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International Covenant on Economic,  
Social and Cultural Rights

REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)  
BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY  
ARTICLES 6 TO 9

DENMARK

/23 December 1977/

This report is submitted in pursuance of articles 16 and 17 in part IV of  
the International Covenant on Economic, Social and Cultural Rights.

The report has been prepared in accordance with the general guidelines  
prescribed by the Secretary-General for the reports covering the first stage  
(rights covered by articles 6-9) to be submitted by States Parties to the Covenant.

Article 6: The right to work

re A + B (1):\*

Reference is made to sections 74 and 75 of the Constitution of Denmark of  
5 June 1953 (encl. 1).

Furthermore, reference is made to the reports submitted by Denmark to the ILO  
on the following Conventions ratified by Denmark:

Convention No. 29 on Forced or Compulsory Labour

Convention No. 105 on the Abolition of Forced Labour

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\* Reference numbers indicated in the report refer to the General Guidelines  
for reports on articles 6-9 of the International Covenant on Economic, Social and  
Cultural Rights prepared in accordance with resolution 1988 (LX) of the Economic  
and Social Council (E/1978/8).

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Convention No. 111 on Discrimination in Respect of Employment and Occupation and

Convention No. 98 on the Application of the Principles of the Right to Organise and to Bargain Collectively.

re B (2 and 3):

Reference is made to the reports submitted by Denmark to the ILO on the Convention No. 2 on Unemployment, ratified by Denmark, and to the publication "Industrial Relations" (Ministry of Labour 1977) (encl. 2).

Furthermore, reference is made to the document "The Current Employment Situation in Denmark" (14 December 1976) pp. 1-5 and the Danish Employment Service and Unemployment Insurance Act, 1975 (encl. 3 and 4).

re B (4):\*

Reference is made to the publication "Adult Vocational Training" (Ministry of Labour and Social Affairs, 1969) (encl. 5).

re B (5):\*

Reference is made to sections 2 and 2 b of the Danish Employers and Salaried Employees Act, 1971, and to paragraph 4 in the General Agreement of 31 October 1973 (concluded by the Danish Employers' Confederation and the Danish Federation of Trade Unions) (encl. 6 and 7).

re B (6):\*

Reference is made to the above-quoted Employment Service and Unemployment Insurance Act, 1975. The Act was amended in 1976 in order to provide independent business people with protection against unemployment.

re C:\*

Reference is made to the above-quoted document of 14 December 1976, especially the annexed statistics.

Article 7: The right to just and favourable conditions of work

A. Remuneration

1. Wages in private industry are determined by collective agreements, providing, inter alia, for cost-of-living regulation. Wages are adjusted when prices have risen by three points or more, as compared with the price level of 1975. Regulation takes place twice a year. Similar rules apply to public employees.

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2 and 3. Denmark has no minimum wage law nor any other general legislation regulating the level of wages, although special legislation regarding compensation for leave and payments in the form of social insurance does exist. Determination of wages by negotiation and collective agreement is widely preferred, and such arrangements are highly developed; the principle also extends to civil servants. Cost-of-living allowances form an important part of the total annual wage increase.

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.

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

Base pay in Denmark generally is 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 government service.

Two different wage systems are used in Danish industry: the standard-wage and the minimum-wage system. According to the standard-wage system, all workers are paid the wage stipulated in the collective agreement, and only in special cases can exceptions be made. Collective agreements utilizing the standard-wage system, however, usually provide "for payment on 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 payment". In recent years, job evaluation has been used by some companies (e.g., in the pharmaceutical and cigarette-manufacturing industries), to fix the job payment in a more systematic manner.

The minimum-wage system, which is also called the flexible wage system, is based upon the idea that the wage fixed in the collective agreement is only a lower limit whereas the wage for skilled workers in principle is fixed in each individual case as a personal wage, which as a rule is substantially higher than the minimum wage.

Supplemental pay as an addition to base pay consists primarily of cost-of-living allowances but also includes various other smaller payments.

Supplemental payments include the value of lodgings and meals which employers customarily provide for workers in such occupations as seafaring and agriculture. Collective agreements usually stipulate that supplemental pay be provided for hardships, commuting distances, and use of workers' own tools.

Post differentials are granted by firms having operations in various parts of the country.

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Some enterprises provide a variety of other types of fringe benefits. For example, education leave, tuition fees and books, study travel, cheap restaurant facilities, and holiday camps and cottages.

4. Reference is made to the enclosed statistics showing the development over the period from 1965 to 1976 (encl. 8).

5. Equal pay for work of equal value is ensured by the Equal Pay (Men and Women) Act of 4 February 1976.

The EEC directive of 9 February 1976 on the Implementation of the Principle of Equal Treatment between Men and Women (Access to Employment, to Vocational Training, to Promotion, and with Regard to Working Conditions), provides for the translation of the said principle into Danish law within 30 months after the notification of the directive.

B. Safe and healthy working conditions

Reference is made to the enclosed copy of the Danish Working Environment Act of 23 December 1975 (encl. 9). Statistics are not available in English translation.

C. Equal opportunity for promotion

Reference is made to the above-mentioned (art. 7, A, 5).

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

Public holidays

The legislation does not provide for payment of wages on statutory public holidays (other than Sundays).

Civil servants and public employees are paid for statutory public holidays. In private industry, payment is allowed for statutory public holidays under the provisions on the subject included in the collective agreements made between employers' and workers' organizations. The agreements provide either for payment of full wages, irrespective of whether the wage period may have included one or more statutory public holidays; this principle applies most frequently to salaried employees and other persons paid by the month, and to employees receiving a regular weekly salary; or that employers shall deposit a sum corresponding to 3 per cent of the wages on each pay-day as compensation for loss of wages on a statutory public holiday. From the resulting savings the majority of the wage-earners covered by the scheme is paid a certain sum on account, while any surplus savings are paid together with the holiday allowance in the following calendar year. For some categories of wage-earners, payment is made by way of two instalments in the following calendar year. As regards certain wage-earners in the agricultural sector, payment is made currently.

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#### Holidays with pay

In pursuance of the Holidays Act No. 273 of 4 June 1970, as amended in 1971 and 1974, any worker, salaried employee and assistant, whether employed in a public or private undertaking, is entitled to an annual holiday with pay of two days for every month in which he has worked during the preceding year. If the work performed has been of shorter duration than one month, his right to a holiday is assessed in proportion to the length of his employment. Similar holiday rights in pursuance of special legislation apply to civil servants, etc., apprentices and certain categories of assistants who are not covered by the Holidays with Pay Act (encl. 10).

All wage-earners are covered either by the legislation referred to above or by holiday provisions in collective agreements which are just as favourable as those of the Holidays with Pay Act.

#### Normal hours of work

The question of weekly working hours is resolved by collective and individual agreement and not by legislation. As from December 1974 a working week of 40 hours is the general rule in the private and public sectors.

#### Weekly rest

Reference is made to the enclosed copy of the Working Environment Act (No. 681 of 23 December 1975), Part IX, and to the reports submitted to the ILO by Denmark on the following Conventions ratified by Denmark:

Convention No. 14 on the Application of the Weekly Rest in Industrial Undertakings, and

Convention No. 106 on Weekly Rest in Commerce and Offices.

#### Article 8: Trade Union Rights

Reference is made to the reports submitted by Denmark to the ILO on the following Conventions ratified by Denmark:

Convention No. 87 on Freedom of Association and Protection of the Right to Organize, and

Convention No. 98 on the Application of the Principles of the Right to Organize and to Bargain Collectively.

#### Article 9: Right to Social Security

re (a)\*

##### Medical Care

Reference is made to the report submitted by Denmark on the implementation of ILO Convention No. 102 on minimum standards of social security for the period 1 July 1972-30 June 1973 and subsequent reports.

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re (b) and (c)\*

Sickness and maternity benefits

Reference is made to the report submitted by Denmark on the implementation of ILO Convention No. 102 on minimum standards of social security for the period 1 July 1972-30 June 1973 and subsequent reports.

re (d), (e) and (f)\*

Social pensions

The provisions governing social pensions are contained in

The National Pensions Act (updated translation into English not available)

The Invalidity Pensions Act (updated translation into English not available)  
and

The Widows' Pensions Act (updated translation into English not available).

I. Common conditions for entitlement to national pension, invalidity pension and widow's pension

The right to pension is conditional upon

- (1) Danish nationality
- (2) Permanent residence in Denmark
- (3) Permanent residence in Denmark for not less than 12 months after age 15

re (1) Nationality. Persons other than Danish nationals entitled to pension are women who are, or were in their last preceding marriage, married to a Danish national and (under bilateral or multilateral agreements and subject to certain conditions, inter alia period of residence) nationals of the other Nordic countries, nationals of the other EC member States, and nationals of Cyprus, Greece, Switzerland and Turkey.

re (2) and (3) Residence. As stated above, the right to pension is conditional upon residence in Denmark for not less than 12 months after age 15. The right to full pension is normally conditional upon 40 years of residence in Denmark between the ages of 15 and 67.

Full national pension is, however, obtainable after only 10 years of residence between the ages of 15 and 67 provided that five of the 10 years immediately preceded age 67.

For pensions granted prior to pensionable age, the period from grant of pension to age 67 is included in the period of residence.

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## II. Special conditions

### A. National pension

Entitlement to national pension is acquired at age 67 for men and married women and at age 62 for single women. National pension may be paid prior to pensionable age to:

- (1) persons between the ages of 60 and 67 on account of failing health or in other special circumstances;
- (2) persons between the ages of 55 and 60 where warranted by special social and work-related circumstances.

### B. Invalidity pension

Invalidity pension may be awarded to persons whose work capacity has been reduced by at least 50 per cent due to physical or mental disability. Pensions are of three classes: maximum, medium and minimum, depending on the percentage of invalidity. Maximum pension is paid to persons considered to be incapacitated for any kind of work.

Invalidity pension may be awarded to persons between the ages of 15 and 60, provided that pension at maximum rate cannot be granted until after age 18. Invalidity pension ceases at age 67 when it is automatically replaced by national pension.

### C. Widow's pension

Widow's pension may be awarded to:

- (1) women over age 55 widowed before age 45;
- (2) women widowed after age 45 who at the time of the husband's death were liable for and contributed to the support of two or more children under age 18, as long as they are liable for and contribute to the support of one child under age 18;
- (3) widows and other single women over age 55 when warranted by failing health or by any other special circumstances or to whom pension was previously paid under provision (2) above.

At age 62, widow's pension is replaced by national pension. The right to widow's pension lapses on remarriage but is recovered, on application, if the marriage is dissolved.

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### Amounts, and income-regulation of pensions

All three types of pensioners receive a basic amount except invalidity pensioners awarded minimum pension, who receive only half the basic amount.

The basic amount (as of 1 October 1977) is kr. 1,523 per month for a single person and for a married person whose spouse is not a pensioner. Husband and wife, if both pensioners, each receive kr. 1,284 per month. The basic pension is income-regulated except for persons over age 67.

Invalidity pensioners receive, in addition to the basic amount, an invalidity allowance. Those awarded minimum pension receive only half the allowance, while those awarded maximum pension receive also an unemployability allowance. These allowances are not income-regulated, and the invalidity allowance is tax free.

### Pension supplements

Various pension supplements are paid. All pensioners whose income, aside from the pension, does not exceed a prescribed limit are paid a pension supplement. This does not, however, apply to pensioners receiving minimum invalidity pension. In addition, a marriage allowance is paid where only one spouse is a pensioner, and a wife's allowance where the husband is a pensioner and the wife between the ages of 62 and 67. A personal allowance may be paid where the social committee finds that a pensioner's conditions are extremely hard.

### Special supplement to invalidity pensioners

Invalidity pensioners may be awarded an assistance allowance if they are in constant need of the personal assistance of others or if they are blind or very weak-sighted. In lieu of assistance allowance, an attendance allowance may be awarded to invalidity pensioners needing attendance or supervision by day and by night.

### Regulation of pensions

Social pensions are index-regulated twice annually. Moreover, pensions are usually increased in step with general wage rises in the labour market.

### Financing

Social pensions are paid out of local government funds but are fully reimbursed from the Exchequer. For personal allowances, however, only 75 per cent of the cost is reimbursable.

Exchequer expenditure is covered out of revenue in the form of taxes and charges.

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### Industrial injuries insurance

Provisions governing compensation for personal injuries caused by accidents arising out of, or in the course of, employment, and for prescribed diseases due to the nature of employment are contained in the Industrial Injuries Act (No. 183) of 30 May 1933, as subsequently amended, most recently by Act No. 272 of 26 May 1976.

The industrial injuries scheme covers every person who is engaged by an employer carrying on business in Denmark or having other people in his service to work in the employer's business, or in his private household or to carry out private services for him - regardless of the nature and duration of the contract of employment or service.

Injury benefit is payable to persons incapable of work as a result of an industrial accident or prescribed disease (as listed in Executive Order No. 380 of 30 June 1976, issued pursuant to Section 1A of the Industrial Injuries Insurance Act).

For prescribed diseases, injury benefit is payable only where it is presumed that the disease arose out of, or in the course of, employment. For diseases other than those prescribed, the insured may claim compensation if he is able to prove that the disease arose exclusively or mainly out of the special nature of his work.

### Expenses covered

Except where cover is provided under other social legislation, the insurance covers, pending a decision as to compensation for disablement, the cost of such medical treatment and rehabilitation as is considered necessary for achieving the best possible recovery. Cover is provided also of the cost of artificial limbs, spectacles and other aids, either if they are considered necessary in order to ensure results of treatment, mitigate the consequences of the accident or assess the percentage of disablement, or if they were damaged in the accident while being used.

Disablement benefit (compensation for reduced capacity for work) is, in principle, in the form of an annuity payable for the duration of disablement, possibly for life. If the percentage of disablement is less than 5 per cent no benefit is paid. For disablement of 5 to 49 per cent the annuity is converted into non-recurrent payment of a fixed sum. For disablement of 50 per cent or over an annuity is normally paid.

The percentage of disablement is determined in the light of an over-all medical evaluation of the medical and social consequences of the accident.

The amount payable is fixed on the basis of the actual income of the person injured, within minimum and maximum limits. The maximum annual income is regulated on 1 April of every year in conformity with movements in actual hourly wages (including cost-of-living increment) as published by the Department of Statistics in the first quarter of every year for all workers in crafts and industry. The benefit is regulated annually by the same percentage as annual wages. At age 67, when full national pension is payable, the benefit is reduced by 25 per cent. As of 1 April 1977 the maximum annual wage was kr. 76,750.

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### Death benefit

If the accident results in the injured person's death the dependants are entitled to compensation for loss of breadwinner.

For a widow the maximum death benefit is 30 per cent of the deceased's actual annual wages, see above. In addition she receives a supplement of 20 per cent of annual wages for the first two years after her husband's death. In the event of remarriage the benefit is replaced by non-recurrent payment of a sum corresponding to three years' benefit. In the event of subsequent divorce she may apply for renewed award of benefit. At age 67, the benefit is reduced by 25 per cent, see comments above re disablement benefit. The same provisions apply to a widow who lived apart from her husband if she had a legal claim to maintenance. The provisions also apply to a widower if the deceased wife participated regularly and to a substantial extent in the family's income-earning work.

Where the widow is entitled to benefit, each child of the marriage is entitled to an allowance corresponding to 10 per cent of the annual wages of the deceased; for two or more children the maximum is 20 per cent. If the deceased left no spouse entitled to benefit, each child of the marriage is entitled to an allowance corresponding to 20 per cent, for two or more children a maximum of 50 per cent, of the annual wages of the deceased. Allowances to children are paid until age 18 but may be extended beyond that age for children still in education.

On certain conditions, allowances for loss of breadwinner may be paid to other dependants in an amount to be fixed by the Social Security Board.

Funeral benefit is payable to dependants or other private individuals who wholly or partially covered the cost of burial or cremation. As of 1 April 1977 the benefit, which is index-regulated, was kr. 1,950.

re (h)\*

### Unemployment benefits

#### Legislation

The Employment Service and Unemployment Insurance Act (of 24 March 1970, most recently amended by Act of 8 June 1977).

#### Nature of scheme

Covers all wage and salary earners and self-employed persons who are members of an unemployment fund. In April 1977, 51 per cent of the population in active employment, including 62 per cent of all wage and salary earners in the private as well as the public sector were protected under the unemployment scheme.

#### Nature of benefit

Cash.

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Amounts

- (1) 90 per cent of the average wage during the five weeks immediately preceding unemployment;
- (2) Unemployment funds fix a maximum rate for daily benefits; kr. 1,220 per week as of 1 April 1977. The maximum rate is fixed every six months, effective from 1 April and 1 October, in the equivalent of 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;
- (3) Daily benefits are paid from the first day of unemployment and for a maximum period of 2 1/2 years. For pensioners there are special limitations as to duration.

Conditions for benefit

- (1) As a normal rule, membership of an unemployment fund for not less than 6 months for wage and salary earners, 12 months for self-employed persons;
- (2) Entitlement to benefit is conditional upon full-time employment for not less than 26 weeks within the last three years for persons normally working for an employer; for self-employed, for a comparable period;
- (3) Age 17-65;
- (4) Registration with a labour exchange as job-seeker and capable of work;
- (5) Non-involvement in strike or lockout;
- (6) No sickness (in case of sickness, benefits are payable under social security scheme);
- (7) Liability to accept offer of employment and not to refuse enrolment for technical colleges, courses for semi-skilled workers, or similar offers of training;
- (8) Residence in Denmark;
- (9) Young people under age 17 and certain others, e.g., members taking up paid employment in sectors other than those covered by the unemployment fund, are not entitled to benefit from the unemployment fund but may be admitted as contributing members.

Danish nationality is not required.

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### Financing

The insured pays an annual contribution representing 225 per cent of the rate of daily benefit fixed by his unemployment fund. All employers liable to contribute to unemployment insurance pay a minor amount fixed by law.

Expenses for benefits in excess of contributions are reimbursed from the Exchequer. Reimbursement accounts for about 93 per cent of total expenditure.

re (i)\*

### Family benefits

#### Legislation

The Family Allowances Act (Act of 3 June 1967, most recently amended by Act of 25 August 1976).

#### Nature of scheme

Covers all segments of the population.

#### Nature of allowance

Cash.

#### Amounts

General children's allowance, payable to children under age 16, kr. 421 quarterly as of 1 April 1977.

Increased children's allowance paid in lieu of general children's allowance to children of single breadwinners and to children when both parents are invalidity or national pensioners, kr. 635 quarterly as of 1 April 1977.

Extra children's allowance payable to single breadwinners with one or more children, kr. 485 quarterly as of 1 April 1977.

The aforementioned allowances are paid at full rate to families with a taxable annual income of up to kr. 110,000. For higher incomes the allowances are reduced or entitlement lapses.

Special children's allowance for which there are three rates, is paid up to age 18 to orphans (kr. 1,587 quarterly as of 1 April 1977) to children of widows or widowers, to children who after the death of the parent holding parental authority were adopted by the latter's spouse, and to children of other single breadwinners and of invalidity or national pensioners where a maintenance order has not or cannot be made (kr. 960 quarterly as of 1 April 1977).

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Youth benefit may be paid to children of age 16 or 17. The amount depends on the family income.

Child maintenance may be paid from the Exchequer in default of payment by the person liable to pay maintenance.

#### Eligibility

To qualify for allowances, the child or one of the parents holding parental authority must be a Danish national or have been permanently resident in Denmark during the last preceding year (for general allowance, increased allowance and extra allowance) or during the last preceding three years (for special allowance, youth benefit and payment of maintenance).

Other conditions for qualification are that the child is domiciled in Denmark, that the child has not entered into marriage or is not supported from public funds, or that the person to whom the allowance is to be paid is permanently resident in Denmark.

The present legal régime under which foreign nationals who have been permanently resident in Denmark for a period fixed by law are entitled to family allowances was introduced on 1 July 1975. Before then the Act authorized the Minister for Social Affairs, treating each case on its merits, to grant equal status with Danish nationals with regard to allowances under the Family Allowances Act to nationals of States with which Denmark had not entered into agreement for waiver of the requirements as to nationality and permanent residence.

Alien women who are, or were in their last preceding marriage, married to a Danish national enjoy equality with Danish nationals with regard to allowances under the Family Allowances Act.

Denmark has granted exception to the requirements for Danish nationality in respect of persons falling within EEC Regulation 1408/71 on the application of social security schemes to workers and members of their family moving within the EEC and to persons who while resident in Denmark engage in activities under the EEC regulations governing establishment or exchanges of services. The requirements as to domicile and permanent residence in Denmark have been abolished for persons who under the EEC regulations governing social security for workers and others are entitled to children's allowances and youth benefits by virtue of employment in Denmark.

Moreover, exception to the requirements regarding Danish nationality and permanent residence in Denmark has been made, by agreement, with several countries, Denmark has entered into social security agreements with the other Nordic countries, with the Federal Republic of Germany, France, Switzerland and the United Kingdom. Denmark has acceded to the European agreements on social security and the United Nations Covenant on the legal status of refugees.

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Under the agreements, the following provisions apply: Nationals of Finland, Iceland, Norway, Sweden and the United Kingdom are entitled to general, increased and extra children's allowances and to youth benefit on the same terms as Danish nationals if permanently resident in Denmark.

Nationals of Belgium, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands and Turkey are entitled to general, increased and extra children's allowances after six months' stay and subject to permanent residence in Denmark.

Nationals of Finland, Iceland, Norway, Sweden and the United Kingdom are entitled to special children's allowance on the same terms as Danish nationals. However, nationals of the Nordic countries will normally be entitled to an allowance corresponding to the special children's allowance for three years from the country they moved from.

Eligible, on the same terms as Danish nationals, for the special children's allowance payable to children of invalidity or national pensioners are also foreign nationals who under social conventions are entitled to invalidity or national pension in Denmark.

Eligible for special children's allowance on the same terms as Danish nationals are also nationals of Belgium, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands and Turkey, on varying conditions as to period of stay in Denmark for the different types of allowance.

#### Financing

Local authorities are responsible for the administration of the Act. Family allowances are financed entirely from the Exchequer.

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List of reference materials appended to the report\*

1. The Constitution of the Kingdom of Denmark Act - 5 June 1953, paragraphs 74 and 75.
2. Industrial Relations - Ministry of Labour 1977.
3. The Current Employment Situation in Denmark - 14 December 1976.
4. The Employment Service and Unemployment Insurance Act - September 1975.
5. Adult Vocational Training - Ministries of Labour and Social Affairs 1969.
6. The Employers and Salaried Employees (Legal Relationship) Act, 1971.
7. General Agreement of 31 October 1973  
Concluded by the Danish Employers' Confederation and the Danish Federation of Trade Unions.
8. Evolution of levels of remuneration and of cost of living.
9. The Working Environment Act - Act No. 681 of 23 December 1975.
10. The Holiday Act - Ministry of Labour.

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\* These reference materials are available for consultation in the files of the Secretariat in their original language as received from Denmark.