

EQUAL RIGHTS BASIC KNOWLEDGE

- FOR EMPLOYEE REPRESENTATIVES



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INTRODUCTION

In Denmark, the issue of equal rights is not a new focus area. In fact, for more than 100 years we have been seeking to ensure equal opportunities for women and men.

Targets and equal rights are deeply rooted in Danish legislation, in Danish institutions, but also in the international community. The UN and the EU have ambitious goals and decisions about equal opportunities for men and women across the world. These goals have not been reached yet. Danish and international trade unions have political targets for gender equality, e.g. for equal pay, but we seem to be a long, long way from achieving this.

This handbook is intended for you, as an employee representative, to “have the necessary support for your own work with equal rights”. The handbook can also be used by HR departments, or by others interested in equal rights at Danish workplaces. You CAN read it from end to end, but it will probably be more useful as a reference book.

The purpose of the handbook is to provide you with a basic knowledge of what HAS BEEN DECIDED for us to work with. This means that we do not have to discuss the issues or have any doubts about them. The handbook should save us time. It contains the targets and the framework for equal rights determined in Denmark. It is up for discussion how these targets are reached, and the handbook will provide you with inspiration for this.

In the first chapters, the handbook will outline the legal framework applicable to and relevant for equal rights at Danish workplaces.

The subsequent chapters will give a description of concrete equality problems, where action can be taken.

At the end of the handbook, you will find a glossary and a bibliography. The legislative material is attached as appendices.

We hope the handbook will both make it easier for you, and will whet your appetite for getting on with the equality work – there are many issues to address!

FIU Equal Rights

Autumn 2017

1. THE LEGAL FRAMEWORK FOR EQUAL RIGHTS

In general, equal rights in Danish workplaces are covered by three Acts; **the Danish Discrimination Act**, **the Danish Equal Opportunities Act** and the **Danish Equal Pay Act**. In the following, these three Acts will be presented separately. In the appendices at the end of the material, you can find the full wording of the Acts.

All three Acts divide discrimination into four categories:

Direct discrimination, which occurs when a person from a minority group is treated less favourably than a person from a majority group would have been, is or will be treated in a similar situation.

Indirect discrimination, which occurs when a provision, a practice or a criterion that appears neutral, puts persons of a group in a less favourable situation than other persons and where there is no objective purpose for this difference.

Harassment is considered discrimination when an unwanted behaviour takes place with the purpose or effect to offend the dignity of the person, or to create a degrading or unpleasant environment for the person in question.

Instructions to discriminate persons compared to other persons is considered to be discrimination.

Examples of four types of discrimination are described in the following chapters.

If there is a case:

If discrimination occurs, the case can be reported to the union. The union will then assist in assessing whether there is sufficient basis or material to initiate a case. The case is thus initiated through the industrial system, where a decision can be reached through different boards.

If it is not possible to process the case through the industrial system, a complaint can be filed with the Equal Opportunities Commission or the civil courts.

Not many cases are filed each year, neither through the industrial system nor through the Equal Opportunities Commission or the civil courts. This does not mean that discrimination does not take place at Danish workplaces. There may be many reasons for the limited number of cases, e.g. the fact that it can be difficult to provide proof that discrimination has occurred, that a local settlement is reached, that the aggrieved party does not wish to, or does not feel able to, be involved in a case, as it may require many resources. The aggrieved party may fear the consequences of being involved in a case in connection with future employment, or in relation to the workplace where the aggrieved party may still be employed.

1.1. THE DANISH DISCRIMINATION ACT

Discrimination and differential treatment are synonyms. The prohibition against discrimination or differential treatment of individuals on the labour market has, i.a., been ratified in *Bekendtgørelse af lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v.* (The Executive Order on Act on Prohibition Against Discrimination in the Labour Market etc.), also known as the Discrimination Act.

In this Act, discrimination means "(...) any direct or indirect discrimination on the grounds of race, skin colour, religion or belief, political view, sexual orientation, age, disability or national, social or ethnic origin" (Section 1 of the Discrimination Act).

The act applies to relations on the labour market. This means that an employer is not allowed to discriminate employees or applicants in connection with employment, dismissal, reassignment, working conditions, pay increases, or promotion. This also applies to re-training, further training or upgrading of skills etc.

In connection with employment, information must therefore not be gathered about the above matters, and for example a job advertisement must not state, that a person of a certain race, skin colour, religion etc. is preferred.

It is important to be aware of the fact, that for it to be a case of discrimination, there must be discrimination based on the above circumstances, consequently an actual difference between comparable parties!

A person who is being discriminated is entitled to compensation. People who violate the principle of equality of treatment can be imposed a fine. The opposing party has the burden of proof, that the principle of equality treatment has not been violated.

Updated versions of the Discrimination Act can always be found at www.retsinformation.dk by searching for *Forskelsbehandlingsloven* (the Discrimination Act). Remember to choose the *Gældende* (applicable) version.

Examples of discrimination under the Discrimination Act:

Direct discrimination: An employer states in a job advertisement that persons of a certain race cannot apply for the position.

Indirect discrimination: A workplace prohibits headwear for all employees. This will in particular affect persons who for religious reasons wear e.g. headscarves or skullcaps. If the prohibition is not based on objective reasons, e.g. safety or hygiene, it is not permitted.

Harassment: At a workplace, rude and degrading language is being used in relation to a homosexual employee, and terms of abuse are being used against the person.

Instructions to discriminate: A manager informs a department manager that employees over 58 are not to participate in a course, as they will probably retire soon anyway.

1.2. THE DANISH EQUAL OPPORTUNITIES ACT

The Equal Opportunities Act is the term for *Bekendtgørelse af lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse m.v.* (Executive Order on Act on Equal Treatment of Men and Women with Regard to Employment etc.) that came into force in 1989.

In this Act, equal treatment means that discrimination on the grounds of gender must not take place.

In this Act, the prohibition against both direct and indirect discrimination also applies, for example regarding pregnancy, marital or family status.

All employers must treat men and women equally, for example at employment, reassignment, promotion, dismissal, re-training and updating of skills.

The Equal Opportunities Act also includes sexual harassment as a further and certain form of harassment. Sexual harassment is unwanted verbal, physical or non-verbal behaviour, with direct or indirect sexual innuendo, with the purpose or effect to offend the dignity of the person, in particular by creating a threatening or hostile environment. Sexual harassment is of course, as the other forms of discrimination, prohibited.

According to the Act, public authorities must ensure equal rights between men and women in all planning and administration of the areas covered by the Act.

The Act protects men and women, who in connection with e.g. maternity/paternity leave have been absent from the workplace, against a less favourable position.

A person, who experiences a violation of the Equal Opportunities Act, can be awarded compensation from the employer. If actual circumstances can be established that may constitute grounds for assuming direct or indirect discrimination, it rests with the opposing party (here the employer) to prove that the principle of equal treatment has been complied with.

Please be aware that it must be possible to substantiate difference in treatment on the grounds of gender, before a case can be initiated. A woman, who feels discriminated against compared to other female employees, is therefore not entitled to initiate a case under this Act!

Updated versions of the Equal Opportunities Act can always be found at www.retsinformation.dk by searching for *Ligebehandlingsloven* (the Equal Opportunities Act). Remember to choose the *Gældende* (applicable) version.

Examples of discrimination under the Equal Opportunities Act:

Direct discrimination: In connection with a promotion, an employer chooses to promote only men, because there is no risk that they will be asking for leave.

Indirect discrimination: A rule about no headwear at a workplace. This rule applies to all; including the guy who likes to wear a cap, but it will affect the Muslim woman wearing a headscarf in particular.



Harassment: An employee is being harassed because of his/her look and choice of clothes, on the grounds of gender.

Sexual harassment: An employee receives sexually inviting remarks from his/her colleagues, customer/client or employer.

Instructions to discriminate: A department manager asks a mid-level manager to employ a “strong man”.

1.3. THE DANISH EQUAL PAY ACT

Bekendtgørelse af lov om lige løn til mænd og kvinder (Executive Order on Act on Equal Pay to Men and Women), the Equal Pay Act, describes the fact that salary-related discrimination on the grounds of gender must not take place, neither as a result of direct nor indirect discrimination.



This means that men and women must have equal pay for equal work, or for work that is attributed with the same value. The equal treatment covers pay, all pay elements and pay conditions, e.g. pay supplements, fringe benefits etc.

An employer must not dismiss an employee, if the employee requests equal pay. If an employer dismisses a person within a period of one year after having requested such equal pay, the employer must prove that the dismissal was not contrary, to the Act.

Employers with min. 35 employees must each year prepare gender-specific wage statistics for at least 10 persons of each gender, to be used for hearing and information to the employees, about pay differential between men and women at the workplace. The employer must be able to explain any pay differential between the genders.

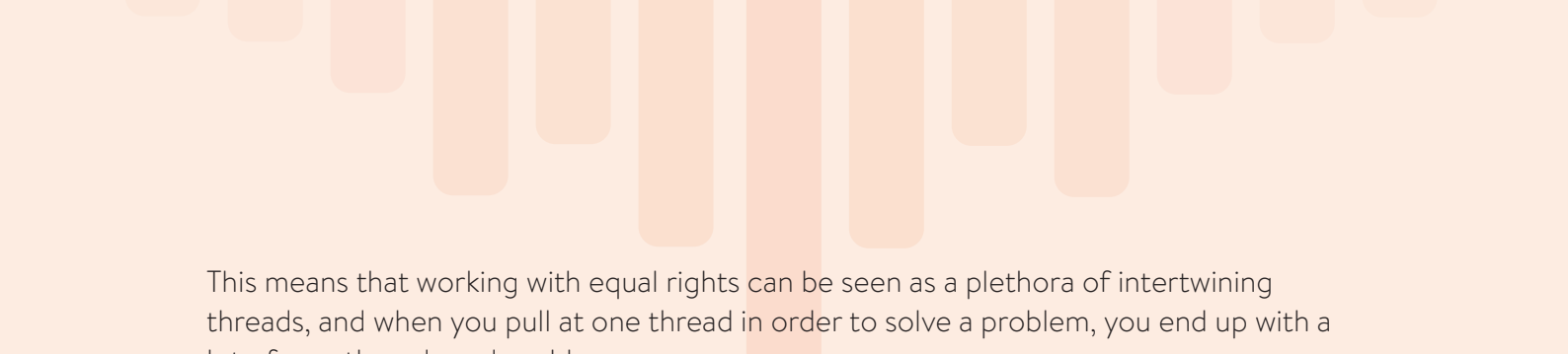
In case of discrimination in pay on the grounds of gender, the aggrieved employee may be awarded compensation.

Updated versions of the Equal Pay Act can always be found at www.retsinformation.dk by searching for *Ligelønsloven* (the Equal Pay Act). Remember to choose the *Gældende* (applicable) version.

2. THE TRADE UNIONS' EQUAL RIGHTS AND DIVERSITY POLICY



In the unions, there is huge focus on equal rights and diversity. This huge and constant focus is because equal rights and diversity are complex issues that involve an increasing amount of subjects. When you are in the process of creating equal rights in one area, it paves the way for new insight into more specific target groups and problems, in which equal rights and diversity must also be incorporated.



This means that working with equal rights can be seen as a plethora of intertwining threads, and when you pull at one thread in order to solve a problem, you end up with a lot of new threads and problems.

Both the Danish Confederation of Trade Unions, LO, and the individual trade unions have in their target programs and rules described focus areas for equal rights, to be addressed.

Target:

- *The pay differential between women and men must be gapped. We seek to ensure this through legislation as well as collective agreements.*
- *There must be greater transparency concerning differences in pay at the workplace. We want to make people aware of the new rules on gender-specific wage statistics.*
- *We want increased focus on the right to equal pay for “work of the same value”. We will seek to ensure both nationally and internationally a more clear definition of work of the same value and suitable tools for comparing the value of the work.*

(LO)

As its two most important equal rights efforts, LO aims at gapping the pay differential between women and men, and to stem the gender-specific labour market. Focusing on the pay differential proves that men and women are still not obtaining equal pay. The gender-specific labour market conceals the fact that men and women work in different trades and industries. The fact that men are predominate in management, and that women are predominate at the “bottom” of the hierarchy. The fact that men and women are not working side by side hinders gender equality.

LO also wishes to ensure that the Equal Pay Act is complied with to a larger extent, in particular the difficult matter of assessing work of the same value.

The trade unions are focusing on equal rights and diversity as well. This is, apparent from 3F’s Industrial and Political Basis from 2016 and FOA’s Laws and Principles:



3F wishes to be the leading trade union in the area of equal rights and to incorporate gender, equality, integration and diversity into all planning and development.

3F is trying to achieve equal rights, equal treatment and equality between people irrespective of gender, ethnic origin, age, sexual orientation, disability and religion and to prevent any type of discrimination.

This applies to the society as well as to the labour market.

(3F, 2016)

Clause 2 The trade union's basis and purpose (1)

The trade union is based on a view of humanity based on democracy, closeness and security, diversity, solidarity and respect.

FOA is a community of members that use their common strength to create better working conditions for the community and for the individual. The community and the individual are preconditions for each other.

(FOA, 2014)

The two excerpts from FOA and 3F, respectively, illustrate the focus on diversity, inclusion and equal rights. They focus on creating changes both on the labour market and in the society in general.

In the following chapters, we will present different equal rights challenges that you must be aware of, as the person responsible for equal rights and as an employee representative. In each chapter, the trade union's attitude to the relevant area will be presented, in the form of excerpts from laws, regulations and objectives of FOA, 3F, HK and Dansk Metal, respectively.

2.1. THE GENDER-SPECIFIC LABOUR MARKET

What is meant by the gender-specific labour market?

The gender-specific labour market covers the problem that men and women find themselves in different parts of the labour market. For example, women are over-represented in the public sector, whereas men are the majority in the private sector. Some trades are described as either male or female professions, e.g. care work is typically found in the public sector, and the employees are primarily women, whereas e.g. skilled trades are typically found in the private sector, and are primarily dominated by men.



The gender-specific labour market in Denmark is “horizontally” as well as “vertically” divided. “Horizontal” sex segregation is to be understood as the labour market being divided into different sectors, trades and industries, e.g. the private and the public labour market. The “vertical” sex segregation covers the fact that men are placed at higher levels in the job hierarchy than women, as there are, for example, more men in executive positions than women.

The horizontal sex segregation has been stationary for the past 20 years, whereas the vertical sex segregation, seems to have decreased in the same period – however, it has not been eliminated.

Part of the explanation for the change in vertical sex segregation is that more women obtain more and longer educations today than e.g. 20 years ago, they are thereby able to achieve a higher position on the labour market.

“Sector mobility” is another term used when talking about the dismantling of the gender-specific labour market. The Danish labour market is characterised by a high degree of flexibility and mobility between jobs. However, recent studies indicate that the sector mobility, e.g. the mobility from the public sector to the private sector, is not very flexible. It is therefore difficult to move from the female-dominated public sector to the male-dominated private sector.

Consequences of the gender-specific labour market:

One of the consequences of the gender-specific labour market is the increased risk of imbalance concerning gender. This can be in connection with pay, unemployment, career prospects, etc.

For the individual, the gender-specific labour market may lead to stereotypical opinions that result in people feeling they have a limited choice of education and job prospects. There may be a tendency for certain professions to be chosen for non-objective reasons such as gender instead of qualifications, interests and skills. Thereby, the gender-specific labour market may limit the individual’s job satisfaction and development potential, as well as resource utilisation.

In addition, the gender-specific labour market may affect the pay and career prospects of men and women, respectively, as well as the pay differential that still exists between the genders, despite many years of struggle for equal pay for equal work.

Explanations for the gender-specific labour market:

The explanation for sex segregation on the Danish labour market is complex and contains several elements.

Part of the explanation for the gender-specific labour market is choice of education. Men and women choose different educations. Thereby they offer their services to different areas of the labour market. The choice of education is thus one explanation.

Men and women's different requirements for working conditions and working hours, are another possible explanation for their choice of business sector. For example, the public sector is associated with a higher degree of flexibility, and it has therefore traditionally been associated with women's wishes to achieve work/family life balance. Other explanations for the gender-specific labour market focus on the labour market's demand for certain services. Based on this understanding, one explanation could be gender-based discrimination due to the employer's prejudice, about which jobs men and women can perform.

Institutional explanations for the gender-specific labour market look at the welfare state and its schemes that primarily have provided women with the possibility of entering the labour market in the public sector. However, at the same time, the welfare state has not contributed to women's career development. Consequently, sex segregation is maintained with respect to family life and therefore also the labour market.

The importance of the dismantling of the gender-specific labour market:

The trade unions are seeking to ensure a dismantling of the gender-specific labour market. This, among other things, appears from 3F's Industrial and Political Targets from 2016:

"(...) The gender-specific labour market is dismantled and unequal pay is eliminated"
(3F, 2016).

There is a clear agenda to break with sex segregation. A more equal distribution of men and women, can be beneficial for the work environment and the synergy at the workplace, due to the fact that, women and men have different views on things and bring different experiences to the workplace.

2.2. SEXUAL HARASSMENT

Sexual harassment is both illegal and socially unacceptable. Despite this, sexual harassment still occurs at many workplaces, either quite openly or in secret.

The definition of sexual harassment:

Sexual harassment is defined as sexual conduct that is unpleasant and unwanted for the victim. Sexual harassment can therefore be understood as a kind of bullying with a sexual character.

Sexual harassment can be;

- **Direct behaviour**, e.g. physical contact and/or touching.
- **Verbal behaviour**, e.g. invitations, obscene jokes and/or sexual innuendo.
- **Other behaviour**, e.g. showing of pornographic pictures.

In some contexts, sexual harassment will contain several of the three forms of behaviour.

For some people, conduct with sexual undercurrents are not seen as offending, whereas the same conduct can be experienced as deeply unacceptable, and thereby offending, by others. The offended party defines what is experienced as offending conduct/sexual harassment – not the person performing the conduct!

Both men and women are subjected to sexual harassment; however, women are strongly overrepresented.

The extent of sexual harassment at Danish workplaces has not been very extensively examined, and the area contains some dark figures. However, studies from the Danish National Research Centre for the Working Environment show that 3% of all employees have experienced either a high degree or some degree of unwanted sexual attention. Figures from different trades show that e.g. in the waiting trade, the extent of sexual harassment is high, in that 37% of female waiters and 22% of male waiters have experienced sexual harassment. In 2016, HK carried out a study that indicated that over 25% of its members had been subjected to unwanted sexual attention. The reason for these huge differences probably lies in how questions are asked. If you ask: "Have you been subjected to sexual harassment?", only few will answer yes. But if you ask about concrete actions, for example: "Have you received sexual offers from your superior that you would rather not have had?", the answer will be "yes".

The trade unions believe sexual harassment is not a personal problem, but a common responsibility that the employer is under a duty to address. In this connection, it is important to emphasize that sexual harassment, can never be excused by e.g. saying that "it was just for fun"!

According to both the Equal Opportunities Act and the Equal Pay Act, sexual harassment is forbidden, and thus something that must be taken very seriously by all parties in an employment relationship.

Sexual harassment can also be a more general problem at a workplace in the form of a certain language or sexist humour. In this connection, the trade unions believe the working culture is the responsibility of the entire workplace, with the employer taking the lead. It is thus not the aggrieved person, who must leave the workplace, but the employer who should start developing a culture with a harassment-free environment

The consequences of sexual harassment:

Sexual harassment can have long-term consequences for the person affected, in the form of stress, anxiety and sleeping problems, that may develop into PTSD. In some cases, sexual harassment may result in long-term sickness absence, isolation and a feeling of shame for the victim. This is exactly the reason why sexual harassment is not only harmful for the person who is subjected to it, but also for the entire workplace and the society as a whole.

2.3. REPRESENTATION OF WOMEN IN EXECUTIVE POSITIONS

In Denmark, equality for men and women in executive positions is still lagging behind!

In a representative democracy, there should be a representative distribution of social groups where the power is.


Only a little more than every third member of the Danish Parliament is a woman, despite the fact that we now see more equality in the top management of the various parties and among ministers. In local politics in 2017, women constitute an average of approx. 30% of the local council. Here, too, women are under-represented compared to men.



This should be seen in contrast to the fact that Danish women today constitute more than half of those with long-cycle higher education. However, this is not reflected in the number of women at managerial level or, as described above, in politics. This is a problem both with regard to equality, democracy, discrimination and economics.

The companies as well as the society would benefit from the utilisation of the leadership potential available.

In 2013, *Lov om måltal og politik for den kønsmæssige sammensætning i ledelse og bestyrelser* (the Danish Act on Target Figures and Policy) came into force. The purpose of the Act was to promote female representation in management and in boards. Approx. 1100 private Danish companies and all public companies and institutions are covered by this legislation. According to the legislation, target figures and policies must be prepared to promote the number of female top managers and board members.



Municipalities, the Government and the regions must comply with the Act, prepare an equality report every second year, and thereby review the progress for the effort of the government institutions, the municipalities and the regions in promoting equality between women and men, among their employees, and in their services to the citizens.

Despite the legislation in the area, equality between men and women in executive positions and boardrooms is still lagging far behind.

The reason for the under-representation of women in executive positions is often described as everything from women's lacking interest in local politics, women's lacking belief in their own capabilities, modesty, lacking ambitions to poor negotiating skills. There is no scientific evidence for these explanations; they are assumptions.

One explanation is the theory of the so-called "glass ceiling". The glass ceiling theory says that irrespective of how qualified women and other minorities are for a job or an executive position, they cannot get any higher in the job hierarchy, than they are, due to invisible barriers (the glass ceiling) that cannot be immediately dismantled. The barriers exist in many situations, for example in connection with appointment in the form of prejudices about women's managerial skills and in the prejudice about women preferring family life to pursuing a career. The glass ceiling therefore sets an invisible limit for how high a position, a woman can achieve.

The trade unions are aiming at dismantling the barriers that prevent women from getting to the very top. Among other things, HK's target programme states:

HK is seeking to ensure equal treatment and will continue to fight all forms of discrimination on the labour market. We are seeking to ensure equality between the genders in their professional lives.

(HK, 2014)

For socio-economic reasons, it is important to have more women in executive positions, as the society uses many resources on providing young women with high-level education. Their potential should be utilised.

Additionally, it will ensure diversity in management and boards and give the workplace a better understanding of how new perspectives on resolution of problems can help improve quality and productivity.

2.4. SEX-LINKED VIOLENCE

The extent of *sex-linked violence* in Denmark:

Each year, approx. 33,000 women and 13,000 men in Denmark fall victim to violence from their partners. However, there is some uncertainty about the extent and the number of people subjected to violence, as for many people, it is associated with taboo to fall victim to violence, and therefore they do not talk about it. About half of the men who are subjected to violence from their partners, are subjected to violence from their male partners



"Violence is any conduct towards another person that through this conduct (by hurting, causing pain, intimidating or offending) makes the person do something against their will or stop doing something they wish to do."

Per Isdal, ATV Norge

The definition of violence:

Violence is divided into categories;

Physical violence is any form of physical assault or force. Physical violence can also be to be refused access to food, medicine, sleep, help or aid.

Sexual violence is to be forced to perform sexual conduct, or to be forced to witness sexual conduct, in which the person is not interested

Mental violence is verbal or behavioural threats against the person itself or against oth-

ers, e.g. the person's closest relatives. It can also be a matter of duress, to witness others being subjected to physical or sexual violence. Mental violence is also to be demeaned, criticised, isolated, controlled or humiliated.

Verbal violence is associated with threats about violence or conduct that may be crucial for the aggrieved person's life, e.g. threats about destroying the person's social life, professional life or similar.

Violence to things is if the person who is subjected to violence has their things destroyed or is refused access to their own pay, property or residence.

Financial violence is to be refused access to own money or control of one's spending.

Many cases of violence contain several of the forms of violence or a development of these.

The consequences of violence:

The consequences for a person who is subjected to violence from a partner, may be that the person finds it difficult to do his/her job, or function as a parent. The violence may result in symptoms such as anxiety, depression, sleeplessness, isolation and self-reproach.

The trade unions' attitude to actions against sex-linked violence in close relationships:

Previously, there was an attitude on the Danish labour market that domestic violence and violence in close relations was a private matter, and thus not something in which the workplace should get involved.

From 3F's Industrial and Political Targets from 2016, it appears: 3F must seek to:

- *fight assault, abuse and violence as well as human trafficking.*

(3F, 2016)

However, today it is the trade unions' attitude that you should regard sex-linked violence, as a structural problem at the workplace, and that it is a good idea to start taking preventive measures at the workplace.

The reason for this is that an employee or a colleague, who is subjected to violence cannot perform optimally, is more sick and will easier lose their labour market inclusion.

The workplace can help the person subjected to violence, women as well as men, to break free from the violence and still keep their jobs, by introducing policies that will provide freedom to break out, for example by offering psychologist support.

At the workplace, it is therefore important to pay attention to, whether a colleague is subjected to violence from his/her partner, but it is equally important to pay attention to whether a colleague is violent to his/her partner, and therefore is himself/herself a perpetrator of violent conduct. At the FIU Equal Rights website, you can find a guide to possible actions” When a person affected by violence is my colleague”.

2.5. MULTICULTURALITY AND DIVERSITY

In Denmark, there are people from more than 200 different countries. This of course results in the need to have a diverse labour market and to understand multiculturality.

Diversity in the labour market means that the workplace has a diverse workforce, and that the employees’ different backgrounds and qualifications are seen as a resource and something that is brought into use in the work. Diversity may cover other aspects than just ethnicity, for example age, gender, sexual orientation or disability.

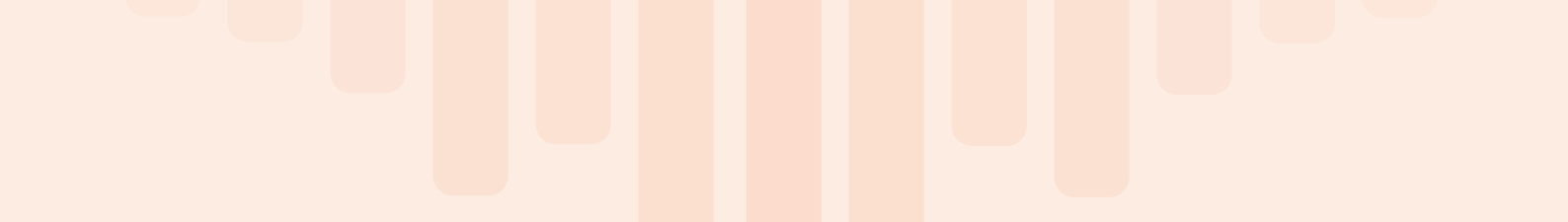
In particular, multiculturality is about the make-up of employees with different cultural backgrounds, and it may thus be a part of the diversity at a workplace.

The aim to achieve greater diversity and multiculturality at Danish workplaces is an equality task, that should be reflected in the work performed at Danish workplaces. Equality between all employees, irrespective of ethnic background, is a relevant problem to avoid polarization and to avoid e.g. underpayment of certain groups of employees.

The benefits of diversity for the company / workplace are, among other things, improved competitiveness and innovation as employees with different qualifications can contribute to new solutions and ideas.

In connection with the tripartite negotiations in 2016, an agreement was reached about the so-called Basic Integration Education (IGU) targeted to refugees and people reunited with their families. The intention is for refugees and their families to obtain permanent labour market inclusion, become active citizens in the Danish society, and to be able to support themselves.

The individual trade unions and LO also work based on integration of refugees and immigrants into the Danish labour market.



3F is aiming at:

- *improving integration at the workplace.*
- *providing equal treatment of ethnic minorities on the labour market and in the society in general.
creating intercultural understanding, recognition of differences and diversity. (...)*
- *any form of racism, xenophobia, Nazism and other extremism is curbed, for example through all parties obtaining insight into and understanding of each other's cultural and social circumstances.*

(3F, 2016a)

The LO trade unions are of the opinion that diversity results in:

- *Improved job satisfaction and a strong corporate spirit that may increase the work quality for the individual employee as well as for the company in general.*
- *Good working environment and thereby greater production.*
- *New perspectives with respect to working life and colleagues.*
- *Better integration and loyalty.*
- *Cultural and human wealth and thereby greater coherence among employees when a common identity is created.*

(LO, 2012)



2.6. LGBT PERSONS ON THE LABOUR MARKET



Studies show that 40% of all LGBT persons do not feel that they can act naturally at the job and because of this, they do not open up to their identity with colleagues and superiors. This affects the job satisfaction at the workplace, and the mental wellbeing of the individual. LGBT persons often experience both direct and indirect discrimination and are therefore placed in a less favourable situation than others or are subjected to harassment, for example in the form of degrading humour or nicknames.

To discriminate and harass employees on the grounds of their sexuality is prohibited under the Discrimination Act. However, discrimination and harassment of LGBT persons still occur and this justifies the need to focus on this problem seen from an equality aspect.

There are many stereotypical ideas about LGBT persons and you must be aware of the effect of stereotypic ideas on the individual. It is important to be aware of the challenges that LGBT persons face on the labour market, and not ignore the fact that discrimination occurs.

The trade unions are seeking to ensure equality for all employees on the Danish labour market, also for LGBT persons. It is important that a person's sexuality does not limit his/her potential. The trade unions work with inclusion of LGBT persons on the labour market by focusing on creating an inclusive and diverse working environment.

Among other things, HK's target programme states:

Everyone is entitled to a healthy and safe working environment. HK is aiming to reduce sickness absence due to working environment factors. In particular, HK wishes to focus on improving their members' mental working environment and promoting social capital at the workplace.

(HK, 2014)

We spend many hours each day at work. In this connection, it is important that you can feel comfortable and be yourself. If you feel comfortable at work, the working day will be more fun and the employees will be more satisfied in general. For companies, job satisfaction among the employees is important, as this will help retain the employees and create possibilities for recruitment of new employees. Job satisfaction also reduces sickness absence. The trade unions focus on inclusive working environments that can accommodate all, and where the workforce can be "themselves" to the extent they want and thereby achieve as much job satisfaction as possible.

2.7. WORK-LIFE CORRELATION/BALANCE

The work-life balance is important for you to feel comfortable both at work and at home.

LO's target programme states:

Target:

- *Fathers should have better rights to paternity leave.*
- *Parents and children should have better conditions when the child is sick.*
- *Childcare should match the parents' working hours to a higher degree than today.*

(LO, 2015)

Improved rights for fathers to paternity leave is important for many. Studies have shown that fathers, who take more paternity leave, achieve better contact with their children, and the probability for divorce decreases. In addition, there are salary-related benefits for the mother if the father takes more paternity leave, as the mother's career will not be halted to the same degree. Finally, studies show that many fathers would like to take more paternity leave, than they actually do.

The work-life balance is important for the workplace to maintain motivated employees. Motivated employees provide better results for the bottom line of the company.

Initiatives at the workplace could be:

- Ensure a culture where paternity leave is a positive thing.
- Flexible working hours in order to facilitate it.
- Information to fathers about financial circumstances when they are on paternity leave.
- Local agreements about taking time off at "child's sickness" (in addition to what has been determined by the collective agreement).
- Family arrangements.
- Acceptance of bringing your children along at the workplace (if possible).

Despite the fact that the Equal Opportunities Act contains prohibitions against discrimination on the grounds of pregnancy and marital or family status, many parents – both men and women – experience that they are discriminated against when they have children. It is therefore important to be aware of these problems seen from an equality aspect.

From 3F's Industrial and Political Targets from 2016, it appears: 3F must seek to:

- *strengthen the work-life balance by ensuring welfare benefits, flexibility and agreements to accommodate the needs of the family.*
- *ensure better paternity leave rights for men.*

(3F, 2016a)

HK's target programme states, i.a.

Target:

HK wishes to try to ensure that fathers' rights to paternity leave is strengthened for the sake of the children and the parents and to achieve greater equality in families and on the labour market.

(HK, 2014)

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CONSOLIDATION ACT ON EQUAL TREATMENT OF MEN AND WOMEN AS REGARDS ACCESS TO EMPLOYMENT ETC¹.

This is an act to consolidate the Act on Equal Treatment of Men and Women as regards Access to Employment and Maternity Leave etc., cf. Consolidation Act No. 711 of 28 August 2002 with the amendments following from Act No. 1385 of 21 December 2005 and section 57 of 9 June 2006.

Part 1

Scope etc. of the Act

1 (1) For the purpose of this Act equal treatment of men and women means that there shall be no discrimination on ground of sex. This applies to both direct discrimination and indirect discrimination, in particular by reference to pregnancy or to marital or family status.

(2) Direct discrimination shall be understood as taking place where one person is treated less favourably than another is, has been or would be treated in a comparable situation on ground of sex. Direct discrimination on ground of sex shall also be understood as taking place in connection with any form of discrimination in connection with pregnancy and during women's 14 weeks of absence after childbirth.

(3) Indirect discrimination shall be understood as taking place where an apparently neutral provision, criterion or practice put persons of one gender at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means achieving that aim are appropriate and necessary.

(4) Harassment, as defined in subsection (5), and sexual harassment, as defined in subsection (6), shall be deemed to be discrimination on the ground of sex and is consequently prohibited. Any person's rejection of or consent to that type of conduct must not be used as grounds for a decision concerning the person in question.

(5) Harassment shall be understood as taking place when any form of unwanted verbal, non-verbal or physical conduct is exhibited in relation to one person's sex for the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment.

(6) Harassment shall be understood as taking place when any form of unwanted verbal, non-verbal or physical conduct with sexual undertones is exhibited for the purpose or effect of violating the dignity of a person, in particular by creating an intimidating, hostile, degrading, humiliating or offensive environment.

(7) An instruction to discriminate against one person on ground of sex shall be deemed to be discrimination².

(8) This Act shall be without prejudice to provisions on protection of women, especially in connection with pregnancy or maternity, cf. part 3 of the Act.

(9) The provisions of this Act shall not apply to the extent that a similar obligation to equal treatment follows from a collective agreement.

Part 2

Equal treatment of men and women

1a Public authorities shall - within their field of responsibility - work to ensure gender equality and incorporate gender equality into all planning and management in the fields dealt with in this Act.

2 All employers shall observe the principle of equal treatment of men and women in connection with recruitment, transfers and promotions.

3 (1) Any employer who employs men and women shall treat them equally as regards access to vocational guidance, vocational training, vocational continued training and re-training.

(2) The obligation to observe the principle of equal treatment shall also apply to any person who undertakes guidance and training activities as mentioned in subsection (1).

4 Any employer who employs men and women shall treat them equally as regards working conditions. This shall also apply in connection with dismissal.

5 (1) The obligation to observe the principle of equal treatment shall also apply to any person who lays down provisions and makes decisions concerning the access to exercise activities on the basis of self-employment. This shall also apply to the establishment, organisation or extension of an enterprise and the taking-up or extension of any other form of self-employment, including the financing hereof.

(2) The obligation to observe the principle of equal treatment shall also apply to any person who lays down provisions and makes decisions concerning vocational training etc. and concerning the terms governing the performance of such activities.

5 (a) The obligation to observe equal treatment also applies to any person who decides to become a member of and participate in employees' or employers' organisations, or in organisations whose members carry on a certain trade, including the benefits that such organisations offer their members.

6 No advertisement may state that persons of a specific gender are wanted or preferred in connection with recruitment or vocational training etc.

Part 3

Pregnancy, maternity and adoption

7 (Repealed).

7 (a) (Repealed)³.

8 The time during which the employee has been absent under sections 6 to 14 of the Act on Maternity Leave shall be included in connection with the calculation of seniority in the employment relationship. This provision shall not apply in connection with pension matters.

8 (a) Parents who have exercised the right to absence under sections 6 to 14 of the Act on Maternity Leave shall be entitled to return to their job or an equivalent post, on terms and conditions which are no less favourable to them and to benefit from any improvement in working conditions to which they would be entitled during their absence.

9 An employer may not dismiss an employee for having put forward a claim to use the right to absence or for having been absent under sections 6 to 14 of the Act on Maternity Leave or for any other reason related to pregnancy, maternity or adoption.

10 (Repealed).

Part 4

Void agreements, etc.

11 (1) Provisions laid down in agreements and in regulations, etc. of enterprises which are in contravention of sections 2 to 5 shall be void. This shall also apply to rules, etc. governing independent professions.

(2) Provisions in agreements and in regulations etc. of enterprises which concern more than one employer shall also be void if they allow discrimination on grounds of gender in the fields mentioned in sections 2 to 4. This shall also apply to rules, etc. governing independent professions.

12 No deviation from the provisions laid down in this Act may take place to the detriment of the employee.

Part 5

Exemptions

13 In the event that certain types of occupational activities and education significantly require a person to be of a specific sex, and this requirement is reasonable in the context of the occupational activity in question, the minister under whose competence the enterprise in question falls may deviate from the provisions in sections 2 to 6.

(2) The minister under whose competence an activity falls may permit measures deviating from sections 2 to 6 with a view to promoting equal opportunities for men and women, particularly by remedying actual inequalities which affect the access to employment, education, etc.

(3) The Minister for Gender Equality may under the Act on Gender Equality lay down more detailed rules concerning the cases in which measures may be implemented to promote equal opportunities without permission under subsection (2).

(4) The deviations mentioned in subsections (1) and (2) shall be reported to the Minister for Equal Opportunities by the competent minister before 1 November at least every second year, for the first time in 2002⁴.

Part 6

Compensation, assessment of evidence, etc.

14 Persons whose rights have been violated by non-compliance with sections 2 to 5 may be awarded compensation.

15 An employee, including an employee's representative who is dismissed or exposed to other adverse treatment or consequence due to a claim of equal treatment under sections 2 to 4 shall be awarded compensation from the employer.

(2) Compensation laid down in subsection (1) above shall be fixed taking into account the seniority of the employee and other circumstances of the case.

(3) Subsections (1) and (2) shall be correspondingly applicable where the obligation to observe the principle of equal treatment follows from a collective agreement, but where the collective agreement does not give the person concerned a right to compensation in the case of dismissal which is not reasonably justified by the conditions of the employee or the undertaking. The claim shall be dealt with under the procedures set up for settlement of industrial disputes.

16 (1) If an employee is dismissed in contravention of section 9, the dismissal shall be set aside if a claim to this effect is made, unless it is - in special cases and after a balancing of the parties' interests - considered unreasonable to claim the employment relationship maintained or restored.

(2) If an employee is dismissed in contravention of section 9 and the dismissal is not set aside, the employer shall pay compensation.

(3) Compensation shall be fixed with due regard to the seniority of the employee and other circumstances of the case.

(4) If the dismissal takes place in connection with pregnancy, or absence laid down in sections 6 to 11, 13 and 14 of the Act on Maternity Leave, and in periods of notice under section 16 subsection (2) it shall be incumbent on the employer to prove that dismissal was not based on these grounds.

(5) If an employee is dismissed during the periods mentioned in sections 6 to 14 of the Act on Maternity Leave, the employee shall have the right to a document in writing giving adequate particulars of the ground for the dismissal.

16 (a) Where a person who finds that he or she has been discriminated against, cf. sec-

tions 2 to 5, 9 and section 15 subsection (1), establishes facts which give cause for presuming that direct or indirect discrimination may have occurred, it shall be incumbent upon the other party to prove that the principle of equal equality has not been violated.

Part 7

Miscellaneous provisions

17 The Minister for Employment shall lay down special rules on the maternity leave, etc. of seafarers.

18 (Repealed)⁵.

Part 8

Penal sanctions

19 (1) Violation of sections 2 to 6 shall be punishable by a fine.

(2) Penal sanctions may be imposed upon companies etc. (legal persons) under the rules laid down in part 5 of the Danish Criminal Code.

Part 9

Commencement provisions

20 (1) This Act shall come into force on 1 May 1989.

(2) The Act on Equal Treatment of Men and Women as regards Employment, etc., cf. Consolidation Act. No. 572 of 28 August 1986 and the Act on Maternity leave, etc., cf. Consolidation Act. No. 101 of 6 March 1987 are hereby repealed.

21 This Act shall not extend to the Faroe Islands and to Greenland.

Act No. 268 of 2 May 1990 amending the Act on Equal Treatment of Men and Women as regards Employment and Maternity Leave etc. contains the following commencement provisions:



Section 2

(1) This Act shall come into force the day after its publication in the Danish Law Gazette and shall be effective as per 2 April 1990.

(2) However, section 1 (v) shall come into force at a date to be fixed by the Minister for Employment.

Act No. 412 of 1 June 1994 amending the Act on Equal Treatment of Men and Women as regards Access to Employment and Maternity Leave etc. contains the following commencement provisions:

Section 2

This Act shall come into force on 1 October 1994⁶.

Act No. 1111 of 29 December 1997 amending the Act on Daily Cash Benefits during Sickness or Birth and the Act on Equal Treatment of Men and Women as regards Access to Employment and Maternity Leave etc.⁴ include the following commencement provisions:

Section 2

This Act shall come into force on 1 April 1998 and shall be applicable to cases where the birth or the reception of the child has taken place on 15 October 1997 or later.

Act. No. 388 of 30 May 2000 Act on Equal Opportunities for Men and Women⁵ contains the following commencement provisions:

Section 24

This Act shall come into force on 1 June 2000.

Act No. 440 of 7 June 2001 amending the Act on Equal Treatment of Men and Women as regards Access to Employment and Maternity Leave, etc., the Act on Equal pay to Men and Women, the Act on Child Care Leave, the Act on Equal Opportunities for Men

and Women and the Act on Equality for Men and Women in Occupational Social Security Schemes, include the following commencement provisions:

Section 6

This Act shall come into force on 1 July 2001.

Act No. 141 of 25 March 2002⁷ contains the following commencement provisions:

Section 4

(1) This Act shall come into force the day after its publication in the Danish Law Gazette⁸. This Act shall take effect as per 1 January 2002⁷.

(2) The Act on Childcare Leave shall be repealed as per 1 June 2011.


Section 5

(1) Parents of children born after 31 December 2001, but before the commencement of this Act continue to be covered by the existing rules of the Act on Childcare Leave, the Act on Equal Treatment of Men and Women as regards Access to Employment and Maternity Leave, etc. and the Act on Benefits in the event of Sickness or Childbirth. Furthermore, in relation to adopted children received after 31 December 2001 but before the commencement of the Act the parents will be covered by the rules of the Act on Childcare Leave, the Act on Equal Treatment of Men and Women as regards Access to Employment and Maternity Leave, etc. and the Act on Benefits in the event of Sickness or Childbirth.

(2) However, under subsection (1) first sentence parents may before 1 June 2002 alternatively both choose to be covered by this Act by written notice to the Public Employment Service. The same applies to parents under subsection (1) second sentence where adoption authorities decide whether the adoptive parent or one of the adoptive parents shall stay at home with the child for a period of time.

(3) Parents who are transferred from the childcare leave scheme to the extended maternity leave scheme under subsection (2) will have their childcare leave set off proportionally in the parental leave scheme.

(4) The Minister for Employment shall lay down more detailed rules on the transition from



childcare leave to maternity leave and set off periods of childcare leave.

(5) Children born before 1 January 2002 are covered by the existing rules on maternity leave laid down in the Act on Equal Treatment of Men and Women as regards Access to Employment and Maternity Leave, etc. and the Act on benefits in the event of sickness or childbirth.

Act No. 1385 of 21 December 2005 which amends the footnote to the title of the Act, section 1, 13 and 15 and inserts section 1 paragraph (a), section 5 paragraph (a), section 8 paragraph (a) and a headline to part 1 contains the following commencement provisions:

Section 2

This Act shall come into force the day after its publication in the Danish Law Gazette.

Act No. 566 of 9 June 2006 which repeals section 7, section 7 paragraph (a) and section 10 of the Act and changes the title of the Act, section 8, section 8 paragraph (a), section 9 and 16 contains the following commencement provisions⁸:

Section 55

This Act shall come into force on 3 July 2006.

Ministry of Employment 28 June 2006

Claus Hjort Frederiksen

/E. Edelberg

¹⁾ This Act contains provisions that implement Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment of men and women as regards access to employment (Official Journal No. L 039 of 14/02/1976, p. 0040 to 0042) as amended by Directive 2002/73/EEC of 23 September 2002 of the European Parliament and the Council (Official Journal 2002 No. L 269, p. 15). Furthermore, this Act concerns the implementation of Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvement in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth separate Directive within the meaning of Article 16 (1) of Directive 92/39/EEC and includes provisions which implement the Council Directive 97/80/EC of 15 December 1997 on the burden of proof in relation to gender-based discrimination, (Official Journal 1998 No. L 14, p. 6) and the Council Directive 86/378/EEC of 24 July 1986 on the implementation of the principle of equal treatment for men and women in occupational social security schemes (Official Journal 1986 No. L 225, p. 40) as amended by the Council Directive 96/97/EC of 20 December 1996 (Official Journal 1997 No. L 46, p. 20) as well as provisions implementing the Council Directive 96/34/EEC of 3 June 1996 on the framework agreement concerning parental leave concluded by UNICE, CEEP and EFS (Official Journal 1996 No. L 145, p. 4), as amended by the Council Directive 97/75/EEC of 15 December 1997 (Official Journal 1998 No. L 10, p. 24).

²⁾ I.e. section 21 of the Act.

³⁾ I.e. section 7 paragraph (a) of the Act.

⁴⁾ I.e. section 7 subsection (1), section 7 subsection (4), section 10 subsection (2), section 10 subsection (3), section 10 subsection (5), section 10 subsection (6), section 10 subsection (7) and section 19 subsection (2) of the Act.

⁵⁾ I.e. among others section 13 of the Act.

⁶⁾ I.e. section 1 subsection (2) and section 16 paragraph (a) of the Act.

⁷⁾ The Act amends section 7, section 7 paragraph (a), section 10 and section 16 subsection (4) of this Act.

⁸⁾ Act No. 141 of 25 March 2002 was published in the Danish Law Gazette on 26 March 2002.

⁹⁾ Act No. 1385 of 21 December 2005 was published in the Danish Law Gazette on 22

December 2005.

Consolidation Act No. 906 of 27 August 2006

CONSOLIDATION ACT ON EQUAL PAY TO MEN AND WOMEN

This is an act to consolidate the Act on Equal Pay to Men and Women, cf. Consolidation Act No. 756 of 21 August 2003 with the amendments following from Act No. 562 of 9 June 2006.

1 (1) No discrimination on ground of sex as regards pay may take place in contravention of this Act. This applies to both direct and indirect discrimination.

(2) Indirect discrimination shall exist where an apparently neutral provision, criterion or practice disadvantages a substantially higher proportion of the members of unless that provision, criterion or practice is appropriate and necessary and can be justified by objective factors unrelated to sex.

(3) All employers shall offer men and women equal pay, including equal pay conditions, for the same work or work given the same value.

(4) The evaluation of the value of the work shall take place on the basis of a general evaluation of relevant qualifications and other relevant factors.

(5) The provisions laid down in this Act shall not apply to the extent that a corresponding obligation to offer equal pay follows from a collective agreement.

(6) The provisions laid down in section 5 (a) shall not apply to the extent that an equivalent obligation follows from a collective agreement.

2 (1) An employee whose pay is lower than that of others in contravention of section 1 of this Act shall have be entitled to the difference.

2 (a) An employee has a right to pass on information relating to his or her own wage conditions. This information may be passed on to any person.

(2) This provision shall not apply where a collective agreement gives the employee rights, which, as a minimum, correspond to the rights laid down in section 1.

3 (1) An employer shall not be allowed to dismiss an employee for having put forward a claim for equal pay, including equal pay conditions or for passing on information on pay. An employer shall not have the right to dismiss an employee or an employee representative for having put forward a claim laid down in section 5 paragraph (a) subsection (1).

(2) It is incumbent upon the employer to prove that a dismissal has not been effected in contravention of the rules laid down in subsection (1). However, if the dismissal occurs more than 1 year after the employee has put forward a claim for equal pay, the first sentence shall only apply where the employee establishes facts which give cause for presuming that the dismissal has taken place in contravention of subsection (1).

(3) A dismissal which has been effected in contravention of the rules laid down in subsection (1) shall be set aside if a claim is made in this regard, unless it is - in special cases and after a balancing of the parties' interests - considered unreasonable to claim the employment relationship maintained or restored. A dismissed employee may instead require compensation. The compensation may not exceed 78 weeks' pay calculated on the basis of the average earnings of the dismissed employee and shall be fixed with due regard to the employment period of the employee and other circumstances in the particular case.

4 Section 3 shall apply correspondingly to sectors covered by collective agreements under which the employees are entitled to equal pay, including equal pay conditions, but which do not have rules on compensation in connection with a dismissal which is not reasonably justified by circumstances of the employee or the enterprise. The claim shall be reviewed under the special procedures for settlement of industrial disputes.

5 (1) An employee may not waive his or her rights under this Act.

5 (a) An employer with a minimum of 35 employees shall each year prepare gender-segregated wage statistics for groups of a minimum of 10 persons of each sex calculated on the basis of the 6-digit DISCO code for the purpose of consulting and informing the employees of wage gaps between men and women in the enterprise. However, this does not extend to companies in the fields of farming, gardening, forestry and fisheries. If the gender-segregated wage statistics are received confidentially for the good of the company's legitimate interests the information must not be passed on.

(2) The gender-segregated wage statistics under subsection (1) shall be calculated for employees' groups with a degree of detail corresponding to the 6-digit DISCO code. The employer also has a duty to give an account of the design of the statistics and for the wage concept applied.

(3) Enterprises that make notification to the annual wage statistics of Statistics Denmark may obtain, without charge, gender-segregated wage statistics under subsection (1) from

Statistics Denmark.

(4) The employer's obligation to prepare gender-segregated wage statistics under subsection (1) shall lapse if the employer enters into an agreement with the employees in the enterprise to prepare a report. The report is required to contain a description of the terms which are of significance to the payment of men and women in the enterprise as well as specifically action-oriented initiatives which may run for a course of 3 years, and the more specific follow-up on this in the period of the report. The report is required to comprise all the employees of the enterprise and is required to be considered with in accordance with the rules laid down in section 4 of the Act on Information and Consultation of Employees or the rules in a collective agreement which substitute the Act on Information and Consultation of Employees. The report is required to be prepared, at the latest, within the expiry of the calendar year where the duty to prepare gender-segregated wage statistics existed.

6 An employee who finds that the employer does not comply with the duty to offer equal pay, including equal pay conditions under the Act may bring legal action to establish the claim.

(2) Where a person who finds that he or she has been discriminated against under section 1 establishes facts which give cause for presuming that direct or indirect discrimination has taken place, it is incumbent on the other party to prove that the principle of equal treatment has not been violated.

6 (a) The Minister for Employment and the Minister for Gender Equality shall every third year present a report on measures to guarantee equal pay between men and women.

6 (b) Any violation of section 5 subsection (1) first and third sentences will be sanctioned by a fine unless higher punishments are imposed under other legislation.

(2) Enterprises, etc. (legal persons) may be held criminally liable under the provisions of part 5 of the Danish Criminal Code.

7 This Act may receive the Royal Assent as soon as it has been adopted.

8 This Act shall come into force on 9 February 1976 and shall apply to pay relating to the period after the commencement of the Act.

9 This Act shall not extend to the Faroe Islands.

Act No. 374 of 20 May 1972 lays down the following commencement provisions:

Section 4

This Act shall come into force the day after its publication in the Danish Law Gazette¹.

Act No. 388 of 30 May 2000 on Equal Treatment of Men and Women lays down the following commencement provisions:

Section 24

This Act shall come into force on 1 June 2000.

Act No 440 of 7 June 2001 on the amendment of the Act on Equal Treatment of Men and Women as regards Access to Employment and Maternity Leave, etc, the Act on Equal Pay to Men and Women, the Act on Child Care Leave, the Act on Equal Opportunities for Men and Women and the Act on Equal Treatment of Men and Women in occupational social security schemes lay down the following commencement provisions:

Section 6

The Act shall come into force on 1 July 2001.

Act no 445 of 7 June 2001 on the amendment of the Act on Equal Pay to Men and Women (information on wages) lays down the following commencement provisions:

Section 2

(1) This Act shall come into force on 1 July 2001. The date of commencement of section 1(iii) to (v) shall be decided by the Minister for Employment².

(2) Section 1(i) and (ii) shall apply for employment relationships entered into before 1 July 2001.

(3) The time for drawing up the report under section 6 paragraph (a), as read by section 1(v) of this Act for the first time shall be decided by the Minister for Employment³.

Section 3

(Repealed)⁴.

Act No. 562 of 9 June 2006 which amends section 1, section 5 paragraph (a) and section 6 paragraph (b) contains the following commencement provisions:

Section 2

The Act enters into force on 1 January 2007.

Section 3

Section 6 (a) of the Act on Equal Pay to Men and Women as inserted by Act No. 445 of 7 June 2001 and amended by Act No. 358 of 6 June 2002 shall enter into force on 1 January 2007, though the report shall be prepared for the first time in 2009.

Ministry of Employment 27 August 2006

Claus Hjort Frederiksen

/Lise Fangel

¹⁾ Act No. 374 of 20 May 1992 was published in the Danish Law Gazette on 21 May 1992

²⁾ Amended by Act No. 358 of 6 June 2002

³⁾ Amended by Act No. 358 of 6 June 2002

⁴⁾ Amended by Act No. 358 of 6 June 2002

CONSOLIDATION ACT ON AN EMPLOYER'S OBLIGATION TO INFORM EMPLOYEES OF THE CONDITIONS APPLICABLE TO THE EMPLOYMENT RELATIONSHIP¹.

An Act to consolidate the Act on an Employer's Obligation to Inform Employees of the Conditions Applicable to the Employment Relationship, cf. Consolidation Act no. 1011 of 15 August 2007 with the amendments that are consequences of section 5 in Act no. 482 of 12 June 2009.

Scope

1. - (1) This Act shall apply to all employees having an employment relationship with a duration exceeding one month and with an average working week exceeding eight hours. The Act shall not apply to persons who are subject to the Merchant Shipping (Masters' and Seamen's) Act.

(2) Employees shall be taken to mean persons who receive remuneration for personal services.

(3) The Act shall not apply to the extent the employer is under an obligation to inform the employee of the employment relationship as a result of a collective agreement and this contains rules which as a minimum correspond to the provisions laid down in Directive 91/533 on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

(4) The Act may not through an agreement be departed from to the disadvantage of the employee, but see subsection (3).

(5) The Minister for Employment may decide that employees having an employment relationship of a casual or specific nature shall not be subject to this Act.

The employer's obligation to provide information

2. - (1) The employer must inform the employee of all essential conditions applicable to the employment relationship, including at least the information set out in subsection (2)

(i)-(x). The information must be provided not later than one month after the commence-

ment of the employment relationship. Unless the employee from the commencement of the employment relationship has an average working week exceeding eight hours, the employer's obligation to provide information shall apply where the employee within the last four weeks has had an average working week exceeding eight hours.

(2) The employer's obligation to provide information shall cover at least the following information:

(i) The names and addresses of the employer and the employee.

(ii) The location of the place of work or where there is no fixed or main place of work, the principle that the employee is employed at various places and the registered place of business or the domicile of the employer.

(iii) A description of the work or an indication of the employee's title, grade, nature or category of the work for which the employee is employed.

(iv) The date of commencement of the employment relationship.

(v) In the case of an employment relationship that is not of indeterminate duration, the expected duration thereof.

(vi) The employee's rights regarding holiday with pay, including whether pay is disbursed during holidays.

(vii) The length of the periods of notice to be observed by the employee and the employer or the rules thereon.

(viii) The current or agreed pay which the employee is entitled to at the beginning of the employment relationship, and allowances and other pay elements that are not included therein, for example pension contributions and any board and lodging. Furthermore, information must be provided on the dates of payment of remuneration.

(ix) The length of the normal working day or week.

(x) An indication of the collective agreements governing the conditions of work. In the case of collective agreements concluded by parties outside the business, information must, furthermore, be provided on the names of these parties.

(3) The information may be given in the following documents:

(i) a written declaration that contains information on all essential conditions applicable to the employment relationship apart from the information that may be given in one of the documents referred to below in (ii)-(iv),

(ii) a written contract of employment,

(iii) a letter of engagement, or

(iv) one or more other documents, provided that at least one of these contains all the information referred to in subsection (2) (i)-(iv), (viii) and (ix).

(4) Apart from the information referred to in subsection (2) (i)-(v) and (x), the obligation to inform the employee of the essential conditions applicable to the employment relationship shall be considered fulfilled if the documents referred to in subsection (3) contain references to laws, regulations and administrative or statutory provisions or collective agreements governing those particular points.

Expatriate employees

3. - (1) Where an employee is required to work in one or several other countries and the duration of the employment exceeds one month, the document(s) referred to in section 2 (3) must be in the employee's possession before his/her departure. In addition to the information the employer must give the employee under section 2 (1) and (2), the document(s) for expatriate employees must include at least the following additional information:

(i) the duration of the employment abroad,

(ii) the currency to be used for the payment of remuneration,

(iii) where appropriate, the benefits in cash or kind attendant on the employment abroad,

(iv) where appropriate, the conditions governing the employee's repatriation, and

(v) whether steps have been taken to have the necessary certificates issued in connection with expatriation.

(2) The information referred to in subsection (1) (ii) and (iii) may be given in the documents referred to in section 2 (3) in the form of a reference to the laws, regulations and

administrative or statutory provisions or collective agreements governing those particular points.

Modification of the conditions of employment

4. Any change in the details referred to in section 2 (1) and (2) and section 3 (1) must be the subject of a written document to be given by the employer to the employee at the earliest opportunity and not later than one month after the date of entry into effect of the change in question. This shall, however, not apply where the change is caused by changes in the laws, regulations and administrative or statutory provisions or collective agreements which the employer may refer to under section 2 (4) or section 3 (2).

Non-compliance with the obligation to provide information

5. - (1) Questions as to whether the employer has complied with his/her obligation to provide information under the Act shall be decided by the National Social Appeals Board's Employment Committee.

6. - (1) Where the employer has failed to comply with his/her obligation to provide information, the employee may be awarded compensation by the courts. The compensation which for the individual may not exceed 13 weeks' remuneration shall be fixed in consideration of the circumstances of the case, including whether the lack of information has been of specific importance to the employee. In case of aggravating circumstances, the compensation may be increased up to 20 weeks' remuneration.

(2) The compensation may, however, not exceed DKK 1,000 if the lack of information is excusable and in all other respects has been of no specific importance to the employment relationship.

Commencement

7. - (1) The Act shall come into force on 1 July 1993 and shall apply to agreements on employment relationships concluded on 1 July 1993 or subsequently.

(2) The Act shall not extend to the Faroe Islands and Greenland.

Transitional provision

8. - (1) With respect to agreements on employment relationships that are concluded prior to 1 July 1993, and which remain in force after 1 July 1993, the employer shall, at

the request of the employee, be obliged no later than two months after the request to provide the employee with the information which the employee has not already received in writing regarding the points referred to section 2 (1) and (2) (i)-(x), where appropriate supplemented with information on the points referred to in section 3 (1) (i)-(v).

(2) With respect to agreements on employment relationships that are concluded prior to 1 July 2002, and which remain in force after 1 July 2002, the employer shall no later than one month after 1 July 2002 inform the employee in writing of any essential conditions applicable to the employment relationship of which the employee has not already been informed in writing, but see subsection (1).

Act no. 1061 of 22 December 1993, section 1 of which has amended section 2 (1) and section 8, contains the following commencement provision:

Section 2

The Act shall come into force the day after its publication in the Danish Law Gazette².

Act no. 138 of 25 March 2002, section 1 of which has amended section 2 (1)-(4), section 3 (1), section 4, first sentence and section 8, contains the following commencement provision:

Section 2

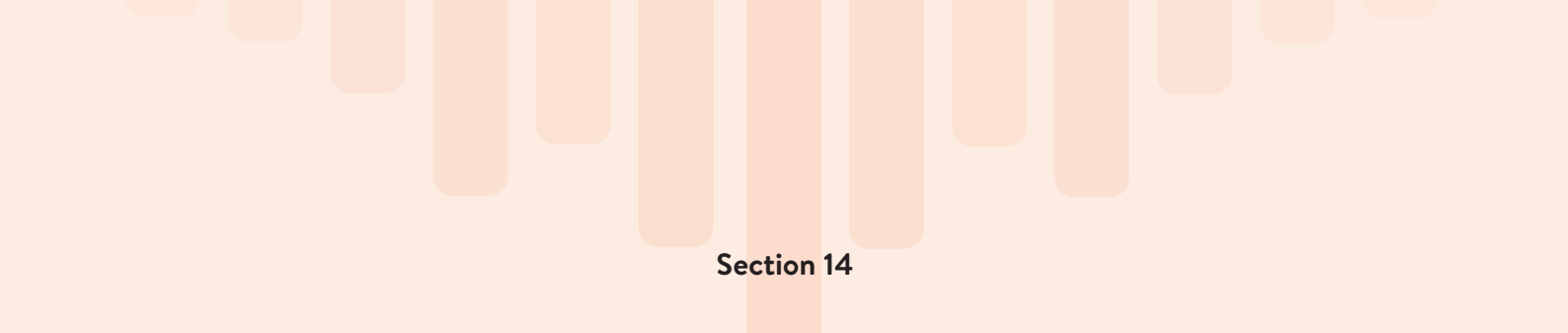
The Act shall come into force on 1 July 2002.

Act no. 174 of 27 February 2007 to amend the Act on an Employer's Obligation to Inform Employees of the Conditions Applicable to the Employment Relationship (Amendment of the compensation level), which amends section 6 of the Act, contains the following commencement provision:

Section 2

The Act shall come into force on 1 March 2007 and shall apply to claims for compensation made after the commencement of the Act.

Act no. 482 of 12 June 2009 to amend the Act on Unemployment Insurance etc, the Act on Legal Protection and Administration in Social Matters and other Acts, which amends section 5 of the Act, contains the following commencement provision:



Section 14

(1) This Act shall come into force on 1 August 2009 ---

(2)---

(3)---

(4)---

(5)---

(6)---

(7)---

Ministry of Employment, 17 March 2010

Claus Hjort Frederiksen

/Lise Fangel



