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FLASH REPORT

Country:	Denmark
Title:	Impact of COVID-19 on gender equality
Date:	20 July 2020
Expert:	Natalie Videbæk Munkholm and Højer Schjøler
Context	
Issue at stake:	The effects of COVID-19 on gender equality
Grounds of discrimination:	Gender
Field of application:	Employment
Source:	Policy development
Applicable law:	Equal Pay Act, Consolidation Act No. 156, 22 February 2019

Content

The Danish Government has adopted several measures aiming to mitigate the economic consequences for businesses, especially in respect of the possible risk of mass redundancies, both via statutory legislation and tripartite agreements. None of these measures were aimed at combatting gender inequalities of which there were no reports. However, some of the consequences of the COVID-19 crisis could have a adverse effect on women due to their role as primary caretaker, whereas the societal acknowledgement of the bravery of healthcare workers could have a positive effect of their claim for equal pay. Both issues which will be discussed in detail below.

The Danish society was locked down on the 10 March 2020. The lock-down inter alia included closing of schools, public childcare services, universities, cultural institutions, restaurants, cafes aso. Public gatherings of more than 10 people were prohibited. Despite the lock down, all schools and educations continued teaching through online classes and no classes were cancelled. The level digitalisation is very high in Denmark, thus enabling remote work and remote schooling to take place without neither schools nor employers having to take added measures, when the lock-down forced employees and school children to stay home.

As a result of the lock-down, all non-essential public employees were sent home to work from their private home. A large number of health caretakers, in particular nurses and doctors, were naturally deemed essential in the fight against the pandemic, which led to a surge of public emphathy and acclaim directed towards these workers. In the public eye these worker, the majority of them being women, they risked their lives in the combat against the pandemic and were thus regarded as heroes.¹ There were many forms of appreciation shown towards them; people applauding from their balconies, planes drawing hearts in the sky, gifts being thrown into hospital wards, free cakes, and food from restaurants among other things, all in honor of the health personnel at the Danish hospitals.

¹ <https://www.dr.dk/nyheder/webfeature/coronahelte>.

At the same time, the Danish Minister of Health Magnus Heunicke and the Danish Prime Minister, Mette Frederiksen paid tribute to the "front staff" and highlighted how much they "slaved" for Denmark.

This led the Grete Christensen, Chairman of the Danish Nurses Organization to reopen the topic of nurses receiving a lower pay when compared to male dominated jobs, such as construction engineer bearing in mind they have the same educational requirements, which makes it a question of equal pay.

The Nurses Organization referred to statistics from 2017 showing that a full-time nurse earns an average of DKK 29 300 (EUR 3 900) a month, while a construction engineer earns an average of DKK 37 600 (EUR 5 000) a month. According to the Nurses Organization they both require a medium-term education, but the difference being that 96 % of all nurses are women, while 85 % of building engineers are men.² There is very little case law on the question of equal pay between cross-sector work, i.e. the question of 'work of the same value'. The Nurses Organization has on numerous occasions raised awareness about the topic in the public discourse and tried to appeal to politicians to solve the matter, and they have tried using it as leverage when bargaining for renewal of their collective bargaining agreements with the primary counterpart, the Danish Regions, but their attempts have not been successful until now. It is not unlikely that the public opinion on the heroic deeds of their members can generate sufficient political goodwill to bring about a renewed discussion and even will to accommodate the demand for equal pay for nurses, but only time will show.

Private employers were strongly encouraged to send their employees home to work, or to let them take time off in lieu or take outstanding holidays. This affected the Work-Life Balance, but as of yet there have been no studies on it having a gender adverse effect. However, when keeping it mind the documented³ genderorientated role distribution in terms of house keeping and the majority of single providers being women, the stress of having to work from home, whilst homeschooling children, could probably result in women being treated less favourably than men under those circumstances. Even in families with multiple parents, studies show that it is usually the mother who does the majority of cleaning, homework and so on, which harms their ability to perform their workrelated duties on an equal footing with men, which can affect whether they keep their jobs, either because they resign themselves or because their employers do not want to keep them.

However, there have not been cases tried before the courts yet, in which an employer has resigned an employee due to poor performance under home work related circumstances.

One reason for the lack of cases could be the general active involvement of the government in mitigating the economic consequences of the lockdown for businesses as well as persons out of employment. By use of emergency legislative procedures, the Parliament has adopted several acts, as well as tripartite agreements, providing different measures aiming to mitigate the consequences of the COVID-19 crisis, especially redundancies. In connection with re-opening of society, new measures have arisen, whereas other measures are slowly phased out.

These general measures include:

- Tripartite Agreement of 14 March 2020 concluded between the Government, the Danish Confederation of Trade Unions (FH) and the Danish Employers' Confederation (DA) with a view to reduce large-scale redundancies. This provided a state financed temporary salary compensation scheme to employers with risk of large-scale

² <https://dsr.dk/kredse/midtjylland/nyhed/er-tiden-enderlig-inde-til-lige-loen-for-lige-uddannelse>.

³ See study on how Danes use their spare time from 2018:
https://www.rockwoolfonden.dk/app/uploads/2018/11/Hvordan-bruger-danskerne-tiden.pdf?fbclid=IwAR24I2WyIpGc_Ykj9FNna1aWxcbJnThFjMtV8Wm6hixmesAbbRCG4AIM5Rk

redundancies.⁴ For employees at risk of redundancy, the state pays the employer 75 per cent of the monthly salary, maximum 30,000 DKK (approx. 4,000 EUR), for every full-time employee. For employees paid per hour, the state compensation is 90 per cent, but maximum 30,000 DKK. Employees must take 5 days of outstanding holidays and/or time off in lieu during the initial salary compensation period. In return for the compensation, the employee cannot be terminated. Furthermore, the Government introduced a number of other measures aimed at avoiding redundancies, which helped employers and employees through the pandemic, but whether we will see a stream of bankruptcies and mass redundancies in the near future remains to be seen.

- The salary compensation scheme has been extended and will as a main rule cease on 29 August 2020. It is a requirement that employees take three weeks of vacation during the summer period, where companies will not receive any compensation from the state.
- In order to avoid redundancies in the service-, tourism-, hotel- and restaurant-industry, a number of new 30-day-online-retraining-course has been established.⁵ The course is full-time and is available to employed skilled and unskilled workers as an alternative to not working or being dismissed. The upgrading courses are established in collaboration between the largest union United Federation of Workers (3F), the Employers' Organization for the Restaurant, Hotel and Tourism Industry (Horesta), and the Ministry of Employment. Employers pay the course fee and salaries to the employees. Salaries are reimbursed with up to 100 % from state and union funds. Subsequently, other industries have adopted similar models of online courses upgrading the skills of employees during the COVID-19 crisis.
- There has been a strong focus on the taking of holidays during the lock-down. For private employees, taking of 5 holiday days is part of the salary compensation scheme mentioned above. For public employees, a Tripartite Agreement was concluded on 27 March 2020, which entails that all public employees that fully or partially do not perform work during the period 28 March – 13 April 2020 must take remaining holidays (restferie) or time off in lieu for up to five days.⁶
- In order to avoid redundancies and as an income support, the Government has introduced more flexibility with supplementing unemployment benefits.⁷ According to existing collective agreements, employers can - in periods with lack of work – choose to distribute available work between all employees rather than dismissing employees. Part-time employees are entitled to receive supplementing unemployment benefits in the interim period. Companies may now put a distribution of work scheme into effect immediately upon giving notice to the Jobcenter.
- As an income support measure, the Parliament has decided to extend the use of unemployment benefits, with the effect that unemployment benefits received during the COVID-19 crisis do not count as 'used', and the total period of three months is extended accordingly.⁸ Unemployment insurance benefits are conditional upon membership of an Unemployment Insurance Fund (voluntary membership).
- The Government has decided to increase financial support to employment initiatives for redundant persons. The redundancy fund (varslingspuljen) assist employees, who are made redundant as part of collective redundancies, with targeted efforts. The fund is increased with 10 million DKK (approx. EUR 1 340 000).⁹
- Finally, a number of measures has specifically been targeted at sick leave benefits. The employer paid benefits during sick leaves relating to COVID-19 virus has been

⁴ https://bm.dk/media/12873/trepartsaftale_corona.pdf. Act L141 of 24 March 2020:

https://www.ft.dk/ripdf/samling/20191/lovforslag/l141/20191_l141_som_vedtaget.pdf.

⁵ <https://bm.dk/nyheder-presse/pressemeddelelser/2020/03/ny-mulighed-for-opkvalificering-frem-for-afskedigelse-af-medarbejdere-i-service-og-restaurationsbranchen-under-corona-krisen/>.

⁶ <https://www.medst.dk/media/4515/aftale-om-visse-ansættelsesmaessige-forhold-om-afvikling-af-frihed-i-forbindelse-med-covid-19.pdf>.

⁷ Employment Ministry information, 13 March 2020: <https://star.dk/til-virksomheder/arbejdsfordeling-som-alternativ-til-afskedigelse/>.

⁸ https://www.ft.dk/ripdf/samling/20191/lovforslag/l142/20191_l142_som_vedtaget.pdf.

⁹ Governmental Fact Sheet, 12 March 2020: <https://bm.dk/media/12861/faktaark-om-varslingspuljen.pdf>.

transferred to be paid by the Municipality, and the overall period of right to sick leave benefits is extended with 3 months.¹⁰

Childcare services:

The government on reopening society focused in providing childcare for the youngest children in the first step in reopening in mid-april:

- In connection with the closing of schools and public childcare services, emergency daycare services were established¹¹. This service was available to children between the age of 0 and 9 years, whose parents were not sent home to work, i.e. public employees in essential functions, or private employees not working from home. The emergency daycare service was available also to special needs children.
- Schooling for children aged 6 and up continued online from their private homes. All homes have private digital devices or were on loan from the schools. Teachers communicated online and organized online learning activities in all topics for all children.
- Childcare services were first in line, when society was re-opened. Nurseries (0-3-year olds), kindergartens (3-5/6 year olds) and the first years in schools (5/6 to 9/10 year olds), as well as all services to special needs children, were opened up in mid-april. This mitigated some of the reported pressures on workers performing work from home, i.e. statistically more so female workers compared to male workers working from home.

Particularly vulnerable persons and family-members

Measures to protect particularly vulnerable workers, and family members of workers have been put in place due to the re-opening. This has special effects for women, who are in a position to be the primary care-giver of persons in the household, that are particularly vulnerable:

- In connection with re-opening of society, some were particularly vulnerable employees, as they are at risk of serious complications if contracting COVID-19. The solution was to offer protection through sick leave benefits. The Parliament has adopted an Act that allows for particularly vulnerable employees and their close relatives to stay home from work during re-opening of society, while receiving pay or sick leave benefits.¹² The scheme currently ceases on 1 September 2020. The Danish Health Authority has also issued guidelines on ensuring safe work for such particularly vulnerable employees.¹³

Finally, the legal framework on gender equality, such as the protection against dismissal on grounds of gender, remained fully operational and enforceable during the COVID-19 crisis.

- There have been no austerity measures lifting the protections based in gender, which have remained in force during the lockdown.
- There have not yet been reports, and less so cases before courts, that breaches have increased during the lock-down.

The different schemes have been drafted and amended on an on-going basis since the lock-down of society. A very active media and active interest groups have on an on-going

¹⁰ Act no. 135 of 17 March 2020: https://www.ft.dk/ripdf/samling/20191/lovforslag/l135/20191_l135_som_vedtaget.pdf. Act no. 275 of 26 March 2020: <https://www.retsinformation.dk/Forms/R0710.aspx?id=213710>.

¹¹ Ministerial Order, no. 217 of 17 March 2020: <https://www.retsinformation.dk/eli/lta/2020/217>.

¹² Act no. 190 of 20 May 2020: https://www.ft.dk/ripdf/samling/20191/lovforslag/l190/20191_l190_som_vedtaget.pdf.

¹³ <https://www.sst.dk/da/nyheder/2020/hvordan-skal-politi-og-andet-frontpersonale-uden-for-sundhedssektoren-forholde-sig-til-haandtering>.

basis raised awareness about gaps or unintended effects. As a result, schemes have been amended and adjusted in many instances with a view to be more efficient.

Key points of analysis: The COVID-19 crises has not shown signs of having an adverse effect on gender equality in that there having been no cases tried before the courts concerning such less favourable treatment. But bearing in mind the genderorientated roles in terms of housekeeping af taking care of children, the obligation to work from home and homeschooling children, the COVID-19 crises posed a bigger challenge for women than men. These effects were mitigated by the overall governmental focus on mitigating the effects of working from home, with regard to child care facilities opening up in the first step in mid-april. Also, the general effects on the economy of businesses were mitigated by a line of actions taken by the government with a view to compensate companies and thus reduce redundancies. Furthermore, upon opening up of society, special consideration were provided to persons in vulnerable situations, and their family members, also specifically levitating the pressure in mothers as the primary care-giver. Finally, no austerity measures have been put in place to reduce the protections against gender discrimination, and the legal framework in gender equality has remained fully in force during the crisis. At the other end of the scale, the COVID-19 crises provided fuel for a valuable discussion on equal pay between gender segregated sectors.

Internet link sources: Tripartite agreement with salary compensation to reduce redundancies: https://bm.dk/media/12873/trepartsaftale_corona.pdf.

Statutory Act on the Salary Compensation Scheme:

https://www.ft.dk/ripdf/samling/20191/lovforslag/l141/20191_l141_som_vedtaget.pdf.

Agreement on extension of the salary compensation scheme:

<https://bm.dk/media/13907/aftale-om-gradvis-udfasning-af-den-midlertidige-loenkompensationsordning.pdf>.

News story on healthcare workers as COVID-heroes:

<https://www.dr.dk/nyheder/webfeature/coronahelte>.

Opinion of Danish Nurses Organization on it finally being time for equal pay for equal education: <https://dsr.dk/kredse/midtjylland/nyhed/er-tiden-enderlig-inde-til-lige-loen-for-lige-uddannelse>.

Study on use of spare time, 2018:

https://www.rockwoolfonden.dk/app/uploads/2018/11/Hvordan-bruger-danskerne-tiden.pdf?fbclid=IwAR24I2WyIpGc_Ykj9FNna1aWxcbJnThFjMtV8Wm6hixmesAbbRCG4AIM5Rk.

Agreement on on-line courses for employee qualification upgrades during the lock-down:

<https://bm.dk/nyheder-presse/pressemeddelelser/2020/03/ny-mulighed-for-opkvalificering-frem-for-afskedigelse-af-medarbejdere-i-service-og-restaurationsbranchen-under-corona-krisen/>.

Agreement on taking of annual leave days during being sent home if work cannot be performed:

<https://www.medst.dk/media/4515/aftale-om-visse-ansættelsesmaessige-forhold-om-afvikling-af-frihed-i-forbindelse-med-COVID-19.pdf>.

Agreement on distribution of work rather than redundancies, supported by adjustment of legislation on unemployment insurance: Employment Ministry information, 13 March

2020: <https://star.dk/til-virksomheder/arbejdsfordeling-som-alternativ-til-afskedigelse/>.

Extra pool of money to mitigate the consequences of persons made redundant:

<https://bm.dk/media/12861/faktaark-om-varslingspuljen.pdf>.

Amendment Act to Act on Unemployment benefits:

https://www.ft.dk/ripdf/samling/20191/lovforslag/l142/20191_l142_som_vedtaget.pdf.

Amendment Acts to Act on Sick Leave Benefits:

https://www.ft.dk/ripdf/samling/20191/lovforslag/l135/20191_l135_som_vedtaget.pdf

and <https://www.retsinformation.dk/Forms/R0710.aspx?id=213710>.

Ministerial order on emergency childcare:

<https://www.retsinformation.dk/eli/ta/2020/217>.