



Labour inspections in private households

Denmark




Summary

Amongst other inspection activities, the Danish Working Environment Authority (DWEA) conducts inspections of private households where renovations, maintenance, and improvement (RMI) work is being carried out, covering regulations on work performance, use of technical equipment, and handling substances and materials. The objective is to ensure compliance with government regulations in this sector.

Although undeclared work is not within the remit of the DWEA, suspicion of violations of tax legislation (e.g. pay and employment contract issues etc) are reported to the Danish Tax Agency (Skattestyrelsen). A special area of focus for the DWEA is on social dumping. DWEA inspections, including private household inspections, are an important part of the fight against social dumping.ⁱ This has resulted in cooperation or joint inspections between the DWEA and the Danish Tax Agency as the DWEA does not have the authority to control residence and work permits, correct payments of tax, VAT, and wages.ⁱⁱ

Title of the practice in original language	<i>Arbejdstilsynets besøg på din adresse I dag</i>
Name(s) of authorities/bodies/organisations involved	► Danish Working Environment Authority, DWEA (<i>Arbejdstilsynet</i>)
Sectors	All
Target groups	► Employers (private households engaging enterprises/self-employed individuals to carry out renovation, maintenance, or improvement work in their home) (directly targeted).
Purpose of measure	Deterrence: improve detection

	<p>Aims and objectives</p> <p>Labour inspections of work being carried out in private households help to ensure compliance with working environment regulations. Citizens/owners must be informed about the reasons for the inspection before it begins. Where breaches of other authorities' legislation are suspected, the DWEA is under a general obligation to disclose this information.</p>
<p>Background context</p>	<ul style="list-style-type: none"> ▶ The Danish Working Environment Act lays down general objectives and requirements concerning the working environment. Among other inspection activities carried out by the DWEA, it inspects private households where, for example, RMI work is being carried out, in accordance with specific legal provisions covering regulations on work performance, use of technical equipment, and handling substances and materials; ▶ Labour inspectors can gain access to enterprises and workplaces at any time without a court order which includes access to private homes if work is carried out by an enterprise at the premises;ⁱⁱⁱ ▶ For inspections in private homes, the resident must receive a letter of notification from the DWEA stating the reason for the inspection – this can happen immediately prior to commencing the inspection.
<p>.Key objectives of the measure</p>	<p>General objective:</p> <ul style="list-style-type: none"> ▶ To promote a safe and healthy working life for all, and to ensure compliance with working environment law.^{iv} <p>Specific objective:</p> <ul style="list-style-type: none"> ▶ To supervise the working environment in Danish workplaces (including enterprises and private households) and communicate occupational health and safety knowledge and requirements for a good working environment so that companies themselves can prevent and follow up on working environment problems;^v ▶ To cooperate with other authorities where breaches of legislation are found during DWEA inspections of enterprises or private households but are not within the remit of the DWEA.
<p>Main activities</p>	<p>The private household inspection process follows the same procedure as inspections in a company:</p> <ul style="list-style-type: none"> ▶ On production of proper proof of identification, labour inspectors from the DWEA are entitled to free access to both



	<p>public and private workplaces, without requiring a court order, to the extent required to enable them to execute their duties - if needed, the police can provide assistance;^{vi}</p> <ul style="list-style-type: none"> ▶ For inspections in private homes, the citizens/owners whose homes are to be inspected must always be informed before the inspection, via a letter of notification from the DWEA detailing the reason for the inspection, and have the opportunity to raise objections;^{vii} ▶ This notification can be given to the citizen immediately before the start of the inspection. However, if the resident is absent, the notification letter will be left in the mailbox or a similar location. The citizen always has the right to refuse the DWEA access to his private residence.^{viii} In special cases (for example, where there is a risk of a serious accident), the DWEA can ask the police directly for assistance to gain access to the private household; ▶ When the DWEA detects violations of the working environment regulations, the DWEA is authorised by law to impose sanctions to end violations of the act. A sanction can either be a decision in the form of a ban or an injunction.. The companies are under an obligation to follow decisions made by the DWEA. <p>The DWEA has a general obligation to disclose information to other authorities if the DWEA becomes aware of circumstances that give rise to suspicion of breaches of other authorities' legislation, including breaches found while carrying out private household inspections.^{ix} The DWEA makes a specific assessment of whether disclosure of information is relevant and necessary for the performance of other authorities' tasks. The information shall include a brief description of the suspected infringement, including undeclared work if applicable, and may be based on a cooperation agreement with the other authority.^{x;xi} Based on the DWEA labour inspector's information, it is the supervisory manager who must assess whether information should be disclosed to the relevant authority and ensure that the disclosure is registered and the company is informed.^{xii}</p>
<p>Funding/organisational resources</p>	<ul style="list-style-type: none"> ▶ This activity is funded through the DWEA's budget.



Outcomes

Alongside inspections carried out in enterprises, DWEA private household inspections contribute to success in promoting workplace safety and compliance with working environment laws and communicating occupational health and safety knowledge. One area of special focus for DWEA is social dumping. Private household inspections by the DWEA also help to achieve the objective of reducing social dumping, with the evidence over the last few years of higher compliance by foreign companies with Danish legislation.

Achievement of objectives

Private household inspections are carried out weekly and are an essential and effective control activity against non-compliance with working environment laws, communicating occupational health and safety knowledge, and combatting social dumping.

Latest data from 2023 show that a total of 7 818 inspections against social dumping (including private household inspections) were undertaken by the DWEA, resulting in 4 550 decisions.^{xiii}

There are some indicators pointing towards a higher compliance with Danish legislation. The proportion of rulings given to companies from countries, operating in Denmark for many years, (for example, Poland), has declined during the last number of years.^{xiv}

There is efficient cooperation between the DWEA, the Police and the Tax Agency in handling social dumping.^{xv}

Lessons learnt and success factors

- ▶ Clear notification procedures and transparent communication are crucial for private household inspections, ensuring cooperation and compliance;
- ▶ Inspectors must understand their legal authority and adhere to due process, including proper identification and notification protocols;
- ▶ Effective enforcement mechanisms, such as sanctions proportionate to violations, are essential for ensuring compliance;
- ▶ Collaboration agreements facilitate the exchange of relevant information between authorities, aiding in enforcement efforts.

Transferability

Establishing or enhancing the legal frameworks for enforcement authorities, including clear provisions for inspections in private

	<p>households and enforcement mechanisms for compliance, is essential for transferability to other countries.</p> <p>Investment in training for labour inspectors, development of collaboration agreements between relevant authorities, and consideration of privacy rights are also essential components for successful implementation.</p>
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Further information

Contact	<p>Dorte Harning, Special Adviser, Danish Working Environment Authority</p> <p>Email: doh@at.dk</p>
Useful sources and resources	<p>The Danish Working Environment Act</p> <p>https://at.dk/en/regulations/working-environment-act/</p> <p>The Danish Working Environment Agency (DWEA) website</p> <p>https://at.dk/en</p> <p>Workplace Denmark website</p> <p>https://workplacedenmark.dk/</p>

ⁱ ELA (2023), *Factsheet on Undeclared Work – Denmark*. Available at: https://www.ela.europa.eu/sites/default/files/2024-02/DK-UDW_factsheet-2023-fin.pdf.

ⁱⁱ As the DWEA does not have the authority to control residence and work permits, correct payments of tax, VAT, and wages this has resulted in cooperation between the DWEA and the Danish Tax Agency to tackle social dumping. “In Denmark the cooperation between authorities is solely concentrated upon the part of undeclared work regarding ‘social dumping’ or ‘orderly conditions’” - see Arbejdstilsynet report at <https://www.vinnumalastofnun.is/media/3045/appendix-1-denmark.pdf>, p.1.

ⁱⁱⁱ Evaluation Report of the Labour Inspectorate of Denmark (DWEA), 1-2 December 2021, 30 May – 4 June 2022, available at: <https://at.dk/media/3eeif2gw/slic-evaluation-report-dwea-final-version.pdf>

^{iv} See, <https://at.dk/om-os/opgaver-og-strategi/>

^v See, <https://at.dk/en/about-us/about-the-wea/> and <https://at.dk/om-os/opgaver-og-strategi/>

^{vi} However, this rule does not apply to non-commercial activities carried out by individuals in their private homes, holiday homes, surrounding land, vehicles, recreational vessels, or other movable properties. See <https://at.dk/en/inspection/inspection-of-enterprises/>

^{vii} See <https://at.dk/tilsyn/tilsynsprocedureer-til-tilsynsfoerende/basis-tilsynsprocedure/#35314>

^{viii} See basic inspection procedure, at <https://at.dk/tilsyn/tilsynsprocedureer-til-tilsynsfoerende/basis-tilsynsprocedure/#35306>

^{ix} The information contained in this paragraph is excerpted from information on Basic inspection procedures, available at <https://at.dk/tilsyn/tilsynsprocedureer-til-tilsynsfoerende/basis-tilsynsprocedure/#35306>



^x There are two such agreements – one about cooperation against social dumping (<https://at.dk/media/ghzdmtr/samarbejdsaftale-2024-underskrevet-15-januar-2024.pdf>) and one against trafficking of human beings.

^{xi} See Arbejdstilsynet report at <https://www.vinnumalastofnun.is/media/3045/appendix-1-denmark.pdf>, p.1.

^{xii} Conditions that give rise to suspicion of violations of tax legislation and are reported to the Danish Tax Agency include, for example, information about e.g. salary conditions, employment contracts, or other personal documents that do not follow tax legislation. The Danish Tax Agency will automatically receive notification if a violation of the rules on notification of foreign services to RUT is created. See, <https://at.dk/tilsyn/tilsynsprocedureer-til-tilsynsfoerende/basis-tilsynsprocedure/#37025>

See Basic inspection procedure, at <https://at.dk/tilsyn/tilsynsprocedureer-til-tilsynsfoerende/basis-tilsynsprocedure/#35306>

^{xiii} The Danish Working Environment Authority's reactions and visits to companies. See <https://at.dk/tilsyn/indsats-mod-social-dumping/arbejdstilsynets-reaktioner-og-besoeg-paa-udenlandske-virksomheder/>

^{xiv} See Arbejdstilsynet report at <https://www.vinnumalastofnun.is/media/3045/appendix-1-denmark.pdf>, p.7

^{xv} See <https://at.dk/media/3eeif2gw/slic-evaluation-report-dwea-final-version.pdf>, p.51