



European  
Social  
Charter

Charte  
sociale  
européenne



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## **1961 EUROPEAN SOCIAL CHARTER**

43<sup>rd</sup> National Report on the implementation of  
the European Social Charter

submitted by

**THE GOVERNMENT OF DENMARK**

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

Report registered by the Secretariat on

04 March 2025

**CYCLE 2024**

# 43<sup>rd</sup> Danish Report to the Council of Europe on the Application of the European Social Charter

## **Concerning articles 2, 3, 4, 5, 6 and 20**

Re-submitted by the Government of Denmark  
March 2025

**In pursuance to 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 Confederation of Professional Associations (AC)

## **Article 2 – The right to just conditions of work**

### ***Article 2§1 Reasonable daily and weekly working hours***

*Please provide information on occupations, if any, where weekly working hours can exceed 60 hours or more, by law, collective agreements or other means, including:*

- *Information on the exact number of weekly hours that persons in these occupations can work;*
- *Information on any safeguards which exist in order to protect the health and safety of the worker, where workers work more than 60 hours.*

*Please provide information on the weekly working hours of seafarers.*

*Please provide information on how inactive on-call periods are treated in terms of work or rest time.*

Denmark has not ratified article 2§1. However, we have recently reported on this provision in our report on non-accepted provisions from June 2023.

## Article 3 – The right to safe and healthy working conditions

### *Article 3§1 Health and safety and the working environment*

*Please provide information on the content and implementation of national policies on psychosocial or new and emerging risks, including:*

- *In the gig or platform economy;*
- *As regards telework;*
- *In jobs requiring intense attention or high performance;*
- *In jobs related to stress or traumatic situations at work;*
- *In jobs affected by climate change risks*

In 2019, the Danish parliament agreed on a national policy on health and safety. New tools for handling psychosocial risks were part of the agreement. The primary initiative was to prepare an executive order on psychosocial work environment. This order aimed to clarify the rules for preventing psychosocial risks. Published in 2020, the executive order addresses five psychosocial risk factors:

- Work load and time pressure
- Emotional demands
- Unclear demands and conflicting demands
- Harassment
- Work-related violence

In 2023, the Danish parliament agreed on a new national policy on health and safety. This policy included initiatives to address work-related stress and emphasized the role of managers in fostering a positive psychosocial work environment. One initiative was the establishment of a hotline to provide managers with help and guidance on managing psychosocial risks. The Danish parliament allocated 16 million DKK from 2023-2026 to support the different initiatives.

In 2020, the Danish government and the social partners entered a tripartite agreement to set national targets for health and safety in the workplace. One of these targets focuses on the psychosocial work environment: (...) *“fewer people must be exposed to significant psychological stress. The ambition with the goal is that workplaces work actively to prevent and manage significant risks in the psychological working environment. It is with the aim that significantly fewer employees experience an imbalance between high demands at work and low influence at work and that significantly fewer employees are exposed to offensive acts, violence or threats of violence at work”*. The national target is translated into concrete targets at industry level to create ownership and make the national goal more relevant and actionable for workplaces and other industry stakeholders.

In 2022, the Danish government and the social partners entered a tripartite agreement on sexual harassment. The aim of the agreement was to create a culture change in Danish workplaces, making them better at handling and preventing sexual harassment. The agreement contained several initiatives both

in relation to better regulation and higher compensation and in relation to ensuring a continued focus on sexual harassment. The Danish government allocated 5 million DKK to establish an alliance on sexual harassment. The agreement also focuses on improving the legal position for students and apprentices, who have been exposed to sexual harassment.

***(Article 3§1 of 1961 Charter) Health and safety regulations***

*Please provide information on the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect);*

There is no formal legislation in Denmark limiting or preventing work outside of regular working hours. This matter is primarily regulated through collective agreements and may therefore be addressed within these. There is no right to disconnect separately implemented in Danish national law.

However, the 11-hour rule, as outlined in the Notice on Rest Periods and Days Off, § 3, specifies that employees should generally have an 11-hour rest period between shifts. This rule also requires employers to organize work schedules to ensure that employees receive these 11 hours of rest between shifts or workdays. The purpose is to prevent fatigue-related risks, protecting both the employee and others in the workplace from potential harm.

*Please provide information on how the right not to be penalized or discriminated against for refusing to undertake work outside normal working hours is ensured.*

Some legislation includes provisions protecting employees against unfair dismissal on the basis of refusing to undertake work outside normal working hours. Workers who have unpredictable patterns of work have the right to refuse to work outside allocated time frames in accordance with Act no. 501 of May 16 2023 and cannot be penalized if they exercise this right.

*Please provide information on:*

- *The measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupation health and safety regulations;*
- *Whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration.*

The Danish working environment legislation applies to all work carried out for an employer. In addition, a number of central provisions in the Danish working environment legislation also cover work that is carried out by the self-employed. This includes rules on technical aids, substances and materials, as well as the planning and execution of work. In relation to the question of whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under the health and safety regulations as workers on contracts of indefinite duration, it can be stated that they do.

***(Article 3§2 of 1961 Charter) Enforcement of health and safety regulations***

*Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as:*

- *Domestic workers;*
- *Digital platform workers;*
- *Teleworkers;*
- *Posted workers;*
- *Workers employed through subcontracting*
- *The self employed*
- *Workers exposed to environmental-related risks such as climate change and pollution*

The Danish Working Environment Authority (DWEA) inspects compliance with Danish legislation on occupational health and safety of work carried out in Denmark and offers guidance on health and safety conditions in Denmark. Regarding vulnerable workers, DWEA conducts the following initiatives:

Concerning *posted workers* who perform work in Denmark, they must be notified in the register of foreign service providers (RUT) by their employer. Among other things, the employer must notify what is the type of work the workers are to perform, the address at which the work is performed, and when the work begins and ends. In some industries, e.g. the construction industry, DWEA inspects all companies (and self-employed persons) that notify with RUT. In other industries, only parts of the companies are inspected.

In respect to the inspection of *digital platform work*, DWEA conducted an inspection campaign targeted at the platform-based employment in the transportation and food delivery sector in 2022. The inspectors were trained in working environment risk associated with heavy lifting and time pressure. The inspection campaign also focused on whether the platforms workers were truly self-employed or actually employed by the platform companies in accordance with Danish legislation on occupational health and safety. As a part of the campaign, DWEA held meetings with employees and managers at the platform companies about common work environment risk in the sector. Today, the initiatives in the campaign are part of the general inspections in the sector.

With regard to *teleworkers*, a new executive order on the working environment in relation to work performed by the worker at home, including telework entered into force in the spring of 2022. The rules were developed in close cooperation with the social partners. The aim was to make the rules more up-to-date as teleworking has become more and more widespread. In addition to the new rules for teleworking and the like, DWEA has, among other things, developed a theme-page on its website with extensive information on the working environment in relation to telework and the like.

## **Article 4 – The right to a fair remuneration**

### ***Article 4§3 Right of men and women to equal pay for work of equal value***

*Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.*

According to Article 1, para 2, of the Danish Act on Equal Pay between Men and Women, employers must pay men and women equal pay, as far as all pay elements and pay conditions are concerned, for the same work or for work of equal value. In particular, when an occupational classification system is used for the regulation of pay, this system must be based on the same criteria for male and female employees and be designed in such a way that it excludes discrimination based on gender.

According to Article 1, para 3, the assessment of the value of the work must be based on an overall evaluation of relevant qualifications and other relevant factors.

*Please provide information on the job classification and remuneration systems that reflect the equal pay principle, including in the private sector.*

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

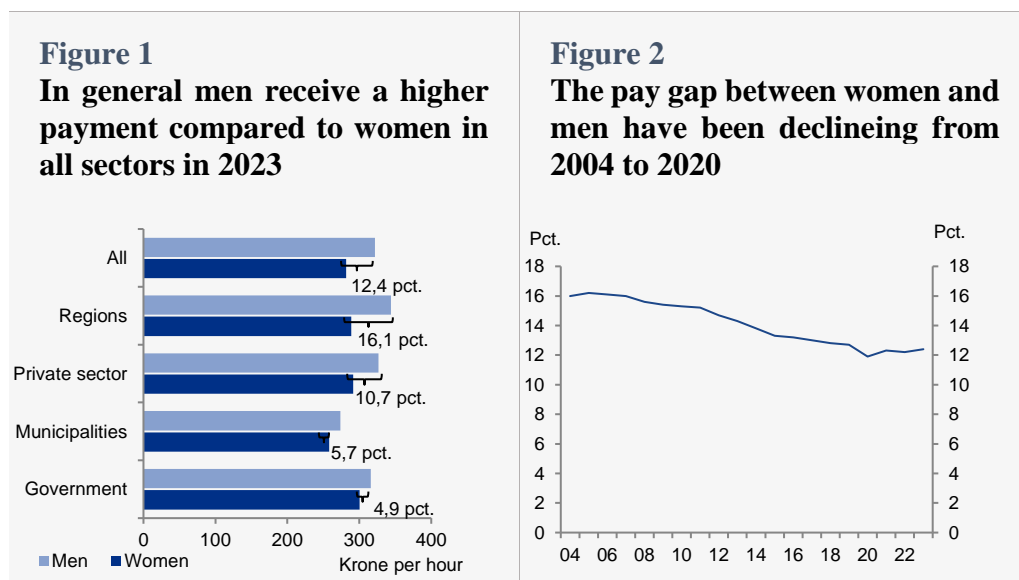
*Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time.*

Under the Act on Equal Pay between Men and Women, enterprises with at least 35 employees and at least 10 men and 10 women in the same job function must develop an annual gender segregated pay statistics at enterprise level. They can also choose to use the statistics they receive from Statistics Denmark or their employers' organization. These statistics are meant as a tool for the internal cooperation between management and employees' representatives regarding equal pay and pay development within the enterprise.

In June 2026, the new EU Directive on Pay Transparency (Directive 2023/970) will be implemented into Danish legislation and by the social partners with regards to the collective agreements. The aim of the Directive is to strengthen the application of the principle of equal pay through transparency.

*Please provide statistical trends on the gender pay gap.*

In general, men receive higher wages compared to women across all sectors when the average pay gap is calculated, cf. figure 1. The average gender pay gap is the difference in gross salary and does not consider for example whether woman and men have different educational background or function. The average pay gap between women and men have been declining from 2004 to 2020, cf. figure 2. However, the gap started to increase after 2020 and the gap is at 12,4 pct. in 2024.



Remark: The average gender pay gap is calculated from the standard hourly earnings (standardberegnet timefortjeneste). The pay gap between woman and men is calculated as the difference in the average payment for woman and men relative to the average payment for men, and is calculated across functions exscl. Young and students.

Source: Danish Statistis and own calculations.



## Article 5– The right to organise

*Please indicate what measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g. the gig economy)*

In Denmark, freedom of association is protected by the Danish Constitution and the Freedom of Association Act. The Act protects employees in relation to hiring and dismissal. Thus, freedom of association is guaranteed by law in Denmark.

The Danish Government does encourage and promote membership of a union by giving personal tax reduction for trade union membership.

But it is the trade unions themselves who - without interference from the government - develop strategies in order to increase the unionization in all sectors, including sectors with low unionization rate. At the [website](#) of the Danish Trade Union Confederation, FH, it is informed that FH at its latest Congress adopted a strategy for 2023 – 2026 to promote increase in union membership.

The newly adopted EU platform Directive emphasizes the importance on correct employment status for persons working for platforms and for working conditions in the gig economy. The Directive is about to be implemented in Denmark in close collaboration with the social partners.

In Denmark, collective agreements have been adopted in the platform economy, e.g. the cleaning platform “Hilfr” and the platform on food delivery “Just Eat” have entered into collective agreements with one of the largest unions of FH. However, the Government has not any information on the level of unionization in this sector.

Finally, on a more general level, the Danish Government finance the system of conflict resolution between the social partners in order to support the Danish labour market model where pay and working conditions of Danish workers are regulated through collective agreements and where there is high unionization and strong workers and employers’ organizations.

*Please describe the legal criteria used to determine the recognition of employers’ organisations for the purposes of engaging in social dialogue and collective bargaining*

In Denmark, there is no procedure for registration of trade unions and employers’ association and the Government does not keep any registers of trade unions or employers’ associations. There are also no statutory rules defining when an employer organization may participate in social dialogue or engage in collective bargaining.

The process of collective bargaining in the private sector is conducted autonomously according to the terms set by the social partners in The General Agreement dating back to the 1899 September Settlement, and adapted a few times since then. It lays the framework for collective agreements. It was

concluded between the social partners The Danish Trade Union Confederation (FH) and the Confederation of Danish Employers (DA).

In the private sector the largest employer organization is the Confederation of Danish Employers (DA), an umbrella organization for 11 employer organizations, such as the Confederation of Danish Industry (DI) and the Danish Chamber of Commerce (DE), which are widely recognized and represent a significant portion of Danish employers, app. 25.000 companies, which in turn employ 30 pct. of the total workforce (and 50 pct. of the private sector). Their legitimacy is thus based on a large membership base and broad representation across various business sectors.

There is thus no formal process for the Government approval of employer organizations; recognition primarily comes from the labour market stakeholders and their ability to effectively represent employers in negotiations.

Representativeness is ensured by employer organizations having a substantial membership within the sectors they represent, granting them significant influence on the labor market.

For an employer organization to participate in collective bargaining, it must be recognized by unions as a legitimate negotiating partner. This typically requires that the organization, like those mentioned above, has a certain size and represents a significant portion of employers in a given industry.

A core element of the Danish model is the preservation of autonomy for the labor market parties.

*Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining. Please provide information:*

- *on the status and prerogatives of minority trade unions;*
- *on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.*

In Danish law, there is no legal criteria for when a trade union may engage in social dialogue and collective bargaining.

Collective bargaining takes place on an ad hoc basis, and there is no general criterion for when negotiations should occur. As with employers' associations, representativeness is ensured by trade unions having a large number of members within a specific sector or field. For example, the Danish Confederation of Trade Unions (FH) is the largest national trade union Confederation with 6 member organizations, such as the United Federation of Danish Workers (3F) and Danish Metalworkers' Union (Dansk Metal). FH has 1,3 million members (workers).

Reference is also made to the information on the recognition of employers' organizations.

A minority union trade union is entitled to enter into collective bargaining if it has a legitimate professional interest in demanding a collective agreement. This means that the work for which the trade

union is trying to enter into a collective agreement usually falls under the trade union's professional area.

The Danish labour market model is based on the collective representation of workers rather than on individual worker's rights. Due to the high coverage of collective agreements (above 80 per cent according to DA) on the labour market a worker representative on the enterprise-level will normally be member of the union. A Cooperation Agreement between the social partners lays down the conditions for discussions on all relevant issues, between the management and employees at the workplace. It reflects the general respect and trust between the social partners. It also reflects the high degree of responsibility placed on the social partners to try to find constructive solutions to problems, which might otherwise turn into labour disputes.

The Ministry of Employment does not have any information on the existence of alternative representation structures at enterprise-level.

*Please indicate whether and to what extent the right to organize is guaranteed for members of the police and armed forces.*

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

## **Article 6 – The right to bargain collectively**

### ***Article 6§1 Joint consultation***

*Please state what measures are taken by the Government to promote joint consultation.*

There are no general or formal measures specifically aimed at promoting joint consultations. Instead, joint consultations are established on an ad hoc basis.

The Government involves labor market stakeholders (social partners) in processes such as consultations, aiming to engage them as fully as possible in labor market policy and new legislation in this area. Additionally, the government regularly invites labor market partners to participate in tripartite cooperation.

*Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.*

In the past five years, the Danish Government and the social partners have agreed on 37 tripartite agreements. A complete list of all tripartite agreements from 2016 till 2023 can be found in [this answer](#) from the Minister of Employment to the Danish parliament.

A prevalent issue of mutual interest was the Covid-19 crisis, during which the Danish government and the social partners concluded more than 15 tripartite agreements, implemented with little to no delay. On March 15<sup>th</sup> 2020, an agreement on a temporary wage compensation scheme for private employees was reached, applying retroactively from March 9<sup>th</sup> 2020. This scheme helped private businesses, which experienced declining orders and fewer customers due to Covid-19, to pay their employees.

The task of recruiting employees for specific roles in the social and health sector is another example of an issue of mutual interests. On November 21<sup>st</sup> 2020, a joint consultation resulted in the Danish government and the social partners reaching an agreement to make it more attractive to apply for jobs in the social and health sector. The agreement was implemented in Danish municipalities, taking effect on July 1<sup>st</sup> 2021.

A third example of an issue of mutual interests is adult education and continuing training. On September 12<sup>th</sup> 2023 the Danish government and the social partners concluded the latest agreement, with the goal of ensuring a continuously qualified workforce. The agreement allocates 360 million kroner yearly to continuing education programmes ensuring a permanent boost of the workforces' competences.

*Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.*

The Ministry of Employment has conferred with the two relevant ministries to answer this question:

The Danish Ministry of Digital Affairs and Agency for Digital Government have not concluded any tripartite agreements.

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

In December 2023, the Danish Government set up a green tripartite with the objective of finding a comprehensive solution for the future of the agricultural sector in Denmark through dialogue, common thinking and joint commitments. The green partite consisted of the Danish Government and partners from agricultural business organizations, environmental organizations and leading industry. On 24 June 2024, the green partite reached an agreement for a long-term transition of Danish agricultural production, including land use. The ‘Agreement on a Green Denmark’ establishes a framework for reducing greenhouse gas emissions in the agri-food sector, which will contribute to realizing the Danish national climate target in 2030 and meet Denmark’s obligations under the Effort Sharing and LULUCF regulations. Furthermore, efforts will be made to increase afforestation and improve conditions within nature, biodiversity, water environment, and drinking water, including setting out principles to ensure compliance with the EU Water Framework Directive and through the establishment of a Green Area Fund to support the transition.

The green tripartite has drawn inspiration from the Danish tripartite tradition of the labour market. The mandate of the green tripartite has been to find broad-based and long-term solutions to the agri-food sector's climate and environmental challenges, and to come up with recommendations for how best to manage Denmark’s land, nature and drinking water resources through implementable solutions.

With the tripartite ‘Agreement on a Green Denmark’, the Danish Government undertakes to work to implement the elements of the agreement with respect for the balances that it represents. The Government will convene political discussions with the other Parties of the Danish Parliament (‘Folketinget’) to facilitate this.

## **Article 6§2 Collective bargaining**

*Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:*

- *the operation of factors such as erga omnes clauses and other mechanisms for the extension of collective agreements;*

There is no legislation on the matter. We do not have *erga omnes* clauses or other such mechanisms in Denmark. Collective bargaining is regulated by the social partners.

- *the operation of the favorability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.*

The favorability principle is not applied in the same way in Denmark as it is in many other European countries. In Denmark, the predominant approach in the labor market system is the so-called agreement principle, which is based on the Danish model. According to this model, the social partners, trade unions and employer associations have considerable autonomy to determine wages and working conditions through collective agreements. In practice, this means that Danish collective agreements cannot typically be overridden by individual contracts, even if the individual terms are more favorable to the employee.

*Please provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralization of collective bargaining). Please provide specific details on:*

- *the measures taken or planned in order address those obstacles;*
- *the timelines adopted in relation to those measures;*
- *the outcomes achieved/expected in terms of those measures.*

In Denmark, there are generally few obstacles to collective bargaining, but there are some challenges, particularly with the development of new sectors like the platform and gig economy. Typically, these areas have less tradition for collective agreements, and many workers operate as self-employed rather than as employees, making collective bargaining more complex. Overall, however, this is not a major issue in Denmark.

*Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.*

There is no formal legislation on this subject in Denmark. For self-employed and economically dependent self-employed individuals, who share some characteristics with traditional employees, the issue of collective bargaining is more complex, as they are not legally considered employees. These groups are not included in collective bargaining but have in recent years attracted increased attention

regarding their working conditions, particularly within the platform economy, where many self-employed individuals are economically dependent on a single platform or company.

Although there has not traditionally been a culture of collective bargaining for these groups, there have been some initiatives from unions and industry organizations to organize and negotiate on behalf of economically dependent self-employed individuals, especially in sectors where platforms and economically dependent self-employed make up a significant part of the workforce, such as delivery couriers.

#### ***Article 6§4 Collective action***

*Please indicate the sectors in which the right to strike is prohibited*

In relation to employment as a civil servant, it is not the sector but the form of employment itself that regulates the right to strike. Civil service employment is regulated by the Civil Service Act, and the Civil Service Act does not authorize collective action in the form of strikes, lockouts and so forth in connection with conflicts of interest. If no agreement can be reached on the conclusion of agreements on wages and other terms of employment, the dispute is settled in accordance with sections 46 and 47 of the Civil Servants Act by either a bill being proposed or a decision being made by the Minister of Finance after obtaining an opinion from the Wages Council. As a consequence, any work stoppage is considered a collective misconduct, which may have consequences under employment law.

Employment as a civil servant is limited to the public sector, and civil servants are mainly employed in administration, emergency services and the military. There is a decreasing trend in the number of people employed under the Civil Service Act. The proportion of civil servants has decreased from approximately 19 percent in 2014 to approximately 13 percent in 2023.

*Please indicate those sectors for which there are restrictions on the right to strike*

We refer to the answer to the previous question.

*Please indicate sectors for which there is a requirement of a minimum service to be maintained.*

As mentioned in the earlier answer, civil servants do not have the right to strike, so it is not relevant to have a requirement of maintaining a minimum service. However, there is a requirement to maintain a minimum service in other areas that are handled by other public employees who have the right to strike, such as emergency services.

*Please give details about the relevant rules concerning the above and their application in practice, including relevant case law.*

As mentioned above, only the right to strike for civil servants is regulated. There are no sectors where the right to strike is prohibited and no general legislation regarding the right to strike. Furthermore, there is no legislation regarding requirement of minimum service, nor legislation on the possibility to prohibit a strike.

*Please indicate whether it is possible to prohibit a strike by seeking injunctive or other relief from the courts or other competent body (administrative body or arbitration body). If affirmative, please provide information on the scope and number of decisions in the last 12 months.*

As mentioned in the previous question, civil servants do not have the right to strike. If there is a conflict regarding agreements on wages and other terms of employment, the dispute is settled in accordance with sections 46 and 47 of the Civil Servants Act by either a bill being proposed or a decision being made by the Minister of Finance after obtaining an opinion from the Wages Council.



## **Article 20 – The right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex**

*Please provide information on the measures taken to promote greater participation of women in the labour market and to reduce gender segregation (horizontal and vertical). Please provide information/statistical data showing the impact of such measures and the progress achieved in terms of tackling gender segregation and improving women's participation in a wider range of jobs and occupations.*

*Please provide information on:*

- *measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors;*
- *the implementation of those measures;*
- *progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.*

*Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions*

Denmark has not ratified article 20.

End of report