

## Act on Employees' Entitlement to Absence from Work for Special Family Reasons <sup>1)</sup>

BE IT KNOWN that the Folketing (Danish Parliament) has enacted and We Margrethe the Second, by the Grace of God, Queen of Denmark, have given Our Royal Assent to the following Act:

1. An employee shall be entitled to absence from work where

- (i) urgent family reasons in cases of sickness or accident make the immediate presence of the employee indispensable (force majeure),
- (ii) the employee is engaged by the local authority according to the provisions hereof in the Act on Social Services in order to care for a closely connected person with substantial and permanent impairment of physical or mental function or serious, chronic or long-term illness, or
- (iii) the employee receives constant care allowance according to the provisions hereof in the Act on Social Services in order to care for a closely connected person who wishes to die in his/her own home.

2. – (1) An employee who wishes to exercise the right to absence under section 1 (ii) must, no later than six weeks prior to the engagement, inform the employer of the date for the beginning of the period of absence and of the duration of the period.

(2) An employee who wishes to exercise the right to absence under section 1 (iii) must, no later than simultaneously with the submission of an application to the local authority for constant care allowance, inform the employer of the expected date for the beginning of the period of constant care leave and, as far as possible, of the expected duration of the period of care leave.

(3) If the date for the beginning of the period of absence is postponed, the employee must, without undue delay, inform the employer of this. Furthermore, the employee must, without undue delay, inform the employer of the new date for the beginning of the period of absence.

3. – (1) An employee who exercises the right to absence under section 1 (ii) and who wishes to return to work before the date originally noticed must, no later than four weeks prior to the return to work, inform the employer of this.

(2) In case of discontinuation of the care relationship under section 1 (iii), the employee must inform the employer as soon as possible and at the same time inform the employer of when work will be resumed. If the care relationship is discontinued as a result of the death of the closely connected person, information must be provided no later than two working days after the death.

(3) The employee shall be obliged to resume work no later than 14 days after the discontinuation of the care relationship under section 1 (iii) unless otherwise agreed with the employer.

4. – (1) An employer must not dismiss an employee for the reason that he/she has made a claim for exercising the right to absence, exercises the right to absence, or has exercised the right to absence under the provisions laid down in this Act.

(2) If an employee is dismissed contrary to section 1, the employee shall be entitled to compensation from the employer.

5. – (1) The provision laid down in section 1 (i) shall not apply to seafarers, who are subject to section 18 d of the Merchant Shipping (Masters' and Seamen's) Act.

(2) The provision laid down in section 1 (i) shall not apply to the extent that entitlement to time off from work on grounds of force majeure follows from a collective agreement which as a minimum corresponds to the provisions of Council Directive 96/34/EC on the framework agreement on parental leave concluded by UNICE, CEEP and the EFS.

(3) The provisions laid down in section 1 (ii) and (iii) shall not apply if the employee is subject to a collective agreement that provides corresponding rights.

6. – (1) The Act shall come into effect on 1 April 2006.

(2) Simultaneously, Act no. 359 of 6 June 2002 on leave for employees to care for a disabled or severely sick closely connected person shall be repealed.

*Given at Amalienborg Palace, 22 March 2006*

*Under Our Royal Hand and Seal*

*Margrethe R.*

*/Lars Barfoed*

#### Official notes

<sup>11</sup> This Act contains provisions that implement Article 3 of Council Directive 96/34/EC of 3 June 1996 on the framework agreement on parental leave concluded by UNICE, CEEP and the EFS (Official Journal L 145, 19/06/1996 P. 0004-0009), as amended by Council Directive 97/75/EC of 15 December 1997 (Official Journal L 010, 16/01/1998 P. 0024-0024).