

**National Board of Industrial Injuries  
(Arbejdsskadestyrelsen)**

Act No. 422 of June 10, 2003

TRANSLATION

**WORKERS' COMPENSATION ACT**

WE, MARGRETHE II, by the Grace of God Queen of Denmark, do hereby make known: The Folketing has passed and We by Our Assent have affirmed the following Act:

**Chapter 1**

*Objective of the Act*

**1. (1)**

The objective of this Act shall be to grant compensation to injured persons or their surviving dependants in the event of an industrial injury. The injury shall have been caused by the work or the working conditions, cf. sections 5 to 7 of this Act, but employers shall not have acted in such a manner as to make them liable for the injury. The prevention of industrial injuries by the work environment system shall be supported by way of employers' financing of compensation etc.

**(2)**

The processing of cases shall involve injured persons or their surviving dependants, as well as employer, insurance company, the Labour Market Occupational Diseases Fund, authorities, and physicians. Thus the need for a cohesive effort towards injured persons or their surviving dependants shall be met.

**Chapter 2**

*Scope of the Act*

*Persons protected under the Act*

**2. (1)**

Persons who are engaged by an employer to carry out work in Denmark shall be protected under this Act, cf. sections 5 to 7. The work may be paid or unpaid and can be permanent, temporary, or casual.

**(2)**

Members of the employer's family shall be protected under this Act where they work in the business in such a way and to such an extent as to regard them as being in the same position as other employees. The employer's spouse shall be protected only under subsection (3) of this Act.

**(3)**

Self-employed earners and assisting spouses working in Denmark shall be protected under this Act where they have provided protection for themselves under section 48(2).

**(4)**

Persons working on a Danish vessel shall have the same legal status as persons engaged to carry out work in Denmark.

**(5)**

A live-born child that contracted a disease prior to its birth as a consequence of its mother's work during pregnancy shall be protected under this Act.

**(6)**

Where it is later established that influence on the parents prior to the conception or after the delivery had an injurious effect on foetus or child, such foetus or child shall be protected under this Act. Such injuries shall be assessed under this Act in accordance with section 7.

**3. (1)**

The Minister for Employment shall lay down rules and regulations determining to what extent this Act shall apply to -

- (i) persons covered by Part II of the Act on Social Services and
- (ii) persons who are present in a place of education or work as part of their education, training, or trainee service, etc., or other persons present in such places.

**(2)**

The Director General of the National Board of Industrial Injuries shall lay down rules governing the application of this Act to persons posted abroad for temporary work in the services of an employer.

**4. (1)**

All work carried out for an employer shall be covered by workers' compensation. The protection shall comprise all work carried out for the employer, including work in the employer's business, whether with a view to profit or not, in the employer's personal household, and when carrying out personal services for the employer and the employer's family.

**(2)**

Persons carrying out the following activities shall also be protected under this Act, cf. sections 5 to 7 -

- (i) carrying out civic or municipal duties;
- (ii) attending to positions of trust in connection with the employees' working conditions in the business;
- (iii) attempting to save human life, prevent accidents or forestall major material or cultural losses, where the attempt - though not regarded as work within the meaning of section 2 - was nevertheless made in connection with such work; and
- (iv) attempting to save human life in Denmark, where such attempt is not a natural part of the person's work.

**(3)**

The Minister for Employment shall lay down rules and regulations determining to what extent the Act shall apply to injuries sustained during transportation to and from work.

**Chapter 3**

*Industrial injury*

**5.**

An industrial injury within the meaning of this Act shall be an accident, cf. section 6, or an occupational disease, cf. section 7, which is a consequence of the work or the working conditions.

**6. (1)**

An accident within the meaning of this Act shall be a personal injury caused by an incident or exposure that occurs suddenly or within five days.

**(2)**

For accidents the legal effects of this Act shall apply as from the date of the accident, or the date when the exposure causing the accident is terminated, except where the Act stipulates otherwise.

**7. (1)**

Occupational diseases under this Act shall be -

- (i) Diseases which - according to medical documentation - are brought about by specific influence to which certain groups of people, through their work or working conditions, are more exposed than persons not having such work. Furthermore occupational diseases shall comprise such diseases as are contracted by a live-born child prior to its delivery as a consequence of its mother's work during pregnancy. The Director General of the National Board of Industrial Injuries, after negotiations with the Occupational Diseases Committee, cf. section 9, shall compile a list of such diseases as are deemed to be of the said nature.
- (ii) Other diseases, including diseases in a live-born child contracted prior to its delivery, where it is established either that, on the basis of the most recent medical documentation, the disease meets the requirements set out in the first sentence of paragraph (i) of this section, or that it must be deemed to have been caused, solely or mainly, by the special nature of the work.

(2)

This Act shall be applicable to diseases caused by influence on parents prior to the conception or after the delivery of a child where changes are made in the list referred to in subsection (1)(i) above, or in accordance with subsection (1)(ii), where it is established that such influence had an injurious effect on foetus or child.

(3)

Diseases covered by subsection (1)(ii) and subsection (2) above can be recognised only after submission to the Occupational Diseases Committee, cf. section 9. Such diseases shall be submitted to the Occupational Diseases Committee, except where the National Board of Industrial Injuries deems such submission to be futile.

**8. (1)**

Any person having contracted a disease included in the list of occupational diseases, cf. section 7(1), shall be entitled to benefits under this Act, except where it is deemed to be probable beyond reasonable doubt that the disease was brought about by non-occupational circumstances.

(2)

For occupational diseases the legal effects of this Act shall apply as from the date of notification of the disease, except where provisions of this Act stipulate otherwise.

*The Occupational Diseases Committee*

**9. (1)**

The Minister for Employment shall appoint a committee with which the National Board of Industrial Injuries shall negotiate a general revision of diseases meeting the requirements for inclusion in the list of occupational diseases referred to in section 7(1). This negotiation shall take place at least once every two years.

(2)

The committee shall consist of a chairman and eight other members appointed for a three-year period.

(3)

The Minister for Employment shall appoint the chairman of the committee as well as members and deputy members. The chairman shall be appointed upon the recommendation of the National Board of Industrial Injuries, one member upon the recommendation of the National Board of Health, one member upon the recommendation of the Directorate of the Working Environment Authority, one member upon the recommendation of the public employers, one member upon the recommendation of the Salaried Employees' and Civil Servants' Confederation, two members upon the recommendation of the Danish Employers' Confederation, and two members upon the recommendation of the Danish Confederation of Trade Unions.

(4)

The Minister for Employment shall set up the rules of procedure of the committee.

**10.**

Where Denmark is at war, injuries arising as a consequence of military operations shall not be regarded as industrial injuries. Persons who perform work on board any kind of vessel normally used in the shipping and fishing trade shall, however, be covered under this Act in connection with injuries sustained as a consequence of military operations. The same shall apply to fishery protection vessels and marine research vessels.

**Chapter 4***Benefits***11.**

Benefits under this Act shall be –

- (i) reimbursement of expenses for medical care, rehabilitation, aids etc., cf. section 15;
- (ii) compensation for loss of earning capacity, cf. section 17
- (iii) compensation for permanent injury, cf. section 18
- (iv) transitional allowance at death, cf. section 19
- (v) compensation for loss of breadwinner, cf. sections 20 to 22, and
- (vi) compensation for survivors, cf. section 23

*General provisions on determining compensation etc.*

**12. (1)**

Compensation under sections 15 to 18 shall be determined on the basis of the consequences of the industrial injury. Depending on the circumstances, compensation can be reduced or lapse where the injured person's current medical or social situation cannot be referred solely to the industrial injury.

(2)

An established loss of earning capacity, a permanent injury or a person's death shall be deemed to be a consequence of the industrial injury, except where it is likely beyond reasonable doubt that this is not the case.

**13. (1)**

Where the injured person does not meet the requirements set out in section 38 above or obstructs being cured by disregarding given directions, the person may be disqualified, fully or partly, from receiving compensation.

(2)

Where the surviving dependants resist a post-mortem examination, they may be disqualified from receiving compensation.

**14.**

Where the injured person wilfully or by unlawful action or by omission provoked or made a substantial contribution to the occurrence of the industrial injury, the claim for compensation for loss of earning capacity and compensation for permanent injury may be reduced or wholly lapse. In such cases the injured person shall be made expressly aware thereof.

*Medical care, rehabilitation, aids, etc.*

**15. (1)**

Where, pending the consideration of the case, medical care or rehabilitation is required to obtain the best possible cure, costs of such cure or rehabilitation shall be defrayed to the extent that such costs are not covered under the Public Health Insurance Act or as an element of treatment in a public hospital. Rehabilitation shall be carried out as post-treatment under medical supervision in immediate connection with the medical care.

(2)

Where, pending the consideration of the case, the acquisition of artificial limbs, spectacles and other aids, as well as wheelchairs, is necessary to ensure the outcome of the medical care or rehabilitation, to diminish the effects of the industrial injury, or to assess more accurately the extent of the loss of earning capacity and the degree of permanent injury, the expenses thus incurred shall be covered.

(3)

Compensation for future costs for medical care, rehabilitation, and aids as a consequence of the industrial injury shall be determined as a lump sum. In the event of permanent costs, the amount shall be the anticipated average annual cost multiplied by the capitalisation factor that was determined in pursuance of section 27(4) for loss of earning capacity.

(4)

Where a person used any of the aids referred to in subsection (2) above in his or her work and the aid was damaged as a consequence of the work or the working conditions, the expenses in connection with repair or replacement of the aid may be paid.

(5)

The Director General of the National Board of Industrial Injuries shall lay down rules governing to what extent expenses shall be covered under subsections (1) to (4), including expenses incurred before the case was notified.

**16. (1)**

After the completion of medical care, training, rehabilitation etc., when there is a basis for making an assessment of the injured person's future health and occupational prospects, the National Board of Industrial Injuries shall decide whether the injured person shall be entitled to compensation for future costs for medical care, training, and rehabilitation under section 15, compensation for loss of earning capacity under section 17, and compensation for permanent injury under section 18. Such decision shall be made within one year from the date of notification of the industrial injury. For occupational diseases covered by subsections (1)(ii) and (2) of section 7 that shall be submitted to the Occupational Diseases Committee the time limit shall be two years.

(2)

Where an industrial injury results in death, it shall be determined within the time limits set out in subsection (1) above, reckoned from the date of notification of the death, whether the surviving dependants of the injured person shall be entitled to a transitional allowance at death, compensation for loss of breadwinner, and compensation for survivors.

(3)

Advance payments of compensation for loss of earning capacity and compensation for permanent injury may be paid for the period of time preceding the final decision.

*Compensation for loss of earning capacity*

**17. (1)**

Where an industrial injury has resulted in a reduction in the injured person's capacity to make a living through work, such person shall be entitled to compensation for loss of earning capacity. No compensation shall be granted where the loss of earning capacity is less than 15 per cent.

(2)

In assessing the loss of earning capacity, the National Board of Industrial Injuries shall take into account the injured person's prospects of making a living through such work as may be reasonably required of him or her in view of talents, education, age, and the possibilities of vocational retraining and rehabilitation.

(3)

Where the occupational situation has not been clarified, the National Board of Industrial Injuries can make a temporary decision on compensation for loss of earning capacity.

(4)

Compensation for loss of earning capacity to a child with a foetal anomaly, cf. section 7(1)(ii), or a child suffering from diseases caused by influence on the parents prior to the conception or after the delivery of such child, cf. section 7(2), shall be payable only after the child's fifteenth birthday.

(5)

Compensation shall be granted as a monthly benefit, except where such benefit is capitalised under the provisions of section 27.

(6)

In the event of total loss of earning capacity the monthly benefit shall be equal to four fifths of the injured person's annual earned income, cf. section 24, and in the event of reduction in the earning capacity a proportional fraction thereof.

(7)

The annual benefit shall be paid at the rate of one twelfth monthly in advance and shall run from the date when a loss of earning capacity was established, but not from a date prior to notification of the industrial injury. Where the injured person at the date of the industrial injury had reached his or her 63<sup>rd</sup> birthday the compensation shall be paid, in accordance with the rules in section 27, as a capital amount twice the annual monthly compensation payment, cf. subsection (6).

(8)

For such injured persons as were born on 1<sup>st</sup> July 1939 or later the monthly benefit shall cease, in accordance with subsection (7), by the end of the month when the beneficiary reaches 65 years of age.

#### *Compensation for permanent injury*

#### **18. (1)**

Where an injured person has sustained a permanent injury as a result of an industrial injury such person shall be entitled to compensation for permanent injury. Compensation shall not be granted, however, where the degree of permanent injury is assessed at less than 5 per cent.

(2)

The degree of permanent injury shall be assessed on the basis of the medical nature and extent of the injury and with regard to any nuisance in the injured person's personal life brought about by the industrial injury.

(3)

Compensation for permanent injury shall be paid as a lump sum and shall amount to DKK 611,500 in the event of a degree of permanent injury of 100 per cent. The amount shall be adjusted in accordance with section 25. In the event of lower degrees of permanent injury the compensation shall amount to a proportional fraction of DKK 611,500.

(4)

In exceptional cases the compensation for permanent injury may be fixed as a higher amount, provided always that such amount shall not exceed 120 per cent of DKK 611,500 in accordance with section 25.

(5)

Where the injured person reached his or her 40th birthday prior to the date of the industrial injury, the compensation shall be reduced by 1 per cent for each year in excess of 39 years of age prior to the date of the injury. Where the injured person had reached his or her 60th birthday, the compensation shall be further reduced by 1 per cent for each year in excess of 59 years of age prior to the date of the injury. However, the compensation shall not be further reduced after the injured person's 69th birthday.

*Transitional allowance in the event of death*

**19. (1)**

Where an industrial injury results in death, the surviving spouse shall be entitled to a transitional allowance consisting of a lump sum of DKK 115,000, always provided that the marriage was contracted prior to the occurrence of the industrial injury and matrimonial cohabitation existed at the time of the injured person's death. The amount shall be subject to adjustment in accordance with section 25.

(2)

Where marriage was contracted after the occurrence of the industrial injury the surviving spouse shall be entitled to the same transitional allowance if - at the time of the injured person's death - the marriage had existed for the past two years and husband and wife were cohabiting at the time of the injured person's death.

(3)

A surviving dependant cohabiting with the injured person in a quasi-marital relationship prior to the industrial injury shall also be entitled to the transitional allowance if - at the time of death - the cohabitation had existed for the past two years.

(4)

Where the deceased leaves no surviving dependants entitled to a transitional allowance under subsections (1) to (3) above, the transitional allowance may be granted to another surviving dependant where warranted by special circumstances.

*Compensation for loss of breadwinner*

**20. (1)**

Where a person is entitled to a transitional allowance under subsections (1) to (3) of section 19 above and has lost a breadwinner as a consequence of the injured person's death, or such person's means of subsistence have been otherwise reduced as a consequence of the death, such person shall be entitled to compensation for such loss. The compensation shall be determined with due regard to the extent of the support and the surviving person's possibilities of self-support in view of age, health, education, occupation, means of subsistence and financial situation.

(2)

The compensation shall be granted as a temporary monthly benefit, amounting annually to 30 per cent of the deceased person's annual earned income, cf. section 24. The compensation shall be payable as from the date of death at the rate of one twelfth monthly in advance. The term fixed shall not exceed 10 years. However, where a full salary is paid to the surviving person for a period of time in connection with the death, the monthly benefit shall only be payable as from the date when such period expires. Where the deceased received a monthly compensation for loss of earning capacity under this Act, compensation for loss of breadwinner shall only be paid from the first day of the month following the death.

(3)

The benefit set out in subsection (2) above shall continue unchanged throughout the fixed term, except where the benefit is fully or partly converted to a lump sum or the beneficiary dies.

(4)

For surviving dependants born on 1<sup>st</sup> July 1939 or later the monthly benefit shall cease from the expiration of the month of the beneficiary's 65th birthday. For surviving dependants born before 1<sup>st</sup> July 1939 the monthly benefit shall cease from the expiration of the month of the beneficiary's 67<sup>th</sup> birthday.

**21. (1)**

Where the deceased leaves children in respect of whom he or she was liable for maintenance under the Act on an Active Social Policy, each of the children whose other parent is still alive shall be entitled to an annual benefit of 10 per cent of the annual earned income of the deceased, cf. section 24, until such child reaches the age of 18.

(2)

Where a child receiving a monthly benefit under subsection (1) above loses its other parent, such child shall be entitled to an annual benefit of 20 per cent of the annual earned income of the deceased for the remaining period of time. The same annual benefit shall be granted to every child for whom the injured person at the time of death was sole breadwinner within the meaning of the Act on an Active Social Policy, until such child reaches the age of 18.

(3)

Where the child has not completed its education at the age of 18, and where warranted by the circumstances, the benefit may be extended to the time of completion of such education, provided always that it is not extended beyond the 21st birthday of the person in question. Where a child of the deceased is 18 years of age or more on the date of death and has not completed its education, such child shall have that same right.

(4)

Where the benefits under subsections (1) to (3) above amount to a total of more than 50 per cent of the deceased person's annual earned income, the individual benefits shall be reduced to a total of 50 per cent of the deceased person's annual earned income. Where compensation is at the same time granted under section 20, the benefits shall be reduced correspondingly to 40 per cent of the deceased person's annual earned income.

(5)

Benefits under subsections (1) to (3) above shall be payable as from the date of death at the rate of one twelfth monthly in advance. However, where in connection with the death a full salary is paid to the surviving dependant for a period of time, the benefit shall only be payable as from the expiry of such period.

**22.**

Where the aggregate annual benefits under sections 20 and 21 above amount to less than 70 per cent of the deceased person's annual earned income, the National Board of Industrial Injuries may, in special circumstances and subject to the said 70 per cent limit, determine that compensation shall be granted to others who were fully or partly supported by the deceased at the date of the occurrence of the industrial injury. Except where such persons are stepchildren of the deceased under 21 years of age, the compensation shall be payable as a lump sum, cf. section 27.

*Compensation for survivors*

**23. (1)**

Where the death was caused wilfully or through gross negligence, special compensation may be granted to such survivors as were particularly close to the deceased.

(2)

The assessment of whether to pay such compensation under subsection (1) above, and decisions on the amount of such compensation, shall in particular take into account the nature of the wilful or negligent action of the person in question and such suffering or offence as must be deemed to have been inflicted upon the survivor or survivors.

## Chapter 5

### *Determination and adjustment of annual earned income*

#### **24. (1)**

An injured person's annual earned income shall be his total earned income in the year preceding the date of the industrial injury. Where the employment is of a special nature, or where the injured person, due to an occupational disease, was not employed at the same pay during the whole of the preceding year, or where the injured person was out of work for a short or long period of time prior to notification of the disease, the annual earned income shall be assessed according to an estimate.

#### (2)

The annual earned income shall include the value of free board and lodging as well as the value of other payments in kind. The Director General of the National Board of Industrial Injuries shall determine the value of board and lodging for persons living in with their employer.

#### (3)

The annual earned income shall not be assessed in excess of DKK 367,000. This amount shall be subject to adjustment as provided by section 25.

#### (4)

Where estimating the annual earned income in respect of injured persons below 18 years of age or still in the education system, the National Board of Industrial Injuries may assess the income the injured person would have been likely to obtain at the age of 18 or after completion of the education or training, provided that the industrial injury had not occurred. The annual earned income shall always be assessed at not less than DKK 137,000, however, as provided by section 25, except where the injured person's earning capacity was already substantially reduced prior to the industrial injury.

#### (5)

The Director General of the National Board of Industrial Injuries shall set out specific rules for determining the annual earned income of self-employed earners.

#### (6)

When calculating and adjusting compensation for loss of earning capacity and loss of breadwinner as a monthly benefit, a basic earned income shall be fixed. Such basic income shall be calculated by multiplying the annual earned income determined according to the rules of subsections (1) to (5) above with the ratio between DKK 367,000 and the maximum annual earned income applying at the date of the industrial injury.

#### **25. (1)**

The amounts set out in sections 18 and 19 and subsections (3) and (4) of section 24 shall be adjusted every year on January 1 by 2.0 per cent, to which percentage shall be added the adjustment percentage for the fiscal year in question, cf. the Rate Adjustment Percentage Act. The resulting amounts for permanent injury and transitional allowance shall be rounded off to the nearest amount in DKK divisible by 500. Amounts pertaining to annual earned income shall be rounded off to the nearest amount in DKK divisible by 1,000.

#### (2)

The monthly benefits determined on the basis of the basic income, cf. section 24(6), shall be adjusted by the same percentage as the amounts indicated in subsection (1) above.

#### (3)

Each year, by the end of October, the Director General of the National Board of Industrial Injuries shall publish the adjustments to be made. The adjustments shall be in effect as from the following January 1.

#### (4)

In determining a monthly compensation payment, lump sum or allowance, such amounts shall be calculated as though the industrial injury had occurred at the time of the decision.

(5)

Annual benefits that are not divisible by 12 shall be increased to the nearest amount in DKK divisible by 12.

## Chapter 6

### *Payment of compensation*

#### **26. (1)**

Compensation and allowances under this Act shall be paid to the injured person and surviving dependants, subject, however, to subsection (5) below.

(2)

In special cases the National Board of Industrial Injuries may disburse compensation and allowances to the injured person and surviving dependants and subsequently collect the outlays from the insurance company or the Labour Market Occupational Diseases Fund.

(3)

Where the amounts referred to in subsection (1) above are disbursed later than four weeks from the date of notification of the amount granted, such amount shall be subject to interest as from the expiry of the said four-week period, until payment is made, at an annual interest rate equivalent to the rate determined on the basis of subsections (1) and (2) of section 5 of the Act on interest on delayed payment etc. In the cases referred to in section 29(1) below, the time limit shall be two weeks from the date when the municipality submits its final claim for a refund to the body disbursing the compensation.

(4)

The right to a monthly benefit granted for loss of earning capacity and loss of breadwinner shall cease with the end of the month when the beneficiary dies.

(5)

Where the compensation for the month of the death and previous months has not been disbursed, the compensation shall be paid to the beneficiary's spouse if there was matrimonial cohabitation at the time of the death. Where the beneficiary leaves no cohabiting spouse the amount shall be paid to the estate of the beneficiary.

#### **27. (1)**

An annual benefit granted under section 17 for a loss of earning capacity of less than 50 per cent shall normally, and without the consent of the beneficiary being required, be converted to a lump sum. Compensation for loss of earning capacity under the second sentence of section 17(7) granted to persons who had reached their 63<sup>rd</sup> birthday on the date of the injury shall always be paid as a lump sum. Compensation shall not be convertible to a lump sum where a temporary decision has been made on compensation for loss of earning capacity under section 17(3).

(2)

Of an annual benefit granted for a loss of earning capacity of 50 per cent or more, that part of the compensation which corresponds to a loss of earning capacity of 50 per cent shall be converted to a lump sum upon the request of the beneficiary. It shall not be possible to convert a granted monthly benefit to a lump sum where the beneficiary has turned 63.

(3)

Compensation under section 20 for loss of breadwinner shall be converted to a lump sum upon the request of the beneficiary.

(4)

Conversion of a monthly benefit to a lump sum shall be made on the basis of the amount of the benefit at the time of conversion, being the time when the lump sum shall be payable. Such conversion of compensation shall have an effect for the future only. Upon the recommendation of the National Board of Industrial Injuries, the Minister for Employment shall lay down specific rules and regulations for conversion of monthly benefits into lump sums.

(5)

When the final decision on compensation for loss of earning capacity has been made and the person entitled to the compensation has requested capitalisation the amount shall be paid to the estate in the event that the beneficiary dies prior to payment of the lump sum. Conversion of the monthly benefit to a lump sum shall be made on the basis of the amount of the benefit on the day preceding the death.

**28. (1)**

Where as a consequence of the industrial injury the injured person is entitled to a pension under the Public Servants' Pension Act, the value of the injured person's compensation for loss of earning capacity shall be reduced under this Act. The reduction shall be by two thirds of the amount by which the injured person's public servants' pension has been increased in excess of the pension corresponding to his or her length of service at the time of retirement.

(2)

Where the industrial injury results in death and the surviving dependants as a consequence of the death are entitled to a pension under the Public Servants' Pension Act, the compensation for loss of breadwinner under this Act shall be reduced. The reduction amounts to two thirds of the amount by which the public servants' pension has been increased in excess of the pension corresponding to the deceased person's length of service at the time of death.

(3)

The provisions of subsections (1) and (2) above shall apply correspondingly to other beneficiaries under this Act for whom - in respect of pension - rules have been laid down which correspond to the provisions of the Public Servants' Pension Act. In such cases the insurance company or the Labour Market Occupational Diseases Fund shall pay to the body offering the pension an amount corresponding to the calculated deduction in the injured person's or the surviving dependants' compensation under this Act.

**29. (1)**

Where benefits under the Social Pensions Act or the Act on an Active Social Policy have been paid to the injured person or his or her surviving dependants in respect of a period of time for which, subsequently, the injured person or his surviving dependants are granted compensation as a monthly benefit for loss of earning capacity, cf. section 17, or loss of breadwinner, cf. sections 20-22, the municipality in question shall be entitled to receive a refund from the insurance company or the Labour Market Occupational Diseases Fund. The refund shall cover the difference between the amount disbursed in accordance with the said Acts and the amount that would have been disbursed had the compensation been granted at the same time as the social benefits. The claim of the municipality, however, shall not exceed the amount granted to the injured person or surviving dependants under this Act for the same period of time. The claim for a refund shall lapse where it is not put forward within four weeks from the date when the municipality was notified of the compensation being granted.

(2)

Where – as a consequence of the industrial injury - compensation has been paid to the injured person or his or her surviving dependants by the person liable for causing the injury or the insurance company of such person, the person causing the injury or the insurance company shall be entitled to receive from the industrial injuries insurance company or the Labour Market Occupational Diseases Fund such compensation amount. Claims put forward by the person liable for causing the injury or such person's industrial injuries insurance company shall include compensation amounts of the same nature as the compensation which the industrial injuries insurance company or the Labour Market Occupational Diseases Fund shall be liable to pay on the date when the claim is put forward.

**30.**

Any claims of injured persons or their surviving dependants under this Act shall not be transferable by agreement to others. Creditors shall not make such claims subject to execution or other legal proceedings.

**Chapter 7**

*Notification and processing of cases*

**31. (1)**

Notice of any industrial injury expected to give rise to a claim under this Act shall be given as soon as possible and not later than nine days after the injury occurred.

(2)

Where notice of an industrial injury was not given under subsection (1) above and such injury has resulted in the injured person still being unable to resume customary work to a full extent five weeks after the injury, notice shall be given not later than nine days thereafter.

(3)

As regards occupational diseases, cf. section 7, the time limits of notification shall be reckoned from the date when the person liable to notify is informed that the disease is likely to be an occupational disease.

(4)

Notice of deaths presumed to have been brought about by an industrial injury, including any death that occurs in a place of work, shall be given to the National Board of Industrial Injuries within 48 hours. Notice must be given even where the industrial injury likely to have caused the death has already been reported or is to be reported under subsections (1) to (3) above.

**32. (1)**

The duty to notify, in respect of accidents, shall rest upon the employer liable to provide protection.

(2)

As regards persons engaged in a private household or performing personal services and for whom the employer is not liable to take out insurance, cf. section 48(6), the duty to notify shall rest upon the employer.

(3)

As regards persons who have provided protection for themselves under section 48(2) and persons covered by paragraph (iv) of section 4(2) notice shall be given by themselves or their surviving dependants.

**33. (1)**

Employers liable to notify, cf. section 32, and optionally protected persons, cf. section 48(2), shall report accidents to the insurance company that undertook the insurance, cf. section 50.

(2)

Injuries shall be reported to the National Board of Industrial Injuries where -

- (i) the employer has failed to fulfil the liability to provide protection, cf. section 48(4);
- (ii) the employer is not liable to provide protection, cf. subsections (5) and (6) of section 48; or
- (iii) the injury is covered by section 4(2)(iv).

**34.**

The Minister for Employment shall lay down rules and regulations determining that physicians and dentists shall notify the National Board of Industrial Injuries and the National Working Environment Authority of all clear and presumed cases of occupational diseases of which they become aware in their work.

**35. (1)**

The Minister for Employment shall lay down guidelines for the co-operation between the National Board of Industrial Injuries, the National Social Appeals Board, insurance companies, the Labour Market Occupational Diseases Fund, and municipalities, etc., with a view to co-ordinating relief measures for injured persons.

**(2)**

The Director General of the National Board of Industrial Injuries shall lay down rules determining the information to be included in the notification form, as well as the procedure of notification. It can appear from the rules that industrial injuries can be reported electronically. It shall appear from such rules what notices the insurance company and the Labour Market Occupational Diseases Fund shall forward to the National Board of Industrial Injuries, what notices the Labour Market Occupational Diseases Fund shall forward to the insurance company, and what notices the insurance company shall forward to the Labour Market Occupational Diseases Fund.

**(3)**

The Director General of the National Board of Industrial Injuries shall lay down rules for the notification of industrial injuries and for the issuing of medical certificates required for the processing of the case. The Director General of the National Board of Industrial Injuries shall furthermore lay down rules governing the extent to which medical certificates, cf. subsection (4) below, shall be paid for at a fixed rate, and the amount of such rate.

**(4)**

The insurance company and the Labour Market Occupational Diseases Fund shall defray the costs of medical certificates, including specialist certificates and post-mortem certificates, as well as the costs of opinions and other documentation, including the required auditing statements.

**36. (1)**

Where the notification was not given in due time an injured person or his surviving dependants may nevertheless file a claim for compensation under this Act within a time limit of one year from the date of the industrial injury. As regards occupational diseases, cf. section 7, the time limit shall be reckoned from the date when the injured person or the surviving dependants were informed that the disease was deemed to be an occupational disease. The time limit may be disregarded where warranted by special circumstances.

**(2)**

Where a notified case cannot be considered due to circumstances brought about by the injured person or surviving dependants, the claim under this Act shall lapse after five years from the date of the injury.

**37. (1)**

The National Board of Industrial Injuries shall be entitled to send out experts to make examinations on the spot.

**(2)**

The National Board of Industrial Injuries and the National Social Appeals Board shall be entitled to request and obtain from employers, employees, municipalities, and other parties concerned - including hospitals, institutions and attending physicians etc. - any information deemed by the said Board to be of importance. Such information includes any police reports, hospital case sheets etc., manufacturing procedures, information of and reports on the chemical composition of products and substances, or copies of such reports, case sheets or formulas. The National Board of Industrial Injuries shall be entitled to cause judicial inquiry to be held in accordance with section 1018 of the Administration of Justice Act and to receive transcripts thereof, and to require post-mortems to be made in conformity with the rules governing legal autopsies, subject, however, to section 13(2) above. Such information can be collected electronically.

(3)

As regards persons indicated in section 48(3) it is incumbent upon the master of a ship to enter in the log book full information on the industrial injury and the circumstances thereof.

**38. (1)**

As soon as possible after the occurrence of the injury the injured person shall submit himself to a medical examination and, subsequently, undergo the medical treatment or the training deemed necessary by the physician or the National Board of Industrial Injuries. If necessary, the injured person shall enter hospital or a similar institution for observation. Subject to the decision of the said Board, the injured person shall furthermore be required to submit himself to an examination by a physician appointed by the Board, to be work-tested and, upon request, give a verbal statement to the Board. Where the injured person fails to meet the requirements set out above, the provision of section 13(1) shall apply.

(2)

The injured person shall be entitled to reimbursement of any travelling expenses arising from medical treatment etc. upon the request of the National Board of Industrial Injuries, cf. subsection (1) above. Furthermore, the injured person shall be entitled to compensation for certified loss of earnings in the cases referred to in the second and third sentences of subsection (1) above where the absence from work is of not less than two hours' duration. The calculation of such compensation shall be based on an hourly pay not in excess of what corresponds to the annual earned income indicated in section 24(3) above. In cases of accidents expenses shall be defrayed by the insurance company. In cases of occupational diseases expenses shall be defrayed by the Labour Market Occupational Diseases Fund.

(3)

Subsection (2) above shall also apply where the National Social Appeals Board has requested the information set out in subsection (1).

(4)

The condition that there shall be a request by the National Board of Industrial Injuries or the National Social Appeals Board in order for the insurance company or the Labour Market Occupational Diseases Fund to defray expenses under subsections (2) and (3) above may be disregarded in cases where the National Board of Industrial Injuries or the National Social Appeals Board deems such information to be necessary. In cases regarding accidents at work the insurance company shall only defray such expenses as have arisen or been defrayed after the occurrence of the injury. In cases regarding occupational diseases the Labour Market Occupational Diseases Fund shall only pay such expenses as have arisen or been defrayed after notification of the injury, cf. section 8(2).

(5)

The Director General of the National Board of Industrial Injuries shall set out rules for the payment of expenses under subsections (2) and (3) and shall publish once a year the amounts to be defrayed for transport etc.

**39. (1)**

Where the reported injury is found not to be covered by this Act the National Board of Industrial Injuries shall make a decision to that effect. For cases processed in pursuance of section 6 on accidents the National Board of Industrial Injuries shall make the decision within three months after receiving notice of the accident. For cases processed in pursuance of section 7(1)(i) on listed occupational diseases the time limit is six months. For cases processed in pursuance of section 7(1)(ii) and section 7(2) on occupational diseases that shall be submitted to the Occupational Diseases Committee only the two-year time limit set out in section 16(1) shall apply.

(2)

Where the injured person dies after notification of the injury, the time limits set out in subsection (1) above shall apply similarly with regard to informing the surviving dependants that the death shall not be covered by this Act. The time limits shall be reckoned from the date of notification of the death to the National Board of Industrial Injuries.

(3)

Where a decision cannot be made within the time limits set up in subsections (1) and (2) above, the injured person or the surviving dependants shall be informed thereof. Such information shall not be a decision subject to appeal.

## **Chapter 8**

### *Administration*

#### *Decision-making competence*

**40.** (1)

Where nothing to the contrary has been provided, the National Board of Industrial Injuries shall make decisions on all matters under this Act.

(2)

In the processing of cases under this Act the National Board of Industrial Injuries shall not be bound by any claims made by the parties and shall be independent of any instructions as to the decision in each case.

### *Resumption*

**41.** (1)

At the request of the injured person or the surviving dependants, or on the initiative of the National Board of Industrial Injuries, decisions made in pursuance of section 39 to the effect that an injury shall not be covered by this Act may be resumed within five years from the date of such decision.

(2)

Where the National Board of Industrial Injuries has informed the parties that a notified disease shall not be covered by this Act and the disease is later included in the list referred to in section 7(1)(i) above, the case may be resumed, even where more than five years have passed since the National Board of Industrial Injuries made the decision.

**42.** (1)

Where the circumstances on the basis of which the questions of compensation were assessed under sections 15, 17 and 18 change substantially, such questions may, at the request of the injured person or on the initiative of the National Board of Industrial Injuries, be resumed within a time limit of five years from the date of the first decision. The time limit for resumption may be extended within the expiry of the five-year time limit. Where warranted by exceptional circumstances, the time limits may be disregarded.

(2)

The beneficiary of a monthly benefit under section 17 shall notify the insurance company, the Labour Market Occupational Diseases Fund or the National Board of Industrial Injuries of any change in his or her situation likely to imply a reduction in or lapse of the benefit; similarly, it shall rest upon the insurance company, the Labour Market Occupational Diseases Fund or the said Board to pay attention to the occurrence of any such change in the beneficiary's situation.

#### 43.

Where a surviving dependant is not deemed to be entitled to compensation under section 20(1) above, such person may demand a reconsideration of the question of compensation, within a time limit of five years from receipt of the decision thereof. Similarly, a surviving dependant who has been granted compensation under subsection (1), cf. subsection (2) of section 20 above, may - within a time limit of five years from the termination of the benefit - request a reconsideration of the question of compensation with a view to being granted an additional, temporary monthly benefit.

#### *Access to appeal*

#### 44. (1)

Decisions made by the National Board of Industrial Injuries under section 40 may be submitted to the National Social Appeals Board by -

- (i) the injured person or the injured person's surviving dependants;
- (ii) the insurance company in respect of accidents;
- (iii) the Labour Market Occupational Diseases Fund in respect of occupational diseases; and
- (iv) the employer in respect of decisions on recognition of industrial injuries.

#### (2)

Decisions by the National Board of Industrial Injuries in respect of trade affiliation, cf. section 48(6) and subsections (1) and (4) of section 49, may be submitted to the National Social Appeals Board by the Labour Market Occupational Diseases Fund.

#### (3)

Any complaint in pursuance of subsections (1) and (2) above shall be submitted not later than four weeks after the complainant's receipt of the decision letter. However, for injured persons or surviving dependants residing in the Faroe Islands or the remaining part of Europe outside Denmark at the time of the decision, the time limit shall be six weeks. Where the injured person or surviving dependants reside outside Europe the time limit shall be three months.

#### (4)

In special circumstances the National Social Appeals Board shall be entitled to disregard non-observance of the time limits.

#### (5)

Where the National Social Appeals Board processes cases under this Act, Chapter 9 and sections 68 and 70 of the Act on Legal Protection and Administration in Social Affairs shall apply, except where this Act stipulates otherwise.

#### (6)

To the extent that the employer, the insurance company or the Labour Market Occupational Diseases Fund submits decisions made by the National Board of Industrial Injuries to the National Social Appeals Board such appeal shall have a delaying effect.

#### (7)

Prior to the processing of a complaint by the National Social Appeals Board under subsections (1) and (2) above, the National Board of Industrial Injuries shall make an assessment of whether there are grounds for agreeing, fully or partly, with the complainant. Therefore the complaint shall be sent to the National Board of Industrial Injuries.

#### (8)

Where the National Board of Industrial Injuries is unable to agree with the complainant, the complaint shall be sent, together with the grounds for the decision and the reassessment, to the National Social Appeals Board.

(9)

The Minister for Employment shall lay down rules and regulations for the processing of complaint cases, including rules on time limits for submitting and forwarding complaints etc.

**45. (1)**

Complaints of decisions made by the Labour Market Occupational Diseases Fund under this Act may be brought before a Board of Appeal within four weeks from the date of the decision. The Board of Appeal shall be composed of a chairman, who is appointed by the Minister for Employment, and who shall be a university graduate of law or economics or some equivalent profession, as well as the following appointed members -

- (i) one member appointed by the Danish Confederation of Trade Unions;
- (ii) one member appointed jointly by the Salaried Employees' and Civil Servants' Confederation and the Danish Confederation of Professional Associations;
- (iii) one member appointed by the Danish Employers' Confederation;
- (iv) one member appointed jointly by the National Association of Local Authorities in Denmark, the City of Copenhagen, the municipality of Frederiksberg, and the Ministry of Finance.

(2)

Furthermore a deputy shall be appointed for each of the members set out in subsection (1) above.

(3)

In special circumstances the chairman may disregard non-observance of the time limits.

(4)

The Board of Appeal shall set up its own rules of procedure.

(5)

Expenses incurred by the Board of Appeal shall be defrayed by the Labour Market Occupational Diseases Fund. The claimant shall pay DKK 500 for the handling of a case by the Board of Appeal. Where the Board of Appeal finds in favour of the claimant the amount shall be reimbursed, fully or partly, to such claimant.

**46.**

The Danish Insurance Association shall have access to submitting an appeal as set out in section 44 in cases regarding such accidents at work as are referred by the National Board of Industrial Injuries to sections 48(6) and 52.

**47.**

Decisions made by the authority recovering the due amounts under subsections (2) to (4) of section 51 and section 52(6) may be submitted to the Minister for Taxation.

**Chapter 9**

*Employers liable to provide protection and self-employed earners protecting themselves under the Act*

**48. (1)**

Any employer who in his service engages persons as set out in section 2 above is liable to provide protection for such persons, subject, however, to subsections (3), (5), and (6) below.

(2)

Self-employed earners and assisting spouses may provide protection for themselves under this Act.

(3)

The owner of a vessel registered or to be registered in the Danish Shipping Register or the Danish International Shipping Register shall be liable to provide protection for any person covered by section 2 who is engaged to carry out work on board the ship on the instructions of the master of the ship, whether or not such person is engaged or paid by persons other than the shipowner, and whether or not the work is related to the operation of the ship.

(4)

Employers as set out in subsections (1) and (3) above shall meet their liability to provide protection by taking out insurance against the consequences of accidents, cf. section 50, and by joining the Labour Market Occupational Diseases Fund in respect of occupational diseases, cf. section 55. Self-employed earners and assisting spouses, cf. subsection (2) above, shall provide protection for themselves by taking out insurance against the consequences of accidents at work, cf. section 50, and by joining the Labour Market Occupational Diseases Fund in respect of the consequences of occupational diseases, cf. section 55.

(5)

The State and municipalities shall not be liable to take out insurance against the consequences of accidents at work, cf. section 50. The same shall apply to the Civil List.

(6)

The liability to provide protection shall not apply to casual help in the private household or during the performance of private service where the overall employment pertaining thereto does not exceed 400 working hours in a calendar year. Costs arising from accidents at work sustained by such casual help shall be defrayed as an advance payment by the National Board of Industrial Injuries and shall be distributed for each calendar year on all insurance companies undertaking industrial injuries insurance. The National Board of Industrial Injuries - in collaboration with the Danish Financial Supervisory Authority - shall lay down specific rules governing such distribution. Expenses arising from occupational diseases contracted by such casual help shall be defrayed by the Labour Market Occupational Diseases Fund. The National Board of Industrial Injuries shall decide the trade affiliation, taking into account the nature of the exposure, the intensity, and the duration thereof. The Labour Market Occupational Diseases Fund shall subsequently refer the costs to a specific trade.

**49. (1)**

In the event of accidents the expenses incurred shall be defrayed by the insurance company of the employer liable to provide protection. In the event of occupational diseases such expenses shall be defrayed by the Labour Market Occupational Diseases Fund. The same shall apply to the optional protection as set out in section 48(2). The National Board of Industrial Injuries shall decide the trade affiliation, taking into account the nature of the exposure, the intensity, and the duration thereof. The Labour Market Occupational Diseases Fund shall refer the expenses to a specific trade.

(2)

The employer liable to provide protection for an injured person shall be the employer in whose business or service the industrial injury occurred, subject, however, to subsection (3) below and subsections (3) and (6) of section 48. Where it is possible to refer the industrial injury to several employers, the National Board of Industrial Injuries shall decide which employer shall be liable to provide protection.

(3)

The employer liable to provide protection for injured persons and optionally protected persons who have contracted an occupational disease shall be the last employer in whose business or service, prior to the disease being diagnosed, the injured person was subject to the harmful exposure presumed to have caused the disease in question. This shall not apply, however, where it is established that the disease was caused by work in a different business.

(4)

Where an employer liable to provide protection under subsection (3) above cannot be pointed out with reasonable certainty or the business has been closed down, the National Board of Industrial Injuries shall refer the injury to a trade. The Board's decision on trade affiliation shall be made after a concrete assessment of the trade in which the injured person or the optionally protected person has been particularly subject to such exposure as may be deemed to have caused the disease in question. Such assessment shall take into account the nature of the exposure, the intensity, and the duration thereof.

(5)

Where an injury has occurred as a consequence of protected persons' attempt to save human life, cf. section 4(2)(iii), the Treasury shall reimburse the insurance company in question or the Labour Market Occupational Diseases Fund for the disbursed benefits.

(6)

Where a person who is not otherwise protected under this Act sustains an injury during an attempt to save human life, cf. section 4(2)(iv) of this Act, the Treasury shall defray the benefits under this Act.

(7)

In cases covered by subsections (5) and (6) above the injured person's annual earned income shall be calculated in accordance with the general provisions of this Act.

(8)

In the event of injuries occurring as a consequence of carrying out civic or municipal duties the State and municipalities shall disburse the benefits under this Act in respect of accidents. The Labour Market Occupational Diseases Fund shall disburse the benefits under this Act for such injuries in respect of occupational diseases.

## Chapter 10

### *Liability to provide protection* *Taking out insurance*

#### **50.**

Employers liable to provide protection, cf. section 48, shall transfer their risk of accidents to an insurance company undertaking work accident insurance under this Act. The same shall apply to self-employed earners and assisting spouses who opt to provide protection for themselves in accordance with section 48(2).

#### **51. (1)**

Employers who fail to take out compulsory insurance under this Act or to maintain such insurance in force shall pay an amount equivalent to the premium of which they have deprived an insurance company. The National Board of Industrial Injuries shall decide the size of the amount. The amount shall be paid to the National Board of Industrial Injuries and passed to the credit of all insurance companies undertaking work accident insurance, in accordance with regulations laid down by the National Board of Industrial Injuries in co-operation with the Financial Supervisory Authority.

(2)

Amounts corresponding to unpaid premiums, cf. subsection (1) above, shall be recoverable, with the addition of costs incurred, by way of distraint, retention of wages etc. of the employer in question, in accordance with the provisions of the Tax at Source Act regarding the collection of personal taxes.

(3)

The Minister for Employment shall lay down specific rules and regulations regarding the procedure in connection with retention of wages, including pecuniary penalty for non-observance of the rules. The provision of section 82(4) shall apply similarly.

(4)

The authority recovering the due amounts shall request and obtain from tax authorities and other public authorities such information of the person in question as is necessary for the recovery of the due amounts indicated in subsection (1) above, including information of income and financial circumstances.

**52. (1)**

Where an accident at work occurs and the employer has failed to meet his liability to provide protection by taking out insurance, the National Board of Industrial Injuries shall defray as an advance payment the expenses indicated in section 11, subsections (3) and (4) of section 35, section 38, and section 59 of this Act.

(2)

The employer shall reimburse the National Board of Industrial Injuries for the outlays, cf. subsection (1) above, except where the said Board deems that there have been such extenuating circumstances for the employer as should exempt him - fully or partly - from payment.

(3)

To the extent deemed reasonable, the National Board of Industrial Injuries may waive its claim on the employer.

(4)

Amounts disbursed by the National Board of Industrial Injuries in pursuance of subsection (1) above shall be distributed - subject to deduction of any amounts reimbursed under subsection (2) above - among all insurance companies undertaking work accident insurance, according to the provisions of the second and third sentences of section 48(6).

(5)

Where the business in which the accident occurred has been closed down and it is not possible to point to an insurance company the provisions of subsections (1) and (4) shall apply similarly.

(6)

The provisions of section 51, subsections (2) to (4), shall apply similarly to claims for refunds under subsection (2) above and interest thereon under section 60.

**53.**

Where an insurance company has undertaken a risk on behalf of an employer liable to provide protection or a self-employed earner, cf. section 50, such company shall be liable even where the insurance was contracted on an incorrect basis as regards the nature and extent of the insurance liability.

**54. (1)**

Where the National Board of Industrial Injuries, under section 251(2) of the Act on Insurance Business, takes over the portfolio of an insurance company undertaking work accident insurance, all injuries notified to the insurance company after the date of the close-down of such company shall be submitted to the National Board of Industrial Injuries. At the same time the insurance company shall transfer to the National Board of Industrial Injuries such capital as has been reserved by the said company in pursuance of the Act on Insurance Business and regards the company's portfolio under this Act at the time of closing down.

(2)

Expenses arising from the take-over of the portfolio shall be defrayed as advances by the National Board of Industrial Injuries and be distributed for each calendar year among all insurance companies undertaking work accident insurance, in accordance with the provisions of the second and third sentences of section 48(6). Capital transferred shall be distributed in accordance with the same provisions.

**55. (1)**

Employers liable to provide protection, cf. section 48, shall pay contributions to the Labour Market Occupational Diseases Fund, cf. section 61. The same shall apply to persons opting to provide protection for themselves, cf. section 48(2).

**(2)**

Where the Labour Market Occupational Diseases Fund has undertaken the risk of an employer liable to provide protection or an self-employed earner the Labour Market Occupational Diseases Fund shall be liable even where the contributions were agreed on an incorrect basis as regards the nature and extent of the risk.

**(3)**

The person liable to provide protection, the insurance company, and public authorities shall upon request provide the Labour Market Occupational Diseases Fund with such information as is substantial for determining contributions under this Act. The same shall apply to optionally protected persons under section 48(2). The obligation to hand out information to the Labour Market Occupational Diseases Fund shall not apply to the extent that other legislation stipulates a special professional secrecy.

**(4)**

For the purposes of collecting contributions and processing occupational diseases claims the Labour Market Occupational Diseases Fund shall have electronic access to permanent audit files in the employers' and persons' registers of the Labour Market Supplementary Pension Fund (the ATP); to information of employers' paid-in ATP contributions in the ATP collection register; and to employer relations and individually paid-in ATP contributions in the wage-earner register of the Labour Market Supplementary Pension Fund.

**56. (1)**

The Board of the Labour Market Occupational Diseases Fund shall lay down specific rules for payment of contributions, including time limits for payment. Such rules can determine that the Labour Market Occupational Diseases Fund shall collect on demand an administration fee due to failure to pay and may grant a respite for payment and waive contributions, interest and administration fees.

**(2)**

Where payment of contributions is not made within the specified time limit those liable to provide protection and optionally protected persons shall pay, under section 48(2), as from the fixed due date, interest on the contribution in accordance with the rate of interest applying at any time, in pursuance of section 5 of the Act on interest in connection with delayed payment etc.

**(3)**

The Labour Market Occupational Diseases Fund shall have a right of distraint for contributions, interest, and administration fees.

**(4)**

Claims due to the Labour Market Occupational Diseases Fund in pursuance of this Chapter shall lapse under the provisions of Act No. 274 of December 22, 1908 regarding limitation of certain claims.

**(5)**

The Labour Market Occupational Diseases Fund shall collect from tax authorities and other public authorities such information of those liable to provide protection and optionally protected persons, cf. section 48(2), as is necessary for performing the collection of outstanding contributions, interest and administration fees, including information on income and financial circumstances.

**57. (1)**

Where an occupational disease occurs and the employer has failed to pay contributions the expenses set out in section 11, subsections (3) and (4) of section 35, section 38, and section 59 shall be defrayed as advances by the Labour Market Occupational Diseases Fund.

(2)

The employer shall reimburse the Labour Market Occupational Diseases Fund for the outlays, cf. subsection (1) above, except where the National Board of Industrial Injuries deems that there have been such extenuating circumstances for the employer as should exempt him - fully or partly - from payment.

(3)

To the extent deemed reasonable, the National Board of Industrial Injuries may waive its claim on the employer.

(4)

Amounts disbursed by the Labour Market Occupational Diseases Fund in pursuance of subsection (1) above shall be distributed - subject to deduction of any amounts reimbursed under subsection (2) above - according to the provisions of the fourth to sixth sentences of section 48(6).

(5)

The Labour Market Occupational Diseases Fund shall be entitled to claim from the employer an amount equivalent to the contribution of which the employer has deprived the scheme after January 1, 1999.

(6)

The Labour Market Occupational Diseases Fund shall have a right of distraint for claims for refunds under subsection (2) above; interest thereon under section 60; and claims for refunds under subsection (5) and interest thereon under section 56(2). The provision of section 56(5) shall apply similarly.

*Determining the aggregate contribution to the Labour Market Occupational Diseases Fund*

**58. (1)**

Employers liable to provide protection and optionally protected persons under section 48(2) shall, by way of contributions to the Labour Market Occupational Diseases Fund, cover such expenses as regard the protection of this Act against the consequences of occupational diseases.

(2)

The Board of the Labour Market Occupational Diseases Fund shall determine the amounts of the contributions made by employers liable to provide protection and optionally protected persons under section 48(2). Such contributions shall be determined on the basis of trade affiliation, calculated number of employees (full-time figures), and anticipated costs as regards the employer or self-employed earner in question.

(3)

The Board of the Labour Market Occupational Diseases Fund shall determine the contributions in such a way that, in addition to what is necessary for covering the protection risks under the Act, only such contributions shall be collected as are necessary for justifiable administration. The Financial Supervisory Authority may lay down specific rules for such calculations.

(4)

Finally, as part of the contribution, the Labour Market Occupational Diseases Fund shall collect charges etc. to the extent that such charges have been determined under this Act or other legislation.

*Mutual provisions for payment for administration, return on investment, and distraint*

**59. (1)**

Insurance companies undertaking work accident insurance; the Labour Market Occupational Diseases Fund; such municipalities as have not taken out insurance, cf. section 48(5); and such institutions as are comprised by government institutions' access to self-insurance, cf. section 48(5), shall pay for the administration by the National Board of Industrial Injuries and the National Social Appeals Board of matters covered by this Act and relating to the said bodies. The Minister for Employment shall lay down rules and regulations for payment and collection thereof.

(2)

Payment for matters covered by the Act and relating to such institutions as are covered by government institutions' access to self-insurance, cf. section 48(5), shall be incumbent on the ministerial area in question. The competent minister may distribute the costs on the several institutions.

(3)

The Director General of the National Board of Industrial Injuries may direct the insurance companies etc. referred to in subsection (1) above and the Labour Market Occupational Diseases Fund to procure statistical and similar information.

#### **60. (1)**

Amounts disbursed in advance by the National Board of Industrial Injuries under section 48(6) and subsections (1) and (5) of section 52, or by the Labour Market Occupational Diseases Fund under section 57, shall yield interest at an annual rate corresponding to the average of the day-to-day money market interest rate published by the National Bank of Denmark. Specific rules for calculating the interest shall be laid down by the Director General of the National Board of Industrial Injuries.

(2)

Insurance companies shall have a right of distraint for premiums, incurred interest and other costs in the event of failure to pay premiums within the specified time limits.

### **Chapter 11**

#### *Labour Market Occupational Diseases Fund*

#### **61. (1)**

The Labour Market Occupational Diseases Fund shall be an independent institution.

(2)

The tasks of the Labour Market Occupational Diseases Fund shall be -

- (i) to calculate and collect contributions towards the financing of costs arising from occupational diseases; and
- (ii) to disburse compensation etc. to injured persons or surviving dependants.

(3)

The Labour Market Occupational Diseases Fund shall be managed by a Managing Director and a Board composed of a chairman and 20 other members. Such members shall be appointed as follows -

- (i) four members by the Danish Employers' Confederation;
- (ii) one member by the Confederation of Employer Organisations in Agriculture;
- (iii) one member by the Minister of Finance;
- (iv) two members jointly by the National Association of Local Authorities in Denmark, the Association of County Councils in Denmark, the City of Copenhagen, and the municipality of Frederiksberg;
- (v) one member by the Danish Employers' Association for the Financial Sector;
- (vi) one member by the Danish Association of Managers and Executives;
- (vii) seven members by the Confederation of Danish Trade Unions;
- (viii) two members by the Salaried Employees' and Civil Servants' Confederation; and

(ix) one member by the Danish Confederation of Professional Associations.

Members shall be appointed in accordance with the provisions of the Act on Equal Opportunity between Men and Women of 30<sup>th</sup> May 2000.

(4)

The Board shall appoint their own chairman, who shall not be affiliated with any employer or employee organisation. In the event of parity of votes the chairman shall have a casting vote.

(5)

The chairman of the Board and other members shall be appointed for a four-year period. Reappointment shall be possible. No one shall be appointed for the Board after reaching 67 years of age. A member of the Board shall not at the same time be a member of the Occupational Diseases Committee, cf. section 9.

(6)

Where bodies entitled to appointment as set out in subsection (3) above do not make recommendations in accordance with the provisions set out in subsections (3) and (5) above, the Minister for Employment may decide that the Board shall function without the members in question.

(7)

The Board shall be responsible for the administration of the Labour Market Occupational Diseases Fund. The Board shall leave the administration, cf. subsection (2) above, to the Labour Market Supplementary Pension Fund (ATP).

#### *Actuarial matters*

**62.** (1)

The Labour Market Occupational Diseases Fund shall employ a responsible actuary approved by the Financial Supervisory Authority for the execution of the requisite calculation functions, including the determination of the total contribution level, as well as surveys.

(2)

Where the Labour Market Occupational Diseases Fund seeks the Financial Supervisory Authority's approval of a new responsible actuary, the application pertaining thereto shall be accompanied by a statement of the cause for such replacement.

(3)

The Labour Market Occupational Diseases Fund shall set up a protection plan comprising information on the technical insurance principles on which the calculation of the protection shall be based. The protection plan and amendments thereto shall be notified to the Financial Supervisory Authority.

(4)

The Financial Supervisory Authority may lay down specific provisions on matters set out in subsections (1) and (2) above.

**63.** (1)

The responsible actuary shall ensure that the Labour Market Occupational Diseases Fund complies with its protection plan, including reserves being allocated in such a way as to render them sufficient in view of what may reasonably be anticipated. The responsible actuary shall be entitled to request and obtain from the Managing Director all such information as is necessary for the performance of the task entrusted to him.

(2)

The responsible actuary shall be entitled to request that the Board be convened. The responsible actuary shall be entitled to attend and speak at Board meetings, except where the Board in a specific case decides otherwise. Where he is not in agreement with a decision made by the Board, the responsible actuary shall be entitled to have his opinion entered in the Board's minutes.

(3)

The Financial Supervisory Authority shall request and obtain such information from the responsible actuary as is necessary for the evaluation of the financial position of the Labour Market Occupational Diseases Fund. The responsible actuary shall immediately report to the Financial Supervisory Authority any disregard of matters set out in subsection (1) above.

(4)

The responsible actuary shall once a year submit a report to the Financial Supervisory Authority, including an account of the reserve allocation of the Labour Market Occupational Diseases Fund.

(5)

The Financial Supervisory Authority shall lay down specific provisions regarding matters set out in subsections (1) to (4) above.

*Annual accounts and audit*

**64. (1)**

For each accounting year, in accordance with the provisions of legislation and articles applicable thereto, the Board and the Managing Director shall work out an annual account consisting of balance sheet, profit and loss account, notes, and five-year review. Furthermore an annual report shall be prepared. These parts shall constitute a whole.

(2)

The annual accounts and annual report, as well as any consolidated accounts, shall be signed by the Managing Director and the Board. Where the Managing Director or a Board member finds that the annual accounts or the annual report should not be approved, or where the person in question has other objections to these or to any consolidated accounts which the person in question wishes to bring to the notice of the Ministry of Employment, such person shall give an account of this in his endorsement to that effect.

(3)

The accounting year shall follow the calendar year. This requirement shall apply similarly to any subsidiaries.

(4)

Not later than ten days after approval of the annual accounts by the Board, but not later than six months after expiry of the accounting year, shall the audited and approved annual accounts, together with a transcript of the auditor's records regarding the auditing of the annual accounts, be forwarded to the Ministry of Employment and the Financial Supervisory Authority.

(5)

Where the annual accounts do not comply with the provisions of the legislation or the articles of the Labour Market Occupational Diseases Fund, the Financial Supervisory Authority may demand that the accounts be changed and submitted to the Board for reconsideration.

**65. (1)**

The annual accounts shall be drawn up clearly and give a true and fair impression of the assets and liabilities of the Labour Market Occupational Diseases Fund as well as its financial position and profit or loss.

(2)

The Financial Supervisory Authority shall lay down rules for preparing the annual accounts, including rules on making up and assessing the reserve allocations.

(3)

The Financial Supervisory Authority may lay down rules for preparing consolidated accounts.

(4)

The Financial Supervisory Authority may demand that annual account items as well as additional specifications pertaining thereto be listed in special forms for the purposes of assessing the financial position of the Labour Market Occupational Diseases Fund and writing the Financial Supervisory Authority's annual report.

(5)

The Financial Supervisory Authority may demand that the forms indicated in subsection (4) above be supplemented with accounts of specific matters signed by the Managing Director, the Board or the responsible actuary of the Labour Market Occupational Diseases Fund.

(6)

The forms and statements set out in subsections (4) and (5) above shall be submitted in accordance with rules laid down by the Financial Supervisory Authority.

**66.** (1)

The annual accounts of the Labour Market Occupational Diseases Fund shall be audited by at least two auditors. At least one auditor shall be a state-authorized public accountant. The Board shall appoint the auditors for a three-year period but may at any time withdraw such appointment.

(2)

The provisions of the legislation on audit and the disability of auditors shall apply similarly to auditors who are not state-authorized or registered public accountants.

(3)

Where an auditor is replaced and the replacement is due to special circumstances, the Labour Market Occupational Diseases Fund and such auditor shall submit a statement to the Financial Supervisory Authority.

(4)

After completion of the audit the auditors shall furnish the accounts with a report certifying that they have audited the same and any consolidated accounts.

(5)

For the use of the Board the auditors shall keep an audit book which shall be submitted to each Board meeting. Any entry in the book shall be signed by all Board members.

(6)

Where it is found to be evident that an auditor is not a fit and proper person to hold the office entrusted to him, the Minister for Employment may dismiss the same and appoint an auditor who shall act in his place until a new appointment can be made.

**67.** (1)

The auditors shall always be entitled to participate in Board meetings transacting business of importance to the audit or to the preparation of the accounts.

(2)

The auditors shall be under an obligation to participate in the Board's handling of the cases in question where such participation is requested by any one Board member.

(3)

The Financial Supervisory Authority may work out detailed instructions on how to perform the audit.

(4)

The Financial Supervisory Authority may instruct the auditors to provide information on matters pertaining to the Labour Market Occupational Diseases Fund.

#### *Investment provisions*

**68.** (1)

The Labour Market Occupational Diseases Fund, as set out in section 69, shall at any time possess assets amounting to an aggregate value corresponding to not less than the amount of the total reserve allocations. It is incumbent upon management and Board to ensure that, within the limits set out in sections 69 and 70, the selection of such assets shall be made in such a way that, in respect of the nature of the obligations of the Labour Market Occupational Diseases Fund as regards security, return and liquidity, they are of such a nature and composition as to make them suitable for satisfaction of those protected, and in such a way that there is not a disproportionately great dependence on a certain category of assets, a specific investment market, or any specific investment. Adequate security shall be aimed at in connection with investment of the funds, together with the maintenance of the real value of the funds and the highest possible return on investment.

(2)

The value of the assets shall be determined for the purposes of the provisions of this Chapter in accordance with the following rules -

- (i) the value of the assets shall be determined and adjusted on a regular basis in accordance with the principles applying to the submission of annual accounts;
- (ii) deductions shall be made for any encumbered part, and loans shall only be included at a value resulting after deductions of such obligations towards borrowers as can be set off;
- (iii) where the Labour Market Occupational Diseases Fund has entered into financial agreements which reduce the risk of assets failing to cover obligations, the value of such agreements shall be included when assets are calculated;
- (iv) interest receivable, but not yet due on securities covered by paragraphs (i) to (iv), (vi) and (vii) of section 69(1) shall be included in the calculation of the value of such securities.

**69.** (1)

The funds of the Labour Market Occupational Diseases Fund shall be invested in the following categories of assets -

- (i) bonds and instruments of debt issued or guaranteed by governments or regional authorities in zone A, cf. Appendix A;
- (ii) bonds quoted on the stock exchange and issued by international organisations counting among their members at least one of the member states of the European Union;
- (iii) mortgage credit bonds under section 1(5) of the Danish Mortgage Credit Act as well as other bonds issued in Denmark or in countries comprised by zone A and offering equivalent security;
- (iv) outstanding payments (exclusive of such outstanding payments as are behind other creditors in order of priority) with credit banks under public supervision in countries covered by zone A, with the exception of credit banks covered by paragraph (iii), as well as loans guaranteed by credit banks or insurance companies under supervision in countries comprised by zone A;
- (v) real property whose value is independent of any specific commercial utilisation;
- (vi) loans secured by registered mortgage on real property as covered by paragraph (v) not in excess of two thirds of the value of the property according to the most recent land tax assessment;
- (vii) parts and certificates in investment institutions covered by Council Directive 85/611/EEC; parts in placements associations, money market associations and funds of funds, cf. section 1 and paragraphs (i) to (iii) of section 2(2) of the Investment Associations and Special-Purpose Associations Act;
- (viii) other bonds and loans quoted on a stock exchange in countries comprised by zone A;
- (ix) shares and other capital parts quoted on a stock exchange in countries comprised

by zone A;

- (x) real property not comprised by paragraph (v) as well as loans secured by registered mortgage in real property not comprised by paragraph (vi);
- (xi) capital parts and other securities quoted on a stock exchange in countries outside zone A, from issuers domiciled in countries outside zone A;
- (xii) unquoted capital parts, including such capital parts as are traded in authorised markets, cf. section 40(1) of the Securities Trading, etc. Act, or in another regulated market which is publicly recognised, working on a regular basis and open to the public, as well as other loans and securities not comprised by paragraphs (i) to (xi).

(2)

Where the Labour Market Occupational Diseases Fund owns a subsidiary whose activity is limited to making and administering investments comprised by subsection (1) above, the assets of such subsidiary, within the value of the capital parts in and any loans to the subsidiary, may be treated as assets under subsection (1). Where the said Fund does not own the subsidiary in full the subsidiary's assets shall be included at a proportionate value corresponding to the part of the equity capital owned by the Fund.

(3)

The investment by the Labour Market Occupational Diseases Fund of funds in one single business shall not have the effect that the Fund, alone or together with the Labour Market Supplementary Pension Fund or any subsidiaries owned by them, shall exercise any decisive influence on the business, except where otherwise provided by subsection (9) or (10).

(4)

Assets covered by paragraphs (vii) to (xii) of subsection (1) above shall account for no more than 70 per cent of the assets of the Labour Market Occupational Diseases Fund, subject, however, to subsections (7) and (9) of section 70.

(5)

Assets covered by subsection (1)(xi) above shall account for no more than 10 per cent of the assets of the Labour Market Occupational Diseases Fund.

(6)

Loans covered by subsection (1)(xii) above shall account for no more than 2 per cent of the assets of the Labour Market Occupational Diseases Fund and for no more than 1 per cent per debtor.

(7)

Assets covered by subsection (1)(xii) above shall account for no more than 20 per cent of the assets of the Labour Market Occupational Diseases Fund. Of such assets other loans and securities not traded in an authorised market or another regulated market which is publicly recognised, working on a regular basis and open to the public shall account for no more than 10 per cent of the assets of the Labour Market Occupational Diseases Fund.

(8)

The Financial Supervisory Authority shall lay down specific rules for the delimitation of securities covered by several of the groups of assets set out in paragraphs (i) to (xii) of subsection (1) above.

(9)

Subsection (3) shall not apply, however, to the investment of funds in subsidiaries that are owned by the Labour Market Occupational Diseases Fund and whose funds are invested in accordance with the rules applying to the Labour Market Occupational Diseases Fund.

(10)

For the purposes of securing investments already made, the Labour Market Occupational Diseases Fund may carry out temporarily other types of business or contribute to the restructuring of business enterprises. Notification of this shall be given to the Financial Supervisory Authority.

**70. (1)**

The assets of the Labour Market Occupational Diseases Fund shall not include such elements as represent a risk in a single business whose aggregate value amounts to more than 2 per cent of the total assets of the Labour Market Occupational Diseases Fund. Where the business in question is domiciled and quoted on a stock exchange in a country comprised by zone A, cf. Appendix A, and the equity capital of such business is in excess of DKK 250 million, the limit set out in the first sentence shall be 3 per cent.

(2)

Subsection (1) above shall apply similarly to businesses connected in such a manner that they constitute together a risk to the Labour Market Occupational Diseases Fund.

(3)

Subsections (1) and (2) above shall apply similarly to real property covered by section 69(1)(v) and loans covered by section 69(1)(vi), provided always that the limit shall be 5 per cent.

(4)

Where the Labour Market Occupational Diseases Fund has invested in or granted a loan to a company whose activities comprise only investments under section 69(1)(v), the limit set out in subsection (3) above shall apply to the total involvement of the Labour Market Occupational Diseases Fund in the company.

(5)

For assets covered by section 69(1)(iii) the limit set out in subsection (1) above shall be 40 per cent.

(6)

With the exception of credit institutions covered by section 69(1)(iii), the limit set out in subsection (1) above shall be 10 per cent for risks in credit institutions under public supervision in countries comprised by zone A and in insurance companies under public supervision in countries covered by zone A. For assets not covered by section 69(1)(iv) investments shall be made only within the limits set out in subsection (1) above.

(7)

For shares and guarantee parts in a single investment institution as stated under section 69(1)(vii) above, the limit set out in subsection (1) shall be 10 per cent. This limit shall not apply, however, where the investment institution in question, in accordance with its articles, shall only invest in assets covered by paragraphs (i) to (iii) of section 69(1). In such cases it shall similarly be possible, with regard to the provision of section 69(3), to refer the investment to the provision of section 69(1), paragraphs (i) to (iii).

(8)

Subsections (1) and (2) above shall not apply to assets covered by paragraphs (i) and (ii) of section 69(1).

(9)

Subsections (1), (2) and (4) above shall not apply to investments in subsidiaries covered by section 69(2) or investments in companies whose activities, according to their articles, are limited to investing in assets covered by paragraphs (i) to (iii) of section 69(1). In the latter case the investment in relation to the provisions of subsections (3) and (6) of section 69 shall be referred to paragraphs (i) to (iii) of section 69(1).

(10)

The Board shall lay down specific rules on the exposure of the Labour Market Occupational Diseases Fund to foreign-exchange-rate and interest-rate risk.

(11)

The Financial Supervisory Authority may grant exemption from the provisions of sections 69 and 70.

*Supervision***71.**

Where the Financial Supervisory Authority, against the background of an actuarial statement, does not, on the basis of the available information, consider the Labour Market Occupational Diseases Fund capable of meeting its obligations in full, the Financial Supervisory Authority, following negotiations with the Labour Market Occupational Diseases Fund, shall submit to the Minister for Employment a report to that effect.

**72. (1)**

The Financial Supervisory Authority shall supervise the investment of funds under sections 68 to 70 by the Labour Market Occupational Diseases Fund.

**(2)**

The Financial Supervisory Authority may direct the Labour Market Occupational Diseases Fund to take, within a specified time limit, such measures as the Financial Supervisory Authority deems necessary with regard to investing funds in accordance with sections 68 to 70.

**73.**

The Financial Supervisory Authority shall request and obtain from the Labour Market Occupational Diseases Fund any such information as the Financial Supervisory Authority deems to be necessary for its activity. The Financial Supervisory Authority shall at any time have access to becoming acquainted with the institution's books, accounts, and overall activity.

**74.**

The Financial Supervisory Authority shall submit an annual report to the Minister for Employment as regards the supervision of the Labour Market Occupational Diseases Fund.

**75.**

The Labour Market Occupational Diseases Fund shall pay charges to the Financial Supervisory Authority. Such charges shall be determined in accordance with Chapter 7A of the Financial Business Act.

**76.**

Decisions made by the Financial Supervisory Authority in pursuance of this Act can be submitted to the Company Appeals Board not later than four weeks from the date when the Labour Market Occupational Diseases Fund was advised of the decision. The Labour Market Occupational Diseases Fund only shall be a party in relation to the Financial Supervisory Authority.

## **Chapter 12**

### *Various provisions*

**77.**

Benefits under this Act shall not form a basis for remedy against a person who causes an injury and is liable to injured persons or their surviving dependants. Claims of injured persons or their surviving dependants against the person causing the injury shall be reduced to the extent that compensation has been paid or a liability exists to pay compensation under this Act to the persons in question.

**78.**

Agreements between persons liable to provide protection and persons entitled to be protected shall be null and void if they aim to have or do have the effect of nullifying any provision of this Act or of requiring the protected person to pay an insurance premium to an insurance company or the Labour Market Occupational Diseases Fund which it is incumbent on the employer to pay under this Act, or of calculating compulsory benefits otherwise than in accordance with this Act. Similarly, agreements about withholding wages in connection with protection under this Act shall be null and void.

**79. (1)**

In accordance with agreements with other states, the Minister for Employment may lay down rules and regulations determining the extent to which the provisions of this Act or the provisions of the corresponding legislation of the foreign state shall be applicable to matters covered by this Act.

**(2)**

The Minister for Employment shall lay down rules and regulations for disregarding the provisions of this Act, to the extent that such rules are necessary for the application of the Regulations of the European Communities regarding social protection for employed earners, etc.

**80.**

Employees of the National Board of Industrial Injuries, including the Board's medical consultants, shall not be employed by or take part in the management of any insurance company or the Labour Market Occupational Diseases Fund.

**81. (1)**

The National Board of Industrial Injuries may besides, upon request, give opinions based on the application of this Act in respect of matters relating to personal injury not covered by this Act. Similarly, the Board can give opinions under section 10 of the Damages Liability Act.

**(2)**

For giving such opinions the National Board of Industrial Injuries shall charge a fee determined by the Director General of the National Board of Industrial Injuries.

**82. (1)**

An employer liable to provide protection who fails to take out insurance under this Act or join the Labour Market Occupational Diseases Fund shall be punished by fine.

**(2)**

An employer liable to provide protection who fails to maintain the insurance in force or pay contributions to the Labour Market Occupational Diseases Fund shall be punished by fine.

**(3)**

An employer liable to provide protection who fails to notify in due time an industrial injury or to contribute to providing information in respect of a notified injury shall be punished by fine, cf. Chapter 7.

**(4)**

Joint-stock companies etc. (legal persons) shall be liable to punishment under the provisions of Chapter 5 of the Danish Penal Code.

**83. (1)**

The State shall grant compensation under this Act to its officials employed in the Faroe Islands and to workers engaged by the State who do not have permanent residence in the Faroe Islands.

**(2)**

Decisions made by the Faroese Industrial Injuries Board under the Faroese accident insurance legislation may be submitted to the National Social Appeals Board in accordance with the provisions of such legislation.

**84.**

The National Board of Industrial Injuries shall present an annual written report including statistical surveys. The report and the statistics shall also comprise the work of the Occupational Diseases Committee. The Occupational Diseases Committee shall present an annual written report to the European Affairs Committee of the Folketing as regards the development in the field of occupational diseases, including the development in legal practice.

**Chapter 13**

*Final and transitional provisions*

**85. (1)**

This Act shall come into force on January 1, 2004. However, the change in the concept of occupational disease, as indicated in section 7, shall only take effect on January 1, 2005.

(2)

At the date of this Act coming into force the amounts indicated in sections 18 and 19 and subsections (3) and (4) of section 24 shall be adjusted in accordance with section 25 as per January 1, 2004.

(3)

This Act shall apply to

- (i) accidents at work occurring on January 1, 2004 or later; and
- (ii) occupational diseases notified on January 1, 2005 or later.

(4)

Where persons are protected under section 48(2) the provisions of this Act shall apply only to exposure occurring on January 1, 2004 or later. Where the injured person was protected prior to this date in accordance with previous legislation, the periods in which the person in question was protected shall be included. The same shall apply to assisting spouses where there was a signed employment contract prior to the said date in pursuance of section 1(1), third sentence, of Act No. 390 of May 20, 1992 on Protection against the Consequences of Industrial Injuries, cf. Consolidated Act No. 943 of October 16, 2000.

(5)

For injuries occurring in the period from January 1, 2004 till June 30, 2004 the capital amount indicated in section 17(7), second sentence, shall amount to two and a half times the annual benefit for persons born in the period January 1, 1939 to June 30, 1939.

(6)

On the same date the Act on Protection against the Consequences of Industrial Injuries shall be repealed, cf. Consolidated Act No. 943 of October 16, 2000.

(7)

The Act on Protection against the Consequences of Industrial Injuries shall still apply, however, cf. subsection (6) above, to -

- (i) accidents, sudden lifting injuries, and short-term injurious effects which occurred prior to January 1, 2004; and
- (ii) occupational diseases notified prior to January 1, 2005.

**86. (1)**

Monthly pensions under the Act on Insurance against the Consequences of Accidents, cf. Consolidated Act No. 137 of April 26, 1968 with subsequent amendments, shall be increased as from January 1, 2004 to 1,591.2 per cent of the basic pension as per April 1, 1965.

(2)

Monthly benefits under the Act on Insurance Against the Consequences of Industrial Injuries, cf. Consolidated Act No. 450 of June 25, 1987 with subsequent amendments, shall be increased as from January 1, 2004 to 341.5 per cent of the monthly benefit corresponding to the basic wage. Compensation for permanent injury under the said Act shall be increased as per January 1, 2004 to 341.5 per cent of the benefit corresponding to the basic amount.

(3)

Monthly benefits under the Act on Protection against the Consequences of Industrial Injuries, cf. Consolidated Act No. 943 of October 16, 2000 with subsequent amendments, for injuries occurring between January 1, 1993 and January 30, 1995 shall be increased as per January 1, 2004 to 130.9 per cent of the monthly benefit corresponding to the basic wage.

(4)

Monthly benefits under the Act on Protection against the Consequences of Industrial Injuries for injuries occurring between January 31, 1995 and December 31, 2003 shall be increased as per January 1, 2004 to 125.4 per cent of the monthly benefit corresponding to the basic wage.

(5)

Pensions, monthly benefits, and compensation for permanent injury, cf. subsections (1) to (4), shall be adjusted under section 25 of this Act.

(6)

Surviving dependants who, as a consequence of the death of the injured person after the coming into force of this Act, shall be entitled to compensation under the Act on Insurance against the Consequences of Accidents, the Act on Insurance Against the Consequences of Industrial Injuries, or the Act on Protection against the Consequences of Industrial Injuries, shall have their compensation calculated and adjusted on the basis of the annual earned income corresponding to the pension or benefit amount determined in pursuance of subsections (1) to (4) above.

(7)

Subsections (1) to (5) shall not apply to insurance effected in pursuance of sections 55, 58, 59, and 74 of the Act on Insurance against the Consequences of Accidents.

#### **87.**

Such Administrative Orders as were issued under the Acts now repealed shall remain in force until they are repealed or amended.

#### **88.**

Such licences to undertake industrial injuries insurance as were granted to insurance companies in pursuance of the previous accident insurance legislation and industrial injuries insurance legislation shall remain in force. The same shall apply to an employer's exemption from transferring the risk under the Act on Insurance against the Consequences of Accidents, made in pursuance of section 15(13) of the said Act. Such employers shall have the same legal status under this Act as an insurance company. Distribution of contributions under sections 48, 49, 53, and 56 of this Act shall be made in accordance with specific rules laid down by the National Board of Industrial Injuries in collaboration with the Financial Supervisory Authority.

#### **89.**

A person liable to provide protection shall not cancel an insurance policy because of an increase in the premium that is based solely on an increase in costs caused by this Act.

#### **90.**

This Act shall not apply to the Faroe Islands or Greenland, but shall be enforceable in Greenland by Royal Order subject to such modifications as are required in view of the special conditions pertaining to Greenland.

Given at Christiansborg Castle on June 10, 2003  
Under Our Royal Hand and Seal

MARGRETHE R.

/ Claus Hjort Frederiksen

## **Appendix A**

### **The following countries are covered by zone A**

Member states of the EU/EEA and all other countries that are full members of the Organization of Economic Co-operation and Development (OECD), as well as Saudi Arabia.