

## Employment protection in Denmark – 2008

Item 1 Notification procedures in the case of individual dismissal of a workers with a regular contract	<b>White collar:</b> legal requirement of written notice. Employees can request negotiation with the union once notice is received. <b>Blue-collar:</b> requirements in collective agreements. E.g. the main agreement between the Danish Confederation of Trade Unions and the Danish Employers' Confederation contains a provision about the workers right to written information on the reason for a dismissal and provisions on negotiations between the union and the employer if the union considers the dismissal unfair.
Item 2 Delay involved before notice can start	For white collar workers, the notice must be given before the first day of a calendar month and the notice period starts from the first day of the calendar month following receipt of the notice.
Item 3 Length of notice period at different tenure durations	<b>Blue collar:</b> 0<9m, 21d<2y, 28d<3y, 56d<6y, 70d>6y (based on collective agreements). <b>White collar:</b> 14d<3m, 1m<5m, 3m<33m, 4m<68m, 5m<114m, 6m>114m.
Item 4 Severance pay at different tenure durations	<b>Blue collar:</b> None (based on collective agreements). <b>White collar:</b> 1m>12y, 2m>15y, 3m>18y.
Item 5 Definition of unfair dismissal	<b>Fair:</b> Lack of competence and economic redundancy are legitimate reasons. <b>Unfair:</b> Dismissals founded on arbitrary circumstances" (blue collar workers) or "not reasonably based on the employee's or the company's circumstances". Dismissals based on race, religion, national origin, etc. and as a result of a corporate take-over are also unfair.
Item 6 Length of trial period	<b>Blue collar:</b> 9 months (based on collective agreements). <b>White collar:</b> 12 months.
Item 7 Compensation following unfair dismissal	<b>Blue collar:</b> compensation is limited to 52 weeks of pay for long service cases. Average is 10.5 weeks according to Danish Confederation of Trade Unions. <b>White collar:</b> compensation depends on age and seniority with the firm and is increasing in both (maximum is 6 months for older than 30 with more than 15 years tenure). <b>Typical compensation at 20 years tenure:</b> 9 months.
Item 8 Reinstatement option for the employee following unfair dismissal	Reinstatement orders are possible but rare.
Item 9 Maximum time period after dismissal notification up to which an unfair dismissal claim can be made	Unfair dismissal claim can be made immediately after notification.
Item 10 Valid cases for use of fixed term contracts	Fixed-term contracts allowed for specified periods of time and/or for specific tasks. Widely used, particularly in professional services and construction. But renewal of fixed term contracts must be based on objective reasons.
Item 11 Maximum number of successive FTCs (initial contract plus renewals and/or prolongations)	Generally, there is no legal limit for the maximum number of successive fixed-term contracts, but renewal of fixed-term contracts must be based on objective reasons.
Item 12 Maximum cumulated duration of successive FTCs	No limit specified. The Danish Confederation of Trade Unions states that court rulings suggest that 2-3 years temporary employment entail notification procedures.
Item 13 Types of work for which temporary work agency (TWA) employment is legal	Generally allowed.
Item 14 Are there restrictions on the number of renewals and/or prolongations of TWA contracts?	No but the Danish Confederation of Trade Unions states that court rulings suggest that 4-5 renewals entail notification procedures.
Item 15 Maximum cumulated duration of TWA contracts	The Danish Confederation of Trade Unions states that there is no limit, if employment pauses in between.
Item 16 Does the set-up of a TWA require authorisation or reporting obligations?	No.
Item 17 Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	Yes, equal treatment regarding pay and working conditions.
Item 18 Definition of collective dismissal	Within 30 days, >9 workers in firms 21-99 employees; >9% in firms 100-299; >29 workers in firms 300+ employees.
Item 19 Additional notification requirements (compared to Item 1) in cases of collective dismissal	Notification of Regional Employment Council (tripartite council).
Item 20 Additional delays involved (compared to Item 2)	30 days delay after notice to PES; longer in firms >100 workers that seek to dismiss over half of staff.

Item 21 Other special costs to employers in case of collective dismissals	<b>Type of negotiation required:</b> National agreement obliges companies to organise transfer and/or retraining whenever possible. <b>Selection criteria:</b> No criteria laid down by law. <b>Severance pay:</b> No special regulations for collective dismissal.
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*This summary was produced by the OECD based on responses to a questionnaire submitted by authorities in OECD member countries. It describes the situation current as at 1 January 2008 and is the basis for calculating the OECD employment protection indicators. To find out more about the methodology used to calculate the OECD employment protection indicators, see [www.oecd.org/employment/protection](http://www.oecd.org/employment/protection).*