

# Act amending the Act on Employees' Right to Absence from Work for Special Family Reasons, Act on Equal Treatment of Men and Women in Employment, etc., Act on Active Social Policy and various other acts [1\)](#)

(Implementation of the Leave Directive's provisions on carers' leave, dismissal protection, etc., as well as exemption from availability during leave, better leave conditions for parents of triplets, etc.)

WE MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, do hereby:

The Danish Parliament has adopted and We have ratified by Our consent the following law:

## § 1

The following amendments are made to Act No. 223 of 22 March 2006 on employees' right to absence from work for special family reasons:

1. *The footnote* to the title of the Act is amended as follows:

"1) The Act contains provisions implementing parts of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, Official Journal of the European Union 2019, No. L 188, page 79."

2. After Section 1, the following is inserted:

**"§ 1 a.** An employee is entitled to care leave for 5 working days each calendar year to provide personal care or support to their own children, parents, spouse or partner or a person living in the same household as the employee who needs significant care or support due to a serious health condition. Care leave may be taken as a whole period or as individual days. Unused care days lapse at the end of the year. The employer may require the employee to medically document the need for significant care or support due to a serious health condition.

*Subsection 2.* If an employee has been absent from work within a calendar year pursuant to section 1, nos. 2 and 3, this absence shall be deducted from the right to care leave pursuant to subsection 1. "

3. After section 3, the following is inserted:

**"Section 3 a.** The time an employee has been absent pursuant to section 1, no. 1, or section 1 a, subsection 1, shall be included in the calculation of seniority in the employment relationship. The provision does not concern pension matters.

**§ 3 b.** An employee who has exercised his right to absence under § 1 a, subsection 1, has the right to return to the same or a similar job with working conditions that are no less favourable to the employee, and to benefit from any improvement in working conditions to which the employee would have been entitled during his absence.

**§ 3 c.** An employee who provides personal care or support to a relative or a person living in the same household as the employee who needs this due to a serious health condition, cf. § 1 a, subsection 1, and who has been employed by the employer for at least 6 months, may, for the purpose of providing care, request from the employer changed working hours or patterns for a specified period. The employee has the right to request a return to the original working pattern before the end of the agreed period if changed circumstances justify this. The employer must consider and respond to the employee's requests within a reasonable period of time, taking into account the needs of both the employer and the employee.

**4.** In *section 4(1)*, after “an employee,” insert: “including an employee representative, or subject him to other less favourable treatment,” and after “in this Act,” insert: “or has made a request for changed working hours or patterns pursuant to section 3 c.”

**5.** In *section 4, subsection 1*, the following is inserted as *the 2nd and 3rd clauses*:  
"If an employee is dismissed who has requested absence or has been absent pursuant to Section 1 a, subsection 1, the employer must provide written reasons for the dismissal. If an employee is dismissed who has requested changed working hours or patterns pursuant to Section 3 c, the employee may request the employer to provide reasons for the dismissal."

**6.** *Section 4(2)* is repealed.

**7.** After section 4, the following is inserted:

**"Section 4 a.** Persons whose rights have been violated by a violation of section 1 a, subsection 1, or section 4 may be awarded compensation.

**Section 4 b.** If an employee considers himself to have been dismissed due to a request for or use of absence pursuant to Section 1 a, subsection 1, and the employee can demonstrate factual circumstances that give rise to the presumption that the person concerned has been dismissed on this basis, it is the employer's responsibility to prove that the dismissal is justified by other circumstances.

**8.** In *Section 5(2)*, “Directive 96/34/EC on the Framework Agreement on parental leave concluded by UNICE, CEEP and the ETUC” is amended to: “Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU”.

## § 2

The following amendments are made to the Act on Equal Treatment of Men and Women in Employment, etc., cf. Consolidation Act No. 645 of 8 June 2011, as amended by Section 13 of Act No. 553 of 18 June 2012, Act No. 217 of 5 March 2013 and Act No. 1709 of 27 December 2018:

**1.** *The footnote* to the title of the Act is amended as follows:

‘1) The Act contains provisions implementing Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), Official Journal of the European Communities 1992, No. L 348, p. 1, Council Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal

treatment of men and women in matters of employment and occupation (recast), Official Journal of the European Communities 2006, No. L 204, p. 23, and parts of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, Official Journal of the European Union 2019, No. L 188, p. 79.'

2. Throughout the Act, the words "the Maternity Act" are changed to: "the Maternity Act".

3. In *section 8, 1st clause, section 8 a, subsection 1*, and *section 9*, "sections 6-14" are amended to: "sections 6-14 a".

4. *Section 8* is amended as follows:

**"Section 8.** The time an employee has been absent pursuant to sections 6-14 a, 23 b or 23 c of the Maternity Leave Act shall be included in the calculation of seniority in the employment relationship. The provision does not concern pension matters."

5. *Section 8a, subsection 1*, is amended as follows:

"An employee who has exercised the right to leave under sections 6-14 a, 23 b or 23 c of the Maternity Leave Act has the right to return to the same or a similar job with working conditions that are no less favourable to the employee, and to benefit from any improvement in working conditions to which the employee would have been entitled during his absence."

6. *Section 8a, subsection 2*, is amended as follows :

"*Subsection 2.* An employee with one or more children under the age of 9 may request in writing from the employer changed working hours or patterns for a specified period. The employee has the right to request a return to the original working hours or pattern before the end of the agreed period if changed circumstances justify this. The employer shall consider and respond to the employee's requests within a reasonable period of time, taking into account the needs of both the employer and the employee. The employer shall justify any refusal of the employee's requests."

7. In *section 8 a*, the following paragraph 3 is inserted :

"*Subsection 3.* The right to request the employer to change working hours or patterns in subsection 2 also includes employees who are social parents, cf. section 23 a, subsection 3 of the Maternity Leave Act, with one or more children under 9 years of age."

8. *Section 9* is amended as follows:

**"Section 9.** An employer may not dismiss an employee or subject him to other less favourable treatment because he has made a claim to exercise the right to absence, has been absent pursuant to sections 6-14 a, 23 b or 23 c of the Maternity Leave Act, or has made a request for changes pursuant to section 8 a, subsection 2 of this Act, or otherwise because of pregnancy, maternity leave or adoption."

9. In *section 16, subsection 4*, "sections 6-11, 13 and 14" are amended to: "sections 6-11 and 13-14 a".

10. *Section 16(4)* is amended as follows:

"*Subsection 4.* If a dismissal or other less favourable treatment takes place during pregnancy, absence pursuant to sections 6-11, 13-14 a or 23 b of the Maternity Leave Act and during notice periods pursuant to section 16, subsection 2, it is the employer's responsibility to prove that the dismissal or treatment is not justified by these circumstances."

**11.** In *section 16(5)*, after "an employee" the following is inserted: "who has requested absence or has been absent".

**12.** *Section 16(5)* is amended as follows:

"*Subsection 5.* If an employee is dismissed who has requested absence or has been absent during the periods mentioned in sections 6-14 a of the Maternity Leave Act, the employee is entitled to a written and adequate justification for the dismissal."

**13.** *Section 16(5)* is amended as follows:

"*Subsection 5.* If an employee is dismissed who has requested absence or has been absent during the periods mentioned in sections 6-14 a, 23 b or 23 c of the Maternity Leave Act, the employee is entitled to a written and adequate justification for the dismissal."

**14.** In *section 17*, "maternity leave" is changed to: "maternity leave".

### § 3

The following amendments are made to the Act on the Equal Treatment Board, cf. Consolidation Act No. 1230 of 2 October 2016, as amended by Section 14 of Act No. 688 of 8 June 2018 and Section 3 of Act No. 2591 of 28 December 2021:

**1. The following** is inserted as a *footnote* to the title of the Act:

"1) The Act contains provisions implementing parts of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU, Official Journal of the European Union 2019, No. L 188, page 79."

**2.** In *section 1, subsection 2*, the following is inserted as *number 6*:

"6) Section 1, no. 1, Section 1a, subsection 1, and Sections 3a-3c and 4 of the Act on Employees' Right to Absence from Work for Special Family Reasons."

### § 4

The following amendments are made to the Maternity Leave Act, cf. Consolidation Act No. 235 of 12 February 2021, as amended by Section 3 of Act No. 527 of 27 March 2021, Section 3 of Act No. 1438 of 29 June 2021, Section 2 of Act No. 2380 of 14 December 2021, Act No. 343 of 22 March 2022 and Section 8 of Act No. 452 of 20 April 2022:

**1.** After *section 14*, the following is inserted before the heading before *section 15*:

»§ 14 a. Parents who have three or more children at the same birth are entitled to additional leave for a total of 26 weeks.

*Subsection 2.* The absence pursuant to subsection 1 must be taken within 18 months after the birth.

*Subsection 3.* The Minister of Employment shall lay down rules on the administration pursuant to the provision, including rules on requirements for documentation.

2. In *section 15, subsection 4, first sentence*, "sections 9 and 10" are amended to: "sections 9, 10 and 14 a".

3. *Section 15a* is amended as follows:

**"Section 15 a.** An employee in an employment relationship who has not had the opportunity to notify an employer of absence pursuant to section 9 within 6 weeks of the birth or reception of the child, cf. section 15(4), and who is entitled to maternity benefits pursuant to section 21(3) or section 21a, must notify the employer with 8 weeks' notice of when the leave will commence and of the length thereof."

4. In *section 20*, "13 and 14" are amended to: "13, 14 and 14 a".

5. *Section 20* is amended as follows:

**"Section 20.** In the event of absence pursuant to section 6, subsections 1 and 2, sections 7, 7 a, 8, 13, 14 and 14 a and section 23 b, subsections 1 and 2, Udbetaling Danmark shall pay maternity benefits calculated in accordance with Chapter 9."

6. In *section 21 c, subsections 2 and 3*, "section 21, subsection 1, and section 21 b, subsection 1, 1st sentence, and subsection 2" is amended to: "section 21, subsection 1, section 21 b, subsection 1, 1st sentence, and subsection 2, and section 23, subsection 1 or 2".

7. In *section 23(2)*, the following is inserted as *the second sentence*:

"It is a condition for being able to postpone the right to maternity benefits that the parent has a right to maternity benefits during the period in which work has resumed."

8. In *section 23*, the following new paragraphs are inserted after subsection 2:

*"Subsection 3.* The right to maternity benefits under subsection 2 may be transferred to the other parent. The right to transfer maternity benefits under the first sentence applies regardless of whether the parent himself is entitled to maternity benefits.

*Subsection 4.* Payment of maternity benefit during later absence, cf. subsection 3, is conditional on the parent having received maternity benefit and having been employed within the first year after the birth or reception of the child to an extent corresponding to the period for which maternity benefit is applied for.

Paragraphs 3-5 will now become paragraphs 5-7.

9. In *section 23 b, subsection 3*, "sections 21, 21 b and 21 c" are amended to: "sections 21, 21 b and 21 c and section 23, subsection 2".

10. In *section 54(2)*, the following is inserted after "chapter 4": "and 5".

## § 5

The following amendments are made to the Act on Active Social Policy, cf. Consolidation Act No. 241 of 12 February 2021, as amended, inter alia, by Section 2

of Act No. 466 of 20 March 2021 and most recently by Section 3 of Act No. 452 of 20 April 2022:

1. In *section 5(2)(1)*, the following is inserted after "occupation etc.": "in a specially designed youth education pursuant to the Act on Youth Education for Young People with Special Needs."

2. *Section 5, subsection 5*, is amended as follows:

"*Subsection 5*. However, the recipient may reside abroad while the person concerned is entitled to holiday pursuant to section 13, subsections 12 and 13, section 68 a, subsection 4, section 69, subsections 6 and 8, section 69 j, subsection 11, section 69 k, subsection 6, section 73 c, section 74, subsection 1, no. 4, and section 74, subsection 2, no. 3."

3. In *section 13, subsection 8*, "subsection 15" is amended to: "subsection 16".

4. In *Section 13*, the following new paragraph is inserted after paragraph 8:

"*Subsection 9*. A person is exempt from being available during periods when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to Section 6, subsections 1 and 2, Sections 7, 7 a and 8, Section 9, subsection 1, Section 13 and Section 14, subsections 1 and 2 of the Maternity and Childbirth Act, to the extent that during the absence there would have been a right to unemployment benefits as unemployed pursuant to Section 20, Section 21, subsections 1 and 2, Section 21 b, subsections 1-3, and Section 21 c, subsections 1-3 of the Maternity and Childbirth Act."

Paragraphs 9-16 will now become paragraphs 10-17.

5. *Section 13* is amended as follows:

»§ 13. It is a condition for receiving cash benefit under § 11 that the applicant does not have a reasonable offer of work and that the person actively seeks to exploit his or her work opportunities. It is a condition for receiving educational assistance under § 11 that the applicant is available for ordinary education or an effort aimed at ordinary education. The applicant's spouse must also exploit his or her work or education opportunities.

*Subsection 2*. The municipality has a duty to assess whether a person who has applied for or receives cash benefit under Section 11 continues to meet the conditions for the benefit by utilizing his or her work opportunities, if the person

- 1) refuses a job to which the person has been assigned,
- 2) fails to attend a job interview at the job centre or with another actor, a meeting of the rehabilitation team or an availability assessment at the job centre,
- 3) fails to attend a follow-up interview in the municipality,
- 4) is assessed as being job-ready and fails to comply with the deadline set by the job centre to book a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts,
- 5) is assessed as being ready for activity and fails to comply with the deadline set by the job centre to book a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts,
- 6) fails to notify the job centre or employer of illness in cases where the unemployed person has been given an offer pursuant to the Act on Active Employment Efforts, an offer pursuant to Chapter 5 of the Act on Compensation for Disabled Persons in Business, etc. or an offer etc. pursuant to the self-sufficiency and return home programme or the introduction programme



pursuant to the Integration Act or is required to attend a job interview with an employer,

7) fails to notify the municipality of illness in cases where the unemployed person has been called to a job interview as part of illness follow-up or measures as part of illness follow-up,

8) refuses or fails to participate in measures as part of medical follow-up or

9) fails to attend parts of the self-sufficiency and return home program or the introduction program pursuant to the Integration Act.

*Subsection 3.* The municipality has a duty to assess whether a person who has applied for or is receiving educational assistance, cf. section 11, continues to meet the conditions for the assistance by actively participating in the individually planned educational efforts, if the person

1) is assessed as being clearly ready for education and refuses a job to which the person has been referred,

2) is assessed as being clearly ready for education and fails to comply with the deadline set by the job centre to book a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts,

3) is assessed as being ready for education or activity and fails to comply with the deadline set by the job centre for booking a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts,

4) fails to attend a job interview at the job centre as part of the contact process under the Act on Active Employment Efforts, a meeting of the rehabilitation team or an availability assessment at the job centre,

5) fails to attend a follow-up meeting in the municipality,

6) fails to notify the job centre of illness in cases where the unemployed person has been given an offer under the Act on Active Employment Efforts,

7) fails to notify the municipality of illness in cases where the unemployed person has been called to a job interview as part of illness follow-up or measures as part of illness follow-up, or

8) refuses or fails to participate in measures as part of medical follow-up.

*Subsection 4.* The municipality is obliged to assess whether an educational or job-ready recipient of assistance, cf. section 11, continues to meet the conditions to take advantage of his or her educational or work opportunities if the person repeatedly reports sick when the person has been given an offer pursuant to the Act on Active Employment Efforts or an offer pursuant to Chapter 5 of the Act on Compensation for Disabled Persons in Business, etc. or is to participate in parts of the self-sufficiency and return home programme or the introduction programme pursuant to the Integration Act. However, the municipality shall not assess the person's availability if it is not considered relevant.

*Subsection 5.* It is a condition for receiving assistance that the applicant and his/her spouse accept a reasonable offer pursuant to the Act on Active Employment Efforts or an offer pursuant to Chapter 5 of the Act on Compensation for Disabled Persons in Business, etc., accept employment promotion measures or participate in the individual parts of the self-sufficiency and return home programme or the introduction programme pursuant to the Integration Act, unless the applicant is not obliged to accept an offer pursuant to section 106 of the Act on Active Employment Efforts or section 16(4), 1st sentence, of the Integration Act. If the applicant for educational assistance does not have a youth education, it is also a condition for receiving educational assistance that the person participates in a reading, writing and arithmetic test. The applicant for cash benefit is entitled to a reading, writing and arithmetic test, unless the job centre assesses that there is clearly no need for

this. If the applicant exercises the right to a reading, writing and arithmetic test, the applicant is obliged to participate in the test.

*Subsection 6.* For applicants who receive educational assistance pursuant to section 23, it is a condition for receiving assistance that the applicant participates in employment promotion measures in the form of activities imposed pursuant to section 30 of the Act on Active Employment Efforts.

*Subsection 7.* If the applicant or his/her spouse wishes to receive or the applicant or his/her spouse receives assistance as an educational or job-ready person, the person who has a reasonable cause is not obliged to take advantage of his/her educational or work opportunities by participating in offers of education or work pursuant to subsection 1, offers or employment promotion measures, etc. pursuant to subsection 5 or employment promotion measures in the form of activities imposed pursuant to section 30 of the Act on an active employment effort pursuant to subsection 6.

*Subsection 8.* If the applicant wishes to receive or receives assistance as an activity-ready person, the municipality must assess whether, in the individual case, there are circumstances other than the reasonable grounds that may be included in the assessment pursuant to subsection 7 and rules laid down pursuant to subsection 16 that may justify that the person concerned is not obliged to take advantage of his or her educational or work opportunities, including assessing whether a sanction will promote the person's availability. The first clause applies correspondingly to the spouse of the applicant or recipient.

*Subsection 9.* A person is exempt from being available during periods when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to the Maternity and Childbirth Act, section 6, subsections 1 and 2, sections 7, 7 a and 8, section 9, subsection 1, section 13, section 14, subsections 1 and 2, and section 14 a, to the extent that during the absence there would have been a right to unemployment benefits as unemployed pursuant to sections 20, section 21, subsections 1 and 2, section 21 b, subsections 1-3, and section 21 c, subsections 1-3 of the Maternity and Childbirth Act.

*Subsection 10.* The rules in subsections 1-6 do not apply to the applicant's spouse when the spouse is in education or receives a public welfare benefit that is not conditional on the recipient taking advantage of his or her educational or work opportunities.

*Subsection 11.* A person whose spouse is entitled to assistance under section 11 and who has worked exclusively or mainly at home may choose not to take advantage of his or her educational or work opportunities in accordance with the rules in subsections 1-6. In that case, the assistance for the couple will be calculated in accordance with the rules in section 26, subsection 4, and section 34, subsection 3.

*Subsection 12.* A person who has received educational or cash benefits for 12 consecutive months is entitled to up to 4 weeks of holiday, during which the person may receive educational or cash benefits. The holiday must be taken within the following 12 months. It is a condition that the person otherwise meets the conditions for receiving educational or cash benefits while the holiday is being taken. The person is not covered by the rules in subsections 1-6 while the holiday is being taken. If the person has earned the right to holiday with holiday pay, this holiday must be taken first. The total holiday may not exceed 4 weeks. A holiday period may not exceed 2 weeks.

*Subsection 13.* It is a condition for taking a holiday that the person has entered into an agreement with the municipality regarding the location of the holiday. When



deciding on the location of the holiday, the person's other circumstances must be taken into account, including the family's holiday, unless this significantly hinders the employment efforts that have been initiated or planned for the person. If the person concerned and the municipality cannot agree on when the holiday is to be taken, the municipality shall make a decision on this.

*Subsection 14.* For persons who receive transitional benefits, are not covered by an introduction program under the Integration Act and are covered by the rules on an educational requirement under section 30 of the Act on Active Employment Efforts, subsections 1, 2 and 3, clauses 1 and 2, and subsections 3-11 shall apply correspondingly.

*Subsection 15.* For persons who receive self-support and repatriation benefit or transitional benefit, including persons who are covered by sections 26-26 b of the Integration Act, but who are not covered by subsection 14, subsections 1, 1st and 3rd clauses, and subsections 2, 4, 5 and 7-11 shall apply correspondingly. Subsections 5, 3rd and 4th clauses shall not apply if the person is covered by a self-support and repatriation programme or an introduction programme under the Integration Act.

*Subsection 16.* The Minister of Employment shall, after negotiation with the Employment Council, lay down further rules on the application of the provisions in subsections 1-8, including rules on when the municipality must require a certificate of release if the applicant or spouse has part-time work. The Minister of Employment shall, after negotiation with the Minister of Immigration and Integration, lay down further rules on the application of the provisions in subsections 1-8 for persons who receive self-sufficiency and repatriation benefit or transitional benefit and who are covered by a self-sufficiency and repatriation programme or introduction programme under the Integration Act.

*Subsection 17.* The Minister of Employment shall lay down detailed rules on the calculation of 12 consecutive months of education or cash benefits as mentioned in subsection 12, including how resource course benefits and periods of offers under Chapter 11 of the Act on Active Employment Efforts or rehabilitation in the form of specially designed projects under Chapter 14 of the same Act may be included in the calculation.

**6. Section 13 is amended as follows:**

»§ 13. It is a condition for receiving cash benefit under § 11 that the applicant does not have a reasonable offer of work and that the person actively seeks to exploit his or her work opportunities. It is a condition for receiving educational assistance under § 11 that the applicant is available for ordinary education or an effort aimed at ordinary education. The applicant's spouse must also exploit his or her work or education opportunities.

*Subsection 2.* The municipality has a duty to assess whether a person who has applied for or receives cash benefit under Section 11 continues to meet the conditions for the benefit by utilizing his or her work opportunities, if the person

- 1) refuses a job to which the person has been assigned,
- 2) fails to attend a job interview at the job centre or with another actor, a meeting of the rehabilitation team or an availability assessment at the job centre,
- 3) fails to attend a follow-up interview in the municipality,
- 4) is assessed as being job-ready and fails to comply with the deadline set by the job centre to book a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts,

5) is assessed as being ready for activity and fails to comply with the deadline set by the job centre to book a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts,

6) fails to notify the job centre or employer of illness in cases where the unemployed person has been given an offer pursuant to the Act on Active Employment Efforts, an offer pursuant to Chapter 5 of the Act on Compensation for Disabled Persons in Business, etc. or an offer etc. pursuant to the self-sufficiency and return home programme or the introduction programme pursuant to the Integration Act or is required to attend a job interview with an employer,

7) fails to notify the municipality of illness in cases where the unemployed person has been called to a job interview as part of illness follow-up or measures as part of illness follow-up,

8) refuses or fails to participate in measures as part of medical follow-up or

9) fails to attend parts of the self-sufficiency and return home program or the introduction program pursuant to the Integration Act.

*Subsection 3.* The municipality has a duty to assess whether a person who has applied for or is receiving educational assistance, cf. section 11, continues to meet the conditions for the assistance by actively participating in the individually planned educational efforts, if the person

1) is assessed as being clearly ready for education and refuses a job to which the person has been referred,

2) is assessed as being clearly ready for education and fails to comply with the deadline set by the job centre to book a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts,

3) is assessed as being ready for education or activity and fails to comply with the deadline set by the job centre for booking a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts,

4) fails to attend a job interview at the job centre as part of the contact process under the Act on Active Employment Efforts, a meeting of the rehabilitation team or an availability assessment at the job centre,

5) fails to attend a follow-up meeting in the municipality,

6) fails to notify the job centre of illness in cases where the unemployed person has been given an offer under the Act on Active Employment Efforts,

7) fails to notify the municipality of illness in cases where the unemployed person has been called to a job interview as part of illness follow-up or measures as part of illness follow-up, or

8) refuses or fails to participate in measures as part of medical follow-up.

*Subsection 4.* The municipality is obliged to assess whether an educational or job-ready recipient of assistance, cf. section 11, continues to meet the conditions to take advantage of his or her educational or work opportunities if the person repeatedly reports sick when the person has been given an offer pursuant to the Act on Active Employment Efforts or an offer pursuant to Chapter 5 of the Act on Compensation for Disabled Persons in Business, etc. or is to participate in parts of the self-sufficiency and return home programme or the introduction programme pursuant to the Integration Act. However, the municipality shall not assess the person's availability if it is not considered relevant.

*Subsection 5.* It is a condition for receiving assistance that the applicant and his/her spouse accept a reasonable offer pursuant to the Act on Active Employment Efforts or an offer pursuant to Chapter 5 of the Act on Compensation for Disabled Persons in Business, etc., accept employment promotion measures or participate in

the individual parts of the self-sufficiency and return home programme or the introduction programme pursuant to the Integration Act, unless the applicant is not obliged to accept an offer pursuant to section 106 of the Act on Active Employment Efforts or section 16(4), 1st sentence, of the Integration Act. If the applicant for educational assistance does not have a youth education, it is also a condition for receiving educational assistance that the person participates in a reading, writing and arithmetic test. The applicant for cash benefit is entitled to a reading, writing and arithmetic test, unless the job centre assesses that there is clearly no need for this. If the applicant exercises the right to a reading, writing and arithmetic test, the applicant is obliged to participate in the test.

*Subsection 6.* For applicants who receive educational assistance pursuant to section 23, it is a condition for receiving assistance that the applicant participates in employment promotion measures in the form of activities imposed pursuant to section 30 of the Act on Active Employment Efforts.

*Subsection 7.* If the applicant or his/her spouse wishes to receive or the applicant or his/her spouse receives assistance as an educational or job-ready person, the person who has a reasonable cause is not obliged to take advantage of his/her educational or work opportunities by participating in offers of education or work pursuant to subsection 1, offers or employment promotion measures, etc. pursuant to subsection 5 or employment promotion measures in the form of activities imposed pursuant to section 30 of the Act on an active employment effort pursuant to subsection 6.

*Subsection 8.* If the applicant wishes to receive or receives assistance as an activity-ready person, the municipality must assess whether, in the individual case, there are circumstances other than the reasonable grounds that may be included in the assessment pursuant to subsection 7 and rules laid down pursuant to subsection 16 that may justify that the person concerned is not obliged to take advantage of his or her educational or work opportunities, including assessing whether a sanction will promote the person's availability. The first clause applies correspondingly to the spouse of the applicant or recipient.

*Subsection 9.* A person is exempt from being available during periods when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to sections 6(1) and (2), sections 7, 7a and 8, section 9(1), section 13, section 14(1) and (2), and section 14a of the Maternity and Childbirth Act, to the extent that during the absence there would have been a right to unemployment benefits as unemployed pursuant to sections 20, section 21(1) and (2), section 21b(1-3), section 21c(1-4), section 23b(1-3), and section 23c(1) and (2) of the Maternity and Childbirth Act.

*Subsection 10.* The rules in subsections 1-6 do not apply to the applicant's spouse when the spouse is in education or receives a public welfare benefit that is not conditional on the recipient taking advantage of his or her educational or work opportunities.

*Subsection 11.* A person whose spouse is entitled to assistance under section 11 and who has worked exclusively or mainly at home may choose not to take advantage of his or her educational or work opportunities in accordance with the rules in subsections 1-6. In that case, the assistance for the couple will be calculated in accordance with the rules in section 26, subsection 4, and section 34, subsection 3.

*Subsection 12.* A person who has received educational or cash benefits for 12 consecutive months is entitled to up to 4 weeks of holiday, during which the person may receive educational or cash benefits. The holiday must be taken within the

following 12 months. It is a condition that the person otherwise meets the conditions for receiving educational or cash benefits while the holiday is being taken. The person is not covered by the rules in subsections 1-6 while the holiday is being taken. If the person has earned the right to holiday with holiday pay, this holiday must be taken first. The total holiday may not exceed 4 weeks. A holiday period may not exceed 2 weeks.

*Subsection 13.* It is a condition for taking a holiday that the person has entered into an agreement with the municipality regarding the location of the holiday. When deciding on the location of the holiday, the person's other circumstances must be taken into account, including the family's holiday, unless this significantly hinders the employment efforts that have been initiated or planned for the person. If the person concerned and the municipality cannot agree on when the holiday is to be taken, the municipality shall make a decision on this.

*Subsection 14.* For persons who receive transitional benefits, are not covered by an introduction program under the Integration Act and are covered by the rules on an educational requirement under section 30 of the Act on Active Employment Efforts, subsections 1, 2 and 3, clauses 1 and 2, and subsections 3-11 shall apply correspondingly.

*Subsection 15.* For persons who receive self-support and repatriation benefit or transitional benefit, including persons who are covered by sections 26-26 b of the Integration Act, but who are not covered by subsection 14, subsections 1, 1st and 3rd clauses, and subsections 2, 4, 5 and 7-11 shall apply correspondingly. Subsections 5, 3rd and 4th clauses shall not apply if the person is covered by a self-support and repatriation programme or an introduction programme under the Integration Act.

*Subsection 16.* The Minister of Employment shall, after negotiation with the Employment Council, lay down further rules on the application of the provisions in subsections 1-8, including rules on when the municipality must require a certificate of release if the applicant or spouse has part-time work. The Minister of Employment shall, after negotiation with the Minister of Immigration and Integration, lay down further rules on the application of the provisions in subsections 1-8 for persons who receive self-sufficiency and repatriation benefit or transitional benefit and who are covered by a self-sufficiency and repatriation programme or introduction programme under the Integration Act.

*Subsection 17.* The Minister of Employment shall lay down detailed rules on the calculation of 12 consecutive months of education or cash benefits as mentioned in subsection 12, including how resource course benefits and periods of offers under Chapter 11 of the Act on Active Employment Efforts or rehabilitation in the form of specially designed projects under Chapter 14 of the same Act may be included in the calculation.

**7.** In *section 13, subsection 13*, which becomes subsection 14, "subsections 3-10" are amended to: "subsections 3-11".

**8.** In *section 13, subsection 14*, which becomes subsection 15, "subsection 13" is amended to: "subsection 14", and "7-10" is amended to: "7-11".

**9.** In *section 13, subsection 16*, which becomes subsection 17, "subsection 11" is amended to: "subsection 12".

**10.** In *section 13 f, subsection 12, no. 2*, "section 13, subsection 7" is amended to: "section 13, subsection 9".

**11.** In section 24, subsection 2, first sentence, section 24, subsection 5, second sentence, section 25, subsection 8, first sentence, and section 25, subsection 11, second sentence, the following shall be amended: "section 6, subsections 1 and 2, section 7, section 8, subsections 1-6, section 9, section 13 and section 14, subsections 1 and 2, are entitlements to unemployment benefits in the event of pregnancy, maternity, adoption and bereavement leave" to: "section 6, subsections 1 and 2, section 7, section 8, section 9, subsection 1, section 13 and section 14, subsections 1 and 2, would have been entitlements to unemployment benefits as unemployed pursuant to section 20, section 21, subsections 1 and 2, section 21 b, subsection 1 and 2 of the Maternity Leave Act. 1-3, and section 21 c, subsections 1-3«.

**12.** Section 24, subsection 2, first sentence, is amended as follows:

"The municipality shall provide a maternity allowance in an amount corresponding to an activity allowance, cf. subsection 3, to persons who have been assessed as being fit for education and who are entitled to absence due to pregnancy, maternity, adoption and bereavement leave, to the extent that during absence pursuant to the provisions of the Maternity Act, sections 6(1) and (2), 7, 8, 9, 13, 14(1) and (2), and 14a, there would have been a right to unemployment benefit as unemployed pursuant to sections 20, 21(1) and (2), 21b(1-3), and 21c(1-3) of the Maternity Act."

**13.** Section 24, subsection 2, first sentence, is amended as follows:

"The municipality shall provide a maternity allowance in an amount corresponding to an activity allowance, cf. subsection 3, to persons who have been assessed as being fit for education and who are entitled to absence due to pregnancy, maternity, adoption and bereavement leave, to the extent that during absence pursuant to the provisions of the Maternity Act, sections 6(1) and (2), 7, 8, 9, 13, 14(1) and (2), and 14a, there would have been a right to unemployment benefit as unemployed pursuant to sections 20, 21(1) and (2), 21b(1-3), 21c(1-4), 23b(1-3), and 23c(1) and (2) of the Maternity Act."

**14.** Section 24, subsection 5, 2nd sentence, is amended as follows:

"If, during the period from the first contact with the municipality for help and until the first job interview after no later than 1 week, the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave, to the extent that during absence pursuant to the provisions of the Maternity and Childbirth Act, § 6, subsections 1 and 2, § 7, § 8, § 9, § 13, § 14, subsections 1 and 2, and § 14 a, the person would have been entitled to unemployment benefits as unemployed pursuant to § 20, § 21, subsections 1 and 2, § 21 b, subsections 1-3, and § 21 c, subsections 1-3, of the Maternity and Childbirth Act, the municipality shall instead provide a maternity allowance pursuant to subsection 2."

**15.** Section 24, subsection 5, 2nd sentence, is amended as follows:

"If, during the period from the first contact with the municipality for help and until the first job interview after no later than 1 week, the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave, to the extent that during absence pursuant to the provisions of the Maternity and Childbirth Act, section 6, subsections 1 and 2, section 7, section 8, section 9, section 13, section 14, subsections 1 and 2, and section 14 a, the person would have been entitled to unemployment benefits as unemployed pursuant to section 20, section 21, subsections 1 and 2, section 21 b, subsections 1-3, section 21 c, subsections 1-4, section 23 b, subsections 1-3, and section 23 c, subsections 1 and 2, the municipality shall instead provide a maternity allowance pursuant to subsection 2."



**16.** *Section 25, subsection 8, first sentence*, is amended as follows:

"The municipality shall provide a maternity allowance in an amount corresponding to an activity allowance, cf. subsection 9, nos. 1-4, to persons under 30 years of age who have been assessed as job-ready and who are entitled to absence due to pregnancy, maternity, adoption and bereavement leave, to the extent that during absence pursuant to the provisions of the Maternity Act, sections 6, subsections 1 and 2, section 7, section 8, section 9, section 13, section 14, subsections 1 and 2, and section 14 a, there would have been a right to unemployment benefit as unemployed pursuant to sections 20, section 21, subsections 1 and 2, section 21 b, subsections 1-3, and section 21 c, subsections 1-3, of the Maternity Act."

**17.** *Section 25, subsection 8, first sentence*, is amended as follows:

"The municipality shall provide a maternity allowance in an amount corresponding to an activity allowance, cf. subsection 9, nos. 1-4, to persons under 30 years of age who have been assessed as job-ready and who are entitled to absence due to pregnancy, maternity, adoption and bereavement leave, to the extent that during absence pursuant to the provisions of the Maternity Act, sections 6, subsections 1 and 2, section 7, section 8, section 9, section 13, section 14, subsections 1 and 2, and section 14 a, there would have been a right to unemployment benefit as unemployed pursuant to sections 20, section 21, subsections 1 and 2, section 21 b, subsections 1-3, section 21 c, subsections 1-4, section 23 b, subsections 1-3, and section 23 c, subsections 1 and 2, of the Maternity Act."

**18.** *Section 25, subsection 11, 2nd sentence*, is amended as follows:

"If, during the period from the first contact with the municipality for help and until the first job interview after no later than 1 week, the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave, to the extent that during absence pursuant to the provisions of the Maternity and Childbirth Act, § 6, subsections 1 and 2, § 7, § 8, § 9, § 13, § 14, subsections 1 and 2, and § 14 a, the person would have been entitled to unemployment benefits as unemployed pursuant to § 20, § 21, subsections 1 and 2, § 21 b, subsections 1-3, and § 21 c, subsections 1-3, of the Maternity and Childbirth Act, the municipality shall instead provide a maternity allowance pursuant to subsection 8."

**19.** *Section 25, subsection 11, 2nd sentence*, is amended as follows:

"If, during the period from the first contact with the municipality for help and until the first job interview after no later than 1 week, the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave, to the extent that during absence pursuant to the provisions of the Maternity and Childbirth Act, § 6, subsections 1 and 2, § 7, § 8, § 9, § 13, § 14, subsections 1 and 2, and § 14 a, the person would have been entitled to unemployment benefits as unemployed pursuant to § 20, § 21, subsections 1 and 2, § 21 b, subsections 1-3, § 21 c, subsections 1-4, § 23 b, subsections 1-3, and § 23 c, subsections 1 and 2, the municipality shall instead provide a maternity allowance pursuant to subsection 8."

**20.** In *section 26, subsection 4, first sentence*, and *subsection 11*, and *section 34, subsection 3, no. 1*, "section 13, subsection 10" is amended to: "section 13, subsection 11".

**21.** In *section 32, 3rd sentence*, "section 13, subsection 11" is amended to: "section 13, subsection 12".

22. In § 40 a, subsection 3, § 69, subsection 4, § 69 k, subsection 4, § 74 g, subsection 2, § 75, subsection 3, § 76, subsection 1, 4th point, § 77, subsection 1, 1st point, § 77, subsection 3, 1st point, § 77, subsection 4, 1st point, and § 77 a, subsection 1-4, "section 13, subsection 15" to: "§ 13, subsection 16«.

23. In section 68 a, subsection 4, 3rd sentence, "section 69, subsection 5" is amended to: "section 69, subsection 6".

24. In section 69, the following new paragraph is inserted after subsection 4:

*"Subsection 5. A person is exempt from being available during periods when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to Section 6, subsections 1 and 2, Sections 7, 7 a and 8, Section 9, subsection 1, Section 13 and Section 14, subsections 1 and 2 of the Maternity and Childbirth Act, to the extent that during the absence there would have been a right to unemployment benefits as unemployed pursuant to Section 20, Section 21, subsections 1 and 2, Section 21 b, subsections 1-3, and Section 21 c, subsections 1-3 of the Maternity and Childbirth Act."*

Paragraphs 5-8 will now become paragraphs 6-9.

25. Section 69 is amended as follows:

»**Section 69.** It is a condition for receiving resource course benefits under section 68 that the person does not have a reasonable offer of work and that the person actively participates in the individually planned resource course.

*Subsection 2.* If a person refuses to receive treatment by a doctor in the form of surgery or prescribed medication or medical treatment of a similarly invasive nature, this cannot be attributed to the municipality's assessment of whether the person is entitled to resource course benefits in resource courses.

*Subsection 3.* The municipality has a duty to assess whether a person receiving resource course benefit under section 68 continues to meet the conditions for this if the person

- 1) does not participate in offers under the Act on Active Employment Efforts or an offer under Chapter 5 of the Act on Compensation for Disabled Persons in Occupations, etc. or other legislation that appears from the rehabilitation plan or a holistic plan,
- 2) refuses an offer of work to which the person has been referred,
- 3) fails to attend a job interview in the municipality, with another party or from an availability assessment in the municipality,
- 4) fails to notify the municipality or employer of illness in cases where the person has been given an offer pursuant to the Act on Active Employment Efforts or an offer pursuant to Chapter 5 of the Act on Compensation for Disabled Persons in Occupations, etc. or other legislation as stated in the rehabilitation plan or a holistic plan, or
- 5) fails to comply with the deadline set by the job center for booking a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts.

*Subsection 4.* Section 13, subsections 7 and 8, and rules laid down pursuant to section 13, subsection 16, shall apply correspondingly to recipients of resource course benefits.

*Subsection 5.* A person is exempt from being available during periods when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to the Maternity and Childbirth Act, section 6, subsections 1 and 2, sections 7, 7 a and 8, section 9, subsection 1, section 13, section

14, subsections 1 and 2, and section 14 a, to the extent that during the absence there would have been a right to unemployment benefits as unemployed pursuant to sections 20, section 21, subsections 1 and 2, section 21 b, subsections 1-3, and section 21 c, subsections 1-3 of the Maternity and Childbirth Act.

*Subsection 6.* A person who has received resource course benefit for 12 consecutive months is entitled to up to 5 weeks of holiday, during which the person may receive resource course benefit. The holiday must be taken within the following 12 months. It is a condition that the person otherwise meets the conditions for receiving resource course benefit while the holiday is being taken. The person is not covered by subsections 1 and 3 while the holiday is being taken. If the person has earned the right to holiday with holiday pay, this holiday must be taken first. The total holiday may not exceed 5 weeks. Section 13, subsection 13, applies correspondingly to persons covered by the first clause.

*Subsection 7.* For persons who receive resource course benefits and who have been given a holistic plan, cf. section 46 of the Act on Active Employment Efforts, a holistic plan replaces the intervention part of the rehabilitation plan.

*Subsection 8.* The Minister of Employment shall lay down detailed rules on the calculation of when the right to holiday has been acquired, including how a period of education or cash benefit may be included in the calculation.

*Subsection 9.* The Minister of Employment may lay down rules to the effect that the requirement to be available pursuant to subsections 1 and 3 may be waived in very special cases.

**26.** *Section 69* is amended as follows:

»**Section 69.** It is a condition for receiving resource course benefits under section 68 that the person does not have a reasonable offer of work and that the person actively participates in the individually planned resource course.

*Subsection 2.* If a person refuses to receive treatment by a doctor in the form of surgery or prescribed medication or medical treatment of a similarly invasive nature, this cannot be attributed to the municipality's assessment of whether the person is entitled to resource course benefits in resource courses.

*Subsection 3.* The municipality has a duty to assess whether a person receiving resource course benefit under section 68 continues to meet the conditions for this if the person

- 1) does not participate in offers under the Act on Active Employment Efforts or an offer under Chapter 5 of the Act on Compensation for Disabled Persons in Occupations, etc. or other legislation that appears from the rehabilitation plan or a holistic plan,
- 2) refuses an offer of work to which the person has been referred,
- 3) fails to attend a job interview in the municipality, with another party or from an availability assessment in the municipality,
- 4) fails to notify the municipality or employer of illness in cases where the person has been given an offer pursuant to the Act on Active Employment Efforts or an offer pursuant to Chapter 5 of the Act on Compensation for Disabled Persons in Occupations, etc. or other legislation as stated in the rehabilitation plan or a holistic plan, or
- 5) fails to comply with the deadline set by the job center for booking a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts.

*Subsection 4.* Section 13, subsections 7 and 8, and rules laid down pursuant to section 13, subsection 16, shall apply correspondingly to recipients of resource course benefits.

*Subsection 5.* A person is exempt from being available during periods when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to Section 6(1) and (2), Sections 7, 7a and 8, Section 9(1), Section 13, Section 14(1) and (2), and Section 14a of the Maternity and Childbirth Act, to the extent that during the absence there would have been a right to unemployment benefits as unemployed pursuant to Section 20, Section 21(1) and (2), Section 21b(1-3), Section 21c(1-4), Section 23b(1-3), and Section 23c(1) and (2) of the Maternity and Childbirth Act.

*Subsection 6.* A person who has received resource course benefit for 12 consecutive months is entitled to up to 5 weeks of holiday, during which the person may receive resource course benefit. The holiday must be taken within the following 12 months. It is a condition that the person otherwise meets the conditions for receiving resource course benefit while the holiday is being taken. The person is not covered by subsections 1 and 3 while the holiday is being taken. If the person has earned the right to holiday with holiday pay, this holiday must be taken first. The total holiday may not exceed 5 weeks. Section 13, subsection 13, applies correspondingly to persons covered by the first clause.

*Subsection 7.* For persons who receive resource course benefits and who have been given a holistic plan, cf. section 46 of the Act on Active Employment Efforts, a holistic plan replaces the intervention part of the rehabilitation plan.

*Subsection 8.* The Minister of Employment shall lay down detailed rules on the calculation of when the right to holiday has been acquired, including how a period of education or cash benefit may be included in the calculation.

*Subsection 9.* The Minister of Employment may lay down rules to the effect that the requirement to be available pursuant to subsections 1 and 3 may be waived in very special cases.

**27.** In section 69, subsection 5, 7th clause, which becomes subsection 6, 7th clause, "section 13, subsection 12" is amended to: "section 13, subsection 13".

**28.** In section 69 j, subsection 11, 3rd sentence, "section 69 k, subsection 5" is amended to: "section 69 k, subsection 6".

**29.** In section 69 k, the following new paragraph is inserted after subsection 4:

*"Subsection 5.* A person is exempt from being available during periods when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to Section 6, subsections 1 and 2, Sections 7, 7 a and 8, Section 9, subsection 1, Section 13 and Section 14, subsections 1 and 2 of the Maternity and Childbirth Act, to the extent that during the absence there would have been a right to unemployment benefits as unemployed pursuant to Section 20, Section 21, subsections 1 and 2, Section 21 b, subsections 1-3, and Section 21 c, subsections 1-3 of the Maternity and Childbirth Act."

Paragraphs 5-7 will now become paragraphs 6-8.

**30.** Section 69k is amended as follows:

**»Section 69 k.** It is a condition for receiving resource course benefit under Section 69 j that the person actively participates in the job clarification process, resumes his/her work partially when possible, accepts reasonable offers of work and attends job interviews that the municipality calls as part of the job clarification process. A person is entitled to receive resource course benefit from the first day of absence, where there is no entitlement to sickness benefits under the Sickness Benefits Act, and until the municipality has decided that the person in question

meets the conditions for a job clarification process under Section 24 a of the Sickness Benefits Act, regardless of the fact that the person in question has not been able to be available under the first sentence during this period.

*Subsection 2.* If a person refuses to receive treatment by a doctor in the form of surgery or prescribed medication or medical treatment of a similarly invasive nature, this cannot be attributed to the municipality's assessment of whether the person is entitled to resource course benefits in the job clarification process.

*Subsection 3.* The municipality is obliged to assess whether a person receiving resource course benefit under section 69 j continues to meet the conditions for this if the person

- 1) does not participate in offers under the Act on Active Employment Efforts or an offer under Chapter 5 of the Act on Compensation for Disabled Persons in Occupations, etc. or other legislation that appears from the rehabilitation plan or a holistic plan,
- 2) refuses an offer of work to which the person has been referred,
- 3) fails to attend a job interview at the municipality or with another party or from an availability assessment at the municipality,
- 4) fails to notify the municipality or employer of illness in cases where the person has been given an offer pursuant to the Act on Active Employment Efforts or an offer pursuant to Chapter 5 of the Act on Compensation for Disabled Persons in Occupations, etc. or other legislation as stated in the rehabilitation plan or a holistic plan, or
- 5) fails to comply with the deadline set by the job center for booking a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts.

*Subsection 4.* Section 13, subsections 7 and 8, and rules laid down pursuant to section 13, subsection 16, apply to recipients of resource course benefits in job clarification courses.

*Subsection 5.* A person is exempt from being available during periods when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to Section 6(1) and (2), Sections 7, 7a and 8, Section 9(1), Section 13, Section 14(1) and (2), and Section 14a of the Maternity and Childbirth Act, to the extent that during the absence there would have been a right to unemployment benefits as unemployed pursuant to Section 20, Section 21(1) and (2), Section 21b(1-3), Section 21c(1-4), Section 23b(1-3), and Section 23c(1) and (2) of the Maternity and Childbirth Act.

*Subsection 6.* A person who has received resource course benefit for 12 consecutive months is entitled to up to 5 weeks of holiday, during which the person may receive resource course benefit. The holiday must be taken within the following 12 months. It is a condition that the person otherwise meets the conditions for receiving resource course benefit while the holiday is being taken. The person is not covered by subsections 1 and 3 while the holiday is being taken. If the person has earned the right to holiday with holiday pay, this holiday must be taken first. The total holiday may not exceed 5 weeks. Section 13, subsection 13, applies correspondingly to persons covered by the first clause.

*Subsection 7.* For persons who receive resource course benefits and who have been given a holistic plan, cf. section 46 of the Act on Active Employment Efforts, a holistic plan replaces the intervention part of the rehabilitation plan.

*Subsection 8.* The Minister of Employment may lay down rules to the effect that the requirement to be available pursuant to subsections 1 and 3 may be waived in very special cases.

**31.** *Section 69k* is amended as follows:



»**Section 69 k.** It is a condition for receiving resource course benefit under Section 69 j that the person actively participates in the job clarification process, resumes his/her work partially when possible, accepts reasonable offers of work and attends job interviews that the municipality calls as part of the job clarification process. A person is entitled to receive resource course benefit from the first day of absence, where there is no entitlement to sickness benefits under the Sickness Benefits Act, and until the municipality has decided that the person in question meets the conditions for a job clarification process under Section 24 a of the Sickness Benefits Act, regardless of the fact that the person in question has not been able to be available under the first sentence during this period.

*Subsection 2.* If a person refuses to receive treatment by a doctor in the form of surgery or prescribed medication or medical treatment of a similarly invasive nature, this cannot be attributed to the municipality's assessment of whether the person is entitled to resource course benefits in the job clarification process.

*Subsection 3.* The municipality is obliged to assess whether a person receiving resource course benefit under section 69 j continues to meet the conditions for this if the person

- 1) does not participate in offers under the Act on Active Employment Efforts or an offer under Chapter 5 of the Act on Compensation for Disabled Persons in Occupations, etc. or other legislation that appears from the rehabilitation plan or a holistic plan,
- 2) refuses an offer of work to which the person has been referred,
- 3) fails to attend a job interview at the municipality or with another party or from an availability assessment at the municipality,
- 4) fails to notify the municipality or employer of illness in cases where the person has been given an offer pursuant to the Act on Active Employment Efforts or an offer pursuant to Chapter 5 of the Act on Compensation for Disabled Persons in Occupations, etc. or other legislation as stated in the rehabilitation plan or a holistic plan, or
- 5) fails to comply with the deadline set by the job center for booking a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts.

*Subsection 4.* Section 13, subsections 7 and 8, and rules laid down pursuant to section 13, subsection 16, apply to recipients of resource course benefits in job clarification courses.

*Subsection 5.* A person is exempt from being available during periods when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to Section 6(1) and (2), Sections 7, 7a and 8, Section 9(1), Section 13, Section 14(1) and (2), and Section 14a of the Maternity and Childbirth Act, to the extent that during the absence there would have been a right to unemployment benefits as unemployed pursuant to Section 20, Section 21(1) and (2), Section 21b(1-3), Section 21c(1-4), Section 23b(1-3), and Section 23c(1) and (2) of the Maternity and Childbirth Act.

*Subsection 6.* A person who has received resource course benefit for 12 consecutive months is entitled to up to 5 weeks of holiday, during which the person may receive resource course benefit. The holiday must be taken within the following 12 months. It is a condition that the person otherwise meets the conditions for receiving resource course benefit while the holiday is being taken. The person is not covered by subsections 1 and 3 while the holiday is being taken. If the person has earned the right to holiday with holiday pay, this holiday must be taken first. The total holiday may not exceed 5 weeks. Section 13, subsection 13, applies correspondingly to persons covered by the first clause.

*Subsection 7.* For persons who receive resource course benefits and who have been given a holistic plan, cf. section 46 of the Act on Active Employment Efforts, a holistic plan replaces the intervention part of the rehabilitation plan.

*Subsection 8.* The Minister of Employment may lay down rules to the effect that the requirement to be available pursuant to subsections 1 and 3 may be waived in very special cases.

**32.** In *section 69 k, subsection 5, 7th clause*, which becomes subsection 6, 7th clause, "section 13, subsection 12" is amended to: "section 13, subsection 13".

**33.** In *section 73 d*, "when the person concerned is entitled to absence due to pregnancy, maternity, adoption and bereavement leave in accordance with the rules of the Maternity Act" is amended to: "when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave in accordance with section 6, subsections 1 and 2, sections 7, 7 a and 8, section 9, subsection 1, section 13 and section 14, subsections 1 and 2, of the Maternity Act, to the extent that during the absence there would have been a right to unemployment benefits as unemployed in accordance with section 20, section 21, subsections 1 and 2, section 21 b, subsections 1-3, and section 21 c, subsections 1-3 of the Maternity Act".

**34.** *Section 73d* is amended as follows:

**"Section 73 d.** The rehabilitation benefit shall be retained when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to Section 6(1) and (2), Sections 7, 7a and 8, Section 9(1), Section 13, Section 14(1) and (2), and Section 14a of the Maternity and Childbirth Act, to the extent that during the absence there would have been entitlement to unemployment benefits as unemployed pursuant to Section 20, Section 21(1) and (2), Section 21b(1-3), and Section 21c(1-3) of the Maternity and Childbirth Act."

**35.** *Section 73d* is amended as follows:

**"Section 73 d.** The rehabilitation benefit shall be retained when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to Section 6(1) and (2), Sections 7, 7a and 8, Section 9(1), Section 13, Section 14(1) and (2), and Section 14a of the Maternity and Childbirth Act, to the extent that during the absence there would have been entitlement to unemployment benefits as unemployed pursuant to Section 20, Section 21(1) and (2), Section 21b(1-3), Section 21c(1-4), Section 23b(1-3), and Section 23c(1) and (2) of the Maternity and Childbirth Act."

**36.** In *section 74 e, subsection 3*, the following new sentence is inserted after the second sentence:

"A person who is assigned to a flexible job and receives maternity benefits under the Maternity and Paternity Act, accrues the right to unemployment benefit during vacation with 2.08 days per month of maternity benefits for the period in which the right to salary during vacation or holiday allowance or the right to holiday benefit under sections 25 b and 25 d of the Maternity and Paternity Act is not accrued."

**37.** In *section 75, subsection 4, 1st sentence*, the words "the person is entitled to absence during pregnancy, maternity, adoption and bereavement leave, to the extent that during absence pursuant to the provisions of the Maternity Act, sections 6, subsections 1 and 2, section 7, section 8, subsections 1-6, section 9, section 13 and

section 14, subsections 1 and 2, is entitled to unemployment benefits during pregnancy, maternity, adoption and bereavement leave," are deleted.

**38.** In *section 75*, the following new paragraph is inserted after subsection 5:

*"Subsection 6.* A person is exempt from being available during periods when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to Section 6, subsections 1 and 2, Sections 7, 7 a and 8, Section 9, subsection 1, Section 13 and Section 14, subsections 1 and 2 of the Maternity and Childbirth Act, to the extent that during the absence there would have been a right to unemployment benefits as unemployed pursuant to Section 20, Section 21, subsections 1 and 2, Section 21 b, subsections 1-3, and Section 21 c, subsections 1-3 of the Maternity and Childbirth Act."

Paragraph 6 will now become paragraph 7.

**39.** *Section 75* is amended as follows:

»§ 75. A person receiving unemployment benefit must actively utilize his or her work opportunities to obtain flexible work. The person must

- 1) be actively seeking a job, including registering all job search activities in a job log on Jobnet, cf. however, subsection 5,
- 2) participate in follow-up interviews pursuant to section 74 c of this Act, interviews regarding availability assessments, job interviews pursuant to Chapter 7 of the Act on Active Employment Efforts and meetings of the rehabilitation team pursuant to section 9 of the Act on the Organization and Support of Employment Efforts, etc.,
- 3) comply with the deadline set by the job centre for booking a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts,
- 4) accept a reasonable offer of flexible work,
- 5) accept reasonable offers pursuant to the Act on Active Employment Efforts, unless the person is not obliged to accept offers pursuant to section 106 of the Act on Active Employment Efforts concerning less intensive efforts, or other offers that may improve the chances of getting work,
- 6) actively participate in reasonable offers under the Act on Active Employment Efforts or other offers that can improve the chances of getting a job, and
- 7) register CV information on Jobnet in accordance with Chapter 6 of the Act on Active Employment Efforts, no later than 3 weeks after the person has obtained the right to unemployment benefit.

*Subsection 2.* If there is any doubt about a person's availability, the municipality must test this. This can be done by using offers under Chapter 11 or 14 of the Act on Active Employment Efforts.

*Subsection 3.* Subsection 1, nos. 1, 4 and 5, however, do not apply if the person concerned has a reasonable reason not to take advantage of his or her work opportunities, cf. section 13, subsections 7 and 8, and rules laid down pursuant to section 13, subsection 16.

*Subsection 4.* Subsection 1, no. 7, does not apply, however, if the person is not available for a flexible job for a period that the job centre assesses will last more than 1 month because the person cannot participate in education or work due to illness or there is a risk that their health will deteriorate if their previous education or work is continued, the person has to look after their children and no other care option can be provided, or the person receives support under the Social Service Act for the care of a disabled child, a disabled adult or a dying relative or under the Maternity Benefit Act for the care of a seriously ill child. When the person is again

available for a flexible job, the person concerned must register their CV information on Jobnet as soon as possible, but no later than after 3 weeks.

*Subsection 5.* The Job Centre may exempt a person from registering all job search activities in a job log on Jobnet, cf. subsection 1, no. 1, if it is assessed that this is either not possible or is very difficult for the person due to the person's reduced physical or mental functional capacity, etc. The Job Centre and the person must agree on how the person in question should instead document his or her job search activities.

*Subsection 6.* A person is exempt from being available during periods when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to the Maternity and Childbirth Act, section 6, subsections 1 and 2, sections 7, 7 a and 8, section 9, subsection 1, section 13, section 14, subsections 1 and 2, and section 14 a, to the extent that during the absence there would have been a right to unemployment benefits as unemployed pursuant to sections 20, section 21, subsections 1 and 2, section 21 b, subsections 1-3, and section 21 c, subsections 1-3 of the Maternity and Childbirth Act.

*Subsection 7.* The Minister of Employment may lay down rules to the effect that the requirement to be available pursuant to subsection 1 may be waived in very special cases.

**40.** *Section 75* is amended as follows:

»§ 75. A person receiving unemployment benefit must actively utilize his or her work opportunities to obtain flexible work. The person must

- 1) be actively seeking a job, including registering all job search activities in a job log on Jobnet, cf. however, subsection 5,
- 2) participate in follow-up interviews pursuant to section 74 c of this Act, interviews regarding availability assessments, job interviews pursuant to Chapter 7 of the Act on Active Employment Efforts and meetings of the rehabilitation team pursuant to section 9 of the Act on the Organization and Support of Employment Efforts, etc.,
- 3) comply with the deadline set by the job centre for booking a job interview digitally, cf. Chapter 7 of the Act on Active Employment Efforts,
- 4) accept a reasonable offer of flexible work,
- 5) accept reasonable offers pursuant to the Act on Active Employment Efforts, unless the person is not obliged to accept offers pursuant to section 106 of the Act on Active Employment Efforts concerning less intensive efforts, or other offers that may improve the chances of getting work,
- 6) actively participate in reasonable offers under the Act on Active Employment Efforts or other offers that can improve the chances of getting a job, and
- 7) register CV information on Jobnet in accordance with Chapter 6 of the Act on Active Employment Efforts, no later than 3 weeks after the person has obtained the right to unemployment benefit.

*Subsection 2.* If there is any doubt about a person's availability, the municipality must test this. This can be done by using offers under Chapter 11 or 14 of the Act on Active Employment Efforts.

*Subsection 3.* Subsection 1, nos. 1, 4 and 5, however, do not apply if the person concerned has a reasonable reason not to take advantage of his or her work opportunities, cf. section 13, subsections 7 and 8, and rules laid down pursuant to section 13, subsection 16.

*Subsection 4.* Subsection 1, no. 7, does not apply, however, if the person is not available for a flexible job for a period that the job centre assesses will last more

than 1 month because the person cannot participate in education or work due to illness or there is a risk that their health will deteriorate if their previous education or work is continued, the person has to look after their children and no other care option can be provided, or the person receives support under the Social Service Act for the care of a disabled child, a disabled adult or a dying relative or under the Maternity Benefit Act for the care of a seriously ill child. When the person is again available for a flexible job, the person concerned must register their CV information on Jobnet as soon as possible, but no later than after 3 weeks.

*Subsection 5.* The Job Centre may exempt a person from registering all job search activities in a job log on Jobnet, cf. subsection 1, no. 1, if it is assessed that this is either not possible or is very difficult for the person due to the person's reduced physical or mental functional capacity, etc. The Job Centre and the person must agree on how the person in question should instead document his or her job search activities.

*Subsection 6.* A person is exempt from being available during periods when the person is entitled to absence due to pregnancy, maternity, adoption and bereavement leave pursuant to Section 6(1) and (2), Sections 7, 7a and 8, Section 9(1), Section 13, Section 14(1) and (2), and Section 14a of the Maternity and Childbirth Act, to the extent that during the absence there would have been a right to unemployment benefits as unemployed pursuant to Section 20, Section 21(1) and (2), Section 21b(1-3), Section 21c(1-4), Section 23b(1-3), and Section 23c(1) and (2) of the Maternity and Childbirth Act.

*Subsection 7.* The Minister of Employment may lay down rules to the effect that the requirement to be available pursuant to subsection 1 may be waived in very special cases.

**41.** In *section 77 b, subsection 2*, the following is inserted after "early retirement or": "The senior pension unit has commenced processing a case regarding".

## **§ 6**

The following amendment is made to the Act on Active Employment Efforts, cf. Consolidation Act No. 701 of 22 May 2022:

**1.** In *section 27, subsection 2*, "section 13, subsection 7" is amended to: "section 13, subsection 9".

## **§ 7**

In Act No. 343 of 22 March 2022 amending the Maternity Act (Introduction of earmarked leave, equal sharing of the right to maternity benefits and the right to transfer maternity benefits to social parents and close family members, etc.), the following amendments are made:

**1.** *Section 1, no. 27*, is repealed.

**2.** *Section 1, no. 34*, is repealed.

## **Section 8**

*Subsection 1.* The Act enters into force on 2 August 2022, cf. however subsections 4 and 5.



*Subsection 2.* Sections 4-6 apply to parents of a child born or received on or after 2 August 2022, cf. however subsections 4 and 5. For parents of a child born or received before 2 August 2022, the previously applicable rules apply.

*Subsection 3.* The right to care leave pursuant to Section 1, No. 2, means that employees in the period from 2 August 2022 to and including 31 December 2022 are entitled to 2 days of care leave.

*Subsection 4.* Section 2, nos. 3, 9 and 12, section 4, nos. 1, 2 and 4, and section 5, nos. 5, 12, 14, 16, 18, 25, 30, 34 and 39, shall enter into force on 1 January 2023 and shall apply to parents who have three or more children at the same birth on 1 January 2023 or later.

*Subsection 5.* Section 2, nos. 4, 5, 7, 8, 10 and 13, section 4, nos. 5, 9 and 10, and section 5, nos. 6, 13, 15, 17, 19, 26, 31, 35 and 40, shall enter into force on 1 December 2023 and shall apply to parents of a child born or received on 1 January 2024 or later.

*Given at Christiansborg Palace, June 21, 2022*

Under Our Royal Hand and Seal

MARGRETHE R.

/ Peter Hummelgaard

#### Official notes

<sup>1)</sup> The Act contains provisions implementing Article 3 of Council Directive 96/34/EC of 3 June 1996 concerning the framework agreement on parental leave concluded by UNICE, CEEP and the ETUC, Official Journal 1996, No. L 145, p. 4, as amended by Council Directive 97/75/EC of 15 December 1997, Official Journal 1998, No. L 10, p. 24, Council Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC), Official Journal 1992, No. L 348, p. 1, Council Directive 2006/54/EC of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), Official Journal of the European Union 2006, No. L 204, p. 23, and Council Directive 2010/18/EU of 8 March 2010 concerning the Framework Agreement on parental leave concluded by UNICE, CEEP and the ETUC, Official Journal of the European Union 2010, No. L 68, p. 13.