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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 6 to 9, in accordance with the first stage of the programme established by the Economic and Social Council in its resolution 1988 (LX)

Addendum

DENMARK*

[23 December 1983]

* The initial report submitted by the Government of Denmark concerning rights covered by articles 6 to 9 of the Covenant (E/1978/8/Add.13) was considered by the Sessional Working Group of Governmental Experts at its 1980 session (see E/1980/WG.1/SR.10).

INTRODUCTION

1. The present report has been prepared in accordance with the general guidelines for second periodic reports on article 6 to 9 of the International Covenant on Economic Social and Cultural Rights, prepared in accordance with Economic and Social Council resolution 1988 (IX). A general reference is made to the first report on articles 6 to 9, submitted by the Government of Denmark on 23 December 1977 (E/1978/Add.13).

2. In compliance with a request by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic Social and Cultural Rights, the report is preceded by a brief demographic description of Denmark.

3. Metropolitan Denmark, which occupies approximately 44,000 square kilometres, is situated in northern Europe between the North Sea and the Baltic. Jutland, the peninsular part of Denmark, is joined to the European continent by a 68-kilometre frontier with the Federal Republic of Germany. The rest of the country is made up of 406 islands. Greenland and the Faroe islands also form part of the Kingdom.

4. The population, which grows at the average rate of 0.4 per cent annually, numbers 5.125 million (Greenland, 49,000 inhabitants of Eskimo and Danish descent; Faroe Islands, 39,000 inhabitants). The average life expectancy is 75 years.

5. Nine per cent of the population is employed in agriculture, 26 per cent in industry, 15 per cent in commerce and 27 per cent in the public sector. The main occupation in Greenland and the Faroe Islands is fishing.

6. The per capita gross national product (GNP) is approximately \$US 12,954.

7. Over 50 per cent of the national budget is devoted to welfare, housing, labour and education. Social benefits are available to all on an equal basis without regard to race, creed or ethnic origin. Economic problems have, however, brought about a review of the welfare provisions since the preparation of the first report.

I. ARTICLE 6: THE RIGHT TO WORK

8. Reference is made to the reports submitted by the Government of Denmark to the International Labour Office on the following ILO Conventions (the years of reporting are indicated in parenthesis):

- (a) Convention No. 29, Forced Labour (1981);
- (b) Convention No. 105, Abolition of Forced Labour (1981);
- (c) Convention No. 111, Discrimination (Employment and Occupation) (1980 and 1982);
- (d) Convention No. 98, Right to Organize and Collective Bargaining (1982);
- (e) Convention No. 122, Employment Policy (1980 and 1982).

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A. Principal laws

9. In this connection, reference is made to the initial report submitted by the Government of Denmark (E/1978/8/Add.13).

B. Employment

10. With regard to the right of everyone to gain his living by work which he freely chooses or accepts and to the policies and techniques to achieve steady economic, social and cultural development and full and productive employment, reference is made to the initial report submitted by the Government of Denmark (E/1978/8/Add.13).

Public employment service

11. Reference is made to the enclosed description of the organization of the Danish Public Employment Service, issued in September 1983 (see annex I).

General description of educational and vocational schemes

12. Educational and vocational guidance takes place on an institutional basis, mainly under the competence of the Ministry of Education and the Ministry of Labour.

13. As regard the schemes under the competence of the Ministry of Education, vocational guidance schemes have been introduced both in the primary schools and the upper secondary schools (gymnasia) and in higher preparatory courses (HF courses), trade schools and other types of short- or long-term education.

14. In the senior classes of the primary schools, a number of lessons have been reserved for educational and vocational guidance. It is also possible to offer the pupils the opportunity of practical training in undertakings, visits to firms etc. Furthermore, the optional subjects offered to the pupils may include an introduction to working life (i.e. instruction in educational and training opportunities and conditions of working life).

15. Special guidance schemes have been introduced in many places for pupils who have been given special instruction, including schemes that also cover work practice, which may be described as something between practical training and proper employment.

16. Youth guidance continues to be provided to young persons for two years after their leaving primary school, but at least until they attain the age of 19. The guidance takes the form of orientation about educational and employment conditions.

17. In the upper secondary schools (gymnasia) and at courses for the higher preparatory exam (HF exam) time has been reserved for educational and vocational guidance as well as individual guidance.

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18. The vocational guidance offered by commercial schools and technical schools takes place both collectively and individually. Collective guidance includes guidance about educational and training opportunities and the content of the various subjects taught at the individual schools. Individual guidance may include all questions raised by the individual student.

19. The guidance also includes information about special pedagogical measures, consequences and possibilities if the education is interrupted and a number of purely practical questions in connection with the education in question.

20. Educational and vocational guidance is also included as an element in institutions for higher education, folk high schools, youth schools, domestic science schools, agricultural schools and other similar types of institutions.

21. As regards the activities under the competence of the Ministry of Labour, vocational guidance is offered by the employment offices. This guidance is given both collectively and individually on education, training and labour market matters. The vocational guidance offered by the Public Employment Service is open to everybody.

22. The objective of the guidance activities of the Public Employment Service is to offer individual guidance concerning education, training and employment opportunities to the persons seeking such guidance.

23. The guidance offered by the public employment offices is open to everybody irrespective of age, educational or training background and previous or present employment relationships. In connection with the guidance activities, the guidance officers have access to all data concerning employment conditions, both locally and nationally, which are collected and published through the Public Employment Service. The guidance officers also take part in, and may use, the reach-out activities which take place in the individual employment offices.

24. The guidance offered to registered young persons who are seeking apprenticeships or training places is a part of the regular activities of the guidance system of the public employment offices. This guidance is aimed at giving the young persons concerned a realistic basis for evaluating their own situation and at providing central and local institutions with information to be used when estimating the need for new measures.

25. In addition to the guidance schemes established by the Ministry of Education and the Ministry of Labour, guidance must be offered to those who get in contact with the social services. Special guidance schemes have also been introduced within the criminal administration and for young persons performing military service or working in the agricultural sector.

26. Finally, guidance is provided in connection with the special employment measures in favour of young persons.

27. In connection with Act No. 488 on extraordinary employment-promoting measures in municipalities and counties, the Directorate of Labour and the National

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Association of Danish Municipalities have concluded an agreement concerning co-operation between the municipal authorities in connection with the special employment measures in favour of young persons. This co-operation includes reach-out activities, canalization into the labour market, educational or training measures, guidance, counselling etc.

28. In many places, the co-operation is co-ordinated in employment committees established in co-operation with the individual municipality, the Public Employment Service and local educational institutions.

29. Furthermore, as part of the measures introduced under the legislation on extraordinary employment-promoting measures in municipalities and counties, support may be granted for admission to work introduction courses. These courses include broad vocational guidance. Furthermore, individual or collective guidance and counselling are also offered.

Vocational training

30. Reference is made to the initial report submitted (E/1978/8/Add.13) and to the enclosed description of adult vocational training in Denmark issued by the Ministry of Labour in August 1983 (see annex 2). Finally, it is noted that the Government of Denmark will submit its first report to the International Labour Office on the Human Resources Development Convention, 1975 (No. 142) for the period up to 30 June 1983.

C. Statistical and other available information

31. Statistical information on the evolution in the Labour force participation, employment and unemployment is given in the enclosed tables 1-3 (see annex 3). No statistics exist on the level of under-employment in Denmark.

II. ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

32. Reference is made to the reports submitted by the Government of Denmark to the International Labour Office on the implementation of the following ILO Conventions (the years of reporting are indicated in parenthesis):

- (a) Convention No. 100, Equal Remuneration (1981);
- (b) Convention No. 14, Weekly Rest (Industry) (1982);
- (c) Convention No. 106, Weekly Rest (Commerce and Offices) (1982);
- (d) Convention No. 52, Holidays with Pay (1982);
- (e) Convention No. 132, Holidays with Pay (Revised) (1982).

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A. Remuneration

33. With regard to the principal methods used for fixing wages in the various sectors, and the numbers of workers involved, Denmark has no minimum wage law or any other general legislation regulating the level of wages. However, special legislation regarding compensation for leave and social insurance payments does exist. The determination of wages by negotiation and collective agreement is widely preferred, and such arrangements are highly developed; the principle also extends to civil servants. Normally, cost-of-living allowances form an important part of the total annual wage increase. However, these allowances have been suspended until January 1985.

34. A basic national wage pattern is established by central wage negotiations between the Danish Employers' Confederation and the Danish Federation of Trade Unions, held every two years. Within this framework, wages in individual industries are established by negotiation between their constituent organizations. Affiliated enterprises then work out agreements with their workers on the basis of the agreement concluded for the specific industry.

35. The unions belonging to the Danish Federation of Trade Unions have 1.32 million members, while the number of workers in the firms which are members of the Danish Employers' Confederation is 465,000. Accordingly, the number of workers directly covered by a collective agreement between the two organizations is fairly limited compared with the total size of the labour force. However, as mentioned above, the collective agreements between the two major organizations have a very large influence on the rest of the labour market, including the public sector.

36. Collective agreements fix pay rates as time rates (hourly, daily, weekly, monthly or annual) or as piece rates.

37. Basic pay rates in Denmark are generally related to the level of responsibility, difficulty and hazards of the job, as well as to qualifications, education, skill and age. Length of service is also a factor, especially in the governmental sector.

38. Two different pay systems are used in Danish industry: the standard-wage system and the minimum-wage system. According to the standard-wage system, all workers are paid the wage fixed in the collective agreement and exceptions can only be made in special cases. Collective agreements using the standard-wage system, however, usually provide for payments in connection with special jobs, such as difficult or dirty work, bonuses for work at a certain height and for dangerous work, as well as bonuses for work in particularly cold weather, and many other types of special job payments. In recent years, job evaluation has been used by some companies to fix remuneration in a more systematic manner.

39. The minimum-wage system, which is also known as the flexible-wage system, is based upon the idea that the wages fixed in the collective agreement are only a lower limit, whereas the wages of skilled workers are, in principle, fixed in each individual case on a personal basis and as a rule at a substantially higher level than the minimum wage.

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40. Statistical data on the evolution of the levels of remuneration and the cost of living are shown in the enclosed table 4 (see annex 4).

B. Safe and healthy working conditions

41. Under section 1 of Act No. 681 of 23 December 1975 on the Working Environment, as subsequently amended in 1978 and 1979 (see annex 5), it is the objective of the Act to create:

(a) A safe and sound working environment which shall at any time be in accordance with the technical and social development of society;

(b) The basis on which the undertakings themselves will be able to solve questions relating to safety and health under the guidance of the employers' and workers' organizations, and under the guidance and supervision of the Labour Inspection Service.

42. In the period 1977-1982, 47 acts and orders were issued. The early acts and orders contain rules dealing mainly with organizational matters, such as the order on the safety and health activities of the undertakings, the order on health services in the undertakings and the order on trade safety councils. Subsequent orders have contained rules with a direct view to regulating production conditions.

43. The original idea was to issue four principal orders - one for each of the parts of the Working Environment Act - on the performance of the work, the conditions of the place of work, technical equipment, and substances and materials. These principal orders were then to be supplemented with more detailed rules. However, the progress of work on the principal orders has been slow and the order on the conditions of the place of work has not yet been issued. Orders have, therefore, been issued in a number of important fields to take account of certain factors in the working environment, although a principal order has not yet been issued in this field. This is the case as regards, among others, the orders on epoxy, asbestos and natural gas plants.

Safety and health activities of the undertakings

44. Under the general rules laid down in sections 5 to 12 of the Working Environment Act (see Order No. 392 of 10 August 1978 issued by the Ministry of Labour on the safety and health activities of the undertakings), the safety organization is to participate in the planning of the undertaking and to assist the undertaking in the solution of working environment problems. The safety organization should be involved in the planning of working procedures, working processes and methods prior to the commencement of work and in the planning in connection with projects etc. concerning the extension or rebuilding of the undertaking, and in connection with the purchase of machinery and other materials.

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Trade safety councils

45. Order No. 234 of 26 May 1977 on trade safety councils, as subsequently amended, has been issued under the powers conferred by section 14 of the Working Environment Act, under which the Minister of Labour may approve the participation of trade safety councils in the solution of safety and health problems in one or more trades. This provision makes it possible for the social partners to strengthen safety and health activities.

46. Under the provisions laid down in the Act, the trade safety councils are to perform the following functions:

(a) Participate in the solution of safety and health problems in the particular trade;

(b) Submit proposals and give opinions on new rules and on individual cases submitted by the Working Environment Council or the Directorate of the Labour Inspection Service;

(c) Provide information and guidance on the rules and regulations pertaining to the particular trade.

47. Consultants may be attached to the safety councils or the safety organizations with a view to assisting and guiding the trade organizations and the individual undertakings and participating in the drafting of the rules in the individual trades. Twelve trade safety councils have been set up.

General duties under the Working Environment Act

48. The employer and the employees. Under sections 15 to 22 of part 4 of the Working Environment Act, it is the duty of the employer to ensure:

(a) That the working conditions are safe and without risk to health;

(b) That the employees are informed of any risk of accidents and diseases which may exist in connection with their work and that they receive the necessary training and instruction to perform their work in such a way as to avoid any danger or risk;

(c) That safety representatives and shop stewards in the trade concerned are informed of any directions in writing given by the Labour Inspection Service;

(d) That co-operation concerning safety and health can take place and that the employer participate in this co-operation.

49. Several employers who have work carried out at the same place of work and all persons employed at the same place of work shall co-operate in the creation of safe and healthy working conditions for all employees. Finally, the employer shall, at the request of the Labour Inspection Service and whenever the situation calls for it, arrange for the carrying out of examinations, tests or surveys, if required

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with the assistance of experts, to ascertain whether the working conditions are safe and without risk to health.

50. The employer may, by agreement, delegate the criminal liability imposed upon him under section 82 of the Act to work managers, supervisors or other qualified superiors. However, the employer shall, as far as is reasonable, supervise the performance of the duty.

51. Suppliers, repair workers, planners etc. shall ensure that machines, machine parts, containers, prefabricated constructions, appliances, tools and other technical equipment, when supplied for use or display, are provided with the necessary safety devices and are safe and without risk to health when properly used. Adequate and simple instructions for their use, maintenance, transportation and installation shall be made available on delivery.

52. The rules mentioned above also apply to suppliers of substances and materials which may constitute a danger to or adversely affect safety and health.

53. Rest periods and rest days. The Working Environment Act does not lay down specific rules concerning the daily or weekly working hours. However, there are restrictions on the daily working hours under section 50 of the Act which provides that the working hours shall be arranged so as to allow the employee a rest period of at least 11 consecutive hours in every period of 24 hours calculated from the start of normal working hours. This rule means that the working time within a 24-hour period, including breaks, must not normally exceed 13 hours.

54. The rule on a daily rest period of 11 hours may be departed from in cases of force majeure. Exemptions may be granted from the rule where such exemption is required by the nature of the work.

55. Furthermore, the Working Environment Act provides that the employees shall have a weekly rest day which shall, if possible, fall on a Sunday and, if possible, occur at the same time for all employees in the undertaking. The Act also prescribes that the weekly rest day shall be in direct continuation of a daily rest period. This means that the employees will normally get an uninterrupted weekly rest period of at least 35 hours.

56. The Act contains certain special provisions concerning the weekly rest day. The Act thus permits the postponement of the weekly rest day and its replacement by corresponding time off at a subsequent time, in connection, among other things, with work which is necessary to preserve objects of value.

57. Exemption from the provisions concerning the weekly rest day may be granted in the same cases as with the daily rest period.

58. Young persons under the age of 18. Part 10 of the Working Environment Act contains rules which are a modernization and continuation of rules that have been in force for more than 100 years.

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59. When the Act was passed, the minimum age was increased from 14 to 15 years for all types of professional work, but young persons under that age were allowed to carry out light work. This was laid down in an order issued by the Ministry of Labour in 1977 when the Act came into force.

60. The Act also confers powers on the Minister to lay down higher age limits in connection with dangerous work. Until the present time, the orders issued by virtue of the previous legislation on the protection of workers have been kept in force, but these rules will be revised over the next few years.

61. Exemptions from the rules have been laid down in respect of young persons undergoing training in the agricultural sector and for trainees under the basic vocational training system in the road transport sector.

62. The Working Environment Act also contains rules concerning the working hours and rest periods of young persons, including a general prohibition against night work. The Act does, however, provide for the possibility of establishing administrative rules on exemption from these provisions. Again, the rules from the former legislation on the protection of workers have been kept in force but they will be revised. To take account of the Equal Treatment Act, an order has been issued in connection with young persons' night work in hotels and restaurants and two special orders have been issued on trainees working as station assistants and the delivery of newspapers performed by young persons.

Statistics concerning occupational accidents

63. The tables below represent a statistical condensation of the reported occupational accidents in the period 1980-1981.

64. Not all accidents that should be reported are in fact reported. According to a labour ministerial order of May 1973, an occupational accident has to be reported by the employer if the accident entails at least one day of absence besides the day of the accident. The liability to report an occupational accident is strongly associated with the size of the firm in which the accident took place.

65. The under-reporting of occupational accidents affects mostly agriculture, the retail trade and restaurants and private services. According to a survey, only about 40 per cent of the occupational accidents that occurred in 1980 were in fact reported.

Comments on the tables

66. Table 1 shows the total accidents and fatal accidents distributed by branch of activity according to the International Standard Industrial Classification, 1968.

67. The distribution of all accidents in 1981 differs significantly from that in 1980. In 1981, there were markedly more accidents reported in mining and quarrying, transport services and public and private services. Fewer accidents were reported in the food, beverage and tobacco, wood and wood product, paper and printing and iron and metal industries.

68. The difference between the years cannot fully be explained by oscillations of employment. The fact remains that the risk level in 1981 was somewhat higher than that in 1980.
69. Rates have been computed both for all accidents and fatal accidents in 1980.
70. The all-accident-rate is a little misleading owing to the previously mentioned fact of under-reporting. However, iron and metal works are indisputedly the most risky work-places.
71. The fatal-accidents rate is more reliable since there is no under-reporting. This rate, computed per 100,000 employees, clearly shows agriculture and forestry to be the most dangerous activity. About 34 of every 100,000 persons employed in agriculture and forestry are fatally injured. This is almost twice the rate of the second most dangerous branch, shipyards and other means of communication, in which 17.3 per 100,000 persons employed died in an occupational accident in 1980.
72. Tables 2.1 and 2.2 show the occupational accidents in 1980-1981 by type of accident and type of work at the moment of the accident.
73. The marginal distribution of the total number of accidents by type of work in 1981 differs significantly from that in 1980. In 1981, more accidents occurred during ordinary maintenance, cleaning premises and other kinds of work.
74. As for the type of accident: in 1981 there was a marked increase in falls from heights over 1980. Likewise, there were more accidents reported resulting from over-exertion or strenuous movements. On the other hand, fewer falls occurred on the same level and there were fewer contacts with sharp objects.
75. Table 3 depicts a breakdown by nature of injury.
76. A significant increase in the number of reported contusions in 1981 over 1980 is observed. This increase is, to a large extent, associated with an increase in accidents involving the eyes. Amputations, dislocations and fractures occurred to a lesser degree in 1981 than in 1980.
77. Tables 4.1 and 4.2 show the distribution of accidents by the age and sex of the injured.
78. There is no discrepancy between the two age distributions; however, one notes a marked increase in the number of females injured in 1981 over 1980. In spite of this increase, the number of males injured is still very much larger than the number of females injured.

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Table 1. Number of reported accidents and fatal accidents distributed at major industrial group and year of accident, Denmark, 1980-1981

Activity (grouped according to the International Standard Industrial Classification, 1968)	All accidents			Fatal accidents			Accidents per 1,000 employees	Fatal accidents per 100,000 employees
	1980	1981	Total	1980	1981	Total		
		1980	1981	Total	1980	1981		
Agriculture, forestry and hunting	952	987	1 939	18	31	49	17.9	33.9
Mining and quarrying	29	48	77	-	1	1	11.3	-
Manufacturing, total	16 742	15 591	32 333	15	12	27	36.8	3.3
Manufacture of food, beverages and tobacco	5 912	5 687	11 599	1	3	4	64.6	1.1
Production of textiles, wearing apparel etc.	318	319	637	-	-	-	9.3	-
Wood and wood products	699	620	1 319	2	-	2	26.5	7.6
Paper and paper products, printing	801	724	1 525	1	1	2	14.1	1.8
Chemicals, mineral oil etc.	1 077	1 081	2 158	-	1	1	28.6	-
Non-metallic mineral products	940	710	1 650	3	4	7	41.5	13.3
Iron and metal works	745	503	1 248	1	1	2	101.7	13.7
Shipyards, other means of communication	1 979	2 242	4 221	5	1	6	68.3	17.3
Fabricated metal products	4 163	3 601	7 764	2	1	3	29.6	1.4
Other manufactures	108	104	212	-	-	-	12.3	-
Supply of electricity, gas, heat and water	592	550	1 142	-	1	1	36.3	-
Building and construction	3 484	3 622	7 106	14	16	30	23.4	9.4
Wholesale, retail and restaurants	1 847	1 841	3 609	10	8	18	5.0	2.7
Transport services	3 619	4 006	7 625	10	8	18	22.4	6.2
Public and private services	6 618	7 409	14 027	8	9	17	6.6	0.8
Total activities	33 803	34 055	67 938	75	86	161	15.3	3.4

Source: Register of Accidents at Work, Arbejdstilsynet (Directorate of Labour Inspection, Denmark).

Table 2.1. Number of reported accidents and fatal accidents distributed by type of accident and type of work at the moment of the accident, Denmark, 1980

Type of accident	Type of work										Total acci- dents	Fatal acci- dents	
	Ordinary maintenance	Repair work	Cleaning machinery etc.	Cleaning premises etc.	Preparing machinery for use	Handling goods or materials etc.	Erecting or dismantling scaffolding	Moving about at the place of work	Other production work	Other kind of work			Not stated
Hitting against or being hit by objects	254	1 726	563	353	886	3 216	401	1 266	7 374	1 150	175	17 364	45
Falls of persons on the same level	71	173	99	355	73	692	50	2 942	567	470	86	5 586	-
Falls from heights	55	294	54	142	49	294	99	805	335	296	36	2 459	18
Stepping on sharp objects etc.	49	182	218	152	103	683	14	135	1 083	137	29	2 785	-
Over-exertion or strenuous movements	11	116	24	72	29	1 192	38	130	445	317	25	2 399	-
Exposure to extreme temperatures	22	160	123	53	57	94	10	46	407	103	22	1 097	1
Contact with electric current	7	34	2	5	9	4	5	6	19	7	-	98	3
Exposure to harmful substances	14	71	129	106	19	54	4	51	299	82	16	845	3
Other types of accident	9	38	13	33	10	71	17	346	177	484	52	1 250	5
Total accidents	492	2 794	1 225	1 271	1 235	6 300	638	5 727	10 706	3 054	441	33 803	75
Fatal accidents	2	8	2	2	4	4	5	19	14	13	2	75	-

Source: Register of Accidents at Work, Arbejdstilsynet (Directorate of Labour Inspection, Denmark).

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Table 2.2. Number of reported accidents and fatal accidents distributed by type of accident and type of work at the moment of the accident, Denmark, 1981

Type of accident	Type of work										Total acci- dents	Fatal acci- dents	
	Ordinary maintenance	Repair work	Cleaning machinery	Cleaning premises etc.	Preparing machinery for use	Handling goods or materials etc.	Erecting or dismantling scaffolding	Moving about at the place of work	Other production work	Other kind of work			Not stated
Hitting against or being hit by objects	318	1 736	553	511	654	2 906	361	1 396	7 172	1 358	253	17 218	44
Falls of persons on the same level	79	170	81	335	64	546	51	2 774	586	451	76	5 221	1
Falls from heights	84	336	66	170	55	294	92	1 036	331	372	76	2 912	24
Stepping on sharp objects etc.	48	167	176	145	69	534	18	118	1 143	162	30	2 610	1
Over-exertion or strenuous movements	29	125	19	99	43	1 164	28	147	477	468	40	2 639	-
Exposure to extreme temperatures	31	176	113	51	49	96	10	53	309	139	11	1 118	1
Contact with electric current	8	35	2	2	8	4	2	2	17	6	1	87	2
Exposure to harmful substances	31	72	118	122	23	51	3	49	198	119	61	847	6
Other types of accident	12	46	13	32	8	51	6	360	187	623	65	1 403	7
Total accidents	640	2 871	1 141	1 467	973	5 646	571	5 935	10 500	3 698	613	34 055	86
Fatal accidents	1	8	3	2	4	5	5	13	22	19	4	86	-

Source: Register of Accidents at Work, Arbejdstilsynet (Directorate of Labour Inspection, Denmark).

Table 3. Number of reported accidents and fatal accidents distributed by nature of injury and year of accident, Denmark, 1980-1981

Nature of injury	All accidents			Fatal accidents		
	1980	1981	Total	1980	1981	Total
Contusions and crushings	3 646	3 837	7 483	7	4	11
Cuts and other wounds	12 212	11 612	23 824	1	3	4
Amputations	538	488	1 026	1	1	2
Dislocations	7 861	7 637	15 498	-	-	-
Fractures	4 763	4 533	9 296	10	16	26
Burns	1 219	1 231	2 450	1	1	2
Frost-bites	15	22	31	-	-	-
Cauterization	373	336	709	-	-	-
Acute poisoning	287	315	602	1	6	7
Other injuries	1 774	2 522	4 296	23	28	51
Not stated	1 195	1 522	2 717	31	27	58
Total accidents	33 883	34 055	67 938	75	86	161

Source: Register of Accidents at Work, Arbejdstilsynet (Directorate of Labour Inspection, Denmark).

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Table 4.1. Number of reported accidents and fatal accidents distributed by age and sex of injured persons, Denmark, 1980

Age of injured person	Sex of injured person			Total Accidents	Fatal Accidents
	Females	Males	Not stated		
0-14 years of age	7	33	-	40	3
15-19 years of age	395	1 907	-	2 302	5
20-29 years of age	1 894	7 598	-	9 492	9
30-39 years of age	1 591	6 932	-	8 523	14
40-49 years of age	1 252	4 812	-	6 064	9
50-59 years of age	1 084	4 150	-	3 234	15
60 years of age and over	494	1 734	-	2 228	20
Total accidents	6 717	27 166	-	31 883	75
Fatal accidents	4	71	-	75	-

Source: Register of Accidents at Work, Arbejdstilsynet (Directorate of Labour Inspection, Denmark).

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Table 4.2. Number of reported accidents and fatal accidents distributed by age and sex of injured persons, Denmark, 1981

Age of injured person	Sex of injured person			Total Accidents	Fatal Accidents
	Females	Males	Not stated		
0-14 years of age	7	34	-	41	2
15-19 years of age	403	2 006	-	2 409	4
20-29 years of age	1 905	7 499	-	8 404	16
30-39 years of age	1 664	6 831	1	8 496	11
40-49 years of age	1 353	4 760	-	6 113	18
50-59 years of age	1 230	4 030	-	7 260	15
60 years of age and over	554	1 778	-	2 332	20
Total accidents	7 116	26 938	1	35 055	86
Fatal accidents	6	80	-	86	-

Source: Register of Accidents at Work, Arbejdstilsynet (Directorate of Labour Inspection, Denmark).

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C. Equal opportunity for promotion

79. Under the enclosed Act No. 161 of 12 April 1978 on Equal Treatment for Men and Women as regards Access to Employment etc. (see annex 6), discrimination on the grounds of sex is forbidden. This applies to both direct and indirect discrimination, in particular by reference to pregnancy or to marital or family status.

80. This Act does not apply where a similar duty to observe the principle of equal treatment is laid down by collective agreement.

81. The duty to observe the principle of equal treatment is imposed upon any employer who employs men and women in the same place of work and it relates to the following situations of working life: recruitment; transfer; promotion; access to vocational training, advanced or further training; retraining; and working conditions, including dismissal.

82. To a certain extent the Act applies also to self-employed persons.

83. Furthermore, it is laid down that provisions in agreements, international work regulations etc. which are contrary to the Act shall be void.

84. Finally, advertising for labour shall be neutral in respect of sex.

85. A person whose rights are violated by contravention of the Act may be awarded compensation. If an employee is dismissed after having made a claim for equal treatment, the employer shall be liable to pay compensation corresponding to 26 weeks' pay as a maximum. The Act also provides that the employer may become liable to a fine in the case of contravention of the Act.

86. If the sex of a person constitutes a determining factor in connection with the exercise of certain occupational activities, exemptions may be granted under the Act. Furthermore, measures which are not in accordance with the Act may be allowed if the objective is to promote equal opportunities between men and women (positive action).

87. Under the enclosed Act No. 234 of 4 June 1980 on Maternity Leave etc. (see annex 7), all female employees are entitled to absence from work because of pregnancy and confinement from 4 weeks before the expected time of confinement until 14 weeks after the confinement. Furthermore, the entitlement to daily cash benefits under the Act on Daily Cash Benefits in respect of Sickness or Confinement also provides a right to absence from work.

88. An employer may not dismiss an employee on the grounds that the employee claims the right to absence from work or has been absent from work on maternity leave. If an employee is dismissed in contravention of these provisions, the employer shall be liable to pay compensation which may, as a maximum, correspond to 26 weeks' earnings.

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D. Rest, leisure, limitation of working hours, and holidays with pay

89. The Act of 4 April 1979 amended the Holiday Act of 4 June 1970 so that the entitlement to holiday with pay was extended from 2 to 2 1/2 days per month of employment.

III. ARTICLE 8: TRADE UNION RIGHTS

90. Reference is made to the reports submitted by the Government of Denmark to the International Labour Office on the implementation of following ILO Conventions (the years of reporting are indicated in parenthesis):

(a) Convention No. 87, Freedom of Association and Protection of the Right to Organise (1980 and 1982);

(b) Convention No. 98, Right to Organise and Collective Bargaining (1982);

(c) Convention No. 135, Workers' Representatives (1981);

(d) Convention No. 141, Rural Workers' Organisations (1981).

91. The Act of 9 June 1982 on protection against dismissal due to organizational matters provides that an employer shall not be allowed to dismiss an employee for being a member of an organization or a particular organization or for not being a member of an organization or a particular organization. However, this protection does not extend to employees who, on recruitment, knew that the employer regarded membership as a condition for employment, or to employees who, on recruitment, were not members of an organization and after recruitment were informed that membership was a condition for continued employment.

92. The protection of the Act does not extend to cases in which the undertaking has been set up for the purpose of promoting particular viewpoints of a political, ideological, religious or cultural character or in which the organizational affiliation is of importance to the undertaking.

IV. ARTICLE 9: RIGHT TO SOCIAL SECURITY

Health security

93. Reference is made to the report submitted by the Government of Denmark to the International Labour Office on the measures taken to give effect to the provisions of the Social Security (Minimum Standards) Convention (No. 102) covering the period 1 July 1976 to 30 June 1980.

94. The provisions on national health security are laid down in Act No. 311 of 9 June 1971 (see Consolidated Act No. 94 of 9 March 1976 on national health security, as amended).

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95. Every person resident in Denmark and any seafarer serving on board a Danish vessel is entitled to assistance in pursuance of the Health Insurance Act. Persons arriving from abroad to settle in Denmark will usually not be entitled to such benefit until six weeks after taking up residence in Denmark.

96. Public health insurance is operated by the county and local social and health administration. The cost of health insurance for seafarers and costs provided for in agreements on health insurance concluded with other States are payable by the Treasury. Shipowners shall pay a modest amount for each day the seafarer is signed on as their share of the health insurance costs. Otherwise, neither the insured nor their employers contribute to public health insurance.

97. Persons may choose one of two available insurance schemes designated group 1 and group 2. By October 1981, approximately 93.5 per cent of insured persons belonged to group 1, the remaining 6.5 per cent to group 2.

98. The main difference between the two schemes lies in the right to choose doctors. Those in group 1 must select one of the general practitioners in the district in which they reside and they are then entitled to free medical service from the programme under an agreement concluded between the public health insurance administration and the relevant medical association. The programme is selected for one year at a time. Patients in group 2 may apply to any doctor of their choice. The insurance administration pays the doctor the same amount for the treatment of patients in groups 1 and 2 but those in group 2 must themselves pay the difference between the invoiced amount and that paid the doctor by the insurance administration. Patients in group 2 get part of their medical bills refunded by the insurance administration even though the doctor may not have joined a collective agreement with the administration.

Major amendments since 1980

99. Act No. 272 of 10 June 1981 on the amendment of the National Health Security Act introduced a provision which authorizes the Minister of Social Affairs to lay down regulations on interpreters' assistance in connection with medical treatment to be paid under the national health security scheme. The provisions are laid down in Order No. 555 of 20 November 1981 of the Ministry of Social Affairs and in Circular No. 200 of 7 December 1981 of the National Social Security Office.

100. Act No. 272 of 10 June 1981 further amended the regulations on the partial payment of costs involved in physiotherapeutical treatment in clinics. The clinics, which were to a certain extent previously to be approved by the National Health Service, are now, in accordance with the amendments, to be approved by the county councils and in the municipalities of Copenhagen and Frederiksberg by the local council. Regulations on the lay-out of the clinics are to be fixed by the National Health Service.

101. Under Act No. 574 of 27 October 1982 on the amendment of certain regulations on adjustment within the social legislation, the provisions on adjustment of death grants under the national health security scheme have been amended. The adjustment which was to have been effected in accordance with the January 1983 price index and

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the subsequent adjustments until and inclusive of the January 1985 price index adjustment was abolished and, instead, a 2 per cent adjustment was introduced as of April and October 1983 and April and October 1984. A proposal for the adjustment of death grants as from 1 April 1985 is to be made before the end of 1984.

102. Since 1980, a number of amendments of the provisions on health security have been made by way of orders and circular letters.

103. The most important of these amendments are:

(a) Circular letter of 4 June 1980, issued by the National Social Security Office, on special proof of identity to qualify for health security benefits for persons who do not have permanent residence in Denmark;

(b) Circular letter of 17 July 1981, issued by the Ministry of Social Affairs, on the amendment of the regulations on payment for drugs in accordance with the National Health Security Act. The principle whereby class I drugs were subject to a partial payment of 75 per cent, class II drugs to a partial payment of 50 per cent and class III drugs to a partial payment of 0 per cent was maintained, but certain drugs were transferred from class I to class II and others were struck off the list of drugs subject to partial payment (see Order No. 360 of 10 July 1981 of the Ministry of Social Affairs on drugs subject to partial payment).

104. Another effect of the efforts to cut public expenditure was the reduction of the rate of partial payment for dental care from 60 to 50 per cent of the charge fixed under approved agreements to persons secured under group 1 (see Order No. 598 of 19 November 1982 of the Ministry of Social Affairs). By the same order, the rate of partial payment to persons included in a regular dental care scheme was reduced from 70 to 60 per cent of the above charges, and the group previously including persons born in 1945 or later was reduced in such a way that the scheme does not apply in respect of dental care provided after the end of the year in which the person in question attains the age of 30.

105. Section 4 of the Order of 16 December 1981 on partial payment for physiotherapeutical treatment under the National Health Security Act fixed the rate of partial payment to four fifths of the charges agreed upon between Danske Fysioterapeuter (Union of Danish Physiotherapists) and the Negotiating Committee of the national health security scheme for persons protected under group 1. The agreement entered into with Danske Fysioterapeuter was, however, terminated as of 1 July 1982 and the partial payments provided for under the Order of 16 December 1981 were withdrawn. Instead, the Order of 25 June 1982 on the temporary regulation of partial payments under the National Health Security Scheme was issued. The Order of 19 December 1982 reduced the partial payment for physiotherapeutical treatment from four fifths to three fifths of the amount fixed under the agreement in respect of persons protected under group 1; the rate of partial payment for physiotherapy has not been changed since 1 July 1982.

106. Order No. 638 of the Ministry of Social Affairs on the transport allowance, issued in pursuance of the National Health Security Act, provides for a transport allowance only if the distance between the dwelling of the secured person and the

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surgery of the physician is more than 50 kilometres (previously 30 kilometres) and the cost involved in transportation is more than DKr 60 (previously DKr 25). The amendment corresponds to an amendment of the transport allowance under the Hospital Services Act.

107. Order No. 430 of 19 August 1982 of the Ministry of Social Affairs extended the provisions under the National Health Security Act on partial payment for chiropody. The scheme only applies to diabetics. The rate of partial payment is four fifths of the charges fixed in respect of persons protected under group I, in accordance with the agreement entered into between the Negotiating Committee of the health security scheme and Landsforeningen af Statsautoriserede Fodterapeuter (Union of State Authorized Chiropodists).

108. Order No. 77 of 10 March 1982 on the waiting period in respect of the right to benefits under the National Health Security Act introduced an extension of the right to national health security benefits without a waiting period to government scholarship holders.

109. Order No. 24 of 25 January 1982 of the Ministry of Social Affairs fixed the annual contribution on the part of the shipowner in respect of seamen engaged in foreign trade to DKr 180, with effect from 1 April 1982. On this basis, the shipowner's contribution is calculated at DKr 0.50 per day of employment.

110. Order No. 732 of 21 December 1982 on national health security in respect of seafarers contains amendments made as a consequence of legislative amendments and the amendment of the Nordic Convention on Social Security, as well as a codification of practice in this area.

Daily cash benefit in the event of sickness or maternity

111. Reference is made to the report submitted by the Government of Denmark to the International Labour Office on the measures taken to give effect to the provisions of the Social Security (Minimum Standards) Convention (No. 102) covering the period 1 July 1976 to 30 June 1980.

112. The main principle of the Daily Cash Benefit Act which entered into force on 1 April 1978 is to provide compensation for loss of income to persons unable to work on account of sickness, including accidents, and maternity. A reduced daily cash benefit may be awarded to persons suffering from a partial incapacity to work. The daily cash benefit is awarded on the basis of income liable to tax in Denmark. The Daily Cash Benefit Act distinguishes between the daily benefit awarded to wage earners and to self-employed persons.

113. For wage earners, an employer shall pay a daily cash benefit for a period not exceeding 13 weeks of a sickness period, beginning with the second full day of absence from work (the so-called employer period). No daily cash benefit is awarded for the first day of absence from work due to sickness. The obligation of the employer to pay a daily cash benefit is conditional on the wage earner having worked a minimum of 40 hours during the four weeks immediately preceding the date on which the wage earner reports sick, and on a minimum of three weeks' employment

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with the employer in question. Wage earners who are not entitled to a daily benefit from the employer are awarded a daily cash benefit by the social and health administration of the local district in which they reside.

114. During the employer period, the daily cash benefit represents 90 per cent of the average weekly income earned during the four weeks preceding the date on which the wage earner has reported sick. It shall not, however, at any time exceed the maximum fixed amount of daily cash benefit which is adjusted every 1 April and every 1 October.

115. Where a sickness period extends beyond 13 weeks, the obligation to pay a daily cash benefit devolves upon the social and health administration of the local district in which the wage earner resides. Henceforth, the daily cash benefit will usually be calculated on the basis of the income recorded by the tax authorities for the preceding calendar year and be raised every six months to match the rate of growth of income. The daily cash benefit for one week is calculated at 90 per cent of the income but shall not at any time exceed the current maximum amount of the daily cash benefit. In exceptional cases, the daily cash benefit may be calculated as 90 per cent of an estimated income.

116. A daily cash benefit will also be paid to wage earners during the first 13 weeks of a sickness period where the wage earner is not entitled to a daily cash benefit from his employer; for instance, if he has been employed for less than three weeks. The payment of daily cash benefits shall cease when the daily cash benefit has been defrayed for more than 91 weeks of the 36 immediately preceding calendar months.

117. After five weeks of sickness, self-employed persons are entitled to a daily cash benefit from the first day of sickness. The benefit is calculated on the basis of the business income attributable mainly to the insured persons's own efforts. The daily benefit is paid in an amount equal to 90 per cent of the net profit of the business but not exceeding the maximum amount of the daily cash benefit. For the first five weeks of a sickness period, self-employed persons - and assisting spouses - may ensure a daily cash benefit for themselves by taking out a special insurance with the State (National Social Security Office).

118. A maternity benefit is awarded to both wage earners and self-employed persons from 4 weeks before the expected day of childbirth up to 14 weeks after childbirth.

119. The daily cash benefit during the employer period is financed by the employer. Seventy-five per cent of other expenditure on the daily cash benefit is financed from a daily cash benefit fund, the resources for which are procured through personal contributions (1 per cent of the taxable income of all taxpayers), contributions to the voluntary insurance scheme, contributions from employers exempt from the obligation to pay a daily cash benefit, and through subsidies from the central Government. The balance of the expenditure on the daily cash benefit is defrayed by the local authorities.

120. Act No. 233 of 4 June 1980 which entered into force on 1 January 1981 introduced a number of amendments to the Daily Cash Benefit (Sickness or Maternity)

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Act, modifications of the employer's obligation to pay the daily cash benefit, various minor adjustments and amendments to the regulations on financial compensation in connection with leave granted on account of pregnancy, childbirth and adoption.

121. The employer is not obliged to pay a daily cash benefit during a sickness period which occurs within the first three weeks of employment. This regulation now applies to all employers and not only, as previously, to the "small" employers who may free themselves of the obligation to pay a daily cash benefit by joining the insurance scheme for such employers.

122. This exemption only applies in respect of staff newly employed with a view to employment of a permanent nature. The exemption does not apply to casual workers. Employees are only regarded as newly employed persons if they have not been employed by the same employer within the last three months of their employment.

123. The employer is under no obligation to pay a daily cash benefit if the employee has, at the time of employment, concealed information on health that is of importance to the employment. It is no longer a condition that such concealment is fraudulent.

124. The employer is also exempted from the obligation to pay a daily cash benefit if the employee, at the time of employment, has concealed information on his health which might have justified a special agreement between the employer and the employee concerning exemption of the duty to pay a daily cash benefit (see section 12 of the Act of 4 June 1980). Such an agreement may be made provided the employee is suffering from a protracted or chronic disease which may result in a substantial increase in the risk of absence. The agreement may be made either at the time of employment or during the employment.

125. The provisions concerning a daily cash benefit in the event of maternity under the Daily Cash Benefit (Sickness or Maternity) Act have been amended as of 1 January 1981. Under the new provisions, employees, self-employed persons and assisting spouses are placed on equal terms as regards entitlement to a cash benefit.

126. Act No. 571 of 27 October 1982 which entered into force on 1 April 1983 introduced a number of amendments to the Daily Cash Benefit (Sickness or Maternity) Act. The employer period was changed from 5 to 13 weeks, the period during which daily cash benefits are payable was reduced, and a waiting day was introduced.

127. A new provision is that the employer is no longer obliged to pay a sickness benefit in respect of the first full day of absence. The employer period is, however, still to be counted as from and inclusive of the first full day of absence.

128. The provision on the waiting day applies in cases in which the local social and health department defrays the daily cash benefit on the part of the employer.

129. The waiting day also applies in respect of employees who are otherwise entitled to receive pay during illness. They lose the right to receive pay for the first full day of absence.

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130. The waiting day does not apply if sickness is due to (a) a relapse of the same disease; (b) a chronic or protracted disease; or (c) an industrial injury. There is also no waiting day in cases in which unemployed persons fall ill or where the social and health department defrays the daily cash benefit.

131. The waiting day may be replaced by a holiday or a compensatory rest day, provided the employer and the employee agree. The employee loses the right to benefit or pay, but instead receives a holiday allowance or holiday pay in respect of the first full day of absence, and a sickness benefit or pay (wage or salary) in respect of the second day of absence etc.

132. An employee who has more than one employer is liable to a waiting day for each such employment.

133. The provisions on the waiting day do not affect agreements on whole or partial absence owing to children's sickness.

134. With effect as of 1 April 1983, the employer period was extended from 5 to 13 weeks. The employer period counts from the first full day of absence even though the day is a waiting day and the employer only defrays the benefit as from the second full day of absence.

135. A daily cash benefit is provided for 4 weeks before the expected time of birth and for 14 weeks after. A daily cash benefit is provided for 14 weeks in case of adoption, counted from the day of the reception of the child.

136. A daily cash benefit may be provided before the 4-week period prior to the expected time of birth in special cases, that is:

(a) If, based on medical opinion, the pregnancy is taking an abnormal course which will involve a risk to the health of the woman or of the foetus if she continues her work;

(b) If the special nature of the work involves a risk to the foetus;

(c) If the pregnancy, owing to publicly fixed regulations, prevents the woman from attending to her job and the employer has not offered her another kind of suitable work.

Reduced rate of daily cash benefit in the event of childbirth

137. Under certain circumstances, a reduced rate of benefit may be granted in the event of partial absence from work in cases such as:

(a) The pregnancy having taken an abnormal course before the 4-week period;

(b) The 4-week period before childbirth;

(c) Adoption;

(d) Persons who, to a limited extent, attend to civic duties during the period of absence.

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138. Act No. 545 of 10 December 1980 amended the provision on adjustment of the Act on Daily Cash Benefit with effect as of 1 March 1983 with a view to harmonizing the development of wages and salaries and rates of benefit by introducing an indexation of the calculation basis for the benefit to the adjustment of many labour market wages and salaries effective 1 April and 1 October.

139. Act No. 273 of 9 June 1982, which entered into force on 1 January 1983, reduced the period in which the self-employed would not receive a daily cash benefit from 35 days (5 weeks) to 21 days (3 weeks).

140. The employer is under no obligation to pay a daily cash benefit to newly employed persons in the first eight weeks of their employment. An employed person is considered a newly employed person if it is more than three months since the person in question was last employed by the same employer.

141. Employers are now exempted from paying a sickness benefit in respect of sickness days occurring after the termination of the employment if it is established that the time of resignation was fixed before the onset of the disease.

142. A restriction which applies to everyone has been introduced in respect of the duration of payment of a daily cash benefit. The payment of a sickness benefit ceases if the benefit has been defrayed for more than 91 weeks of the preceding 36 months after the employer period. In special cases, the National Social Security Office may extend the period beyond 91 weeks.

143. An amendment of the Daily Cash Benefit (Sickness or Maternity) Act with effect from 1 January 1983 suspended the payment of a daily cash benefit if an anticipatory old-age pension had been applied for after that date and the social welfare committee had recommended to the rehabilitation and pensions board that the pension be granted.

Invalidity, old-age and survivors' benefits

144. Reference is made to the report submitted by the Government of Denmark to the International Labour Office on the measures taken to give effect to the provisions of the Social Security (Minimum Standards) Convention (No. 102) covering the period 1 July 1976 to 30 June 1980.

145. The provisions on social pensions are laid down in the Order of the Ministry of Social Affairs of 13 July 1982, with subsequent amendments: No. 417, (Old-Age Pension Act), No. 418 (Invalidity Pension Act) and No. 419 (Widow's Pension Act).

146. To be eligible for these pensions, the applicant must be a Danish national, reside permanently in Denmark and have resided permanently in Denmark for at least one year after having completed his fifteenth year. The nationality criterion (and to some extent the residence criterion) have been derogated from in reciprocal agreements with other countries, and both criteria have been derogated from for persons falling under Regulation No. 1408/71 of the European Economic Community.

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147. The general retirement age is 67 years for men and married women and 62 years for single women. The national pension may be awarded from the completed sixtieth year when failing health or other special circumstances so warrant, and from the fifty-fifth year when social and working conditions so warrant. The latter pension is granted for two years at a time to persons for whom no jobs are available at present. The beneficiaries must remain ready to re-enter the labour market. A beneficiary under 60 years of age who refuses to accept a job offer will have his pension withdrawn.

148. A disablement pension may be awarded to persons in the 15 to 67 year age bracket. The maximum amount will not, however, be awarded before the completed eighteenth year. After a person has completed his sixtieth year, the disablement pension will not usually be granted, withdrawn, increased or decreased. Persons over 60 years whose working capacity is reduced to a degree which entitles them to the highest rate of disablement pension may be granted the medium-rate pension.

149. A widow's pension may be awarded to widows who have been widowed after their completed forty-fifth year and who have turned 55 (or 45 years if they are under obligation to support children). When failing health or other extraordinary conditions warrant it, widows and other single women past the age of 50 may be awarded a widow's pension.

150. The right to receive social pensions is earned by residing in Denmark. A full pension is awarded if the pensioner has resided permanently in Denmark for 40 years after his or her completed fifteenth year and before reaching the age of 67. Where the period of residence is shorter than 40 years, one fortieth of the full amount of the pension will be awarded for each year lived in Denmark between the ages of 15 and 67. Where a pension is awarded before the completed sixty-seventh year (early national pension, disablement pension or widow's pension) the period from the granting of the pension to the sixty-seventh year is added to the residence period. A special rule provides a full national pension to applicants who have resided in Denmark for 10 years after the completed fifteenth year, 5 of which years must have immediately preceded the applicant's sixty-seventh birthday. In certain cases, a widow or widower may have her or his pension calculated on the basis of the deceased spouse's period of residence in Denmark where this period is longer than the applicant's own period of residence.

151. Social pensions are calculated and paid by the social and health administration of the local authorities. The Treasury compensates the local authorities for expenditure on pensions. All persons liable to income tax contribute to the national pension scheme 3.2 per cent annually of the amount on which their state income tax is calculated. This contribution is collected with the income tax. In addition, employers pay a contribution of Dkr 50 annually for each year-round employee towards treasury expenditure on disablement pensions. For the rest, social pensions are financed by taxes.

152. The most important amendments since June 1980 are contained in Acts Nos. 259, 260 and 261 of 16 June 1980 which were consolidated in Act. No. 257 of 16 June 1980 on the concept of social income in the pension acts, with effect as of 1 January 1981.

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153. The concept of social income has been introduced with a view to creating an income basis which, to a higher degree than the taxable income, expresses the economic need for social benefits (see Circular of 15 October 1980 of the Ministry of Social Affairs on the social income).

154. A number of income elements which are not included in the general taxable income are included in the social income, whereas certain allowances deductible under the taxation legislation are not taken into account in the calculation of the social income.

155. Furthermore, in the calculation of the social income an addition in respect of capital is included, computed as part of the taxable income in accordance with a special ascending scale.

156. In respect of persons who themselves or whose spouses are in receipt of a social pension or a disability benefit inclusive of outside assistance or constant attendance allowances, the addition in respect of capital is, however, subject to a deduction in respect of owner-occupied dwellings.

157. With the adoption of the concept of the social income, Act No. 573 of 27 October 1982 amending the Old-Age, Invalidity and Widow's Pension Acts is, in principle, of greatest importance. This new act departed from the principle of section 3 of the Old-Age Pension Act, in pursuance of which the basic amount of the old-age pension is payable to persons having attained the age of 67, irrespective of their financial situation. Act No. 573, with effect from 1 January 1984, made the basic amount in respect of persons aged 67 to 69 years subject to an income adjustment on the basis of income gained by employment. However, an amount equal to DKr 35,600 is not taken into account in the adjustment. This amount is indexed in accordance with section 37. The same act annulled the right to a deferment increment which had been granted where the claim for an old-age pension was deferred for six months or more from the age of 67 (see item 5 of the Act).

158. Apart from the annual adjustments of pensions made as a consequence of the index adjustment, a number of welfare adjustments of the pension amounts have been carried through since June 1980.

159. As of 1 June 1980, the basic amount etc. was adjusted owing to a change in the VAT rate from 20.25 per cent to 22 per cent (see Act No. 277 of 4 June 1980 on the amendment of the Old-Age Pension Act and the corresponding provisions of the other pensions acts).

160. In connection with the zero adjustment of the price index in 1980, an adjustment of the benefits and deductions under the pension acts was carried through (see, for example, Act No. 255 of 16 June 1980 on the amendment of the Old-Age Pension Act).

161. By Act No. 240 of 27 May 1981 on the amendment of the Old-Age Pension Act and corresponding amendments of the Invalidity and Widow's Pension Acts, the basic amount of the old-age pension was increased as a result of improvements in the labour market subsequent to the 1981 collective agreements.

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162. The Acts of 16 June 1980, 10 March 1982, 9 June 1982 and 21 December 1982 increased the amounts available to the local authorities for providing assistance towards heating costs to pensioners so that the amount as of 1 January 1983 was DKr 2,013 per year in respect of a single pensioner who as of 1 January 1983 was in receipt of the full rate of pension supplement from the local authorities. The increases were made a result of the high fuel prices and the special fuel taxes. The amount is adjusted in accordance with section 37 of the Old-Age Pension Act.

163. The amount available under subsection 1 of section 13 was DKr 744 in the metropolitan area and DKr 617 in all other areas (1 January 1983 prices) for each pensioner who, as of 1 January 1983, was resident in the municipality in question. This amount is also subject to adjustment in accordance with section 37 of the Old-Age Pension Act.

164. Amounts for personal allowances are granted, at the discretion of the local authorities, to pensioners whose situation is particularly difficult. Guidelines are, however, laid down in Circular No. 128 of 14 July 1982 as to the granting of partial payment for drugs and Circular No. 206 of 9 December 1982 on assistance towards heating costs.

165. Act No. 521 of 28 October 1981 repealed Act No. 270 of 4 June 1970 on the Social Pensions Fund and the contribution of 2 per cent to this Fund lapsed. Act No. 513 of 16 October 1981 on the tax levy percentage in respect of the calendar year 1982 increased the special old-age pension contribution in pursuance of section 34 of the Old-Age Pension Act from 1.2 to 3.5 per cent.

166. In response to questions raised during the examination of the initial report submitted by the Government of Denmark on articles 6 to 9, the following information is submitted.

167. In June 1983, the Danish Folketing adopted an anticipatory pension reform. It is the intention to simplify the provisions in the field of pensions, to make them more coherent and in pace with the social trends and also to harmonize the provisions with the principle of equality of the sexes.

168. The reform implies that an anticipatory pension be granted to persons aged 18 to 67 years if their economic capacity had been reduced to at least 50 per cent owing to their health situation, or if their economic capacity has otherwise been permanently reduced. Furthermore, an anticipatory pension is payable to persons between 50 and 67 years of age for special social or health reasons.

169. The following types of pensions and supplements are to be abolished: lowest amount of invalidity and widow's pensions and old-age pension to single women at the age of 62-66; anticipatory old-age pension to persons at the age of 55-59 and 60-66; and wife's allowance and marriage allowance.

170. The provisions are to enter into force on 1 January 1984 and will mean an improvement of up to DKr 20,000 annually in respect of the pensioners in the neediest circumstances.

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171. In this connection, it should be mentioned that it is the intention of the Government to propose a new codification of the legislation on pensions, which will contain amendments of a technical nature, including amendment of the provisions on the acquisition of rights, the right to citizenship and the right to residence. This proposal will contain a provision on the right to pension in respect of non-Danish citizens, provided they have had permanent residence in Denmark for 10 years between the ages of 18 and 67 and provided that at least five years of residence immediately precede the time of pension.

172. The Labour Market Supplementary Pension Scheme (ATP scheme) is an insurance scheme set up in order to pay a supplementary pension to members from the age of 67 and a reduced supplementary pension to surviving spouses from the age of 62. Membership in the scheme is compulsory for employees in the age group 16-66 years - irrespective of nationality - who are employed in Denmark for at least 10 hours per week. The funds are exclusively in the form of membership contributions, of which the employees themselves pay one third and the employer two thirds.

173. As regards the details of this scheme, reference is made to the enclosed guide to ATP which also contains the text of the Act (see annex 8).

Industrial injury insurance

174. Reference is made to the report submitted by the Government of Denmark to the International Labour Office on the measures taken to give effect to the provisions of the Social Security (Minimum Standards) Convention (No. 102) covering the period 1 July 1976 to 30 June 1980.

175. Act No. 79 of 8 March 1978 on industrial injury insurance is based on the principle of insurance, that is, the employer shall, by payment of a premium, keep his workers insured against accidents with an insurance company duly authorized by the Minister for Social Affairs. A central government institution (the National Social Security Office) is charged with administering the Act.

176. Under the Act, any person who has been hired to work in Denmark for an employer shall be insured, irrespective of the type of work, pay and duration of employment, and irrespective also of the employer's nationality and residence. The insurance covers industrial accidents and occupational diseases.

177. The list of occupational diseases has been somewhat amended as of 1 January 1983, especially with a view to an extension of the current provisions.

178. As a consequence of this adjustment, the benefits under the Industrial Injuries Act as of 1 April 1983 are as follows:

- (a) Maximum annual benefit, DKr 187,000;
- (b) Compensation for permanent injury, DKr 22,500;
- (c) Transitional industrial death benefit, DKr 29,500.

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Unemployment benefits

179. The applicable legislation as regards unemployment benefits is the consolidated Act on the Public Employment Service and the Unemployment Insurance System of 24 March 1970, as amended most recently by the Act of 25 July 1983.

180. The scheme covers all wage and salary earners and self-employed persons who are members of an unemployment insurance fund. In December 1980, 65 per cent of the population in active employment, including 71 per cent of all wage and salary earners in the private as well as the public sector, were protected under the unemployment insurance scheme.

181. Unemployment benefits are paid as follows:

(a) As 90 per cent of the average earnings during the 12 weeks (3 months) immediately preceding unemployment;

(b) The Public Employment Service and the Unemployment Insurance Act fixes a maximum rate of daily cash benefits. The maximum rate is fixed every six months, effective from 1 April and 1 October, and corresponds to 90 per cent of the average hourly wage for all workers in crafts and industry during the second quarter of the preceding year for the rate effective from 1 April, and during the preceding fourth quarter for the rate effective from 1 October;

(c) Daily benefits are paid from the first day of unemployment and for a maximum period of two and a half years. For pensioners, there are special limitations as to duration.

The maximum amount of daily cash benefits is, as from October 1982, 2,010 DKr per week. This amount will not be adjusted until April 1985.

Conditions for entitlement to benefits

182. To receive unemployment benefits, the applicant must meet the following conditions:

(a) As a normal rule, membership in an unemployment insurance fund for not less than one year;

(b) Full-time employment for not less than 26 weeks in the last three years for persons normally working for an employer; for self-employed persons, a comparable period;

(c) Age of 16 to 65 years;

(d) Registration with a public employment office as job seeker and capable of work;

(e) Not involved in a strike of lock-out;

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(f) Not sick (in case of sickness, benefits are payable under the social security scheme);

(g) Liability to accept an offer of employment and not to refuse participation in training courses etc.;

(h) Residence in Denmark;

(i) Young people under the age of 16 and certain others (e.g., members taking up paid employment in sectors other than those covered by the unemployment insurance fund), are not entitled to benefits from the unemployment insurance fund but may be admitted as contributing members.

Danish nationality is not required.

Financing

183. The unemployment insurance system is financed through membership contributions, contributions from the employers and refunds from the State.

184. The annual membership contribution is an amount corresponding to six times the maximum amount of daily cash benefits (as 1 October 1982, 2,010 DKr per year).

185. The employer's contribution corresponds to 11.25 times the maximum amount of daily benefits per full-time insured whole-year worker (as per 1 October 1982, 3,769 DKr per year). No contribution is payable in respect of the first employee in an undertaking.

186. The refunds from the State are, as of April 1983, 71 per cent of the total costs.

Family allowances

187. The following forms of family allowances are provided for under Danish law:

(a) An ordinary family allowance which is payable in respect of children under age 16. As of 1 April 1983, the allowance is paid at the annual rate of DKr 2,268 per child;

(b) An increased family allowance which is payable instead of an ordinary family allowance in respect of children of sole supporters and of children whose parents are both receiving an old-age or invalidity pension. As of 1 April 1984, the allowance is payable at the annual rate of DKr 3,404 per child;

(c) An extra family allowance which is payable to sole supporters with one or several children. As of 1 April 1983, the allowance, only one of which is granted to a family irrespective of the number of children, is paid at the annual rate of DKr 2,604;

(d) A special family allowance which is payable - in addition to the allowances mentioned above - until age 18 in respect of orphans, children of widows and widowers, children who after the death of the person who has custody are adopted by the spouse of the deceased or by an unmarried person related to the child, children of sole supporters where no maintenance order in respect of the child has been or can be made, and children of invalidity or old-age pensioners. As of 1 April 1983, the allowance, which is payable at three rates, is DKr 10,572, DKr 6,360 and DKr 3,180 a year per child, respectively.

188. In 1980, the upper limit of income for payment of family allowances was reduced and it was decided that the gradation of income was to be based on the social income instead of the taxable income.

189. The special family allowance is not means-tested. The maximum social income level which permits entitlement to the maximum amount of the other family allowances is DKr 173,000 annually as of 1 April 1983.

190. Moreover, the law makes provisions for a youth benefit payable to children aged 16 and 17 as assistance towards their maintenance and education. The youth benefit, which in 1983 may total DKr 9,000 per year, is awarded on the basis of an assessment of the need in each individual case, and a youth benefit at the full rate presupposes that the expected income of the household (the social income) does not exceed DKr 90,000 per year and that the child's own annual income does not exceed DKr 7,000.

191. In 1982, the price index adjustment was abolished for a two-year period and replaced by an annual 4 per cent framework adjustment.

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Annex

LIST OF REFERENCE MATERIAL a/

- Annex 1. "The Public Employment Service in Denmark" (Ministry of Labour, Copenhagen, September 1983).
- Annex 2. "Adult vocational training in Denmark" (Ministry of Labour, Copenhagen, August 1983).
- Annex 3. Statistical information on the evolution in the labour force participation, employment and unemployment (Sources: "Review of statistics, 1971-1981" and "Monthly review of statistics").
- Annex 4. Statistical data on the evolution of the levels of remuneration and the cost of living, 1976-1982 (Sources: "Labour market and labour market policy", Ministry of Labour, and "Monthly review of statistics").
- Annex 5. Act. No. 681 of 23 December 1975 on the Working Environment, as subsequently amended in 1978 and 1979 (Ministry of Labour, Copenhagen).
- Annex 6. Act No. 161 of 12 April 1978 on Equal Treatment for Men and Women as regards Access to Employment etc.
- Annex 7. Act No. 234 of 4 June 1980 on Maternity Leave etc.
- Annex 8. Guide to the Labour Market Supplementary Pension Scheme (ATP Scheme) (Hillerd, March 1983).

Notes

a/ The reference material is available for consultation in the files of the Secretariat in the original language as received from the Government of Denmark.