

# Proclamation of the Act on the Equal Treatment Board <sup>1)</sup>

The Act on the Equal Treatment Board is hereby promulgated, cf. Consolidation Act No. 1230 of 2 October 2016, with the amendments resulting from Section 14 of Act No. 688 of 8 June 2018, Section 3 of Act No. 2591 of 28 December 2021 and Section 3 of Act No. 879 of 21 June 2022.

## Chapter 1

### *Competence and organization*

**§ 1.** The Equal Treatment Board shall consider complaints of discrimination on the grounds of gender, race, skin colour, religion or belief, political opinion, sexual orientation, gender identity, gender expression and gender characteristics, age, disability or national, social or ethnic origin, cf. subsections 2-7.

*Subsection 2.* The Board shall consider complaints of discrimination based on gender according to:

- 1) Sections 2, 2 a and 2 b of the Act on Equality between Women and Men.
- 2) Act on equal pay for men and women.
- 3) Act on equal treatment of men and women in respect of employment etc.
- 4) Act on equal treatment of men and women within occupational security schemes.
- 5) Act on the right to leave and maternity benefits.
- 6) Section 1, no. 1, Section 1 a, subsection 1, and Sections 3 a-3 c and 4 of the Act on Employees' Right to Absence from Work for Special Family Reasons.

*Subsection 3.* The Board shall consider complaints of discrimination on the grounds of race, skin colour, religion or belief, political opinion, sexual orientation, gender identity, gender expression and gender characteristics, age, disability or national, social or ethnic origin pursuant to the Act on the Prohibition of Discrimination in the Labour Market, etc.

*Subsection 4.* The Board shall consider complaints of discrimination on the grounds of sexual orientation, gender identity, gender expression and gender characteristics pursuant to sections 2 and 2b of the Act on Equality between Women and Men.

*Subsection 5.* The Board shall consider complaints of discrimination on the grounds of race or ethnic origin pursuant to the Act on Ethnic Equality.

*Subsection 6.* The Board shall consider complaints about violations of the prohibition against discrimination and about violations of the prohibition against retaliation under the Act on the Prohibition of Discrimination on the Grounds of Disability.

*Subsection 7.* The Equal Treatment Board may hear complaints from an employee about breaches of provisions in collective agreements that contain a similar obligation to equal treatment or equal pay as the Act on Equal Treatment of Men and Women in Employment, etc., cf. section 1(9) of this Act, the Act on Equal Pay for Men and Women, cf. section 1(5) of this Act, or the Act on Equal Treatment of Men and Women within Occupational Security Schemes, cf. section 2 of this Act, or a similar obligation to non-discrimination as the Act on the Prohibition of Discrimination in the Labour Market, etc., cf. section 1(6) and (7) of this Act, if the employee proves that the trade union concerned does not intend to initiate industrial law proceedings on the claim.

*Subsection 8.* A complaint may be brought before the Equal Treatment Board by anyone who has a legal interest in the matter.

*Subsection 9.* The Danish Institute for Human Rights – the Danish National Human Rights Institution may bring cases of a principled nature or cases of general public interest to the Equal Treatment Board.

**§ 2.** The Board may award compensation and reject dismissal to the extent that this follows from the laws and collective agreements mentioned in § 1, subsections 2-7.

*Subsection 2.* In a case brought before the Board by the Danish Institute for Human Rights - the Danish National Human Rights Institution, the Board may decide that unlawful discrimination has occurred, cf. section 1, subsections 2-6.

**§ 3.** The board consists of 1 chairman, 2 vice-chairmen and 9 other members.

*Subsection 2.* The chairman shall be a district judge or the president or vice-president of the Maritime and Commercial Court. The deputy chairmen shall be district court judges. The chairman and deputy chairmen shall be appointed by the Minister for Employment after being appointed by the relevant court president. Both sexes shall be represented in the chairmanship of the board.

*Subsection 3.* The other members of the board shall be appointed by the Minister of Employment. Of these, the Minister of Social Affairs and Integration shall nominate 3 members and the Minister of Equality and Church 3 members. The members of the board shall have passed a Master of Laws degree and shall be appointed from among persons who have special knowledge of gender equality legislation, legislation on equal treatment of all persons regardless of race or ethnic origin or legislation on the prohibition of discrimination in the labour market, as well as knowledge of the conditions in the labour market. The members of the board shall be independent of the nominating and appointing authorities. An equal gender distribution shall be ensured among the members of the board.

*Subsection 4.* The members of the board are appointed for a term of 3 years. Re-appointment is possible.

*Subsection 5.* The Minister of Employment may appoint a number of alternates for the members appointed pursuant to subsection 3. The appointment shall be made in accordance with subsections 3 and 4.

*Subsection 6.* The Minister of Employment shall determine the rules of procedure of the board after negotiation with the Minister of Social Affairs and Integration and the Minister for Equality and Church Affairs.

**§ 4.** The Board cannot process complaints that can be brought before another administrative authority before that authority has made a decision in the case.

*Subsection 2.* The Board cannot handle cases pending in the courts.

*Subsection 3.* As long as a case is pending before the Board, the parties to the case may not bring the case before the courts.

## Chapter 2

### *Complaints handling*

**§ 5.** The Danish Appeals Board shall provide a secretariat for the board.

*Subsection 2.* The secretariat prepares the board's processing of complaints. Complaints are processed on a written basis.

*Subsection 3.* The Secretariat may request the parties to the case to cooperate in clarifying the case. If a party does not comply with the request within the specified time limit, a new time limit shall be set. If the invitation to respond is not complied with, the Board may decide that the case can be decided on the basis of the facts at hand.

**§ 6.** When a complaint is processed by the board, 1 member of the chairmanship and 2 other board members participate. The board's decision is made by majority vote.

*Subsection 2.* The chairman may decide that two additional board members shall participate in the consideration of matters of principle.

*Subsection 3.* If a case is deemed to be capable of being decided in accordance with established legal or board practice, the decision may be made by a member of the presidency alone.

**§ 7.** The Board may obtain statements from experts in connection with the processing of a complaint.

*Subsection 2.* When handling cases concerning breaches of provisions in collective agreements, cf. section 1, subsection 7, the board shall obtain a statement from the parties to the collective agreement in question before making a decision.

**§ 8.** The Board may refuse to process a complaint that is not deemed suitable for processing by the Board.

*Subsection 2.* The Board may refuse to consider a complaint if it is obvious that the complainant's case cannot be upheld.

*Subsection 3.* The Board may refuse to process the complaint if the complainant does not have a legal interest in the matter.

*Subsection 4.* The Board may delegate its competence pursuant to subsections 1-3 to the secretariat. Further rules on this shall be laid down in the Board's rules of procedure.

**§ 9.** The Board's decisions cannot be appealed to another administrative authority.

*Subsection 2.* The decisions of the Board shall be recorded and published in anonymised form. The reasons for the decision shall be stated in the minutes. If a decision is not unanimous, information on the vote and the reasons for the vote shall be included.

**§ 10.** The Board may decide that a case in which a decision has been made shall be reopened if special reasons justify this.

**§ 11.** The complainant may withdraw his complaint until a decision has been made in the case. If the defendant meets the complainant's requirements during the case processing, or if a settlement is reached between the parties regarding a final decision on the case, the case shall be dismissed.

**§ 12.** When the Board has made a decision in a case, the secretariat informs the parties of the decision and of the possibility of bringing the case before the courts.

*Subsection 2.* If the Board's decisions and settlements reached on behalf of the Board are not complied with, the Board shall, on behalf of the complainant or the Danish Institute for Human Rights - the Danish National Human Rights Institution, bring the matter before the courts if the complainant or the Institute so requests.

**§ 13.** The Board shall submit a report on its activities once a year.

### Chapter 3

#### *Entry into force etc.*

**Section 14.** The Act enters into force on 1 January 2009.

*Subsection 2.* The chairman of the board is appointed for the first time for a period of 4 years.

*Subsection 3.* Cases that have been brought before the Equality Board or the Complaints Committee for Ethnic Equality at the time of the entry into force of this Act shall be transferred for further consideration by the Board.

**§§ 15-17.** (Omitted)

**§ 18.** (Repealed)

**Section 19.** The Act does not apply to the Faroe Islands and Greenland.

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Act No. 688 of 8 June 2018 on the Act on the Prohibition of Discrimination on the Grounds of Disability contains the following entry into force provision:

**§ 13.** The Act enters into force on 1 July 2018.

Act No. 2591 of 28 December 2021 amending the Act on Equality between Women and Men, the Act on the Prohibition of Discrimination in the Labour Market, etc., the Criminal Code and various other acts (Strengthened protection of LGBTI persons against discrimination, hate crimes and hate speech and protection of persons with disabilities against hate speech) <sup>21</sup> contains the following entry into force provisions:

## **§ 7**

*Subsection 1.* The Act enters into force on 1 January 2022, cf. however subsection 2.

*Subsection 2.* The Minister for Equality shall determine the date of entry into force of section 1, no. 10 of the Act.

## **Section 8**

*Subsection 1.* The Act does not apply to the Faroe Islands and Greenland, cf. subsections 2 and 3.

*Paragraphs 2-3.* (Omitted)

Act No. 879 of 21 June 2022 amending the Act on the right of employees to be absent from work for special family reasons, the Act on equal treatment of men and women in employment, etc., the Act on active social policy and various other acts (Implementation of the provisions of the Leave Directive on carers' leave, dismissal protection, etc. as well as exemption from availability during leave, better leave conditions for parents of triplets, etc.) <sup>22</sup> contains the following entry into force provision:

## **Section 8**

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

*Paragraphs 2-5.* (Omitted)

*Ministry of Employment, November 25, 2024*

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## **Official notes**

<sup>21</sup> 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.

<sup>22</sup> The amendment concerns Section 1, subsection 1, subsection 3 and subsection 4, Section 2, subsection 1 and Section 7, subsection 2.

<sup>23</sup> The amendment concerns section 1(2)(6).