

The legal requirement of registration of working time has now been adopted

The Amendment Act to the Working Hours Act will enter into force on 1 July 2024 and is a consequence of the European Court of Justice's decision of 14 May 2019 (Deutsche Bank), where it was established that member states are obliged to introduce a requirement to register the daily working hours of each employee.

The purpose of the working time registration requirement is to ensure compliance with existing rules on daily and weekly rest periods and maximum weekly working hours.

In accordance with the Act, the employer has freedom of method in relation to how the daily working hours are registered, as long as the time registration is objective, reliable and accessible.

However, the Danish Minister of Employment has confirmed that the obligation to register only concerns the daily working hours, and thus there is no requirement to register the time of day when the work is performed.

Furthermore, the Danish Minister of Employment has confirmed that the employer can choose a system where the daily working hours only need to be registered by the employee on days where the actual working hours deviate from the agreed and/or scheduled working hours.

What does it require from the employer?

The employer must introduce a working time registration system by 1 July 2024 that is objective, reliable and accessible.

The Act requires that records of the registration are kept for five years after the end of the period that forms the basis for calculating the employee's weekly working time, i.e. at the end of the 4-months reference period that applies to the 48-hours rule.

Exception for self-organizers?

According to the Act, it is possible to exempt certain employees from the rules in the Working Hours Act section 3 (breaks), section 4 (48-hours rule) and section 5 (night work). The exemption applies to employees whose working hours, due to special features of the work performed, are not measured or determined in advance, or when the employee can determine them themselves, in the case of employees who can make independent decisions or who have managerial functions.

If the employee is deemed to be a self-organizer, this must be stated in the employee's employment contract.

BDO can help you?

At BDO, we are ready to help your organization navigate the requirements for working time registration. If your company has a registration system, we can help you assess whether the system complies with the minimum requirements.

In addition, we can also help you assess which of your employees are considered self-organizers and the necessary required amendments to the employment contract.



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