



EU Posted Worker Directive

A new EU Posted Worker Directive came into effect on **30th July 2020**. All EU countries had until that date to transpose this directive in their national law. Here is a brief overview of the Posted Workers Notification (RUT) in Denmark.

Important points to remember :

1. Your rights as a posted worker
2. No minimum wage
3. Agreements on working hours
4. Notification to the Register of Foreign Service Providers (RUT)
5. Risk of fines
6. Legal representative

1

Your rights as a posted worker

According to the Act on Posting of Workers that employees posted in Denmark by a foreign enterprise are covered by the following legislation:

- The Working Environment Act
- The Offshore Safety Act
- The Act on Aviation (in Danish)
- The Equal Treatment Act
- The Equal Pay Act (in Danish)
- The Act on Prohibition against Discrimination on the Labour Market etc. (in Danish)
- Paragraph 7 of the Salaried Employees Act (in Danish)
- The Act on Implementation of Parts of the Working Time Directive (in Danish)
- The Act on the legal rights of temporary agency workers upon assignment by a temporary-work agency, etc.
- Certain rules regarding holidays (in Danish)

The Act on Posting of Workers protects posted workers against victimization and ensures that posted workers can file a lawsuit in Denmark concerning his or her rights as a posted worker.

2

No minimum wage

Denmark does not have a statutory minimum wage. Wages are primarily fixed by collective labour agreements. It is therefore recommended that a company posting an employee in Denmark consult with the social partners in the labour market, trade unions, employer organisations etc., for information on wage and salary conditions.

Pay and working hours for expatriate staff, in the Danish labour market, working hours and pay are primarily regulated by collective agreements or individual employment contracts between employers and employees. There are no legal requirements for foreign companies with staff posted in Denmark to enter into any agreements.

3

Methods of Administration

All types of agreements on working hours for workers over the age of 18 are, however, limited in certain respects. The EU's Working Time Directive defines the following framework for working hours:

- A daily rest period of a minimum of 11 consecutive hours.
- A break if the working day exceeds 6 hours. The duration of the break depends on its purpose, e.g. a lunch break.
- One day off per week, which must be preceded by a daily rest period. There must be no more than 6 days between the 2 days off.
- Weekly working hours may not exceed an average of 48 hours, including overtime.
- A night worker may not work more than an average of 8 hours per 24-hour period.

4

Notification to the Register of Foreign Service Providers (RUT)

As a foreign company working in Denmark you must comply with Danish regulations on occupational health and safety and taxation, among others. In order for Danish authorities to supervise and inspect your business, **you must notify the Register of Foreign Service Providers (RUT) before work in Denmark begins**. This also applies to self-employed contractors without employees and businesses that have no actual activities in their home country.

You must notify the Register of Foreign Service Providers (RUT) electronically about your company and services. **There is no paper form available**. You do not need a digital ID or digital signature. Notification can be done in English, German, Polish or Danish. After notifying you will be issued a receipt containing your RUT number. You will need to use this when you contact the Danish authorities.

If changes occur that affect the information provided in your notification you must notify the Register of Foreign Service Providers (RUT) of the changes no later than one business day following.

5

Risk of fines

You are obligated to report your services or changes to services to RUT. If you delay in reporting or report incorrect or insufficient information, you may be punished by a fine. If you do not report services to RUT, the Danish Working Environment Authority may fine your business DKK 10,000 or request the police to bring charges. If you repeatedly fail to report services to RUT, you may be fined DKK 20,000.

In the last resort, if you fail to report a specific service to RUT, your business may be subject to daily fines until you report the service to RUT.

6

Legal Representative

A contact person must be appointed by the undertaking among the individuals who work in Denmark in connection with the performance of the service.

Source: <https://workplacedenmark.dk/>

For more information, please contact us

www.expatspartners.com

contact@expatspartners.com



EXPAT
PARTNERS

