



NEW ACT GIVES EMPLOYERS ACCESS TO DEMAND THAT EMPLOYEES BE TESTED FOR COVID-19

19 November 2020

Introduction

12 November 2020, the Danish Government introduced a bill proposing that employers be given access to make testing for COVID-19 mandatory for employees.

The bill was fast-tracked and passed on 19 November 2020.

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The Bill

In essence, the bill allows the employer to demand that employees be tested for COVID-19 and to be notified of the results thereof.

According to the bill, mandatory testing must be founded in reasoned arguments in consideration of limiting the spread of COVID-19, including in the interest of the work environment, or consistent with business necessity. The employer must give written notification of the requirement to be tested, including the reasons for testing.

To the extent that it is possible, testing must be carried out within the employee's ordinary working hours. If this is not possible, the employee must be financially compensated for their time spent being tested and for expenses incurred in connection thereto.

The employee's failure to comply with the testing requirement, or with the requirement to disclose the test results, may be met with disciplinary action, provided that the employee was notified of the risk of such disciplinary action in the employer's written notice.

The new Act will apply to all employees working in Denmark, irrespective of whether the employee's employment contract is governed by other laws than those of Denmark.

The new act becomes effective 20 November 2020 and is automatically repealed 1 July 2021.

If you have any questions or require further information regarding any of the above, please do not hesitate to contact us:



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