

Posting of Temporary Agency Workers in Europe Country Fact Sheet

Country: Denmark
 Contact person: Jakob Tietge
 Dansk Erhverv
jti@danskerhverv.dk

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National Regulation and provisions applicable to posted temporary agency workers

1. Employment and Working Conditions for posted temporary agency workers coming into your country

If any of this information is not available or unclear in current legislation please indicate in the box. If you know of practical examples please give details below.

<i>Element of national regulation</i>	<i>Qualitative information on your country</i>
<p>Definition of a posted temporary agency worker according to national legislation and collective labour agreements in the TAW sector.</p> <p>Does a temporary agency worker posted into your country have the same legal status as a temporary agency worker employed directly? If not please explain.</p>	<p>The definition of a temporary agency worker according to Danish law is: a worker with a contract or an employment relationship with a temporary-work agency with a view to being assigned to a user undertaking to work temporarily under its supervision and direction. The Danish Act on the legal rights of temporary agency workers upon assignment by a temporary-work agency applies on temporary agency workers with a contract of employment or employment relationship with both a Danish or foreign temporary-work agency, who are assigned by the temporary-work agency to user undertakings in Denmark.</p>
<p>Relevant and applicable provisions on equal treatment & equal pay for temporary agency workers. Do these apply to posted temporary agency workers?</p>	<p>The temporary agency workers will either be covered by the temporary-work agencies collective bargaining agreement or the same conditions (in regards to the duration of working time, overtime, breaks, rest periods, night work, holidays, public holidays and payments) that are applicable, had the temporary agency worker been employed by the user undertaking directly for the purpose of performing the same work, see</p>



	more in §, 3, number 5 in the Danish Act on the legal rights of temporary agency workers upon assignment by a temporary-work agency
Maximum work periods per day and per week for posted temporary agency workers. Is night work permitted for posted temporary agency workers? If so how many hours are allowed?	All workers in Denmark can as maximum work an average of 48 hours during 4 month, unless special rules are applicable. Temporary agency workers are allowed to work in night shifts
Minimum rest periods per day and per week for posted temporary agency workers.	All workers in Denmark are allowed 11 hours of rest every day and one day off in every week, unless special rules are applicable.
Applicable minimum rates of pay hourly, weekly or monthly. Is this decided by a collective agreement or by law? How is it enforced?	The is no law given minimum rates of pay hourly, weekly or monthly in Denmark, unless special rules are applicable. But the Danish Contracts Act § 36 states, that a contract may be modified or set aside, in whole or in part, if it would be unreasonable or at variance with the principles of good faith to enforce it. Some collective bargaining agreements have given minimum rates of pay hourly, weekly and monthly. These can be enforced in the labour court system.
Applicable wage supplements, sick pay, social security, overtime and night work rates & allowances for temporary agency workers.	There can be rules concerning these types of payment in Danish collective bargaining agreements. Sick payment is regulated in Consolidation on Benefits in the event of Illness or Childbirth.
Applicable provisions and legislations on health & safety at work. Whose responsibility is it to ensure these provisions/laws are enforced (user company or temporary agency)? Which organisation is responsible for the health and safety of the workers?	Rules concerning health and safety at work are regulated in the Consolidation act on the Working Environment. It will be the user undertaking the temporary agency worker who is responsible according to the provisions in this law, because it is this natural or legal person (user company) for whom and under the supervision and direction of whom a temporary agency worker works temporarily. The Danish Working Environment Authority is controlling this law.
Minimum paid annual holiday (no. of days, rates) posted temporary agency workers are entitled to.	The Holiday Act is giving all workers in Denmark the right of 5 weeks of holiday. You will be entitled to payment during these 5



	weeks if you have earned the money the previous year. Many collective bargaining agreement give 1 extra week of holiday.
Specific provisions on posted temporary agency workers in the collective labour agreements in the TAW sector	There are no specific provisions on posted temporary agency workers in the collective labour agreements.

II. Conditions for temporary work agencies to post a temporary agency worker in your country

<i>Element of national regulation</i>	<i>Qualitative information on your country</i>
Requirement to obtain a license	There is no requirement to obtain a license in Denmark to obtain a license, except for the area of truck drivers of trucks with loading capacity of more than 3.500 kg. Agencies have to obtain a license here with the national transport authority.
Requirement to establish in the receiving country	There are no special requirement to establish in Denmark for temporary agency workers
Mandatory Declarations	There are no mandatory declarations
Sectoral bans for temporary agency work activities	Many collective agreements have an obligation to provide information on the use of temporary agency workers.
Applicable reasons for use of temporary agency work services	Denmark does not require a special justification for the use of temporary workers. Most often the use of temporary agency workers is justified in flexibility.
Applicable minimum and maximum length of temporary agency work assignments	None
Restrictions on labour contracts to be offered to posted temporary agency workers	There are no specific restrictions on labour contracts to be offered to posted temporary agency workers.
Which services (if any) do you provide for the posted temporary agency workers? Are these workers charged any fees for these services?	There are no specific services provided to posted temporary agency workers.



Additional Information – Useful public sources

Do you know the country of origin of the posted temporary agency workers in your country/organization? If so please give details.	Yes. It is registered in the Danish RUT-register, where all companies posting to Denmark must register.
Useful websites (Labour inspectorate, Ministry of Labour, Trade Union information etc...)	https://workplacedenmark.dk/
Contact people from the national social partner associations in the TAW sector	Employer side: Jakob Tietge, Dansk Erhverv (jti@danskerhverv.dk) Employee side: Klara Hoffritz, HK Danmark 44keh@hk.dk
Relevant publications	None on posted temps.

If you have any questions on this factsheet, please contact the European Sectoral Social Partners:

UNI Europa Secretariat Giedre Lelyte Giedre.Lelyte@uniglobalunion.org Tel. +41 22 365 21 49	World Employment Confederation-Europe Head Office Michael Freytag michael.freytag@wecglobal.org Tel. +32 2 421 15 86
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