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EMCC

European Monitoring Centre on Change

## Denmark: Staff information and consultation on business transfers

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Denmark

Phase:

Anticipation

Type: Staff information and consultation on business transfers

Last modified: 09 November, 2017

Native name:

Bekendtgørelse af lov om lønmodtageres retsstilling ved virksomhedsoverdragelse (LBK nr 710 af 20/08/2002); Lov om information og høring af lønmodtagere (LOV nr 303 af 02/05/2005)

English name:

The Danish Act on Employees' Rights in the event of Transfers of Undertakings (Consolidation Act no. 710 of 22 August 2002; The Danish Act on Information and Consultation of Employees (Act no. 303 of 2 May 2005)

### Article

The Danish Act on Employees' Rights in the event of Transfers of Undertakings, Articles 1-4 The Danish Act on Information and Consultation of Employees, Article 4

### Description

Under the Danish Act on Employees' Rights in the event of Transfers of Undertakings, the transferor must within 'reasonable time' initiate negotiations with the employees or the representatives if the transferor is contemplating measures affecting the employees.

The employer must provide, through employees' representatives, the employees with adequate information on matters which affect them, such as when he/she plans to hand over business. Further, the employer must consult the employees' representatives on these matters.

In the event of transfer of an enterprise, the acquirer immediately takes over the rights and duties that existed in the time of transfer regarding collective agreements and other existing provisions regarding wage and working conditions.

Dismissal due to transfer of enterprise is not deemed as reasonably justified in the conditions of the enterprise, unless the dismissal is due to financial, technical, or organisational reasons that imply employment-related changes.

#### Cost covered by

Not applicable

#### Involved actors other than national government


Regional/local government  
Works council  
Other

#### Thresholds


No, applicable in all circumstances

#### Sources

- Bekendtgørelse af lov om lønmodtageres retsstilling ved virksomhedsoverdragelse
- Lov om information og høring af lønmodtagere

 DG Employment, Social Affairs and Equal Opportunities/Héra, (2011). Selected companies' legal obligations regarding restructuring

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 Watson Wyatt (2006). Employment Terms & Conditions Report Europe, Volume I, Brussels, Belgium

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