



Bill on employment certificates and certain working conditions has been proposed



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On March 29, 2023, the Ministry for Employment proposed a bill on employment certificates and certain working conditions. The bill implements the Directive on transparent and predictable working conditions (the "Working Conditions Directive"), which was adopted by the EU in June 2019.

The implementation of the Directive - which should have been implemented in national law by 1 August 2022 at the latest - has been postponed several times.

If the proposed Act is adopted, it will enter into force already on 1 July 2023, and bring fundamental changes to the current Employment Certificates Act. The proposed Act on Employment Certificates and Certain Working Conditions will replace the current Danish Act on Employment Certificates.

Scope of application

The current Danish Act on Employment Certificates covers employees who are employed for at least a month, and if their average weekly working time exceeds eight hours per week.

In proposed Act, the group of employees covered will be extended through a reduction of the weekly working time requirement. Accordingly, the proposed Act will apply to all employees working more than an average of 3 hours per week, or where working hours are unpredictable.

If the proposed Act is adopted, employers are obligated to provide essential information to a larger group of employees than before.

Employer's duty of disclosure

The proposed Act continues the current provision on the employer's duty of disclosure in the current Danish Act on Employment Certificates. According to this provision all fundamental information must be provided to the employee.

It is proposed that The terms and conditions of the employment must be provided to the employee no later than 7 calendar days from the commencement of employment. This is among other things the following information:

- Employer's and employee's name and address
- The location of the workplace
- Job description or employee's job title, rank or job category
- Employment commencement date
- Duration and conditions of probationary period (if any)
- The applicable or agreed salary to which the employee is entitled upon commencement of employment and allowances or other forms of remuneration that are not included herein, e.g., pension contributions etc. The frequency of salary payments must also be included in the contract.

Other fundamental information must be provided no later than one month after the employment's commencement. This is among other things the following information:

- Identity of user companies if it is a temporary agency worker
- Duration of the paid absence to which the employee is entitled
- Terms of notice

Minimum requirements for working conditions

The proposed Act introduces several minimum requirements of employees' working conditions.

Among other things, it is proposed that the probationary period cannot exceed six months.

Moreover, it is proposed that employers may not prevent an employee from taking work for another employers unless the work is incompatible with the employment.

Furthermore, it is proposed that employees employed before 1 July 2023 should not, as a result of the amendment, receive a new employment certificate or an addendum thereto unless they request it.

Our remarks

The bill has not yet been adopted. When the new Act on Employment Certificates and Certain Working Conditions enters into force, employers should therefore be aware that its scope of application has been extended. Therefore, a larger group of employees will be entitled to receive an employment certificate. Furthermore, employers should pay attention that future employment certificates comply with the new Act on Employment Certificates and Certain Working Conditions.

DLA Piper invites to a free webinar on the legislative amendment, which we expect to organize during June 2023.

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