

Human Rights and Business Country Guide

# Denmark



THE DANISH  
INSTITUTE FOR  
HUMAN RIGHTS

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# High-Level Summary

The Human Rights and Business Country Guide to Denmark (not including Greenland or the Faroe Islands) contains information on potential and actual adverse human rights impacts of business activities in Denmark. The information in this Guide is gathered from publicly available sources and through stakeholder consultations during the fall of 2015, and is intended to:

- Help companies understand how their activities might impact on human rights and ensure respect for human rights in their operations
- Support government agencies in protecting human rights and in promoting business respect for human rights
- Support civil-society organisations in monitoring and promotion of business respect for human rights

The Guide is a compilation of various sources of publicly available information from international institutions, NGOs, governmental agencies, businesses, media and academia, among others. The Guide also builds on interviews and dialogues with key local stakeholders. Approximately 30 stakeholders from both government, business and civil-society were consulted in the making of this guide. The document is intended to provide guidance to business and other stakeholders, but is not intended to provide a complete picture, nor is the collected information exhaustive.

The Country Guide does not constitute an assessment or monitoring of Denmark's compliance with international human rights standards with regard to business. For an assessment of Denmark's implementation of the United Nations Guiding Principles on Human Rights and Business, please refer to the Danish Institute for Human Rights website.<sup>1</sup>

The summary below gives an overview of the areas where human rights related challenges have been reported in relation to business activities in Denmark. Please consult the sections for additional information and sources.

## Right Holders At Risk in business activities

<b>Gender</b>	Cases of gender discrimination in the labour market for both men and women were reported, primarily related to access to the labour market for women, equal pay for work of equal value, and access to promotions and benefits.
<b>Greenlandic People</b>	It has been reported that Greenlanders experience stigmatisation and prejudice outside the workplace as well as when applying for a job.
<b>Persons with Disabilities</b>	It was reported that legislation does not establish clear obligations of employers to afford reasonable accommodation to persons with disabilities in the work place.

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<sup>1</sup> The website can be accessed here:

[http://menneskeret.dk/files/media/dokumenter/international\\_rapportering/int\\_rapport/erhverv\\_og\\_menneskerettigheder\\_i\\_en\\_dansk\\_kontekst\\_-\\_konsultationsrapport.pdf](http://menneskeret.dk/files/media/dokumenter/international_rapportering/int_rapport/erhverv_og_menneskerettigheder_i_en_dansk_kontekst_-_konsultationsrapport.pdf)

<b>Persons Living with Health Conditions</b>	A study showed that almost one out of five persons with psychological health conditions/problems had experienced discrimination due to their illness when applying for jobs. Further, it was reported that persons living with HIV/AIDS had experienced stigmatization and discrimination in the workplace.
<b>Physical Appearance</b>	Studies showed instances of employment discrimination against over-weight people.
<b>Migrants and their descendants (including refugees)</b>	Studies showed that migrants and their decedents generally have a weaker connection to the labour market than ethnic Danes.
<b>Sexual Orientation</b>	Studies showed that sexual minorities were not always comfortable being open about their sexuality and gender identity at work.
<b>Age</b>	Elderly people generally had a satisfactory level of connection to the labour market but, in some case, experienced trouble with entry barriers due to their age.

## Forced Labour

<b>Trafficking</b>	Modern forms of forced labour were identified and reported, including human trafficking and the retention of personal documents.
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## Occupational Health and Safety

<b>Occupational Health and Safety</b>	The Working Environment Authority had identified several cases of unhealthy working conditions in the informal sector during inspections. Cases of harassment and bullying at the workplace were reported and dealt with by the courts.
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## Working Conditions

<b>Wages</b>	As Denmark does not have a minimum wage set by law, the lack of a minimum wage was identified as a concern for workers who are not covered by collective agreements.
<b>Working Hours</b>	Stress and a lack of balance between family life and professional life due to long working hours has been identified as an area of concern.
<b>Social Security</b>	Immigrants, persons with low incomes and new citizens, are reported to have limited access to the pension system.
<b>Data Protection and Privacy</b>	The area of data protection and privacy is generally well protected. Concerns were raised about the protection of data online and employee surveillance and personal data management.

*For questions and comments on the content of the report please contact Cathrine Bloch Poulsen-Hansen, Project Manager, Danish Institute for Human Rights: [cph@humanrights.dk](mailto:cph@humanrights.dk).*

# How to Use this Guide

The Human Rights and Business Country Guide to Denmark (not including Greenland or the Faroe Islands) contains information regarding potential and actual human rights impacts of businesses in Denmark. The information in this Guide is gathered from publicly available sources, and is intended to help companies ensure respect for human rights in their own operations and those of their suppliers and business partners.

## Country Guide Process & Limitations

The Country Guide is a compilation of publicly available information from international institutions, NGOs, government agencies, businesses, media and universities, among others. The Guide also builds on interviews and dialogues with key stakeholders in Denmark. Approximately 30 stakeholders from both government, business and civil-society were consulted in the making of this guide.

The document is intended to guide business and other stakeholders, on the basis of the information available. It does not constitute an assessment or monitoring of Denmark's compliance with international human rights standards with regard to business. For an assessment of Denmark's implementation of the United National Guiding Principles on Human Rights and Business, please refer to the Danish Institute for Human Rights website.<sup>2</sup>

## Country Guide Content

Each section of the Country Guide identifies areas that businesses should be particular attentive to. The Country Guide identifies these areas through an analysis of the country's legal framework for human rights protection; enjoyment of human rights in practice; and the proximity of human rights related challenges to company operations.

The Guide consists of the following sections:

**Background & Context** gives an overview of economic, political and demographic characteristics.

**Rights Holders at Risk** identifies groups that may be particularly exposed to human rights related challenges in a business context.

**Labour Standards** identifies areas related to employees and working conditions. This section includes child labour and young workers, forced labour, trade unions, occupational health & safety and working conditions such as pay and working hours.

**Community Impacts** identifies potential human rights impacts of business on neighbouring communities or the general public.

**Sector Profiles** identifies human rights and business impacts related to a particular industry or sector, such as services, manufacturing or agriculture.

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<sup>2</sup> The website can be accessed here:

[http://menneskeret.dk/files/media/dokumenter/international\\_rapportering/int\\_rapport/erhverv\\_og\\_menneskerettigheder\\_i\\_en\\_dansk\\_kontekst\\_-\\_konsultationsrapport.pdf](http://menneskeret.dk/files/media/dokumenter/international_rapportering/int_rapport/erhverv_og_menneskerettigheder_i_en_dansk_kontekst_-_konsultationsrapport.pdf)

## Access to Remedy

Victims of corporate human rights abuses have the right under international law to mechanisms that provide for remedy. The UN Guiding Principles on Business and Human Rights explicitly call on governments and businesses to provide and/or participate in such mechanisms.

This section of the Guide identifies such mechanisms including judicial / non-judicial and state-based / non-state-based mechanisms. Where possible, this also includes information about the effectiveness of such bodies, and the number of cases they have heard and redressed.

## Engagement Opportunities

Companies have a responsibility to address and prevent negative human rights impacts from their operations, but they also have an opportunity to contribute to positive human rights impacts. Where relevant, the Guide includes information for companies on-going public and other institutional efforts to address human rights related issues relevant to business. The purpose of this information is to guide engagement by businesses and identify existing programmes that companies could support or take part in.

## About DIHR

The Danish Institute for Human Rights is Denmark's [national human rights institution](#). Our mandate is to promote and protect human rights and equal treatment in Denmark and abroad. **In Denmark**, we advise government, parliament, ministries and public authorities on human rights. We map out the biggest human rights challenges in Denmark as well as the yearly improvements in the area. For more information, see our [annual Status Report](#) and [The Annual Report to the Danish Parliament](#).

**Internationally**, we work with states, independent organizations and the corporate sector, enabling them to strengthen human rights. We assist in building well-functioning legal systems abroad and to ensure the influence of civil society. We help private companies assess their impact on human rights. We educate police officers, school teachers, ombudsmen, and judges on human rights.

# Background & Context

*This section contains an overview of political and socio-economic conditions in which businesses operate. This information is designed to inform businesses of the country's societal and development profile.*

The following table provides further detail on the operating environment within this area. The data sources can be found at [www.hrbcountryguide.org](http://www.hrbcountryguide.org).

Demographics & Economy	
Population	5,659,715 (2015 est.)
Main Ethnic Groups	Scandinavian, Inuit, Faroese, German, Turkish, Iranian, Somali.
Main Religious Groups	Evangelical Lutheran (official) 80%, Muslim 4%, other (denominations of less than 1% each, includes Roman Catholic, Jehovah's Witness, Serbian Orthodox Christian, Jewish, Baptist, and Buddhist) 16% (2012 est.)
Main Languages	Danish, Faroese, Greenlandic (an Inuit dialect), German (National minority in Southern Jutland).  Note: English is the predominant second language.

Political, Economic & Development Statistics			
	2012	2013	2014
<b>Reporters Without Borders: Press Freedom Index</b>  (Where 1 indicates the highest degree of freedom, out of the 180 listed countries)	10	6	7
<b>Freedom House: Map of Freedom - Political Rights</b>  (On a scale of 1 through 7, where 1 indicates the highest level of freedom)	1	1	1
<b>Freedom House: Map of Freedom - Civil Liberties</b>	1	1	1

(On a scale of 1 through 7, where 1 indicates the highest level of freedom)			
<b>Form of government</b>	Constitutional Monarchy		
<b>Most recent general election</b>	June 18th 2015		
<b>Current head of state</b>	Lars Løkke Rasmussen		
<b>Ruling party</b>	<ul style="list-style-type: none"> <li>• Venstre – The Liberal Party (Minority Government)</li> </ul> In an alliance with: The Danish People Party, Liberal Alliance and the Conservative Party		
<b>Other major parties</b>	<ul style="list-style-type: none"> <li>• The Social Democratic Party</li> <li>• The Danish People's Party</li> <li>• The Red-Green Alliance</li> <li>• The Liberal Alliance</li> <li>• The Social Liberal Party</li> <li>• The Socialist People's Party</li> <li>• The Conservative Party</li> <li>• The Alternative Party</li> </ul>		

Development Indicators & Trends			
	2012	2013	2014
<b>GDP growth</b>	-0.4	0.4	1.5
<b>GDP growth in region / neighbouring countries</b>	-0.2 (Europe 4Q)	0.2 (Europe 4Q)	0.4 (Europe 4Q)
<b>GDP per capita (PPP)</b>	43,700 US\$	43,800 US\$	44,300 US\$
<b>Human Development Index rank</b>	n/a	15	10
<b>Human Development Index score</b>	n/a	0.9	0.9
<b>Human Development Index score – Regional Average</b>	n/a	0.77 (Europe and Central Asia)	0.738 (Europe and Central Asia)
<b>HDI discounted for inequality</b>  <i>The IHDI combines a country's average achievements in health, education and income with how those achievements are distributed among country's population by "discounting" each dimension's average value according to its level of inequality. Under perfect equality the IHDI is equal to the HDI, but falls below the HDI when inequality rises.<sup>1</sup></i>	n/a	0.9	0.84



<b>Percentage of population below national poverty rate</b>  <i>Former official poverty line, now abolished: median annual income of less than approx. DKK 103,000 for three consecutive years and less than DKK 100,000 in assets.<sup>2</sup></i>	n/a	n/a	6%
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## Legal Context

The European Convention on Human Rights (ECHR) protects the citizens of the European states against human rights abuses. In Denmark, the ECHR is of significant importance. It was incorporated into Danish law in 1992, and Danish courts thus have a duty to enforce it. Furthermore it means that citizens can complain to the authorities or sue with direct reference to the ECHR.<sup>3</sup> In 1992, Parliament passed an Act incorporating the European Convention on Human Rights into Danish law.<sup>4</sup> Chapter eight of Denmark's Constitutional Act covers certain rights and freedoms. Section 77 mentions freedom of speech, including that of the free press, while freedom of assembly is covered by section 78 and 79.<sup>5</sup>

## Socio-Economic Context

### *Human development indicators and trends*

According to the 2014 Human Development Index, Denmark is a top-ranked country with a very high human development level. Denmark ranked 10th behind Norway but ahead of Sweden, both in terms of overall development and when adjusted for inequality.<sup>6</sup> Its latest GINI coefficient was set in 2010 at 26.9 placing Denmark among the countries with the least income inequality.<sup>7</sup>

The average household net-adjusted disposable income was US\$25,172 a year, compared to the Organisation for Economic Cooperation and Development (OECD) average of US\$23,948 a year.<sup>8</sup> The top 20 percent of the population earned four times as much as the bottom 20 percent.<sup>9</sup>

Poverty and an official poverty line is a topic of debate in Denmark. An official poverty line was established by the former government and then abolished by the current government. In September 2015, the Minister of Social Affairs was requested to conduct consultations on the issue.<sup>10</sup> Media and NGO's have criticised the former poverty line and official poverty criteria for disguising poverty in Denmark and excluding a large number of citizens who may be close to the poverty line.<sup>11</sup>

According to OECD statistics, 73 percent of people between the ages of 15-64 were in a paid job as of the 1Q of 2015. Over 76 percent of men were employed compared to 71 percent of women.<sup>12</sup>

## Public Policy Frameworks

### Danish National Action Plan on Business and Human Rights (NAP on Business and Human Rights) (2014)

The National Action Plan (NAP) on Business and Human Rights was developed by the former government with the support of the former Danish Council for Corporate Responsibility (Rådet for Samfundsansvar). Among the goals of the NAP on Business and Human Rights the following were included: ensuring policy coherence across governmental departments and agencies; setting further

expectations for Danish companies to take responsibility and respect for human rights; further engaging with extraterritorial legislation; and promoting CSR initiatives in the public sector.<sup>13</sup>

## 'Responsible Growth' Action Plan for Corporate Social Responsibility (2012-2015)

The purpose of the 'Responsible Growth' Action Plan is to create a foundation for new and responsible growth and employment. Additionally, it encourages Danish companies to apply international guidelines for Corporate Social Responsibility such as the UN Global Compact, the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises.<sup>14</sup>

## The Future Work Environment 2020 (2011)

The strategy was developed by the Danish Working Environment Authority (Arbejdstilsynet) and consists of 19 initiatives with the objective of creating a better work environment. This includes areas such as dialogue; intensified focus on certain areas such as foreign companies, young people, newly hired and support for small companies and new companies. The overall goals of the strategy is to reduce serious work injuries by 25 percent; reduce psychological overworked employees by 20 percent and reduce injuries from congestion of the muscles and the skeleton such as the back by 20 percent.<sup>15</sup>

## The Disability Policy Action Plan (2013)

The Disability Action Plan was developed by the Ministry for Children, Gender Equality, Integration and Social Affairs (Ministeriet for Børn, Ligestilling, Integration og Sociale Forhold). The Action Plan makes recommendations and draws visions for a society with room for everyone, including persons with disabilities. Equal opportunities for persons with disabilities is a central aspect of the Action Plan. This includes areas such as education; labour market; social life and areas within the public sphere.<sup>16</sup>

## The Danish Rural Development Programme (2014-2020)

The programme was developed by the Ministry of Environment and Food (Miljø og Fødevarer Ministeriet). Its purpose is to support the development of the agricultural sector and to strengthen the environment and climate actions with a sustainable use of natural resources in rural areas.<sup>17</sup>

# International Legal Commitments

*Accession and ratification of international human rights instruments*

UN Conventions	
International Covenant on Economic, Social and Cultural Rights	<b>RATIFIED</b>
International Covenant on Civil and Political Rights	<b>RATIFIED</b>
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty	<b>RATIFIED</b>
Convention Against Corruption	<b>RATIFIED</b>
Convention Against Torture	<b>RATIFIED</b>
Convention on the Elimination of All Forms of Racial Discrimination	<b>RATIFIED</b>
Convention on the Elimination of All Forms of Discrimination Against Women	<b>RATIFIED</b>
Amendment to article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women (1995)	<b>ACCEPTED</b>
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999)	<b>RATIFIED</b>
Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity (1968)	<b>NOT SIGNED</b>
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	<b>RATIFIED</b>
Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination (1992)	<b>ACCEPTED</b>
Convention on the Rights of Persons with Disabilities	<b>RATIFIED</b>
Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)	<b>ACCEPTED</b>
Convention on the Rights of the Child	<b>RATIFIED</b>
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	<b>RATIFIED</b>
Optional Protocol on the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	<b>RATIFIED</b>

International Convention for the Protection of All Persons from Enforced Disappearance (2006)	<b>SIGNED</b>
International Convention on the Protection of All Migrant Workers and Members of Their Families	<b>NOT RATIFIED</b>
Convention Against Transnational Organized Crime Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime	<b>RATIFIED</b>
<b>Regional Instruments</b>	
European Convention for the Protection of Human Rights and Fundamental Freedoms	<b>RATIFIED</b>
Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms	<b>RATIFIED</b>
Protocol No. 2 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	<b>RATIFIED</b>
Protocol No. 3 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	<b>RATIFIED</b>
Protocol No. 4 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	<b>RATIFIED</b>
Protocol No. 5 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	<b>RATIFIED</b>
Protocol No. 6 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	<b>RATIFIED</b>
Protocol No. 7 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	<b>RATIFIED</b>
Protocol No. 8 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	<b>RATIFIED</b>
Protocol No. 9 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	<b>RATIFIED</b>
Protocol No. 10 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	<b>RATIFIED</b>
Protocol No. 11 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	<b>RATIFIED</b>

Protocol No. 12 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	<b>NOT SIGNED</b>
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment	<b>RATIFIED</b>
Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment	<b>RATIFIED</b>
Protocol No. 2 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment	<b>RATIFIED</b>

## International Labour Organization Conventions

ILO Hours of Work (Industry) Convention (C1, 1919)	<b>NOT RATIFIED</b>
ILO Forced Labour Convention (C29, 1930)	<b>RATIFIED</b>
ILO Hours of Work (Commerce and Offices) Convention (C30, 1930)	<b>NOT RATIFIED</b>
ILO Night Work of Young Persons (Non-Industrial Occupations) Convention (C79, 1946)	<b>NOT RATIFIED</b>
ILO Labour Inspectors Convention (C81, 1947)	<b>RATIFIED</b>
ILO Freedom of Association and Protection of the Right to Organise Convention (C87, 1948)	<b>RATIFIED</b>
ILO Night Work of Young Persons Employed in Industry Convention (C90, 1948)	<b>NOT RATIFIED</b>
ILO Protection of Wages Convention (C95, 1949)	<b>NOT RATIFIED</b>
ILO Right to Organise and Collective Bargaining Convention (C98, 1949)	<b>RATIFIED</b>
ILO Equal Remuneration Convention (C100, 1951)	<b>RATIFIED</b>
ILO Social Security (Minimum Standards) Convention (C102, 1952)	<b>RATIFIED</b>
ILO Abolition of Forced Labour Convention (C105, 1957)	<b>RATIFIED</b>
ILO Discrimination (Employment and Occupation) Convention (C111, 1958)	<b>RATIFIED</b>
ILO Social Policy (Basic Aims and Standards) Convention (C117, 1962)	<b>NOT RATIFIED</b>
ILO Equality of Treatment (Social Security) Convention (C118, 1962)	<b>RATIFIED</b>
ILO Employment Policy Convention (C122, 1964)	<b>RATIFIED</b>
ILO Minimum Age (Underground Work) Convention (C123, 1965)	<b>NOT RATIFIED</b>

ILO Medical Care and Sickness Benefits Convention (C130, 1969)	<b>RATIFIED</b>
ILO Minimum Wage Fixing Convention (C131, 1970)	<b>NOT RATIFIED</b>
ILO Holidays with Pay (Revised) Convention (C132, 1970)	<b>NOT RATIFIED</b>
ILO Workers' Representatives Convention (C135 of 1971)	<b>RATIFIED</b>
ILO Minimum Age Convention (C138, 1973)	<b>RATIFIED</b>
ILO Migrant Workers (Supplementary Provisions) Convention (C143, 1975)	<b>NOT RATIFIED</b>
ILO Working Environment (Air Pollution, Noise and Vibration) Convention (C148, 1977)	<b>RATIFIED</b>
ILO Occupational Safety and Health Convention (C155, 1981)	<b>RATIFIED</b>
ILO Workers with Family Responsibilities Convention (C156, 1981)	<b>NOT RATIFIED</b>
ILO Termination of Employment Convention (C158, 1982)	<b>NOT RATIFIED</b>
ILO Indigenous and Tribal Peoples Convention (C169, 1989)	<b>RATIFIED</b>
ILO Night Work Convention (C171, 1990)	<b>NOT RATIFIED</b>
ILO Prevention of Major Industrial Accidents Convention (C174, 1993)	<b>NOT RATIFIED</b>
ILO Worst Forms of Child Labour Convention (C182, 1999)	<b>RATIFIED</b>
ILO Maternity Protection Convention (C183, 2000)	<b>RATIFIED</b>

## Environmental Instruments

Stockholm Convention on Persistent Organic Pollutants (2001)	<b>RATIFIED</b>
Kyoto Protocol (1997)	<b>RATIFIED</b>
United Nations Convention on Biological Diversity	<b>RATIFIED</b>
United Nations Framework Convention on Climate Change	<b>RATIFIED</b>
Montreal Protocol on Substances that Deplete the Ozone Layer, 1987	<b>RATIFIED</b>
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, 1989	<b>APPROVED</b>
Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters, 1998	<b>RATIFIED</b>

## Other International Instruments

Declaration on the Rights of Indigenous Peoples	<b>SIGNED</b>
Rome Statute of the International Criminal Court	<b>RATIFIED</b>
UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	<b>RATIFIED</b>

# Rights Holders at Risk

*This section contains information on societal groups that have been identified as being particularly vulnerable to employment-related discrimination.*

The following table provides further detail on the operating environment within this area. The data sources can be found at [www.hrbcountryguide.org](http://www.hrbcountryguide.org)

Operating Environment	
HIV/AIDS prevalence (ages 15-49)	0.16 % (2013)
Female labour participation rate	76 % (2014)
HDI (Human Development Index) Gender Equality Gap Index	5 (2013)
Seats held by women in national parliament (%)	39.1%
Law prohibits discrimination on the grounds of	The Law on equal treatment in the labour market prohibits discrimination on the grounds of: Race, skin colour, religion or faith, political opinion, sexual orientation, age, handicap, nationality, social and ethnic origin. <sup>18</sup>
Major ethnic groups	Scandinavian, Inuit, Faroese, German, Turkish, Iranian, Somali
Major religious groups	Evangelical Lutheran (official) 80%, Muslim 4%, other (denominations of less than 1% each, includes Roman Catholic, Jehovah's Witness, Serbian Orthodox Christian, Jewish, Baptist, and Buddhist) 16% (2012 est.)
Major migrant groups	Romanian, Polish, German, Swedish, Norwegian, Turkey, Iraq, Bosnia-Herzegovina, Iran, Pakistan
Persons with disabilities	16.9 percent <sup>19</sup>
Relevant legislation	<ul style="list-style-type: none"> <li>• Constitution of Denmark, 1953</li> <li>• Act on ethnic equal treatment, 1987</li> <li>• Act on the Board of equal treatment, 2008</li> <li>• Consolidation Act on Equal Treatment act no.553, 2002</li> </ul>



	<ul style="list-style-type: none"> <li>• Consolidated Act no. 1349 prohibiting differential treatment in the labour market, 1996</li> <li>• Consolidation Act on the Equal Treatment of Men and Women as regards Access to Employment, Act no. 734, 2006</li> <li>• Act respecting equal wages for men and women, 2003</li> <li>• Act on the prohibition of differential treatment in the labour market, 2005</li> <li>• Act on maternity equalisation in the private labour market, 2006</li> <li>• Consolidation Act on entitlement to leave and benefits in the event of childbirth, 2006</li> <li>• Consolidation Act to compensate disabled persons in employment, 2009</li> <li>• Act on annual accounts, 2011</li> <li>• Act on target figures and policy on gender balance in corporate boards, 2012</li> <li>• Criminal Code, 2012</li> <li>• Consolidation Act on social services, 2013</li> <li>• Act on the change of various legal provisions regarding the application for, reporting of, requests, communication and declaration for public authorities, 2013</li> <li>• The Transgender Act, 2014</li> <li>• The Act on the European Convention on Human Rights</li> </ul>
<b>Responsible agencies</b>	<ul style="list-style-type: none"> <li>• Ministry of Children, Education and Gender Equality</li> <li>• Ministry of Culture</li> <li>• Ministry for Ecclesiastical Affairs</li> <li>• Ministry of Education</li> <li>• Ministry of Health</li> <li>• Ministry of Employment</li> <li>• The Working Environment Authority</li> <li>• Council and Ethnic Minorities</li> </ul>
<b>NGOs that address the situation of at-risk groups in the labour market</b>	<ul style="list-style-type: none"> <li>• Disabled People's Organization Denmark</li> <li>• Danish Disability Council</li> <li>• DaneAge</li> <li>• LGBT Denmark</li> <li>• Dansk Blindesamfund (The Danish society for blind persons)</li> <li>• KVINFO</li> <li>• CABI</li> <li>• Amnesty</li> <li>• The Danish Refugee Council</li> <li>• SOS Against Racism</li> <li>• Danish Refugee Council</li> </ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

The Danish labour market is regulated through the collective agreements between the social partners. Vulnerable groups, or persons at risk of being discriminated, are protected by legislation. Provisions to protect against discrimination in Denmark are found in a number of laws both in the penal code and in the civil legislation. Legislation to protect against discrimination in the labour market is within the civil legislation. The main piece of legislation is the Act on Prohibition of Differential Treatment in the labour Market.<sup>20</sup> This protects against differential treatment based on the grounds of race, skin colour, religion or belief, political affiliation, sexual orientation, age, disability or national or ethnic origin. It regulates all areas regarding employment (private as well as public) as well as employment related education. Prohibition against discrimination on the grounds of gender and promotion of equal treatment between women and men are found in the Consolidation Act on the Equal Treatment of Men and Women as regards Access to Employment<sup>21</sup>, Consolidation Act on entitlement to leave and benefits in the event of childbirth<sup>22</sup>, Act respecting equal wages for men and women<sup>23</sup> and Act on equal treatment of men and women in insurance, pensions and related financial services.<sup>24</sup> The Danish legislation also includes provisions to promote the equal opportunities of people with disability in the labour market. For instance the Consolidation Act to compensate disabled persons in employment.<sup>25</sup>

Outside of the labour market only the grounds of gender, race and ethnic origin are protected against discrimination. The Act on Ethnic Equal Treatment<sup>26</sup> deals with social protection, such as social security and healthcare, as well as social goods, education, and access to, and the delivery of, goods and services, including housing, as well as memberships of different organizations.<sup>27</sup>

## Migrants and their Descendants (Including Refugees)

This section provides information on non-western ethnic minorities, western ethnic minorities, and ethnic Danes as well as refugees. Refugees are defined as persons who have achieved protection in accordance with the Danish Alien Act.<sup>28</sup> Migrants and their descendants are defined in accordance with the definition of Statistics Denmark.<sup>29</sup>

Figures from Statistics Denmark from 2015 showed that migrants and descendants of migrants comprised 657.473 people, approximately 11.5 percent of the Danish population. 234.213 people came from western-countries while 423.260 were from non-western countries. The largest groups of non-western migrant's came from Turkey, Iran, Iraq, Bosnia-Herzegovina and Pakistan. The largest group of western migrants came from Poland, Germany, Rumania, Norway and Sweden, according to numbers from Statistics Denmark 2015.<sup>30</sup> More than half of the permits granted in 2014 were registration certificates and residence cards issued to EU/EEA citizens.<sup>31</sup>

A study from 2015, based on numbers from 2013, by the RockWool Foundation estimated that there were 33.000 undocumented migrants in Denmark. These numbers were based on police records of undocumented migrants as well as other statistical data, but the exact number was not known. The majority of those who were charged for illegally working in Denmark were from Nigeria and China. Men were overrepresented compared to women.<sup>32</sup>

There has been a rise in the number of refugees arriving in Denmark over the last 10 years. In 2005, 5.115 people applied for asylum in Denmark, in 2014 the number had increased to 14.792.<sup>33</sup> In 2015 the Danish Minister of Aliens, Integration and Housing (Udlændinge, Integration og Boligminister) published campaigns in Lebanese newspapers, highlighting the poor conditions for migrants and refugees in Denmark in an attempt to convince migrants not to choose Denmark as their destination.<sup>34</sup> According to

the Danish newspaper Jyllands Posten, several of the largest Danish companies asked the Government not to publish the campaigns because they feared the consequences it would bring. Grundfos in particular stated that it could portray Denmark as a closed country and worsen business opportunities and the ability to recruit foreign, skilled labour, as well as make the export of goods and services more difficult.<sup>35</sup> Several companies emphasized, to several news outlets, the positive impacts of having migrants in their workforce and how providing them with employment opportunities contributed to their integration into the Danish society, according to various business media sources including Politiken and Finans.<sup>36</sup>

The UNCESCR (United Nations Committee on Economic Social and Cultural Rights) reported in 2013 that migrant workers, including Roma's, faced obstacles to their right to adequate housing.<sup>37</sup> Accordingly, the newspaper The Local reported in 2015 that migrants with names that sounded middle-eastern or 'exotic' needed to inquire 27 percent more housing options to get the same amount of positive responses as residents with traditional Danish names.<sup>38</sup>

Figures from Statistics Denmark in 2015 reported that migrants and refugees, both from western and non-western countries had a weaker connection to the labour market than the rest of the Danish population. The economic crisis in 2008 had a significant effect on the employment of migrants and refugees whose employment rate had been on the rise until the crisis.<sup>39</sup> The unemployment rate of western migrants was calculated at 20 percent, significantly lower than the non-western migrants. Among descendants of Western migrants, 11 percent were unemployed while this number was 18 percent amongst decedents of non-western migrants.<sup>40</sup>

According to a survey from Statistics Denmark from 2013, non-Danish nationals were more willing to be employed in low-wage jobs. 27 percent of all migrants who worked in Denmark had a job that paid less than 130 DKK pr. hour (approx. US\$19.52). This number was only 10 percent for ethnic Danes.<sup>41</sup> A 2013 study by Statistics Denmark showed that positions occupied by migrants were often those that required no educational competencies, and migrants were underrepresented in high and medium level management positions, as compared to ethnic Danes.<sup>42</sup>

A 2014 Statistics Denmark report highlighted that female migrants and their female decedents had the highest unemployment rate. Amongst ethnic Danish females, seven out of ten were employed, where only four out of ten female migrants or their decedents were employed. Their employment rate was 43.3 percent lower than their ethnic Danish counterpart.<sup>43</sup> The UN Committee on Economic, Social and Cultural rights noted that in 2013 women from minority groups had difficulties in accessing employment in Denmark.<sup>44</sup>

As a specific ethnic minority group, the Roma population was estimated at 1,500 to 10,000 people. Many Roma individuals arrived in Denmark as migrant workers from Yugoslavia in the 1960s and 1970s, since then many Roma individuals arrived as refugees from the Balkan wars and recently as migrants from Bulgaria and Romania.<sup>45</sup> According to a report published with support from the Rockwool Foundation in 2015, since the adoption of the EU free movement directive, Denmark is experiencing an influx of Roma primarily from Romania. This group of people are concentrated in larger Danish cities, and many are homeless and live from begging or are working illegally.<sup>46</sup> Prejudice against the Roma population has reportedly been on the rise during recent years, exemplified by negative statements by political representatives and the general public, as noted by the newspaper Politiken in 2013.<sup>47</sup>

## Greenlandic People

Greenlandic people are Danish citizens and those who reside in Denmark are protected by the same national and international laws against discrimination as ethnic Danes.<sup>48</sup> There is no exact overview of how many Greenlandic people are in Denmark due to the fact that there is no clear definition of a

Greenlandic person. The Economic Council Greenland estimates that there were between 11.500 and 18.500 Greenlandic people in Denmark as of 2013.<sup>49</sup>

Denmark, including Greenland and the Faroe Islands, has ratified the ILO 169 convention on indigenous peoples in 1996. The Inuit people living in Greenland perceive themselves as indigenous peoples and are covered by the ILO 169 convention.<sup>50</sup>

Greenlandic people are often victims of stigma and prejudice outside the workplace. In 2015, a DIHR report on Greenlandic People living in Denmark highlighted that, within the last year, 5 percent of the respondents have experienced being turned down for a job that they believed to be qualified for, due to their Greenlandic background. This resulted in some Greenlanders being forced to take jobs which they were overqualified for.<sup>51</sup>

According to the 2015 report from DIHR, the employment rate for a person with one Greenlandic parent was 53 percent while it was 36 percent for a person with two Greenlandic parents compared to approx. 70 percent for ethnic Danes.<sup>52</sup> The employment rate of Greenlandic people in Denmark is approximately the same as for ethnic minorities from Somalia, Iraq and Lebanon, according to Statistics Denmark in 2013.<sup>53</sup> A DIHR report concluded that the low employment rate amongst Greenlandic People in Denmark can have several reasons such as low levels of educational, a low knowledge of the Danish language and a poor integration into the Danish society.<sup>54</sup>

The Director of one of the four Greenlandic Houses in Denmark mentioned in the DIHR report that Greenlanders experienced a lack of knowledge of the Greenlandic people and their culture amongst Danes. This could have a negative influence on their ability to find employment together with the missing acknowledgement of the Greenlandic educational system and the experiences they gain while in Greenland.<sup>55</sup> In addition the 2015 DIHR report showed that the Greenlandic people in general have weaker educational and employment resources compared to the rest of the Danish population.<sup>56</sup>

## Religious Minorities

The threat to Jews and Muslims in Denmark had increased, both after the attacks on Charlie Hebdo and the Jewish shop in Paris in January 2015 as well as after an attack at a theatre and synagogue in Copenhagen in February 2015. In addition, social media reported an increase in violence and harassment against Muslims in the wake of these attacks.<sup>57</sup> According to the news media DR (Danish Broadcasting Corporation) in 2015, attacks against Muslims, particularly women, reportedly increased after the events of February 2015, and women faced harassment in the form of stranglehold; spitting in the face; pushing and tearing of headscarves.<sup>58</sup>

There were an estimated 8,000 Jews in Denmark as of 2013. Cases of intimidation, threats and verbal abuse against Jewish people were reported by the U.S. Department of State in 2014. Perpetrators of the incidents were reportedly immigrants, particularly from Arab and other Muslim countries.<sup>59</sup>

The Danish security and Intelligence Service (PET) reported that 245 hate crimes had been recorded in 2013, out of which 30 were categorised as based on religion.<sup>60</sup> A DIHR study on hate crimes in Denmark from 2012 showed that there was a lack of knowledge on the subject, including a lack of police training concerning hate crimes and human rights issues, insufficient registration and a lack of investigation.<sup>61</sup>

## Persons with Disabilities

Persons with disabilities are protected against discrimination based on disability in the labour market. The Act on the prohibition of differential treatment in the labour market covers not only differential treatment due to disability, but includes a requirement on the employer to adjust the workplace to the needs of persons with disabilities. However, this does not imply that employers should pay for workplace aids, etc. If the amount of money needed for adjustments is minor compared to the size of

the company, small adjustments are expected to be carried out by the company.<sup>62</sup> The law recognises Danish Sign Language as an official language.<sup>63</sup>

The UN Committee on the Rights of Persons with Disabilities (UNCRPD) noted in 2014 that Denmark did not have a comprehensive legislation that protects from discrimination on the basis of disability beyond the labour market, and that measures for dealing with intersectional discrimination were inadequate.<sup>64</sup> Additionally, the national legislation did not establish clear obligations on employers to afford accommodation in the labour market.<sup>65</sup> Although the Danish building regulation mandates access to persons with disabilities, the UNCRPD further noted a lack of systematic compliance with such regulation as of 2014.<sup>66</sup>

According to the Danish National Centre for Social Research (SFI), 16.9 percent of the Danish population reported a disability or a long-term illness in 2014.<sup>67</sup> Additionally, 13 percent of the Danish population had reportedly experienced discrimination on grounds of disability in 2013.<sup>68</sup> According to the Danish National Centre for Social Research (SFI), persons with disabilities were significantly under-represented in the Danish labour market in 2014 (latest numbers). Only about 42 percent of all persons who have reported a disability or reduced working capacity were in employment in Denmark as of 2014 compared to the approximately 76 percent employment rate for all persons without disabilities. Women with disabilities also had a considerably lower employment rate than men.

25.9 percent, of employed persons with disabilities, work under special conditions or in a flex-job<sup>69</sup> while 11.6 percent use special aids at their workplace.<sup>70</sup> Furthermore, the Danish National Centre for Social research (SFI) reports that the employment rate of persons with disabilities have been declining since 2002 from 51 percent in 2002 to the 42 percent in 2014.<sup>71</sup> In addition, there was also a need for further knowledge about the extent to which ethnicity affected the employment rate of persons with disabilities.<sup>72</sup>

In 2014, UNCPR reported on the existence of prejudice among the general Danish population against persons with disabilities, which affected their enjoyment of rights on equal basis, including their access to employment.<sup>73</sup> Closely connected to this, the 2013 Danish National Centre for Social Research (SFI) study reported that more than 55 percent of the population did not want to work with, or expressed concern about working with, persons with a mental disability in particular.<sup>74</sup>

In terms of education, ANED reported in 2014 that the rate of early school leavers aged 18-24 was 15.3 percent, as compared to only 9.9 percent for persons without disabilities. Only 37 percent of young persons with disabilities completed a tertiary education, as compared to 57.2 percent for youth that did not have any disabilities.<sup>75</sup> ANED also noted that persons with severe disabilities had a 43 percent risk of low income (poverty) while persons without disabilities only had a 17 percent risk.<sup>76</sup>

The government did not adopt any initiatives addressing women and girls with disabilities in the educational system, according to the UNCRPD in 2014.<sup>77</sup> Furthermore, reports showed that there was only limited measures in place to ensure access to physical environment, transportation, information and communication, and other facilities and services for persons with disabilities, both in rural and urban areas.<sup>78</sup>

Due to a Danish case concerning obesity and discrimination in the workplace, the European Court of Justice have ruled that severe obesity, which causes particular physical, mental and psychological impairment, can be categorized as a disability.<sup>79</sup>

## Persons Living with Health Conditions

A 2013 study by Centre for the Work Environment showed (Videnscenter for Arbejdsmiljø) that almost one out of five persons with psychological health conditions/problems had experienced discrimination due to their illness when applying for jobs.<sup>80</sup>

Statens Serum Institut (SSI) reported that there were approx. 6000 persons living with HIV in Denmark as of 2014.<sup>81</sup> The organisation HIV-Denmark stated that although HIV/AIDS had been present in Denmark for over 30 years, persons living with HIV/AIDS felt and experienced stigmatization and discrimination both in their private life and in the workplace as of 2012. Despite the fact that HIV has changed from being a fatal to a chronic disease, being HIV positive was surrounded by stigma and discrimination far more than any other chronic disease.<sup>82</sup>

## Physical Appearance

Within justifiable limits, and in accordance with the act of equal treatment, the law allowed companies to set rules for physical appearance at work, including wearing a specific type of clothes, rules on visible tattoos or piercings and personal specific style, as reported by the trade union HK in 2015.<sup>83</sup>

A 2011 study from the trade union Lederne found that managers were unwilling to hire overweight people, implying that persons were excluded from accessing the labour market due to their weight. Accordingly, the study found that almost half of the respondents admitted to either declining or being apprehensive about hiring someone who was overweight. According to employers, overweight persons were more often ill than non-overweight; they had more absence at work and did not last as long in the jobs. However, the study emphasized that stigmatisation and discrimination were likely to be the main reasons for not hiring an overweight-person.<sup>84</sup>

## Sexual Orientation and Gender Identity

The Criminal Code prohibits public statements that threaten, mock or are condescending towards persons on the basis of their sexual orientation.<sup>85</sup> The 1996 Act on the prohibition of differential treatment in the labour market covers discrimination based on sexual orientation.<sup>86</sup> In 2014, the parliament passed the Gender Recognition Act making the legal gender an individual choice thus enabling transgender persons to decide what should be their registered gender.<sup>87</sup>

There is evidence of harassment and discrimination based on sexual orientation in Denmark. According to the Danish Security and Intelligence Service (PET), 26 out of the 245 hate crimes recorded in the country in 2013 were based on sexual orientation.<sup>88</sup> Furthermore, a 2014 survey conducted by the European Union Agency for Fundamental Rights reported that 30 percent of the Danish respondents felt discriminated against or harassed on the grounds of sexual orientation.<sup>89</sup> Verbal insult was the most common mean of aggression. However, in general, respondents felt that Denmark was perceived among the countries within the EU with a social environment that was comparatively favourable for the LGBT community. The survey additionally reported that 11 percent of Danish respondents felt discriminated against or felt harassed on the grounds of sexual orientation in the workplace.<sup>90</sup>

A 2012 survey by the NGO Q-Factor showed that 50 percent of all LGBT persons choose not to reveal their sexuality and gender identity at work. The study revealed that it was mainly young and elderly LGBT persons who chose not to reveal their sexuality at their workplace.<sup>91</sup> LO, an association of unions, reported in a study from 2015 that one in three of their members had experienced disparaging talk and comments at their workplace concerning sexual minorities.<sup>92</sup> The results of these two studies were in line with the major study of 2009 from CASA, a non-profit survey firm, on the living conditions of LGBT persons in Denmark.<sup>93</sup> In 2015 CEDAW noted inadequate support services to ensure non-discrimination against lesbian, bisexual and transgender women in particular.<sup>94</sup>

## Gender

CEDAW noted that the UN Convention for the Elimination of Discrimination against Women was not incorporated into the Danish legal system and that there is no legislation that generally prohibited all

forms of discrimination against women, including their protection against physical violence, as of 2015.<sup>95</sup> It was also stated, that there was a lack of transparency regarding wage levels and payment; lack of legal clarity on the definition of work of equal value and the absence of sanctions for companies who fail to meet targets for equal gender representation.<sup>96</sup> However, it was noted that women had equal access to services, land-ownership and political participation.<sup>97</sup> There was a slight overrepresentation of men in the Danish political system. After the latest election for the Danish Parliament in 2015, 37.4 percent of the 179 members of parliament were female.<sup>98</sup>

The UN Committee for the Elimination of Discrimination against Women (CEDAW) noted in 2015 patterns of discrimination against migrant women based on gender and other grounds such as ethnic and religious background.<sup>99</sup>

Denmark was ranked 4<sup>th</sup> out of 179 countries in the 2015 Save the Children's Mother's Index, which was based on five indicators related to maternal health, education, income levels and status of women. Denmark ranked particularly high due to its low maternal mortality rates and the length of time that Danish children receive formal education.<sup>100</sup> However, there was employment discrimination relating to pregnancy and childbirth in Denmark, as stated by CEDAW in 2015.<sup>101</sup>

In terms of access to education, a 2014 World Economic Forum report noted that Denmark was among the 25 countries in the world that have closed the education gender gap.<sup>102</sup> However, women and girls were under-represented in fields traditionally dominated by men, such as science, technology, engineering and mathematics, according to CEDAW in 2015.<sup>103</sup>

According to the Danish Centre for Information on Gender, Equality and Diversity (KVINFO), while a high proportion of women in Denmark enjoyed access to the labour market, the Danish labour market continued to be one of the most gender-divided labour markets in Europe.<sup>104</sup> According to the World Economic Forum, Women labour force participation was 76 percent as compared to 81 percent in the case of men in 2014.<sup>105</sup> Women were still underrepresented in academic institutions and in the private sector, particularly at decision-making levels, and were concentrated in part-time jobs that adversely impacted their career development and pension benefits, as stated by CEDAW in 2015.<sup>106</sup> Official figures reported in 2013 that 39 percent of women worked in the private sector, as compared to 71 percent in the case of men.<sup>107</sup>

CEDAW also noted a persistent wage gap between genders in 2015.<sup>108</sup> The latest statistics from the Nordic Council reported a gender pay gap of 15 percent in 2012.<sup>109</sup> Women's salary corresponded to 71 percent of men's salary for work of equal value.<sup>110</sup> Official figures reported in 2013 that women earned on average 222 DKK (approx. US\$33) per hour, while men earned 261 DKK (approx. US\$39) per hour.<sup>111</sup>

According to a study on the working environment by the National Research Centre for Working Environment from 2014, more women than men reported to have been exposed to bullying in the workplace. It was also indicated that women felt they had less influence at the workplace compared to men, and more women than men replied that they had been subject to physical violence and threats within the last 12 months at their workplace.<sup>112</sup>

According to DIHR in 2013, care-professions were dominated by women. Just three percent of Danish nurses and five percent of social and healthcare workers were men.<sup>113</sup> Additionally, men represented only 7 percent of all pedagogues in Denmark.<sup>114</sup> Men reportedly encountered prejudice such as 'real men' could not be nurses and oftentimes were labelled on their sexuality due to their choice of professional carrier. Other instances of prejudice included labelling of male teachers and caregivers as potential child abusers.<sup>115 116</sup>

DIHR conducted a study in 2015 on perceived discrimination in relation to pregnancy and maternity/parental leave. The study found that 41 percent of the male respondents would have held a longer leave if it would not have had negatives consequences for their career opportunities.



In addition, 45 percent of the male managers felt that the culture of the workplace kept them from having a longer parental leave.<sup>117</sup>

## Age

The Law on equal treatment in the labour market prohibits discrimination including on the grounds of age.<sup>118</sup> The public pension age in Denmark is between 65 and 67 depending on the year of birth.<sup>119</sup> The law allows for age limits on collective bargaining agreements to be maintained under some conditions.<sup>120</sup>

According to a study performed by the research company Voxmeter for Ugebrevet A4, 62 percent of all 55-64 year olds were employed as of 2013, according to DaneAge Association (the Danish association for elderly people's rights). This is an improvement compared to less than 59 percent in 2004.<sup>121</sup>

Furthermore, there were very few unions that worked on the issue of age as reason for termination. This was the case even though many companies had restrictions on employment of people between the ages of 60-70 in their employment contracts, as well as in collective bargaining agreements. DaneAge also reported in 2013 that it had received inquiries from members who felt that their interests were inadequately represented by their unions when it came to age discrimination-clauses in their employment contracts or in their collective bargaining agreements.<sup>122</sup>

A 2014 Voxmeter study found that one out of six managers admitted to have deliberately not chosen applicants above 60 years.<sup>123</sup> Furthermore, one out of five elderly who had been unemployed felt discriminated at the job centre, according to a study by YouGov, as noted by the newspaper Politiken in 2014. Accordingly, every fifth person were directly told at the job centre that they either did not have any hopes of getting a job, or that their age would make it more difficult for them.<sup>124</sup>

## Engagement Opportunities

*Initiatives by public and private actors that seek to address the situation of at-risk groups in the labour market.*

These engagement opportunities have been selected through a high-level review and are non-exhaustive.

### Public Sector Initiatives

**The 2015 Finance Act:** In 2014 the Government and two other parliament parties set aside DKK 31 million annually to create a better work environment and less work accidents. The money set aside for this initiative is also supposed to address elderly and vulnerable groups, as well as ensure broad inclusion in the labour market.<sup>125</sup>

**Never Give Up:** The Ministry of Social Affairs, Children and Integration has developed a publication called 'Never Give Up' which provides recommendations on how to integrate women of ethnic minorities into the Danish society.<sup>126</sup>

**From exposed to employed project (Fra Udsat til Ansat):** The Centre for Active Employment works with both the public and private sector to promote employment and reduce the amount of people that are unemployed due to physical or psychological disabilities, or other issues. The project 'Udsat til Ansat' is specifically aimed at long-term unemployed. This group consists of long-term benefit claimants that have many issues other than their employment situation. The project aims at helping these people back into the labour market.<sup>127</sup>



**Flexi Job Scheme:** The scheme was introduced in order for people with reduced capacity to remain in the labour market. To be eligible to the scheme, an individual had to be below the qualifying age for the state pension, with lasting and significant limitations in their ability to work and have exhausted all other avenues of obtaining ordinary employment. Employers who hire workers who were approved for flexi jobs are entitled to a partial wage subsidy equivalent to one half or two thirds of the agreed wage.<sup>128</sup>

**Government Initiative for people with psychological disabilities:** The Minister for Health has set aside a special fund to help improve the access to the labour market for people with psychological disabilities.<sup>129</sup>

**This Is Not Disability:** The National Board of Social Services, an independent subdivision of The Ministry of Social Affairs, Children and Integration, has launched this campaign, aiming at increasing knowledge and awareness about people with disabilities and inform that they have the same rights as everyone else.<sup>130</sup>

**Social Clauses in Public Contracts:** A government initiative to promote internships or special needs positions through the use of social clauses in public contracts, especially in construction. A social clause can for example aim to employ a certain number of employees on special terms, the employment of apprentices /students or ethnic minorities.<sup>131</sup> Denmark's CSR action plan contains a specific aim of increasing the use of social clauses in public contracts.<sup>132</sup>

**Stop violence against women website:** The website, supported by the Ministry for Gender Equality and Ecclesiastical Affairs, contains information and guidance for women who are subject to domestic violence.<sup>133</sup>

**Women in Management Website:** The Ministry for Gender Equality and Ecclesiastical Affairs has created a website on Women in Management. The website contains information on government efforts to promote women in management.<sup>134</sup>

**Veterans back on the job market (2014):** The government together with parties from the opposition have agreed to give 10 million DKK (approx. US\$1.5 million) to a two-year project that will help veterans get back into the job market.<sup>135</sup>

**Disability Policy Action Plan (2013):** The Plan sets out a number of goals including the establishment of 13,500 new flexi jobs by 2016, most of which should be targeted to people with reduced work ability. The plan also establishes methods at the municipal level to offer support to people with reading and writing difficulties in employment.<sup>136</sup>

**The Road forward for Equal Treatment: Action Plan on activities to promote equal treatment, Perspective and Action Plan 2013:** The Ministry for Gender Equality and Ecclesiastical Affairs' Action plan prioritises activities in the area of equal treatment in the labour market, highlighting future activities on e.g. a parental leave fund for self-employed, reserved period of paternity leave, and a further gender division of wage statistics.<sup>137</sup>

## NGO Initiatives

**DaneAge:** The organisation offers a course for elderly concerning late carriers. The course includes what you have to be aware of; what are your rights and how do you create the best life quality when you approach the retirement age.<sup>138</sup>

**The Disabled Peoples Organisation Denmark:** The organisation have developed a number of projects addressing physical accessibility in buildings and outdoor facilities, as well as IT access, such as websites, television, and digital self-service solutions.<sup>139</sup>

**The Danish Association of Persons with Disabilities:** The association has developed a guide for companies on accessibility to the workplace for people with disabilities in English.<sup>140</sup>

## Trade Union Initiatives

**Job patrol:** The job Patrol is an information campaign aimed at 13-18 year olds who study and have a part time job on the side. It was created by a group of trade unions to secure a better work environment and rights for young people in the workplace.<sup>141</sup>

## NHRI Initiatives

**Ligeledelse.dk:** On the website ligeledelse.dk the Danish Institute for Human Rights shows the gender balance at management level in Danish businesses throughout the last 20 years. Furthermore, DIHR highlights gender balance in the top-management of the 246 largest Danish companies.<sup>142</sup>

# Child Labour

*Work that interferes with the health, development, education or family life of persons under 18.*

The following table provides further detail on the operating environment within this area. The data sources can be found at [www.hrbcountryguide.org](http://www.hrbcountryguide.org)

Operating Environment		
	Denmark	Europe & Central Asia
<b>Net Enrolment Ratio in Primary Education (% both sexes)</b>	98.2 (2012)	94.5 (2012)
<b>Percentage of pupils starting grade 1 and reaching last grade of primary</b>	98.9 (2009)	97.9 (2011)
<b>One-year-old children immunised against measles (%)</b>	90 (2012)	94 (2012)
<b>Mortality rate of children under 5 years old (per 1,000 live births)</b>	3.5 (2013)	36 (2012)
<b>Percentage of population below 14</b>	17% (2014)	
<b>Legatum Prosperity Index: Education</b>	3 (2014)	
<b>Restrictions on children under 18 from working</b>	Children under 18 are prohibited from doing hazardous work. Furthermore, they cannot engage in night work unless they are accompanied by a person over 18.	
<b>Minimum age of employment</b>	15 (full time job) and 13 (part-time job)	
<b>End of compulsory education</b>	10 years of schooling.	
<b>Relevant legislation</b>	<ul style="list-style-type: none"> <li>• Constitution of Denmark, 1953</li> <li>• The Working Environment Act, 2005</li> <li>• Act on the Work of Young Persons, 2005</li> <li>• Act nr. 998 on Public Schools, 2010</li> <li>• Criminal Code, 2012</li> </ul>	
<b>Responsible ministries</b>	<ul style="list-style-type: none"> <li>• Ministry of Children, Education and Gender Equality</li> </ul>	

	<ul style="list-style-type: none"> <li>• Ministry of Education</li> <li>• Danish National Council on Children</li> <li>• Danish Centre against Human Trafficking</li> </ul>
<b>Local NGOs addressing this issue</b>	<ul style="list-style-type: none"> <li>• Save the Children Denmark</li> </ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

Danish law prohibits the exploitation of children in the workplace.<sup>143</sup> The minimum legal age for full-time employment is 15, and the minimum age for part time work is 13, in line with international standards. These Acts were reportedly respected in practice and there were no reported cases of child labour in 2015.

## Worst Forms of Child Labour

However, in 2011 the UN Committee on the Rights of the Child noted that Denmark was a transit and destination country for child victims of trafficking-related crimes, including forced child prostitution and labour.<sup>144</sup>

The Act on work of young person's, limits work hours and sets occupational health and safety restrictions for children. These provisions were all in line with international standards.<sup>145</sup> The Danish Working Environment Authority (Arbejdstilsynet) conducts different kinds of inspections to local and foreign companies in Denmark in order to secure the implementation of Danish laws.<sup>146</sup>

According to some unions, young workers between 15- 18 were often perceived as being cheap and easy to replace, and the acts protecting young workers rights were not always respected, because the acts were perceived as difficult to understand. According to the 'Job patrol', a special inspection unit in the Danish Knowledge Centre for Working Environment (Videnscenter for Arbejdsmiljø), in 2013 there was a tendency to breach the legal requirements in areas such as; exposure to heavy lifts, lack of formal employment contracts, overtime working, etc.<sup>147</sup> The job patrol had during the summer of 2015 filed 72 police reports concerning violations of the law regarding children in the workplace. The violations concerned heavy lifting and one serving alcohol.<sup>148</sup>

# Forced Labour

*Debt bondage, human trafficking or other coercion that makes workers unable to freely leave employment*

The following table provides further detail on the operating environment within this area. The data sources can be found at [www.hrbcountryguide.org](http://www.hrbcountryguide.org)

Operating Environment	
<b>U.S. Department of State Trafficking in Persons: Tier Placement</b>  <i>In the Report, the Department of State places each country onto one of three tiers based on the extent of their governments' efforts to comply with the minimum standards for the elimination of trafficking found in Section 108 of the Trafficking Protection Reauthorization Act. While Tier 1 is the highest ranking, it does not mean that a country has no human trafficking problem. On the contrary, a Tier 1 ranking indicates that a government has acknowledged the existence of human trafficking, made efforts to address the problem, and complies with the TVPA's minimum standards.<sup>149</sup></i>	Tier 2 (2014)
<b>Relevant laws</b>	<ul style="list-style-type: none"> <li>• Criminal Code, 2012</li> <li>• Aliens Act, 2013</li> </ul>
<b>Responsible agencies</b>	<ul style="list-style-type: none"> <li>• Ministry of Children, Education and Gender Equality</li> <li>• Danish Centre against Human Trafficking</li> </ul>
<b>Local NGOs addressing this issue</b>	<ul style="list-style-type: none"> <li>• HopeNow</li> <li>• Reden International</li> </ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

The Danish Criminal Code deals with the issue of coercion, confinement and threats.<sup>150</sup> According to the Aliens Act, it is also prohibited to employ a foreign worker in Denmark without a work permit.<sup>151</sup> A 2014 Danish Radio article reported that approximately 700 slaves existed in Denmark. According to the source, slavery often took place behind closed doors of factories, hotels, restaurants, brothels and private homes.<sup>152</sup> The Centre Against Human Trafficking Denmark (Center mod Menneskehandel, CMM) reported that the majority of the trafficking victims were people from countries with high poverty levels and lack of job opportunities, looking to obtain an adequate standard of living in Denmark. In 2014, these people predominantly originated from Nigeria, Rumania, Uganda and Ghana.<sup>153</sup>

## Trafficking

The Danish Penal Code regulates human trafficking, including penalties of up to 10 years imprisonment for violations.<sup>154</sup> There has been some criticism in relation to the difficulty in implementing the law in practice and the need to revise some of its clauses.

A recent case regarding forced labour in the green sector has raised questions concerning the interpretation and application of the law in this particular area. In a 2014 letter to the Minister of Justice, the Parliamentary Legal Affairs Committee asked whether the Minister would change the Criminal Code § 262 a, which concerns Human trafficking and forced labour, in order to make it easier to obtain convictions in human trafficking cases. The Minister of Justice declined to change the law, citing that the definition of forced labour in the paragraph is defined by the relevant ILO conventions.<sup>155</sup>

Denmark was a destination country for men and women subjected to forced labour and sex trafficking, as noted by the U.S. Department of State in 2014.<sup>156</sup> A study by The Centre Against Human Trafficking (Center mod Menneskehandel, CMM) showed that 80 percent of all people trafficked in Denmark in 2014 were trafficked for prostitution. All of the 57 victims of human trafficking for prostitution were women.<sup>157</sup> Prostitution is not a recognized profession. Prostitution is decriminalized in Denmark and it is therefore legal to buy and sell sexual services of persons over 18 years of age, while it is illegal to exploit, operate or act as an intermediary for prostitution.<sup>158</sup>

While women trafficked for prostitution were the main victims of human trafficking in Denmark, there was a growing number of men being victims of trafficking, according to the Danish NGO HopeNow. Women trafficked for the cleaning industry and men traded to sell drugs was reportedly on the rise.<sup>159</sup>

According to the Danish Centre against Human Trafficking, 347 persons were assessed to be victims of human trafficking during the period of 2007 – 2013.<sup>160</sup> During 2014, 71 cases of human trafficking were recorded. The majority of the victims were from Nigeria, followed by Romania, Uganda, Ghana, Kenya, Brazil and Vietnam. Out of the 71 cases, 3 were related to forced labour and the types of work included domestic work, labourers in restaurants, painters, construction and the cleaning sector. However, the Centre estimated that the true extent of trafficking was greater as many cases went unreported. The majority of remaining cases concerned prostitution and human trafficking for criminal activity.<sup>161</sup> The Centre Against Human Trafficking (Center mod Menneskehandel, CMM) estimates that 33 persons have been victims of human trafficking for forced labour between 2007-2013.<sup>162</sup>

The latest study from 2011 on human trafficking in the green sector/agriculture found that amongst the 15 primary respondents, one incident of possible human trafficking and forced labour was discovered. Victims were reportedly recruited together with other workers so it could therefore be assumed that more undiscovered cases of forced labour existed in the green sector.<sup>163</sup> In 2014, the contact point made a general statement concerning the withholding of employee passports, based on a specific case in the green sector.<sup>164</sup>

# Engagement Opportunities

*Initiatives by public and private actors.*

These engagement opportunities have been selected through a high-level review and are non-exhaustive.

## Public Sector Initiatives

**CSR Event on Forced Labour and Responsible Business Conduct:** The Centre against Human Trafficking organized an event with the aim of raising awareness amongst companies on the problem of forced labour and how they can identify it within their sector.<sup>165</sup>

**CRS Awards:** In the framework of the Awards, the Danish National Contact Point under the OECD Guidelines for Multinational Enterprises made a presentation on the topic of hidden forced labour in order to avoid it and ensure responsible business conduct. Discussions on the challenges of preventing human trafficking and case studies were also presented.<sup>166</sup>

**A Strategy for the Fight Against Human Trafficking (2015-2018):** The Ministry for Children, Gender Equality, Integration and Social Affairs have together with local NGO's, organizations, companies and the Danish Centre against Human Trafficking developed a strategy for the fight against human trafficking.<sup>167</sup>

**Managing the Risks of Hidden Forced Labour. A Guide for Companies and Employers (2014):** The Danish Centre against Human Trafficking has produced guidelines regarding the risk of human trafficking for forced labour and methods to avoid being associated with such cases unintentionally. Its goal is to act as an information-, risk management- and prevention tool.<sup>168</sup>

**Training on Trafficking (2013):** The Danish Tax Authority provided training to more than 1000 tax officials on labour trafficking identification.<sup>169</sup>

**Human Trafficking for Forced Labour: (2012):** The Centre Against Human Trafficking prioritises the following actions to combat the use of forced labour in Denmark<sup>170</sup>:

- Training and education of relevant stakeholders that already work within the different sectors in Denmark, and that could be in contact with vulnerable groups of migrant workers and potential victims of human trafficking.
- Support the cooperation between stakeholders that are already situated in the area, including employers, unions, business associations, NGOs and different state institutions. The cooperation should also take place internationally, where the aim should be to share information and experiences with key organizations and institutions in other countries. Initiatives should to a greater extent take point of departure in the responsibility of the private sector, here with a special emphasis on how to create a greater transparency in the supply-chain with the aim of avoiding the exploitation of vulnerable workers.
- Initiatives for increased awareness amongst the broader population on the risk of forced, bonded and potentially trafficked labour in relation to procurement of different goods and services.

## NGO Initiatives

**HopeNow:** HopeNow is an NGO working with human trafficking victims on different levels such as documentation and identification of the victims. One of their initiatives focuses on education and helps the victims to move forward in a constructive way. The organization provides self-help tools and teaches IT, English, Danish and Mathematics.<sup>171</sup>

**Reden international:** Reden International is an organization working with women who are victims of human trafficking for prostitution in Denmark. Reden International is a private independent institution affiliated to KFUK's social work (A Christian association to help women in need). The majority of their work is financed by the public sector on the framework of the implementation of the National Action Plan to Fight Human Trafficking.<sup>172</sup>



# Occupational Health & Safety

*Unsafe or unhealthy working conditions that expose workers to the risk of accidents or occupational illnesses*

The following table provides further detail on the operating environment within this area. The data sources can be found at [www.hrbcountryguide.org](http://www.hrbcountryguide.org)

Operating Environment	
Relevant laws	<ul style="list-style-type: none"><li>• Working Environment Act, 2005</li><li>• Holiday Act, 2010</li><li>• Consolidation Act on Workers' compensation, 2009</li></ul>
Responsible agencies	<ul style="list-style-type: none"><li>• Ministry of Employment</li><li>• The Working Environment Authority</li><li>• Department of Health – Institute of Radiation Hygiene</li><li>• National Research Centre for the Working Environment</li></ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

The Working Environment Act covers working conditions, including health and safety standards.<sup>173</sup> The Working Environment Act states that all employers are responsible for ensuring healthy and safe working conditions for their employees, and that every company with employees must prepare a health and safety (H&S) risk assessment.<sup>174</sup> The Consolidation Act on Workers' compensation covers compensation for work-related injuries.<sup>175</sup> These provisions are in line with international standards.

In 2013, 59,000 cases were reported to the Board of Industrial Injuries (Arbejdsskadestyrelsen), the highest recorded number since 2008, where 32,684 corresponded to accidents. Most cases were reported in sectors dealing with healthcare and social services; manufacturing; construction; public administration and wholesale and retail.<sup>176</sup> According to a 2014 Nordic Labour Journal, construction workers in Denmark had twice the level of risk of being involved in workplace accidents than workers in other sectors. Whereas the construction sector employed only 6 percent of the Danish workforce, it accounted for 10 percent of all accidents.<sup>177</sup>

A 2014 study found that foreign companies located in Denmark often provided a worse working environment than Danish companies did, according to the Danish newspaper Politiken. Around 33 percent of foreign companies received the most severe kind of criticism from the Danish Working Environment Authority (Arbejdstilsynet), compared to only 12 percent of Danish companies.<sup>178</sup>

A report from 2015 by the trade unions LO and FTF indicated that a poor working environment costs the Danish society between 60 and 80 billion DKK a year (US\$9-12 million). The figure was based on

different European studies, which found that a poor working environment could cost between 2-4 percent of a country's GDP due to sickness benefits and lost wages. The numbers were based on both the physical and psychological work environment.<sup>179</sup>

The Danish Working Environment Authority (Arbejdstilsynet) is responsible for inspecting workplaces and issuing improvement notices. The Authority reports violations to the Police or the Courts if the employer fails to make required improvements by the deadline.<sup>180</sup> The Authority is also responsible for monitoring foreign companies operating in Denmark, ensuring that they comply with the Working Environment Act. They need to ensure that the company has registered with RUT (Registered Foreign Service Provider), and that this registration is correct. The Working Environments Authority can file injunctions and fines if necessary.<sup>181</sup>

In 2012 and 2013, a number of countrywide actions were initiated together with the Danish Tax Authority (SKAT) and the Police. During the unannounced actions, the Working Environment Authority, SKAT and the Police, interviewed company employees to examine the conditions in the workplace, with an emphasis on certain sectors.<sup>182</sup> One action from March 2012 covered 110 workplaces and 201 companies. The sectors targeted were the construction sector (108), the green sector (mainly agriculture) (8) and the manufacturing sector (1). The action resulted in 29 statements on lack of registration in RUT, and 57 statements were made on issues related to compliance with health and safety regulation (over half of these statements, 31 were made on non-Danish companies).<sup>183</sup>

A similar countrywide action against social dumping and registration in RUT was conducted in 2012 and were planned to end in 2015. The actions have so far, visited many construction sites and several violations have been identified.<sup>184</sup> Additionally, an action concerning the psychological working environment started in 2015 and is planned to end by 2016.<sup>185</sup>

## Stress and Psychological Illness

A 2014 National Research Centre for the Working Environment (Det Nationale Forskningscenter for Arbejdsmiljøet) study found that 85,45 percent of the Danish workforce felt stressed sometimes while 14,55 percent felt stressed all the time. The study further found that the jobs where most people felt stressed were hairdressers and beauticians; psychologists; educators and researchers at universities; doctors; physio- and occupational therapists; journalists; and school teachers.<sup>186</sup>

The National Board of Industrial injuries (Arbejdsskadestyrelsen) reported approximately 21,200 occupational diseases in 2013, this was the highest number since 2007. In 2013, almost 5,100 incidents of psychological illness were reported, which was nearly 700 more than in 2012.<sup>187</sup> A 2014 survey by the trade union HK reported that 11 percent of respondents were sick because of a poor psychological working environment.<sup>188</sup>

Harassment in the workplace has been identified as an issue. Another survey made by the National Research Centre for the Working Environment (Det Nationale Forskningscenter for Arbejdsmiljøet) in 2014 found that 11.6 percent of respondents (sample of the population of 50,000 employed in Denmark between 18 and 64 years) had been victims of bullying in the workplace while 27.4 percent of respondents had witnessed bullying.<sup>189</sup> According to a 2013 study by the newsagent, Ugebrevet A4, the annual estimated costs for the Danish society was almost 4 billion (Approx. US\$600 million) a year for support and sick leave if only 1 percent of the workforce was subject to severe harassment.<sup>190</sup> The Danish Working Environment Authority has published 22 recommendations for a better psychological work environment.

# Engagement Opportunities

*Initiatives by public and private actors.*

These engagement opportunities have been selected through a high-level review and are non-exhaustive.

## Public Sector Initiatives

**The Work Environment Strategy 2020:** The government and several parties in the opposition agreed on a strategy towards a better work environment. The strategy runs until 2020 and focuses on work injuries, fewer overloads of the muscles and skeleton and a better psychological working environment.<sup>191</sup>

**National Campaign on Workplace Harassment and Stress:** The National Research Centre for the Working Environment established a website that contains information on stress, and a number of tools and recommendations on how to deal with harassment in the labour market and stress.<sup>192</sup>

## NGO Initiatives

**Stressforeningen (The stress association):** The association helps with all aspects of stress, including special initiatives for children, young people and parents.<sup>193</sup>

## Trade Union Initiatives

**Lederne:** The union developed 10 recommendations for better well-being at the workplace.<sup>194</sup>

**3F:** The union organises a course called Psychological First Aid (psykologisk førstehjælp).<sup>195</sup>

# Trade Unions

## *The right of workers to collectively represent their interests*

The following table provides further detail on the operating environment within this area. The data sources can be found at [www.hrbcountryguide.org](http://www.hrbcountryguide.org)

Operating Environment	
<b>Largest trade unions and union confederations</b>	<ul style="list-style-type: none"><li>• LO: 843,946 members (manual and non-manual workers)</li><li>• FTF: 344,392 members (public servants and private non-manual workers such as banking and finance)</li><li>• AC: 208,915 members (graduate level employees from private and public sectors)<sup>196</sup></li></ul>
<b>Relevant laws</b>	<ul style="list-style-type: none"><li>• Constitution of Denmark, 1953</li><li>• Law on freedom of association in the labour market, 1990</li><li>• Consolidation Act on protection against dismissal related to Trade Union Membership, Act no. 443, 1990</li></ul>
<b>Responsible agencies</b>	<ul style="list-style-type: none"><li>• Ministry of Employment</li><li>• Working Environment Authority</li></ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

### Unionisation

The constitution guarantees freedom of association and assembly.<sup>197</sup> The right of association and the recognition of labour market associations are based on the mutual recognition of conflicting interests.<sup>198</sup> Everyone can form and/or join a trade union and decide not to join. Certain rules apply to creating new associations. An association must have a constituting general assembly and articles of association.<sup>199</sup>

The Danish labour market is characterised by a high unionisation rate. According to OECD Stat the rate of unionisation in Denmark was 66.8 percent (2013 estimate), highest rate among its Member States only after Sweden.<sup>200</sup> 1.807.000 million workers were unionised as of 2014, an increase of 7000 members compared to figures from 2013.<sup>201</sup>

### Collective Bargaining

The Danish model of labour market regulation is based on voluntary principles and legislation or interference by the state is kept at a minimum.<sup>202</sup> Legislation does not make any reference to collective bargaining agreements.<sup>203</sup> In contrast to most European countries, where terms of employment are written down in acts of law, the conditions of work in Denmark are mainly based on agreements

between employers and employees.<sup>204</sup> Accordingly, there are many collective bargaining agreements, containing terms such as wage, salary, working hours, overtime pay, pension, holidays, notice periods, etc.<sup>205</sup>

Collective Bargaining in Denmark operates within a clearly defined structure. At the highest level, the Danish Labour Organisation (LO) and the Danish Employers Association (DA) have made a number of basic agreements concerning the relationship between the labour market parties.<sup>206</sup> The basic agreement generally contain rules on: the right of the employer to lead and distribute the work; the employees right to take collective action, such as the right to strike, blockade, sympathy conflict, lockout; peacetime rules, i.e. when agreements are in effect the work cannot be stopped; roles of employee representatives; dismissal of employees and their representatives; the length of agreements; and that breaches to an agreement should be voiced with the Labour Market Court.<sup>207</sup>

Additionally, local agreements are concluded between a (local) labour union and a single employer. In addition there are adoption agreements where, for instance an unorganised employer joins an agreement. Local agreements can also be concluded within each municipality or at the individual workplace. These local agreements can have several forms. When an agreement has been reached, the period in which the agreement is valid is also determined, this is typically 2-4 years.<sup>208</sup>

Working conditions were generally negotiated at the level of individual industries (employer's associations and unions covering industrial sectors), however, during the last couple of years, these negotiations have reportedly been seen more often at the company level (trade union representatives and company management).<sup>209</sup>

The latest study from 2012 on the public and private sector conducted by LO (The Danish Confederation of Trade Unions) found that 100 percent of all public employees were covered by collective agreements while the percentage was 71 in the case of private sector employees.<sup>210</sup> A 2014 study found that 74 percent of all foreign workers were covered by a collective bargaining agreement, compared to 84 percent in the case of Danish workers.<sup>211</sup> A small percentage of workers in the restaurant industry worked under a collective bargaining agreement, which resulted in precarious working conditions, according to a 2014 Ugebrevet A4 article. Only one out of five restaurants in Denmark reportedly had a collective agreement.<sup>212</sup>

## Strikes

Once collective agreements have been finalised, it could be deemed as a breach of the agreement to strike during the period of the agreement. However, during the negotiation period, strikes are legal, and in agreement with the terms agreed between LO and DA.<sup>213</sup> According to Bloomberg in 2013, striking was a common mean of protest over labour relations.<sup>214</sup> 176 illegal strikes were recorded in 2013 while 128 illegal strikes were recorded during the first two quarters of 2014, as reported by DA. Most common reasons for striking were the fear of workplace shut down; and disputes over working hours and wages.<sup>215</sup> Government interference during strikes is not common.<sup>216</sup>

## Anti-Union Discrimination

Anti-union discrimination is defined as any action that makes a worker's employment dependent on giving up union membership or not joining a union. It also includes actions that cause the dismissal or prejudice of a worker because of union membership or participation in union activities.<sup>217</sup>

There have been a number of cases in the Danish media on the right to refrain from joining specific unions during 2013. Members of larger Danish unions were accused of harassing employers that entered into agreements with the so-called 'yellow unions'—cheaper, newer and less traditionally structured unions. Employers were accused of reportedly preferring the 'yellow unions' as the

agreements with these unions provided for more advantageous working conditions for the employer e.g. lower wages.<sup>218</sup>

# Working Conditions

## *Employment status, wages, working hours and social security*

The following table provides further detail on the operating environment within this area. The data sources can be found at [www.hrbcountryguide.org](http://www.hrbcountryguide.org)

Operating Environment		
Minimum wage	No minimum wage	
Relevant laws	<ul style="list-style-type: none"><li>• Constitution of Denmark, 1953</li><li>• Working Environment Act, 2005</li><li>• Holiday Act, 2010</li></ul>	
Responsible agencies	<ul style="list-style-type: none"><li>• Ministry of Employment</li><li>• Working Environment Authority</li></ul>	
Working Conditions: National Law		
	Denmark	International Standard
Standard working week	37.5	48
Overtime pay rate	No official overtime pay rate. It is only possible to demand overtime pay if it have been agreed upon between you and your employer. Many collective agreements have the following overtime pay rate: 50 percent overtime pay for the first 3 hours of overtime. (1.50x) and 100 percent overtime pay for the additional hours. (2.0x)	1.25x
Holidays with pay, per year	5 weeks	3 weeks
Maximum daily working hours	11-hour- rest period within 24 hours. <sup>219</sup> Two days of rest per week. <sup>220</sup>	10
Maximum weekly working hours	48 (Including overtime)	48 (Including overtime)

<b>Uninterrupted weekly rest period</b>	48 hours per 7 days	24 hours per 7 days
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## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

In contrast to most European countries where the terms of employment are prescribed by law, terms of employment in Denmark are mainly based on collective bargaining agreements.<sup>221</sup> Issues covered by collective bargaining agreements include: minimum wages; additional funding for illness and parental leave; the employers and employees contribution to pension funds; weekly working hours; compensation for overtime, day/night work as well as weekend and holiday pay; the employers' contribution to the employees' education; and dismissal periods.<sup>222</sup>

The agreements are supplemented by legislation on working-environment, vacation/leave, and compensation in periods of leave due to illness and parental leave.<sup>223</sup> According to the Danish Ministry of Employment, the Danish labour market model is based on a Flexicurity model also called the 'the golden triangle'. It consists of three elements, a flexible labour market, income security and an active employment policy.<sup>224</sup>

Social dumping has been discussed widely in Denmark in relation to precarious working conditions, wages and working hours of predominantly foreign workers in Denmark. The term is also used to describe situations where non-Danish companies operating in Denmark do not comply with Danish laws, including related to taxes, social security benefits and working conditions.<sup>225</sup> Each year the working environment Authority (Arbejdstilsynet), the tax authorities and the police carry out a number of national and regional joint actions in areas with suspected social dumping. They have special emphasis on construction sites, agriculture, gardening and restaurants/ the service sector.<sup>226</sup> The Danish Tax Authorities had 2596 actions in these sectors in 2014 alone. 1780 of these were within construction.<sup>227</sup>

## Wages

Danish law does not mandate a national minimum wage. Unions and employer associations negotiate minimum wages. The UN Committee on Economic, Social and Cultural rights expressed concerns in 2013 that the lack of a national minimum wage could impact the rights of workers not covered by collective agreements and persons with disabilities in particular to equal remuneration for work of equal value.<sup>228</sup> Additionally, according to the Ministry of Employment (Beskæftigelsesministeriet), the lack of a minimum wage made the fight against social dumping difficult, as foreign and Danish companies had no legal obligation concerning the payment of a minimum wage. Companies could therefore set significantly lower wages when workers were not unionised or under a collective agreement.<sup>229</sup>

In 2014 the average wage was 301 DKK pr. Hour (Approx. US\$45.50) according to Statistics Denmark. Half of the people employed had an hourly rate between 224 DKK and 338 DKK (Approx. US\$34-51), a difference of 114 DKK (Approx. US\$17). The wage dispersion was at 51 percent, which is an increase of 2 percent compared to 2004. From 2004 until 2014 men had an increase in their wage dispersion of 6 percent while women had a decrease of 1 percent.<sup>230</sup>

It was also reported that salaries in the private sector in general were 7.5 percent higher than in the public sector, though the lowest salary reported in the public sector was higher than the one reported in the private sector.<sup>231</sup> Accordingly, a survey made by Statistics Denmark reported that the average labour



cost, which consisted of wages and other costs, was 315 DKK per hour (Approx. US\$47), per employee working in the private sector during 2013. The financial and insurance sectors reported the highest cost with an average of 462 DKK (Approx. US\$69) while the education and health sectors reported the lowest, with an average of 272DKK (Approx. US\$40) per hour per employee.<sup>232</sup> Lower salaries were reportedly in agriculture; sales and services; and other manual work, as opposed to management work; high qualification jobs; and office work, as of 2013.<sup>233</sup>

In June 2013, the Minister for Social Affairs established an official poverty line for Denmark.<sup>234</sup> However, the poverty line was abolished by the current government.<sup>235</sup> The former poverty line meant that a person in Denmark would be defined as poor if he or she for consecutive three years has had a disposable annual income of less than US\$18,730. Approximately 42,200 Danish citizens earn at/below this level and would be defined as being poor.<sup>236</sup>

Migrants from non-western countries tend to receive salaries that are lower than the ones received by other groups.<sup>237</sup> There have been examples of migrant workers in construction and in agriculture working for close to 47 DKK (approx. US\$7) per hour, which is legal if the employee and employer was not under a collective agreement, but well below the national average and amounting to annual earnings below the estimated poverty line.<sup>238</sup> This situation was further confirmed by a study conducted by the Economic Council of the Labour Movement from 2013, which found that the average wages of workers from Eastern Europe was considerably lower than that of ethnic Danes.<sup>239</sup>

CEDAW also noted in 2015 a persistent wage gap between genders.<sup>240</sup> Latest statistics from the Nordic Council corresponding to 2012 reported a gender pay gap of 15 percent.<sup>241</sup> Women's salary corresponded to 71 percent of a men's salary for work of equal value.<sup>242</sup> Official figures reported in 2013 that women earned on average 222 DKK (approx. US\$33) per hour, while men earned 261 DKK (approx. US\$39) per hour.<sup>243</sup> Bloomberg noted in 2014 that the wage gap increased to 24 percent for jobs such as architects, lawyers, science and technology professionals, and to 22 percent in the finance industry.<sup>244</sup> Further, an assessment performed by the Danish Institute for Human Rights on equal pay for equal work between men and women shows, that it can be very cumbersome to bring forward cases in the courts on equal pay, this is due in part to lack of transparency as well as fear of employer retribution.<sup>245</sup>

## Working Hours

The Act on Working Environment establishes an 11-hour- rest period within 24 hours.<sup>246</sup> The Act also stipulates that workers should have access to two days of rest per week.<sup>247</sup> In line with the EU Work-time Directive, the average workweek should be no longer than 48 hours over a 4-week period.<sup>248</sup> However, weekly working hours can differ in accordance with the contract or the collective bargaining agreement.<sup>249</sup>

A flexitime scheme existed by which the working time could be established within certain set intervals, depending on the need and work assignments. Most flexitime schemes had a core time and a flexitime (number of hours before and after the core time where employees could be at work or take time off in lieu).<sup>250</sup>

Additionally, The Danish Holiday Act provides for 5 weeks of vacation per year.<sup>251</sup> The law also allows employees who fall ill during their holiday the right to interrupt the holiday days during which they fell ill and replace them at a later stage.<sup>252</sup>

In Denmark the standard workweek was 37.5 hours, which was considered relatively short by the OECD.<sup>253</sup> CNN reported in 2013 that on average people worked 33 hours a week<sup>254</sup> while a 2014 Salford Business School study found that 9 percent of Danes worked more than 49 hours a week.<sup>255</sup> Only 2 percent of employees reportedly worked very long hours, and more men worked longer hours than women. It was also noted that Danes on average spent 16.1 hours a day on personal care and leisure, more than the OECD average of 15 hours.<sup>256</sup>

Nevertheless, stress due to working hours was identified as an issue. According to a 2014 National Research Centre for Working Environment (Det Nationale Forskningscenter for Arbejdsmiljø) study, 84.45 percent felt stressed sometimes while 14.55 percent felt stressed all the time. The survey involved 27,000 workers. 67.2 percent of them identified their work as their main stress factor.<sup>257</sup> Another 2015 study found that 800,000 or 31 percent of the Danish population checked their work-email and texts every day while two out of three workers checked them while they were on vacation.<sup>258</sup>

## Social Security

The basic principle of the Danish welfare system, often referred to as the Scandinavian welfare model, provides for equal rights to social security. Within the Danish welfare system, a number of services are available to citizens, free of charge. This means that for instance the Danish health care system is free.<sup>259</sup> All people legally residing in Denmark are covered by the social security system.<sup>260</sup>

A modification in benefits given to immigrants or people who have not been in Denmark for the last seven out of eight years was incorporated as of September 2015. The new provision states that those people will be provided with a lower benefit than the usual 'kontanthjælp' or social security benefit offered to all residents.<sup>261</sup>

A supplementary old-age pension referred to as ATP (Danish Labour Market Supplementary Pension) that is a fixed mandatory contribution for employers and employees also exists. The employer contributes with 2/3 of the mixed mandatory contribution while the worker contributes with 1/3.<sup>262</sup> This pension increases the state basic pension by 15 percent.<sup>263</sup> As of 2014, the ATP pension scheme had a total of 4.9 million members.<sup>264</sup> In addition, some collective agreements include pension-agreements.<sup>265</sup>

There is no mandatory unemployment insurance though employees can voluntarily contribute to private associations such as the Danish unemployment fund (A-kasse) and others that oftentimes are connected with trade unions and professional associations.<sup>266</sup> The annual membership rate was generally between 5,000 DKK (approx. US\$755) to 7,000 DKK (approx. US\$1,057), as of 2014.<sup>267</sup> A 2013 study found that there were 2,125,100 members in the Danish A-kasser, which was equivalent to 7 out of 10 or 71-72 percent of the Danish workforce.<sup>268</sup>

## Informal Sector

The Working Environment Authority (Arbejdstilsynet) is responsible for monitoring Danish and foreign companies operating in Denmark, ensuring that they comply with the Working Environment Act, including their RUT (Registered Foreign Service Provider) registration. The RUT involves foreign companies, which have not established themselves as independent companies as well as the registration of foreign posted workers.<sup>269</sup> In 2012 and 2013, a number of countrywide unannounced actions were initiated together with the Danish Tax Authority (SKAT) and the Police. The last action from March 2012 covered 110 workplaces and 201 companies. The sectors targeted where the construction sector (108), the green sector (8) and manufacturing (1). The action resulted in 29 statements on lack of registration in RUT.<sup>270</sup> Another action, which started in 2012 focuses on social dumping (wages and working hours), has so far visited many construction sites and several violations have been identified.<sup>271</sup>

## Data Protection and Privacy

The Constitution contains two provisions related to privacy and protection of personal data. One clause stipulates that individual freedom is inviolable, and the other provision emphasises inviolability.<sup>272</sup>

The Act on Processing of Personal Data (Act No. 429 of 31 May 2000) entered into force on July 1<sup>st</sup> 2000. The act implements Directive 95/46/EC on the protection of individuals with regard to the processing of

personal data and on the free movement of such data. Since the Act on Processing of Personal Data entered into force in 2000, the Act has been amended several times - most recently on July 1st 2007.<sup>273</sup>

The Danish Data Protection Agency (Datatilsynet) conducts an annual series of inspections of public authorities and private companies that have received the agency's authorisation to process personal data. The Danish Data Protection Agency inspects whether the processing of data is carried out in accordance with the Act on Processing of Personal Data.<sup>274</sup> If the Danish Data Protection Agency (Datatilsynet) discovers punishable violations of the Act on Processing of Personal Data in connection with handling a complaint or an inspection, the Danish Data Protection Agency is authorised to issue a ban or enforcement notice or report the violation to the police.<sup>275</sup> The Danish Data Protection Agency (Datatilsynet) had 1.265 cases concerning complaints against private companies in 2014 compared to 1.313 the year before. The agency initiated 155 cases themselves.<sup>276</sup>

A study made by a law firm in 2015 showed that 32 percent of the responding companies only had some overview and knowledge of the laws and rules regarding privacy of their customers, while 8 percent had no knowledge of the laws whatsoever. The study was conducted between 745 companies.<sup>277</sup>

## Engagement Opportunities

*Initiatives by public and private actors.*

These engagement opportunities have been selected through a high-level review and are non-exhaustive.

### Public Sector Initiatives

**Intensified efforts against social dumping:** The Government, together with a party from the opposition, agreed on granting an additional DKK 122 million (Approx. US\$18 million) to the fight against social dumping. The money will be used to strengthen the supervision of possible offenders, including both foreign and domestic companies.<sup>278</sup>

**Obligatory labour clauses:** As of 2014, the state agencies must use labour clauses to ensure certain wage- and working conditions in line with collective agreements, in all contracts for public works, production and performance or the supply of services, no matter the size of the contract and the work performed. Labour clauses in public works are mandatory including for government entities/companies (including companies that are owned by national governments and are not in competition).

### Trade Union Initiatives

**3F:** The trade union is working against social dumping by monitoring and reporting social dumping in both Danish and foreign companies and organising collective action against companies. Additionally, they also have a system on their website to report cases of social dumping.<sup>279</sup>

**#skaberværdi ('creating value' in English), LO and FTF (unions):** LO and FTF have created a package of recommendations against social dumping. The aim of the package is to emphasize that foreign workers are welcome, but they have to work under Danish conditions. This will create equal opportunities for the workers and make sure there is fair competition amongst the companies. The package consists of recommendations such as, better laws, harsher penalties, international agreements, and an intensified effort towards complying with laws and collective agreements. The state, the different regions and the municipalities need to take the lead, require, and make demands regarding the work conditions of the companies they work with.<sup>280</sup>

# Environment

*Company impacts on the environment that affect the health or livelihoods of local communities*

The following table provides further detail on the operating environment within this area. The data sources can be found at [www.hrbcountryguide.org](http://www.hrbcountryguide.org)

Operating Environment	
Percentage of population with access to improved water sources	100% (2012)
Environmental Performance Index rank	13 out of 178 (2014)
Food Security Index rank	11 (2014)
Relevant laws	<ul style="list-style-type: none"><li>• Environmental Protection Act, 2006</li><li>• Act on Green Accounts, 2010</li><li>• Wind Turbine Order, 2012</li></ul>
Responsible agencies	<ul style="list-style-type: none"><li>• Ministry of Environment</li><li>• Ministry of Climate Change and Energy</li><li>• Environmental Protection Agency</li><li>• The Nature Agency</li><li>• Danish Energy Agency</li></ul>
Local NGOs addressing this issue	<ul style="list-style-type: none"><li>• Denmark's Society for Nature Conservation</li><li>• The Danish Forest Association</li><li>• Danish Outdoor council</li></ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

The Environmental Protection Act is based on the principle of decentralization, which means that actions should be taken and problems be handled as close to the people as possible. For this reason, it is the municipalities that administer and enforce most of the legislation, which is issued centrally.<sup>281</sup> Since March 2010, the Environmental Protection Act also requires that a large number of industrial companies prepare and publish their 'Green Accounts', including the company's environmental policy; a description of their main environmental issues; corporate objectives; efforts and results.<sup>282</sup>

In 2013, a joint report by the Danish Business Authority (Erhvervsstyrelsen) and Global CSR, a consultancy, found that in terms of environmental compliance, Danish companies generally had strong and robust management systems as a result of strong regulation and the business case related to reducing energy consumption.<sup>283</sup>

## Participation and Access to Information

A fundamental requirement of the Environmental Protection Act is that polluting companies are to minimize pollution by applying the best available techniques (BAT).<sup>284</sup> Information about an application and the accompanying Environmental Impact Assessment (EIA) report have to be published in national newspapers, allowing the public to submit comments on the EIA report to the Danish Energy Agency (Energistyrelsen).<sup>285</sup>

When applying for permission to or approval of projects for extraction of hydrocarbons or installation of pipelines in the Danish territorial waters and continental shelf area, the applicant must conduct an EIA.<sup>286</sup>

Additionally, Environmental permits exist, which establish limits for the discharge of substances that can pollute water, soil and air, as well as limits for odour, noise and vibrations for all construction projects. Environmental permits are required for different types of environmental hazardous activities and activities that involve the use of natural resources.<sup>287</sup>

## Water

Denmark relies on underground water reservoirs for its entire country water needs including domestic use, agriculture and industry.<sup>288</sup> Lake and coast waters reported impacts from excessive inputs of nutrients and hazardous substances, as stated by the European Environment Agency (EEA) in 2015.<sup>289</sup> The EEA report also noted that the use of pesticides was exceeding national targets as of 2015.<sup>290</sup>

The agriculture sector in particular was reportedly contributing to pollution as a result of the use of pesticides. According to the Danish Society for Nature Conservation, the agricultural sector alone accounted for more than 85 percent of the total pesticides consumption in Denmark.<sup>291</sup> Further, traces of pesticides from agriculture were found in water wells, and, between 1999-2009, almost 1,300 Danish drinking water wells contained residues of pesticides. These wells were subsequently taken out of service.<sup>292</sup> Additionally, a report by the Danish Research Institution for Geological Studies in Denmark and Greenland (GEUS) from 2011 concluded that every fourth Danish water well contained residues of one or more pesticides.<sup>293</sup>

## Air and Noise Pollution

According to the Air Quality Guideline administered by the Environmental Protection Agency, companies have an obligation to reduce emissions of pollutants and to influence nature and the environment to a minimum.<sup>294</sup>

The presence of fine particles in the air, particularly from wood stoves and diesel means of transport, were noted by the 2015 EEA report.<sup>295</sup> Accordingly, a 2014 Danish Ecological Council (Det Økologiske Råd) report noted 3000 premature deaths per year due to air pollution with fine particles, particularly in Copenhagen and Odense.<sup>296</sup>

Additionally, Denmark is the first country in the world that has binding limits for low frequency wind turbine noise. The revised Wind Turbine Order from 2012 sets rules on low-frequency noise from wind turbines. The new rules supplement the previously applicable noise limits for wind turbines with a new

limit of 20 decibels for low frequency noise and aim to ensure that neither the usual noise or low-frequency noise disturb citizens living close to wind turbines.<sup>297</sup>

There were a number of cases of noise pollution of surrounding communities by wind turbines as of 2012, according to the Danish Broadcasting Corporation (DR). DR further reported that the noise regulations for wind turbines were designed so that every third neighbour may be exposed to low frequency wind turbine noise above the limit of 20 decibels. The authorities reportedly refused to carry out indoor control measurements that could reveal whether the turbines stayed within the limits for noise pollution. Nevertheless, independent researchers' measurements showed that approved turbines violated the rules.<sup>298</sup>

## Food and Livelihoods

An increasing number of people have, according to the Danish society for Nature Conservation (Dansk Naturfrednings Forening), been infected with MRSA which originated in pigs, in 2014.<sup>299</sup> According to the Danish Society for Nature Conservation (Dansk Naturfrednings Forening) 78 percent of the total use of medicine within agriculture is used in pig-farms.<sup>300</sup> According to a professor from Denmark's Technical University (DTU), in a statement to the Danish Broadcasting Agency (DR), the large amount of medicine given to pigs creates resistant bacteria, which is being transferred to humans when we eat meat.<sup>301</sup>

According to the Ministry of Environment and Food (Miljø og Fødevarer Ministeriet) the biodiversity in Denmark is under pressure. The threats are for example the amounts of nutrients, regulation of water movement, intensive business operations, as well as urban expansion and infrastructure development.<sup>302</sup> According to the ministry the dangers for the biodiversity in the water environments is particularly the leakage of nitrogen and phosphorus, which threaten the water bodies including lakes, fjords and inland waters. A large part of the leakage is from agriculture.<sup>303</sup>

## Engagement Opportunities

*Initiatives by public and private actors.*

These engagement opportunities have been selected through a high-level review and are non-exhaustive.

### Public Sector Initiatives

**National Pesticide Action Plan (2013-2015):** The government adopted the Plan, which aims to reduce by 40 percent the pesticide load from 2011-2015, by the introduction, among others, of a tax on pesticides.<sup>304</sup>

**Action Plan for Organic Production (2012-2020):** The Ministry of Food, Agriculture and Fisheries (Miljø og fødevarerministeriet) launched the Action Plan with the objective to double the Danish organic area by 2020. The Danish government is aiming at a green transition of Danish agriculture and considers organic production a cornerstone in that regard.<sup>305</sup> Additionally, the European Commissions' Common Agriculture Policy 2014 – 2020 for Denmark prioritises organic production, improvement of agriculture competitiveness via innovation and sustainability of the production; preserving ecosystems and an efficient use of natural resources; and creating conditions for the economic and social development of rural areas.<sup>306</sup>

**Growth Plan 2013:** The plan states that large water-using companies such as slaughterhouses and dairies will face lower cost of wastewater treatment in the future. The aim is to secure jobs by introducing prices that reflect the real cost of cleaning wastewater.<sup>307</sup>

## NGO Initiatives

**The Danish Society for Nature Conservation:** The society has various different projects where volunteers can join and help them monitor and protect the environment. Additionally, the society has an on-going collaboration with 76 out of Denmark's 98 municipalities to reduce their CO2-emissions.<sup>308</sup>

**The Commission for Nature and Agriculture (2013):** The commission published the report 'En Ny Start' (A New Start) which contains recommendations for a better environment and a boost for nature. Amongst other initiatives, the Commission recommends an introduction of a new environmental recommendation for agriculture to benefit both the agriculture; water environments; nature and the climate; so that Denmark can set a new standard for sustainable agricultural production.<sup>309</sup>

# Land & Property

*Human rights impacts related to company acquisition, use and management of land*

The following table provides further detail on the operating environment within this area. The data sources can be found at [www.hrbcountryguide.org](http://www.hrbcountryguide.org)

Operating Environment	
International Property Rights Index rank	10 (2013)
Heritage Foundation: Economic Freedom Index Property Rights score	90 (2014)
Relevant law	<ul style="list-style-type: none"><li>• Constitution of Denmark, 1953</li><li>• Act on Sales of Real Estate, 1986</li><li>• Land Registration Act, 1926</li><li>• Assessment Act, 2002</li><li>• Danish Subdivision Act, 2003</li><li>• Condominium Act, 2006</li></ul>
Responsible ministries	<ul style="list-style-type: none"><li>• Ministry of Food, Agriculture and Fisheries</li><li>• Ministry of Housing, Urban and Rural Affairs</li></ul>
Local NGOs addressing this issue	<ul style="list-style-type: none"><li>• The Danish Council of Nature Conservation</li></ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

The Danish Constitutional Act protects the right to own property as an irrevocable right.<sup>310</sup> The Danish Subdivision Act, Agriculture Act, the Land Registration Act, Assessment Act, Condominium Act and the Act on Sales of Real Estate regulate land use for public and private activity.<sup>311</sup>

## Land Administration

The land administration system in Denmark has a decentralised approach to land-use management where the decision-making power is placed at regional and local levels. Municipalities are responsible for receiving and dealing with requests for approval of, or simple information on, buying land and construction of new buildings or expanding on current private property.<sup>312</sup> The Building- and Housing Registry is a countrywide registry with data on all buildings and housing in Denmark established by the



Ministry of Housing, Urban and Rural Affairs (Ministeriet for By, Bolig og Land Distrikter). Municipalities, especially in connection to building requests, are responsible for continuously updating the registry.<sup>313</sup>

In general, property rights are strongly enforced.<sup>314</sup>

## Land Acquisition

Everyone has the right to buy and own property in Denmark.<sup>315</sup> However, persons with no permanent residence in Denmark or who have not previously lived in Denmark for a consecutive period of five years are required to obtain a permit from the Ministry of Justice in order to purchase real property in Denmark.<sup>316</sup>

Regulations of expropriation ensure compensation for the resident of the property, unless the expropriation falls under the Preparedness Act Article 38, or unless the land is rented or sublet and expropriation was included as a term in the lease with the State. The latter does, however, not apply if the tenant has been asked to move 5 years or more after the agreement was made. If the tenant is leasing from a private entity that has not properly informed the tenant about a future expropriation, and this means that the public authority taking over the property has had to compensate the tenant, the public authority can request compensation from the private landlord.<sup>317</sup> In practice these laws were reportedly enforced effectively and the compensation given was at a reasonable level.

# Revenue Transparency & Management

*Human rights impacts related to business corruption and to transparency of government revenues received from business*

The following table provides further detail on the operating environment within this area. The data sources can be found at [www.hrbcountryguide.org](http://www.hrbcountryguide.org)

Operating Environment	
<b>World Economic Forum Global Competitiveness Ranking</b>	12 (2013-2014)
<b>Legatum Prosperity Index rank: Governance</b>	3 (2014)
<b>Ease of Doing Business Index</b> <i>(where 1 indicates greatest ease for doing business)</i>	4 (2015)
<b>Transparency International: Corruption Perceptions Index rank</b> <i>(where 1 indicates the lowest level of corruption)</i>	1 (2014)
<b>World Bank Good Governance Indicators</b>	
Voice and Accountability	100
Political Stability	78
Government Effectiveness	99
Regulatory Quality	98
Rule of Law	99
Control of Corruption	100 (2013)
<b>Government revenue</b>	US\$192 billion (2014)
<b>Government expenditure</b>	US\$197 billion (2014)

<b>EITI Country</b>	No
<b>Relevant law</b>	<ul style="list-style-type: none"> <li>• Public Administration Act, 1985</li> <li>• Data Protection Act, 2000</li> <li>• Political Funding Act, 2006</li> <li>• Act on Measures to Prevent Money Laundering and Terrorist Financing, 2007</li> <li>• Criminal Code, 2012</li> <li>• Law on Access to Information, 2013</li> </ul>
<b>Responsible ministries</b>	<ul style="list-style-type: none"> <li>• Competition and Consumer Authority</li> <li>• Audit of State Accounts</li> <li>• The Danish Data Protection Agency</li> </ul>
<b>Local NGOs addressing this issue</b>	<ul style="list-style-type: none"> <li>• Association of Legal Aid for Whistle-blowers</li> <li>• IBIS (Advocacy on the Extractive Industries Transparency Initiative)</li> <li>• Transparency International Denmark</li> </ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

### Corruption

The Criminal Code covers bribery of public employees and bribery within the private sector.<sup>318</sup> The Code states that individuals and companies can be prosecuted for national and international acts of bribery. The Code was amended in 2000 in line with the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions,<sup>319</sup> thereby making active and passive bribery of foreign public officials and officials of international organisations a criminal offence equal to bribery of Danish public officials.

Legal requirements on taxation include an Act on tax assessment (no tax can be deducted for the cost of bribes)<sup>320</sup>; an Act on state-authorized and registered public accountants (obligation to notify management when the auditor realises member of the said management have committed economic crimes)<sup>321</sup>; and finally the Act on measures to prevent money laundering and terrorist financing (control of customer activities).<sup>322</sup>

A new law adopted in 2014 offers protection to whistle-blowers in the financial sector from dismissal only. However, according to the OECD, there was no legal framework to protect whistle-blowers in the private and public sector from all forms of reprisal as of 2015.<sup>323</sup> Additionally, Transparency International (TI) noted that voluntary agreements between employers and employees were oftentimes regulating the protection of whistle-blowers.<sup>324</sup> Also, there was a whistle-blower mechanism in two public authorities, with the Municipality of Copenhagen being the only institution where an official guide has been developed.<sup>325</sup> Furthermore, from January 2014, all financial institutions were required to introduce both an internal and external whistle-blower mechanism.<sup>326</sup> As of 2014, 197 companies in Denmark had reported and requested registration of a whistle-blower mechanism. The Data Protection Agency is expecting an increase in this due to the new requirement for financial institutions.<sup>327</sup>

According to Transparency International (TI), Denmark lacked transparency in relation to private contributions to political parties and parliamentary candidates. Private donations over 20,000 DKK (approx. US\$3,021) must disclose the donor's name, but not the amount given. Additionally, political donations and gifts were not strongly regulated.<sup>328</sup>

A 2015 World Economic Forum report noted that companies informed that irregular payments and bribes almost never occurred when obtaining public utilities; business permits; licenses and related services.<sup>329</sup>

## Revenue Transparency

The financial Statements Act was amended in May 2015 to include several new EU-directives. This includes directive 2014/95/EU on non-financial reporting and the accounting directive 2013/34/EU.<sup>330</sup>

Additionally, Denmark has implemented the EU provision for country by country reporting for the financial sector, and has made it mandatory for financial institutions to publish this information in their annual report.<sup>331</sup>

The Customs and Tax Authority publishes corporate tax records in order to increase transparency and public scrutiny of corporate tax payments.<sup>332</sup> Additionally, since 2012 the Danish Parliament publishes information about the amount of tax paid by all companies operating in Denmark. A database has been created to gather the information on corporate taxes paid.<sup>333</sup>

Recent cases in the media have included emphasis on the use of tax havens, where tax lawyers and financial institutions were accused of helping individuals avoid taxes in Denmark. As of 2013, a task force was put in place by the government to further explore the area.<sup>334</sup> The taskforce came with its first assessment and possible initiatives in November 2014. The taskforce concluded that tax havens are best fought on an international level, more work needs to be put into the discovery of the companies in question, and that the lack of accessible information hinders discovery of issues. The initiatives included a better international inter-ministerial cooperation including the exchange of information and disclosure of beneficiary ownership.<sup>335</sup>

Accordingly, figures from the Danish National Bank showed that in 2013 there were 123,4 billion DKK (Approx. US\$18.5 million), which were invested in so-called Offshore Financial Centres, the technical designation for tax havens, an increase of 13 billion DKK (Approx. US\$1.9 billion) from 2012 figures. It is estimated that the figures for 2014 would increase by approx. 7.8 billion DKK (approx. US\$1.16 billion).<sup>336</sup>

## Public Procurement

Regulations in Denmark regarding public tenders are enacted by three executive orders in Danish law, implementing EU directives in this area.<sup>337</sup> Private entities are obliged to follow rules on public procurement in cases regarding concessions, and in building and construction works, but are exempted when buying goods or services.<sup>338</sup> Furthermore, legislation regulates that candidates or tenderers that have been convicted on corruption cases are excluded from participating in a public contract.<sup>339</sup>

In 2013, the European Parliament and the Council adopted a new procurement directive. The directive intends, among other things, to make it easier to undertake procurement and make it easier for buyers to use public procurement to buy green and strategic.<sup>340</sup> The Directive was implemented into Danish law through the new Public Procurement Act in November 2015, which went into force 1st January 2016.<sup>341</sup> In Denmark the public sector annually purchases goods and services worth approximately 270 billion kr. Two-thirds of public procurement is carried out by local authorities (Municipalities).<sup>342</sup>

The Procurement act contains sections regarding the award criteria, contract implementation and exclusion criteria. This includes a focus on human rights and social responsibility in terms of equal treatment, protection of the environment, compliance with ILO-conventions, and hiring more socially vulnerable persons.<sup>343</sup>

Additionally, according to the Business Anti-Corruption Portal, public procurement processes were at very low risk of corruption, mismanagement and irregularities as of 2014.<sup>344</sup> Also, a World Economic Forum report from 2015 noted that procurement officials tended not to show favouritism when deciding to award a contract.<sup>345</sup>

## Engagement Opportunities

*Initiatives by public and private actors.*

These Engagement Opportunities have been selected through a high-level review and are non-exhaustive.

### Public Sector Initiatives

***Sustainability in Public Procurement (2014):*** The Danish Competition and Consumer Authority published a guide describing the opportunities, for including integration of social and environmental considerations into public procurements. The purpose of the guide is to provide an overview of how these considerations could legitimately be incorporated into the various phases of the procurement process.<sup>346</sup>

***Debate Meeting on Public Procurement for Procurement managers in Municipalities, Regions and State Institutions (2014):*** The Danish National Contact Point under the OECD Guidelines for Multinational Enterprises organised the event with the purpose to disseminate information; share experiences and debate the issue of social responsibility in public procurement.<sup>347</sup>

***Recommendations to Fight Tax Havens (2014):*** The Tax Havens Taskforce published a series of recommendations concerning the fight against tax havens, including better international cooperation and transparency about the companies' owners.<sup>348</sup>

***The Whistleblower Portal:*** The municipality of Copenhagen have developed a whistle blower portal accessible to its employees. The portal can be used if you have knowledge or reasonable suspicion of wrongdoing or serious irregularities in the municipality of Copenhagen.<sup>349</sup>

### NGO Initiatives

***IBIS:*** The organization started a project called the Tax Dialogue. The project focuses on dialogue and cooperation with businesses regarding tax and social responsibility. By doing this they hope to turn the challenges into opportunities and propose innovative cooperation around a new agenda.<sup>350</sup>

# Security & Conflict

*Human rights impacts related to company interaction with public and private security providers.*

The following table provides further detail on the operating environment within this area. The data sources can be found at [www.hrbcountryguide.org](http://www.hrbcountryguide.org)

Operating Environment	
Failed States Index	174 (2013)
Legatum Prosperity Index: Safety & Security	8 (2014)
Freedom House: Map of Freedom - Political Rights (On a scale of 1 through 7, where 1 indicates the highest level of freedom)	1 (2014)
Freedom House: Map of Freedom - Civil Liberties (On a scale of 1 through 7, where 1 indicates the highest level of freedom)	1 (2014)
Relevant law	<ul style="list-style-type: none"><li>• Constitution of Denmark, 1953</li><li>• Administration of Justice Act, 2013</li></ul>
Responsible agencies	<ul style="list-style-type: none"><li>• Ministry of Justice</li><li>• Danish Police</li></ul>

## Country Context

*Human rights issues of relevance to businesses. The information in this section is gathered from publicly available sources and stakeholder consultations.*

### Public Security Forces

According to a 2015 World Economic Forum report, the Danish Police was reportedly not affected by corruption and enjoyed a large degree of public trust.<sup>351</sup> The Danish Institute for Human Rights has highlighted issues of prison conditions in their annual status report on human rights in Denmark. The use of solitary confinement in Danish prisons and jails has previously been exposed to strong criticism from human rights monitoring mechanisms, especially in the case of solitary confinement during remand custody. In 2014 it was reported that solitary confinement measures, carried out under the Sentence enforcement Act, had been used with children on 158 occasions during the period of 2009-2013, including in the form of punishment cells for periods of up to two weeks. Other critical areas were

the use of punitive isolation cells (solitary confinement as disciplinary punishment) as well as administrative isolation also called 'voluntary solitary confinement'.<sup>352</sup>

## Private Security Forces

The Security Company Act applies to all private companies hiring security personnel.<sup>353</sup> The Police in the district where the security company has its head office must formally approve all private security staff; this includes a formal application to be submitted to Police. During the execution of security services, security personnel must always be in the possession of personal identification cards issued by the National Commissioner of the Police. They cannot carry arms, including pepper spray.<sup>354</sup>

# Access to Remedy

*Bodies to which victims of corporate human rights abuses can file grievances and seek redress.*

**The Officials Court:** The Officials Court can hear cases concerning the interpretation or breach of agreements on wages and other terms of employment for government officials, etc. or provisions which supersede such, and the collective breach of the rule that officers must comply with that are applicable to their position.<sup>355</sup>

**The Public Prosecutor for Serious Economic Crime (SØK):** The Public Prosecutor investigates bribery and other serious economic crime.<sup>356</sup> The Office received 954 cases concerning economic crime during 2014.<sup>357</sup>

**The Danish Institute for Human Rights (DIHR):** DIHR is Denmark's National Human Rights Institution and was appointed as National Equality Body on gender, race and ethnic origin. This means that DIHR can provide assistance to victims of discrimination due to gender, race and ethnic origin in pursuing their complaints about discrimination. Individuals that consider themselves as victims of discrimination due to one of these grounds can contact the Equality Counselling of DIHR to learn more about their rights and how to proceed with their case.<sup>358</sup> With effect from January 2011, DIHR has also been appointed to act as an independent mechanism for the purpose of promoting, protecting and monitoring Denmark's implementation of the Convention on Rights for Persons with Disabilities.

**The Labour Market Court:** The Labour Market Court is not part of the ordinary judicial system but has, according to the Labour Court Act, exclusive jurisdiction to deal first with all disputes of labour rights, especially breaches of collective agreements on wages and working conditions, including industrial actions in contravention of collective agreements.<sup>359</sup>

**The Ministry of Employment, Social dumping hotline:** The Ministry established in 2013 a hotline where offenses, cases of social dumping or lack of registration in RUT (Registration for Foreign Companies) can be reported. The fine for failing to register a foreign company was 10,000 DKK (approx. US\$1500).<sup>360</sup>

**The Working Environment Authority:** The Working Environment Authority can receive information on the conduct of the companies from workers, concerned citizens, employer organisations, or other authorities.<sup>361</sup>

**The National Board of Industrial Injuries:** The Board is responsible for receiving and investigating cases related to industrial accidents. The board decides whether or not an injury has been recognized and whether or not one is entitled to compensation. Decisions of the board may be appealed to the National Social Appeals Board.<sup>362</sup> Cases presented should not be older than 2 years, and 90 percent of all new cases registered need to be dealt with within one year after they are received.<sup>363</sup> During 2014 the Board received 14,893 cases, of which 12,358 were finalized by the end of the year.<sup>364</sup>

**The Board of Equal Treatment:** The Board of Equal Treatment handles cases concerning Danish non-discrimination legislation except for legislation containing criminal sanctions. The Board can receive complaints, reach conclusions as to breaches of the law, award compensation for cases where a breach has been determined or refer cases to ordinary courts if decisions reached are not complied with. The Board received 358 cases during 2014 and 225 decisions were adopted. 107 of these decisions related to gender and more than half related to labour relations and 37 were related to ethnic origins. Approximately 50 percent of the complaints were ruled in favour of the complainant while in cases of ethnic origins, the Board ruled in favour of complainants 1/3 of the time.<sup>365 366</sup>



**The Tribunal for Equal Pay:** The Tribunal for Equal Pay was established in 2011 with the mandate to interpret and understand the Equal Pay Act, including jurisdiction over cases of gender-based unequal pay.<sup>367</sup> CEDAW noted in 2015 that there was no information available on successful cases seeking redress and compensation for wages difference.<sup>368</sup>

**The Industrial Arbitration Court:** The court treats cases regarding interpretation of regular collective bargaining agreements, but after a general or specific agreement between the parties has been made. They also treat cases that would otherwise fall under the Industrial Court or the regular court, if the parties involved choose so.<sup>369</sup>

**The Conciliation Institution:** The Institution provides assistance when two parties cannot agree to enter into or renew an agreement related to labour disputes.<sup>370</sup>

**The Mediation and Complaints-Handling Institution for Responsible Business Conduct:** This is the Danish National Contact Point (NCP) under the OECD Guidelines for Multinational Enterprises. It can receive complaints and investigate and mediate in cases concerning alleged breaches of the Guidelines by Danish organisations or their business partners. During 2014, 6 complaints were received.<sup>371</sup>

**The Danish Parliamentary Ombudsman:** Anyone can file an individual complaint to the Ombudsman regarding a public institution. It has established an Office for Children that can receive complaints related to non-compliance of public authorities with national regulation; private institutions can also be subject to complaint.<sup>372</sup> Additionally, it has a mandate to monitor for equal treatment of persons with disabilities, focusing in particular on the accessibility to public buildings, transportation, etc.<sup>373</sup> The Ombudsman can make recommendations but cannot adopt convictions. Over the last couple of years, the Ombudsman received between 4000-5000 complaints a year.<sup>374</sup>

**The Complaint Board for Supply:** The Complaint Board for Supply deals with complaints regarding public actors' violation of EU regulations on supply and quotation. The Board's decisions can be used if presenting the case to the Danish courts.<sup>375</sup> The board received 120 complaints during 2014.<sup>376</sup>

**Environmental Board of Appeals:** The board is an independent administrative appeal for rulings related to planning, nature and the environment. In addition to the processing of appeals, the Environmental Board of Appeal provides information on its rulings so that citizens, authorities and other interested parties can benefit from the corpus of settlement decisions.<sup>377</sup> The board settled 2107 cases during 2014.<sup>378</sup>

**The Independent Police Complaint Authority:** The Authority was established in 2012 to address accusations of misconduct within the police,<sup>379</sup> and has set a Police Complaints Council that has the overall responsibility for the Authority's activities. The Council consists of a chairman, who is a judge; a lawyer; a university lecturer on legal forensics and two representatives of the public. The Authority received 2,248 cases during 2014, of which 1,614 cases were accepted under its jurisdiction. Almost half of the registered complaints dealt with abusive behaviour of the police, including excessive use of force, slander and harassment.<sup>380</sup>

#### **Trade Unions:**

The unions provide individual assistance and advice to members relating to the security of their rights under the collective agreements or legislation, in terms of unemployment; recruitment and training as well as for local collective or individual negotiation of a more general nature.<sup>381</sup>

## **International Mechanisms**

**European Court of Justice:** The Court of Justice of the European Union (CJEU) in Luxembourg encompasses three distinct courts (Court of Justice, General Court, and Civil Service Tribunal) that

exercise the judicial functions of the European Union (EU), which aims to achieve greater political and economic integration among EU Member States.<sup>382</sup>

A case regarding discrimination based on obesity was presented in December of 2014 and the court determined that obesity can constitute a 'disability' within the meaning of the Employment Equality Directive. The specific ruling decided that the obesity of the Danish citizen in question entailed a limitation, which resulted in particular physical, mental and psychological impairment. In this case, the Danish citizen who worked in a childcare facility could therefore claim to have been dismissed on illegal grounds due to discrimination based on physical appearance.<sup>383</sup>

**European Court of Human Rights:** The Court ensures observance of the European Convention on Human Rights (ECHR) by members of the Council of Europe. The Court examines applications from both individual citizens and states alleging human rights violations. In recent years, the Court has passed more than 1,000 judgments annually.<sup>384</sup>

DIHR writes that Denmark has been ruled against in several cases before the European Court of Human Rights.<sup>385</sup> 127 cases in The European Court of Human Rights database concerned Denmark, one case related to anti-union-discrimination in 2006.<sup>386</sup> The applicants complained that the existence of closed-shop agreements in Denmark in their respective areas of employment had violated their right to freedom of association, secured by Article 11 of the Convention. The Supreme Court found for the defendant and awarded him damages in the amount of 200,000 Danish kroner (DKK) (Approx. US\$29,900).<sup>387</sup>

# Sector Profiles

## *Industry-specific human rights impacts*

The following sections contain information on some of the largest sectors in Denmark:

- Construction
- Agriculture
- Service

These sectors have been chosen based on their size and potential impacts based on cases and issues identified throughout this country guide.

## Construction

Operating Environment	
Sector contribution to GDP (%)	5-8 (2013)
Sector contribution to employment (%)	6 (2014)
Relevant laws	<ul style="list-style-type: none"><li>• Constitution of Denmark, 1953</li><li>• Working Environment Act, 2005</li><li>• Consolidation Act on Workers' compensation, 2009</li></ul>

## Areas for Attention

### Social Dumping

Each year the Danish Working Environment Authority, the Tax Authorities and the Police carry out a number of national and regional joint actions in areas with suspected social dumping. They have special focus on construction sites, agriculture, gardening and restaurants/ the service sector.<sup>388</sup> The Danish Tax Authorities had 2596 actions in these sectors in 2014 alone. 1780 of these were within construction.<sup>389</sup>

### Migrants and their descendants (including refugees)

Figures from Statistics Denmark from the first quarter of 2015 reported that Polish citizens were the largest group of western ethnic minorities in the country.<sup>390</sup> Polish nationals in particular were employed in low-paid jobs, with poor working conditions, as stated in a study conducted by the Danish Confederation of Trade Unions LO in 2009. Most of them worked in the construction sector.<sup>391</sup>

Figures from the Danish Agency for Labour Market and Recruitment found that there had been an increase in workers from Eastern Europe since 2010. In 2014 there were 14,264 workers from Eastern European within the construction sector.<sup>392</sup>

Non-Danish nationals were, according to a 2013 survey from Statistics Denmark, more willing to be employed in low-wage jobs. 27 percent of all migrants who worked in Denmark had a job, which paid less than 130 DKK pr. Hour (Approx. US\$19.50). This number was only 10 percent for ethnic Danes.<sup>393</sup>

In 2015, a Danish newspaper conducted a survey at the Copenhagen Metro construction site. The survey found that 13 out of 33 foreign workers worked as informal workers. One of the workers explained how he never received any paychecks, he was paid in cash and he was paid less than what was stated on his contract.<sup>394</sup>

## Occupational Health and Safety

According to a 2014 Nordic Labour Journal, construction workers in Denmark had twice the risk of being involved in a workplace accident than workers in other sectors. Even though the construction sector employed only 6 percent of the Danish workforce, it accounted to 10 percent of all accidents.<sup>395</sup>

In order to minimize the number of work injuries in construction the Danish Ministry of Employment created a hotline. The hotline provides advice and knowledge on ways to avoid work injuries for consultants and planners in the industry. The hotline is one of the 50 initiatives in a strategy towards a safer work environment in the construction sector.<sup>396</sup>

## Trafficking

Denmark was a destination country for men and women subjected to forced labour and sex trafficking, as noted by the U.S. Department of State in 2014.<sup>397</sup> According to the Danish Centre against Human Trafficking, 347 persons were assessed to be victims of human trafficking during the period 2007 – 2013.<sup>398</sup> During 2013 alone, 76 cases of human trafficking were recorded. Out of the 76 cases, 11 were related to forced labour and the types of work included work in the construction sector.<sup>399</sup>

# Agriculture

Operating Environment	
Sector contribution to GDP (%)	1.3 (2014)
Sector contribution to employment (%)	2.4 (2013)
Major products	Wheat, barley, rape seed, rye, sugar beets, potato, spinach, cabbage, berries.
Relevant laws	<ul style="list-style-type: none"> <li>• Law on fertilizers and soil improvers Act, 2009<sup>400</sup></li> <li>• Law on Organic production, 2009<sup>401</sup></li> <li>• Law on Agricultural Property, 2010<sup>402</sup></li> <li>• Law on Buffer Zones, 2011<sup>403</sup></li> <li>• Law on agricultural use of fertilizers and plant cover, 2011<sup>404</sup></li> </ul>

## Areas for Attention

### Social Dumping

Each year the working environment Authority, the tax authorities and the police carry out a number of national and regional joint actions in areas with suspected social dumping. They have special focus on construction sites, agriculture, gardening and restaurants/ the service sector.<sup>405</sup> The Danish Tax Authorities had 2596 actions in these sectors in 2014 alone. 271 of these were within the green sector.<sup>406</sup>

### Wages

Danish law does not mandate a national minimum wage, and unions and employer associations negotiate minimum wages. As of 2013, agriculture was reportedly among the sectors with the lowest salaries, according to Statistics Denmark.<sup>407</sup>

### Water

The agricultural sector was reportedly contributing to pollution as a result of the use of pesticides. The sector alone accounted for more than 85 percent of the total pesticides consumption in Denmark.<sup>408</sup> According to the Danish NGO Danish Society for Nature Conservation (DN), traces of pesticides from agriculture were found in water wells. DN further reported that between 1999-2009, almost 1,300 Danish drinking water wells contained residues of pesticides. These wells were subsequently taken out of service.<sup>409</sup> The European Environment Agency noted that the use of pesticides was exceeding national targets as of 2015.<sup>410</sup>

### Food and livelihoods

An increasing number of people have, according to the Danish society for Nature Conservation, been infected with MRSA in 2014 that originates in pigs.<sup>411</sup> According to the Danish Society for Nature Conservation 78 percent of the total use of medicine within agriculture is used on pig-farms.<sup>412</sup> The large amount of medicine given to pigs creates, according to a professor from the Danish Technical University (DTU), resistant bacteria that is being transferred to humans when we eat meat.<sup>413</sup>

According to the Ministry of Environment and Food, the biodiversity in Denmark is under pressure. This includes in particular leakage of nitrogen and phosphors, which threaten the water bodies including lakes, fjords and inland waters. A large part of the leaking is from agriculture.<sup>414</sup>

## Trafficking

The latest government study from 2011 on human trafficking in the green sector/agriculture found that, one incident of possible human trafficking and forced labour was discovered. Victims were reportedly recruited together with other workers so it could therefore be assumed that more undiscovered cases of forced labour existed in the green sector.<sup>415</sup>

# Services

Operating Environment	
Sector contribution to GDP (%)	77.5% (2014) <sup>416</sup>
Sector contribution to employment (%)	77.1% (2011) <sup>417</sup>
Relevant laws	<ul style="list-style-type: none"><li>• Constitution of Denmark, 1953</li><li>• Working Environment Act, 2005</li></ul>

## Areas for Attention

### Social Dumping

Each year the Working Environment Authority, the tax authorities and the police carry out a number of national and regional joint actions in areas with suspected social dumping. They have special focus on construction sites, agriculture, gardening and restaurants/ the service sector.<sup>418</sup> The Danish Tax Authorities had 2596 actions in these sectors in 2014 alone. 276 of these were within the service sector.<sup>419</sup>

### Trafficking

Denmark was a destination country for men and women subjected to forced labour and sex trafficking, as noted by the U.S. Department of State in 2014.<sup>420</sup> According to the Danish Centre against Human Trafficking, 347 persons were assessed to be victims of human trafficking during the period 2007 – 2013.<sup>421</sup> During 2014 alone, 71 cases of human trafficking were recorded. The majority of victims were from Nigeria, followed by Romania, Uganda, Ghana, Kenya, Brazil and Vietnam. Out of the 71 cases, 3 were related to forced labour and the types of work included domestic work, labourers in restaurants, painters, construction and the cleaning sector. The problem is generally assumed to be underreported and The Centre against Human Trafficking (CMM) estimated that the real extent of trafficking victims was far greater.<sup>422</sup>

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