The Labour Court Act
(No. 183 of 12th March, 1997)

§ 1. The Labour Court jurisdiction covers the hearing of and the settlement on the cases referred to in § 9.
Subsection 2. The Court has its seat in Copenhagen but may be opened elsewhere in the country if deemed appropriate.

§ 2. The Labour Court consists of 12 ordinary judges and 31 substitutes for these, as well as 1 president and 5 vicepresidents.
§ 3. The ordinary judges and substitutes for these are appointed by the Minister of Labour on recommendation by the following organisations and authorities:

1) The Danish Employers' Confederation will recommed:
   3 ordinary members and
   6 substitutes

2) The Danish Confederation of Employers' Association of Agriculture and the Danish Employers' Association for the Financiel Sector will jointly recommend:
   1 ordinary member and
   4 substitutes

3) The Ministry of Finance, the Association of County Councils in Denmark, the National Association of Local Authorities in Denmark, the Minicipality of Copenhagen and the Municipality of Frederiksberg will jointly recommend:
   2 ordinary members and
   4 substitutes

4) The Danish Federation of Trade Unions will recommend:
   4 ordinary members and
   10 substitutes

5) Salaried Employees' and Civil Servants' Confederation, the Danish Confederation of professionel Associations and the Danish Association of Mannagers and Executives will jointly recommend:
   2 ordinary members and
   7 substitutes

Subsection 2. The appointment, valid for five years counting from a 1st January, shall be made every five years based on the recommendations by organisations and authorities received from the Court. If a recmmendation is not received before the end of December, the Minister of Labour will appoint on his own the one or those missing.
Subsection 3. Reappointment may take place.
Subsection 4. If an ordinary judge or substitute retires during the 5-year period, another shall be appointed for the remaining part of the period, another shall be appointed for the remaining part of the period upon recommendation by the particular organisation or authority.

§ 4. The president and vicepresidents of the Court who shall all meet the general conditions for being a judge shall be appointed by the Minister of Labour upon recommendation by the ordinary judges of the Court. Such appointment shall be valid until the expiry of the month in which the person concerned completes his/her seventieth year.

§ 5. A secretariat, run by a secretariat head, belongs to the Labour Court, the head of the secretariat is apponted by the Minister of Labour upon recommendation by the president. The person concerned shall meet the general conditions for being a judge.

§ 6. For the Labour Court judges and substitutes, as well as for the presidency and the head of the secretariat, the Administration of Justice Act rules of incapacity for judges shall apply.
Subsection 2. The judges etc. who shall participate in the judgment of the particular case shall, of their own accord, see whether there may be grounds wich may entail incapacity.
Subsection 3. Objections to the capacity of a judge should as far as possible be made immediately upon receipt of the notice as to which judges will participate in the hearing, an should in any case be made prior to the beginning of the hearing. The adjudication on the capacity of a judge shall be made by the presiding judge by way of a decision. During the hearing, the adjudication shall, however, be made by the Court in its entirety. The judge whose capacity has been questioned shall nok be excluded from participating in this adjudication.

§ 7. In Labour Court hearings, with the exceptions mentioned in § 8, a member of the presindency shall participate as the presiding judge, and from the employer and employee sides, respectively 3 ordinary judges or substitutes.

§ 8. Upon request by a party or of its own accord, the presiding judge may decide that the presidincy during the hearing shall consist of 3 members of the presidency.
Subsection 2. A party not attached to one of the organisations or authorities referred to in § 3, subsection 1, may demand that the case be heard and judged without participation by ordinary judges or substitutes. In that case only the presiding judge shall participate in the adjudication on the case, he/she may make a decision to subsection 1.

§ 9. Cases brought before the Labour Court concern.
1) Breach and interpreting a general agreement adopted by Danish Employers' Confederation and Danish Federation of Trade Unions as well as similar general agreements,
2) Breach collective agreements on matters of wages and labour,
3) the lawfulness of warned collective industrial action or notices inssued in this connection provided the central organisation of the party affected or, if the party is not a member of any such organisation, the party itself has, by registered letter within 5 days upon receipt of the notice to which the formal or substantive lawfulness is objected, objected in relation to the particular organisation or single enterprise to the lawfulness of the industrial action or the notice,
4) whether a collective agreement exists,
5) the lawfulness of the use of collective industrial action in support of a demand for agreement in areas in which no collective agreement has been made, and
6) disputes on the competence of official conciliators.
Subsection 2. Work stoppages shall be reported to the organisations immediately, and a joint meeting attended by the organisations for discussion of a work stoppages shall be held the day after carrying it into effect unless the work stoppages has come to an end before holding the joint meeting.
Subsection 3. Cases to subsection 1, subparagraphs 1-3, can be brought before the Labour Court only if the infringement has been made, or the industrial action has been warned or carried into effect by an employers' organisation or by several members of any such organisation, by a single enterprise (sole proprietorship, firm, limited company or a public institution) or by a labour

organisation or by members of any such organisation jointly. The right of bringing cases i further conditional upon the particular industrial relations not containing provisions to the opposite.
Subsection 4. In addition to the cases mentioned in subsection 1, cases on disagreement between employers and employees may be brought before the Labour Court when so approved by the court, and provided an agreement to that effect has been made between an employer organisation and an employees' organisation or between a single enterprise and an employees' organisation.

§ 10. If a case in its entirety belongs under industrial arbitration, the Court may dismiss the case. If the parties agree the Court may, however, settle the case. If the case belongs partially under industrial arbetration, the Court may adjourn the case until an arbitral award has been made.

§ 11. Cases which, pursuant to § 9, fall under the jurisdiction of the Labour Court, cannot be brought before the ordinary corts, cf., however, subsection 2.
Subsection 2. An employee may bring an action before the ordinary courts for alleged back pay etc. if the person concerned proves that the industrial organisation procedure on the claim.

§ 12. In cases mentioned in § 9, subsection 1, subparagraphs 1 and 2, and subsection 4, the Labour Court may impose on the party or parties taking part in the illegal matter a fine which shall accrue to plaintiff.
Subsection 2. No fine can be imposed on the participants in a work stoppage who have resumed work before the holding of the joint meeting referred to in § 9, subsection 2, or who have followed a request from this meeting to go to work unless it be shown that the work stoppage has been devoid of reasonable grounds or may be regarded as part of a systematic action.
Subsection 3. If the breach of the collective agreement is one of failing to pay an amount of money due, the judgment may instead of a fine be one of payment of the amount.
Subsection 4. Unless otherwise agreed in advance, legal liability can be imposed on an organisation as such only provided it has been a party to the matter complained of.
Subsection 5. The fine shall be fixed in allowing for all the circumstances of the case, including to which degree the breach has been venial on the part of the infringer. In judging an work stoppage, it should thus be allowed for whether there were matters on the part of the counterpart of a nature so that the work stoppage may be deemed to be an understadable reaction to same.
Subsection 6. Under special mitigating circumstances the imposition of a fine otherwise deserved may not apply, and it shall be nil and void when illegal behaviour on the part of the counterpart is deemed to have offered reasonable grounds for an illegal strike/lockout. Thes shall also apply when it is proven that a strike/lockout is due to wellbeing factors for which the counterpart is responsible.
Subsection 7. It shall be considered a particular aggravation circumstance that the infringer, though contractually committed by the collective agreement to do so, has refused to have the matter settled by arbitration or has acted in a manner conflicting with a legally made arbitral award or with a judgment pronounced by the Labour Court.
Subsection 8. In cases of injunctions caused by alleged breaches of agreements and of imposition of a fine for this, the court may separate the issue of the fine for later settlement.

§ 13. Action shall be brought by and against the the employers' or employees' organisation concerned regardless of whether breach has been made, or collective industrial action has been warned or carried into effect by or against particular members of the organisation. If an organisation is a member of a more comprehensive organisation, the action shall be brought by and against the latter organisation. If the employer party is a single enterprise, cf. § 9, subsection 3, that has not joined an employers' organisation, the action shall be brought by or against the single enterprise.

Subsection 2. There is no restriction on the right of the parties to be represented in the Labour Court by an attorney.

§ 14. Action shall be brought by delivering af written complaint to the Labour Court.
Subsection 2. The written complaint plea shall contain the
1) names and adresses of the parties,
2) the claim asserted by the plaintiff,
3) a brief presentation of the facts supporting the claim, and
4) stating the documents and other evidence which the plaintiff intends to invoke.

§ 15. The secretariat shall send as soon as possible a copy of the written complaint plea with exhibits to the defendant and shall at the same time request that the party makes a defence plea with any exhibits. If necessary, the secretariat shall have the written complaint plea served to the defendant to the rules of the Administration of Justice Act on service.
Subsection 2. The defence plea shall contain
1) the defendant's claim,
2) a brief presentation of the facts supporting his claim, and
3) stating the documents and other evidence which the defendant will invoke.

§ 16. The preparation of the case for eventual hearing shall take place in one or more preparatory meetings.
Subsection 2. During the preparatory meetings, the case shall be heard by the president, one of the vicepresidents or the head of the secretariat.
Subsection 3. With the consent of the parties, the Court may settle the matter at a preparatory meeting. The settlement can, with the agreement of the parties, be made by a decision.
Subsection 4. The preparatory meetings shall be held with the doors closed. With assent by the parties, the judge may, however, permit parties other than the representatives of the parties to witness the hearings.

§ 17. For the hearing, the rules of the Administration of Justice Act on hearing of civil actions at the court of first instance, with the necessary adjustments, shall apply.
Subsection 2. The hearing shall be with the doors open unless the presiding judge exceptionally decides that the doors shall be closed with a view to order in the court room.

§ 18. The judgment shall be decided by voting following preceding consultation. The consultation and the voting shall be verbal, and the presiding judge shall always vote last. Only the judges who have attended the verbal proceedings in their entirety shall participate in the voting record.
Subsection 2. The decision shall be made according to the majority of votes.
Subsection 3. A draft judgment shall be prepared by the presiding judge after which the final wording shall be agreed upon by the partipating judges.

§ 19. The judgment which shall be delivered in a sitting open to the public by reading of the conclusion shall be accompanied by grounds but not contain any information on the various opinions during the voting.
Subsection 2. The judgment shall impose on the losing party to pay an amount for partial coverage of the costs of the Labour Court. The court may exceptionally impose on both parties to pay part of the amont.

§ 20. The provisions of the Administration of Justice Act on the effect of the non-appearance of a party on the right of having reopened civil action settled by a judgment in default, and of extradinary reopening of civil action, shall apply similarly in cases heard by the Labour Court.
Subsection 2. The presidency of the Labour Court may exceptionally permit cases setteled, to § 16, subsection 3, by the judge, to be reopened when
1) it may be deemed that there is every probability that the case has, without any fault on the part of the applicant, been incorrectly elucidated, and that the case will, following a reopening, produce a materially different outcome.
2) it may be taken for granted that the applicant may only in this manner avoid or make up for a loss significant to him, and
3) the circumstances do otherwise speak in favour of resumption.

§ 21. The judgments of the Labour Court can be executed according to the rules of the Administration of Justice Act on enforcement of judgment.
Subsection 2. Amicable settlements made before the Labour Court, decisions to § 16, subsction 3, and settlements through conciliation and organisation meetings as well as at industrial arbeitration tribunals and boards of dismissal can be executed according to the rules of the Administration of Justice Act on execution of amicable settlements.
Subsection 3. The provisions of the Administration of Justice Act on objections to the justice of judgments etc. made during the enforcement shall apply similarly for objections made during the execution of the Labour Court judgments, orders, and decisions.

§ 22. If adequate rules for settling desagreement of an industrial nature have not been adopted between the parties to the collective agreement concerned, the provisions of the norm agreed at all times between Danish Employers' Confederation and Danish Federation of Trade Ynions for rules for the consideration of industrial dispute shall be considered to apply between the parties.

§ 23. The act shall come into effect on March 15, 1997.
Subsection 2. Act No. 317 of 13th June, 1973, on the Labour Court, is repealed.
Subsection 3. Until, with effect from 1st Januar, 1998, appointment has been made to § 3, the ordinary judges now sitting shall carry on their business. The present presidency of the Court shall remain sitting until a new Presidency has been appointed according to § 4. The present secretary of the court shall remain sitting until a head of the secretariat has been appointed accordin to § 5.
Subsection 4. The cases pending at the time of the act coming into effect shall be heard to the new rules, cf., however, subsection 3.

§ 24. This act shall not apply to the Faroe Islands and Greenland.