



International
Labour
Office



THE STATE OF APPLICATION OF THE PROVISIONS
FOR SOCIAL SECURITY OF THE INTERNATIONAL
TREATIES ON SOCIAL RIGHTS RATIFIED BY

Denmark

ILO
TECHNICAL
NOTE

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The information and data contained in the Technical Note is taken from the Government reports, on-line databases of the National Statistical office, official web-sites of the government departments, MISSCEO, MISSOC, SSI, ILOSTAT and EUROSTAT.

List of international abbreviations:

CAS	Committee on the Application of Standards, International Labour Conference
CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
COE	Council of Europe
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ECSR	European Committee of Social Rights
ECSS	European Code of Social Security
ESC	European Social Charter
EU	European Union
EUROSTAT	Statistical Office of the European Union
GC	Governmental Committee of the European Social Charter and European Code of Social Security
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILS	International Labour Standards
IMF	International Monetary Fund
MISSEO	Mutual Information System on Social Protection of the Council of Europe
MISSOC	Mutual Information System on Social Protection
OECD	Organisation for Economic Co-operation and Development
SSI	Social Security Inquiry

*CHAPTER I. Adequacy of social security
benefits: income and poverty indicators and
standards*

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Country profile by Eurostat indicators, National indicators and ILO minimum standards

<u>Eurostat</u>	EU-Avg 2013	2005	2012	2013	2014
At-risk-of-poverty threshold (40%, single person)	€ 462.3	€ 737.5	€ 886.0	€ 896.6	€ 926.0
At-risk-of-poverty threshold (50%, single person)	€ 577.8	€ 921.8	€ 1107.5	€ 1120.8	€ 1157.5
At-risk-of-poverty rate - 50%, before social transfers	19.5%	22.7%	22.1%	22.3%	20.7%
At-risk-of-poverty rate - 50%, after social transfers	10.2%	5.7%	7.7%	7.1%	6.6%
At-risk-of-poverty rate for children under 18 y.o. - 50% thrd	12.4%	5.3%	6.2%	4.2%	3.3%
In-work poverty rate - 50% threshold	5.2%	3.0%	3.2%	2.9%	2.8%
At-risk-of-poverty rate for pensioners - 50% threshold	6.0%	3.1%	3.0%	2.8%	2.2%
Aggregate replacement ratio	55%	35%	42%	44%	45%
Severe material deprivation (% of total population)	9.6%	3.2%	2.8%	3.8%	3.2%
Persistent at-risk-of-poverty rate - 50% threshold	5.2%		1.7%	1.0%	
Social protection expenditure as % of GDP	25.0%	30.2%	34.6%		
Gini coefficient before social transfers	36.1%	35.8%	39.0%	38.9%	38.0%
Gini coefficient after social transfers	30.5%	23.9%	28.1%	27.5%	27.5%

<u>National indicators</u>	Amount in DKK	<u>Amount in EUR</u>	
Social assistance minimum	DKK 10'689	€ 1433.7	2013, MISSOC
Minimum pension	DKK 8'718	€ 1117.7	2013, The Government Report on the ECSS
Average wage	DKK 38'106.2	€ 5121.8	2012, Denmark's Statistics
Average pension	DKK 19'252.2	€ 1838.2	2009, Denmark's Statistics

Government Report under the ECSS submitted in 2015

The Danish Government will soon provide 2014 figures for annual wages of male employee in the iron and metal industry. This is also relevant for updating the PP slides concerning income and poverty indicators brought as the last pages in the report (p.1 of the Annex to the Government Report).

Fig. 1. Income and poverty- single person, 2013

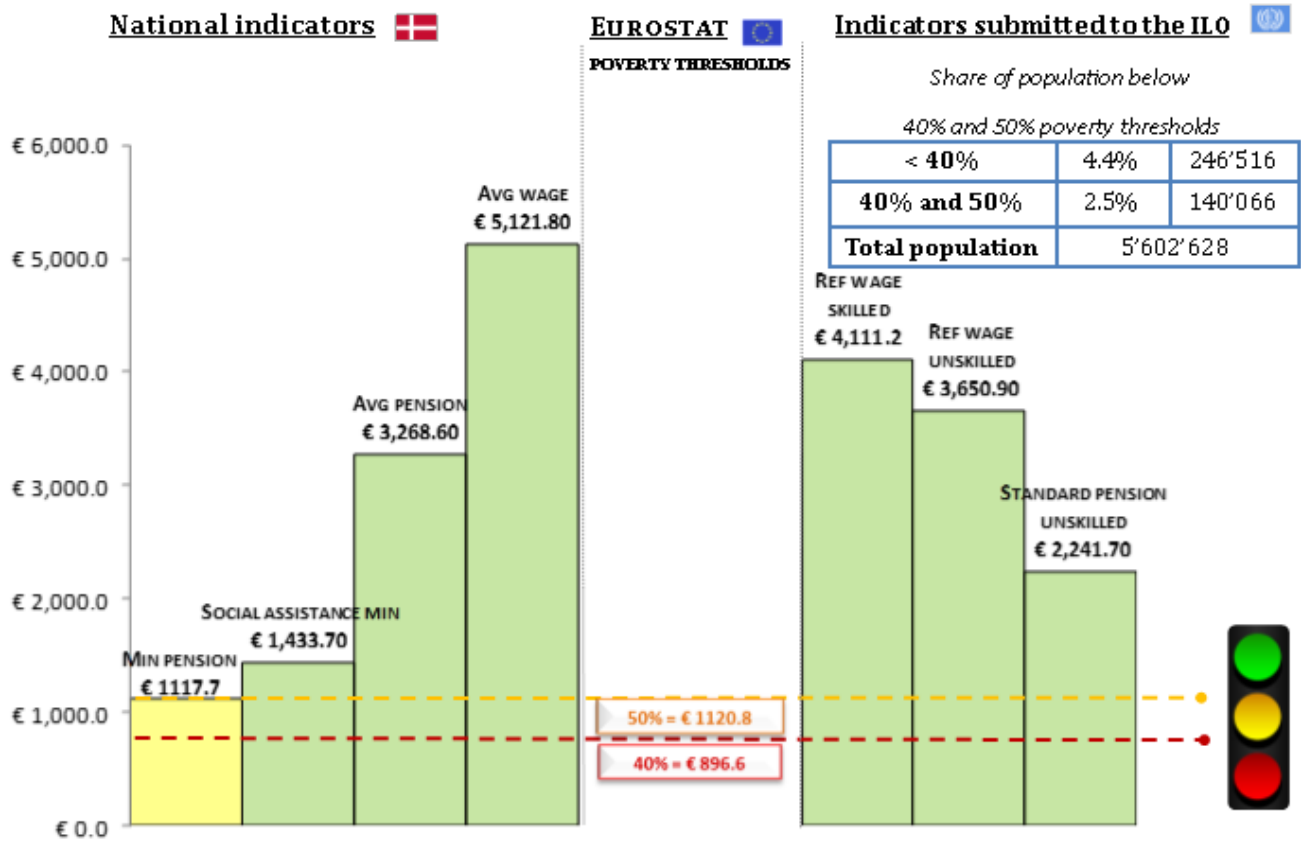


Fig. 2. Structure of population in poverty (Eurostat poverty thresholds of 60%)
by the most frequent employment status , 2013

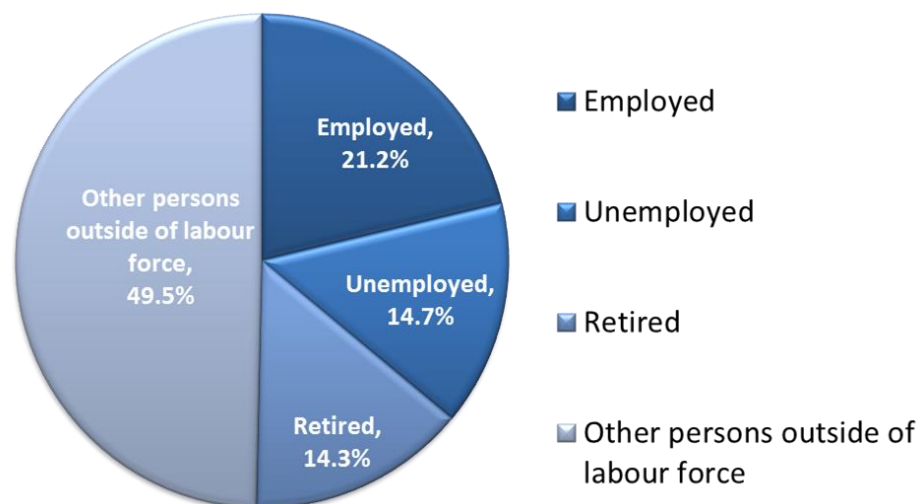
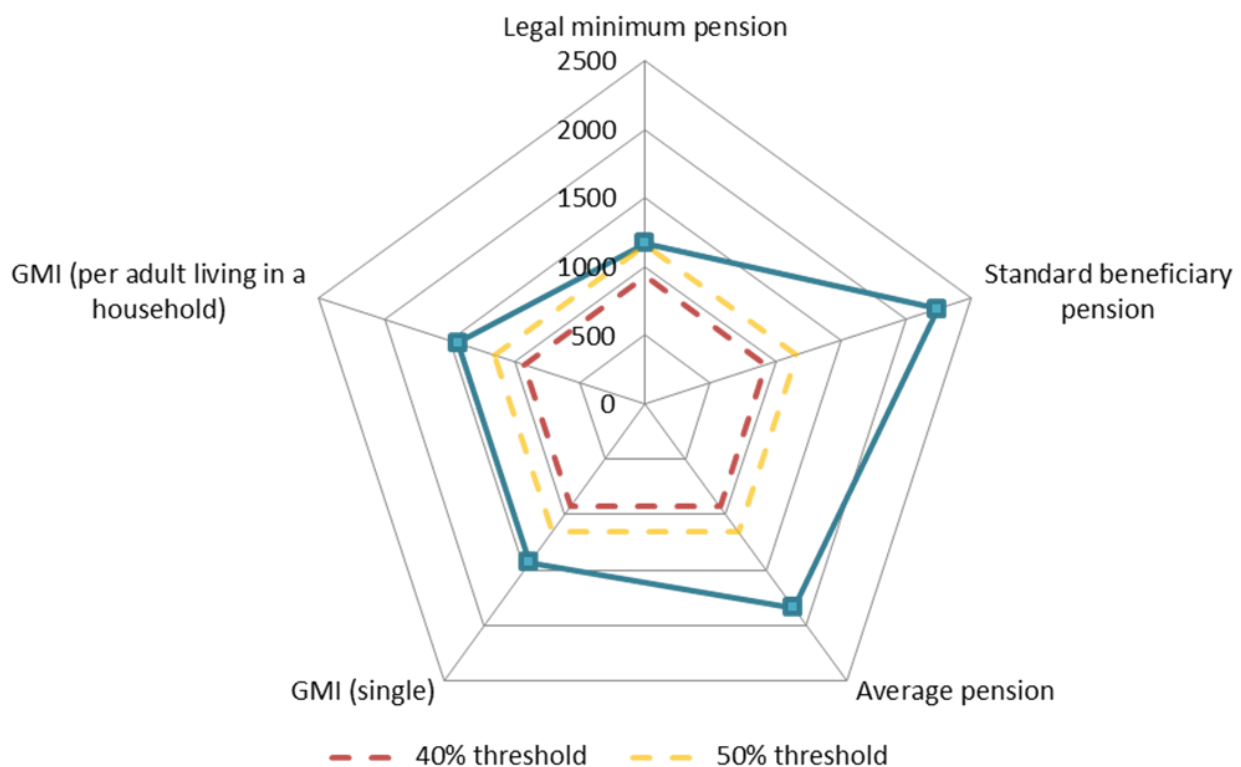
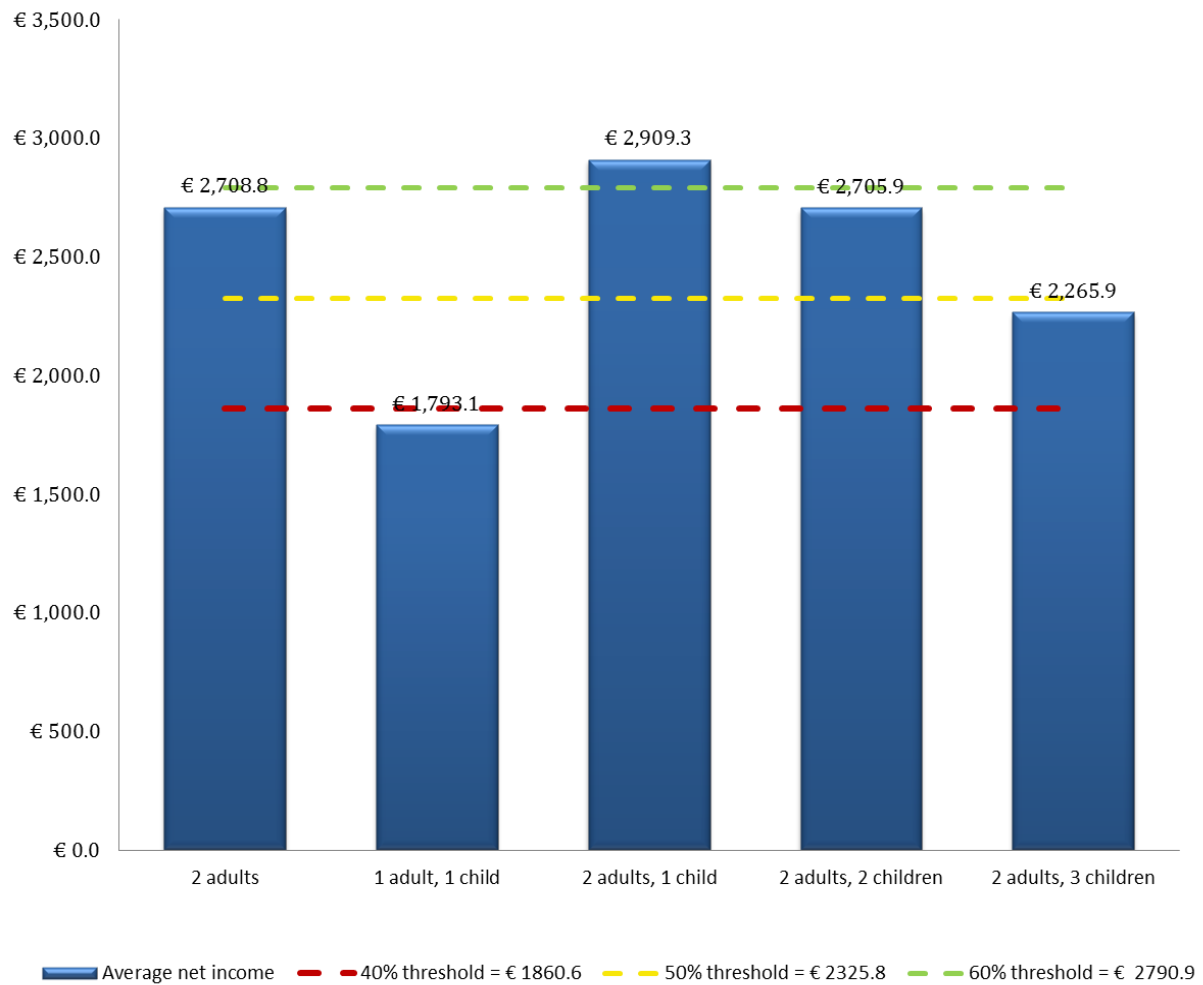


Fig. 3. Social benefits in comparison to Eurostat 40% and 50% poverty thresholds, 2013



Benefits/payments	Amount per month	Sources
Minimum wage	€ 1501.8	Public Federal Service for Employment 2014
Legal minimum pension	€ 1123.3	MISSOC, 2014
Standard beneficiary pension	€ 1223.5	Pension for average case worker, Government Report 2014
Average pension	€ 1155.0	MISSOC, 2014
Survivor benefit	€ 1105.7	MISSOC, 2014
Unemployment insurance benefit (UI - 3 months)	€ 1115.1	MISSOC, 2014
Maternity insurance benefit	€ 1231.5	MISSOC, 2014
Disability Insurance (permanent)	€ 1314.3	MISSOC, 2014
GMI (single)	€ 817.4	MISSOC, 2014
GMI (per adult living in a household)	€ 544.9	Government Report, 2014
At-risk-of-poverty threshold, 40%	€ 926.0	Eurostat, 2014
At-risk-of-poverty threshold, 50%	€ 1157.5	Eurostat, 2014

Fig. 4. Income and poverty indicators by type of household, 2012



(at-risk-of-poverty thresholds for the household with 2 adults and 2 children)

Household composition:	Average net income	At risk of poverty rate (60% threshold)
2 adults	€ 2708.8	7.9 %
1 adult, 1 child	€ 1793.1	18.7 %
2 adults, 1 child	€ 2909.3	4.3 %
2 adults, 2 children	€ 2705.9	4.4 %
2 adults, 3 children	€ 2265.9	9.1 %

Fig. 5. Comparison of monthly wages and pensions (40% replacement rate) to the Eurostat thresholds in 2013-2014, by decile

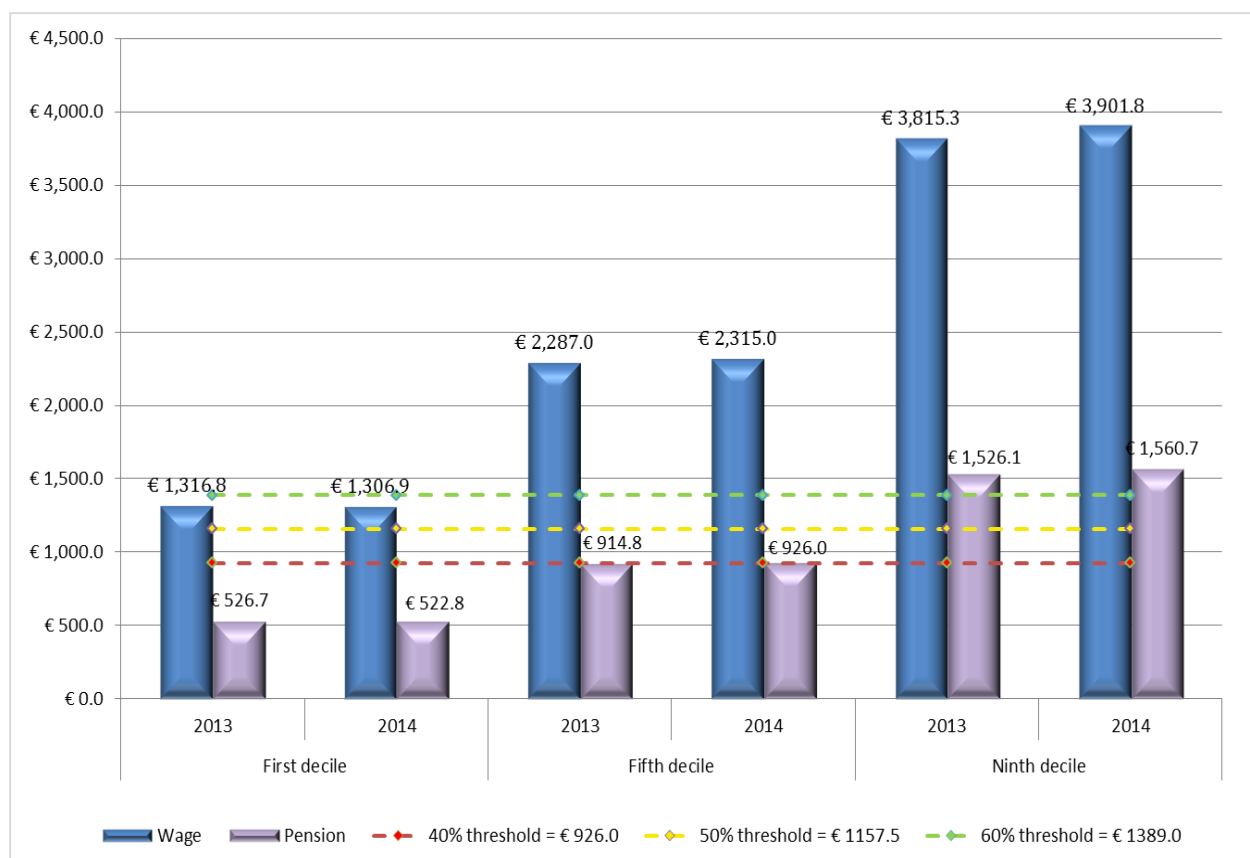


Fig. 6. Test on precarious employment: share of employed population by different job security situation, as % of total employment, 2012

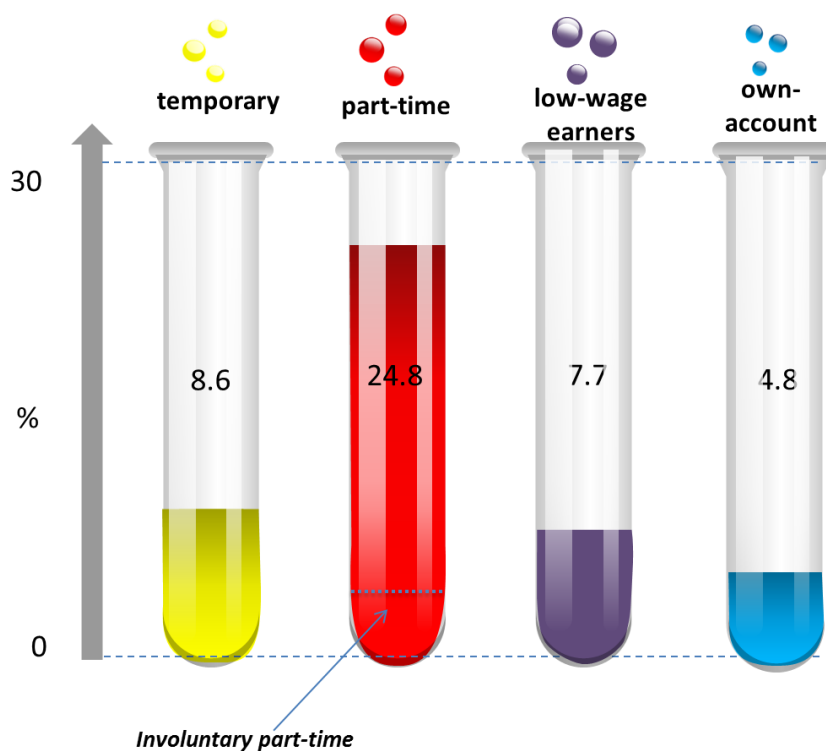
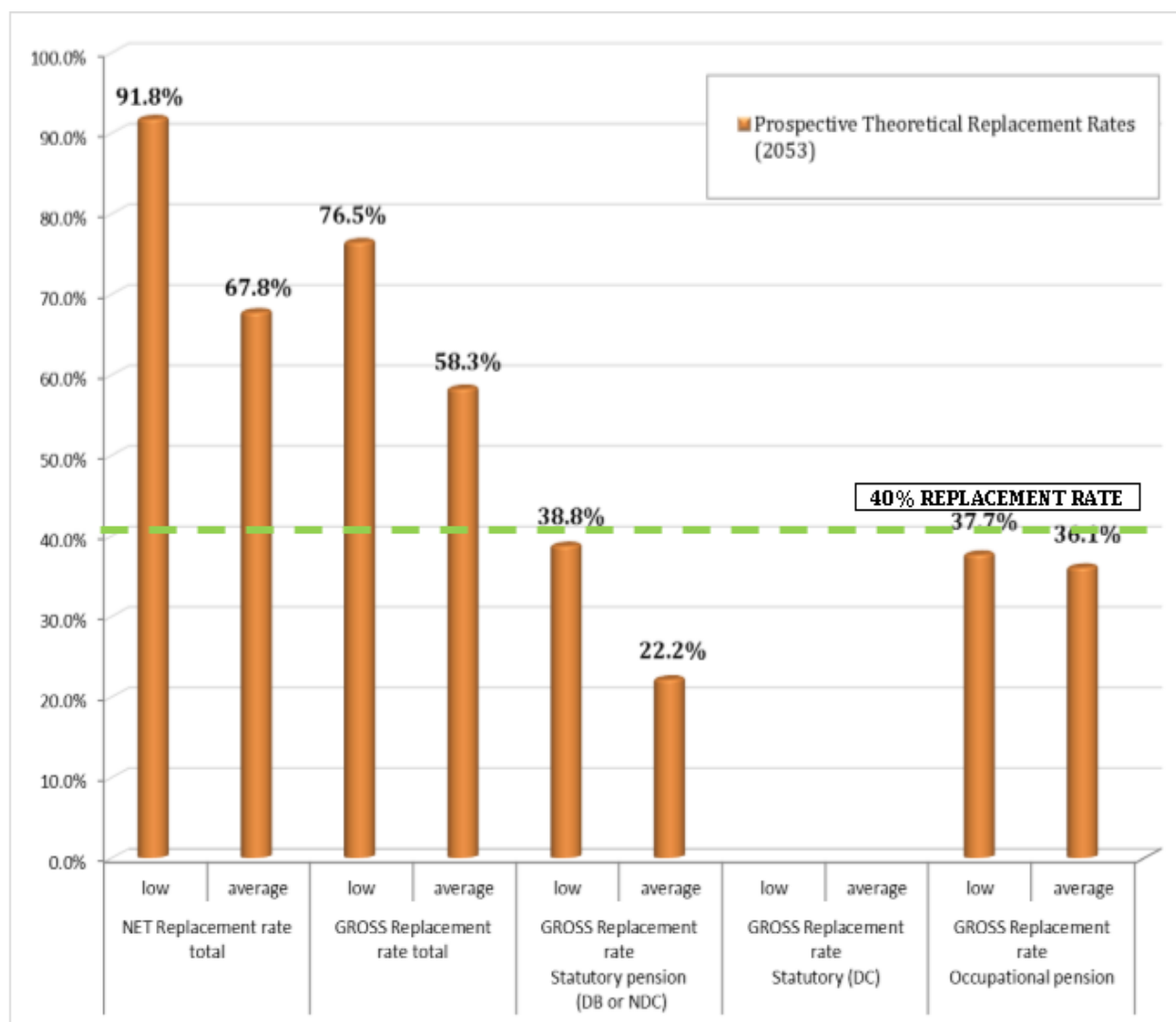


Fig. 7. Theoretical Replacement Rates for low and average wage earners, retiring in 2053 at statutory pension age (67) with 30 years of contributions between 2013 and 2053



Male, 20 years work from age 25 - career break until 10 years prior to SPA - 10 years work. 10 years of career break in the middle of the career

	NET Replacement rate total		GROSS Replacement rate total		GROSS Replacement rate Statutory pension (DB or NDC)		GROSS Replacement rate Statutory (DC)		GROSS Replacement rate Occupational pension	
	low	average	low	average	low	average	low	average	low	average
2053	91.8%	67.8%	76.5%	58.3%	38.8%	22.2%	-	-	37.7%	36.1%
2013	Data not available									

Source: The 2015 Pension Adequacy Report: current and future income adequacy in old age in the EU, Volume I

CHAPTER II. Selection of the Article 65, 66 or 67 under C102/ECSS and determination of the Standard Reference Wage used for calculating the replacement level of benefits

- [Fig. 1. Article 65: Type of social security schemes and method of benefit calculation](#)
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Fig. 1. Article 65: Type of social security schemes and method of benefit calculation

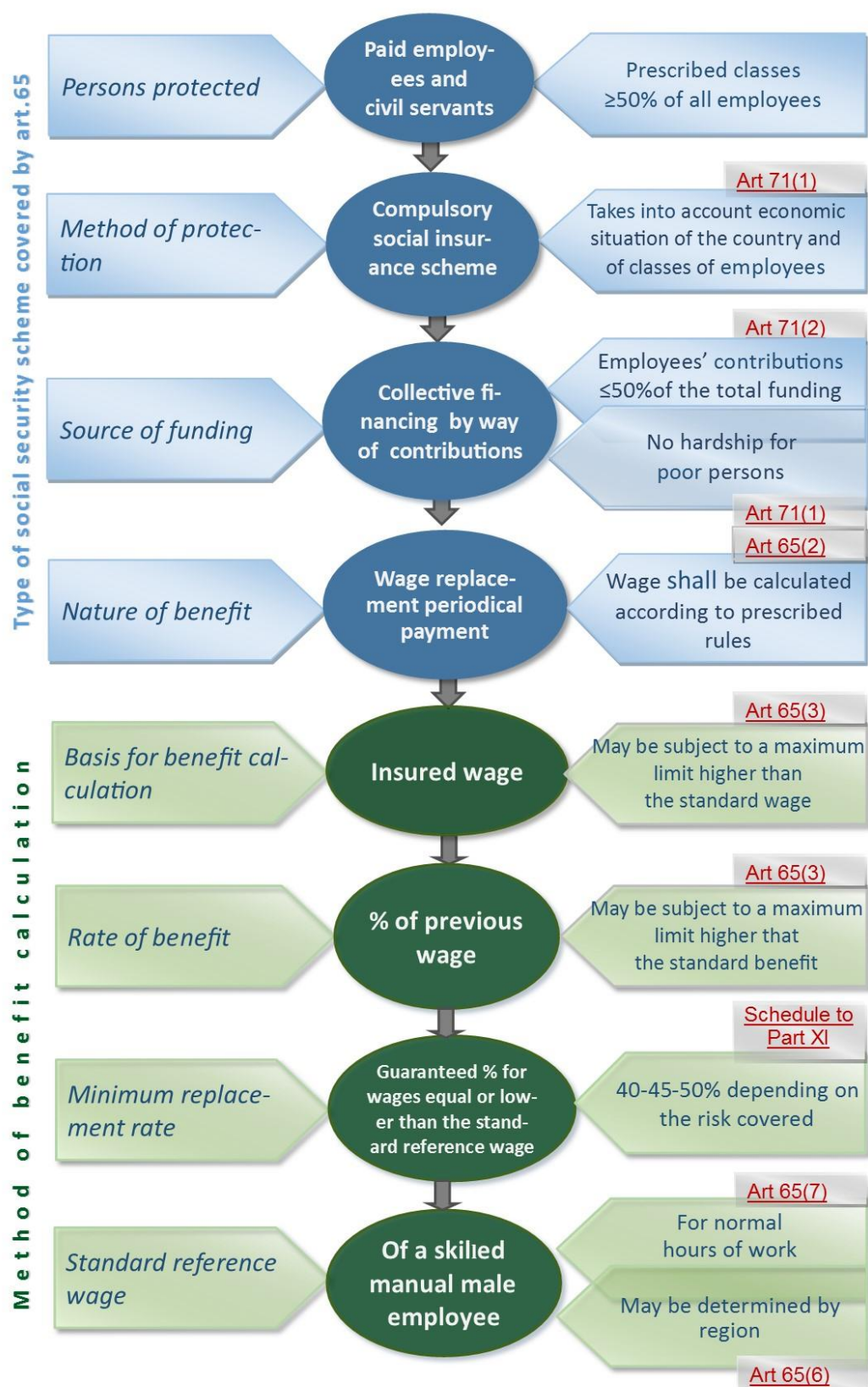


Fig. 2. Article 66: Type of social security schemes and method of benefit calculation

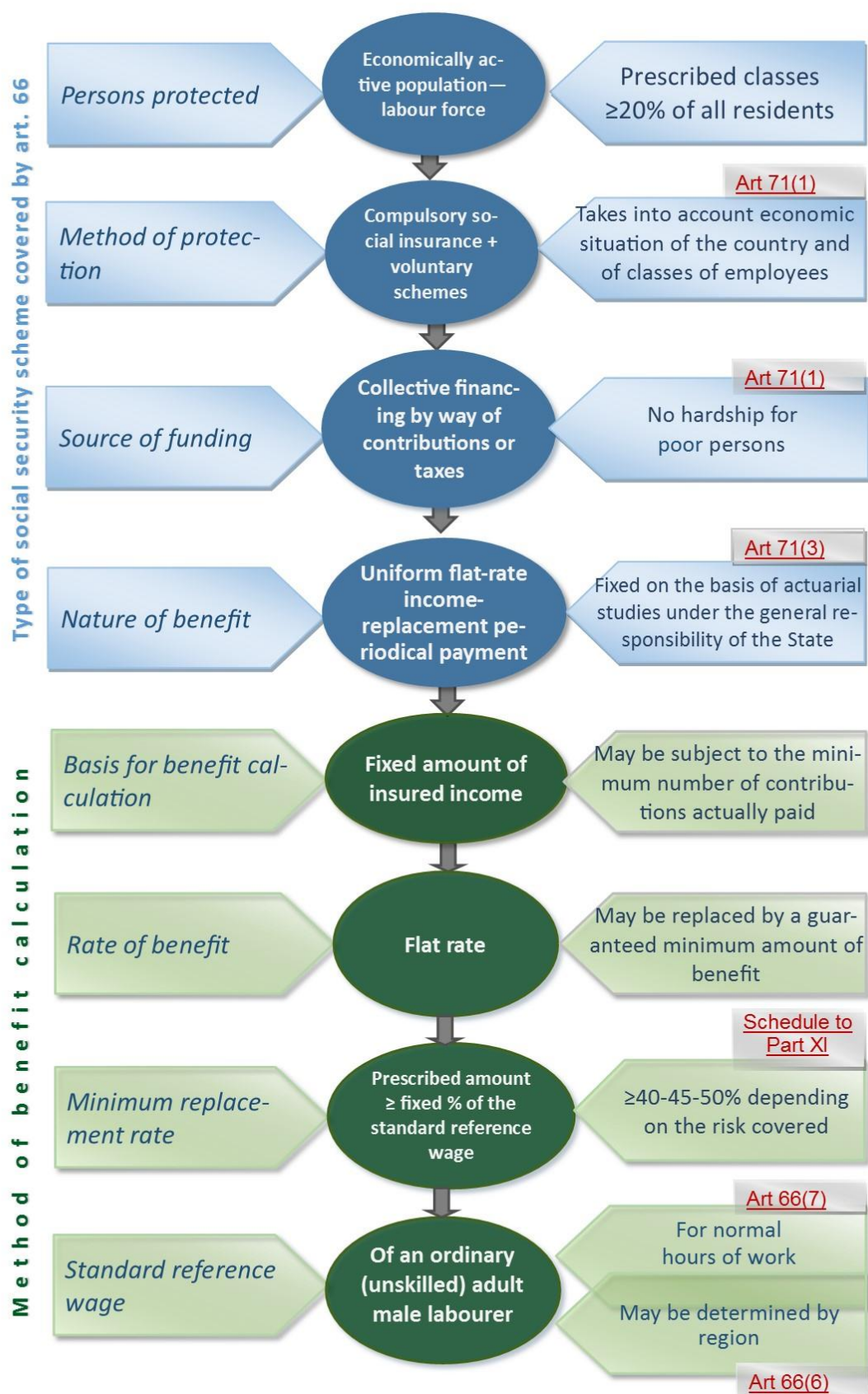
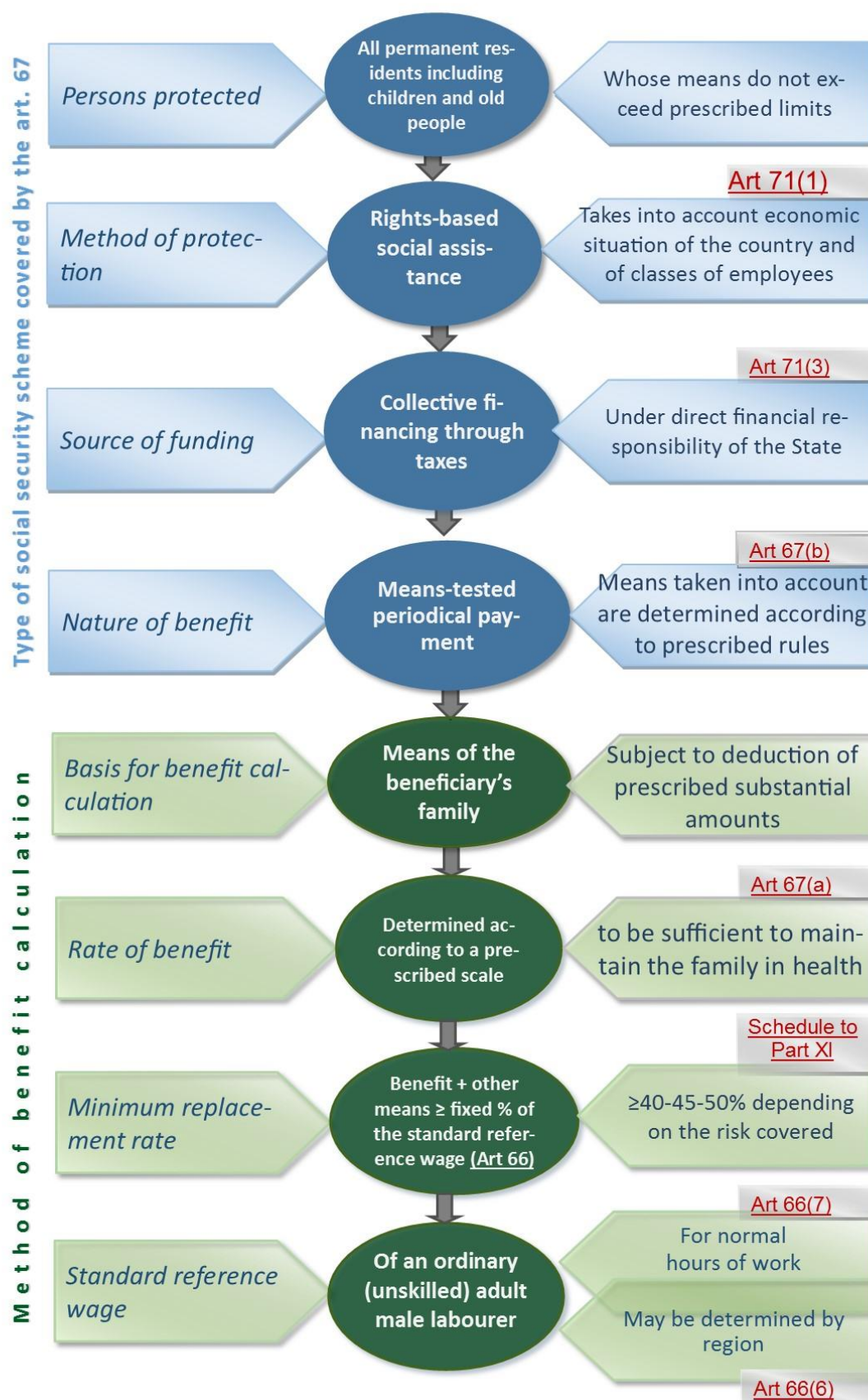


Fig. 3. Article 67: Type of social security schemes and method of benefit calculation



Extracts from the Government Reports (2010 - 2015) on the ECSS concerning the Reference Wage

Report of Denmark under Article 74 of the European Code of Social Security and its Protocol (1 July 2014 - 30 June 2015)

Re: 38th Report of Denmark under Art. 74 The Danish Government will soon provide 2014 figures for annual wages of male employee in the iron and metal industry. This is also relevant for updating the PP slides concerning income and poverty indicators brought as *the last pages in the report*.

Table 1 below shows income, benefits and tax for two old-age pension families and two worker families.

The pensions are the public old age pension and the obligatory minimum labour market supplementary pension (ATP). In respect of the couple it is presumed that only one of the persons is in receipt of the ATP. Both families (pensioners) receive housing allowance, but no other supplementary benefits, free services or personal allowances are included. None of them is labour market pension

The income for both worker families are the average wage for workers (members of the union (LO – The Danish Trade Union Council)), men and women together.

Table 1. Income and replacement rate for old age pensioners compared with labours. 2015.

2015-DDK	Single old age pension	Couple old age pension	Single ordinary labour	Couple ordinary labour
Pension /wage	163.496	249.736	336.936	673.872
ATP-pension	14.780	14.780	-	-
Housing allow.	28.080	31.752	0	0
Income tax etc.	-49.793	-64.019	-137.493	-268.467
Disposal income	156.563	232.248	199.443	405.404
Replacement rate	76 per cent	58 per cent	-	-

Source: Familietyppemodellen ver. 23/01/2015, familytype nr. 161, 152, 120 and 117 (without children).

It appears that the replacement rate calculated by disposable income after tax for the two old age pension families are 76 and 58 per cent.

Around 200,000 or 15 per cent of all men are employed in manufacturing in 2014 (table2).

Table 2. Men employed by kind of activity. 2014.

<i>2014</i>	<i>Numbers</i>	<i>Per cent</i>
Agriculture, forestry, fishing	29.000	2,2
Mining and quarrying	3.600	0,3
Manufacturing	199.200	15,4
Utility services	16.200	1,3
Construction	120.800	9,4
Trade and transport etc.	363.700	28,2
Information and communication	63.900	5,0
Financial and insurance	40.300	3,1
Real estate;rent.of non-res.b.	17.900	1,4
Dwellings	3.600	0,3
Other business services	149.900	11,6
Public adm., education, health	236.600	18,3
Arts, entertainm. oth.service	45.600	3,5
Total	1.290.300	100,0

Source: Statistic Denmark, Statistikbanken ATR32.

Notice that *Trade and transport etc.* include both wholesale and retail trade as different types of transportation. Taking this into account *Manufacturing*

is still an important part of the private sector.

In table 3 the group 'manufacturing' has been subdivided into four digit ISIC division code.

Table 3. Employed males in manufacturing. 2014.

<i>ISIC</i>	<i>Numbers</i>	<i>Per cent</i>
1012 Manufacture of food, beverages and tobacco products	32.300	16,2
1315 Manufacture of textiles	2.500	1,3
1600 Manufacture of wood and of products of wood and cork	6.400	3,2
1700 Manufacture of paper and paper products	3.500	1,8
1800 Printing and reproduction of recorded media	4.700	2,4
1900 Oil refineries etc.	700	0,4
2000 Manufacture of chemicals and chemical products	7.300	3,7
2100 Manufacture of basic pharmaceutical products and pharmaceutical	9.900	5,0
2200 Manufacture of rubber and plastic products	8.800	4,4
2300 Manufacture of other non-metallic mineral products	9.600	4,8
2400 Manufacture of basic metals	3.900	2,0
2500 Manufacture of fabricated metal products	27.200	13,7
2600 Manufacture of computer, electronic and optical products	10.100	5,1
2700 Manufacture of electrical equipment	6.700	3,4
2800 Manufacturing machinery and equipment n.e.c.	41.300	20,7
2900 Manufacture of motor vehicles, trailers and semi-trailers	3.000	1,5
3000 Manufacture of ships and other transport equipment	1.600	0,8
3132 Manufacture of furniture and others	11.100	5,6
3300 Repair and installation of machinery and equipment	8.600	4,3
Total	199.200	100,0

Source: Statistic Denmark, Statistikbanken ATR32.

Referring to the above comments the group of males in *Manufacturing* and in *Manufacturing machinery and equipment n.e.c.* are still the relevant reference group in relation to Article 65-67 of the ECSS.

Eurostat will soon launch new SES, SILC and FLS-surveys, as mentioned in the Technical Note, covering 2014-data both on employment and concerning wages etc. We have not checked the Eurostat 2010 data used in figure 1-7.

38th Report of Denmark under Article 74 of the European Code of Social Security and its Protocol (1 July 2010 - 30 June 2011), p.4

General remark concerning calculation:

The annual wage of a skilled manual male employee in the iron and metal industry in 2010 is estimated at DKK 367,044 (based on full-time working week – 37 hours)

The annual wage of an ordinary (un-skilled) adult male labourer in the iron and metal industry was in 2010 is estimated at DKK 325,965 (based on full-time working week – 37 hours).

Source: Confederation of Danish Employers, 2010.

CEARC Conclusions on 39th Report (2011-2012)

Part V (Old-age benefit) and Part XI (Standards to be complied with by periodical payments), Article 67. In reply to the Committee's previous conclusion, the report states that public old-age pension together with the supplementary benefits (especially housing allowance), a number of free services and a possible personal allowance secures all pensioners a sufficient income to maintain the family of the beneficiary in health and decency and is assessed to be in compliance with the Code. The Committee takes due note of this statement and hopes that the Government would not fail to include in its next report the statistical data showing that the replacement rate of the old-age pension, together with appropriate supplementary benefits, calculated under Title III of Article 67 of the Code for the standard beneficiary with 20 years of residence, will attain the minimum level specified in paragraph (c) of this Article (40 per cent of the wage of an ordinary adult male labourer estimated at DKK 325,965 in 2010).

Table 1. Share of employed males by groups of economic activities within manufacturing in total number of males employed in manufacturing, %, 2013, LFS-EUROSTAT

• Groups of the Section C. Manufacturing	• Share of males employed in total number of males, %
• Manufacture of machinery and equipment n.e.c.	• 22.5
• Manufacture of food products	• 14.6
• Manufacture of fabricated metal products, except machinery and equipment	• 12.9
• Manufacture of basic pharmaceutical products and pharmaceutical preparations	• 5.1
• Manufacture of computer, electronic and optical products	• 4.6
• Manufacture of rubber and plastic products	• 4.5
• Manufacture of other non-metallic mineral products	• 4.3
• Manufacture of chemicals and chemical products	• 3.2
• Manufacture of wood and of products of wood and cork, except furniture; manufacture of articles of straw and plaiting materials	• 3.0
• Manufacture of furniture	• 2.9
• Manufacture of electrical equipment	• 2.6
• Other manufacturing	• 2.6
• Printing and reproduction of recorded media	• 2.5
• Manufacture of basic metals (<i>Manufacture of basic iron and steel – group 241 of the division 24 Manufacture of basic metals, Section C – Manufacturing</i>) ¹	• 2.5
• Manufacture of paper and paper products	• 1.7
• Manufacture of beverages	• 1.6
• Manufacture of other transport equipment	• 1.5
• Manufacture of motor vehicles, trailers and semi-trailers	• 1.5
• Manufacture of textiles	• 1.3

Comments: The Government shall consider providing data for Manufacturing industry as a whole, not the sub-divisions (iron and metal industry), as it appears unclear to which part of ISIC rev.4 it belongs (please refer to a table above).

¹ International Standard Classification of All Economic Activities - ISIC rev.4 <http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=27>

Table 2. Calculation of the reference wage under all options permitted by articles 65-66 of the ECSS/C102

Articles in the ECSS/C.102		Comments	Reference wage: amount	
			ILO calculations ² - 2010	Government ³
Article 65 (para 6): a skilled manual male employee				
Option 1	Art.65 (6)a: a fitter or turner in the manufacture of machinery other than electrical machinery	occupations of fitter and turner can be found among skilled employees of ISCO 08 ⁴ (group 7)	N/A	
Option 2	Art.65 (6)b: a person deemed typical of skilled labour	a skilled employee of the ISIC rev.4 ⁵ group with the highest number of male employees: <i>typical skilled male worker in manufacturing</i>	4006 euros ⁶	Parts III, IV, VI (for partial invalidity): skilled manual male employee in the iron and metal industry DKK 367,044 (based on full-time working week – 37 hours) 4111.2 euros ⁷ (exchange rate of 2010)
Option 3	Art.65 (6)c: a person whose earnings are equal to 125 per cent of the average earnings of all the persons protected	in countries where all employees are protected average wage is normally used	5226 euros ⁸ (full-time and part-time employees)	
Article 66 (para 4): an ordinary male labourer				
Option 4	Art.66 (4)a: a person deemed typical of unskilled labour in the manufacture of machinery other than electrical machinery	an employee of the ISIC rev.4 Manufacture of machinery (2-digit level of the classification: ISIC Rev.4 Section C. Manufacturing, code 28)	N/A	
Option 5	Art.66 (4)b: a person deemed typical of unskilled labour	an unskilled employee of the ISIC rev.4 group with the highest number of male employees: <i>typical unskilled male worker in manufacturing</i>	3760euros ⁹	Parts VI (for total invalidity): ordinary (un-skilled) adult male labourer in the iron and metal industry DKK 325,965 (based on full-time working week – 37 hours) 3650.9 euros ¹⁰ (exchange rate of 2010)
Option 6	Art. 67 (a)			Parts V, IX

* Gross wages are used unless stated otherwise

² ILO calculations based on EUROSTAT data from Labour Force Survey - LFS-2013 and SES-2010 (see detailed information further)

³ Reference wage reported by the Government on the application of ECSS and C.102

⁴ ISCO 08 – International Standard Classification of Occupations 2008 (detailed explanation to follow) <http://www.ilo.org/public/english/bureau/stat/isco/isco08/>

⁵ ISIC rev.4 - International Standard Industrial Classification of All Economic Activities, Rev.4, 2008

<http://unstats.un.org/unsd/cr/registry/isic-4.asp>

⁶ Structure of earnings survey (SES)– Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

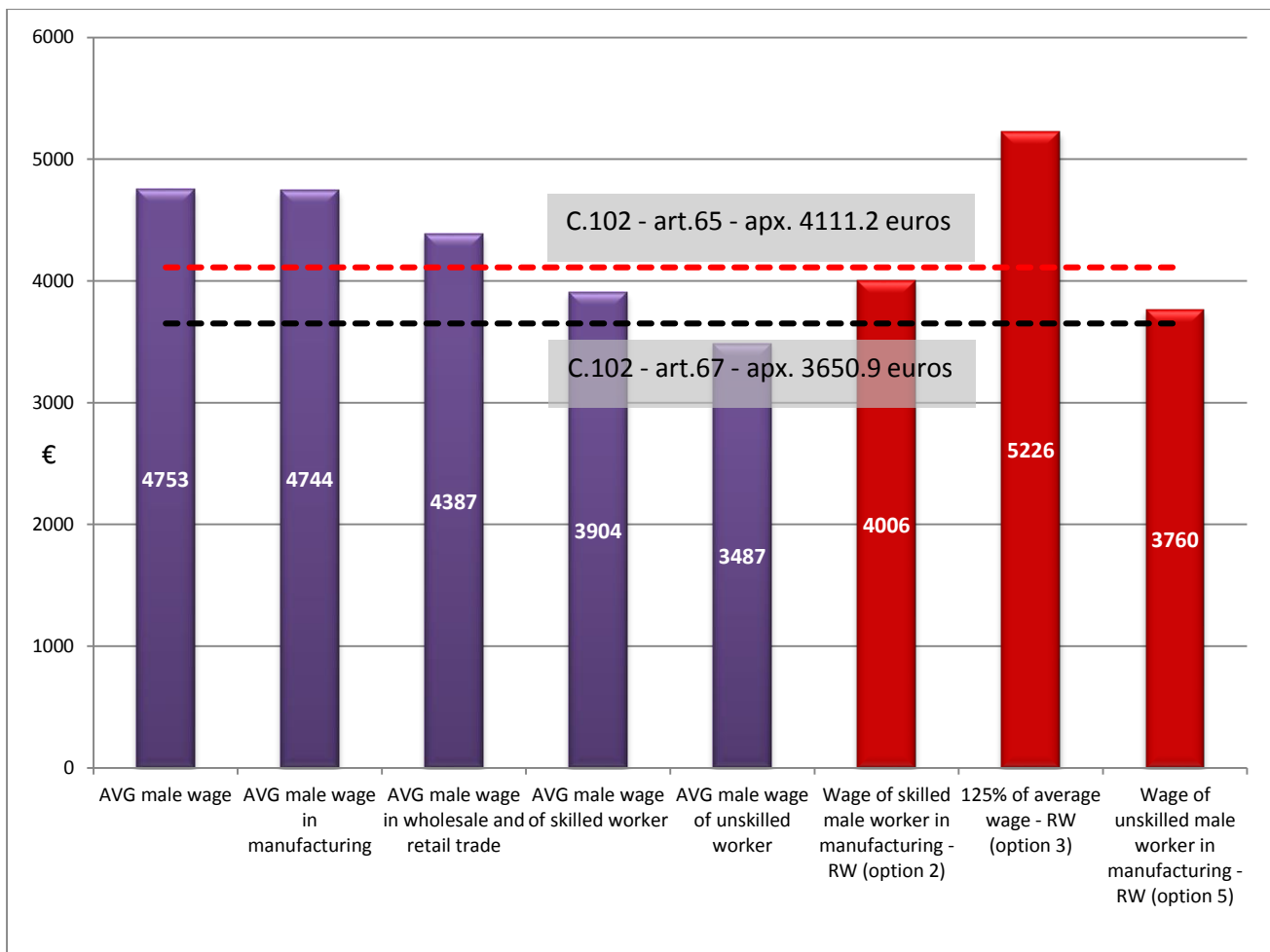
⁷ Report of Denmark under Article 74 of the European Code of Social Security and its Protocol (1 July 2010-30 June 2011), p.4

⁸ Structure of earnings survey (SES) – Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en

⁹ Structure of earnings survey – Eurostat, 2010 http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en

¹⁰ Report of Denmark under Article 74 of the European Code of Social Security and its Protocol (1 July 2010-30 June 2011), p.4

Fig. 4. Comparison of the reported reference wage to other wage indicators in Denmark, 2010



Source: Eurostat SES - http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses10_48&lang=en and http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=earn_ses_monthly&lang=en for option 3 – 125% of average wage (working time includes both full-time and part-time employees)

CHAPTER III. Integrated Management of compliance and reporting obligations of Denmark under social security provisions of the ratified international treaties on social rights

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Table 1. Up-to-date social security standards in force

Social Human Rights International treaties	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
	Right to Social Security Art.9										
ICECSR	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC (1961)	Art.11, 13§1		Art.1§1§3		Art.3§1§2, 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1, 13§1§2§3, 14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII

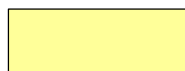


Social Security Standards in force for Denmark



Social Security Standards not in force

<div>Social Human Rights</div> <div>International treaties</div>	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC (1961)	Art.11		Art.1§1§3	Art.23	Art.3§1§2, 15§2	😞 Art.16	Art.8§1	😞 Art.15§1		😞 Art.13§1	
	Art.13§1									Art.4§1, 13§2§3,14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Pending comments of the supervisory bodies



critical comments or non-compliance

Table 2. Pending comments of the supervisory bodies

Table 3. Up-to-date standards on which reports are due in 2016

<div>Social Human Rights</div> <div>International treaties</div>	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC (1961)	Art.11, 13§1		Art.1§1§3	Art.23	Art.3§1§2	Art.16	Art.8§1	Art.15§1		Art.4§1	
					Art.15§2					Art.13§1§2 §3,14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Report in 2016

<div>Social Human Rights</div> <div>International treaties</div>	Right to health		Right to work		Right to just conditions of work	Right of the family and children to protection	Right of mothers to protection	Rights of persons with disabilities		Right to an adequate standard of living	Financing & Organization
ICECSR	Right to Social Security Art.9										
	Art.12		Art.6		Art.7§b	Art.10§1§3	Art.10§2			Art.7§a§ii, 11§1	Art.2§1, 4, 5
UN Conventions					CRPD	CRC	CEDAW	CRPD			
ESC (1961)	Art.11, 13§1		Art.1§1§3	Art.23	Art.3§1§2, 15§2	Art.16	Art.8§1	Art.15§1		Art.4§1	
										Art.13§1§2 §3,14	
	Right to Social Security Art.12§1§2§3										
Protocol	II	III	IV	V	VI	VII	VIII	IX	X	Schedule to XI	
ECSS	Medical care Part II	Sickness benefit Part III	Unemployment benefit Part IV	Old-age benefit Part V	Employment injury benefit Part VI	Family benefit Part VII	Maternity benefit Part VIII	Invalidity benefit Part IX	Survivor's benefit Part X	Level of benefits Part XI	Financing& Organization Part XII
C102	Part II	Part III	Part IV	Part V	Part VI	Part VII	Part VIII	Part IX	Part X	Part XI	Part XIII
ILO Conventions					C121					C121 Art.19-21	C121 Art.22-26
				C128 Part III				C128 Part II	C128 Part IV	C128 Part V	C128 Part VI
	C130 Part II	C130 Part III								C130 Part III	C130 Part IV
			C168				C183 Art.6,7			C168 Art.15,16	C168 Part VIII



Report in 2017

Table 4. Up-to-date standards on which reports are due in 2017

Next detailed report of Denmark under Article 74 of the ECSS

(Extract from CEACR 2015 Conclusions)

In accordance with the reporting cycle on the Code, in July–August 2016 the Government shall submit a detailed report covering the five year period from 1 July 2011 to 30 June 2016. In accordance with the reporting cycle on Convention No. 102, in June–August 2016 the Government shall also submit a detailed report for the period from 1 June 2011 to 31 May 2016. The Committee draws the Government's attention to the alignment of the reporting obligations under the Code and Convention No. 102 and to the similarity of the Report Forms on both instruments, the objective of which is to reduce the administrative workload and avoid duplication of reports. For this purpose, the Report Form on the Code expressly stipulates that, if a Government is bound by similar obligations as a result of having ratified the ILO Convention No. 102, "it may communicate to the Council of Europe copies of the reports it submits to the International Labour Office on the implementation of this Convention". Where for certain Parts of the Code, the country is bound by the corresponding Parts of the up-to-date ILO social security Conventions, the Government may equally communicate to the Council of Europe copies of its reports on these Conventions. The Committee points out that this simplified procedure can be used next year to report on Parts II, IV, V, VI and IX of the Code via the report on Convention No. 102 and on Part III via the report on Convention No. 130. In addition, the information provided by the Government in its annual reports on the Code is regularly taken into account by the Committee in assessing the application of these Conventions.

Furthermore, by 31 October 2016, Denmark will also report on the application of the accepted provisions of the European Social Charter 1961 under the thematic group "Health, social security and social protection", which includes the right to protection of health (Article 11), the right to social security (Article 12), the right to social and medical assistance (Article 13), and the right to benefit from social welfare services (Article 14). The Committee observes that these articles of the Charter are directly related to many provisions of the Code and ILO Conventions and form a single legal space of international social security law. Taking into account that the reference period for the report on the Charter (1 January 2012 to 31 December 2015) falls inside the reference periods for detailed reports on the Code and Convention No. 102, the Government is invited to coordinate the fulfilment of its compliance and reporting obligations under these interrelated international instruments in order to improve the quality and consistency of the information provided. Such coordination between responsible national agencies and government departments could be further extended to include reporting on social security provisions of United Nations human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, Denmark's report on which is due by May 2018.

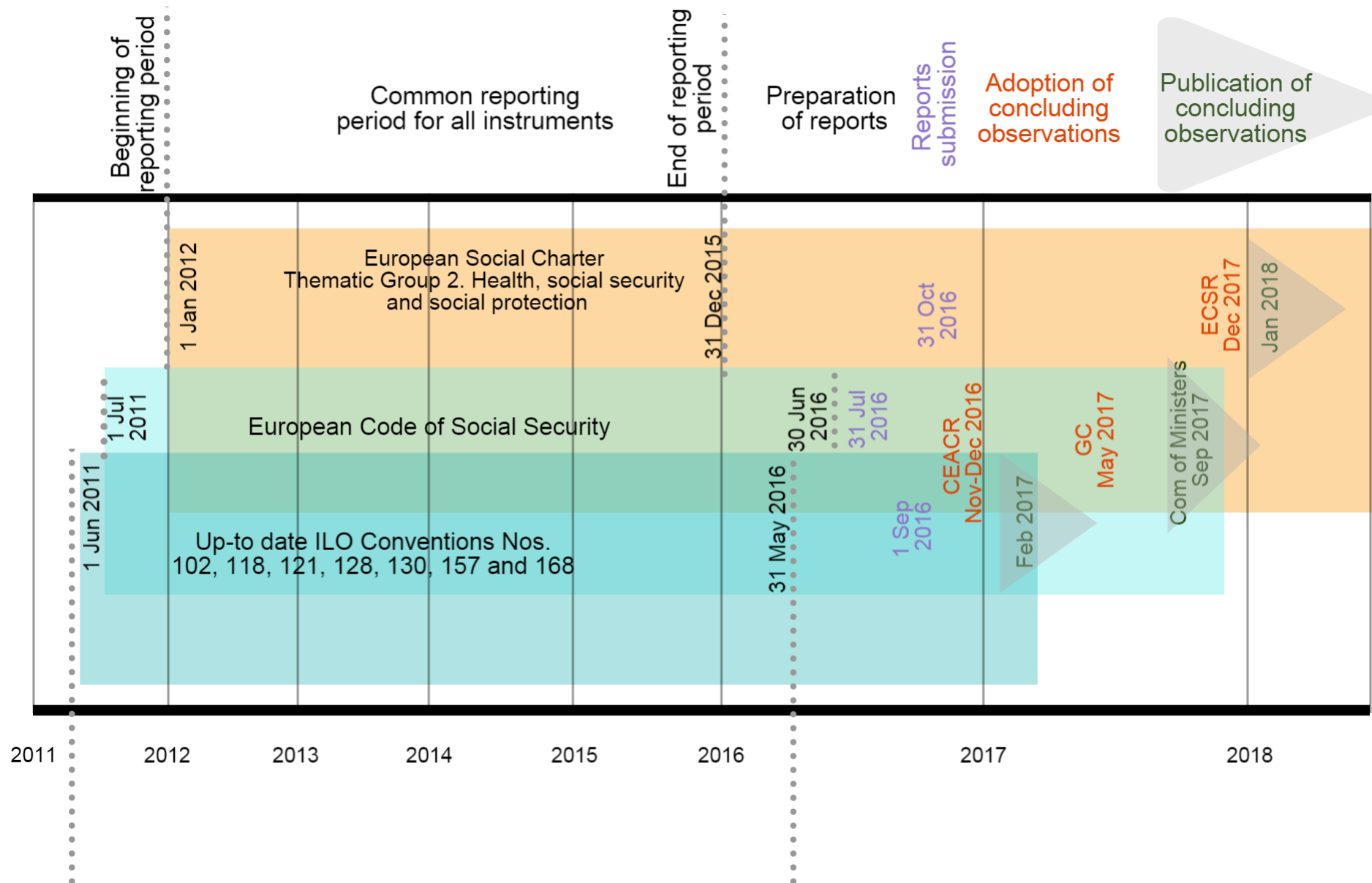
With regard to coordination of reporting, the Committee recalls that, in formulating its country conclusions on the application of the Code, it takes account of the relevant observations made by other international supervisory bodies, such as the European Committee of Social Rights and the United Nations Committee on Economic, Social and Cultural Rights. To facilitate the integrated management of Denmark's obligations under the social security provisions of the main European and international treaties on social rights, the Committee refers the Government to the coordination tables and reporting timelines presented in the attached ILO technical note, together with the structured compilation of the comments made by their supervisory bodies.

Coordination of reporting between the ECSS and C102
Form for the annual report on the European Code of Social Security (as modified
by the Protocol additional thereto)

If a Government is bound by similar obligations as a result of having ratified the Social Security (Minimum Standards) Convention adopted by the 1952 General Conference of the International Labour Organisation, it may communicate of the Council of Europe copies of the reports it submit to the International Labour Office on the implementation of this Convention.

Council of Europe, Strasbourg 1967

Fig. 1. Time management of the 5 years reporting cycle (2011-2016/17) on international and European social security standards



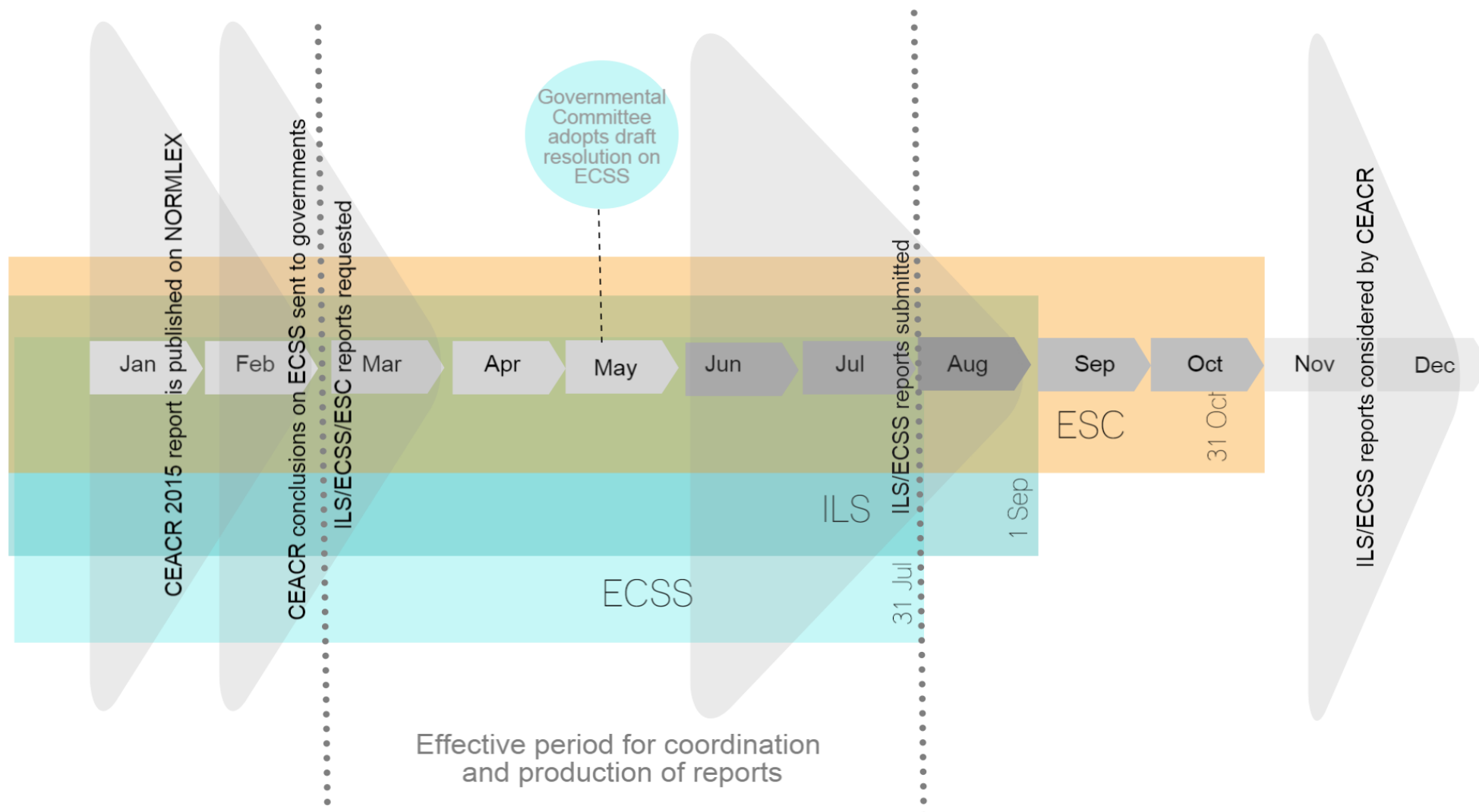


Fig. 2. Time management for reporting on social security standards in 2016

Chapter IV. Concluding observations of the supervisory bodies concerning provisions of the ratified international treaties on social rights and statements of other international bodies reviewing national economic and social policy

- [Table 1. International treaties on social rights ratified by Denmark](#)
- [Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations](#)

1. [**United Nations**](#)

- [International Covenant on Economic, Social and Cultural Rights](#)
- [Convention on the Rights of the Child](#)
- [Convention on the Elimination of All Forms of Discrimination against Women](#)
- [Convention on the Right of Persons with Disabilities](#)

2. [**Council of Europe**](#)

- [European Social Charter](#)
- [European Code of Social Security](#)

3. [**International Labour Organization**](#)

- [Social Security \(Minimum Standards\) Convention, 1952 \(No.102\)](#)

4. [**EU Country-Specific Recommendations: 2015**](#)

Table 1. In force international treaties on social rights ratified by Denmark

Body	Treaty	Entry into force for Denmark	Next report due on
United Nations	ICESCR	6 Jan 1972	31 May 2018
	Convention on the Rights of the Child	19 Jul 1991	1 Feb 2016
	Convention on the Elimination of All Forms of Discrimination against Women	21 Apr 1983	1 Mar 2019
	Convention on the Rights of People with Disabilities	24 Jul 2009	24 Aug 2019
Council of Europe	European Code of Social Security	17 Feb 1974	1 Jul – 31 Aug 2016
	European Social Charter	3 Mar 1965	31 Oct 2015
International Labour Organization	Convention 102	15 Aug 1955	1 Jun - 1 Sep 2016
	Convention 103		
	Convention 121		
	Convention 128		
	Convention 130	6 Jun 1978	1 Jun - 1 Sep 2016
	Convention 168		
	Convention 183		
European Union	Country-Specific Recommendation of 14 July 2015		

Table 2. Monitoring Mechanisms of State Party Compliance and Reporting Obligations

Instrument	Supervisory body	Type of a State party report/Reporting cycle	Comments of a supervisory body
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Committee on Economic, Social and Cultural Rights (CESCR)	Periodic reports – every 5 years; initial report – within one year after the entry into force (Art.17)	Concluding observations of the CESCR
Convention on the Rights of the Child	Committee on the Rights of the Child (CRC)	Periodic reports – every 5 years; initial report – within two years after the entry into force (Art.44)	Concluding observations of the CRC
Convention on the Elimination of All Forms of Discrimination against Women	Committee on the Elimination of Discrimination against Women (CEDAW)	Periodic reports – every 4 years; initial report – within one year after the entry into force (Art.18)	Concluding observations of the CEDAW
Convention on the Rights of People with Disabilities	Committee on the Rights of Persons with Disabilities (CRPD)	Periodic reports – every 4 years; initial report – within two years after the entry into force (Art.35)	Concluding observations of the CRPD
European Code of Social Security (ECSS)	ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; European Committee on Social Rights (ECSR) ; Governmental Committee of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Full reports – every five years in conjunction with the ILO Convention 102; Annual reports every year (Art.74).	Conclusions of the CEACR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
European Social Charter/ Revised European Social Charter (ESC)	European Committee on Social Rights (ECSR) ; Governmental Committee (GC) of the European Social Charter and the European Code of Social Security; Committee of Ministers of the Council of Europe.	Normal reports – annually on one of four thematic groups; simplified reports – every two years in case of acceptance of the collective complaints procedure.	Conclusions (national reports) and decisions (collective complaints) of the ECSR; Report and recommendations of the GC; Resolutions of the Committee of Ministers.
ILO Conventions (C102, C121, C128, C130, C168, C183)	Committee of Experts on the Application of Conventions and Recommendations (CEACR) ; Conference Committee on the Application of Standards (CAS) .	Five-year cycle – simplified reports under the ILO technical conventions; detailed report – one year following the entry into force.	Observations and direct requests of the CEACR; Conclusions of the CAS.

1. United Nations

International Covenant on Economic, Social and Cultural Rights – Concluding observations 2013

(the numeration of comments is kept in accordance to the original file with observation)

[UN Office of the High Commissioner for Human Rights website link, Treaty bodies database](#)

9. The Committee is concerned that women from minority groups continue to face difficulties in realizing and accessing Covenant rights, in particular accessing education, employment and health care (art. 3).

The Committee recommends that the State party intensify measures, including temporary special measures, to facilitate access by women from minority groups to all Covenant rights, in particular education, employment and health care.

12. The Committee notes with concern that the State party has not yet introduced a national minimum wage thus endangering in particular the right of workers not covered by collective agreements as well as persons with disabilities to equal remuneration for work of equal value (art. 7).

The Committee recommends that the State party take legislative and other measures to introduce a national minimum wage. It also recommends that the State party ensure that the level of the national minimum wage is periodically reviewed and set at a level sufficient to provide all workers and their families with a decent standard of living.

13. The Committee is concerned that the level of the basic social assistance allowance paid to persons under 25 years of age is not set at a level adequate to ensure a decent living. The Committee is also concerned that early retirement reform may preclude persons with disabilities under the age of 40 from accessing disability pensions (art. 9).

The Committee recommends that the State party ensure that the level of social assistance benefits for persons under 25 years of age is sufficient to ensure a decent living. It also recommends that the State party take steps to ensure that persons with disabilities under the age of 40 have access to disability pensions.

16. The Committee is concerned that certain segments of the population are at an increased risk of living in poverty, in particular single parent families, families living on State welfare as well as immigrant families (art. 11).

The Committee recommends that the State party take steps to introduce a national poverty line, and introduce measures to guarantee targeted support to all those living in poverty, in particular single parent families, families living on State welfare as well as immigrant families. It also recommends that targeted measures be taken, in addition to the existing measures promoting poverty alleviation through education, to address poverty in remote settlements and villages in Greenland. In this regard, the Committee draws the attention of the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights, adopted on 4 May 2001.

17. The Committee is concerned that migrant workers and other disadvantaged and marginalized groups, including the Roma people, face obstacles in realizing their right to adequate housing units. The Committee is also concerned about the continuing shortage of

social housing, including in the Faroe Islands. It is furthermore concerned about the persistence of homelessness in the State party, particularly among the immigrant population, as well as about the persistence of a high number of forced evictions (art. 11).

The Committee recommends that the State party, taking into account its general comment No. 4 (1991) on the right to adequate housing, adopt all appropriate measures to ensure access to adequate housing for disadvantaged and marginalized groups, including migrants and Roma, inter alia by ensuring that adequate resources are allocated to increase the supply of social housing units and by providing appropriate forms of financial support, such as rental subsidies. The Committee furthermore recommends that the State party take all appropriate measures to improve both the quantity and quality of reception facilities (including emergency shelters, hostels, reception and social rehabilitation centres and boarding houses), and develop appropriate policies and programmes to facilitate the social reintegration of homeless persons. The Committee also recommends that the State party take steps to ensure that persons forcibly evicted are provided with alternative accommodation or compensation enabling them to acquire adequate accommodation, in accordance with the guidelines adopted by the Committee in its general comment No. 7 (1997) on forced evictions.

18. The Committee notes with concern that quota refugees, migrants reunified with their family, and undocumented migrants continue to encounter difficulties in gaining access to health care facilities, goods and services (art. 12).

The Committee recommends that the State party take steps to ensure that all persons belonging to disadvantaged and marginalized groups and individuals, in particular quota refugees, migrants reunified with their family, and undocumented migrants and members of their families, have access to basic health care. The Committee recommends that these steps include guaranteeing health examinations to such persons upon their arrival in the State party, and offering of vaccinations to their children. It also recommends that the State party take steps to raise awareness among disadvantaged and marginalized groups and individuals of the health-care system and ensure that all have access to related information in languages other than Danish.

Convention on the Rights of the Child – Concluding observations 2011

[*UN OHCHR website link, Treaty bodies database*](#)

Non-discrimination

31. The Committee expresses concern at the State party's new immigration laws, which came into force on 1 August 2010, due to the negative effect of, inter alia, the increase in the level of difficulty of the criteria for non-nationals to receive residency rights, and the foregoing of public benefits in exchange for points under the new points-based criteria. The Committee is concerned that this may have the de facto effect of exacerbating discrimination against immigrants, especially Roma children with respect to their access to education and other essential social services. In this context, the Committee is also concerned at the disparity in State assistance provided to disadvantaged families newly arrived in the State party, the majority of whom belong to ethnic minorities, compared to the assistance provided to other residents in similar circumstances.

32. The Committee recommends that the State party ensure access to social services and to State assistance for families in disadvantaged situations, on an equitable basis. In doing so, the Committee urges the State party to collect and analyse disaggregated data to comprehensively monitor and address de facto discrimination, including multiple discrimination that may particularly affect boys and girls who belong to ethnic minorities and/or who have special needs or are in situations of vulnerability.

Standard of living

53. The Committee expresses its concern that a significant number of children are reported to be living in poverty in the State party. The Committee is also concerned at the effects, particularly on children and women, of the so-called 300-hours rule (as of 2008, the 450-hours rule), which, inter alia, results in the reduction or withdrawal of supplementary benefits to married couples who have received benefits for two or more years but have not individually worked for a minimum of 450 hours under normal employment circumstances. In particular, the Committee is concerned that this rule frequently has the effect of primarily and disproportionately affecting women of ethnic minorities with serious repercussions for their children.

54. The Committee calls upon the State party to reinforce its efforts to provide support for economically disadvantaged families, including children of single parents, children of parents on State welfare, and those of newly arrived families, and to guarantee the right of all children to an adequate standard of living. The Committee also recommends that the State party monitor, in cooperation with local authorities, the effects on children and women affected by the 450-hours rule and take measures to ensure that they are not subject to social inequality and exclusion. Furthermore, the Committee urges the State party to take measures necessary for the comprehensive collection and analysis of data on child poverty, including in Greenland and the Faroe Islands, in order for it to be effectively addressed.

Convention on the Elimination of All Forms of Discrimination against Women – Concluding observations 2015

[*UN OHCHR website link, Treaty bodies database*](#)

Employment

29. The Committee welcomes the establishment in 2011 of a tribunal for equal pay, but remains concerned at:

(a) The persistent gender wage gap and the lack of legal obligations that require transparency, including on comparative figures in individual cases, on the part of employers regarding data on remuneration; the lack of legal clarity on the definition of work of equal value; and the lack of information on successful cases seeking redress and compensation for gender-based wage differences;

(b) The concentration of women in part-time work, which adversely affects their career development and pension benefits;

(c) The absence of clearly defined sanctions for companies that fail to meet targets for equal gender representation;

(d) The prevalence of de facto employment discrimination relating to pregnancy and childbirth;

(e) The lack of legal obligations on public authorities to promote gender equality in the context of public procurement.

30. The Committee recommends that the State party:

(a) **Continue to reduce the gender pay gap with a view to eliminating it, including by improving its data collection system to provide regular and independently verifiable data on gender and wages that are cross-comparable, and analyse the data collected as a basis for assessing progress achieved in the realization of gender equality in pay and for designing policies and programmes to eliminate gender-based wage differences; provide clear guidance on the concept of equal pay for work of equal value; and provide effective mechanisms for seeking redress and compensation for violations of the principle of equal pay for work of equal value;**

(b) **Take proactive measures to eliminate occupational segregation, including by facilitating the provision of options for making a transition from part-time employment to full-time employment and creating more opportunities for women to gain access to full-time employment;**

(c) **Provide for adequate and clearly defined sanctions for companies that fail to meet targets for equal gender representation and provide specific mechanisms for the prompt enforcement of such sanctions;**

(d) **Consider strengthening the legal protection of women in cases of discrimination in the workplace relating to pregnancy and childbirth;**

(e) **Take measures to increase the participation of women in the labour market arising out of public procurement, including by establishing obligations for public authorities to promote gender equality in the allocation of public procurement contracts.**

Convention on the Right of Persons with Disabilities – Concluding observations 2014

[*UN OHCHR website link, Treaty bodies database*](#)

The Committee is concerned that the Convention is not explicitly incorporated into the laws of Denmark, the Faroe Islands and Greenland. It is also concerned at the insufficient information about the application of the Convention by the State party's courts and authorities. The Committee notes with concern that officials of State, regional and municipal authorities are not sufficiently aware of their obligation to promote the implementation of the Convention.

The Committee recommends that the State party ensure incorporation of the Convention so that it is applicable as law of Denmark, the Faroe Islands and Greenland. The Committee also recommends that the State party take measures to facilitate direct application of the Convention by the courts and the authorities, and undertake training programmes to facilitate the active application and implementation of the Convention by the officials of State, regional and municipal authorities in all parts of the Kingdom of Denmark, including by providing guidance to the municipalities on the implementation of the respective acts on social services in observance of the Convention's provisions.

2. Council of Europe

European Social Charter

[*Official website of the European Social Charter. link to conclusions*](#)

Article 1 – Right to work – Conclusions 2012

Paragraph 1 - Policy of full employment

Employment situation

The Committee notes that the Danish economy started slowing down in 2007, and that unemployment increased significantly during the reference period. Nevertheless, compared to other States Parties the labour market in Denmark continues to be characterised by high participation rates and lower unemployment levels.

Employment policy

According to Eurostat, public expenditure on active labour market policies in Denmark amounted to 1.48% of GDP in 2009, which was the highest level among EU-27 countries, where the average public spending on active labour market measures that year was 0.78%.

Conclusion

The Committee concludes that the situation in Denmark is in conformity with Article 1§1 of the 1961 Charter.

Paragraph 3 - Free placement services

As regards performance indicators of the job centres, the report refers to the web portal of the National Labour Market Authority, which brings together information on benefit recipients, statistics, results of employment policy, etc. However, as this information only exists in Danish, the Committee is unable to make use of it. It therefore asks the next report to include updated information on the number of vacancies notified to employment services, and the placement rate, that is, the number of placements made as a percentage of the total vacancies notified to the employment services.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Denmark is in conformity with Article 1§3 of the 1961 Charter.

Article 3 - Right to safe and healthy working conditions – Conclusions 2013

Paragraph 1 - Safety and health regulations

The Committee notes that in 2009 Denmark ratified the ILO Convention No. 187 – Promotional Framework for Occupational Safety and Health. The Committee considers that the situation is in conformity with Article 3§1.

Conclusion

The Committee concludes that the situation in Denmark is in conformity with Article 3§1 of the 1961 Charter.

Paragraph 2 – Enforcement

The Committee asks that further the information provided with respect to special inspections, the next report provides data on the total number of inspection visits by WEA and the number of staff assigned to occupational and health tasks in this framework, including inspectors.

Conclusion

The Committee concludes that the situation in Denmark is in conformity with Article 3§2 of the 1961 Charter.

Article 4 - Right to a fair remuneration – Conclusions 2014

Paragraph 1 - Decent remuneration

The Committee considers in the present case that, despite some discrepancies in the data depending on their source, the typical net minimum wage represents 77.33% of the net average wage and thus constitutes a decent remuneration according to Article 4§1 of the 1961 Charter. It asks that the next report contain information on remuneration in sectors or occupations not governed by collective agreements and on the existence of any reductions in wages applicable to certain categories of workers.

Conclusion

The Committee concludes that the situation in Denmark is in conformity with Article 4§1 of the 1961 Charter.

Article 8 - Right of employed women to protection of maternity – Conclusions 2015

Paragraph 1 - Maternity leave

The Committee takes note of the information contained in the report submitted by Denmark. It also takes notes of the information contained in the comments by the Danish Institute for Human Rights registered on 7 July 2015.

Right to maternity leave

The Committee previously noted that in Denmark a pregnant employee is entitled to take 4 weeks' maternity leave before the expected due date and 14 weeks' maternity leave after childbirth. However, only the first two weeks after childbirth are compulsory (Maternity Leave Act, No. 1084 of 13 November 2009, Sections 6 and 7). The Committee had also noted that, according to a 2007 survey, 99% of women had taken a 14 weeks' postnatal leave.

The Committee recalls that Article 8§1 of the Charter requires that a right to maternity leave of at least 12 weeks be guaranteed by law to all categories of employees, with a compulsory period of postnatal leave of no less than six weeks. Where compulsory leave is less than six weeks, the rights guaranteed under Article 8 may be realised through the existence of adequate legal safeguards that fully protect the right of employed women to choose freely when to return to work after childbirth (Conclusions XIX-4, 2011, Statement of interpretation on Article 8§1). In the light thereof, the Committee had asked what legal safeguards exist to avoid any undue pressure from employers on women to shorten their maternity leave; whether there is an agreement with social partners on the question of postnatal leave which protects the free choice of women and whether collective agreements offer additional protection. In addition, it asked for information on the general legal framework surrounding maternity (for instance, whether there is a parental leave system whereby either parents can take paid leave at the end of the maternity leave).

In response to these questions, the Committee notes that parents in Denmark are entitled to a total of 52 weeks of paid leave. In addition to the 18 weeks leave provided to the mother (4 weeks before and 14 weeks after childbirth), fathers are indeed entitled to 2 weeks paternity leave and the remaining 32 weeks leave can be divided among the parents as they wish. Benefits are conditional upon the the parents meeting the employment requirements set out in the Maternity Leave Act and are set at the same level as sickness benefits. The right to full or partial pay from the employer during leave depends on provisions of collective agreements or individual contracts.

The Act on Equal Treatment on the Labour Market (Act No. 711 of 20 August 2002) guarantees protection against all discrimination related to pregnancy or parental leave: an employer who exerts undue pressure on an employee exercising her or his rights to maternity, paternity or parental leave with the aim of shortening the leave, i.e. with threats of dismissal or less favourable terms and conditions on return to work, is acting contrary to the law. Substantial changes to terms and conditions upon return to work may amount to a dismissal within the scope of the law and, in case of illegal dismissal on grounds of pregnancy and/or maternity, paternity or parental leave, the employer must pay a compensation of on average 9 months' pay. It is up to the employer to prove that the dismissal was not based on those grounds. The report also indicates that the establishment of the Equal Treatment Board in 2000 as an alternative to the civil justice system has greatly improved the enforcement of the non-discrimination legislation.

In addition to the aforementioned protection against dismissal and the general acceptance of the right to maternity leave, the report indicates that Danish collective agreements in general provide for pay during the maternity leave of 14 weeks. In order to cover the costs of such measures, several collective agreements have introduced equalisation schemes, which oblige all employers to contribute to funds covering the costs of pregnancy, maternity, paternity and parental leave. This solution was extended to cover the whole private sector in 2006, with the entry into force of the Act on Maternity Equalization Scheme (Act No. 417 of 8 May 2006).

According to the information provided by the Danish Institute for Human Rights, there is no evidence that pressure is exercised on employees to shorten their statutory postnatal leave.

In the light of this information, the Committee considers that the guarantees offered are of an adequate level to avoid pressure on women to return to work before the expiry of their maternity leave.

Right to maternity benefits

Eligibility to full maternity benefits for an employee is based on a period of work of at least 120 hours in the 13 weeks preceding the paid leave (Section 27, Maternity Leave Act). The Committee notes that Section 27(2)iv of the Maternity Leave Act provides that in the calculation of the abovementioned 13-week period, periods shall be included in which the employee has, inter alia, received unemployment benefits or an allowance in lieu thereof. The Committee accordingly finds that the situation is in conformity on this point.

The Committee had furthermore previously noted that part-time workers, in the private and in the public sector, are entitled on the same conditions as full-time workers to maternity leave and benefit and that are also entitled to maternity, paternity and adoption cash benefits the persons who are unemployed, who have completed a vocational training course for a period of at least 18 months or are doing a paid work placement as part of activation measures, students in paid internship following education regulated by law and, upon certain conditions, self-employed persons.

The amount of maternity benefit is calculated on the basis of the employee's hourly wage, with a maximum of DKK 4,075 (= € 546 at the rate of 31 December 2013) per week or DKK 110.35 (€ 15) per hour in 2014, which corresponds to maximum unemployment benefits.

In addition, the Committee also noted that public sector employees remain entitled to their full pay during leave, while entitlement to full or partial pay from the employer in the private sector depends on the provisions of collective agreements or individual contracts. According to another source (Bloksgaard, L. and Rostgaard, T. (2013) "Denmark country note" in: P.Moss (ed.) International Review of Leave Policies and Research 2013, available at www.leavenetwork.org), about 75% of the workforce are covered by collective agreements which provide for full or partial compensation during leave from their employer up to their former earning. The Committee asks the next report to clarify whether a worker not receiving maternity benefits might still be entitled to employer compensation during maternity leave corresponding to at least 70% of her base salary and to provide all relevant information which would clarify what categories of employees (and what percentage they represent) are not getting during maternity leave a compensation (from the employer and/or in terms of maternity benefits) corresponding to at least 70% of their base salary. Furthermore, with reference to its Statement of Interpretation on Article 8§1 (Conclusions XX-4 (2015)), the Committee asks whether the minimum rate of maternity benefits corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value.

Conclusion

Pending receipt of the requested information, the Committee concludes that the situation in Denmark is in conformity with Article 8§1 of the 1961 Charter.

Article 11 Right to protection of health – Conclusions 2013

Paragraph 1 - Removal of the causes of ill-health

The Committee notes that measures were taken during the reference period to strengthen patients' rights, notably with a view to lodging complaints and receiving compensation for injuries caused by the health care system. In 2011 the Patients' Complaints Board was replaced the National Agency for Patients' Rights and Complaints which functions as a single access point for patients who wish to complain about treatment in the health care system. The Committee asks that the next report contain figures on the number and types of complaints and on outcomes. The Committee takes note of the up-dated information on the number of health professionals (doctors, dentists, pharmacists, nurses and midwives).

Conclusion

The Committee concludes that the situation in Denmark is in conformity with Article 11§1 of the 1961 Charter.

Paragraph 2 - Advisory and educational facilities

In reply to the Committee's question concerning public campaigns related to the environment, the report states that several health related campaigns on environmental issues were implemented, including on efficient use of wood-stoves in private homes, on elimination of old pesticides, on how to avoid exposure to mercury from broken energy-saving bulbs and on how to avoid chemicals when pregnant. As regards health-related education the report confirms that road safety is a mandatory subject that is taught throughout schooling, both primary and secondary.

The report provides information on screening programmes for the adult population.

Conclusion

The Committee concludes that the situation in Denmark is in conformity with Article 11§2 of the 1961 Charter.

Paragraph 3 - Prevention of diseases and accidents

The Committee notes the detailed information in the report on a wide variety of measures taken to prevent air, water and soil pollution.

The report states that substantial additional budgetary resources were allocated to the combat against drug abuse and the new Government which took power in 2011 is determined to maintain and develop prevention and reduction of abuse and the Government has a special focus on the prevention and reduction of drug-related deaths. The Committee wishes to be informed of developments and of results achieved.

The report states that under the Danish childhood vaccination programme the vaccination coverage has remained stable during the reference period

Conclusion

The Committee concludes that the situation in Denmark is in conformity with Article 11§3 of the 1961 Charter.

Article 12 Right to social security – Conclusions 2013

Paragraph 1 - Existence of a social security system

Risks covered, financing of benefits and personal coverage

In its previous conclusion (Conclusions XIX-2) the Committee asked for updated figures regarding the personal coverage of social security risks. It notes from the report that in 2011 100% of the population was entitled to public healthcare in kind, old age pension and family benefits. As regards the personal coverage of unemployment benefit, the Committee notes from the report under the European Code of Social Security that there were 2.1 million insured persons in 2011 and the total labour force stood at 2.7 million. Therefore, the personal coverage of unemployment risk stood at 78%.

Adequacy of the benefits

In its previous conclusion the Committee observed that the minimum levels of incomereplacement benefits were adequate as they were above 50% of the Eurostat median equivalised income. In this connection, the Committee reminds the Government that each national report should contain updated information on the minimum levels of unemployment, sickness, old age, maternity and invalidity benefits.

As regards the minimum level of unemployment benefit, the Committee notes from another source that in 2011 it amounted to DKK 3 140 (€424) per week. The Committee notes that this level is adequate.

The Committee asks what is the minimum level of sickness benefit.

The Committee notes that the full amount of social pension is adequate as it is above 50% of the Eurostat median equivalised income. In order to qualify for a pension, an individual must have lived in Denmark for at least three years between the age of 15 and 65. Entitlement to a full social pension is acquired after 40 years of residence in Denmark between the ages of 15 and 65. Persons with a shorter period of residence have the right to a pension amounting to 1/40th of the full pension rate for each year they have lived in Denmark. According to MISSOC, the

minimum pension, which is 1/40 of the full pension amounted to 1/40th of the basic amount or DKK 1 740 (€233) per year. Supplementary pension (arbejdsmarkedets tillægspension) stood at DKK 2 500 (€335) per year. The Committee refers to its question in the General Introduction to the Conclusions 2013 and asks what other benefits are paid to the elderly who are only eligible to 1/40th of the full social pension and the supplement.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Denmark is in conformity with Article 12§1 of the 1961 Charter.

Paragraph 2 - Maintenance of a social security system at a satisfactory level at least equal to that necessary for the ratification of the European Code of Social Security

Denmark has ratified the European Code of Social Security and its Protocol on 16 February 1973 and has accepted parts I-IX and XI-XIV of the Code. The Committee notes from Resolution CM/ResCSS(2012) 4 of the Committee of Ministers on the application of the European Code of Social Security and its Protocol by Denmark (period from 1 July 2010 to 30 June 2011) that the law and practice in Denmark continue to give full effect to the parts of the Code which have been accepted, as amended by the Protocol, subject to further information on the application of several parts of the Code (sickness benefit, old-age benefit and family benefit). In so doing, Denmark maintains a social security system that meets the requirements of ILO Convention No. 102.

Conclusion

The Committee concludes that the situation in Denmark is in conformity with Article 12§2 of the 1961 Charter.

Paragraph 3 - Development of the social security system

The Committee takes note of the amendments in the pensions system. The Committee also notes that measures were also taken to improve conditions of pensioners with low supplementary earnings. As regards sickness benefit, the Committee notes in reply to its question that the strategy to deal with sickness absences was presented in 2008 focusing on preventing sick leave, proactive stance against long term absence, increased use of labour market activation of unemployed workers on sick leave and better coordination between ministries involved.

As regards unemployment benefit, amendments were implemented through Acts No. 703 of 2010 and No. 912 of 2010 which reduced the period in which an unemployed person is entitled to unemployment benefits from 4 to 2 years and introduced a harmonisation of the period of work needed for acquiring and reacquiring the right to unemployment benefit. The Committee further notes that measures implemented in 2012 and wishes to be kept informed about their implementation and their effect on the personal coverage of unemployment branch as well as the minimum level of unemployment benefit.

Conclusion

The Committee concludes that the situation in Denmark is in conformity with Article 12§3 of the 1961 Charter.

Article 13 - Right to social and medical assistance – Conclusions 2013

Paragraph 1 - Adequate assistance for every person in need

Level of benefits

The Committee considers that the amount of cash benefit paid to single persons under 25 years of age, living separately from parents as well as the amount of starting allowance paid to persons both under and over 25 years were not adequate during the reference period.

Personal scope

The report contains no indication that the situation whereby nationals of other States Parties not members of the EEA or not covered by bilateral agreements with Denmark legally resident in Denmark may be repatriated on the sole ground of being in receipt of social assistance for more than six months, unless they have resided in Denmark for more than seven years or are covered by the Nordic Convention on Social Assistance and Social Services, has changed. Consequently, the Committee reiterates its finding of non-conformity on this ground.

Conclusion

The Committee concludes that the situation in Denmark is not in conformity with Article 13§1 of the 1961 Charter on the following grounds:

- the level of the ordinary social assistance allowance (kontanthjælp) paid to persons under 25 years of age is not adequate,
- the level of starting allowance (starthjælp) paid to persons both under and over 25 years of age was not adequate during the reference period;
- nationals of other States Parties not bound by the European Economic Area agreement or not covered by agreements concluded by Denmark may have their residence permit withdrawn on the sole ground of being in receipt of social assistance for more than six months, unless they have resided in Denmark for more than seven years.

Paragraph 2 - Non-discrimination in the exercise of social and political rights

The Committee takes note of the information contained in the report submitted by Denmark, which confirms that there are no limitations on the social and political rights of recipients of social and medical assistance. The Committee there reiterates its previous finding of conformity (see Conclusions XIX-2).

Conclusion

The Committee concludes that the situation in Denmark is in conformity with Article 13§2 of the 1961 Charter.

Paragraph 3 - Prevention, abolition or alleviation of need

The Committee notes that pursuant to Section 2(1) of the Act on Social Services any person who is lawfully resident in Denmark is entitled to assistance under the Act, including counselling and personal help services.

Conclusion

The Committee concludes that the situation in Denmark is in conformity with Article 13§3 of the 1961 Charter.

Article 14 - Right to benefit from social services – Conclusions 2013

Paragraph 1 - Promotion or provision of social services

The Committee recalls that it previously found the situation in conformity in this respect (Conclusions XVII-2 and XIX-2). There has been no change to the situation.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Denmark is in conformity with Article 14§1 of the 1961 Charter.

Paragraph 2 - Public participation in the establishment and maintenance of social services

In the absence of information concerning the issue of discrimination, the Committee wishes to know whether and how the Government ensures that services managed by the private sector are effective and are accessible on an equal footing to all, without discrimination at least on grounds of race, ethnic origin, religion, disability, age, sexual orientation and political opinion.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in Denmark is in conformity with Article 14§2 of the 1961 Charter.

Article 15 - Right of persons with disabilities to independence, social integration and participation in the life of the community – Conclusions 2012

Paragraph 1 - Vocational training for persons with disabilities

The Committee asks the next report to provide details on the number of disabled students attending vocational training in mainstream and special education as well as the number of disabled students in university. Furthermore, it reiterates the questions raised in the previous Conclusions (XIX-I) concerning the impact of vocational training on the subsequent integration of persons with disabilities in the labour market and the remedies available in case of discrimination or lack of access to vocational training.

Conclusion

The Committee concludes that the situation in Denmark is not in conformity with Article 15§1 of the 1961 Charter on the ground that there is no legislation explicitly protecting people with disabilities from discrimination in education.

Paragraph 2 - Employment of persons with disabilities

The Act on Active Employment Effort (Consolidated Act No. 710 of 23 June 2011, outside the reference period) has introduced a range of measures for municipalities and the employment services, e.g. a wage subsidy by local authorities and financial support for teaching materials, equipment in the workplace and personal assistance. These measures apply when job offers are made to, for instance, newly qualified people with disabilities or with a permanent reduced working capacity, who benefit from an early retirement pension and who are not able to get or hold a job with shorter hours on normal conditions. In particular, under the so-called flex job scheme, this law provides a permanent wage subsidy of 50% or 65% to people with disabilities. This Act, together with the Social Service Act (Consolidated Act No. 904 of 18 August 2011), also obliges local authorities to offer sheltered employment and education for persons with physical and intellectual disabilities.

Conclusion

The Committee concludes that the situation in Denmark is in conformity with Article 15§2 of the 1961 Charter.

Article 16 - Right of the family to social, legal and economic protection – Conclusions 2015

The Committee takes note of the information contained in the report submitted by Denmark. It also takes note of the information contained in the comments by the Danish Institute for Human Rights of 7 July 2015.

The Committee understands that there have been no changes to the situation as regards childcare facilities, family counselling services, participation of associations representing families, rights and obligations of spouses and mediation services. It previously considered the situation to be in conformity on all these issues.

Economic protection of families

Family benefits

According to Eurostat data, the monthly median equivalised income in 2013 amounted to €2,238. According to MISSOC, as of 1 July 2014 the amount of the child benefit was for each child of 0-2 years €197 per month; for each child of 3-6 years €156 per month; for each child of 7-14 years €123 per month; and for each child of 15-17 years €123 per month. Child benefit represents a percentage of that income as follows: 8.8% for each child of 0-2 years; 6.9% for each child of 3-6 years; 5.4% for each child of 7-14 years and 5.4% for each child of 15-17 years. The Committee considers that, in order to comply with Article 16, child benefit must constitute an adequate income supplement, which is the case when they represent a significant percentage of median equivalised income. On the basis of the figures indicated, the Committee considers that the above-mentioned amounts of benefits are compatible with the 1961 Charter.

Vulnerable families

In its previous conclusion (Conclusions XIX-4 (2011)) the Committee asked to be provided with up-dated information on the implementation of means to ensure the economic protection of various categories of vulnerable families, including Roma families. The report provides no information in this respect therefore the Committee reiterates its request. Should the next report not provide the requested information, there will be nothing to show that the situation is in conformity with the 1961 Charter.

Equal treatment of foreign nationals and stateless persons with regard to family benefits

The Committee previously concluded (Conclusions XIX-4 (2011)) that the situation was not in conformity with the 1961 Charter on the ground that the length of residence requirements for ordinary and special child allowances were excessive. It also noted that the new legislation that was to enter into force on 1 January 2012 whereby entitlement would be "earned" gradually through periods of employment or residence in Denmark did not appear to bring the situation into conformity with the 1961 Charter. The report does not contain any new information on the length of residence requirements despite what was mentioned in the report of the Governmental Committee (Report concerning Conclusions XIX-4 (2011)). On this basis, the Committee considers that the situation remains in breach of the 1961 Charter.

The Committee asks the next report to indicate whether stateless persons and refugees are treated equally with regard to family benefits.

Conclusion

The Committee concludes that the situation in Denmark is not in conformity with Article 16 of the 1961 Charter on the ground that the length of residence requirements for ordinary and special child allowances for nationals of States Parties are excessive.

European Code of Social Security

Resolution CM/ResCSS(2015)4 on the application of the European Code of Social Security by Denmark

(Period from 1 July 2013 to 30 June 2014)

(Adopted by the Committee of Ministers on 10 September 2015 at the 1234th meeting of the Ministers' Deputies)

[Link to adopted by the Committee of Ministers resolutions](#)

The Committee of Ministers notes:

I. concerning Part XI (Standards to be complied with by periodical payments), Articles 65-67 of the Code, Determination of the reference wage used for calculating the replacement level of benefits, that previous observations were made in this respect reproduced in the above-mentioned "Technical note", which has been transmitted to the government, together with the calculations for Denmark of all the options allowed by the Code for determining the reference wage on the same time basis (2010) for which complete Eurostat data are available. The Committee of Ministers draws the government's attention to the fact that the person deemed typical of skilled (Article 65(7)) or unskilled labour (Article 66(5)) should be selected from the division and the major group of economic activities with the largest number of male employees specified in the International Standard Industrial Classification of All Economic Activities, Rev.4, 2008;

II. concerning social security and the reduction of poverty, that in 2013, the social pension in Denmark was set at 5,908 Danish krone (€800.50) substantially below the at-risk-of-poverty threshold used in the EU to define severe poverty at 40 per cent of the equivalised median income (€896.60). The Committee of Ministers also notes that, while relative poverty indicators in Denmark have decreased in the period 2012-13, the percentage of the population living in severe material deprivation has increased from 2.8 per cent in 2012 to 3.8 per cent in 2013. The Committee of Ministers notes in particular that the average net income of a household composed of one adult and one child in 2012 remained below the at-risk-of-poverty threshold of 40 per cent. These figures suggest that, notwithstanding the benefits provided by the social protection system, the number of persons facing the risk of severe poverty and social exclusion in Denmark is increasing;

Finds that law and practice in Denmark continue to give full effect to the Parts of the Code which have been accepted, subject to reviewing the method of determination of the reference wage for the calculation of benefits;

Decides to invite the Government of Denmark:

I. concerning Part XI (Standards to be complied with by periodical payments), Articles 65-67 of the Code, Determination of the reference wage used for calculating the replacement level of benefits:

a. to confirm, in its next report, the choice of Articles 65, 66 or 67 for each of the accepted Parts of the Code and to review the methodology used for determining the reference wage of the skilled or unskilled worker under the chosen article. The government is requested to note that the reference wage shall be determined on the basis of the average gross monthly rates of wages for normal hours of work excluding overtime;

b. to update, in the next report, the statistics used in the above-mentioned "Technical note" which has been transmitted to the government, indicating the precise source of the data to be used for future reference;

II. concerning social security and the reduction of poverty:

a. to explain, in the next report, on the basis of detailed statistics, national policy and objectives in fighting poverty and the role assigned in this respect to the social security provisions;

b. to also explain, in the next report, how the poverty level is measured in Denmark, what poverty indicators are used to determine characteristics of the poor and which measures are taken to prevent poverty. The government is asked to refer in this respect to the infographs included in the above-mentioned "Technical note" and update the statistical and legal information on which they are based.

CEACR 2015 Conclusions on the application of the European Code of Social Security and its Protocol by Denmark

As a result of its examination, the Committee finds that law and practice in Denmark continue to give full effect to the Parts of the Code which have been accepted.

Part III (Sickness benefit) of the Code in conjunction with Article 68. The Committee recalls that the Daily Cash Benefit (Sickness) Act imposes sanctions on the sick person for failing to attend the follow-up talk or to take up the offer of employment or other active employment measures proposed by the municipality with a view to reducing sickness absence and to maintain the connection of the sick person with the labour market. In accordance with Article 21(1) and (2) of this Act, withdrawal of sickness benefit is authorized on condition that the beneficiary fails to cooperate in the follow-up activities of the job centre without reasonable grounds. The decision is taken after the municipality has informed the person in writing of the consequences of not cooperating and the person concerned has been given an opportunity to explain the cause of the failure to cooperate. The Government has considered these rules to be in conformity with *Article 68* of the Code. However, in its **42nd annual report** the Government refers to the adoption of the new legislation which establishes the new sickness-benefits model with early follow-up and action, job assessments with benefits payable during a process focusing on resources, unemployment benefits during illness, and other features, which might have an impact on the manner in which *Article 68* of the Code is applied in law and practice. According to Act No. 720 of 25 June 2014 to amend the Daily Cash Benefit (Sickness) Act, the Active Employment Act, the Unemployment Insurance Act and various other Acts, sickness benefits and benefits payable during a process focusing on resources are temporary benefits

aiming to make the sick person return to the labour market. The initiative and follow-up to help the sick person back to the employment market must take place early in the course of the disease. The local authority must categorize the sick persons into one of three categories in order to focus efforts on those who are unlikely to resume work within 8 weeks after the first day of sickness absence. A sick person must have the possibility of refusing a treatment without losing the right to sickness benefits, but must contribute to his or her own recovery, so as to resume work promptly. The administrative procedures in cases of sickness benefits must be simple, with as little administrative burden as possible for the sick person, the employer and the municipal authorities. A sick person who meets the employment requirements but has exceeded the time limits, may be subject to a job assessment process with benefits payable during a process focusing on resources (Act No. 1486 of 23 December 2014 to amend the Active Employment Act, the Unemployment Insurance Act and various other Acts). ***The Committee asks the Government to explain in more detail the new activation measures for the receivers of the sickness benefit in the light of requirements of Part III of the Code, and to review the sanctions which might be imposed on them for non-compliance with these measures, in the light of the limiting provisions of Article 68 of the Code.***

Part V (Old-age benefit) and Part XI (Standards to be complied with by periodical payments), Article 67. According to previous reports, old-age pension consists of a basic amount and a pension supplement, which are reduced if the pensioner has other income exceeding the fixed limit. Pensioners whose financial situation is particularly difficult may also receive a personal allowance and a health allowance. Pension is paid at the full rate after 40 years of permanent residence in Denmark; for shorter residence periods, it is reduced according to the ratio between this period and 40 years. Therefore, a pensioner who has been resident in Denmark for 20 years between the ages of 15 and 65 will receive 20/40 or half of a full pension. Having no other income, such a pensioner will also receive a personal allowance. The **42nd annual report** indicates the monthly rates of the basic amount of the old-age pension and of the pension supplement for single persons and non-single persons, as well as the yearly amount of the supplementary pension allowance (“ældre-check”). The Government’s comments on the ECSS–ILO technical note (December 2014) combine the public old-age pension and the obligatory minimum labour market supplementary pension (ATP) and calculate the replacement rate of this combined pension in respect of a couple that receives a housing allowance, but no other supplementary benefits, free services or personal allowances, and in which only one person receives the ATP. The replacement rate is calculated in Table 1 on the basis of “the average wage for workers (members of the union LO – the Danish Trade Union Council), men and women together”, which does not correspond to any of the reference wages mentioned in the Code. The Committee observes that it is unable to derive from these explanations the elements which would constitute the old-age pension of the standard beneficiary under Part V. It points out that the amount of the pension should be calculated in the Government’s next report according to the rules explained under Title III of *Article 67* in the Report Form on the Code for a couple of pensionable age with 20 years of residence and include only those additional pensions (such as ATP) and allowances (e.g. housing allowance, health allowance and personal allowance) that are given as of the right to all residents whose means during the contingency do not exceed a prescribed limit. The resulting pension amount should then be compared with the reference wage of an unskilled manual male worker determined under *Article 66* of the Code. ***The Committee hopes that to enable it to properly assess the level of the old-age pension in Denmark, the Government will carry out in its next report the calculations of the pension rate under Article 67 of the Code step-by-step, clearly indicating what benefits and allowances pertain to the standard beneficiary and how each element in the pension formula is determined.***

Part VI (Employment injury benefit) in conjunction with Article 68(e)(f). The report states that where death was caused wilfully or through gross negligence, special compensation may be granted to surviving dependants who were particularly close to the deceased. Compensation for surviving dependants (maximum) is 100,000 Danish Krone (DKK). ***Please indicate whether this special compensation replaces the normal compensation for loss of the family provider to which his or her surviving dependants would have been entitled otherwise, and calculate the survivors' benefit for a wife with two children in case death of the breadwinner was caused wilfully or through gross negligence.***

Part XI (Standards to be complied with by periodical payments), Articles 65–67 of the Code.
(a) *Determination of the reference wage used for calculating the replacement level of benefits.* Referring to the ILO technical note, the report confirms that male employees in “Manufacturing” and in “Manufacturing machinery and equipment n.e.c.” are the relevant reference group in relation to Articles 65–67 of the Code. The 2014 data on employment and wages of these employees will be obtained from the new Eurostat SES, SILC and FLS surveys to be published in May 2016. ***The Committee requests the Government to confirm that henceforth it intends to determine the reference wage of the skilled and unskilled worker on the basis of Eurostat data following the methodology laid down in Article 65(6)(b) and Article 66(4)(b) of the Code (Options 2 and 5 in the technical note).***

(b) *Adjustment of benefits to the cost of living.* ***The Committee asks the Government to explain its policy of maintaining the purchasing power of the long-term benefits in payment and giving pensioners a fair share of the growth of the national economy. Please include in the next detailed report full information and statistics on the adjustment of benefits under each accepted Part for the period 2011–16 requested in the Report Form on the Code under Title VI of Article 65.***

(c) *Adequacy of social security benefits.* ***The Committee once again requests the Government to explain, with reference to detailed statistics, what indicators are used for establishing minimum income guarantees and benefit amounts; how the subsistence minimum is determined in Denmark; and what role is assigned to the social security transfers in preventing and reducing poverty.*** In view of the complexity of indicators used to assess the adequacy of benefits, the Committee requested the ILO to summarize the relevant information in the country technical notes to be attached to its conclusions. ***The Committee invites the Government to check its accuracy in its next detailed report, which shall also include, for the same period, up-to-date statistics on social security coverage, amount of the reference wage and calculations of the replacement rate of benefits.*** The Committee will examine the question of the adequacy of social security benefits under accepted Parts of the Code on the basis of this comprehensive information.

Article 74. Next detailed report on the Code. (See above under Chapter III)

3. ILO Conventions

Social Security (Minimum Standards) Convention, 1952 (No. 102) - Denmark (*Ratification: 1955*)

Direct Request (CEACR) - adopted 2012, published 102nd ILC session (2013) – due in 2016

[Link to pending comments by the ILO supervisory bodies, NORMLEX](#)

The Committee takes note of the information provided by the Government in its detailed report on the Convention received in December 2011 and in the 39th annual report on the application of the European Code of Social Security.

Part VI. Employment injury benefit. (a) The Committee notes that the report does not include detailed information required by the report form under each Article of Part VI of the Convention and does not reply to questions raised in its direct request of 2011, but makes reference to previous reports where such information and replies were also lacking. The report mentions however the Consolidation Act No. 848 of 7 September 2009 on industrial injuries insurance, according to which the Danish industrial injuries insurance scheme is fully financed by the employers through the payment of premiums to the private insurance companies (covering accidents at work) and contributions to the Labour Market Occupational Diseases Fund (covering occupational diseases). The National Board of Industrial Injuries administers the scheme and makes the decisions on entitlement to benefits. ***In view of the complex structure of the scheme containing public and private agencies, the Committee would like the Government to include in its next report, in addition to information requested under Part VI, detailed information on how the Danish industrial injuries insurance scheme complies with the provisions of each Article of Part XIII (Common provisions) of the Convention. Please indicate, in particular, how private companies providing insurance coverage are being supervised by the public authorities and how representatives of the persons protected participate in the management of the scheme.***

(b) With regard to the insurance against accidents at work, the report states that it covers consequences of accidents or injuries of duration of up to five days. ***Please explain how protection is ensured against accidents which cause absence from work of more than five days.***

(c) The Committee asks the Government to calculate the replacement level of the employment injury benefit under Article 65 of the Convention, paying particular attention to the observance of recommendations mentioned below.

Part XI. Standards to be complied with by periodical payments. In its previous direct request, the Committee asked the Government to explain, with reference to the corresponding provisions of *Article 65 of the Convention*, the methodology used for selecting the standard beneficiary as the skilled manual male employee from the iron and metal industry and for determining his reference wage (in 2010 DKK 367,044), which is used for calculating the replacement rate of the sickness, maternity and unemployment benefits. In reply, the report states that the reference wage of a skilled manual employee is calculated on the basis of the average earnings on a yearly basis by weighing together the gross annual salary for workers and employees from which deductions are made for contributions to employer pension schemes, employee's labour market contribution etc. The Committee is obliged to point out that this method of determining the reference wage does not correspond to the options foreseen in *Article 65(6)* of the Convention. Indeed, if it is determined on the basis of the average earnings of all workers and employees in the country, the resulting reference wage of the skilled manual male employee should amount to not less than 125 per cent of such gross average earnings, as indicated in *Article 65(6)(d)* of the Convention. If, on the other hand, the skilled manual male employee is selected from the iron and metal industry, his reference wage should be determined on the basis of the statistics on the actual rates of gross wages for normal hours of work paid out in the said industry in occupations requiring skilled manual labour. *Article 65(6)(a) and (b)* suggest in this case using the wage of a fitter or turner in the manufacture of machinery other than electrical machinery – the industry which, according to the current employment statistics, comprises the largest number of male employees in Denmark. It should also be recalled that in its 35th report on the Code in 2008 the Government stated that the iron and metal industry was no longer the biggest employer of male workers in Denmark and suggested using new methods of determining the reference wage for the purposes of the Code, which were discussed in detail at the expert meeting in Copenhagen, 25 June 2009. ***The Committee would be grateful if the Government would follow the recommendations of this meeting in calculating the replacement rate of the short-term benefits in its future reports. In particular, the Government is invited to show that the maximum limit for the benefits in question complies with the requirements of Article 65(3) of the Convention and to make the calculation of the replacement rate not on a yearly but on a monthly basis, as these benefits are paid monthly.***

4. EU Country-Specific Recommendations: 2015

(the numeration of comments is kept in accordance to the original)

The European Union has set up a yearly cycle of economic policy coordination called the European Semester in 2010. Under the European Semester, the European Commission was given a mandate by Member States to check whether they take action on reform commitments they have made at EU level. The European Semester starts when the Commission adopts its Annual Growth Survey which sets out EU priorities to boost job creation and growth for the next year.

Each year, the Commission undertakes a detailed analysis of EU Member States' plans of budgetary, macroeconomic and structural reforms and provides them with the country-specific recommendations basing its decision on the submitted by each country National Reform Programme and Stability Programme. These recommendations provide tailor-made policy advice to Member States in areas deemed as priorities for the next 12-18 months. The European Council endorses the recommendations after the discussion.

Where recommendations are not acted on within the given time-frame, policy warnings can be issued. There is also the option of enforcement through incentives and sanctions in the case of excessive macroeconomic and budgetary imbalances.

Council Recommendation of 14 July 2015 on the 2015 National Reform Programme of Denmark and delivering a Council opinion on the 2015 Convergence Programme of Denmark (2015/C 272/10), (18.08.2015, C 272/36, *Official Journal of the European Union*).

[Official Website of the European Commission](#)

(8) Denmark is currently in the preventive arm of the Stability and Growth Pact. In its 2015 Convergence Programme, the Government plans a widening of the headline deficit from 1,6 % of GDP in 2015 — when it was supported by considerable windfall gains — to 2,6 % of GDP in 2016. Thereafter, the Government also plans to reduce the deficit so as to reach a balanced budget in 2020. According to the Convergence Programme, the Government plans to meet the medium-term objective — a structural deficit of 0,5 % of GDP — from 2016 onwards. According to the Convergence Programme, the government debt-to-GDP ratio is expected to decline gradually from 39,8 % in 2015 to 36,7 % in 2020. The macroeconomic scenario underpinning these budgetary projections is plausible. Based on the Commission's 2015 spring forecast, the structural balance is expected to comply with the medium-term objective in 2015. However, based on this forecast there is a risk of some deviation from the medium-term objective in 2016, with an excess of 0,3 % of GDP of net expenditure growth over the benchmark. While this deviation is expected to be temporary as growth in net expenditure in 2016 is influenced by the phasing out of one-off measures related to the taxation of pension savings, further measures may be necessary for 2016. Based on its assessment of the Convergence Programme and taking into account the Commission's 2015 spring forecast, the Council is of the opinion that Denmark is expected to broadly comply with the provisions of the Stability and Growth Pact.

(9) An adequately skilled long-term labour supply is a precondition for sustainable growth in Denmark. With the 2014 active labour market policy reform, Denmark has made progress on improving the employability of people at the margins of the labour market. The

reform is at an early stage of implementation and its results need to be monitored. Additional measures for those most excluded from the labour market are still needed, in line with the Carsten-Koch II expert group recommendations. Low educational attainment, limited labour market experience, youth and migrant background appear to be key factors in this respect. In general, the labour market potential of people from migrant backgrounds remains underutilised. Despite the high expenditure on education in Denmark, educational outcomes are only average, in particular for pupils from migrant backgrounds. The reform of the primary and lower secondary school system and the vocational education and training system aims to address this challenge. Full implementation of these reforms is needed in order to improve educational outcomes.