

## Force majeure effect on working hours

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The rules on working hours and the rule of at least 11 hours of rest contained in the Danish Working Environment Act are subject to a force majeure provision in Section 52 of the Act. This section allows deviations from certain of the working time regulations in the event of natural disasters, accidents or risk of accidents, breakdowns or other unforeseen circumstances that interrupt operations.

A similar force majeure provision is contained in the executive order on working time offshore, Executive Order No. 630 of 1 July 2003, section 10.

The Danish Working Environment Authority (DWEA) has on 15 March 2020 announced that the Covid-19 pandemic must be considered such a force majeure situation in Denmark. However in the DWEA's announcement only a reference to the Working Environment Act is made.

According to the DWEA, this means that companies that come under special work pressure due to the pandemic - such as hospitals, residential institutions, home care and emergency services - may depart from the 11 hour rule if necessary to maintain their activities. This can also apply to, for example, grocery stores, which come under pressure with the delivery of food to the stores. The force majeure period for the rest period rules is therefore provisionally valid until 13 April 2020.

The rule that employees must have a rest period of at least 11 consecutive hours per day and a weekly day off can be waived "to the extent necessary" in companies that have an extraordinary work load due to the Covid-19 pandemic.

The DWEA does not state if other types of companies than those used as examples above, could qualify for the force majeure exceptions. As stated above, there is also no mention of the offshore rules (however section 10 of the Order described above is still applicable law).

It is stressed by the DWEA that work - even in a force majeure situation - must be organized so that employees can work without undue risk to their safety or health.

In addition, the DWEA states that employees must be compensated for the cancelled rest periods and day off at a later date or appropriate protection if, exceptionally, it is not possible to compensate employees with rest periods.

Finally, it is emphasized that this is a temporary measure. The force majeure situation is therefore provisionally valid until 13 April 2020.

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For questions or comments to this newsletter or energy and offshore in general, please contact Bo Sandroos on +45 4088 5422 or [bos@wsco.dk](mailto:bos@wsco.dk).

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