

GLOBALG.A.P. Risk-Assessment on Social Practice (GRASP)

GRASP Module – Interpretation for Denmark

Version 1.3,
Based on GRASP Module V1.3 of July 2015

English Version

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Control Point	Compliance Criteria	Interpretation for Denmark
EMPLOYEES' REPRESENTATIVE(S)		
1	<p>Is there at least one employee or an employees' council to represent the interests of the staff to the management through regular meetings where labour issues are addressed?</p>	<p>Documentation is available which demonstrates that a clearly identified, named employees' representative(s) or an employees' council representing the interests of the employees to the management is elected or in exceptional cases nominated by all employees and recognised by the management. The election or nomination takes place in the ongoing year or production period and is communicated to all employees. The employees' representative(s) shall be aware of his/her/their role and rights and be able to discuss complaints and suggestions with the management. Meetings between employees' representative(s) and the management occur at accurate frequency. The dialogue taking place in such meetings is duly documented. N/A if the company employs less than 5 employees.</p> <p>Danish law recognizes the following worker representative figures:</p> <ol style="list-style-type: none"> 1. Local Union representative 2. Cooperation Committee 3. Health and Safety Committee <p>Most collective agreements contain provisions concerning union representatives and works councils</p> <p>According to the Danish Working Environment Act, if the company has 10 or more employees they are entitled to elect one or more (depending on the size and organization of the company) health and safety representatives. Health and safety representatives are protected against unfair dismissal in the same way as union representatives in the same or a similar sector.</p> <p>This representation has a legal basis in the binding collective agreements reached between the employers' federation and the unions. Trade union representatives' rights are set out in broad terms in a national agreement, with the detailed position for each industry set out in the industry agreements.</p> <p>There are also cooperation committees, the equivalent of works councils, in Danish workplaces. Their rights and duties are set out in a national agreement between the LO and DA which covers most of the private sector. There are separate agreements for agriculture and finance, and in the public sector there are separate agreements for central government, and for local government and regional government.</p> <p>Please check the details on elections and designation in</p> <p>The specific collective bargain agreement of the industry or the one in which the farm is participating.</p> <p>National agreement between the LO and DA covers most of the private sector, the agreements for agriculture and finance and the collective agreements reached between the employers' federation and the unions.</p> <p>If there is not reference in the form and duration of the representation, CPCC1 should be followed.</p>

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		<p>Check the Working Environment Act – Cooperation for safety and health - for the specific demands of representation of the employees, the</p> <p>Link - Danish: https://www.retsinformation.dk/forms/r0710.aspx?id=133159</p> <p>Link - English: http://engelsk.arbejdstilsynet.dk/en/Regulations/acts/Working-Environment-Act/arbejdsmiljoeloven1.aspx</p>	
COMPLAINT PROCEDURE			
2	<p>Is there a complaint and suggestion procedure available and implemented in the company through which employees can make a complaint or suggestion?</p>	<p>A complaint and suggestion procedure appropriate to the size of the company exists. The employees are regularly informed about its existence, complaints and suggestions can be made without being penalized and are discussed in meetings between the employees’ representative(s) and the management. The procedure specifies a time frame to answer complaints and suggestions and take corrective actions. Complaints, suggestions and follow-up solutions from the last 24 months are documented.</p>	<p>A system should exist in the firm to allow the workers to access a grievance mechanism indicated in the collective agreement with the help of the worker representative, to set up negotiations to solve the issue. The system should have a description of the process and a time limit to reach a resolution.</p> <p>By law, the normal procedure for an employee who considers his/her rights violated by the employer is to contact the local trade union representative who in Denmark is also the employee representative (a one string system). If the conflict cannot be solved by negotiation locally, the union and the employer’s association are involved, one representative from each side, at a ‘conciliation meeting’ held at the workplace. If the conflict still does not find a solution the case can go to industrial arbitration or if requested by one of the parties an ‘organization meeting’ is held with participation of minimum one representative from each side. If not solved the case hereafter goes to the Labour Court, the Industrial Arbitration Courts or the Board on Dismissals, depending on the case. The range of this procedure is formalized and described in labor law (Normen). It is the duty of the representatives to try solving the case as early in the procedure as possible and as fast as possible.</p>
SELF-DECLARATION ON GOOD SOCIAL PRACTICES			
3	<p>Has a self-declaration on good social practice regarding human rights been signed by the</p>	<p>The management and the employees’ representative(s) have signed, displayed and put in practice a self-declaration</p>	<p><i>choose</i> <i>“Consolidation Act on Prohibition against Discrimination on the Labour Market”.</i></p>

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<p>management and the employees' representative and has this been communicated to the employees?</p>	<p>assuring good social practice and human rights of all employees. This declaration contains at least commitment to the ILO core labor conventions (ILO Conventions 111 on discrimination, 138 and 182 on minimum age and child labor, 29 and 105 on forced labor, 87 on freedom of association, 98 on the right to organize and collective bargaining, 100 on equal remuneration and 99 on minimum wage) and transparent and non-discriminative hiring procedures and the complaint procedure. The self-declaration states that the employees' representative(s) can file complaints without personal sanctions. The employees have been informed about the self-declaration and it is revised at least every 3 years or whenever necessary.</p>	<p><i>Denmark has ratified all the ILO conventions mentioned in this CP, except convention 99 on minimum wages. Most of the principles of the conventions are found in different laws. Please refer to the law of non-discrimination and equality (race, religion, age, gender, etc.).</i></p> <p><i>The conventions and the right protected in them must be clearly listed in the self-declaration. In addition, there should be a clear indication of the commitment of the administration of the farm to comply with each of the rights mentioned in the different conventions.</i></p> <p><i>Direct reference must be included of the collective agreement-regulating minimum wage for the farm with indication that this instrument regulates the right to minimum wage as Denmark has not ratified ILO convention 99.</i></p> <p>https://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:102609</p> <p>Link - Danish: https://www.retsinformation.dk/Forms/R0710.aspx?id=122522 Link - English: https://bm.dk/the-ministry-of-employment/legislation/</p>
<p>ACCESS TO NATIONAL LABOR REGULATIONS</p>		
<p>4</p>	<p>Do the person responsible for the implementation of GRASP (RGSP) and the employees' representative(s) have knowledge of or access to recent national labor regulations?</p>	<p>The responsible person for the implementation of GRASP (RGSP) and the employees' representative(s) have knowledge of or access to national regulations such as gross and minimum wages, working hours, trade union membership, anti-discrimination, child labor, labor contracts, holiday and maternity leave. Both the RGSP and the employees' representative(s)</p> <p><i>All rules to be found in The Working Environment Act.</i> Link - Danish: https://www.retsinformation.dk/forms/r0710.aspx?id=133159 Link - English: http://engelsk.arbejdstilsynet.dk/en/Regulations/acts/Working-Environment-Act/arbejdsmiljoeloven1.aspx</p> <p>Additional information can be found here: English: https://bm.dk/the-ministry-of-employment/legislation/ Choose - The Working Environment Act</p>

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	know the essential points of working conditions in agriculture as formulated in the applicable GRASP National Interpretation Guidelines.	<p>When relevant the various industries Contracts of Employment can be found on the websites of unions.</p> <p>Since the sources are electronic, the farm must offer constant (as far as the RGSP and workers representative are present) electronic access in the form of a device with internet access.</p>
WORKING CONTRACTS		
5	Can valid copies of working contracts be shown for the employees? Are the working contracts compliant with applicable legislation and/or collective bargaining agreements and do they indicate at least full names, a job description, date of birth, date of entry, wage and the period of employment? Have they been signed by both the employee and the employer?	<p>For every employee, a contract can be shown to the assessor on request (on a sample basis). Both the employees as well as the employer have signed them. Records contain at least full names, nationality, job description, date of birth, the regular working time, wage and the period of employment (e.g. permanent, period or day laborer etc.) and for non-national employees their legal status and working permit. The contract does not show any contradiction to the self-declaration on good social practices. Records of the employees must be accessible for the last 24 months. (*)</p>
		<p>The Employment Contract law ensures that all employees who work more than eight hours a week can get information from the employer on all essential terms of the employment conditions. The employer is responsible to ensure the employee has the information. Since the minimum requirements of law does not contemplate all the requirements of the CP, the management should make sure that all the information can be provided to the auditor. E.g. <i>Date of birth not required in working contract</i> http://www.millerrosenfalck.com/2017/04/employment-law-in-denmark-2/</p> <p>See regulations regarding The Employment Contract.</p> <p>Link - Danish: https://www.retsinformation.dk/Forms/R0710.aspx?id=130583</p> <p>Link - English: https://bm.dk/the-ministry-of-employment/legislation/ - choose "Consolidation Act on the employer's obligation to Inform Employees of the Conditions Applicable to the Employment Relationship".</p> <p><i>(*) as long as there is not a Personal Data legislation indicating a different time of accessibility.</i></p>
PAYSLIPS		
6	Is there documented evidence indicating regular payment of salaries corresponding to the contract clause?	<p>The employer shows adequate documentation of the salary transfer (e.g. employee's signature on pay slip, bank transfer). Employees sign or receive copies of pay slips / pay register that make the payment</p>
		<p>In order for the salary statement (lønseddel) to be transparent for the employee, it must be clearly indicated:</p> <ul style="list-style-type: none"> - Name and CPR. No of employee - Payment period - The gross salary and how it is derived (Fixed monthly salary or no. of hours x hourly rate or piecemeal rate x number

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	transparent and comprehensible for them. Regular payment of all employees during the last 24 months is documented.	<p>of units).</p> <ul style="list-style-type: none"> - The net salary - Explanations for subtractions (A-skat, ATP, AM-bidrag, subtractions for e.g. housing, pension or health insurance etc.) when available - Account in which the salary is deposited - Date of availability <p>https://skat.dk/skat.aspx?oid=2244302 Information on Danish pay slips</p> <p>The law on withholding taxes “Bekendtgørelse om kildeskat” states the rules for payment slips. Link - Danish: https://www.retsinformation.dk/Forms/r0710.aspx?id=144144</p>
WAGES		
7	Do pay slips / pay registers indicate the conformity of payment with at least legal regulations and/or collective bargaining agreements?	<p>Wages and overtime payment documented on the pay slips / pay registers indicate compliance with legal regulations (minimum wages) and/or collective bargaining agreements as specified in the GRASP National Interpretation Guideline. If payment is calculated per unit, employees shall be able to gain at least the legal minimum wage (on average) within regular working hours.</p> <p>There is no law for minimum wage in Denmark. The Denmark model depends on the different collective agreements by industry and activity. If collective agreement, please state which agreement was used and whether the producer is obligated to follow such an agreement. When no collective agreement, the payment must reflect agreement between the employer and employee. Agreements or add on in the agriculture industry in Denmark are mainly between GLS-A and 3F.</p> <p>As information the trade union 3F https://www.3f.dk/english represent some of the workers in the agricultural industry. https://www.3f.dk/english/wages-and-collective-agreements/den-groenne-sektor</p> <p>In this area reports the following wage negotiation: https://www.3f.dk/~media/files/mainsite/forside/sprogfiler%20download%202017/en_l%c3%b8noversigt%20jordbrug%202018-2019_v2.pdf</p> <p>https://wageindicator.org/salary/minimum-wage/denmark</p>
NON-EMPLOYMENT OF MINORS		

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8	Do records indicate that no minors are employed at the company?	Records indicate compliance with national legislation regarding minimum age of employment. If not covered by national legislation, children below the age of 15 are not employed. If children -as core family members- are working at the company, they are not engaged in work that is dangerous to their health and safety, jeopardizes their development or prevents them from finishing their compulsory school education.	<p>The minimum age for full-time employment is 15 years. The law sets a minimum of 13 years of age for any type of work. The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor.</p> <p>According to the DK Working Environment Act, chapter 10, workers of minimum age 13, in certain conditions, are allowed to work</p> <p><i>Part 10, 60. (2)</i> “young persons who have reached the age of 13 years may undertake light duties within limited types of work, and under specific conditions and restrictions,”...</p> <p>Link - Danish: https://www.retsinformation.dk/forms/r0710.aspx?id=133159 Link - English: http://engelsk.arbejdstilsynet.dk/en/Regulations/acts/Working-Environment-Act/arbejdsmiljoeloven1.aspx</p>
ACCESS TO COMPULSORY SCHOOL EDUCATION			
9	Do the children of employees living on the company's production/handling sites have access to compulsory school education?	There is documented evidence that children of employees at compulsory schooling age (according to national legislation) living on the company's production/handling sites have access to compulsory school education, either through provided transport to a public school or through on-site schooling.	<p>Denmark has compulsory education until the 10th school year (preschool – 9th grade). Approximate age when finishing school is 16. Also applicable to children staying in the country for more than 6 months</p> <p>Link - https://www.retsinformation.dk/forms/R0710.aspx?id=196651 Choose chapter 5</p> <p><i>No translation available</i></p> <p><i>Compulsory education for children under the age of 15 or 16</i> https://en.wikipedia.org/wiki/Education_in_Denmark</p>
TIME RECORDING SYSTEM			
10	Is there a time recording system that shows working time and overtime on a	There is a time recording system implemented appropriate to the size of the company that makes	Regulations for working hours are set in The Working Environment Act. Denmark has no general law on working hours. The working time is determined in the employment contract, which may be part of a

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<p>daily basis for the employees?</p>	<p>working hours and overtime transparent for both employees and employer on a daily basis. Working times of the employees during the last 24 months are documented. Records are regularly approved by the employees and accessible for the employees' representative(s).</p>	<p>collective agreement or a local agreement. However, by law there are three rules on working time; "the 11-hour rule", "the rule regarding one weekly day and night time off", and "the 48-hour rule".</p> <p>"The 11-hour rule" is from the Working Environment Act. The rule states that the employee must have 11 hours of rest within a period of 24 hours. The Working Environment Act includes that the employee has the right to a weekly day and nighttime off.</p> <p>The rules for rest periods and rest days do also cover registration of working hours</p> <p>Link - Danish: https://www.retsinformation.dk/forms/r0710.aspx?id=133159 Choose chapter 9</p> <p>Link - English: http://engelsk.arbejdstilsynet.dk/en/Regulations/acts/Working-Environment-Act/arbejdsmiljoeloven1.aspx</p> <p><i>From Pay slips. The ATP in Denmark requires the use of the E-income system by the employer. This system has the number of hours reported. There should be a system the backs the e-income system. This system must comply with GRASP as indicated in the CC of this CP.</i></p> <p>Number of working hours - Danish labour market supplementary pension contributions (ATP) depend on your number of working hours. The number of working hours is also important in relation to daily benefits in the case of unemployment, sickness, maternity/paternity leave (dagpenge), early retirement benefits, etc. The number of working hours reported to the E-income system by the employer is used for the calculation of these benefits.</p> <p>https://skat.dk/skat.aspx?oid=2244302</p>

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WORKING HOURS AND BREAKS		
11	Do working hours and breaks documented in the time records comply with applicant legislation and/or collective bargaining agreements?	<p>Documented working hours, breaks and rest days are in line with applicant legislation and/or collective bargaining agreements. If not regulated more strictly by legislation, records indicate that regular weekly working hours do not exceed a maximum of 48 hours, during peak season (harvest), weekly working time does not exceed a maximum of 60 hours. Rest breaks/days are also guaranteed during peak season.</p> <p>The Working Environment Act must be complied with connection to rest periods and rest days. The working week may not exceed a maximum of 48 hours including overtime calculated over a period of four months (set by the EU). Even when the law allows for exceptions, a GRASP assessed farm must comply with the limit set up in this CPCC in order to comply with the CP. Otherwise, if hours are more than the limit indicated, there will be a non compliance.</p> <p>Please observe that the law in Denmark includes a 48-hour rule indicating that during four months the average working time per week cannot exceed 48 hours. Therefore, the weekly working time can be higher during a week if the employee is compensated with shorter working time later in the other week. This rule comes from the EU's directive on working time.</p> <p>Notice there are special rules for agriculture, horticulture and forestry. It is possible to waive the regulations on daily rest periods and weekly rest days in agricultural and horticultural work and care of people, animals and plants. The daily rest period for work in agriculture and horticulture, for example, can be reduced to 8 hours, 30 days a year, and the weekly rest day can either be postponed or re-scheduled.</p> <p>Also, notice the special rules for children and employees under the age of 18. See chapter 9 and 10 in The Working Environment Act</p> <p><i>Danish:</i> https://www.retsinformation.dk/forms/r0710.aspx?id=133159 <i>English:</i> http://engelsk.arbejdstilsynet.dk/en/Regulations/acts/Working-Environment-Act/arbejds miljoeloven1.aspx</p> <p>https://lifeindenmark.borger.dk/Coming-to-Denmark/Find-a-job-in-Denmark?NavigationTaxonomyId=77c7d0b9-2133-4085-9ee5-d6d134fd8b28</p>

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ONLY APPLICABLE FOR PRODUCER GROUPS INTEGRATION INTO QMS		
QMS	Does the assessment of the Quality Management System (QMS) of the producer group show evidence of the correct implementation of GRASP for all participating producer group members?	The assessment of the Quality Management System of the producer group demonstrates that GRASP is correctly implemented and internally assessed. Non-compliances are identified and corrective actions are taken to enable compliance of all participating producer group members.
ADDITIONAL SOCIAL BENEFITS		
R 1	What other forms of social benefit does the company offer to employees, their families and/or the community? Please specify incentives for good and safe working performance, bonus payment, support of professional development, social benefits, child care, improvement of social surroundings etc.).	No interpretation needed, this is a voluntary extra point. Maybe give examples of typical social benefits.

Annex to GRASP Interpretation for DENMARK

General:

Useful to include the following self-checklist for agricultural employers:
<http://engelsk.arbejdstilsynet.dk/en/information>