Denmark¹⁸⁸

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For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the <u>cross-country tables</u> at the front of the review (also available individually on the <u>Leave Network website</u>). To contact authors of country notes, see the <u>members page</u> on the Leave Network website.

1. Current leave and other employment-related policies to support parents

Note on terminology. With the implementation of the EU Directive 2019/1158 from August 2022, the term *Leave* is commonly used in the general guidelines. For the sake of clarity, the following terms are applied in the report: *Graviditetsorlov* (Pregnancy leave) is the leave to be taken by the mother before birth; *Barselsorlov* (Maternity leave) the leave reserved for the mother after birth; *Fædre/med-moderorlov* (Paternity/co-mother leave) the leave reserved for the father or same-sex co-mother after birth; and *Forældreorlov* (Parental leave) the leave available for both parents after birth.

Note on total leave period. After the implementation of the EU Directive from August 2022, the total leave period following birth for each parent is 24 weeks. This means that the child can be cared for at home until it is 48 weeks old, which is the same as before the reform.

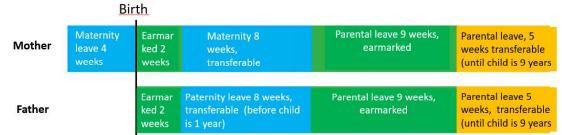
The leave period is composed as follows (see Figure 1):

- 2 weeks non-transferable earmarked leave for each parent (Maternity and Paternity/co-mother leave),
- 13 weeks transferable leave for each parent (for the mother 8 weeks Maternity and 5 weeks Parental leave, and for the father 8 weeks of Paternity and 5 weeks of Parental leave)
- Nine weeks of non-transferable, earmarked leave for each parent (Parental leave).

¹⁸⁸ Please cite as: Rostgaard, T. (2025) 'Denmark country note', in Dobrotić, I., Blum, S., Kaufman, G., Koslowski, A., Moss, P. and Valentova, M. (Eds.) *International Review of Leave Policies and Research 2025*. Available at: https://www.leavenetwork.org/annual-review-reports/

- In addition, there are 4 weeks non-transferable, earmarked prior to the birth for the mother (Pregnancy leave).
- As described in the note below, there is a variation of eligibility and flexibility rules across the different leave schemes.

Figure 1. Composition of leave periods, mother and father



a. Pregnancy and Maternity leave (*Graviditets og fødselsorlov*: see 'note on terminology') (responsibility of the Ministry of Labour)

Length of leave (before and after birth)

- 14 weeks: 4 weeks before the birth and 10 weeks following birth.
- It is obligatory to take the first 2 weeks after birth.

Payment, funding and taxation

All employees and self-employed persons are entitled to a daily cash benefit based on former earnings, up to an upper limit of DKK4,865 [€651.83]¹⁸⁹ per week for full-time employees, before tax.¹⁹⁰ This is the same amount paid for unemployment and sickness benefit.

Payments are taxed, typically between 38 to 41 per cent.

• The Danish pension system is based on three pillars: (i) a universal and tax-based public pension scheme; (ii) occupational pensions which may be quasi-mandatory given the collective agreements; and (iii) private pension savings. The public pension is not affected by taking leave. If full earnings are paid, pension payments to the occupational pension scheme are not affected by taking leave either. If leave is awarded without full pay, occupational pensions are normally affected since payments from the employer and employee are discontinued. The collective agreement may, however, specify that the employer must continue payments. Special conditions apply for employees working in the state and municipalities where the employer must continue payments to the occupational pensions. Payments to the private pension scheme are entirely covered by the employee who may/may not decide to continue payments.

Conversion of currency undertaken for 16 July 2025, using: https://data.ecb.europa.eu/currency-converter.

https://www.borger.dk/arbejde-dagpenge-ferie/Dagpenge-kontanthjaelp-og-sygedagpenge/sygedagpenge-hvis-du-er-ledig

• Funded by the state from general taxation, except for first 8 weeks when municipalities bear half of the cost, and is paid out by the public agency, Udbetaling Danmark.

Flexibility in use

• The leave must be taken within the first 10 weeks after birth. However, up to 40-46 days can be postponed.

Eligibility (e.g. related to employment or family circumstances)

- Eligibility to full compensation for an employee is based on a period of work of at least 160 hours in the four months preceding the paid leave, i.e. regardless of the partner's labour market situation. Workers must also have worked at least 40 hours per month in three of those four months, and they must be working up to the first day of the leave. Workers with temporary contracts are excluded only if they are not eligible for unemployment benefit.
- Eligibility for the cash benefit for self-employed persons (including helping a spouse) is based on at least part-time professional activity for at least six months within the last 12-month period, of which one month immediately precedes the paid leave. Likewise, the company must produce a profit. Eligibility also requires that the person is caring for the child on a daily basis. If the individual has recently started their company and has been self-employed less than six months, they can count regular paid work (not including various forms of public benefits) as work.
- People who have just completed a vocational training course for a period of at least 18 months, or who are doing a paid work placement as part of a vocational training course, are eligible for the cash benefit.
- Unemployed people are entitled to cash benefits from unemployment insurance or similar benefits (activation measures).
- Mothers who have child while studying are entitled to a total of up to 12 months' extra study grant, with the understanding that the 14 weeks of Maternity leave are covered via the study grant. Male students are entitled up to six months extra study grant.
- People on sickness benefit continue to receive this benefit which is the same amount as the Maternity leave benefit.

Variation in leave due to child or family reasons (e.g., multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

 Parents who have two or more children from the same birth or adoption are entitled to 26 additional weeks of Parental leave with parental benefits. These extra weeks are divided equally: 13 weeks for each parent, to be taken within the child's first year of life. This leave is non-transferable between the parents but can be transferred to a social parent. Solo parents are entitled to 13 extra

- weeks of leave, and can apply for an additional 13 weeks, which can be transferred to a close family member or a social parent.
- If the mother is employed and returns to full-time work, there is the right to transfer up to 8 weeks leave to the father or co-parent, if they were co-residing at birth. The weeks of leave must be taken within 1 year.
- In the case of illness or death, the 2 weeks of compulsory leave can be transferred to the father or co-parent.

Regional or local variations in leave policy

None

Additional note (e.g., if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Leave is not only regulated via national legislation, but also via collective agreements in the labour market and agreements at company level. In 2018, 82 per cent of the total workforce was covered by such collective agreements (compared to 74 per cent in the private sector). These workers receive compensation during leave from their employer, up to the value of their former earnings, i.e., their employer supplements the state benefit. The percentage of the Danish workforce that is covered by collective agreements has remained stable since 2012 but has previously declined especially among the younger age groups, which means that fewer younger workers are ensured pay during leave via a collective agreement. 192
- A number of collective agreements and work contracts have the requirement that the employee must have been employed in the company for a certain period, for instance 18 months. This positions young women poorly in regard to their right to full pay but also for taking up work elsewhere.¹⁹³
- To help employers finance the costs regarding compensation up to the workers' former earnings (see above), different leave reimbursement funds have been set up. In 1996, a leave fund was set up to reimburse private employers' leave costs, so that the cost for compensation was pooled. Several municipal employers set up identical funds in the following years, and, in 2005, it was made obligatory for all municipal employers. Municipal employers pool the costs of employees' uptake of leave, so that a workplace with a predominance of female workers should not face higher costs.
- Since 2006, it has been obligatory for private employers to also be members
 of a leave fund. As illustration, in the largest private leave fund, DA-Barsel,
 private employers pay DKK1,164 [€155.96] per year for each full-time
 employee and receive reimbursement of DKK250.16 [€33.52] per hour for up
 to 31 weeks¹⁹⁴. The additional cost of compensation for employees with higher

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¹⁹¹ DA Analyse (2020) *I Danmark er de fleste dækket af overenskomst* [Most are covered by collective agreements in Denmark]. Available at: https://www.da.dk/politik-og-analyser/overenskomst-og-arbejdsret/2018/hoej-overenskomstdaekning-i-danmark/.

http://www.ugebreveta4.dk/lo-om-15-aar-er-kun-hver-anden-medlem-af-en-fagforeni 20027.aspx?redir=newsletter&utm campaign=guest GammelA4 Ikkevalideret&utm medium=nl top&utm source=newsletter Morning&nlid=NDQy&aid=20027

¹⁹³ Politiken, 3 March 2023: *Vil virksomheder helst undgå unge kvinder med planer om at blive mødre?*

¹⁹⁴ https://www.dabarsel.dk/refusion/satser/.

hourly rates than this must be borne by the employer. Depending on the industry in question, the funds also cover full or parts of Parental leave. For example, within the industrial sector, each parent is entitled to full coverage for full wages during the whole period of Maternity, Paternity and Parental leave¹⁹⁵.

- In 2010, an evaluation of the funds covering the private sector concluded that the funds seem to be beneficial for women although employers did not believe that the fund had made them change their view on hiring women and that more men seemed to take up leave as a consequence of receiving payment during leave. Employers tended to be more positive towards men taking leave than before, as well as being generally positive in their view of the fund. Only around one third of employers were unaware of the possibility of receiving reimbursement for 29 weeks even in female-dominated sectors and therefore failed to claim such reimbursement. This was clearly related to whether or not employers paid wages during leave for their employees (COWI, 2010¹⁹⁶). Statistics from the industrial sector fund show an increase in the refunds for men's uptake of Parental leave from 17 per cent in 2012 to 40 per cent in 2015. This increase is explained with reference to larger flexibility in men's use of Parental leave, due to the removal of a clause in the collective agreement for this sector (See 1c 'Additional note').¹⁹⁷
- A reimbursement fund was set up in 2006 to cover self-employed people, who were reimbursed for the equivalent 31 weeks for women and 23 weeks for men. As of 1 April 2016, the fund was abolished, the argument being that it was too costly to cover such a small group sufficiently. This was considered by one of the major unions to represent a blow to gender equality, given that Denmark has a very low proportion of female self-employees already.¹⁹⁸ In Denmark, eight per cent of new enterprises are headed by a woman under 35 years of age. The fund was re-instated from 31 January 2021. All self-employed earning more than DKK252,890 [€33,884.47] annually are obliged to be a member. The fund received start-up funding of DKK10 million [€1,339,889.86] but is otherwise collectively dependent on members' fees. Only self-employees working full-time are covered.
- Employees in municipalities and regions are entitled to 8 weeks before birth and employees working in the state sector 6 weeks prior to birth.

b. Paternity/co-mother leave (Fædre/medmoderorlov: see 'note on terminology') (responsibility of the Ministry of Labour)

Length of leave

2 weeks.

¹⁹⁵https://www.danskindustri.dk/vi-radgiver-dig-ny/personale/graviditet-og-barsel/betaling-ved-graviditet-og-barsel/

¹⁹⁶ See COWI (2010) Evaluering af barseludligningsloven [Evaluation of the Maternity Compensation Act]. Copenhagen: Ministry of Employment.

¹⁹⁸ https://dm.dk/akademikerbladet/aktuelt/2016/februar/slut-med-selvstaendiges-barselsfond-og-udvidet-loenstatistik/

Payment, funding and taxation

 Payment and funding are the same as for Maternity leave, including pension payments.

Flexibility in use

• If the employer agrees, the weeks can be taken within a 10 week period.

Eligibility

- Employees and self-employed people in a recognized partnership, including same-sex partnerships. The parental status must have been established. The provisions are the same as for Maternity leave.
- Children born into a female same-sex family can be adopted by the comother as a stepchild. This means that an adoptive mother who is the registered partner or spouse of a female biological mother is also entitled to the Paternity (and Parental) leave cash benefit. Male same-sex couples who have conceived children via a surrogate mother do not have the same possibilities.
- Unemployed fathers receive unemployment benefit and people on sickness benefits receive sick benefit in the two weeks of Paternity leave.

Regional or local variations in leave policy

None

Additional note (e.g., if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

 All male employees covered by collective agreements receive full earnings during the Paternity leave. However, as stated earlier (see 1a additional note), the percentage of the Danish workforce covered by collective agreements is declining, especially among the younger age groups.

c. Parental leave (*Forældreorlov:* see 'note on terminology') (responsibility of the Ministry of Labour)

Length of leave

- 14 weeks for each parent.
- Leave is an individual entitlement, of which nine weeks are non-transferable.

Payment, funding and taxation

 Payment and funding are the same as for Maternity leave, including pension payments

Flexibility in use

- If the employer agrees, the leave can be taken part-time, as single days or single weeks, and must be taken within a 10 week period.
- Up to 40-46 days can be postponed. The leave must be taken before the child is 9 years. Subject to agreement with the employer, more weeks can be postponed.
- 9 weeks of earmarked Parental leave cannot be transferred. This leave must be taken within 1 year after the birth of the child, unless the parent due to special circumstances is unable to take-up leave.
- The 5 weeks of transferable Parental leave must be taken within 1 year after the birth of the child.
- If leave is transferred, the employer must agree to postponing this period to after the child is 1 year.
- Between 8 and 13 weeks can be taken later.
- Both parents can be on leave at the same time.
- Each parent can prolong their 32 weeks' leave to 40 weeks (for all) or 46 weeks (only employed and self-employed people). In this case, the benefit level is reduced over the extended leave period, so that the total benefit paid equals 32 weeks at the full rate of benefit (though this extended benefit can only be claimed by one parent, as benefit is per family and not per parent).
- It is possible to return to work on a part-time basis, with a reduced benefit payment spread over this extended period of leave (e.g., a parent may work part-time and thus prolong the leave period from 32 to 64 weeks). This is subject to agreement with the employer.

Eligibility (e.g., related to employment or family circumstances)

- As for Maternity leave.
- Fathers who are studying receive a total of up to nine months' extra study grant.
- Same-sex parenting couples have the same eligibility as described above in section 1b.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent)

- For multiple births, see under Maternity leave
- In the case that the mother and father/co-mother do not cohabitate at the time of birth, do not have shared custody, or if the child only has one judicial parent at the time of birth (if the child is conceived by donor of the other parent has passed away), the single parent has a right to 46 weeks of leave after birth. Single parents can transfer up to 13 weeks of leave to near family members.
- LGBT+ families can transfer leave to so-called social parents (non-biological co-parents), so they can share leave between all parents, e.g., two legal parents and two so-called social parents. Social parents are defined as: the spouse of a legal parent, the cohabiting partner of a legal parent if they have lived together for a minimum of two years, a known donor with a parental relation to the child, or the spouse/cohabiting partner of the known donor if this person has a parental relation to the child. The legal parents can each transfer up to 13 weeks of leave to a social parent.

None

Additional note (e.g., if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- All employees covered by collective agreements receive full earnings during part or all of the Parental leave period (a maximum coverage may be set in the agreements, however); see above in section 1a additional note.
- See section 1a regarding the reimbursement fund for the self-employed.
- From 2007, the industrial sector (representing 7,000 employers nationwide, including production, service, knowledge, and IT, and encompassing more than 500,000 employees) introduced a paid father's quota in Parental leave. The entitlement was up to 9 weeks' Parental leave with payment,3 weeks with pay for the father, 3 weeks for the mother, and 3 weeks for the parents to share the weeks for the mother and the father respectively were quotas and, therefore, lost if not used. Later agreements have prolonged the period to first 4+4+3 weeks (in 2014)¹⁹⁹, to 5+5+3 weeks (in 2017) and from 2020, 8+5+3, i.e., the father has now the right to half of the earmarked weeks.²⁰⁰ Parents covered by this agreement can take Parental leave with pay within a year after the birth of the child.
- In spring 2008, a similar Parental leave model was also introduced for employees working in the public sector. If both parents work in this sector, they are entitled to leave with full payment for 6+6+6 weeks' Parental leave 14 weeks of Maternity leave and 18 weeks of Parental leave, all with full payment, making a total of 32 weeks. 6 weeks was earmarked for the mother, 6 weeks for the father, and 6 weeks could be shared. As a part of the labour market negotiations in spring 2015, fathers employed in the public sector got one further week earmarked with full payment, making a total of 7 weeks.
- Before August 2022 parents could be situated differently after divorce. In principle, they had identical rights to Parental leave. However, if the parents disagreed about how to share the leave, it was the parent with whom the child resided who decided how the Parental leave was split, in most cases the mother. Also, a father who was not married to the mother or in a registered partnership could also risk losing his formal status as a father, and therefore the eligibility to Parental leave. This could happen if the mother found another partner and registered him as the parent.²⁰² But after the introduction of earmarked leave in September 2022 parents now have equal rights to Parental leave after divorce.

²⁰¹ CO Industri & DI (2020) Industriens Overenskomst 2020-2023, https://www.danskindustri.dk/vi-radgiver-dig-ny/di-dokumenter-for-personale/personalejuras-dokumenter/overenskomster/industriens-overenskomst/

²⁰² Ibid

d. Childcare leave or career breaks

No statutory entitlement.

e. Other types of leave and flexible working

Adoption leave and pay

• For adoptive parents, the same regulations for Parental leave apply as for other parents, with the exception that there is a right to take two of the 48 weeks by both parents together.

Time off for the care of dependents

• Most working contracts and labour market agreements include the right to take 1 day off per sick spell to care for a sick child. Public employees are entitled to two days. Leave is paid.

Specific provision for (breast)feeding

None.

Flexible working

- With the implementation of the EU Directive, a new right for parents (including co-mothers and social parents, see under Parental leave) was introduced to apply for changes in their work arrangements after the leave period. The new right entitles parents with one or more children under nine years old to apply in writing for changes in work hours, or work patterns in a specific period of time. Flexible work may include distance working, working from home, or a reduction in work hours.
- If the application is denied, the employer must argue why. The right against dismissal, which is in place during leave, now also encompasses when the employee applies for changes in the work arrangement.
- The changes were implemented from August 2022 for parents and comothers and came in force from 1 January 2024 for social parents.

Antenatal appointments and care

Workers can take paid leave for antenatal appointments.

Other provision

• **Care benefit.** All employees may, depending on the assessment of the local municipality, be eligible for a care benefit (*Plejevederlag*) if they care for a terminally ill relative or close friend at home. The municipality decides the length and level of benefit payment. There is no entitlement to leave associated with this benefit.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave is 18 months, or just under 11 months if taken full-time paid at the normal rate. There is an entitlement to Early Childhood Education and Care (ECEC) from when the child is six months of age, so there is no gap between the end of well-paid leave and an ECEC entitlement.

For ECEC attendance levels, see 'relationship between leave and ECEC entitlements' in the <u>cross-country tables</u> at the front of the review.

3. Changes in policy since April 2024 (including proposals currently under discussion)

No changes reported.

4. Uptake of leave

Statistics on the uptake of leave do not provide data on the proportion of parents using either Maternity, Paternity or Parental leave; instead uptake is grouped across the three forms of leave.²⁰³ Most statistical accounts use data on parents who are eligible only and the following presentation will focus on parents in couples with eligibility for the cash benefit. This section refers to the latest available figures, which are from May 2023. These show that the EU Work-Life Balance Directive has had a clear effect on leave take up.²⁰⁴

a. Mothers on leave

Focusing on cohabiting couples where both parents were eligible for the cash benefit, in 2023, 100 per cent of eligible mothers took leave. This is the same proportion for mothers as in the year before the Directive. The effect of the implementation of the Directive is visible in that mothers have decreased their leave period by 4 days: cohabiting mothers eligible for parental benefits who had a child in the last 5 months of 2023 took an average of 241 days of parental leave, a decrease of 4 days compared to the 2022 cohort, and a decrease of 37 days compared to the 2021 cohort. In the years leading up to the legislative change, mothers' Parental leave dropped by about 1 day per year for comparison.

The statistics also show that it is mothers who care for the youngest children. Among cohabiting parents who both took Parental leave, most mothers who had a child in the last 5 months of 2023 combined their own earmarked leave, their non-earmarked leave, as well as the father's non-earmarked leave within the child's first 36 weeks.

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²⁰³ https://www.statbank.dk/BARSEL04

²⁰⁴ https://www.dst.dk/da/Statistik/nyheder-analyser-publ/nyt/NytHtml?cid=50978

The women who finish their leave earliest do so around week 26, after which the number of mothers on leave gradually declines until week 37, by which point the mother has used up most of the leave she is entitled to with parental benefits. Only then, around 37 weeks after the child's birth, do fathers in larger numbers begin to take their earmarked leave. This pattern is the same as for parents of children born in the corresponding months of 2022.

b. Fathers on leave

The effect of the Directive for fathers is evident in the proportion of fathers taking leave and in their total leave period: Among the couples where both were eligible for leave, 89 per cent of eligible fathers took leave in 2023, in comparison to 88 per cent in 2022. In the years up to the implementation of the EU Directive in 2022, the proportion of fathers on leave was typically 80 per cent. While mothers' total leave days have decreased, fathers' have increased by 3 days: cohabiting fathers eligible for parental benefits who had a child in the last 5 months of 2023 took an average of 68 days of parental leave, an increase of 3 days compared to the 2022 cohort, and an increase of 30 days compared to the 2021 cohort, which is the most recent comparable group before the 2022 Parental leave reform.

The combination of mothers taking 4 days less and fathers 3 days more, means that the total leave period for the child is reduced by 1 day: Children born in the last 5 months of 2023 spent an average of 289 days in their first year of life with at least one parent. That is 1 day less than children born in the same months in 2022, and 13 days less than those born in the same period in 2021.

Another change since the implementation of the Directive is that the transition from the mother taking leave to the father has become less gradual: for the 2021 cohort, mothers began to end their Parental leave around week 26, as more fathers started taking leave; but unlike the situation after the Parental leave reform, a relatively large number of mothers were still on leave during weeks 38–46 after the birth.

Additional analysis of fathers taking leave among couples where both are eligible for leave show that there is a clear shift after the Directive towards fewer fathers taking no or only very short periods of Parental leave. In effect, the proportion of fathers taking no more than 2 weeks of parental leave has more than halved, falling from 49 per cent in 2021 to 17 per cent in 2023.²⁰⁵

It also shows that the differences between industrial sectors have decreased: there are today significantly fewer fathers taking no more than 2 weeks of Parental leave across all industries. However, the decline has been greatest in industries where Parental leave was least common in 2021. This applies, for example, to Agriculture, Forestry and Fishing (where the share of fathers with no more than 2 weeks of leave fell from 85 per cent to 26 per cent) and Hotels and Restaurants (falling from 69 per cent to 24 per cent).

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²⁰⁵ https://www.dst.dk/da/Statistik/nyheder-analyser-publ/nyt/NytHtml?cid=50978

The analysis also shows that the gender composition at the workplace matters for the fathers' leave take-up and that fathers take more leave at workplaces with many female colleagues. At workplaces where women make up less than 10 per cent of employees, more than one in four fathers took no more than 2 weeks of parental leave in 2023I in contrast, at workplaces where over half of the employees were women, only 11 per cent of fathers took such a short leave.

There may be a number of other reasons why fathers do not take leave or take less than they are entitled to. A representative survey conducted among 2,500 men who became fathers after the reform of the parental leave showed that 24 per cent took less than the 11 weeks. ²⁰⁶ The study was conducted in August 2023, and thus one year after the reform. It revealed a mix of economic and attitudinal reasons preventing the fathers from taking leave, but also that the partner has superior leave rights and a job situation that more accommodated taking up leave. The main reason was financial concerns (50 per cent), that the mother wanted to take leave (26 per cent), having insufficient leave rights (22 per cent), the work situation did not allow it (22 per cent), the child needs a mother (for instance breastfeeding) (22 per cent), would negatively affect my career (11 per cent), the mothers leave rights are superior to mine (10 per cent), the mother is best fit to care for the child (9 per cent), the child is better off with its mother (9 per cent), other (17 per cent).

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 $^{^{206}}$ https://moedrehjaelpen.dk/wp-content/uploads/2024/01/MoedrehjaelpenTema_14Januar_2024_De-nye-barselsreglers-indflydelse-paa-familielivet16.01.24.pdf