Denmark

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

Note on terminology: Graviditetsorlov is the leave to be taken by the mother before birth; Barselsorlov the leave reserved for the mother after birth; Fædre/medmoderorlov the leave reserved for the father or same-sex co-mother after birth; and Forældreorlov the leave available for both parents after birth. However, in Danish law, the four leave schemes bear the same name, Barselsorlov (or literally Childbirth Leave) because they technically all originate from the same law on leave.

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

a. Maternity leave (Graviditets and Barselsorlov: see ‘note on terminology’) (responsibility of the Ministry of Labour)

Length of leave (before and after birth)

- 18 weeks: four weeks before the birth and 14 weeks following birth. The first two weeks after the birth are compulsory.

Payment and funding

All employees and self-employed persons are entitled to a daily cash benefit based on former earnings, up to a limit of DKK 4,405 [€591.73]² per week for full-time employees, before tax.

The cash benefit scheme is funded by the state from general taxation, except for first eight weeks when municipalities bear half of the cost.

According to the work contract, full earnings may be paid during leave.

**Pension payments**

The Danish pension system is based on three pillars: 1) a universal and tax-based public pension scheme, 2) occupational pensions which may be quasi-mandatory given the collective agreements, and 3) 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.

**Flexibility in use**

None.

**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 day prior to 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 professional activity on a certain scale for at least six months within the last 12-month period, of

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which one month immediately precedes the paid leave. Eligibility also requires that the person is caring for the child on a daily basis.

- 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).
- Students are entitled to a total of 12 months’ extra study grant, with the understanding that the 14 weeks of Maternity leave are covered via the 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

- None. There is no additional leave for multiple births as the right to Maternity (and Paternity and Parental) leave is related to the event of birth and not the number of children born.

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

- In Denmark, leave is not only regulated via national legislation, but also via collective agreements in the labour market and agreements at company level. In 2015, 83 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.
- 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

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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 DKK924 [€124.12] per year for each full-time employee and receive reimbursement of up to DKK193.185 [€25.95] per hour for up to 31 weeks. The additional cost of compensation for employees with higher 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 (as of 2017) entitled to full coverage for five weeks, and in addition three weeks can be shared.

- In 2010, an evaluation of the funds covering the private sector showed that around 100,000 companies were members of a fund. The report 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, 2010). 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 (cf. 1c Additional note).

5 http://www.dabarsel.dk/refusion/saa-meget-kan-du-faa
As of October 2017, the types of leave are reimbursed differently: pregnancy and Paternity leave (DKK64.96 [€8.69] per hour), Maternity leave (DKK73.46 [€9.87] per hour), and Parental leave (DKK87.52 [€11.75] per hour).

6 See http://www.dabarsel.dk/refusion/saa-laenge-kan-du-faa-refusion
tralist_From_MorningNL&utm_medium=nl_top&utm_source=newsletter_Morning&nlid=NjY5&aid=20405
A reimbursement fund was also 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. Only in Denmark, 8 per cent of new enterprises are headed by a woman under 35 years of age. With the Finance Bill for 2020, the Social Democratic ruling party together with centre and left-wing parties (Det Radikale Venstre, SF, Enhedslisten and Alternativet) agreed to re-instate the fund and it is supposed to be legislated in 2020. The fund will receive start-up funding of 10 million DKK [€1,343,327.69] but will otherwise be collectively dependent on members’ fees. Only self-employees working full-time will be covered.

b. Paternity leave (Fædre/medmoderorlov: see ‘note on terminology’) (responsibility of the Ministry of Labour)

Length of leave

- Two weeks.

Payment and funding

- Payment and funding are the same as for Maternity leave.

Pension payments

- Payments made in the same way as for Maternity leave.

Flexibility in use

- Employed fathers (as well as same-sex co-mothers) can take Paternity leave during the first 14 weeks after the child’s birth. Fathers who are unemployed or students need to use the leave the first two weeks after the birth.

Eligibility

- Employees and self-employed people in a recognised partnership, including same-sex partnerships. The provisions are the same as for Maternity leave.

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9 See http://magisterbladet.dk/news/2016/februar/slutmedbarselsfondogudvidetloenstatistik
• Same-sex co-mother: As of 1 July 2009, it was decided that children born into a female same-sex family can be adopted by the co-mother as a stepchild already from birth. 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. Legally, there can only be two parents, in this case the biological mother and father. The non-biological father can only adopt the child after 2.5 years and does therefore not have eligibility for Paternity (and Parental) leave.10

• As Denmark has no earmarked leave, parents may be situated differently after divorce. In principle, they have identical rights to Parental leave. However, if the parents disagree about how to share the leave, it is the parent with whom the child resides, who decides how the Parental leave is split, in most cases the mother. Also, a father who is not married to the mother or in registered partnership may also risk losing his formal status as a father, and therefore the eligibility to Parental leave. This may happen if the mother finds another partner and registers him as the parent.11

• Unemployed fathers receive unemployment benefit and people on sickness benefits receive sick benefit in the two weeks of Paternity leave.

• Fathers who are studying receive a total of six months’ extra study grant that must also cover the two weeks’ Paternity leave.

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

• Each parent has a right to thirty-two weeks of Parental leave. The right to leave is an individual entitlement. However, although each

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11 Ibid
parent can take 32 weeks of leave, each family can only claim 32 weeks of leave cash benefit in total.

Payment and funding

- Payment and funding are the same as for Maternity leave.

Pension payments

- Payments are the same as for Maternity leave.

Flexibility in use

- Between eight 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 Maternity leave.
- Fathers who are studying receive a total of six months’ extra study grant.
- Same-sex parenting couples, same eligibility as described above in section 1b. for Paternity leave.

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)

- 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.
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 nine weeks’ Parental leave with payment. Three weeks of this Parental leave with pay for the father, three weeks for the mother, and three 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), 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. 13, 14

In the 2012 agreement for the industrial sector, a clause was removed. This clause determined that pay during Parental leave was contingent on leave being taken immediately after the Maternity leave, i.e. week 15 after birth. The clause reduced the flexibility of use considerably; especially in the fathers’ uptake of Parental leave (Bloksgaard, 200915). Now, 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 the state 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. Six weeks was earmarked for the mother, six weeks for the father, and six 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 seven weeks.

d. Childcare leave or career breaks

No statutory entitlement – it would be dependent on collective agreement or individual contract, but it is not commonly used.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents, the same regulations for Parental leave apply as for other parents, with the exception that two of the 48 weeks must be taken by both parents together.

Time off for the care of dependents

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

Flexible working

- None.

Specific provision for (breast)feeding

- None.

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

The maximum period of paid post-natal leave available in Denmark is 14 months, if parents take the option of a part-time Parental leave period with a lower benefit payment. Leave at 100 per cent of earnings subject to a ceiling lasts for 11 months. There is an entitlement to ECEC from when the child is six months of age, so there is no gap between leave and ECEC entitlements. Levels of attendance at formal services for children both under and over three years of age are well above the average for the countries included in this review, as well as for OECD countries in general. For actual attendance levels, see ‘relationship between leave and ECEC entitlements’ on cross-country comparisons page.

3. Changes in policy since April 2019 (including proposals currently under discussion)
As mentioned, the reimbursement fund for the self-employed was introduced in the Finance Bill for 2020 and is expected to be legislated in 2020. Also, as mentioned, there has been an extension of earmarked leave for fathers in the private sector.

The implementation of the recent EU Directive on Leave will mainly have implications for Denmark in regards to the two months earmarked leave as this is at present not a statutory entitlement in Denmark. The Minister of Labour will head the implementation work, assisted by the labour market partners.

In order to ensure young children starting at ECEC a good process, it has been suggested by the Christian Democratic Party to prolong the Parental leave period.16 No other parties have so far supported this agenda.

**Policy response to the Covid-19 pandemic up to end June 2020**

**Childcare and schools**

- Denmark confirmed its first official case of COVID-19 on 27 February 2020; by 11 March 2020, the number of cases had reached 514, and the Government decided to introduce a lockdown with effect from 13 March. As of 16 March 2020, this included ECEC services, such as kindergarten, nurseries and family day care, which were to close down for two weeks initially. Municipalities instead set up acute day care for those children whose parents were not able to stay at home. All people working in non-essential functions in the public sector were ordered to stay home for two weeks and private employers were encouraged to let employees work from home also. Essential functions in the public sector included health and social care staff, employees working with persons in risk or ion placement, police, fire patrol etc.

- Because of the risk of infection, authorities recommended that children were not cared for by grandparents.

- The first partial re-opening was announced on 6 April 2020. This included the re-opening of ECEC and other childcare services from 15 April 2020, as the first country in Europe, but with major changes to daily life: parents should drop of their children outside, and in set intervals. Indoor and outdoor spaces were separated into smaller zones in order to control the number of children and

16 [https://politiken.dk/debat/debatindlaeg/art7756479/Glem-ikke-b%C3%B8rnene-%E2%80%93-giv-tre-m%C3%A5neders-ekstra-barsel-til-for%C3%A6ldre](https://politiken.dk/debat/debatindlaeg/art7756479/Glem-ikke-b%C3%B8rnene-%E2%80%93-giv-tre-m%C3%A5neders-ekstra-barsel-til-for%C3%A6ldre)
to prevent spreading of disease across zones and staff were not to work in different zones. Within each zone the group of children should not exceed three children if below four years old and six children if over three years old. Children and staff were to wash hands at arrival and regularly during the day. Toys should be cleaned and disinfected on a daily basis. Only mats and rugs which could be cleaned daily were to remain in the rooms. The Danish Health Authorities provided signs and posters to hang at building entrances and where staff and parents convene. As of 23 June 2020, some of the hygiene and zone restrictions have been lifted.

- The acute day care was used by very few families, causing a debate that it was damaging for especially children at risk not to be able to attend childcare. After the re-opening, many parents have kept their children at home. Children who were intended to start up in childcare were affected, as many childcare centres said they could not provide the necessary staff in order to introduce the child to the new surroundings.
- Primary schools also closed down 16 March 2020, initially for 2 weeks. On 15 April 2020, Denmark was the first country in Europa to reopen its schools, but only for primary school pupils from six to twelve years old. It was compulsory for parents to send their children back to school, unless their doctor advised against it. The schools introduced more space between children inside and outside, often dividing classes into two. Much of the teaching took place outside. Regular handwashing and disinfection were introduced. The Danish Health Authorities conclude that the re-opening might have caused the reproduction rate to increase slightly but it has not made the virus actually accelerate.

**Parental leave**

- The leave options were not affected or modified.

**Other measures for parents and other carers**

- Due to the Corona crisis, special guidelines have been introduced, making it e.g. possible for pregnant employees working in the child, health, social or long-term care sectors to take up sickness leave from the 28th week of pregnancy, if it is not possible to work from home. There may be an entitlement to a cash benefit.\(^\text{17}\)

### 4. Uptake of leave

\(^\text{17}\) https://www.borger.dk/familie-og-boern/Barsel-oversigt
Statistics on the uptake of leave do not provide data on the proportion of parents using either Maternity, Paternity or Parental leave. Instead leave uptake is grouped across the three forms of leave.\textsuperscript{18}

Also, data on leave uptake for all Danish parents has only been available since 2015. Prior to this, data covered only those who were eligible for a cash benefit. As of 2018, 84 per cent of the fathers and 79 per cent of the mothers was eligible. Parents who are not eligible for leave often use instead annual vacation and it is difficult to estimate how much time they actually spend with the child. Therefore, most statistical accounts use data on parents who are eligible only and the following presentation will mainly focus on parents with eligibility for the cash benefit.

\textbf{a. Mothers on leave}

As of 2018, 78 per cent of all mothers took leave with benefit. Focusing further on cohabiting couples who were both eligible for the cash benefit, in 78 per cent of cases both took leave (not necessarily at the same time) and in 21 per cent of cases only the mothers took leave. Statistics indicate that in these couples, mothers’ leave uptake is stable over time. Mothers took on average 276.5 to 273.9 days between 2015-2018, while mothers who have taken leave alone took 297.4 to 297.9 days over the same period.\textsuperscript{19}

Well-educated mothers take the shortest leave (in contrast, the opposite is the case among fathers; here, well-educated fathers). The education level of the mother and her position in the labour market is central to the division of leave between the parents. Mothers employed in agriculture take the longest leave, while mothers employed in information and communications take the shortest leave.\textsuperscript{20} New Danish research confirms that women in general still lose out in life-time earnings when they take leave.\textsuperscript{21}

\textbf{b. Fathers on leave}

\textsuperscript{18} Statistikbanken Danmarks Statistik - statistikbanken.dk/Barsel04 https://www.statbank.dk/BARSEL04
\textsuperscript{19} The number of leave days from 2015 differ from the 2019 report due to a change of reporting methods in Statistics Denmark. A day of just one hour's maternity counted for a full day in the previous report while it only counts for a fraction of a day in this report. Also, the number of leave days are only counted up until the child turns 1 year.
79 per cent of fathers in 2018 took leave with benefit, i.e. all of those eligible took leave. The proportion of fathers taking leave has not changed since 2015. In 2018, 1 per cent of eligible fathers took leave alone.

There has over time been a change in fathers’ average take-up of leave days. Earlier accounts from 2007-2010 have shown an increase in the number of days that fathers take, when both the mother and the father take leave (not necessarily at the same time) – from 32 days on average in 2007 to 37 days in 2010 and data for 2011-2013 showed some stabilization in these figures.

This increase in fathers’ leave days may be explained by the introduction of a fathers’ quota in the collective agreements and (partly) by the removal of the clause in the collective agreement of the industrial sector, which led to larger flexibility in leave use for employees covered by this agreement, especially fathers\(^{22}\) (see section 1c).

Applying new methods to account for leave uptake introduced in 2015, there appears again to be an increase in father’s leave days. However, part of the explanation may be a change in statistical reporting.\(^{25}\) Among couples where both are eligible and regardless of how the leave was shared, the average days that fathers took in the period from 2015-2018 increased from 29.3-31.9 days. In couples, where both took leave, these days increased also, from 35.9-39.5 days. In the few families where the fathers were the only parent to take Parental leave, their leave uptake in 2018 was 48.4 days.\(^{23}\)

Statistics on fathers’ leave uptake based on data from 2018 and most recent data also show that:
- Well-educated fathers and fathers with a high income take the longest leave.
- Fathers living in the largest cities take the longest leave. E.g. eligible fathers living in Copenhagen city take on average 45.2 days, compared to 23.4 days in West-Jutland. The explanation is again found in the level of education with persons with higher education being concentrated in the larger cities.
- Fathers employed in the public sector take the longest leave period (50 days).
- Fathers employed in male-dominated branches take 5 days less than the average.
- Self-employed fathers take the least leave (16 days).

\(^{23}\) Danmarks Statistik - statistikbanken.dk/Barsel04. Available at: https://www.statbank.dk/BARSEL04
• Fathers with well-educated partners take 60 per cent longer leave than fathers on average.\textsuperscript{24, 25}

Statistics from 2016 on how parents, where both take leave, share the total leave period show that frequently the father takes precisely the two weeks’ Paternity leave and the mother 46 weeks, equalling the 14 weeks’ Maternity leave and the 32 weeks of Parental leave.\textsuperscript{25}

Fathers tend to take less leave, if mother and father did not live together when the child was born, for instance after a divorce. Here, fathers take on average 19 days in 2018, an increase from 16 days in 2015.\textsuperscript{25}

A report from The Danish Institute for Human Rights concludes that both mothers and fathers experience discrimination due to pregnancy and leave uptake – mothers to the largest degree.\textsuperscript{26} This is despite new research based on Danish data which shows that there are no measurable firm effects on firm output, profitability or survival when employees take leave.\textsuperscript{27}

\begin{itemize}
  \item \textsuperscript{24} Danmarks Statistik (2017) \textit{Fædres brug af orlov}, København, Danmarks Statistik.
  \item \textsuperscript{25} Danmarks Statistik (2017) \textit{Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2016}. 2017: 9, København: Danmarks Statistik.
  \item \textsuperscript{26} Warming, K. (2016) \textit{"Diskrimination af forældre. Oplevelsen af diskrimination i forbindelse med graviditet og barselsorlov"}. Copenhagen: The Danish Institute for Human Rights.
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