or been part of the Danish labour market are considered as having obtained a better understanding of the Danish society and closer ties to Denmark. This – seen in connection with the other seven provisions – is an interpretation that Denmark construes as “appropriate”.

This must also be seen in the context of the fact that Denmark provides a very high level of educational support - both in terms of free education and financial support. Denmark welcomes young people from other countries coming to Denmark to receive an education. However, in recent years there has been an increasing number of foreign students with access to Danish student aid in Denmark. This has increased the economic burden on the Danish Educational Grant and Loan Scheme further. Therefore, Denmark wants to maintain the established restrictions, including requiring applicants to have a certain level of affiliation to Denmark. It is the Danish Government's conviction that the residency requirement does not represent an expression of discrimination, and is in fact "appropriate".

Art. 10, para. 4 (RESC) – Special retraining and reintegration measures to combat long-term unemployment

As part of the employment reform of 2014, an intensive effort to avoid long term unemployment for insured unemployed persons was introduced.

The efforts concern prevention of long-term unemployment of insured unemployed persons. The purpose of this effort is to offer the unemployed person an intensive and customized job seeking process at the last stage of receiving unemployment benefits. Before the 16th month of unemployment, the unemployed will participate in a joint interview with both the job centre and the unemployment insurance fund. Here, the unemployed's job seeking strategy is evaluated in order to set a common direction for the unemployed's further progress towards employment.

The joint participation of the unemployed, the job centre and unemployment insurance fund in the efforts emphasizes the need for a change of course for the unemployed person. The purpose of the efforts are therefore to motivate and empower the unemployed, so that the unemployed take ownership of his or her job search and thereby get a renewed confidence and belief that the effort towards finding a job will succeed.

An analysis of the intensive efforts from 2017 shows that most job centers use a personal job consultant to make an individualized and intense job search process in order to motivate and empower the unemployed. Other measures include job training, job search strategies and job placement of ordinary jobs including temporary/part time jobs.”

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

Art. 15, para. 1 - Access to and inclusion of children with disabilities into mainstream facilities

General background

According to Danish legislation regarding primary and lower secondary education, “The Danish Public School Act”, all children have a right to a satisfactory education offer. Municipalities and schools must offer all students, including students with special needs and disabilities, a teaching provision that meets the student's educational needs, and a school day that is organized in order to take due account of the pupil's special needs and needs for support.

Special needs education and special educational assistance as well as other forms of support are provided following a concrete assessment of the individual's educational needs. Special needs education shall be given to children whose development requires special consideration or support and shall not be given on the basis of the student's disabilities alone.

Referral to special needs education, which is defined as teaching in special schools and special classes and support for at least 9 hours a week in a mainstream school class, takes place following pedagogical psychological counseling and in consultation with the student and the parents.

In case the student needs support less than 9 hours a week, the school leader may include pedagogical psychological counseling in connection with the organization of an educational offer within general education.

Available data

Data on students in primary and lower secondary public schools are collected once a year. They include the number of students in primary and lower secondary schools, students receiving special needs education in

special schools and special classes as well as students who receive support within a mainstream school class for at least 9 hours a week.

Table 1. Number of students in municipal schools receiving special needs education, 0. – 10. Class

Source: Ministry of Education

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Total number of students	579.994	573.783	570.313	566.712	563.753	558.486
Students in special schools	9.255	9.280	9.131	9.450	9.526	9.280
Students in special classes	30.214	28.804	27.729	27.429	27.809	28.069
Support for at least 9 hours a week	938	1.222	1.460	1.346	1.139	1.665

The Ministry of Education in Denmark does not register students on the basis of disabilities.

Art. 15, para. 2 - Access to employment for persons with disabilities

Recent non-discrimination measures

Since 1996, Denmark has had a civil law protecting against discrimination on the labour market - the Act on the Prohibition of Discrimination on the Labour Market etc.

The Act prohibits discrimination on the ground of disability (and other grounds as race, skin colour, religion or belief etc.) and prohibits both direct and indirect discrimination during hiring, employment and on termination. Thus, an employer is prohibited from exercising differential treatment in connection with recruitment, dismissal, transferal, promotion, and work and pay conditions. This prohibition covers all the protected grounds. The Act also regulates the obligation for employers to make reasonable accommodations in order to ensure the access to employment for persons with disabilities. The Act has not been amended since December 2014.

Remedies available to people in sheltered employment in case of alleged discrimination

Since 2009, Denmark has had the Board of Equal Treatment. The Board covers all fields of discrimination in the Danish antidiscrimination legislation today. This means, among other things, that the Board deals with complaints of discrimination on the grounds of race, colour, religion or belief, political opinion, sexual orientation, age, disability or national, social or ethnic origin under the Act on the Prohibition of Discrimination on the Labour Market etc. The Board is an independent board and it is free of charge to file complaints, and the secretariat for the Board assists individuals in lodging complaints.

Measures to promote employment

In the fall of 2018, the previous Danish government proposed an initiative to improve and enhance the employment of persons with disabilities in Denmark. The initiative was passed with backing from the previous government and the opposition in November 2018. The deal consists of 11 different initiatives in the period 2019-2022 for a total amount of 128 mio. Danish kroner. The initiative will continue to proceed under the new Danish government.

The initiatives are divided into four key focal points:

- Less bureaucracy and easier transitions between sectors
- Targeted and increased efforts to increase employment for persons with disabilities
- Improvement of education possibilities
- More knowledge about disabilities and less prejudice

The overall goal of these initiatives is to increase employment among persons with disabilities. As part of the deal, the government set a goal that before 2025, the employment for persons with disabilities will be increased by 13.000 people. The 11 initiatives are listed in the following.

1) *Removal of the age-limit on help remedies*

As part of the Act on Compensation for Persons with Disabilities in Employment, a person with a disability can be granted subsidies for work tools, workplace design, software etc. to aid the person with a disability with different functions in the job. There has previously been an age-limit for these help remedies so that when reaching the age of public pension, the remedy was automatically removed. This age-limit will now be removed.

2) *Easier transitions in education and the labour market*

Persons with disabilities risk losing subsidies and support granted by one part of the public sector when moving to another. This is both in terms of the transition from education to the labour market, but also when changing from one job to the next. This initiative will introduce measures to help these transitions and make sure that they are conducted more smoothly, e.g. by introducing a four week limit on the municipal case review.

3) *A “competence card” for persons with disabilities*

This initiative introduces a trial period of a so-called “competence card” in which persons with disabilities can list their competences and previous work experience in order to improve their possibilities when applying for a job.

4) *Job-week for companies and persons with disabilities*

This initiative consists of a yearly, national “job-week”, in which public and private employers and persons with disabilities have the opportunity to meet. The job week aims to help employers see the opportunities and resources in hiring persons with disabilities, while at the same time increasing the belief among persons with disabilities that a normal job is a real possibility.

5) *Increased focus on persons with disabilities in the municipal jobcentres*

This initiative aims to strengthen the function of the so-called “key-persons” in the jobcentres. The “key-person’s” role is to be the central figure concerning the employment measures for persons with disabilities, both concerning case reviews, knowledge about disabilities, advising colleagues etc.

6) *Targeted spreading of information about disabilities*

This initiative will as from 2020 establish a permanent platform with information about different kinds of disabilities in relation to employment. It will give easy access for jobcentres, public and private employers etc. to information about disability and employment.

7) *Improving the opportunities for persons with disabilities in vocational training*

The initiative aims at improving the opportunities for persons with disabilities in vocational training, for example by improving and making internships more flexible.

8) *Classes for persons with autism spectrum disorder*

There are already a number of classes in the youth vocational training system across the country, in which young persons diagnosed with autism spectrum disorder can complete a youth vocational training. This initiative will increase the number of classes.

9) *A pool for employment projects for persons with disabilities*

This initiative creates a pool to which different organizations and private employers can apply in order to gain funding for projects aimed at integrating and maintaining persons with disabilities on the labour market.

10) *More knowledge about disabilities*

This initiative aims at increasing the knowledge and information about the employment situation for persons with disabilities, through research, surveys and evaluations.

11) *Frame for an educational plan of action*

This initiative will create a plan of action in terms of visualizing and improving the opportunities for persons with disabilities in the education system. This encompasses the primary school system, youth vocational training and the tertiary education system.

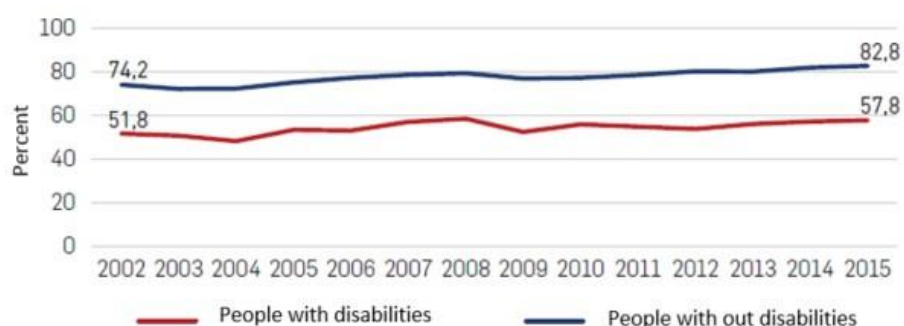
Number of persons with disabilities in employment

52.1 % of persons with disabilities (self-reported) were employed in 2016, while 78.9 % of persons without disabilities were employed. In 2014, the employment rate among persons with disabilities was 42.6%.

47.9 % of persons with disabilities were unemployed 2016, while 21.1 % of persons without disabilities were unemployed.⁴

Figure 2.

The percentage of 16-44 year old participants in the LFS employed in the 4th quarter of 2002.



Note: Weighted number of people aged 16-44 years old with disabilities in 2002: 296,507. Non-weighted number of people with disabilities in 2002: 872. Weighted number of people aged 16-44 years old without disabilities in 2002: 1,798,030. Unweighted number of people without disabilities in 2002: 5,252.

⁴Source: AKU (Denmarks contribution to Eurostats' Labour Force Survey), 2016.

Reasonable accommodation

There has been no changes regarding reasonable accommodation in the period of 2015-2018.

Background

In 1992, the European Convention on Human Rights was incorporated into Danish law. The Convention contains a prohibition on discrimination, which Denmark is obliged to comply with.

Since 1996, Denmark has had the Act on the Prohibition of Discrimination in the Labour Market etc. The law prohibits direct and indirect discrimination grounded on the premises of a variety of criteria. Since 1996, the Act has been amended on various accounts, which in 2004, led to the introduction of disability as a criterion in the Act and thus the introduction of Section § 2a.

The insertion of § 2a meant that Article 5 of Directive 2000/78/EC (27th of November 2000) regarding general guidelines on equal treatment in employment and occupation was transposed into Danish law.

It follows from the provision in section § 2a that an employer is obliged to take reasonable measures with regard to giving a person with a disability access to employment, opportunities to pursue employment or to having progress in employment.

An employer has an obligation to adapt a workplace so that a disabled employee can perform his or her work on an equal footing with his or her colleagues. The adjustments made available to the disabled employee must be effective and practical. Employers' adaptation obligation can encompass both the physical workplace, but also for example work processes.

Art. 15, para. 3 – Measures to ensure independent living of disabled persons

Sheltered housing

It is a guiding principle in the Danish disability policy, that the needs of the individual, decides what assistance should be provided. Consequently, accommodation and services are separated, and disabled people live independently.

Therefore, most persons with disabilities in Denmark live in ordinary housing, with proper accessibility and individualized support service related to their needs accordance with the Danish Act on Social Services.

To increase accessibility in social housing 400 mill. DKK is allocated from 2015-2020. The grants are allocated from the investment framework of the National Building Fund (*Landsbyggefonden*). Because of these efforts about 15 percent of the social family housing today has accessibility suitable for persons in wheelchair.

The allocation of funds post 2020 is pending on the new national housing agreement scheduled for 2020.

The stock of sheltered housing in Denmark is comprised mostly of housing for elderlies and persons with disabilities. The stock consists of small dwellings mostly with two rooms and suitable for persons in wheelchair. The stock is about 33.000 dwellings. The dwelling is allocated by the municipalities grounded of an assessment of the persons needs. But beside that the tenants are renting the dwelling and enjoy all the rights and obligations on equal terms as the other tenants of social housing. The Tenants are provided in-home service related to their needs and have the right to free choice of whom they want to deliver that service.

According to the Consolidation Act on Social family housing cannot exceed 115 square meters. In order to give families, where one member of the households has a severely impairment, better possibility to find a suitable flat, the municipality can allow that family housing larger than 115 square meters is established.

Further, according to the same law family housing, which is constructed as close-low construction in one floor with a square meter on 85 or more, must have a bathroom and toilet with an area, so the tenant can use a wheelchair.

Beside that disabled persons are eligible for special disable-friendly family housing. Such a family housing is placed at ground floor and have a size, layout and design suitable for persons with disabilities.

All these provisions give disable people a wider choice of suitable housing compared to other families and give them the possibilities to live an independent life like everyone else in the society.

Specific residential facilities for young persons with disabilities

In the summer of 2018, the Danish parliament agreed that the municipalities shall be able to designate specific residential facilities for young persons with disabilities. The agreement was implemented with a bill that will come into force on January 1st 2020. This law means that municipalities are able to establish these residential facilities from January 1st 2020. These residential facilities are suitable for long-term stays for persons who, due to a substantial and permanent physical or mental impairment, need extensive assistance for simple everyday functions or care, attention or treatment. The aim is to create better possibilities for young persons with substantial and permanent impairment to live and spend time with people their own age.

1988 Additional Protocol

Art. 1 – Equal pay for equal work

Statutory framework on equal pay

According to § 1, para 1, of the *Act on Equal Pay for Men and Women*⁵ no unequal treatment with regards to pay may occur on the grounds of sex.

At the same time, the Act acknowledges the Danish Labour Market Model whereby the Social Partners regulate pay and working conditions through collective bargaining and agreements. Thus, the Act does not apply where a similar obligation to award equal pay is set out in a collective agreement (§ 1, para 4).

Burden of proof

According to § 6, para 2, of the Act there is a shared burden of proof in claims regarding violation of the principle of equal pay. Thus, if a worker, who considers that the principle of equal pay has been violated, establishes facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the respondent to prove that there has been no breach of the principle of equal treatment.

Compensation

According to § 2, para 1, of the Act, a worker, whose pay is lower compared to others in violation of the principle of equal pay, is entitled to the difference in pay. According to § 2, para 2, a worker, whose rights have been violated due to discrimination on the grounds of sex, may be awarded compensation. The level of compensation is determined with reference to the length of employment and the specific circumstances of the case. No ceilings apply.

⁵ Consolidated Act no. 156, 22 February 2019, on Equal Pay for Men and Women.

Cross-company pay comparisons

As previously stated, the Act on Equal Pay regulates the relationship between the individual employer and the employees. Thus, the Act does not provide a basis for pay comparisons outside the individual company and across the labour market.

According to the Danish Labour Market Model, pay and working conditions are primarily regulated by the Social Partners through collective agreements. Thus, there is no statutory framework for the level of pay.

In their negotiations and conclusion of agreements, the Social Partners must respect the principle of equal pay for equal work or work of equal value – this is stipulated in § 1, para 4, of the Act on Equal Pay. At company level, the trade unions/shop stewards monitor the obligation on employers to comply with the principle of equal pay.

The Government notes that in the Conclusions XXI-1 (2016), the Committee requires that it be possible to make pay comparisons across companies, but that this only applies where the differences in pay can be attributed to a single source.

The Government notes that in general collective agreements in Denmark – also those covering multiple employers or the majority of an entire industry – have a wide margin for localized pay negotiations at company level. This means that even when covered by the same sector agreement employer A is free to set the pay level 10 pct. higher than employer B in order to attract the right employees.

This, however, does not mean that a female employee employed by B has an equal pay claim against B because a comparable male employee employed by A has a higher salary. As long as employer B pays his/her male and female employees the same salary for the same job.

Furthermore, it should be noted that on the Danish labour market several different collective agreements can apply even in the same sector.

On top of that in Denmark accession agreements and collective agreements between a single undertaking and a union, which have been modified to fit this single undertaking, are quite common. And some undertakings are not covered by any collective agreement at all.

Quite a few collective agreements also have so called "free choice-provisions" according to which employees can choose between extra pay, extra holidays or other benefits and such provisions may be used differently in different companies making it difficult to compare working conditions and pay across companies.

Some undertakings may use a lot of overtime while others do not and some companies may compensate for overtime through time-off in lieu while others pay for overtime. Accordingly, comparing wages across companies does not necessarily give a true representation of the equality of pay of individual workers.

Job classification systems and pay transparency

In Denmark, there is no government-developed job evaluation system. The Government is of the opinion that the social partners at industry level are better equipped to develop such a system to ensure that it is applicable to that specific industry.

According to § 1, para 2, of the Act on Equal Pay an employer must award equal pay to men and women with regards to all elements of pay for equal work or work of equal value. If a job classification system is used as a basis for the determination of pay, this system must have the same criteria for male and female workers and be set up in a way, which eliminates discrimination on the grounds of sex.

According to § 2 a of the Act, employees have the right to share information regarding their own pay with whomever they want.

§ 5 a of the Act regulates the obligation for companies to prepare gender-segregated pay statistics. In 2016, § 5 a on gender-segregated pay statistics was amended to raise the threshold for the application of the

provision from 10 employees to 35 employees and at least 10 male and 10 female employees in the company.⁶ In doing so, the Government wanted to bring the provision back in line with legislation on informing and consulting employees according to which a company threshold of 35 employees also applies.

Again, the Act does not apply, where a similar obligation to prepare gender-segregated pay statistics is set out in a collective agreement.

The new Social Democratic Government came into power in June 2019. The Government believes that pay transparency is a very important and effective tool in the fight against un-equal pay. Also for smaller companies.

However, the Danish Social Partners have sent a joint letter to the Government asking the Government to respect the upcoming collective bargaining in the private sector and requesting that the Government refrain from interfering in the process. This also includes refraining from proposing legislation, which may affect the collective bargaining situation.

This is standard procedure and means that the Government will await the conclusion of the collective bargaining in the private sector before deciding if, how and when the Equal Pay Act could be revised, including the current threshold for companies who are required to produce gender-segregated pay statistics.

The Ministry of Employment has recently commissioned a new report analyzing the factors responsible for the adjusted (so-called “un-explained”) gender pay gap.

Hopefully, this will bring new insights into the measures needed to tackle this gender pay gap. The Danish Center for Social Science Research is responsible for the report, which is due in the Autumn of 2020.

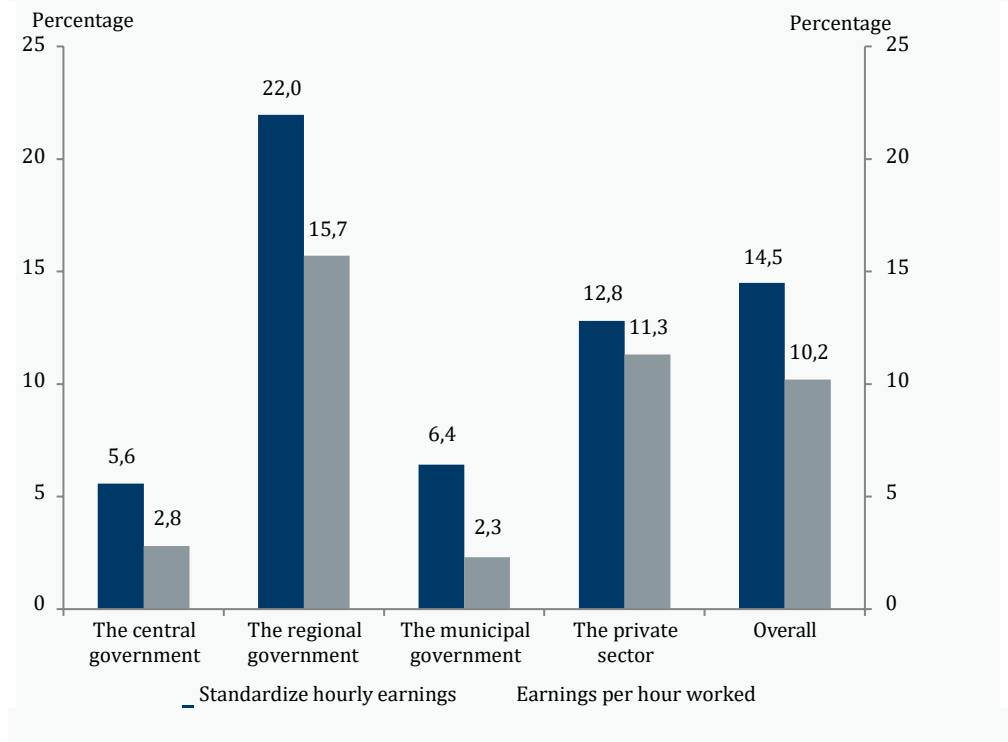
Statistical data on the gender pay gap

Please find below the latest analysis regarding the gross gender pay gap (figures 1-5). The analysis was conducted by The Danish Center for Social Science Research in May 2018.

⁶ Act no. 116, 9 February 2016, amending the Act on Equal Pay for Men and Women.

Figure 1

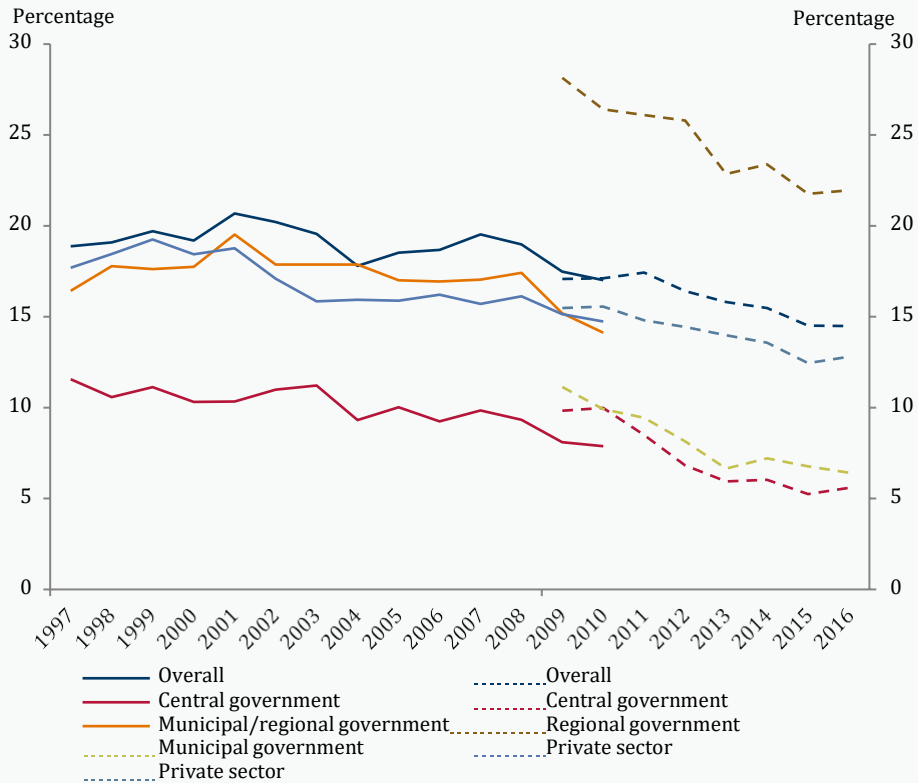
The gross gender pay gap for employees in the central government, municipal government, regional government and private sector, 2016



Remarks: The concept of earnings used is standardized hourly earnings [standardberegnet timefortjeneste]. The gender pay gap is calculated as the difference between average gross hourly earnings of male and female as a percentage of the overall gross average earnings. Data does not include the Agriculture and Fisheries industry as well as private companies with fewer than 10 employees. Data only includes 25-59 year olds.

Source: VIVE's report 'Forskelle mellem kvinder og mænds timeløn'.

Figure 2
The gross gender pay gap for employees overall, in the municipal government, regional government, central government and private sector, 1997-2016

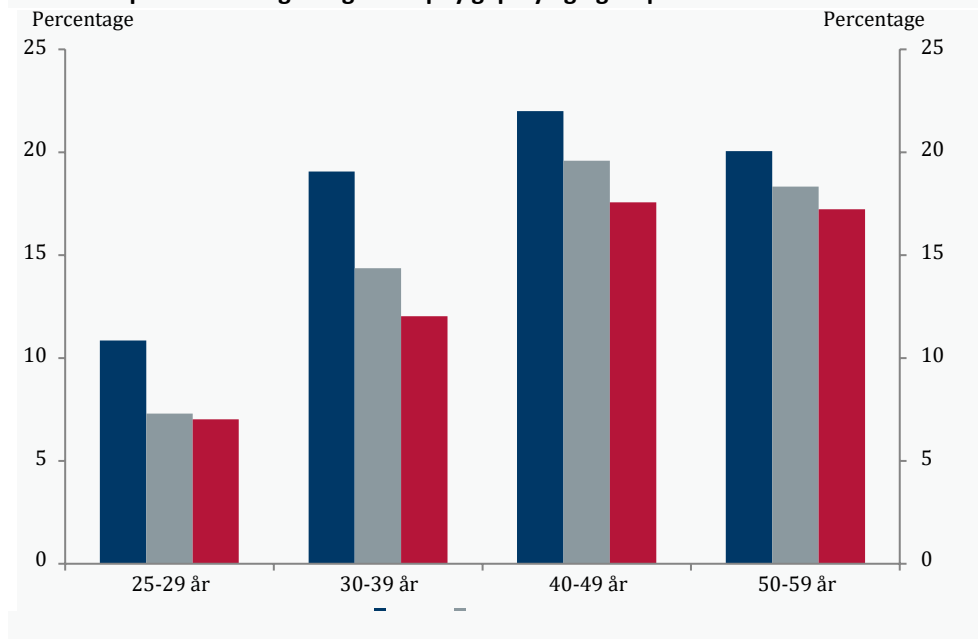


Remarks: The concept of earnings used from 1997 to 2010 is direct remuneration [smalfortjeneste] including pension and fringe benefits, whereas the concept of earnings used from 2009 to 2016 is standardized hourly earnings [standardberegnet timefortjeneste] including pension and fringe benefits. Data only includes 25-59 year olds. Before 2009 there is only combined information available for the municipal and regional sector.

Sources: Composed of data from VIVE's report 'Forskelle mellem kvinder og mænds timeløn'.

Figure 3

The development in the gross gender pay gap by age group

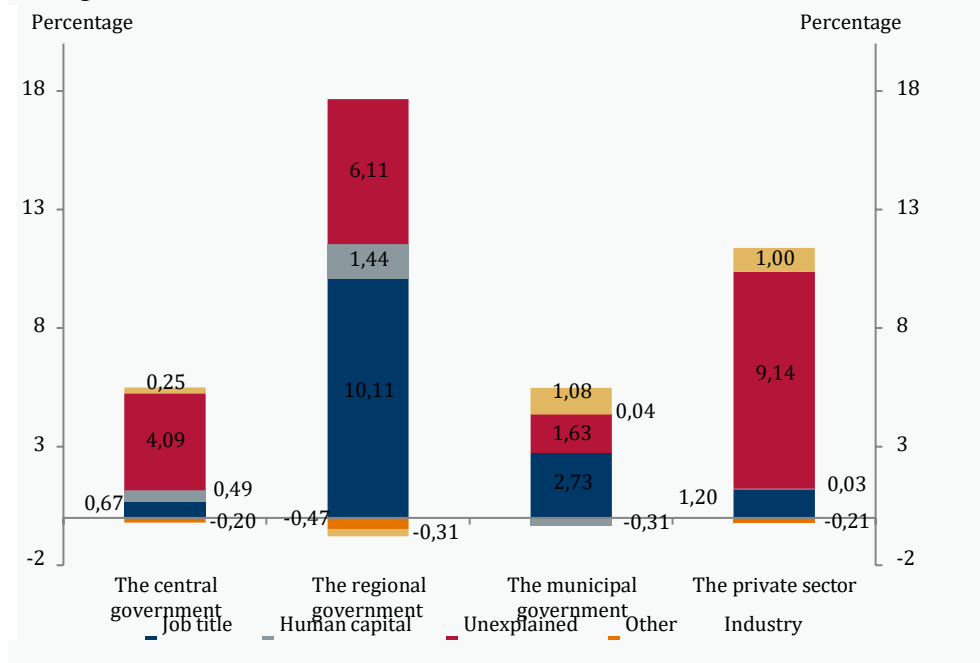


Remarks: The concept of earnings used in 2007 is direct remuneration [smalfortjeneste] including pension and fringe benefit, whereas the concept of earnings used in 2012 and 2016 is the standardized hourly earnings [standardberegnet timefortjeneste] including pension and fringe benefits. Data does not include the Agriculture and Fisheries industry as well as private companies with fewer than 10 employees. Data only includes 25-59 year olds.

Source: VIVE's report 'Forskelle mellem kvinder og mænds timeløn'.

Figure 4

Decomposing the gross gender pay gap by sector, measured by the standardized hourly earnings, 2016

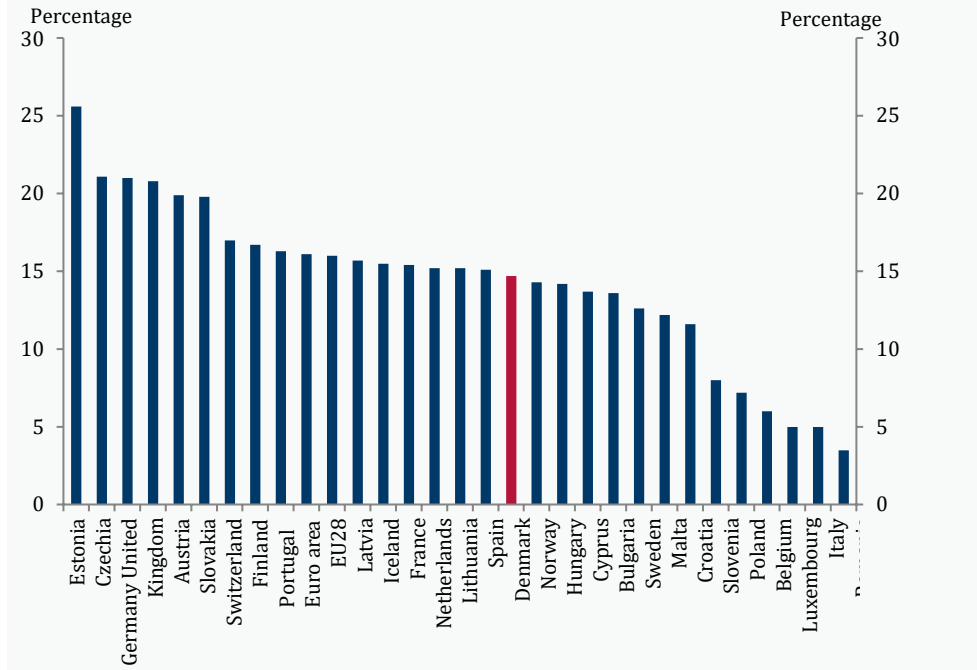


Remarks: Human capital contains education and work experience. The 'other'-group includes variables for being part-time employed, having children, being single and region. Data does not include the Agriculture and Fisheries industry as well as private companies with fewer than 10 employees. Data only includes 25-59 year olds.

Sources: VIVE's report 'Forskelle mellem kvinder og mænds timeløn'.

Figure 5

The gross gender pay gap in EU28, Iceland, Switzerland and Norway, 2017



Remarks: The gender pay gap is calculated as the difference between average gross hourly earnings of male and female as a percentage of male gross average earnings. The gender pay gap is for calculated for the labour market as a whole excluding 'agriculture, forestry and fishing', 'public administration, defense and compulsory social security', 'activities of households as employers', 'extra-territorial organizations and bodies' and 'unknown'. Data for Greece and Ireland is not available for 2017.

Source: Eurostat