

European (& the GCC) Employment Law Update

Jurisdiction: Denmark
Date: October 2018

Impact date	Development	Impact
28 August 2018	Employer entitled to terminate a group of employees' optional free transport arrangement with fair warning	<p>A group of employees employed by a Danish state-owned company since prior to 31 December 2006 had a long-running arrangement which provided them with an option of free transport on all DSB and Arriva train stretches. In 2015 the company provided the employees with notice that the arrangement would be terminated at the end of January 2016.</p> <p>The Supreme Court held that the arrangement had always been based on the employer's unilateral decision. Given that it had never related to the employees' general conditions of employment, nor did it constitute a form of salary for the employees, the employer had been entitled to terminate the arrangement with a reasonable notice (in this case, 8 months).</p>
9 June 2018	Danish Act on Trade Secrets Definition of trade secret	<p>The new Danish Act on Trade Secrets includes a definition of "trade secret". The definition matches the criteria used previously in Danish case law.</p> <p>The Act also makes it easier to request an injunction and introduces an easier way for an employer to be compensated if the rules set out in the Danish Act on Trade Secrets are violated.</p>
1 June 2018	Government intervention through legislative measures in a labour dispute in 2013 was not contrary to the Working Time Directive	<p>In 2013, the Government intervened in a labour dispute involving teachers, by introducing measures which deviated from the Working Time Directive.</p> <p>The Working Time Directive provides that deviations can be agreed through collective bargaining agreements with a certain discretion. The question for the Supreme Court, was whether the government's intervention was equal to the Directive's definition of a collective bargaining agreement.</p> <p>The Supreme Court held that the intervention could be considered a collective bargaining agreement, as most of the deviations from the Working Time Directive were an integrated part of the collective bargaining agreement previously agreed between the parties.</p>