

GUIDELINES ON PARTICIPATION IN MEETINGS AND COURSE EVENTS

2021

PARTICIPATION IN MEETINGS AND COURSE EVENTS

FOREWORD

FA and Finansforbundet have jointly prepared this guiding collection of examples that provides solutions to most issues related to remuneration for meeting and course events, see Sections 22 and 23 of the standard collective agreement on business trips.

The guide has been updated with the changes agreed upon in OK20.

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A. GENERAL

Pay for attending meetings is dependent on the meeting being mandatory – and thus payment is in accordance with the applicable rules. Otherwise, attendance is voluntary. If the course/meeting is necessary for the employees' performance of their work duties, attendance is mandatory.

If the meeting or course event takes place at a time that triggers a supplement, there may be cases where employees covered by the rules on agreed and extended agreed working hours [Sections 6 and 7] are entitled to payment for the meeting or course event as well as supplements, see Section 9, Paragraph 4.

It must be agreed locally how the rules are practised in the company. This means that the management and union representative generally agree on the practice for convening meetings and courses.

The following examples do not apply to employees on fixed salary with independent work organisation.

EXAMPLE 1

The company issues the annual results, which are also communicated internally to the employees. The internal communication states that if the employees want a more detailed review and explanation of the annual results, they are welcome to come on Wednesday at 4:30 p.m. - 5:30 p.m.

Answer:

As the invitation does not indicate that the meeting is mandatory, it is voluntary to participate in the review of the annual results.

This is not instruction or training that is necessary for the employee to perform the job. The meeting must be considered an offer to employees interested in the company's results.

It will not be paid.

EXAMPLE 2

The company has issued a new five-year plan to all employees in the group. The plan contains a description and mapping of the frameworks and structures that will secure the future of the company.

The company management has decided to hold regional meetings where the plan is elaborated on. An invitation is sent to the employees stating that participation is voluntary.

All meetings are scheduled for hours outside normal working hours.

Answer:

It is voluntary to participate in the detailed review of the plan. The review does not include activities in which the participants will contribute to the development of plans for their own department. The review does not contain instruction or training necessary for the employee to perform the job.

It will not be paid.

EXAMPLE 3

The company announces that a representative from each branch must attend an instructor course. It states on the invitation that it is mandatory.

The instructor course starts at 9 a.m. and ends at 5 p.m. The purpose of the course is for the participants to subsequently conduct a corresponding course for employees in their own branch.

The participants are selected by each branch manager.

Answer:

The participants in the instructor course are selected by the company. It is not voluntary to participate.

The participation is paid as working time and may be paid as additional work and transport costs may be paid, and transport time that exceeds the employee's usual transport time between home and the workplace must be paid, see Section 23.

EXAMPLE 4 A

Cooperation difficulties have been identified in a department, therefore the manager has decided to conduct a team building course. It must be coordinated with the employees when the course is to be held, as all employees must participate. The course cannot be conducted during working hours. The course starts Friday evening and ends on Saturday afternoon.

Answer:

The meeting invitation states that it is a required activity. Therefore, participation is not voluntary.

The participation is paid as working time and may be paid as additional work. In addition, costs for transport must be paid and the transport time that exceeds the employee's usual transport time between home and work shall be paid, see Section 23.

The time taken for lunch and dinner is included with a maximum of 30 minutes each during the working hours.

EXAMPLE 4 B

The company has announced that, after discussion between employees and management, each department may conduct a team building course in consultation with the HR department.

The course cannot be conducted during working hours, and it starts Friday evening and ends on Saturday afternoon. A prerequisite for the completion of the course is that as many people participate as possible.

Answer:

Each department in the company can decide whether to conduct a team building course where it is voluntary for each employee to participate.

Therefore, there is no payment for participation or for costs for transport or transport time.

EXAMPLE 5

The company has a number of training opportunities, all of which have the common aim of improving the employees as customer/business advisors/specialists. Each training takes place over 2-3 days as a multi-day course, which starts at 9 a.m. on the first day and ends at 4 p.m. on the third day. Training in the evenings can be expected to a lesser extent.

Answer:

It should initially be pointed out that there is a common interpretation between FA and Finansforbundet that training in the evenings for overnight courses is not paid as additional work. The interpretation presupposes that the evening training/activity is of a social or lighter nature.

The part that is not evening training is paid as working time and may have to be paid as additional work. In addition, transport costs must be paid and the transport time exceeding the employee's usual transport time between home and the workplace must be paid, see Sections 23 and 24, if the course is considered necessary for the employee to perform their current job functions more appropriately. There is no payment for evening training [overnight courses].

EXAMPLE 6

The company has decided that all advisors must complete a planning course of three days' duration. The courses are conducted decentrally in five regions with a start time of 9 a.m. and end time of 4:30 p.m.

The course participants sleep at home and are responsible for transport to and from the course location. It is expected that 80 % of the course participants can complete the course during normal working hours (including any transport time).

Answer:

The company's decision that all advisors must complete a planning course requires that each course participant must be invited to the course and that it is mandatory.

Therefore, the participation is paid as working time and may be paid as additional work. In addition, costs for transport must be paid, see Section 24, and the transport time that exceeds the employee's usual transport time between home and work must be paid, see Section 23.

EXAMPLE 7

The company has created a new senior advisor training course that is held as an overnight course. It is a prerequisite for becoming a senior advisor that the course is completed. The training is voluntary for the employees.

Participation requires a significant amount of homework prior to each of the three modules, each of a three-day duration. Evening work in the form of task resolution will be expected. The training ends with an exam – possibly on a Saturday.

Vacancies are filled partly through notices and partly through the manager encouraging employees to apply for a position as a senior advisor. The opportunities for advancement for senior advisors are good.

Answer: The prerequisites for participating in the senior advisor training are clearly defined. The crucial thing is that is voluntary for the employee to participate in the training – even though the training is mandatory in order to obtain a job as a senior advisor.

It is therefore also assumed that the employee is not already a senior advisor. There does not need to be payment for preparation, [additional] work on the course for evening training, the exam or for transport time exceeding the employee's usual transport time between home and the workplace.

EXAMPLE 8

A company is arranging a four-evening meeting on new regulations on certification. The event is targeted at employees in the Business Department, though employees from other departments are welcome to attend.

Answer:

This is a tool course with specific content for use by the employees in the Business Department, therefore it is mandatory and necessary for these employees to participate.

The employees' participation must therefore be paid as working time and may be paid as additional work, as the event is outside normal working hours between 5 p.m. and 7 p.m.

For other employees participating out of interest in the topic, it is voluntary and not necessary, therefore no payment must be made.

EXAMPLE 9

The bank's housing advisors meet with employees and proprietors of a real estate broker chain after the end of normal working hours.

It is clear from the event that it is a meeting with business content with a specific agenda on cooperation, referrals of sellers/buyers between the parties etc.

It is also clear that the idea is to get to know each other and agree on guidelines for how the cooperation and referrals may take place in daily life. The meeting ends with light refreshments.

Answer:

These are housing advisors who are participating in a business-oriented meeting. The event is therefore considered necessary for day-to-day work.

The participation must be paid as working time and may be paid as additional work. In addition, costs for transport must be paid, see Section 24, and the transport time that exceeds the employee's usual transport time between home and work must be paid, see Section 23.

There must be payment for the time spent on refreshments, though maximum 30 minutes if the event lasts beyond 3 hours, see Section 11.

EXAMPLE 10

A financial institution arranges a visit to a credit institution from 4:30 p.m. to 11 p.m., including travel time. The programme includes a guided tour followed by dinner. All employees can sign up. It does not state in the invitation that it is mandatory to attend, and the event is not necessary for the employees' performance of their jobs.

Answer:

There does not need to be payment for participation or costs for transport and transport time, as it is voluntary for employees to participate, and the event is not necessary for the performance of their work duties.

EXAMPLE 11 A

A company arranges a morning meeting in the department with general content half an hour before normal working hours. The topic is information on EU directives. The event is voluntary and not necessary for work.

Answer:

There does not need to be payment for participation or costs for transport and transport time, as it is voluntary for employees to participate, and the event is not necessary for the performance of their work duties.

EXAMPLE 11 B

The company arranges a morning meeting in the department half an hour before normal working hours. The topic is the introduction of a new pension product. It states on the invitation that it is mandatory.

Answer:

As the meeting is necessary for daily work, there must be payment for participation.

B. SUPPLEMENTARY INFORMATION ON PART-TIME EMPLOYEES

Part-time employees with daily working hours, e.g. from 8:30 a.m. to 2 p.m.

- a. Meetings/courses that are voluntary and extend beyond the agreed daily working hours [here 2 p.m.] do not have to be paid.
- b. Meetings/courses that are necessary and extend beyond the agreed daily working hours [here 2 p.m.] must be paid in accordance with the rules for additional work.
- c. In connection with overnight courses with evening training, payment is only made for training time until 7 hours and 24 minutes have passed. Costs for transport must be paid, see Section 24, and the transport time that exceeds the employee's usual transport time between home and work must be paid, see Section 23.

C. SUPPLEMENTARY INFORMATION ON NON-WORKING DAYS/WEEKS

- d. There is no payment for meetings/courses that are voluntary and where the employee wants to participate on a non-working day.
- e. If a required course is held on a non-working day, the employee has the right to say no. If the employee wishes to participate, they are paid on a 1:1 basis.

D. SECTIONS 22 AND 23 OF THE STANDARD COLLECTIVE AGREEMENT

Section 22 Participation in meetings and course events

Paragraph 1. Attendance is compulsory if the company arranges briefings, courses or other training activities necessary for the employee to perform their assignments. This applies to training relating to, for example:

- Products
- New work processes
- New technology
- Team building
- Budget and planning meetings
- Sales and marketing. The time spent on such activities is considered working hours, and Section 23 on business trips also applies.

In connection with notices to convene the above meetings, at which attendance is compulsory, this obligation must be made plain in the notice - failing this, participation must be voluntary in practice.

Paragraph 2. How Paragraph 1 is to be practised within the company must be subject to local agreement.

Paragraph 3. The provision in Paragraph 1 above does not apply to employees employed on a fixed salary basis with independent work organisation, see Section 8.

The provision in Paragraph 1 above does not apply to employees employed before 1 April 2020 at salary grade 73 or higher, IT employees on salary scale 241 or higher and service staff/technicians at salary grade 67 or higher.

Section 23 Business trips

Paragraph 1. The rules apply to business trips agreed in the service of the company in the form of:

- Business trips in Denmark and
- Business trips to European destinations.

Travelling time is considered part of working hours, in so far as the part of the travelling time taking place outside agreed/fixed working hours exceeds the time the employee usually spends on transportation between his/her home and the workplace. The rules also apply to transportation between 2 day-to-day workplaces.

For business trips overseas where the departure/return trip falls on a Saturday/Sunday/weekday holiday/day off, a day off in lieu must be given.

Paragraph 2. In respect of trips to European and overseas destinations, the provision set out in Paragraph 1 above does not apply to employees who are employed on a fixed salary basis with independent work organisation, see Section 8. In respect of trips to European and overseas destinations, the provision in Paragraph 1 above does not apply to employees employed before 1 April 2020 at salary grade 73 or higher, IT employees on salary scale 241 or higher and service staff/technicians at salary grade 67 or higher.

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