

Article 22 of the Constitution of the ILO

REPORT

Report for the period 1 June 2013 – 31 May 2016 made by the Government of Denmark on the

Freedom of Association and Protection of the Right to Organise Convention 1948 (87)

I. – V. Reference is made to the previous reports.

VI.

Copies of this report have been sent to the Danish Employers' Confederation (DA), Local Government Denmark (KL), the Danish Confederation of Trade Unions (LO), the Confederation of Professionals in Denmark (FTF) and the Danish Confederation of Professional Associations (AC) which are the most representative employers' and workers' organisations.

Employers' organisations:

- The Danish Employers' Confederation, Vester Voldgade 113, DK-1790 Copenhagen V
- Local Government Denmark, Weidekampsgade 10, P.O. Box 3370, DK-2300 Copenhagen S

Workers' organisations:

- The Danish Confederation of Trade Unions, Islands Brygge 32D, DK-2300 Copenhagen S
- The Confederation of Professionals in Denmark, Niels Hemmingsensgade 12, DK-1010 Copenhagen K
- The Danish Confederation of Professional Associations, Nørre Voldgade 29, P.O. Box 2192, DK-1358 Copenhagen K

Observation, 2013

Articles 2 and 3 of the Convention

Reference is made to the observation concerning ILO Convention no. 87 and section 10 of the Act on the Danish International Register of Shipping (DIS).

Reference is made to the Government's comments and information on the Danish shipping industry under the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).

Direct request, 2013

Article 2 of the Convention

The Committee has requested the Government to clarify whether seafarers not resident in Denmark and working on board DIS ships, whether employed under a collective agreement according to section 10(3) of the DIS Act or individually employed, have the right to become members of a Danish trade union that is not party to the DIS Main Agreement.

The DIS Main Agreement of 28 February 2013 comprises the majority of social partners in the shipping industry (Danish Shipowners' Association, The Shipowners' Association of 2010, Danish Maritime Officers, Danish Engineers' Association and Danish Metalworkers Union (Maritime Section)).

Paragraph 7, subsection 1, last indent, of the DIS Main Agreement states that seafarers employed under a collective agreement according to Article 10(3) of the Act on the Danish International Register of Shipping (DIS) may choose to be a member of a Danish trade union.

It is the understanding of the Government that the Act on The Danish International Register of Shipping does not prevent any non-Danish domiciled seafarer from becoming a member of any Danish Trade Union.

Thus the legislation does not prevent a seafarer not resident in Denmark and working on board a ship registered in the Danish International Register of Shipping to choose to be member of any Danish trade union provided that the membership is in accordance with the individual trade unions own rules.

The DIS Main Agreement of 28 February 2013 has already been enclosed in the previous report from the Government to the ILO (in Danish and in English).

Article 3 of the Convention

As stated in the previous reports, employment of teachers as civil servants was discontinued in 1993 for new appointments.

Teachers already employed as civil servants kept their status as civil servants with their favourable conditions of employment, including a very favourable pension scheme, compared to employment on collective agreements. This group of teachers is continuously decreasing as the teachers retire on account of age. Consequently this group of teachers will eventually become extinct.

Should the unions be given the possibility of issuing strikes for teachers employed as civil servants in connection with collective bargaining, this would require a profound change of the system in order to maintain the balance of the total set of the employment conditions for civil servants.

Furthermore, initiating changes of the employment conditions for teachers employed as civil servants does not seem expedient at this time due to the rapid decrease of the number of teachers in this group.

The number of teachers with civil servant status has decreased to 5.453 in 2016 and the group is expected to include approximately 800 persons in 2023 and will eventually become extinct.

The Government is confident that no strike actions will occur that would make sanctions against teachers with civil servant status relevant.