GLOBALG.A.P. Risk-Assessment on Social Practice (GRASP)

GRASP Module – Interpretation for Denmark

GRASP Module Version 1.3-1-i June 2020
Valid from: 30 January 2021
Mandatory from: 1 February 2021

English Version

Developed by Gasa Nord Grønt, Baltic Control Certification & DLG
January 2021
### Control Point: Employees’ Representative(s)

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| 1             | Is there at least one employee or an employees’ council to represent the interests of the staff to the management through regular meetings where labour issues are addressed? | Documentation is available which demonstrates that a clearly identified, named employees’ representative(s) or an employees’ council representing the interests of the employees to the management is elected or in exceptional cases nominated by all employees and recognised by the management. The election or nomination takes place in the ongoing year or production period and is communicated to all employees. The employees’ representative(s) shall be aware of his/her/their role and rights and be able to discuss complaints and suggestions with the management. Meetings between employees’ representative(s) and the management occur at accurate frequency. The dialogue taking place in such meetings is duly documented. For GRASP compliance, in addition to the local law, the farm shall have a representative or a form of representation when the farm has more than 1 employee (employee concept is defined in section 9.2 of the GRASP General Rules). *Any producer with minimum of one (1) employee* shall have a form of employees’ representation that can be applied to meet the GRASP requirements as indicated in the different control points with respect to the employees’ representative (ER). The ER or in alternative scenarios, the person (people) responsible for the system of representation shall be present during the assessment. This form or representation could take any form (could be a person, group of people, several temporally appointed people, etc.) as long as:  
- It is independent from management  
- It is decided by the employees  
- It is communicated to the employees  
- It is recognized by the employees  
In case the workers do not elect an employees’ representative, an alternative system shall be in place to provide for the role of the employees’ representation in this CP. Farm management shall look for an alternative means of employees’ representation to avoid non-compliance in those CPCCs. The alternative means shall keep the objectivity, be decided, appointed or elected by the workers and keep the separation from the management. Danish law recognizes the following worker representative figures:  
1. Local Union representative  
2. Cooperation Committee  
3. Health and Safety Committee  
Most collective agreements contain provisions concerning union representatives and works councils |
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<td>According to the Danish Working Environment Act, if the company has 10 or more employees they are entitled to elect one or more (depending on the size and organization of the company) health and safety representatives. Health and safety representatives are protected against unfair dismissal in the same way as union representatives in the same or a similar sector. This representation has a legal basis in the binding collective agreements reached between the employers' federation and the unions. Trade union representatives' rights are set out in broad terms in a national agreement, with the detailed position for each industry set out in the industry agreements. There are also cooperation committees, the equivalent of works councils, in Danish workplaces. Their rights and duties are set out in a national agreement between the LO and DA which covers most of the private sector. There are separate agreements for agriculture and finance, and in the public sector there are separate agreements for central government, and for local government and regional government. Please check the details on elections and designation in the specific collective bargain agreement of the industry or the one in which the farm is participating. National agreement between the LO and DA covers most of the private sector, the agreements for agriculture and finance and the collective agreements reached between the employers' federation and the unions. If there is not reference in the form and duration of the representation, CPCC1 should be followed. If the number of employees is less than 10, the workers are still protected by the Danish legislation and have access to free legal counsel by contacting &quot;Retshjælpen&quot;. And they can still be represented by the labor unions, if they are members. So there is always a form of representation available to the workers, as long as they are well informed about this. Check the Working Environment Act – Cooperation for safety and health - for the specific demands of representation of the employees, the</td>
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|               |                     | Link - Danish: https://www.retsinformation.dk/forms/r0710.aspx?id=133159  

**COMPLAINT PROCEDURE**

2. **Is there a complaint and suggestion procedure available and implemented in the company through which employees can make a complaint or suggestion?**

A complaint and suggestion procedure appropriate to the size of the company exists. The employees are regularly informed about its existence, complaints and suggestions can be made without being penalized and are discussed in meetings between the employees’ representative(s) and the management. The procedure specifies a time frame to answer complaints and suggestions and take corrective actions. Complaints, suggestions and follow-up solutions from the last 24 months are documented.

Farm management shall indicate clearly the system for complaints according to their needs and the local law. The employees’ representative shall inform the auditor about the efficiency of the system and how this is evaluated considered in the meeting with management.

A system should exist in the farm to allow the workers to access a grievance mechanism indicated in the collective agreement with the help of the worker representative, to set up negotiations to solve the issue. The system should have a description of the process and a time limit to reach a resolution.

By law, the normal procedure for an employee who considers his/her rights violated by the employer is to contact the local trade union representative who in Denmark is also the employee representative (a one string system). If the conflict cannot be solved by negotiation locally, the union and the employer’s association are involved, one representative from each side, at a ‘conciliation meeting’ held at the workplace. If the conflict still does not find a solution the case can go to industrial arbitration or if requested by one of the parties an ‘organization meeting’ is held with participation of minimum one representative from each side. If not solved the case hereafter goes to the Labour Court, the Industrial Arbitration Courts or the Board on Dismissals, depending on the case. The range of this procedure is formalized and described in labor law (Normen). It is the duty of the representatives to try solving the case as early in the procedure as possible and as fast as possible.

**SELF-DECLARATION ON GOOD SOCIAL PRACTICES**
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<td>3</td>
<td>Has a self-declaration on good social practice regarding human rights been signed by the management and the employees’ representative and has this been communicated to the employees?</td>
<td>The management and the employees’ representative(s) have signed, displayed and put in practice a self-declaration assuring good social practice and human rights of all employees. This declaration contains at least commitment to the ILO core labor conventions (ILO Conventions 111 on discrimination, 138 and 182 on minimum age and child labor, 29 and 105 on forced labor, 87 on freedom of association, 98 on the right to organize and collective bargaining, 100 on equal remuneration and 99 on minimum wage) and transparent and non-discriminative hiring procedures and the complaint procedure. The self-declaration states that the employees’ representative(s) can file complaints without personal sanctions. The employees have been informed about the self-declaration and it is revised at least every 3 years or whenever necessary. Subcontracted labor shall be included in the scope of GRASP and its obligations. Verify if there is any national legislation on data protection that does not allow to share documents or to visit premises of the subcontractor.</td>
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<td>the right to minimum wage as Denmark has not ratified ILO convention 99. Link - Danish: <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=122522">https://www.retsinformation.dk/Forms/R0710.aspx?id=122522</a> Link - English: <a href="https://bm.dk/the-ministry-of-employment/legislation/">https://bm.dk/the-ministry-of-employment/legislation/</a></td>
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<td>ACCESS TO NATIONAL LABOR REGULATIONS</td>
<td>Do the person responsible for the implementation of GRASP (RGSP) and the employees’ representative(s) have knowledge of or access to recent national labor regulations?</td>
<td>The responsible person for the implementation of GRASP (RGSP) and the employees' representative(s) have knowledge of or access to national regulations such as gross and minimum wages, working hours, trade union membership, anti-discrimination, child labor, labor contracts, holiday and maternity leave. Both the RGSP and the employees’ representative(s) know the essential points of working conditions in agriculture as formulated in the applicable GRASP National Interpretation Guidelines.</td>
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<td>4</td>
<td>It shall be guaranteed, that access to the labor regulations is always available when the employees’ representative and RGSP are present on the farm. If the access is electronically provided, the auditor shall check what resources are provided to guarantee access to the information every time that workers are present. All rules to be found in The Working Environment Act. Link - Danish: <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=133159">https://www.retsinformation.dk/Forms/R0710.aspx?id=133159</a> Link - English: <a href="http://engelsk.arbejdstilsynet.dk/en/Regulations/acts/Working-Environment-Act/arbejdsmiljoeloven1.aspx">http://engelsk.arbejdstilsynet.dk/en/Regulations/acts/Working-Environment-Act/arbejdsmiljoeloven1.aspx</a> Additional information can be found here: Choose - The Working Environment Act</td>
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<td>WORKING CONTRACTS</td>
<td>When relevant the various industries Contracts of Employment can be found on the websites of unions. Since the sources are electronic, the farm must offer constant (as far as the RGSP and workers representative are present) electronic access in the form of a device with internet access.</td>
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| 5             | Can valid copies of working contracts be shown for the employees? Are the working contracts compliant with applicable legislation and/or collective bargaining agreements and do they indicate at least full names, a job description, date of birth, date of entry, wage and the period of employment? Have they been signed by both the employee and the employer? | For every employee, a contract can be shown to the assessor on request (on a sample basis). Both the employees as well as the employer have signed them. Records contain at least full names, nationality, job description, date of birth, the regular working time, wage and the period of employment (e.g. permanent, period or day laborer etc.) and for non-national employees their legal status and working permit. The contract does not show any contradiction to the self-declaration on good social practices. Records of the employees must be accessible for the last 24 months. (*)  
All employees shall be informed in writing and with comprehensible data about their employment conditions and its compliance with national legal requirements.  
The Employment Contract law ensures that all employees who work more than eight hours a week can get information from the employer on all essential terms of the employment conditions. The employer is responsible to ensure the employee has the information.  
Since the minimum requirements of law does not contemplate all the requirements of the CP, the management should make sure that all the information can be provided to the auditor. E.g. Date of birth not required in working contract  
See regulations regarding The Employment Contract.  
Link - Danish: https://www.retsinformation.dk/Forms/R0710.aspx?id=130583  
Link - English: https://bm.dk/the-ministry-of-employment/legislation/  
- choose “Consolidation Act on the employer’s obligation to Inform Employees of the Conditions Applicable to the Employment Relationship”.  
(*) as long as there is not a Personal Data legislation indicating a different time of accessibility. |
| PAYSLIPS      | Is there documented evidence indicating regular payment of salaries corresponding to the contract clause? | The employer shows adequate documentation of the salary transfer (e.g. employee’s signature on pay slip, bank transfer). Employees sign or receive copies of pay slips / pay register that make the payment transparent and comprehensible for them. Regular payment of all | Pay slips shall consider language or education barrier to potential understanding of evidence of payment.  
Ensure that all the information requested by the local laws is transparent and comprehensible for workers in the pay slips.  
In order for the salary statement (lønseddel) to be transparent for the employee, it must be clearly indicated:  
- Name and CPR. No of employee |
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|               | employees during the last 24 months is documented. | - Payment period  
- The gross salary and how it is derived (Fixed monthly salary or no. of hours x hourly rate or piecemeal rate x number of units).  
- The net salary  
- Explanations for subtractions (A-skat, ATP, AM-bidrag, subtractions for e.g. housing, pension or health insurance etc.) when available  
- Account in which the salary is deposited  
- Date of availability  

https://skat.dk/skat.aspx?oid=2244302  
Information on Danish pay slips  

The law on withholding taxes “Bekendtgørelse om kildeskat” states the rules for payment slips.  
Link - Danish:  
https://www.retsinformation.dk/Forms/r0710.aspx?id=144144 |

| WAGES | 7 | Do pay slips / pay registers indicate the conformity of payment with at least legal regulations and/or collective bargaining agreements? | Wages and overtime payment documented on the pay slips / pay registers indicate compliance with legal regulations (minimum wages) and/or collective bargaining agreements as specified in the GRASP National Interpretation Guideline. If payment is calculated per unit, employees shall be able to gain at least the legal minimum wage (on average) within regular working hours. | There is no law for minimum wage in Denmark. The Denmark model depends on the different collective agreements by industry and activity. If collective agreement, please state which agreement was used and whether the producer is obligated to follow such an agreement. When no collective agreement, the payment must reflect agreement between the employer and employee.  
Agreements or add on in the agriculture industry in Denmark are mainly between GLS-A and 3F.  
As information the trade union 3F https://www.3f.dk/english represent some of the workers in the agricultural industry.  
https://www.3f.dk/english/wages-and-collective-agreements/den-groenne-sektor  
In this area reports the following wage negotiation:  
https://www.3f.dk/~media/files/mainsite/forside/sprogfiler%20download%202017/en_l%c3%b8noversigt%20jordbrug%202018-2019_v2.pdf  
https://wageindicator.org/salary/minimum-wage/denmark |
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<td><strong>NON-EMPLOYMENT OF MINORS</strong></td>
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| 8 | Do records indicate that no minors are employed at the company? | Records indicate compliance with national legislation regarding minimum age of employment. If not covered by national legislation, children below the age of 15 are not employed. If children -as core family members- are working at the company, they are not engaged in work that is dangerous to their health and safety, jeopardizes their development or prevents them from finishing their compulsory school education. | Children or young workers of company management shall be included in the GRASP assessment. For GRASP compliance, no young worker (between 15 and 18) shall work in any activity that is dangerous to their health and safety, jeopardizes their development or prevents them from finishing their compulsory school education. The minimum age for full-time employment is 15 years. The law sets a minimum of 13 years of age for any type of work. The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor. According to the DK Working Environment Act, chapter 10, workers of minimum age 13, in certain conditions, are allowed to work.  
*Part 10, 60. (2)*  
“young persons who have reached the age of 13 years may undertake light duties within limited types of work, and under specific conditions and restrictions,”…  
Link - Danish: https://www.retsinformation.dk/forms/r0710.aspx?id=133159  
| **ACCESS TO COMPULSORY SCHOOL EDUCATION** | | |
| 9 | Do the children of employees living on the company’s production/handling sites have access to compulsory school education? | There is documented evidence that children of employees at compulsory schooling age (according to national legislation) living on the company’s production/handling sites have access to compulsory school education, either through provided | It is a GRASP requirement, that when there are minors living in the farm premises, the administration shall:  
1) Keep a list with the location, name, age, parents’ information of the minors  
2) Provide evidence that the families have been notified of the necessity that their children go to school. |
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<td>transport to a public school or through on-site schooling.</td>
<td>This control point only can be marked as non-applicable when there are no minors living on the premises. Denmark has compulsory education until the 10th school year (preschool – 9th grade). Approximate age when finishing school is 16. Also applicable to children staying in the country for more than 6 months. Link - <a href="https://www.retsinformation.dk/forms/R0710.aspx?id=196651">https://www.retsinformation.dk/forms/R0710.aspx?id=196651</a> Choose chapter 5 No translation available Compulsory education for children under the age of 15 or 16 <a href="https://en.wikipedia.org/wiki/Education_in_Denmark">https://en.wikipedia.org/wiki/Education_in_Denmark</a></td>
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<td>TIME RECORDING SYSTEM</td>
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<td>10</td>
<td>Is there a time recording system that shows working time and overtime on a daily basis for the employees?</td>
<td>Records are regularly revised by the employees and accessible for the employees’ representative(s). If a daily time recording system is not implemented (e.g. fixed contracts, fixed working hours, fixed monthly salary), alternative way(s) of recording working hours shall be available. Evidence and explanation shall be provided. Regulations for working hours are set in The Working Environment Act. Denmark has no general law on working hours. The working time is determined in the employment contract, which may be part of a collective agreement or a local agreement. However, by law there are three rules on working time; “the 11-hour rule”, “the rule regarding one weekly day and night time off”, and “the 48-hour rule”. “The 11-hour rule” is from the Working Environment Act. The rule states that the employee must have 11 hours of rest within a period of 24 hours. The Working Environment Act includes that the employee has the right to a weekly day and nighttime off.</td>
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The rules for rest periods and rest days do also cover registration of working hours

**Link - Danish:**
https://www.retsinformation.dk/forms/r0710.aspx?id=133159

Choose chapter 9

**Link - English:**

*From Pay slips. The ATP in Denmark requires the use of the E-income system by the employer. This system has the number of hours reported. There should be a system that backs the e-income system. This system must comply with GRASP as indicated in the CC of this CP.*

- Number of working hours
  - Danish labour market supplementary pension contributions (ATP) depend on your number of working hours. The number of working hours is also important in relation to daily benefits in the case of unemployment, sickness, maternity/paternity leave (dagpenge), early retirement benefits, etc. The number of working hours reported to the E-income system by the employer is used for the calculation of these benefits.

  https://skat.dk/skat.aspx?oid=2244302

### WORKING HOURS AND BREAKS

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<td>11</td>
<td>Do working hours and breaks documented in the time records comply with applicant legislation and/or collective bargaining agreements?</td>
<td>Documented working hours, breaks and rest days are in line with applicant legislation and/or collective bargaining agreements. If not regulated more strictly by legislation, records indicate that regular weekly working hours do not exceed a maximum of 48 hours, during peak season</td>
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For GRASP compliance, even when permitted by the law, the total number of hours, including overtime and ordinary, **SHALL NOT** exceed 60 hours per week in any week of the year. This shall be checked by auditor.

The Working Environment Act must be complied with connection to rest periods and rest days.

The working week may not exceed a maximum of 48 hours including overtime calculated over a period of four months (set by the EU). Even
Control Point | Compliance Criteria | Interpretation for Denmark
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| (harvest), weekly working time does not exceed a maximum of 60 hours. Rest breaks/days are also guaranteed during peak season. | when the law allows for exceptions, a GRASP assessed farm must comply with the limit set up in this CPCC in order to comply with the CP. Otherwise, if hours are more than the limit indicated, there will be a non compliance. Please observe that the law in Denmark includes a 48-hour rule indicating that during four months the average working time per week cannot exceed 48 hours. Therefore, the weekly working time can be higher during a week if the employee is compensated with shorter working time later in the other week. This rule comes from the EU's directive on working time. Notice there are special rules for agriculture, horticulture and forestry. It is possible to waive the regulations on daily rest periods and weekly rest days in agricultural and horticultural work and care of people, animals and plants. The daily rest period for work in agriculture and horticulture, for example, can be reduced to 8 hours, 30 days a year, and the weekly rest day can either be postponed or re-scheduled. Also, notice the special rules for children and employees under the age of 18. See chapter 9 and 10 in The Working Environment Act Danish: [https://www.retsinformation.dk/forms/r0710.aspx?id=133159](https://www.retsinformation.dk/forms/r0710.aspx?id=133159) English: [http://engelsk.arbejdstilsynet.dk/en/Regulations/acts/Working-Environment-Act/arbejdsmiljoeloven1.aspx](http://engelsk.arbejdstilsynet.dk/en/Regulations/acts/Working-Environment-Act/arbejdsmiljoeloven1.aspx) [https://lifeindenmark.borger.dk/Coming-to-Denmark/Find-a-job-in-Denmark?NavigationTaxonomyId=77c7d0b9-2133-4085-9ee5-d6d134fd8b28](https://lifeindenmark.borger.dk/Coming-to-Denmark/Find-a-job-in-Denmark?NavigationTaxonomyId=77c7d0b9-2133-4085-9ee5-d6d134fd8b28) | 

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**ONLY APPLICABLE FOR PRODUCER GROUPS**

Integration into QMS

<p>| QMS | Does the assessment of the Quality Management System (QMS) of the producer group show The assessment of the Quality Management System of the producer group demonstrates that GRASP is correctly implemented | This control point normally has no Interpretation, as it connects the GRASP requirements to the GLOBALG.A.P. Option 2 groups. |</p>
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<td>evidence of the correct implementation of GRASP for all participating producer group members?</td>
<td>and internally assessed. Non-compliances are identified and corrective actions are taken to enable compliance of all participating producer group members.</td>
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**ADDITIONAL SOCIAL BENEFITS**

| R 1 | What other forms of social benefit does the company offer to employees, their families and/or the community? Please specify incentives for good and safe working performance, bonus payment, support of professional development, social benefits, child care, improvement of social surroundings etc.). | No interpretation needed, this is a voluntary extra point. Maybe give examples of typical social benefits. |
Annex to GRASP Interpretation for DENMARK

General:

Useful to include the following self-checklist for agricultural employers: http://engelsk.arbejdstilsynet.dk/en/information