

Mailand, Mikkel; Larsen, Trine Pernille

Research Report

Hybrid work - Social protection of atypical employment in Denmark

WSI Study, No. 11

Provided in Cooperation with:

The Institute of Economic and Social Research (WSI), Hans Böckler Foundation

Suggested Citation: Mailand, Mikkel; Larsen, Trine Pernille (2018) : Hybrid work - Social protection of atypical employment in Denmark, WSI Study, No. 11, Hans-Böckler-Stiftung, Wirtschafts- und Sozialwissenschaftliches Institut (WSI), Düsseldorf, <https://nbn-resolving.de/urn:nbn:de:101:1-2018040415927>

This Version is available at:

<https://hdl.handle.net/10419/225434>

Standard-Nutzungsbedingungen:

Die Dokumente auf EconStor dürfen zu eigenen wissenschaftlichen Zwecken und zum Privatgebrauch gespeichert und kopiert werden.

Sie dürfen die Dokumente nicht für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, öffentlich zugänglich machen, vertreiben oder anderweitig nutzen.

Sofern die Verfasser die Dokumente unter Open-Content-Lizenzen (insbesondere CC-Lizenzen) zur Verfügung gestellt haben sollten, gelten abweichend von diesen Nutzungsbedingungen die in der dort genannten Lizenz gewährten Nutzungsrechte.

Terms of use:

Documents in EconStor may be saved and copied for your personal and scholarly purposes.

You are not to copy documents for public or commercial purposes, to exhibit the documents publicly, to make them publicly available on the internet, or to distribute or otherwise use the documents in public.

If the documents have been made available under an Open Content Licence (especially Creative Commons Licences), you may exercise further usage rights as specified in the indicated licence.

STUDY

The WSI is an institute of
the Hans-Böckler-Stiftung

No. 11 · March 2018 · Hans-Böckler-Stiftung

HYBRID WORK - SOCIAL PROTECTION OF ATYPICAL EMPLOYMENT IN DENMARK

Mikkel Mailand & Trine P. Larsen

PREFACE

In many European countries, marginal part-time, (solo-) self-employment and secondary jobs have been increasing since the last decades. The question about the provision of social protection and labour legislation for these types of employment is the starting point for a project entitled “Hybrid working arrangements in Europe”, directed by the WSI. Germany, Great Britain, the Netherlands, Poland, Italy, Denmark and Austria comprise the group of countries selected in order to investigate “hybrid work” in the context of different welfare state regimes. The following paper by Mikkel Mailand and Trine P. Larsen is one of the seven country studies giving a detailed description about labour law regulations and the national insurance systems for self-employed, secondary jobs and marginal part-time employment.

Karin Schulze Buschoff (WSI)

Inhalt

1	Introduction	3
2	General information about social protection in Denmark	4
2.1	Definitions of 'employment' and 'self-employment'	4
2.2	The risk of unemployment	5
2.3	The risk of sickness and accidents at work	10
2.4	The risk of disability	11
2.5	The risk of parenthood	14
2.6	The risk of old age	15
2.7	Summary of trends	19
3	Social protection and forms of atypical employment	21
3.1	(Solo) self-employed	21
3.2	Marginal part-time employment	25
3.3	Second or multiple jobs	31
3.4	Other types of atypical employment	33
3.5	Summary of trends	34
4	Evaluation	36
4.1	The main trends of social protection in Denmark	36
4.2	Groups not adequately covered by Danish social protection	36
4.3	Pros and cons within Danish social protection	37
	References	40

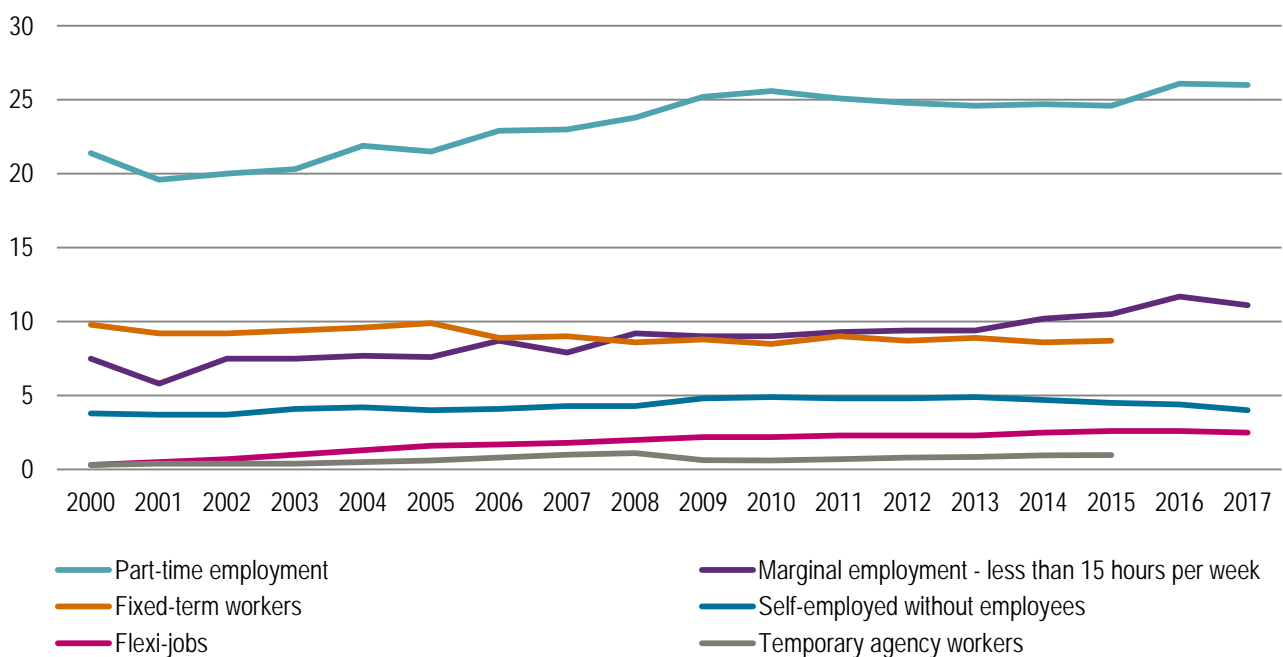
1 Introduction

This research report includes the answers to a questionnaire regarding ‘social protection of marginal part-time, self-employed and secondary jobs in Denmark’, which is part of a project coordinated by WSI.

We have included the main schemes and regulations for Danish social protection as well as their most important content. It has been impossible within the limits of the project to provide an exhaustive list of all the entitlements, requirements, rates, etc. within the schemes. Moreover, the focus is on the ‘first tier’ and ‘second tier’ of social protection – that is, the state-provided social protection and the social protection provided by social partners. Following the intention of the questionnaire, the main focus of the report is on social protection in terms of cash benefits. Therefore, the numerous active labour market policy measures linked to social protection are, by and large, not included in the report.

The report consists of four sections. Following this introduction, the second section includes general information on the various forms of social protection schemes in Denmark. The third section examines in detail how distinct groups of atypical workers are covered by the social protection schemes listed in the first section. The fourth and final section includes a short evaluation. Unless otherwise stated, the various rates mentioned in the report are for 2017. To give some background about the share and development of atypical employees in Denmark, we have included a graph showing the development of these in Denmark (see figure 1).

Figure 1 Atypical employment types in percentage of workforce aged 15–64, 2000–17



Source: Larsen & Mailand (2018).



The graph shows that only part-time work (general part-time as well as marginal part-time) has increased substantially. The other atypical employment types have not increased more than one or two percentage points since 2000. However, the figures hide important variations between sectors. The issue of atypical employees' conditions has, until recently, not received substantial attention among the policy makers and social partners in Denmark. However, this gradually started to change from the beginning of the present decade. Trade unions in particular have started addressing the challenges these groups face – both in relation to social security and more generally (e.g. Larsen & Mailand 2014).

2 General information about social protection in Denmark

In welfare state research Denmark is often described as a universal welfare state, where welfare is provided based on citizenship/residence and where means-testing and employment related benefits play a limited role. Moreover, opportunities to withdraw permanently or temporarily from the labour market with public support – so-called 'decommodification' – were in earlier years described as ample (e.g. Esping-Andersen 1990). In welfare state research, it is also well documented that Denmark in the 1990s and the 2000s has been one of the leaders in 'recommodification' through activation policies. What is less well documented (see e.g. Trampusch 2013; Trampusch & Eichenberger 2013 for exceptions) is that Denmark has also gradually moved in the direction of the Continental model of the welfare state as access to social protection has increasingly grown to depend on employment status and collective bargaining coverage of the individual citizen or resident, as described below. This increases the challenges 'non-standard workers' face with regard to social protection.

2.1 Definitions of 'employment' and 'self-employment'

There are different relevant sources for definitions of 'employment' and 'self-employment' in a Danish context such as the tax legislation, the Danish labour laws, the Unemployment Insurance Act and Self-employed Businesses Act.

The tax legislation does not include a formal definition of self-employment. However, the tax authorities have developed a de facto definition over the years. This de facto definition states that 'self-employment is characterized by economic activities - at own expense and for own risk - with the aim of creating an economic surplus'. Moreover, the self-employed individual's economic activities have to be 'more or less frequent' and to be of a 'unneglectable volume'. The tax authorities' de facto definition of an employee is 'a person, who receives remuneration for individual work...carried out under the direction of an employer and entirely at the employer's expense (SKAT 2017).

Danish labour law does not include any common definition of the employee relationship, but in the Employment Contract Act (2010), employees are described as 'persons, who receive remuneration for personal work in a service relationship (tjenesteforhold) (LBK nr 240 af 17/03/2010; Kristensen 2008). With regard to social protection, the Unemployment Insurance Act (2017) could be expected to include definitions of the self-employed or employees, but the act does not include any such definitions (LBK nr 784 af 21/06/2017). However, the Self-employed Businesses Act (2005), which is administered by an agency under the Ministry of Employment, includes a formal definition of self-employment. This definition shares the first part of the tax authorities' de facto definition mentioned above, but not the second part. Instead it includes a series of further conditions (BEK nr 1303 af 14/12/2005).

In practice, the judgement as to whether an individual's status is self-employed or wage-earner with regard to social protection issues, is left to the trade union-affiliated unemployment insurance funds. The judgement is made case-by-case and thus left for the individual case-workers' judgements. Moreover, the unemployment insurance funds openly admit that the tax authorities' and the unemployment insurance funds' definitions of self-employment are not the same (e.g. Ase 2017), which adds to the unevenness of the judgements.

After these introductory remarks regarding the differences between the self-employed and employees in a Danish context, the remainder of section 2 will describe five risks raised in the questionnaire. The five risks are related to unemployment, sickness/accidents at work, disability, parenthood, and old age, respectively.

2.2 The risk of unemployment

Social protection for unemployment is basically divided between Unemployment Insurance (UI, 'arbejdsløshedsdagpenge') for those who are insured by the trade union-administered unemployment insurance funds, and those who are not insured. If the latter group fulfill certain requirements, they can receive social assistance (SA, 'kontanthjælp'). However, there are a number of allowances that fit somewhere between the UI and SA schemes as well as some that go beyond them in scope. Of these, we have chosen to look at the Cash Allowance and the Integration Allowance. After presenting the key features of each of the four statutory schemes, we describe the role of collective agreements and present the most recent reforms (in most cases recent is defined as within the last 10 years).

Since more than 70 % of the workforce are members of an unemployment insurance fund (Danske A-kasser 2014), the UI-system covers more people than the SA-system. The unemployment insurance funds - the organizations responsible for the administration of UI - are co-financing UI with the state. The state funds approximately 2/3 of the expenses of UI, and the remaining 1/3 is funded by the unemployment fund members.

Table 1 Summary of regulations for Unemployment Insurance

<i>Entitlement/ Requirements</i>	<ul style="list-style-type: none"> - Membership of an unemployment insurance fund for minimum of 1 year - Being registered at a jobcenter and actively seeking work - Income as an employee of at least 233,428/148,956 dkk* within the last three years - If your UI has been exhausted, you can re-earn your right to UI with 1,924/1,258* working hours within the last three years
<i>Rates</i>	<ul style="list-style-type: none"> - As a rule of thumb 90 % of previous earnings, but with a maximum of 18,403/12,269* dkk per month (de facto only low-income groups reach the 90%). - Newly graduated - 82 % of maximum UI, people under 25 years - 50 %.
<i>Duration</i>	<ul style="list-style-type: none"> - Maximum 2 years within 3-year ('reference-period'), but with possibility to extend the period to up to 3 years if a sufficient number of working hours has been achieved during the reference-period.

Source: Borger.dk.; * full-time/part-time insured.



SA is the basic, traditional benefit for uninsured unemployed residents. Since 2016 (and during the period 2004-11) a so-called 'Social Assistance Ceiling' has existed in order 'to make work pay'. In its present form, the ceiling varies according to age, civil status (single or married /co-occupant and the number of dependent children (Star 2017).

Table 2 Summary of regulations for Social Assistance

<i>Entitlement/ Requirements</i>	<ul style="list-style-type: none"> - Residents who have become unemployed, are not supported by a husband/wife or others and are not entitled to other social benefits. Other events than unemployment (such as sickness, injuries and divorce) can also lead to SA. - Signing-up at the job center that will evaluate if the person is 'job-ready' (being ready within a short period to find ordinary employment) or 'ready for activation'. - Documentation of 225 hours of ordinary employment within the last year. SA will be reduced in case the '225-hour demand' is not met. - For non-EU/EØS residents: Residence in Denmark for seven of the last eight years (up to two months holiday per year etc. allowed). Otherwise the persons might be entitled to Integration Allowance
<i>Rates</i>	<ul style="list-style-type: none"> - For 30+ years old with dependent children: 14,808 dkk per month (80 % of maximum UI). - For 30+ years old without dependent children: 11,143 dkk (60% of maximum IU). - The monthly rates for people below 30 years varies, depending on a number of factors, between 7,182 and 11,143 dkk for all groups apart from persons living with parents (3,466 dkk) and singles with children or psychologically disabled people (14,808 dkk). - Additional benefits, such as housing benefits, are available.
<i>Duration</i>	<ul style="list-style-type: none"> - Unlimited

Source: Borger.dk



A special low level of SA - de facto targeting (newly arrived) immigrants and refugees - has existed in various forms and under different names since 2001. The present name is the Integration Allowance ('Integrationsydelse'), which was re(introduced) in 2015.

Table 3 Summary of regulations for the Integration Allowance

<i>Entitlement/ Requirements</i>	<ul style="list-style-type: none"> - Residents who have not stayed in Denmark for seven out of the last eight years (two years of holiday etc. abroad is allowed) - An event (unemployment, sickness, accident, others) has made it impossible for the person to support the person and/or the person's family - The person is not supported by others
<i>Rates</i>	<ul style="list-style-type: none"> - Single parents with right to child support: 12,111 dkk per month - Single parents without right to child support: 8,546 dkk per month - Persons not responsible for children: 6,106 dkk per month - Under 30 years old, not responsible for children: 2,631 dkk per month - Cash supplement for completing courses in Danish: 1, 541 dkk per month
<i>Duration</i>	- Unlimited

Source: Borger.dk



In recent years, as a consequence of the high number of unemployed people exhausting their right to UI without finding a job (see below) during the recent economic crisis, temporary unemployment benefit schemes besides UI and SA have been introduced. One of them – the Cash Allowance (Kontantydelse) – is, at the time of writing, still in existence, although there will be no new entrants into the scheme after June 2017.

Table 4 Summary of regulations for Cash Allowance

<i>Entitlement/ Requirements</i>	- For those unemployed people having exhausted their right to UI, but not having found a job and having no right to SA or other social benefits.
<i>Rates</i>	<ul style="list-style-type: none"> - For 30+ years old with dependent children: 14,808 dkk per month (80 % of maximum UI). - For 30+ years old without dependent children: 11,143 dkk per month (60% of maximum IU). - For 25 -29 years old: Same rules as for SA, various rates, e.g. 6,106 dkk per month for persons ready for education, not living with parents
<i>Duration</i>	- Between 2 ¼ years and 3 years

Source: Borger.dk.



The role of the *collective agreements (CAs)* in relation to income security in the context of social protection for unemployment, has traditionally been limited in that, until recently, only a few CAs – e.g. in the financial sector - have included severance payments. This could be seen as reflecting the so-called Danish flexicurity model. However, after 2007, severance payments were introduced in the manufacturing sector and spread to other private sector CAs and can partly be seen as a reaction to the crisis, and partly as a reaction to the reduced income security caused by, inter alia, the 2010 reform (see below) (Mailand 2015). Today, most private sector CAs include severance payments ranging from 2,500 dkk to 15,000 dkk (for the total period) depending on seniority and starting after 3 years of employment (di.dk 2017). However, severance payments remain limited in scope and depth. Also, for non-manual workers, severance pay continues to be limited. The Salary Workers Act (2009) gives employees the right to one month's salary, but only after 12 years of employment. After 17 years the employee has the right to 3 months' salary (LBK nr 1002 af 24/08/2017). A more widespread development has been a tendency for employees to sign-up to additional unemployment insurance schemes, administered by the trade unions, which top-up the standard scheme. This has been a way to de facto increase the re-placement rates for the mid- and high income groups, which are close to the EU-15 average (Mailand 2015).

Regarding *recent reforms*, an unemployment insurance reform from 2010 (introduced under a liberal-conservative government) reduced the maximum unemployment period from 4 to 2 years. As a result, Denmark was no longer among the EU member states with the longest maximum benefit periods. Moreover, the reform tightened the eligibility criteria, so the requirement for regaining the right to Unemployment Insurance after periods with Unemployment Insurance was increased from 26 to 52 weeks of unsubsidized work. Although the reform did not change the level of benefits or the replacement rates, income security was obviously reduced. At the time the reform was agreed in 2009, the expectation was that the economic crisis would soon be over. The government estimated that only 2 – 4,000 persons would exhaust their right to UI before they found a job. However, the government was proved wrong with regard to both estimates and, when a social democratic/social-liberal government came into power, a number of changes were made during the years 2012-14 in the form of temporary extensions of the maximum benefits periods. These did not represent genuine changes to the reform. The Cash Allowance described above was one of the most recent changes. The social-liberals had supported the 2010 reform and would not support a new reform that included permanent changes (Bekker & Mailand 2018).

An Unemployment Insurance Commission was nevertheless setup to draw up a new reform plan, which was introduced in 2015 under a new liberal government. The reform adjusted, rather than changed, the 2010 reform. The 2015 reform included, inter alia, more flexible eligibility criteria by considering short-term temporary jobs, and reduced benefit levels for new graduates without children. The reform included, inter alia, more flexible eligibility criteria by counting in short-term temporary jobs, an opportunity to extend the maximum benefit period by one year (if the persons had taken

on sufficient employment during the benefit period) and reduced benefit levels for new graduates without children. The more flexible eligibility criteria represent a small step to include non-standard employees (ibid.).

2.3 The risk of sickness and accidents at work

We have chosen Sickness Benefits and the Job-possibility Allowance as the most important cash-related social benefits dealing with the risk of sickness and accidents at work.

The Sickness Benefit ('sygedagpenge') is a residence-based social law scheme, which is compulsory in the sense that employees are obliged to report sickness or injuries to their employer, and the employer is obliged to pay Sickness Benefit and, after four weeks of absence, to hold a meeting with the employee to discuss his or her future prospects. Although basically residence-based, the scheme also includes dimensions linked to employment status and collective agreements, as illustrated in table 5.

Table 5 Summary of regulations for Sickness Benefits

<i>Entitlement/ Requirements</i>	<ul style="list-style-type: none"> - Entitled are: residents (inhabitant and tax-paying) who have become sick or injured. - General requirement: 240 hours of employment within last 6 months or completion of a vocational education within the last 18 months. - Employer should be notified within two days. The employer has the right to demand a declaration from the person or a medical doctor from day one of absence - The employer should initiate an 'absence due to sickness talk' after 4 weeks with the aim of finding a path back to work and sign a 'declaration of possibilities'. - Most CAs for hourly paid work include thresholds for Sickness Benefits, e.g. 6 months in the CA for manufacturing.
<i>Rates</i>	<ul style="list-style-type: none"> - Maximum-rate is 18,415 dkk per month and 114,73 dkk per hour - Job-possibility Allowance:14,808/11,143 per month* - Salaried employees have the right to their previous wage level during sickness and it is the employer who receives the Sickness Benefit. - Hourly-paid workers have only a right to their previous wages if their individual employment contract or collective agreement include such rights.
<i>Duration</i>	<ul style="list-style-type: none"> - Maximum 22 weeks within a 9-month period. Before the 22 weeks have expired the municipality (Jobcentre) decides if the Sickness Benefit period can be extended. In case the municipality does not extend (because a return to the previous job is not imminent), a 'job possibility process' begins and the benefit-rate is reduced to Job-possibility allowance.

Source: Borger.dk.; LBK nr 826 af 23/06/2017; LBK nr 81 af 03/02/2009; * = with and without dependent children.

The Job-possibility Allowance ('ressourceforløbsydelse') is the benefit paid instead of the Sickness Benefit during the 'job possibility process' which starts after 22 weeks if the municipality ('Jobcenter') decides that the Sickness Benefit period cannot be extended.

The *CA-system* is mainly important in topping-up the publicly funded Sickness Benefits to previous wage-level. Hourly-paid workers have only a right to their previous wage if their individual employment contract or collective agreement includes such a right. Most CAs do so. However, it is worth noting that most CAs include 6 to 9 month threshold periods (see also Larsen and Mailand and 2014). If the employee does not have a right to their previous wage, they have the right to receive Sickness Benefit from their employer for the first month and after that directly from the municipality.

Private sector salaried employees can be dismissed with one month's notice if the salaried employee has been absent due to sickness for a total of 120 calendar days within a 12-month period, but only if this is specified in the individual employment contract or collective agreement (di.dk; djøf.dk).

The most important *reform in recent years* is the sickness-benefit reform from 2013, which was passed by the former social-democratic government. The previous 52 month maximum for receiving Sickness Benefit was reduced to 22 months, but with options for an extension or for continuing on a lower Job-possibility Allowance for two years. Moreover, the reform emphasizes early intervention and the job-possibility process reflects stronger efforts to get the sick/injured person back into work, i.e. an activation approach (Beskæftigelsesministeriet no date).

2.4 The risk of disability

The social protection schemes most relevant in relation to the risk of disability are first and foremost the Disability Pension ('førtidspension') and the Flexi-job ('flexjob') schemes, which are closely related. Both are administered by the municipally administered job-centers.

The Disability Pension Scheme is an old scheme (introduced in 1921 under another name) for persons with a permanently reduced capacity to work. In its present form the Disability Pension Scheme is a follow-on from the Sickness Benefit scheme in the sense that the Disability Pension Scheme, as a rule of thumb, is only considered after all the options under the Sickness Benefit scheme (the return to work efforts during periods on Sickness Benefit followed by the resource process) have been exhausted. In Q1 2017, 205,000 persons received early retirement (Statistics Denmark 2017).

Table 6 Summary of regulations for Sickness Benefit

<i>Entitlement/ requirements</i>	<ul style="list-style-type: none"> - For residents with a permanently and substantially reduced capacity to work. Generally only when previous back-into-work efforts have proved futile. People above 40 years of age should have completed at least one 'resource process' - Only if attempts to get the person back into work are 'obviously futile', is it possible for those under 40years of age to receive an early retirement pension. Otherwise they will be included in an individual 're-resource process' for up to two years in order to clarify the person's opportunities and provide the person with the various forms of assistance to get into education or employment
<i>Rates</i>	<ul style="list-style-type: none"> - 18,412 dkk per month (single-household) 15,650 dkk per month for others - If the person has income above 75,800/120,100 dkk the pension will be reduced - The resource process benefit is the Job-possibility Allowance:14,808 / 11,143 dkk pr. month*
<i>Duration</i>	Unlimited

Source: Borger.dk. * = with and without dependent children.



The flexi-job scheme (introduced in 1998) is a wage-subsidy job scheme which is also for persons with a permanently reduced capacity to work, where the work tasks are tailored to the remaining work capacity of the individual. Flexi-jobs are open-ended positions. The aim of the scheme was to reduce the rising number of people on incapacity benefits and is administrated by local government authorities. In Q1 2017, 2.2 percent of the labour force was in flexi-jobs (Statistics Denmark 2017).

Table 7 Summary of regulations for flexi-jobs

<i>Entitlement/ Requirements</i>	<ul style="list-style-type: none"> - For residents below the age of 65 years with a substantial and permanently reduced work capacity. - If the flexi-job is situated in the person's previous work-place, the person should have been employed in a so-called 'retention flexi-job' under the appropriate CA for that person
<i>Rates</i>	<ul style="list-style-type: none"> - The flexi-job is paid according to the normal rate for the job and the number of work hours. The share between the employer and the municipality depends on the work capacity of the person and the wage-level. The higher the wage, the lower the subsidy. The subsidy reaches 0 at the monthly wage of 36,400 dkk per month
<i>Duration</i>	<ul style="list-style-type: none"> - Up to five years for persons under age 40. Following the five-year period the municipality has to consider whether the flexi-job is still the right solution or if attempts to get back into unsubsidized employment should be tried again. - For persons aged 40+ the second flexi-job can be made permanent. - The number of weekly hours in a flexi-job has to be at least 2.

Source: Regeringen et al. (2012); Borger.dk



There is no directly cash-benefit related role of CAs with regard to flexi-jobs. However, so-called collective agreement-based flexi-jobs constitute a scheme similar to legislation-based flexi-jobs, but are regulated by the relevant CAs' so-called 'social chapters'. There is no wage-subsidy connected to this scheme and the scheme is sometimes just a step towards a legislation-based flexi-job.

Both the flexi-job scheme and the early retirement pension scheme were changed substantially with a *recent reform* agreed in 2012 under a Social Democratic-led government. The aim of the reform was to reduce the number of persons on early retirement (a reform from 2006 had the same aim, but failed) and as far as possible lead persons (back) into unsupported employment. In practice, the reform blocked access to early retirement for individuals below 40 years of age. An important part of the scheme is the Resource Process ('ressourceforløb') which aims to support each individual person's ability to work. The recent changes to the flexi-job scheme were primarily to 1) make the jobs temporary, 2) revise the subsidy rules so they, to a larger extent, support creation of flexi-jobs with a low number of working hours. Furthermore, the reform – like several other reforms in the social policy and employment field post-2008 – reduced public spending on the revised schemes (Regeringen et al. 2012). Part of the savings derived from lowering the (average) benefit level.

2.5 The risk of parenthood

'The risk of parenthood' is the joyful label the project coordinator has chosen to label the situation of extensions of households. This risk is, in social protection terms, associated with a resident-based right to take parental leave and with employment rights to income-related social protection, some of which is state-funded and some of which is CA-funded. All parents have a right to parental leave – what varies is the extent of this right and the level of cash benefit you have the right to during the leave period.

The birth-related leave-period is to be divided into four parts:

1. 4 weeks 'pre-maternity leave' before expected birth;
2. 14 weeks 'maternity leave' after birth;
3. 2 weeks 'paternity leave' after birth (or within the first 14 weeks after birth after agreement with employer) and
4. 32 weeks of 'parental leave' to each parent which they can share.

All parents can receive the Childbirth Social Allowance ('barselsdagpenge') for the first three periods and for parts of the fourth period (i.e. 32 weeks), if they meet the requirements listed in table 8. The question is whether this allowance is topped up to the level of previous wages or not.

Table 8 Summary of regulations for social protection for birth-related risk

<i>Entitlement/ Requirements</i>	For Childbirth Social Allowance documentation is needed to provide evidence of: <ul style="list-style-type: none">- Employment for 13 weeks without interruption;- Minimum of 120 working hours in the 13 weeks;- Daily contact with the child during childbirth period.- Unemployed are entitled to the same leave periods as employed and to the benefit they received prior to pregnancy
<i>Rates</i>	<ul style="list-style-type: none">- Childbirth Social Allowance: Maximum 18,381 d.kr/month (4,245 dkk per week), depending on working hours and previous income.- Salaried employees have, according to the Act on Salaried Employees, the right to 50 % of the previous wage during 4 weeks of pre- maternity leave and during the 14 weeks of maternity leave. There are no rights for fathers in the act.- Payment under Childbirth leave: Most CAs include this to some extent (see text)
<i>Duration</i>	<ul style="list-style-type: none">- If mother maximizes leave: 50 weeks for mother and 2 weeks for father.- If father maximizes leave: 18 weeks for mother and 34 for the father.

Source: Borger.dk; Beskæftigelsesministeriet 2013

 WSI

In this regard, the CAs play an important role. There have also historically been close links between Danish labour law, social protection and CAs, and social partners have, since the turn of the century, increasingly addressed this issue during various bargaining rounds (Larsen and Navrbjerg 2018). The Childbirth Social Insurance is in most CAs ‘topped-up’ with so-called ‘wage during parental leave’ – which, however, does not always provide the right for the employee to full wage compensation. The regulations vary between (and within) sectors. In summarized form, the most important features in four of the largest bargaining areas are:

In the large bargaining area of private manufacturing and general service (LO/DA bargaining area) the mother has the right to full wage compensation during the 4 weeks of pre-maternity leave and 14 weeks of maternity leave, whereas the father has the right to full wage compensation during 2 weeks of paternity leave. In addition, the parents have, together, the right to 13 weeks of parental leave with full wage compensation that they can share. There was until recently a ceiling on 140-145 dkk per hour (excl. pensions and holiday allowance) for the parental leave period, which the social partners agreed to remove from the CAs during the 2017 collective bargaining round (Beskæftigelsesministeriet 2013; DI 2017). The CAs in other large sectors, such as the financial sector, the state, and the municipal have similar regulations, although there are variations with regard to the number of weeks for each of the four types of leave ((Beskæftigelsesministeriet 2013; Finansforbundet 2017). Importantly, eligibility thresholds for entitlement to full wage during leave varies between 6 months and 9 months depending on the specific CAs.

The most important *recent reform* (which is actually more than 15 years old) is from 2002. It introduced the four-period pattern of leave presented above. The reform extended the total birth-related leave periods to one year – with the right to Childbirth Social Allowance. This was a substantial increase from the previous half year of total leave, although paternity leave as part of the reform was reduced from four to two weeks. Other parental leave reforms involve the rollback of a paid 52week childcare leave (not mentioned above) in 2004, which was phased out by 2011 – this leave was never used as much as birth-related leave. Furthermore, the implementation of the EU’s revised directive on parental leave (2010) gave Danish parents new rights to request flexible working after returning from parental leave as well as a strengthening of the maternity, paternity and parental leave protection (Lov 2012/1 LSF 105).

2.6 The risk of old age

The Danish pension system – of which we here only address the first and second pillar – is primarily characterized by a strong second pillar, the collective agreement-based occupational pensions. The first pillar is made up of the following citizen- and residence-based pensions: the Old Age Pension; and citizens’ and ATP lifelong pension. The old age pension is by far the most generous of the two.

Table 9 Summary of regulations for Old Age Pension

<i>Entitlement/ Requirements</i>	<ul style="list-style-type: none">- The right to Old Age Pension starts from the age of 65 years.- Generally, the person also needs to be a Danish citizen, resident in Denmark and have stayed in Denmark for at least three years between the age of 15 and retirement age.- To get the maximum rate the pensioner needs to have been a Danish resident for 40 years
<i>Rates</i>	<ul style="list-style-type: none">- The maximum rate is 12,711 dkk pr. month (single household), 9,383 dkk for married persons.- Reductions are made if the pensioner has stayed in Denmark less than 40 years (see above), has additional income above 310,000 dkk p.a. or savings above a minimum.- Supplement exists in the form of e.g. housing allowance, heating allowance and health allowance.
<i>Duration</i>	<ul style="list-style-type: none">- Lifelong.- It is possible to postpone the Old Age Pension if the person works 750 hours pr. year (approx. 14 hours p. week) or more

Source: Borger.dk



The old-age pension scheme was introduced in 1922. The ATP lifelong pension ('ATP Livslang Pension') was - under a similar name - introduced in 1964 by legislation, some decades before the occupational pension scheme started to spread (see below). The ATP lifelong pension was initially an additional pension for employed persons, but from the 1990s it was changed to allow for other groups in addition to the employed to be covered by the scheme. Today, nearly all citizens between 18 and 65 are covered by this compulsory scheme (ATP 2017).

Table 10 Summary of ATP lifelong pension

<i>Entitlement/ Requirements</i>	<ul style="list-style-type: none">- The right to ATP lifelong pension starts from the age of 65 years.- Generally, the person also needs to be a Danish citizen, resident in Denmark and have stayed in Denmark for at least three years between the age of 15 and retirement age.- To receive the maximum rate the person needs to have been a Danish resident for 40 years
<i>Rates</i>	<ul style="list-style-type: none">- The maximum monthly rate is currently 1,958 d. kr.- There are multiple reasons for not receiving the maximum rate, e.g. employment periods abroad or employment in the public sector in periods in the past, where the employees paid a reduced contribution to ATP.
<i>Duration</i>	Lifelong.

Source: Borger.dk



Another scheme that should be mentioned, although it is gradually being phased out, is the Voluntary Early Retirement Scheme, VERS ('*efterløn*'). The scheme was introduced in 1975 during the economic crisis as a way to allow older employees (some being worn out) to withdraw (at age 60) prior to pension-age (at age 67), thus creating job openings for young people. The scheme is employment-based in that entitlement requires membership of an unemployment insurance fund. Like the UI, the financing is shared between the state and the insured, but in the case of VERS the state finances around 80 % of the expenses. Nearly ten times as many signed up for the scheme as planned and it, therefore, became a barrier to the political priorities of increasing labour supply by postponing the age of retirement from the labour market. From 1998 onwards, it has been reformed several times (see also below) and has been made less and less attractive.

Table 11 Summary of Voluntary Early Retirement Scheme (VERS)

<i>Entitlement/ Requirements</i>	<ul style="list-style-type: none"> - Between 60/62 and 65/68 years old depending on cohort - Membership of unemployment insurance fund, contributed through the UI to VERS for 30 years starting at least from 30th birthday - Having right to UI at the time of the application for VERS
<i>Rates</i>	<ul style="list-style-type: none"> - Maximum: 18,403 kr. /12,269 dkk per month (full-time/part-time UI). - - This is equal to 100 % of maximum UI and applies to those who postpone their start on VERS until two years after the first possible date - Maximum for those that are not entitled to the 100 % UI-rates: 16,747 kr./ 11,165 dkk per month (full-time/part-time UI). - Apart from your previous earnings, the rate also depends on your pensions.
<i>Duration</i>	<ul style="list-style-type: none"> - Depending on age, maximum 5 years for the oldest (from age 60 to 65) and maximum 3 years for the youngest.

Source: Borger.dk; ma-kasse.dk.



Of the five risks presented in this research report, it is in relation to the risk of old age that CAs play by far the largest role, because the sectoral occupational pensions are linked to the CAs. These occupational pensions represent the second pillar of the Danish pension system. Some of the CA-related occupational pension funds have a long history, but it was only after a series of decision-making processes in the second half of the 1980s, including a social pact and extensive tripartite committee work, that consensus on a model relating occupational pensions to CAs was established. Thereafter, the CA-related occupational pensions became the norm in all the sector-level CAs, private as well as public (Due & Madsen 2003).

The contributions to the occupational pension funds is paid as a percentage of the employee's wage, typically shared so that the employee pays 1/3 and the employer 2/3 of the contribution. The percentage-share of the wage has increased gradually since the CA bargaining round in 1991. Currently, the total percentage contribution varies between 12 % (found in most private sector CAs) and 19 % (found in some public sector CAs). Importantly, most CAs include thresholds for minimum employment periods before earning occupational pensions. This threshold has in several CAs been reduced in recent years and stands in most of the CAs now at between 2 and 6 months (Larsen 2017; Larsen and Mailand 2014).

In 2003, it was estimated that 92 % of all employees were covered, albeit not all to the same extent. The opinion of the social democratic-led government from the 1990s was that the problem of coverage was minimal, since the aggregated savings from the old age pension, the ATP lifelong pension and the occupational pensions would together provide nearly every pensioner with more than 60 % of previous income (Due & Madsen 2003;

Mailand 2006). However, it is now widely perceived that the total coverage of the Danish pension system is insufficient.

The most important *recent reform* with regard to the risk of old age is from 2011, when the liberal-conservative government decided to reduce the VERS period from 5 to 3 years and to tighten the off-setting rules (today the real value of the VERS is less than 25 % of the maximum rate). After the reform, the number of VERS claim-ants was reduced substantially (down to 28 % of all 60-64 years old) and further reductions are foreseen.

Preparations was made for a reform of the pension system, as such, with the set-up of a Pension Commission in 2014. The Commission was asked to look especially at the problem of the offsetting rules for taxes and various publicly financed benefits, which implies that the incentives for contributing to a private pension are in some cases inadequate. The Commission was also asked to look at the problem of those groups with insufficient pension savings. However, the commission was wound up when the Liberal-led government took office in 2015.

Denmark has no statutory scheme for survivor pensions with the exception that survivors can receive up to three months of their deceased partners' statutory old age pensions (Spasova et al. 2017). Such schemes are instead regulated through the occupational pension schemes, where entitlement differs between various schemes depending on the collective agreement under consideration.

2.7 Summary of trends

The most important trends in social protection in Denmark – as they have been described above – will be summarised here. Some of these trends are interrelated.

An important trend within the period we are considering is that social protection is increasingly linked to employment status as well as increasingly dependent on collective agreement coverage. The benefit levels in terms of the risk of unemployment have for long been linked to employment and insurance. Likewise, benefit levels in terms of the risk of sickness and the risk of parenthood have for long been closely linked to employment and CAs, while the benefit levels in relation to the risk of old age first became linked to CAs with the spread of the occupational pension funds from the 1990s.

A more recent trend is the development of greater diversity in the types and the levels of social protection. The examples with regard to the risk of unemployment include the introduction of a third tier of social protection - the Integration Allowance - below both UI and SA - and the temporary benefit targeting persons exhausting their rights to UI, such as the Cash Allowance. Similar trends are seen in relation to the risk of sickness and accidents as well as the risk of disability, not least with the introduction of the Job-possibility Allowance, a benefit lower than both Disability Pension and Sickness Benefit.

The greater diversity within Danish social protection is closely related to a trend to 'make work pay' by reducing benefits in order to increase work incentives for ordinary employment. The 'make work pay' mode of thinking has played a key role in relation to recent reforms targeting the risk of unemployment such as the shortening of the maximum unemployment insurance period, the introduction of the Integration Allowance and the Social Assistance Ceiling. Likewise, this 'make work pay' approach has also played a role in the introduction of the Job-possibility Allowance (related to the risk of sickness and accidents at work and the risk of disability) where a new lower benefit is combined with a more intensive and tailor-made process to get the client back into work.

Also noticeable is a trend towards stricter entitlement rules and other 'barriers to benefits'. Examples with relation to the risk of unemployment include the 2010 unemployment insurance reform, which among others things, increased the work-hours in order for the unemployed to regain their rights to Unemployment Insurance. However, the 2015 unemployment insurance reform included small steps in the opposite direction. Also, with regard to the risk of sickness and disability, there is a trend towards stricter eligibility criteria where the most recent reforms made access to Sickness Benefit more difficult and access to Disability Pension nearly impossible for persons below the age of 40. An important exception from the aforementioned trend is found in relation to the risk of parenthood, where the scope (in terms of employee groups covered) and the maximum total period of Child-birth Social Allowance per child, as well as the CA-related top-ups, have been extended since the turn of the century.

Finally, an emergent focus on atypical employees (including the self-employed) is illustrated by the unemployment insurance reform of 2015 and by the 2017 law on social insurance for the self-employed (both related to the risk of unemployment) and by the (so far failed) attempt to introduce a parental leave fund for self-employed individuals (related to the risk of parenthood).

3 Social protection and forms of atypical employment

Atypical employment covers a wide range of employment forms other than the traditional full-time open-ended contract. Most labour market institutions and welfare arrangements are based upon the assumption of employees' holding open-ended full-time positions. Therefore, employees with atypical employment are often less covered, if not excluded, from much employment and social protection, leading to increased risks of deteriorating employment conditions and rising inequalities (Spasova et al. 2017; Palier and Thelen 2010). In line with the project's questionnaire, we will in the following sections examine the various forms of social protection available to (solo) self-employed, marginal part-time workers, employees with second or multiple jobs, and other types of atypical employment. We concentrate on the same five risks as above: Unemployment, sickness/accidents, disability, parenthood and old age. The last section of the chapter sums up the main trends for these employee groups in terms of their access to social protection.

3.1 (Solo) self-employed

In this section, the focus will be on the self-employed – and where regulations differ, on solo-self-employed (self-employed without employees). The definitions of self-employment/self-employees were presented in section 2.1.

With 8 % of the workforce in 2015 being self-employed, Denmark has among the lowest rates of self-employment in the EU. The share of solo self-employed (self-employed without employees) stood at 5 % in the same year. Both figures have only changed marginally since 2000, showing a slight decrease in the share of self-employed, and a slight increase in the share of solo self-employed (Labour Force Survey, various years). A recent survey found 79 % of the self-employed in Denmark to be 'self-employed through own preferences' - voluntarily self-employed so to speak (Eurofound 2017).

The risk of unemployment

Since 1976, it has been possible for the self-employed to be members of an unemployment insurance fund. There are a couple of unemployment insurance funds targeted towards the self-employed. Moreover, some of the 'standard' funds are open for membership from self-employed people, whereas others are not.

Entitlement and requirements: In order to receive UI (for a maximum of two years) the requirements are:

1. membership of an unemployment insurance fund,
2. having passed the 3-week waiting period after signing up to the fund,
3. being able to demonstrate 52 weeks' work within 3 years,
4. having liquidated the company (as a general rule).

As with employees, it is possible to receive 'supplementary UI' if the company of the self-employed person is registered and can be considered as 'secondary economic activity' (de facto 10-15 hours of work per week). The self-employees can receive the 'supplementary UI' for a maximum of 78 weeks (ase.dk). As for other types of non-standard workers, it is a challenge for the self-employed to be able to document a sufficient number of hours to be entitled to UI – not only because of the level of the demand, but also because it is more difficult for self-employed people than for employees to provide documentation (Mailand 2015).

The standard UI rate is dkk 15,090 pr. month, whereas the maximum rate is dkk 18,403. To be entitled to this higher rate the company's income for the two best financial years should be at least dkk 266,725 (dana.dk).

Regarding *recent reforms*, the aforementioned 2015 unemployment insurance re-form was planned to address problems caused by the fact that the UI-system has been developed (mostly) for persons on open-ended contracts and not for the self-employed. There is an especial challenge arising from the UI-system because the individual person is defined as either self-employed or employed, whereas the reality is that a large and increasing number of people are both. However, the tripartite committee preparing the 2015 reform did not manage to come up with proposals, but passed the task on to a working group in the Ministry of Employment, who reported in April 2017. The main proposal from the report (Arbejdsgruppen om selvstændige i dagpengesystemet 2017) made up the backbone of a new law regarding UI for the self-employed, that will gradually be implemented from January 2018. The main elements of the new law are:

1. The categorization of employee/employment vs. self-employee/self-employment will be related to the economic activity and not the person, thereby facilitating combinations of the two.
2. A partial harmonization of regulations for employees and the self-employed based on the former
3. Harmonization of categories used in the tax system and the UI-system
4. More use of objective information and data in the UI-system for both employees and the self-employed and less use of case-worker judgments (Lov nr. 1670 af 26/12/ 2017; Beskæftigelsesministeriet 2017).

The new law does not change the definitions of employment and self-employment presented in section 2.1. Furthermore, the new law does solve some, but not all, problems with regard to the (unjustified) differences for employees' and self-employees' access to UI, and with regard to persons combining the two types of employment.

The risk of sickness and accidents at work

Regarding requirements and entitlement, self-employed workers have the right to publicly-funded Sickness Benefit, which requires registration on a municipally ad-ministered online system no later than 1 week after the first day of absence. After 2 weeks of illness, a self-employed worker is entitled to Sickness Benefit for a maximum of 22 weeks within a 9 month period if: the person has been self-employed within the last 12 months with a mini-

mum of 18.5 hours per week for at least 6 weeks and within the last month with a minimum of 18.5 hours per week. If the company of the self-employed worker pays sickness pay, special rules apply (borger.dk; dana.dk).

Although being a sort of third pillar of social protection, and therefore beyond the focus of the present research report, it is worth mentioning that a self-employed worker - if he or she wants compensation from the first day of absence - has the opportunity to purchase individual insurance through the public body for social protection payments, Udbetaling Danmark. If the self-employed person has not been able to return to work after the maximum period of 22 weeks, the he or she enters a process more or less identical to the process employees face (see section 2.2) (borger.dk; dana.dk). The maximum rate for Sickness Benefits is dkk 18,395.

Regarding recent reforms, those mentioned in section 2.2 – i.e. the unemployment insurance reforms of 2010 and 2015 - are also relevant for the self-employed.

The risk of disability

Social protection regarding the risk of disability does not differentiate between employed and self-employed workers. Hence, the rules and regulations are, with a few exceptions, the same as described in section 2.4. One of the relevant recent reforms is the aforementioned reform of the disability pension and flexi-jobs agreed in 2012. Among other things, the reform confirms the right to establish a flexi-job for your-self in your own company, but establishes a set of rules specifically for the self-employed that, on a number of points, differs from the previous rules and regulations.

The risk of parenthood

The rules for leave with regard to childbirth are basically the same for self-employed workers as they are for employees (see section 2.5). However, both the social benefits you receive and the requirements differ. The requirements are: 1) self-employment for at least 6 months within the past 12 months; 2) activity as self-employed worker in the past month; 3) a company showing an economic surplus; 4) at least 18.5 work hours per week; 5) daily physical contact with the child (borger.dk).

The maximum rate for all four types of parenthood-related leave is dkk 18,395 per month. To obtain this level past economic turnover has to be at least dkk 200,740 per month (borger.dk).

In terms of recent reforms, the EU's directive regarding the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity (2010), strengthened self-employed workers' rights to maternity leave. Moreover, a self-financed parenthood leave fund, administered by government, was prepared over several years and introduced in 2015. The fund was inspired by the parenthood funds for employees linked to the CAs (see section 2.5), and raised the maximum leave related income from dkk 17,957 to dkk 26,455 per month. However, just two months after the launch of the scheme in 2015 the Ministry of Em-

ployment declared that they would roll back the scheme because the contribution-model was not sustainable. A large number of those who were asked to contribute to the fund were de facto employees with additional income and not persons that mainly had their income from self-employment. The government estimated that a self-financed fund only covering 'real' self-employed workers would be too expensive for the single self-employed (Politiken, October 21, 2015).

The risk of old age

Self-employed workers are covered by the standard old age pension and by the ATP lifelong learning, but they are not covered by CA-related occupational pensions as employees are (see section 2.6). There has been no attempt from the political system to establish special pension funds for the self-employed similar to the attempt to establish a parenthood fund. However, some of the unemployment insurance funds targeting the self-employed have established cooperation with private insurance companies in order to offer self-employed pension arrangements on favorable conditions (e.g. dana.dk).

The role of collective agreements

As a general rule collective agreements do not cover the self-employed. Nevertheless, de facto, an intermediate category exists in collective agreements in some areas. For instance, in the media industry and the graphical industry, the Danish Union of Journalists has (together with other unions) 25 'collective agreements for freelancers' and 'media agreements' with employers. They include, e.g., general minimum-pay, special rates for night work, holiday allowances, and minimum prices for various graphical products. Not all agreements have the same content, and a few are only price-lists, but all of them include far fewer aspects of economic activities than do 'real' collective agreements (journalistforbundet.dk). The trade unions who are involved in these agreements now have one main guideline which is that only self-employed (freelancers) who work under the instruction of an employer are covered by the 'collective agreements for freelancers' and the 'media agreements' (ibid.; interview with Dansk Journalistforbund, October 19, 2017).

However, the content of the 'collective agreements for freelancers' and 'media agreements' is much more narrow than that of collective agreements for employees. Moreover, they only apply to those types of self-employed individuals who work under the instruction of an employer.

Survey on the conditions of the solo self-employed

In addition to this rule-and-regulation based information, it is worth noting a recent survey covering the de facto (self-reported) social protection of the solo self-employed. This survey on the situation of the solo self-employed is part of a large-scale recent survey on the conditions of atypical employment in Denmark (Scheuer 2017). As seen in table 12 it is possible to compare the situation of the solo self-employed with so-called 'standard employees'

(in the report defined as employees on open-ended full-time contracts without involvement of temp agencies).

Table 12

	Solo self-employees	Standard Employees
Have the right to wage during sickness	30	95
Have AMP/pension for self-employees	59	92
Feel they save sufficiently for pension	50	74
Have participated in further training courses	21	39
Are member of unemployment insurance fund	43	91
Are member of trade unions	28	84
Are member of employer organization	17	Not relevant

Source: Scheuer (2017). NB! The survey is based on 4,099 interviews (excluding interrupted and discarded interviews) conducted in November 2016.



The survey shows, unsurprisingly, that the solo self-employed not only de jure, but also de facto, have a weaker coverage of various forms of social protection and are less well represented by labour market organisations.

3.2 Marginal part-time employment

The Danish standard work week is typically defined as 37 hours per week distributed over five working days. Therefore, any employees working less than 37 hours per week are considered part-time workers (Larsen and Navbjerg 2011). However, the definition of part-time work differs slightly between different schemes or agreements. For example, the unemployment insurance scheme defines part-time work as less than 30 working hours per week, while most collective agreements consider part-time work as less than 37 hours per week, even those agreements operating with a lower normal work week such as industrial cleaning (30 hours per week).

While there is a common understanding of part-time work being less than 37 working hours per week, Denmark has no official definition of marginal part-time work. Instead academic scholars, social partners, the national statistics bureau Statistics Denmark and others often adopt the internationally accepted definition of marginal part-time and consider marginal part-time employment as less than 15 working hours per week (Ilsøe et al. 2017; Scheuer 2017). Despite the absence of an official definition of marginal part-time employment, the Danish labour law and an array of collective agreements operate with different minimum thresholds in order to qualify for the social benefits outlined in the CAs and the Danish labour law. For example, only employees with at least one month of employment are entitled to the social benefits outlined in the collective agreement covering the local government sector (KL and KTO, 2015). Another example is the Dan-

ish Salaried Employees Act (2009), which only covers employees with more than an average minimum working week of 8 hours within one month (Danish Salaried Employees Act (2009)). Therefore, some employees with contracts of few hours or of short duration are not covered by the Danish Salaried Employees Act (2009) nor are they entitled to an array of collectively agreed or statutory social benefits. In such situations, the Danish Part-time Employment Act (2002) covers marginal part-time workers, but the Act may offer less generous entitlements than the Salaried Employees Act (2009) or some collective agreements.

Recent figures suggest that 11% of the Danish workforce can be considered marginal part-time workers as they work less than 15 hours per week (Statistics Denmark, 2017). In fact, marginal part-time employment is one of the fastest growing forms of employment in the Danish labour market and the percentage of such workers has increased from 7,5 % in 2000 to 11% in 2017, with this form of employment particularly taking off after the economic crisis hit Denmark in 2008 (see figure 1; Statistics Denmark, 2017).

Wide variations exist across the Danish labour market with regard to marginal part-time employment. Marginal part-time employment is particularly widespread within hotels and restaurants (62%), retail (52%) and industrial cleaning (42%), where such workers often hold multiple jobs to secure a reasonable income. These workers are often working unsocial hours, in shifts and (particularly industrial cleaners) working on their own at multiple workplaces (Larsen and Mailand, 2018; Ilsøe et al. 2017). Their work hours range from no guaranteed weekly working hours to open-ended employment contracts of up to 15 hours per week, where as many as 20% in industrial cleaning, 30% in retail and 39% in hotel and restaurants worked less than 8 hours per week within one random month in 2015 (Larsen et al. 2017). Marginal part-timers' entitlements to social protection within the five selected risk areas are outlined below.

Risk of unemployment

In case of unemployment, marginal part-time workers have, in principle, similar rights to full-time employed workers with regard to different types of assistance such as UI, Cash Allowance (kontanthjælpsydelse), SA, Integration Allowance (Integrationsydelse), and the collectively agreed and statutory severance payments outlined in the collective agreements and the Salaried Employees Act (2009). However, their de facto entitlement varies depending on the type of assistance under consideration, where only the Integration Allowance is neither earnings-related nor dependent on past employment records. Instead, the Integration Allowance depends on the individual's citizen status, age and household situation (see section 2.2).

Unemployment Insurance (UI): Since 1969, part-time workers have been able to be members of an unemployment insurance fund, and although such memberships are optional in Denmark, most part-time workers – 66% - have joined an unemployment fund according to recent studies (Scheuer 2017: 77; Mailand 2010). However, figures regarding the number of marginal part-time workers being members of an unemployment insurance fund are unavailable, but even if they have joined an unemployment insurance

fund, there is no guarantee that they will be entitled to UI in case of redundancy.

The eligibility criteria for receiving UI differ depending on the type of membership. Part-time employees working less than 30 hours per week can choose to be full-time or part-time insured. In case part-time workers opt for the latter, they pay lower membership fees and accrue the rights to Unemployment Insurance, if they have worked more than 1,258 wage hours within the last three years, which corresponds to working on average 8.1 hours per week. This number is slightly higher if marginal part-time workers opt for full-time insurance (1,924 waged hours within the last three years, corresponding to an average working week of 11.8 hours per week). Therefore, marginal part-time workers, especially those working less than 8 hours per week, face increased risks of being without social protection during periods of unemployment as they are unable to meet the eligibility criteria.

Marginal part-time workers also face other disadvantages compared to their peers in full-time employment, even if they qualify for UI, and in principle have similar rights as employees in full-time employment during periods of unemployment. For example, Danish UI is earnings- and age-related (see section 2.2). To receive the maximum rate, unemployed individuals have to have earned on average 22,300 dkk (full-time insured) per month within 12 of the last 24 months prior to becoming unemployed (Borgerservice 2017). Thus, marginal part-time workers are rarely able to qualify for the maximum unemployment rate, even if they opt for part-time insurance.

Cash Allowance is calculated in a similar way to the UI, being based on marginal part-time workers' previous earnings and the number of weekly working hours. Also their age, household status and educational background affect the level of reimbursement with lower rates offered to single people, non-parents and young people (see also section 2.2).

SA is also calculated based on marginal part-time workers' employment record, where their household status, age and finances are also taken into account. Marginal part-time workers are - similar to other claimants - requested to document at least 225 hours of waged work within the last year in order to qualify for full SA. Recipients of SA, who are unable to meet this threshold face reduced levels of A (see section 2.2). Therefore, unemployed marginal part-time workers, who have exhausted their rights to Unemployment Insurance or are unable to document at least 225 hours of waged work, if recipients of SA, risk reduced SA due to their contracts of few hours.

Severance Payments: Marginal part-time workers enjoy, in principle, similar rights to severance payments as their peers in full-time positions, if covered by collective agreements or the Salaried Employees Act (2009). However, the high job mobility among marginal part-time workers and the relatively long employment record required to qualify for severance pay (3-12 years) means that many marginal part-time workers face increased risks of being unable to accrue rights to such benefits (Ilsøe et al. 2017). The fact that the Salaried Employees Act (2009) and some collective agreements explicitly exclude employees with contracts of less than 8 working hours per week, also limits marginal part-time workers' access to severance payments, even

if the Part-time Employment Act (2002) covers those falling outside the scope of the collective agreements or the Salaried Employees Act (2009).

Recent reforms have tightened the rules and regulations regarding employees' rights to the statutory schemes for social protection during periods of unemployment. Such reforms have particularly affected marginal part-time employees' access to Unemployment Insurance and Social Assistance. For example, the 2010 reform of the unemployment insurance scheme tightened, among other things, the eligibility criteria: whereby employees had to work 52 full-time weeks instead of 26 full-time weeks within a three year period to qualify for, or re-earn their rights to, Unemployment Insurance. Thus, marginal part-timers, particularly those with contracts of few hours may have greater difficulty in accruing e rights to Unemployment Insurance.

Likewise, the recent reform of Social Assistance from 2016, which introduced the request for claimants to document at least 225 hours of waged work within the last year, may not only affect the income security for employees unable to meet the eligibility criteria. The changes introduced under the reform may also lead to rising shares of marginal part-time workers, although it is still too early to assess the implications of the Social Assistance reform.

Other recent reforms have eased marginal part-time workers' access to social protection. These include, among other things, the 2001 reform of the Salaried Employees Act (2009), which expanded the scope of the law to include marginal part-time workers with contracts of a minimum of 8 working hours on average per week within one month. Prior to the reform, employees working, on average, less than 15 hours per week within one month were not covered by the Act and, therefore, had no rights to its social benefits. At the time, social partners in the public and private sector decided to follow suit by either lowering, or in some instances even removing, similar thresholds within their collective agreements (Andersen 2003).

In 2014, the social partners within the local government sector removed the minimum threshold of 8 weekly working hours within their collective agreement and thus expanded the scope of their collective agreement to include all employees with contracts of few hours. In 2016, the government also revised the Part-time Employment Act (2002) to ensure that all part-time workers were covered by the law irrespective of their number of weekly working hours. These recent changes, along with the reform of the Salaried Employees Act in 2001, were largely to comply with EU legislation rather than an example of the Danish government and social partners' attempt to ease marginal part-time workers' access to the social benefits outlined in the law and collective agreements (Larsen and Mailand 2014).

Risk of sickness and accidents at work

Marginal part-time workers have, in principle, rights to paid statutory and collectively agreed sick leave, and to payment in case of illness and accidents at work under the rules and regulations generally applying to Danish employees and outlined in section 2.3. However, the eligibility criteria of at least 240 working hours within the last six months prior to the first sick day or accident at work mean that some employees with contracts of few hours

face difficulties in meeting this threshold and are, thus, unable to accrue rights to Sickness Benefits. The fact that the Danish labour law further requests that employees work at least 40 hours per month within the last five months prior to any illness or accidents at work, only adds to the increased risks of marginal part-time workers being unable to qualify for Sickness Benefits (The Sickness Benefits Act (2016), see also section 2.3). Likewise, most collective agreements offer full wage compensation during sick leave but, to qualify for this, employees need to have worked at least 6 months within the company. Marginal part-time workers, particularly those without any guaranteed contractual work hours, may therefore have difficulties in accessing the collectively agreed Sickness Benefits as they rarely work long enough at the workplace to accrue such rights. In cases where marginal part-time workers do qualify for statutory or collectively agreed Sickness Benefits, they risk receiving reduced rates as Sickness Benefits are earnings-related and implicitly depend on the number of weekly working hours prior to becoming ill. Therefore, they are rarely able to receive the maximum statutory Sickness Benefits rate.

Recent reforms of the Sickness Benefits Scheme are also relevant to marginal part-time workers, not least the Sickness Benefits reform from 2010 that came into force in January 2012. The reform tightened, among other things, the eligibility criteria whereby employees now had to work 240 hours within the last 26 weeks prior to their first day or accident at work rather than 120 hours within the last 13 weeks (Arbejdsmarkedstyrelsen 2010). Likewise, the 2014 reform further tightened the eligibility criteria for Sickness Benefits as well as linking access to Sickness Benefits more closely to past employment records by adding a new request that employees have to have worked at least 40 hours per month within the last five months prior to any illness or accident at work in order to qualify for statutory Sickness Benefits (The Sickness Benefits Act (2014)).

Risk of parenthood

Marginal part-time workers have similar rights to unpaid pre-maternity, maternity, paternity and parental leave as their peers with full-time open ended contracts insofar as they meet the eligibility criteria i.e. they are parents. However, their rights to wage compensation during such forms of leave depend, among others things, on their employment record, including the number of weekly working hours within the last 13 weeks prior to taking leave (see section 2.5). Marginal part-time workers working less than 120 hours within the last 13 weeks before childbirth have, therefore, no rights to statutory paid pre-maternity-, maternity-, paternity- or parental leave, where the reimbursement follows the rates of Unemployment Insurance (see section 2.5).

Marginal part-time workers also face increased risks of reduced wage compensation during pre-maternity, maternity, paternity and parental leave, even if they comply with the aforementioned threshold. Most Danish leave schemes – both those regulated by Danish labour law and collective agreements - are earnings-related; and often include even stricter thresholds regarding working hours and employment record than those outlined in The Leave Act (2002) (see section 2.5). For example, most collective

agreements offer parents' rights to full wage compensation during pre-maternity, maternity, paternity and parental leave, but only if parents meet the collectively agreed threshold regarding their employment record, which varies from 6 to 9 months depending on the collective agreement under consideration (see section 2.5). In addition, the Danish Salaried Employees Act (2009), along with some collective agreements, only cover employees working, on average, more than 8 hours per week within one month as mentioned earlier. Thus, employees with contracts of few hours have no rights to the collectively agreed or statutory wage compensation during any of the aforementioned leave schemes, if they work under these collective agreements or the Salaried Employees Act (2009). Instead, they are only entitled to the statutory paid leave, but some may even have difficulties meeting these eligibility criteria due to their few working hours.

The recent wave of collective agreements and legislative reforms regarding pre-maternity, maternity, paternity and parental leave include, among others things, an extension of parental leave in terms of the period as well as the scope (i.e. employees' groups that qualify for wage compensation during parental leave – Larsen and Navrbjerg 20178). They have some relevance for marginal part-time workers in that the 2001 reform of Salaried Employees Act (2009) and the revisions of the Part-time employment Act (2002) in 2016 expanded the scope of the Danish labour law to cover employees with contracts of few hours as mentioned earlier. Likewise, social partners have also lowered, and in some instances removed, the threshold regarding weekly working hours, and thus eased marginal part-time workers' access to paid statutory and collectively agreed pre-maternity, maternity, paternity and parental leave (Larsen and Navrbjerg 2018).

Risk of disability

Marginal part-time workers have similar rights to social protection in case of disability as other Danish citizens insofar as they meet the eligibility criteria outlined in section 2.4. The most important schemes are the Disability Pension (førstidspension) and the Flexi-job Scheme, which encourage people to take up marginal part-time positions. The most recent rule changes include the 2012 reform of the Disability Pension scheme and the Flexi-jobs Scheme, which, among others things, reduced income security of marginal part-time workers. Prior to the reform, marginal part-time workers who were part of the Flexi-job Scheme were able to receive salaries corresponding to full-time work despite working reduced hours. However, this changed with the 2012 reform and, as a result, marginal part-time workers are only entitled to salaries that correspond to their de facto work hours.

Risk of old age

Marginal part-time workers are covered by the statutory old age pension scheme, the ATP lifelong pension scheme as well as the collectively agreed occupational pension schemes and the survivor pensions insofar as they meet the eligibility criteria listed in section 2.6. However, the occupational pension schemes are earnings-related, and thus marginal part-time workers risk lower income security in old age due to their low number of working hours (ATP, 2013). A recent study by the trade union FOA (2016)

estimates that part-time social care workers working, on average, 30 hours per week risk losing up to 309,666 dkk in pension savings compared to their peers in full-time employment. These calculations suggest that the pension penalty is more than twice as high for marginal part-time workers with contracts of less than 15 hours per week (FOA 2016). In addition, the different pension schemes enable older workers to postpone retirement by allowing them to combine retirement or early retirement with working reduced hours. Therefore, the different pension schemes appear to encourage older workers or pensioners to work on a marginal part-time basis.

Recent pension reforms relevant to marginal part-time workers include new opportunities for postponing retirement (2017) by working reduced hours. Likewise, since 2007, social partners have lowered the threshold for accruing rights to an occupational pension from 9 to 2 months within most collective agreements (Larsen and Mailand 2014). In some sectors, such as industrial cleaning, social partners decided in 2010 to entirely remove the threshold and thus marginal part-time workers accrue pension rights from the first day of employment (SBA et al. 2017).

3.3 Second or multiple jobs

Nine per cent of the Danish workforce held multiple jobs in 2017 and their numbers have declined since 2000, when 11% of Danish employees held multiple jobs. A marked decline began when the economic crisis hit Denmark in 2008 and, since then, the percentage has continued to decrease (Eurostat 2017).

Wide variations exist across sectors and among different employee groups with regard to the incidence of multiple jobs (Larsen et al. forthcoming). Marginal part-time workers are more likely to work double shifts, although employees with long part-time and full-time positions also often combine their primary job with an additional job as regular wage earner, solo-self-employed, freelancer or external consultant without necessarily being registered as self-employed (Larsen and Mailand 2018; Ilsøe and Madsen 2018). The characteristics of self-employed workers' and employees' second or additional jobs largely determine how such jobs contribute towards their rights to distinct forms of social protection, although variations exist depending on the type of social protection under consideration.

Risk of unemployment

Both employees and self-employed workers can be members of an unemployment insurance fund, and thus accrue rights to Unemployment Insurance as mentioned earlier (see section 2.2; 3.1). However, only some earnings arising from distinct sources of income count towards self-employed workers' and employees' accrued rights to Unemployment Insurance. In this context, all waged work arising from secondary jobs characterised as regular employment such as full-time, part-time, fixed-term or temporary agency work are typically considered when employees or self-employed workers apply for Unemployment Insurance. Also earnings arising from self-employed work are taken into account insofar as self-employed indi-

viduals are able to document their activities as mentioned in section 3.1. However, income de-rived from freelance jobs or external consultant assignments, particularly if the person is not registered as self-employed, may not necessarily count towards their accrued rights. Instead such forms of income are subject to the individual assessment by the job center as no clear official guidelines exist and the existing rules and regulations are rather blurred regarding such sources of income. Therefore, some employees bear the risk that their secondary jobs will not count towards their rights to Unemployment Insurance if such forms of income are taxable. The most recent re-form relevant to multi-jobbers is the 2017 law which made changes to the unemployment insurance scheme which allow all sources of income to contribute towards employees' or self-employed workers' accrued rights to UI. These law changes also narrowed the differences between waged work and self-employed work (see section 3.1.)

Risk of sickness and accidents at work

The Danish labour law does not differentiate between primary and secondary or any additional jobs when it comes to employees' and self-employed workers' rights to paid statutory sick leave and Sickness Benefits in case of sickness or accidents at work insofar as they comply with the eligibility criteria (Danish Sick Benefits Act (2016)). However, rights to full wage compensation during sick leave from any additional jobs depend on whether the job is characterised as traditional waged work and covered by a collective agreement or whether it falls under the Salaried Employees Act (2009). Insofar as this is the case, neither the Danish labour law nor the collective agreements differentiate between primary and secondary jobs. When secondary jobs are described as self-employed work, the rules and regulations for self-employed workers apply (see section 3.1).

Risk of parenthood

Any additional jobs contribute in a similar way to primary jobs towards self-employed workers' and employees' rights to statutory pay during pre-maternity, maternity, paternity and parental leave insofar as the employee or self-employed worker complies with eligibility criteria listed in section 2.5, 3.1. However, rights to full wage compensation during such leave depends - as with Sickness Benefits- on whether the job can be described as traditional waged work and is covered by a collective agreement or falls under the Salaried Employees Act (2009). In cases where the nature of the secondary job is considered self-employed work then the rules and regulations for the self-employed apply.

Risk of disability

Social protection regarding risk of disability does not distinguish between primary and secondary jobs nor does it distinguish between those who are employees, registered as self-employed, freelancers or external consultants without being formally registered as self-employed. Therefore, the eligibility criteria are, with a few exceptions, the same as those listed in section 2.4.

Risk of old age pension

Social protection regarding the statutory old age pension does not distinguish between primary and secondary jobs nor does it make any distinction according to the job type under consideration. However, the ability of any additional jobs to contribute towards accrued rights to an occupational pension scheme, depends on whether the job can be described as traditional waged work and is covered by a collective agreement or falls under the Salaried Employees Act (2009). Therefore, only jobs that fall under these regulations contribute towards employees' occupational pensions (see also section 2.6).

3.4 Other types of atypical employment

New forms of employment have emerged on the Danish labour market in recent years. They include, among others, temporary agency work, fixed-term contracts based on the occurrence of an event, unregistered self-employed work such as external consultants and jobs via digital platforms but their numbers remain relatively low compared to other forms of atypical employment. One per cent of the Danish work-force are temporary agency workers and their numbers have increased since temporary agency work was legalized in 1990, although this form of work declined rapidly following the economic crisis that hit Denmark in 2008 (Andersen and Iversen 2001; Statistics Denmark 2017; see figure 1). In addition, fixed-term contracts have been used for years by employers on the Danish labour market, but the ability to recruit fixed-term workers based on the occurrence of an event is relatively new and came with the implementation of the EU's directive on fixed-term work (2001). According to a study by Larsen (2008), most fixed-term contracts in the Danish local government sector are based on the occurrence of an event rather than a settled date for termination as this allows for greater flexibility to dismiss fixed-term workers. In 2017, 11% of the Danish workforce were fixed-term workers (see figure 1).

With regard to assignments or jobs via digital platforms, a recent large-scale survey by Ilsøe and Madsen (2017) estimates that 1% of Danish employees had earnings from a digital labour platform within the last year such as Happy Helper and Upwork, while 1.5% had earnings arising from so-called digital capital platforms such as GOMore and Airbnb. Such forms of work are often a secondary rather than primary source of income and may not necessarily contribute towards accrued rights to social protection such as occupational pensions, unemployment insurance, paid sick leave or maternity, paternity and parental leave (Ilsøe and Madsen 2017). This type of work often falls within the grey zones of Danish labour market regulation as they are neither characterised as traditional waged work nor self-employed work due to there being no requirement that individuals are registered as being self-employed if their annual earnings are below 50,000 dkk per year (Ilsøe and Madsen 2017).

Digital platform work is a highly debated and controversial issue in Denmark. The Danish government and social partners were a bit slow to start the bipartite and tripartite consultations on digitalisation compared to, for

example, Sweden and Germany. However, they have since then caught up by setting up the Unemployment Insurance Commission (2015) and the Disruption Commission (2017), where issues related to work on digital platforms are discussed and form part of the bargaining mandate (Ilsøe and Madsen 2017).

Other forms of employment on the rise in Denmark involve bogus self-employment, which is not an official term in Danish legislation, as well as zero-hour contracts that are characterised by no guaranteed work hours, although both employment forms have existed on the Danish labour market for several years. Zero-hour contracts often fall under distinct categories such as on-call temps (public sector), reserves (hotel and restaurants) or replacements (industrial cleaning) within the collective agreements. No exact figures exist with regard to how widespread bogus self-employment and zero-hour contracts are on the Danish labour market, but these employment forms are reportedly more widespread in some sectors than others, such as construction, low-wage and labour intensive sectors (Arnholtz and Andersen 2016; Larsen and Mailand 2014).

Employees with a zero-hour contract often have limited, or no, rights to social benefits that fall under some collective agreements or the Salaried Employees Act (2009), if they work on average less than 8 hours per week within one month. However, the Part-time Employment Act (2002) ensures that employees with zero-hour contracts are covered by the rights outlined in the EU's part-time directive (2001).

Danish social partners – unions in particular - have also pushed for new rights for employees with contracts of few hours and for ways to reduce bogus self-employment. However, variations exist across sectors, where social partners within sectors most affected by these types of employment contracts have developed various joint and individual initiatives to address the challenges arising from such forms of employment (Mailand and Larsen, 2014; Arnholtz and Hansen 2013).

3.5 Summary of trends

Our analyses reveal that solo-self-employed, marginal part-time workers and employees with second or multiple jobs face - as with other groups of atypical workers - increased risks of being less covered, if not excluded from much employment and social protection, although recent reforms have increasingly targeted employees with contracts other than full-time open-ended positions. Indeed, atypical workers seem particularly vulnerable not only to the government's recent approach of tightening the entitlements to social protection and placing a stronger emphasis on linking social protection to employment status but also to social partners' increased regulation of traditional welfare protection through collective bargaining.

Atypical workers, particularly those in newly emerging employment forms such as marginal part-time work, zero-hour contracts, unregistered self-employment and platform work, often fall within the emerging gaps of Danish social and employment protection, leading to greater inequalities and

risks of polarization. Atypical workers are less likely to be covered by collective agreements and therefore be unable to access the collectively agreed social benefits which social partners have increasingly introduced to compensate for the rollback by the government or to address the emerging protection gaps within Danish social and employment regulation. Likewise, the employment form of many atypical workers, particularly if their contracts are of few hours or short duration, often mean that they have difficulty in meeting the eligibility criteria for Danish social and employment protection, which increasingly are dependent on their employment status and, not least, a minimum set of working hours or length of employment.

As a result, recent changes in the law have not always eased atypical workers' access to social protection, but instead introduced stricter eligibility criteria and thus greater inequalities in the access to distinct types and levels of social protection where atypical workers, in particular, face increased risks of exclusion. However, examples also exist of recent reforms that have attempted, with some success, to ease atypical workers' access to social and employment protection and thus address the emerging gaps within Danish social and employment protection.

4 Evaluation

This section includes a brief evaluation of the Danish social and employment protection systems based on the findings in the aforementioned sections. We start by briefly summarizing the main trends with regard to social protection in Denmark. The following section outlines the groups that we found faced problems regarding their social protection coverage - either because their coverage is limited or, in some instances, non-existent. We then briefly present the pros and cons of the existing system in order to identify the most acute problems as well as present examples of what could be considered as good practices that serve as inspiration for others.

4.1 The main trends of social protection in Denmark

As described in section 2.7 and explored further in section 3.5, the five most significant trends in Danish social protection are as follows:

1. *Benefits are increasingly dependent on employment status as well as increasingly dependent on collective bargaining coverage.* This has for long been the case regarding the risk of unemployment, the risk of sickness and accidents at work as well as the risk of parenthood. From the 1990s onwards, this development can also be seen with regard to the risk of old age.
2. A more recent trend initiated around the turn of the century is the development of *greater diversity in the types and the levels of benefits*, particularly with respect to the risk of unemployment, the risk of sickness and accidents at work and the risk of disability.
3. The increased diversity is also related to a trend towards a *'make work pay'* approach by reducing benefit levels in order to increase incentives to ordinary employment. The *'make work pay'* approach has played a key role in relation to the risk of unemployment as well as to the risk of sickness and accidents at work and the risk of disability.
4. A fourth trend, which is mainly seen from the beginning of the present decade, is *towards stricter entitlement rules and other 'barriers to benefits'*, which are particularly evident with regard to the risks of unemployment, sickness and accidents at work and disability. By contrast, a different trend is seen regarding the risk of parenthood where the period as well as the scope (i.e. the employee groups that qualify for wage compensation during leave) have been expanded and thus entailed more generous entitlements.
5. *An emergent focus on atypical employees* related to the risk of unemployment and the risk of parenthood has been seen in the present decade.

4.2 Groups not adequately covered by Danish social protection

The aforementioned five trends affect different groups of employees to varying degrees and contribute in some instances to addressing the challenges they face with regard to accessing social protection whilst in other in-

stances only enhancing such risks. The employee groups particularly at risk are those working on the margins of the labour market as well as workers with employment contracts other than full-time job positions. The Danish welfare state and industrial relations model are in principle based on the assumption of workers holding full-time permanent positions (Larsen 2011). Thus, the recent increase in some atypical employment types along with the increase in employment/collective bargaining-dependent benefits reveal, if not add to, the protection gaps within Danish social and employment protection, which may lead to deteriorating employment conditions and increased risks of impoverishment for such workers or citizens.

When looking at distinct groups particularly at risk of falling through the gaps of the Danish social protection and employment regulation due to their employment contract, our analyses suggest that solo self-employed, marginal part-time workers, temporary agency workers, fixed-term workers along with the newly emergent employment forms such as digital platforms workers, unregistered self-employed, and zero-hour contracts, face challenges with regard to social protection. The fact that more and more benefits are earnings-related or depend on past employment records and/or collective bargaining coverage, makes it even more difficult for employees with contracts other than full-time permanent positions to gain access to full social protection.

However, it is not just atypical workers that face increased risks of being less covered if not without social protection. Young people, migrants, insured unemployed, social assistant claimants, long-term sick people and disabled appear also to have experienced tightened eligibility criteria to cash-related benefits and/or reductions in the level of these benefits, although variations exist across groups and benefits.

4.3 Pros and cons within Danish social protection

The Danish social and employment protection system is constantly changing as a result of various government reforms and social partner initiatives. Their distinct approaches contribute in different ways to the pros and cons of the regulations, where some initiatives aim to tackle challenges related to atypical employment. However, precarious employment may also be caused by these very initiatives and their institutional setting, as will be illustrated below based on the empirical findings of the previous sections.

One of the most acute problems facing the Danish social and employment protection system is the growing inequality among employees or citizens covered by existing social protection and those either without or with weak coverage. A recent example of this is the introduction of stricter eligibility criteria for UI in 2010 which may only have fueled increased inequality as some groups face greater difficulties in accruing rights to SA or UI.

The recent 2015 unemployment insurance reform and the changes in the law in 2017 regarding the self-employed, illustrate the growing attention given to atypical employment. However, the changes introduced are so far

limited, leaving a relatively large share of atypical workers with lower levels of protection than their peers in full-time open-ended positions.

In other areas, initiatives appear to be more comprehensive in an attempt to help counteract the increased risks of precariousness and dualisation. The government and social partners have developed and implemented an array of initiatives to address the emerging gaps within social protection in order to cover employees or citizens on the margins of the system. For example, our analyses suggest that the government has expanded the employee groups being covered by the Salaried Employees Act (2009) by lowering the threshold for the required number of average weekly working hours within one month from 15 to 8 weekly working hours. Likewise, the government has also revised the Part-time Employment Act (2002) to ensure that part-time workers, irrespective of their contractual hours, have access to the rights stipulated in the EU's part-time directive (2001). In addition, the government's various reforms targeting self-employment, particularly solo-self-employment, have also eased such groups' access to Sick-ness Benefits, Unemployment Insurance, paid maternity, paternity and parental leave.

When looking at social partners' initiatives since the 1990s, our analyses suggest that they have increasingly included traditional welfare topics in their collective agreements and expanded the coverage of their collective agreements. However, their joint initiatives, as with recent government reforms, reflect a dual character: both showing evidence of a genuine interest in tackling increased inequality, but also contributing to segmentation and polarisation.

On the one hand, social partners' responses have in some instances been to compensate for the rollback by the Danish government or to address the emerging protection gaps within Danish social and employment regulations, which often arise from the new forms of employment entering the Danish labour market (Due and Madsen 2006; Mailand 2008; Larsen 2011). Social partners have, among other things, expanded the scope of their collective agreements to cover employment forms other than full-time work, such as marginal part-time work, fixed-term contracts and temporary agency work. They have also increasingly lowered the thresholds for accruing rights to various collectively agreed social benefits such as occupational pensions, further training, extra holiday entitlements, paid short-term leave entitlements etc.

When it comes to traditional welfare topics, social partners' recent initiatives include, for example, private health care insurance, severance payments, further training, extra holiday entitlements, full wage compensation during short- or long-term leave schemes for parents. Social partners have also repeatedly expanded the scope and depth of their occupational pensions scheme that came into force in 1987 by lowering the threshold for accruing rights to an occupational pension as well as by increasing the contribution rate during the recent wave of collective bargaining rounds.

On the other hand, the fact that social partners have included these types of social benefits into their collective agreements also poses some challenges in terms of social protection for Danish citizens as a whole, since

they only apply to employees covered by collective agreements. Therefore, employees without collective agreement coverage are without access to such social benefits, which in some sectors could be the majority of workers, as the collective agreement coverage is considerably lower than the general average for the Danish labour market, if not non-existent.

References

Andersen, S. K (2003): EU og det nordiske spil om lov og aftale – de nordiske lande og de europæiske aftaler/direktiver om deltid og tidsbegrænset ansættelse, Stockholm: SALTSA. Et nyt dagpengesystem for fremtidens arbejdsmarked.

Arbejdsmarkedsstyrelsen (2010) Nyhedsbrev om ændringer af lov om sygedagpenge, København: Arbejdsmarkedsstyrelsen

Arnholtz, J. & S. K. Andersen (2016): Udenlandske virksomheder og udstationerede arbejdstagere i bygge- og anlægsbranchen, Copenhagen: FAOS.

Arnholtz J. & N. W. Hansen (2013): Labour market specific institutions and the working conditions of labour migrants. *In Economic and Industrial Democracy 34(3), 1-22.*

Ase (2017): Hvornår er jeg selvstændig?
https://www.ase.dk/presse/nyhedsarkiv/2017/1/hvornaar-er-du-selvstaendig_selv

ATP (2013): Kvinders pension stort set upåvirket af barsel, orlov og deltid, ATP Faktum nr 133, Copenhagen: ATP.

Bekker, S. & M. Mailand (2018): The European flexicurity concept and the Dutch and Danish models: how have they managed the Great Recession? *Social Policy and Administration*, forthcoming.

Beskæftigelsesministeriet (2013): Rapport om øremærket barsel. København: Beskæftigelsesministeriet.

Beskæftigelsesministeriet (2017): Aftale om et nyt dagpengesystem for fremtidens arbejdsmarked. 18. maj 2017.

Di.dk: Betaling ved graviditet og barsel.
<https://di.dk/personale/personalejura/graviditetogbarsel/betalingvedgraviditetogbarsel/pages/betalingvedgraviditetogbarsel.aspx>

Due, J. & J. S. Madsen (2003): *Fra magtkamp til konsensus – arbejdsmarkedspensionerne og den danske model.* København: Jurist- og Økonomforbundets Forlag.

Esping-Andersen, J. (1990): The three worlds of welfare capitalism. Princeton University Press.

Eurofound (2017): Exploring self-employment in the European Union. Luxembourg: Eurofound.

Eurostat (2017): Employed persons having a second job by sex and educational attainment level (1 000) [lfsq_e2ged], Brussels: Eurostat

Finansforbundet (2017): Regler om barsel.
<https://www.finansforbundet.dk/da/rettigheder-regler/Sider/barselsregler.aspx>

FOA (2016): Konsekvenser for FOAs medlemmer af en fleksibel pensionsalder, Copenhagen: FOA.

Ilsøe, A., T. P. Larsen & J. Felbo-Kolding (2017): Living hours under pressure: flexibility loopholes in the Danish IR-Model. In *Employee Relations*, vol. 39: 6, pp. 888-902

Ilsøe, A. & L.W. Madsen (2017): Digitalisering af arbejdsmarkedet - Danskernes erfaring med digital automatisering og digitale platforme, FAOS research paper, no. 157, Copenhagen: University of Copenhagen.

Journalistforbundet.dk: Overenskomster for freelancere
<https://journalistforbundet.dk/overenskomster-freeelancere>

KL & KTO (2015): Forhandlingsfællesskabets forlig med KL, Copenhagen: KTO.

Kristensen, J. (2008): *Den kollektive arbejdsret*. København: Jurist- og Økonomforbundets Forlag.

Larsen T. P. (2008): *The EU directive on fixed-term contracts at company level - Effects and Influences in Denmark*, FAOS working paper, Copenhagen: University of Copenhagen.

Larsen, T. P. (2011): Insidere og outsiders – den danske models rækkevidde, Copenhagen: Jurist- og Økonomforbundets forlag.

Larsen, T. P. (2017): Table: Overview of selected collective agreements within Danish manufacturing 2017.

Larsen, T.P. , A. Ilsøe, & J. B. Felbo-Kolding (2017): Marginal part-time employment: work-life balance or wage flexibility, Paper presented at workshop, FAOS, University of Copenhagen: Copenhagen.

Larsen, T. P. & M. Mailand (2014): *Bargaining for Social Rights in Sectors*, FAOS Forskningsnotat, No. 141. Copenhagen: Copenhagen University.

Larsen, T. P. & M. Mailand (2018): Lifting wages and conditions of atypical employees in Denmark – the role of social partners and sectoral social dialogue. *Industrial Relations Journal*, forthcoming.

Larsen, T. P. & Navrbjerg, S. E. (2011): Tidsbegrænset ansatte og deltidsansatte- outsiders med rettigheder. In Larsen, T. P. (ed) *Insidere og outsiders- den danske models rækkevidde*. Copenhagen: Jurist- og Økonomforbundets forlag, 175-98.

Larsen, T. P. & Navrbjerg, S.E. (2018): Bargaining for equal pay and work–life balance in Danish companies – Does gender matter? In *Journal of Industrial Relations*, online first.

Mailand, M. (2010) : Dagpengesystemet og flexicurity-modellen. FAOS forskningsnotat nr. 114. FAOS, Sociologisk Institut, Københavns Universitet.

Mailand, M. (2015): Dagpengereformer og flexicurity i forandring. Forskningsnotat nr. 146: FAOS, Sociologisk Institut, Københavns Universitet.

Mailand, M. & T. P. Larsen (2011): Bargaining for social rights (BARSORI) – country report Denmark, FAOS Research paper 121, Copenhagen University: Copenhagen.

Palier, B., & K. Thelen (2010): Institutionalizing Dualism: Complementarities and Change in France and Germany. In *Politics & Society* 38 (1): 119-148.

Regeringen (2012): Aftale om førtidspension og fleksjob, 30. juni 2012.

SBA, 3F privat service - Hotel and Restauration & Serviceforbundet (2017): Serviceoverenskomsten 2017-2020, Copenhagen: DI (SBA), 3F-privat service, Hotel og Restauration -and Serviceforbundet.

Scheuer, S. (2017): Atypisk Beskæftigelse i Danmark. – Om deltidsansattes, midlertidigt ansattes og soloselvstændiges vilkår. LO-dokumentation nr. 1/2017

SKAT (2017): Selvstændig erhvervsvirksomhed, afgrænsning overfor lønmodtagere. <http://www.skat.dk/SKAT.aspx?oID=2048530>.

Spasova, S. D. Bouget, D. Ghailani & B. Vanhercke (2017): Access to social protection for people working on non-standard contracts and as self-employed in Europe – a study of national policies. Brussels: European Commission.

Star (2017): Pjecer om kontanthjælpsloft og 225-timersregel. København: Pjecer om kontanthjælpsloft og 225-timersregel.

Statistik Danmark (2017): Lidt færre modtager offentlig forsørgelse. 28. september 2017.

Trampusch, C. & P. Eichenberger (2012): Skills and Industrial Relations in Coordinated Market Economies - Continuing Vocational Training in Denmark, the Netherlands, Austria, and Switzerland. *British Journal of Industrial Relations* 50(4): 644-666.

Trampusch, C. (2013): Employers and Collectively Negotiated Occupational Pensions in Sweden, Denmark and Norway: Promoters, Vacillators and Adversaries. *European Journal of Industrial Relations* 19(1): 37-53.

Impressum

In der Reihe „WSI Study“ erscheinen in unregelmäßiger Folge Arbeiten aus dem WSI zu aktuellen Vorgängen auf wirtschafts-, sozial- und gesellschaftspolitischem Gebiet. Für den Inhalt sind die Autorinnen und Autoren selbst verantwortlich.

Diese und andere Veröffentlichungen der Hans-Böckler-Stiftung finden Sie als pdf-Datei unter www.boeckler.de

Gedruckte Einzelexemplare sind zu beziehen über

Hans-Böckler-Stiftung
Hans-Böckler-Straße 39
40476 Düsseldorf

Autoren

Mikkel Mailand mm@faos.dk
Trine P. Larsen tpl@faos.dk

Dr. Karin Schulze Buschhoff
Hans-Böckler-Straße 39
40476 Düsseldorf
Karin-schulze-buschhoff@boeckler.de

Study (Internet)

ISSN 2367-0827