

## **Introduction**

**The objective of this leaflet is to provide information about important rules for sickness benefits in Denmark.** The leaflet is an extract from the Danish leaflet "Syg - midlertidigt eller varigt?" ("Sick – temporarily or permanently?"), available for download at the website of the Food Workers' Union NNF at [www.nnf.dk](http://www.nnf.dk)

### **How to read this leaflet**

The leaflet can be used for **future reference** on the issue of your inquiry.

### **The Danish model**

The strength of the Danish labour market model is that the trade unions and the employers' organisations can maintain a high degree of unionisation. The Danish government does not interfere in the regulation of pay and working conditions. Instead, pay and working conditions are regulated through collective agreements between trade unions and employers' organisations.

All foreign employees are encouraged to join and are welcomed by the Trade Union NNF if they work in Denmark within the area of the Trade Union NNF.

### **General information about social benefits and unemployment insurance**

EU citizens working in Denmark for a Danish employer are subject to Danish social security legislation. This also applies to EU citizens living in another EU country.

A person subject to Danish social security legislation is automatically covered by Danish social security schemes on equal terms with Danish employees and is required to meet the same eligibility requirements to receive benefits.

The social security schemes include the following:

- Workers' compensation insurance
- Sickness benefits/maternity pay
- Health insurance
- Social pension

This leaflet is intended as **general** information about sickness absence from work. The legislation in this field is regularly amended – and therefore this leaflet may not always be updated. Please note, therefore, that the leaflet is **not intended to replace professional advice and guidance**.

### **Sickness absence from work**

Please refer to the rules drawn up by the employer for the company's employees, along with the collective agreement for the area and the staff regulations, if you require information about specific rules for sickness absence for employees at a specific workplace.

Foreign wage earners employed in Denmark should contact the local branch of the Food Workers' Union NNF, if they have any questions or queries relating to sickness absence.



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## Sickness absence and sickness benefits

**To be eligible for sickness benefits**, employees must satisfy a number of basic requirements.

**As a general rule, employees on sick leave must be in Denmark legally**, and their income must be taxable in this country.

**In addition, employees on sick leave** must satisfy a so-called qualifying period of employment, signifying some labour market attachment.

**In special cases**, employees on sick leave may be entitled to sickness benefits from Denmark although they are staying abroad. This is the case if:

- a rest cure is medically prescribed;
- a treatment stay is approved by the National Board of Health in Denmark or the hospital;
- the employee has had to postpone a return journey for health reasons;
- the employee is subject to Danish legislation due to posting, EU regulation no. 1408/71, or an agreement on social security.

**Employees on sick leave who are staying in Denmark** and who are eligible for sickness benefits or other compensation for loss of income **from another country** are not entitled to sickness benefits from Denmark.

**As already specified, employees on sick leave must satisfy a qualifying period of employment** and have some attachment to the labour market to be eligible for sickness benefits. This means that:

- Training or education seekers must have completed at least 18 months of vocational training within the past month or be trainees in paid traineeship.
- Where wage earners are concerned, the employer must pay sickness benefits or wages during sickness absence for the first 21 days of the sickness absence, provided that the employee satisfies a requirement of eight weeks and at least 74 hours of uninterrupted employment with this employer immediately before the period of sickness absence began. Subsequently, the municipality assumes responsibility for the payment of sickness benefits.

**The qualifying period of employment is 13 weeks of uninterrupted attachment** to the labour market for at least 120 hours immediately before the period of sickness absence began. If employees on sick leave do not satisfy this requirement towards their employer but towards the municipality, the municipality will pay sickness benefits from the first day of absence.

- Unemployed people on sick leave satisfy the qualifying period of employment if they were eligible for unemployment benefits from an unemployment fund immediately before the period of sickness absence began.
- Self-employed people on sick leave satisfy the qualifying period of employment if they have been self-employed for at least six months within the last 12 months, including 1 month immediately before the period of sickness absence began.
- Employees on sick leave who have incurred an occupational injury are exempt from the standard qualifying period requirement.
- Employees on sick leave who are employed under the Danish "flexi-job" scheme (reduced-hours subsidised employment) are exempt from the standard qualifying period requirement.

**To be eligible for sickness benefits**, employees must be unfit for their current job and unfit for other jobs that the employer may be able to assign to them.

**For instance, an employee cannot be considered unfit for work** if he or she is unable to perform his or her daily duties delivering mail but may perform other administrative tasks assigned by the employer.

**Sickness must be the cause of the employee's unfitness for work.** If the employee's unfitness for work is due to social problems or e.g. a disability, he or she will not be eligible for sickness benefits.

**On the other hand, some conditions** that do not really qualify as sickness could make employees eligible for sickness benefits – for instance broken glasses, dental treatment, organ donation, extra-uterine pregnancy, danger of infection related to a particular profession, etc.

**Both the employer and the municipality may require medical documentation** for the employee's sickness and health condition. Ultimately, it is up to the municipality to determine whether or not

the requirements have been met. If the municipality assesses that the employee is partially unfit for work, he or she may be eligible for reduced benefits.

## **Follow-up on employees on sick leave**

**The job centre is to plan a follow-up programme** for all employees on sick leave if, when reporting their absence due to sickness to the municipality, they have not reported back to work after the period of sickness. The programme must be flexible and tailored to the individual employee.

**The municipality will send an information form to the employee on sick leave** immediately after receiving his or her notice of sickness. The employee must return the form to the job centre/the municipality, duly completed, within eight days from the date the municipality sent the form to him or her.

**Employees on sick leave could lose their right** to sickness benefits (and the employer could lose the right to reimbursement) if the eight-day deadline is exceeded – from the day after the deadline until the form is submitted. If more than four weeks elapse after the expiry of the deadline, the right to sickness benefits cannot be regained by the employee. When the information form has been returned, the job centre uses it as the point of departure for the first follow-up in the case.

**In the information form, employees on sick leave must**, as a minimum, provide information about:

- training/education
- job
- cause of sickness absence
- treatment measures, if any
- expected date for reporting back to work, including information on whether the sickness is expected to have any implications for the performance of their work in the future

## **Statement of Fitness for Work (fit note) and Medical Certificate**

**An employer may use the Statement of Fitness for Work (fit note)** if the employer is unsure about the allowances to be made to enable an employee to return to work – fully or partially. The employer may also request a "doctor's note" (**medical certificate**) as proof of the employee's sickness. Effective from 5 October 2009, the old sick note relating to unfitness for work was replaced by a Statement of Fitness for Work (a fit note) in the Danish Sickness Benefits Act. The fit note is to be based on talks between the employee on sick leave and the employer.

**When an employer requests a fit note**, the employee on sick leave is called in for an interview – with a reasonable time limit (e.g. one week) – with a view to completing part one of the fit note in partnership with the employer. Fit notes may be requested in case of frequent or short-term sickness absence or in order to prevent sickness absence.

**The employee on sick leave must participate in the interview** within normal working hours, **unless** prevented from doing so due to sickness. In general, the interview must take place at the employee's normal workplace. If the employee is prevented from attending the interview at his or her workplace due to sickness, the interview should as far as possible be conducted over the telephone.

**Based on the interview, the employer and the employee on sick leave jointly complete** part one of the fit note. They are to describe:

- functions the employee on sick leave is believed to be unable to perform;
- job functions that are affected by the functional impairment;
- the employer and the employee's proposals, if any, to changes to work functions.

**When part one of the fit note has been completed**, based on the interview, the employer will set a deadline for the employer's receipt of the fit note.

**Thus it is the responsibility of the employee on sick leave to get an appointment with his or her GP** who is to complete part two of the fit note before the employee returns the note to the employer.

**In part two of the fit note**, based on the completed part one, the GP provides his or her medical assessment of the possibilities that the employee can return to work, in full or in part, possibly with changed work functions, etc.

**The employer pays the GP's fee**, and the deadline given by the employer to the employee for returning the fit note completed by the GP must be reasonable and there must be time for the employee to make an appointment with his or her GP.

**If the employee on sick leave does not ensure that** the employer receives the fit note before the expiry of the deadline, the employee's entitlement to sickness benefits is lost; the same applies if the employee does not participate in the interview.

**Given that this pertains only to sickness benefits from the employer**, this rule is relevant only during the first 21 days of the sickness absence if the employer pays sickness benefits rather than wages during the sickness absence. If the employee on sick leave fails to observe the deadlines, this could, however, have employment implications.

### **Fit Note and Medical Certificate from an Employment Law Perspective**

As a result of the **general managerial right**, the employer – as specified above – can call an employee on sick leave to a sickness absence interview in connection with the fit note. The employee on sick leave must attend the interview, unless prevented from doing so due to the sickness. If the employee on sick leave fails to observe the deadlines, the employer may resort to general industrial sanctions such as recommendations or warnings.

**The employer is entitled to demand proof – in the form of a medical certificate** – that the employee on sick leave has a valid excuse for his or her absence. This means that the employee on sick leave is validly prevented from attending work – in this case due to sickness. The employer is also entitled to know how the sickness af-

fects the employee's daily work functions and how long the sickness absence is expected to last.

**However, the employer is not entitled to inquire about** the nature of the sickness responsible for the absence nor to know the nature of the sickness unless the employee **at his or her own initiative** provides this information to the employer.

**Should the employer require a written sick note**, the employee on sick leave must arrange for his or her GP to prepare a medical certificate. In practice, this is a blank sheet of paper on which the GP confirms that the employee on sick leave **is** sick. Moreover, the GP needs to provide an assessment of the **duration** of the sickness absence.

## **Partial incapacity for work**

**Below, the rules for assessment of employees on sick leave with partial incapacity for work are outlined, along with the rules for payment of reduced sickness benefits.**

**To be eligible for sickness benefits** or – as far as employers are concerned – eligible for reimbursement of sickness benefits, a number of general requirements must be met – see the section "Sickness absence and sickness benefits".

**One requirement is** incapacity for work due to sickness.

**If the employee on sick leave is only partially incapable of working**, he or she may be eligible for reduced sickness benefits. In that case, the job centre/the municipality must assess whether the employee on sick leave can only partially perform his or her functions.

**An employee on sick leave will receive reduced sickness benefits** equivalent to the number of hours he or she is absent due to sickness. However, the incapacity for work must result in absence of at least four hours a week, including transport and waiting time for out-patient treatment.

**A reduction in the workload** will not make the employee eligible for reduced sickness benefits if this does not at the same time result

in a reduction of his or her working hours by at least four hours a week. Full capacity for work on certain days does not preclude the employee's right to reduced sickness benefits.

**It is not, in itself, sufficient** to be assessed partially incapable for work that the employee leaves work before time or starts work later. The municipality must have estimated in advance that the employee on sick leave can only partially perform his or her duties.

**For unemployed people on partial sick leave**, sickness benefits are calculated as if they were completely incapable of working. The reason is that people who are partially incapable of working are not eligible for supplementary unemployment benefits.

**The same applies to employees on sick leave** where the employer cannot partially take back the employee. In these cases, the full amount of sickness benefits or full reimbursement is paid to the employer if the employer pays the employee wages during sickness absence.



## **Important addresses and telephone numbers**

### **Danish Immigration Service**

*(Udlændingetjeneste)*

Ryesgade 53

DK-2100 Copenhagen Ø

tel. 35 36 66 00

e-mail: [us@us.dk](mailto:us@us.dk)

website: [www.nyidanmark.dk](http://www.nyidanmark.dk)

### **LO - Danish Confederation of Trade Unions**

*(Landsorganisationen i Danmark)*

Islands Brygge 32D

DK-2300 Copenhagen S

tel. 35 24 60 00

e-mail: [lo@lo.dk](mailto:lo@lo.dk)

website: [www.lo.dk](http://www.lo.dk)



## **Ministry of Employment**

*(Beskæftigelsesministeriet)*

Ved Stranden 8

DK-1061 Copenhagen K

tel. 72 20 50 00

e-mail: [bm@bm.dk](mailto:bm@bm.dk)

website: [www.bm.dk](http://www.bm.dk)

## **Food Worker's Union NNF – Head Office**

*(Fødevareforbundet NNF – Hovedkontor)*

C. F. Richs Vej 103

DK-2000 Frederiksberg

tel. 38 18 72 72

e-mail: [nnf@nnf.dk](mailto:nnf@nnf.dk)

website: [www.nnf.dk](http://www.nnf.dk)

Find your **local branch** of Food Workers' Union NNF at:

<http://www.nnf.dk/Pages/default.aspx>

## **Embassy of the United States**

Dag Hammarskjölds Allé 24

DK-2100 Copenhagen Ø

tel. 33 41 71 00

e-mail: [usembassycopenhagen@state.gov](mailto:usembassycopenhagen@state.gov)

website: [www.denmark.usembassy.gov](http://www.denmark.usembassy.gov)

## **British Embassy**

Kastelsvej 36-40

DK-2900 Hellerup

tel. 35 44 52 00

e-mail: [enquiry.copenhagen@fco.gov.uk](mailto:enquiry.copenhagen@fco.gov.uk)

website: [www.ambpol.dk](http://www.ambpol.dk)

## **\*\* Other embassies in Denmark**

<https://www.borger.dk/FOA/Sider/default.aspx?fk=22&foaid=11403034>

## Important multiple language links

Important links to portals where everyone – of Danish or foreign origin – can find answers to a number of questions that are not usually part of union work.

The portals incorporate language choice buttons, meaning that they can be read – and in some cases listened to – in English, German and Polish.

[www.3f.dk/udenlandskarbejdskraft](http://www.3f.dk/udenlandskarbejdskraft)

3F's portal on and for foreign labour, providing registration forms in various languages. Available in six languages.

[www.workinfo.dk](http://www.workinfo.dk)

The joint portal of the Ministry of Employment and a number of trade unions.

[www.workimport.dk](http://www.workimport.dk)

The portal of Eures/The National Labour Market Authority for companies and foreign job seekers. Available in four languages.

[www.arbejdstilsynet.dk](http://www.arbejdstilsynet.dk)

The portal of the Danish Working Environment Authority is available in five languages.

[www.nyidanmark.dk](http://www.nyidanmark.dk)

The portal of the Danish immigration Service is available in 17 languages.

[www.posting.dk](http://www.posting.dk)

Foreign companies wishing to provide services in Denmark – available in four languages.