

WORKERS' COMPENSATION SCHEME IN DENMARK



4 ELEMENTS

- 1) THE EMPLOYERS' NO-FAULT LIABILITY
- 2) STATUTORY COMPENSATION BENEFITS
- 3) A PUBLIC AUTHORITY THAT MAKES ALL DECISIONS
- 4) THE EMPLOYER'S OBLIGATION TO PROVIDE PROTECTION

THE EMPLOYERS' NO-FAULT LIABILITY

- AN EMPLOYER HAS AN OBJECTIVE LIABILITY FOR ACCIDENTS AND OCCUPATIONAL DISEASES CAUSED BY THE WORK OR WORKING CONDITIONS
- ANY TYPE OF WORK IS COVERED BY THIS PROTECTION, REGARDLESS OF WHETHER THE WORK IS PERMANENT OR TEMPORARY, PAID OR UNPAID
- IT IS NOT UP TO THE INJURED PERSON TO PROVE THE EMPLOYER'S FAULT (I.E. WHETHER THE EMPLOYER IS GUILTY OF ERRORS AND OMISSIONS)

STATUTORY COMPENSATION BENEFITS

- COMPENSATION BENEFITS ARE LAID DOWN IN THE WORKERS' COMPENSATION ACT
- THE BENEFITS ARE AS FOLLOWS:
- COMPENSATION FOR PERMANENT INJURY, COMPENSATION FOR LOSS OF EARNING CAPACITY AND COMPENSATION FOR SURVIVING DEPENDANTS
- IT IS NOT POSSIBLE FOR THE PARTIES TO AGREE ON OTHER AND SMALLER BENEFITS

A PUBLIC AUTHORITY THAT MAKES ALL DECISIONS

- A GOVERNMENT AUTHORITY – THE NATIONAL BOARD OF INDUSTRIAL INJURIES – MAKES ALL DECISIONS ON COMPENSATION UNDER THE ACT
- THE INSURANCE COMPANIES CANNOT MAKE DECISIONS UNDER THE ACT
- DECISIONS MAY BE BROUGHT BEFORE AN APPEALS BOARD
- THE DECISIONS MADE BY THE APPEALS BOARD CAN BE TRIED BY THE GENERAL COURTS OF LAW

TAKING OUT INSURANCE

- EMPLOYERS MUST DO WHAT IS NECESSARY IN ORDER TO PROVIDE INSURANCE COVER FOR THEIR LIABILITY TOWARDS WORKERS' COMPENSATION CLAIMS
- IF AN EMPLOYERS DOES NOT PROVIDE INSURANCE COVER AND AN INDUSTRIAL INJURY OCCURS, THEN THE EMPLOYER WILL HAVE TO PAY THE COMPENSATION OUT OF HIS OWN POCKET
- EMPLOYERS WHO FAIL TO PROVIDE INSURANCE COVER MAY BE PUNISHED BY FINE

ACCIDENTS AT WORK - INSURANCE COMPANIES

- THE EMPLOYER MUST TAKE OUT AN INSURANCE POLICY WITH A DANISH INSURANCE COMPANY FOR ACCIDENTS AT WORK
- THE AGREEMENT BETWEEN THE EMPLOYER AND THE INSURANCE COMPANY CONTAINS NOTHING ABOUT BENEFITS FOR THE INJURED PERSON OR SURVIVING DEPENDANTS
- THE ACT COMPLEMENTS THE POLICY BETWEEN EMPLOYER AND INSURANCE COMPANY WITH REGARD TO BENEFITS AND CONDITIONS FOR INSURANCE COVER
- THE NATIONAL BOARD OF INDUSTRIAL INJURIES MAKES ALL DECISIONS

PREMIUMS ACCIDENT INSURANCE

- INSURANCE COMPANIES ARE SUBJECT TO FREE COMPETITION IN THE MARKETPLACE AND SUPERVISED ONLY BY THE DANISH FINANCIAL SUPERVISORY AUTHORITY (FSA)
- 25 INSURANCE COMPANIES OFFER ACCIDENTS AT WORK INSURANCE
- NO LEGISLATION WITH REGARD TO TARIFFS OR PREMIUMS
- EACH COMPANY FIXES ITS OWN TARIFFS AND PREMIUMS
- THE TARIFFS AND PREMIUMS ARE BUSINESS SECRETS
- ACCEPT THE CHEAPEST OFFER

OCCUPATIONAL DISEASES

- THE LABOUR MARKET OCCUPATIONAL DISEASES FUND

- INSURANCE COVER VIA THE LABOUR MARKET OCCUPATIONAL DISEASES FUND
- ANY BUSINESS REGISTERED IN DENMARK IS AUTOMATICALLY COVERED
- THE ACT DETERMINES WHAT BENEFITS SHOULD BE PAID
- THE NATIONAL BOARD OF INDUSTRIAL INJURIES MAKES ALL DECISIONS

CONTRIBUTION RATES OCCUPATIONAL DISEASES

- LABOUR MARKET OCCUPATIONAL DISEASES FUND IS A NON-PROFIT, MONOPOLY INSTITUTION OUTSIDE THE INSURANCE MARKET
- SUPERVISED BY THE DANISH FINANCIAL SUPERVISORY AUTHORITY
- CONTROLLED BY THE PARTIES TO THE LABOUR MARKET
- FINANCED ACCORDING TO A PAY-AS-YOU-GO PRINCIPLE
- 18 GROUPS OF INSURANCE FOR DIFFERENT INDUSTRIES
- EACH YEAR'S RATES DETERMINED ON THE BASIS OF AVERAGE INJURY COSTS 5 YEARS BACK

BENEFITS UNDER THE ACT

- REIMBURSEMENT OF EXPENSES FOR MEDICAL CARE, REHABILITATION, PERSONAL AIDS
- COMPENSATION FOR LOSS OF EARNING CAPACITY
- COMPENSATION FOR PERMANENT INJURY
- COMPENSATION FOR SURVIVING DEPENDANTS

REPORTING ACCIDENTS

- EMPLOYER REPORTS ACCIDENTS WITHIN 9 DAYS TO:
- WORKING ENVIROMNENT AUTHORITY
- INSURANCE COMPANY
- ARBEJDSSKADESTYRELSEN
- ALL IN ONE MOTION THROUGH EASY

REPORTING DISEASES

- PRACTITIONER REPORTS DISEASES THROUGH EASY TO:
- WORKING ENVIROMNENT AUTHORITY
- OCCUPATIONAL DISEASES FUND
- ARBEJDSSKADESTYRELSEN