

GUIDELINES
FIXED SALARY AND
INDEPENDENT WORK
ORGANISATION
2020

Guide on fixed salary and independent work organisation

1. FA and Finansforbundet agree to promote positive cooperation between the company and employee, and the parties acknowledge the companies' right to manage and distribute the work, see the main agreement.
2. FA and Finansforbundet agree that the planning of working hours is done taking into account individual employees' needs for flexibility.
3. The rules on fixed salary and independent work organisation give the employee co-determination in the performance of the work as well as the scheduling and execution of work duties.
4. The company is expected to:
 - a. Accept that the employee essentially plans their own placement of working hours and the execution of the work, taking into account the completion of the work duties.
 - b. Accept that the rules on independent work organisation must not be abused.
 - c. Accept that fixed start and stop times cannot be imposed.
 - d. Take into account the employee's need and desire for flexible task resolution.
5. The employee is expected to:
 - a. Take into account the needs of the company and colleagues.
 - b. Take the business and customers into account.
 - c. Accept that independent work organisation does not reduce the obligation to participate in necessary meetings.
6. It is up to the manager and employee to continuously discuss whether the connection between working hours and work duties is appropriate.
7. There may be periods where a workload exceeds a normal work week, but this may similarly be offset by periods where there may be less work than a normal work week. Employees with independent work organisation generally do not receive payment for additional work.

Who do the rules apply to?

All employees with a higher monthly salary than DKK 53,000 exclusive of employer pension contributions generally have fixed salary with independent work organisation. However, there may be functions/positions where the company may need to impose fixed arrival/departure times. In these situations, the employee is covered by the working time rules that apply to employees with a lower salary.

For example, there may be employees on shifts or in internal service functions with fixed working hours.

If there is a local agreement concluded between the company and the union representative, employees with a monthly salary of at least DKK 45,000 (as of 1 July 2021) may enter into agreements on fixed salary. The local agreement must specify which job functions/positions this can be agreed with. This local agreement can be terminated in accordance with the general rules in this regard.

How are the rules practiced?

The rules are largely based on mutual trust and dialogue between manager and employee. The crucial thing is that the tasks are resolved on time.

This means that as a general rule, the employee has influence on their own working hours, including arrival and departure times. However, the employee must respect that meetings may be scheduled, e.g. meetings in the department/team or customer meetings that the employee must participate in.

If there is an extraordinary work situation which means that the workload exceeds what might be expected by an employee on fixed salary with independent work organisation, an agreement must be concluded with the union representative on how this will be remunerated.

Examples

“The agile IT employee”

The employee is employed in an IT organisation where daily whiteboard meetings, e.g. 9:15 a.m., are implemented as a necessary management tool in the agile process organisation.

The employee and manager jointly organise the working hours, taking into account smooth and effective resolution of tasks and taking into account the individual employee's need for flexibility.

The employee determines when they arrive at work.

However, the employee is obliged to participate in whiteboard meetings, unless otherwise agreed with their immediate supervisor, because their presence is necessary with regard to the work duties, colleagues and the organisation's resources. In addition, the employee plans their own working hours, taking into account the work duties and within the context of the joint working time organisation.

However, in the vast majority of cases, it will not be necessary for the employee to attend daily whiteboard meetings 5 days a week.

“The service-minded customer advisor”

The employee is employed as a customer advisor in a financial institution where the customers can book an appointment with a customer advisor at a time when the customer has time to meet, e.g. Tuesday from 6 p.m. to 7 p.m.

The employee and manager jointly organise the working hours, taking into account smooth and effective resolution of tasks and taking into account the individual employee's need for flexibility. This means, for example, that the employee and manager jointly organise when the customer advisor has available time in their calendar for customer bookings.

Independent work organisation does not exclude, e.g. that at various times there may be a need to be present at the branch, because, e.g. the employee participates in a fixed roll where customer advisors must be present at the branch to greet “walk-ins” from the street. However, this will require that their presence is agreed on an ongoing basis between the management and the employee, as fixed working hours are not compatible with the rules of independent work organisation.

In addition, the employee plans their own working hours and other work duties around customer meetings and attendance times, taking into account the work duties in general and in the context of the joint working time organisation.

Examples of fixed salary and independent work organisation

Foreword

FA and Finansforbundet have jointly prepared these examples of fixed salary and independent work organisation.

In OK20, the parties agreed on the new concepts fixed salary and independent work organisation in the standard collective agreement as well as a guide on these (STOK, Section 2, Paragraph 3, page 69). When new concepts are introduced in a collective agreement, it naturally gives rise to questions about the interpretation of the concepts – Finansforbundet and FA are aware of this.

The purpose of the examples, along with the guide, is to provide companies and employees with guiding principles to navigate by with the new concepts.

The examples are not exhaustive and the parties are fully aware that disagreements may arise regarding the interpretation of the new collective agreement rules. This is entirely natural in the Danish model and any disagreements will be handled in accordance with the rules in the collective agreement.

For employees with fixed salary, the focus is on resolving tasks. Therefore, it is less important how much time the employee spends on the individual task and how and from where it is resolved.

Examples

Can you have independent work organisation if you are obligated to be part of a shift plan with on-call time?

Yes, an employee with fixed salary and independent work organisation can in principle be part of a shift plan with on-call time. However, it is a condition that the employee otherwise has co-determination in the execution and scheduling of the work (independent work organisation).

The on-call shifts are paid independently in accordance with the rules in STOK, Section 20.

Can employees on shifts have fixed salary?

No, employees on shifts do not have independent work organisation and therefore cannot be employed on fixed salary.

Can you as an employee have independent work organisation in projects with fixed deadlines?

Yes, these employee groups can be employed on fixed salary with independent work organisation. This presupposes that the employees have co-determination in the execution and scheduling of the work (independent work organisation) and have the opportunity to manage their own working hours, taking into account the work duties.

By its nature, employees who have independent work organisation may have deadlines and tasks that entail less flexibility at times. The crucial thing is that they are largely involved in the planning themselves.

Can employees who work in production environments with fixed working hours and fixed duties be employed on fixed salary with independent work organisation?

If the employee is included in fixed shift schedules, in principle this is not compatible with independent work organisation.

Can managers who work in production environments with fixed working hours and fixed duties be employed on fixed salary with independent work organisation?

Yes, managers can in principle be employed on fixed salary with independent work organisation.

If the manager themselves is included in fixed shift schedules, in principle this is not compatible with independent work organisation.

A manager who has co-determination in the execution and scheduling of the work (independent work organisation), and has the opportunity to manage their own working hours, taking into account the work duties, can be employed on fixed salary with independent work organisation.

How much of your working hours do you have to have independent work organisation for to be qualified for fixed salary?

It is not possible to quantify how much of one's working hours have to have independent work organisation. The work as a whole must allow for the employee to have independent work organisation.

What is the relationship between fixed salary and commission-based pay? Is the base salary or the total salary including commission decisive in terms of whether there can be employment on fixed salary?

The base salary is decisive for whether there can be employment on fixed salary.

Employees who are engaged in sales may, to a certain extent, be able to adapt when they want to work – but in turn they are entirely dependent on when they can reach their customers. Can they be employed on fixed salary?

Sales work can be compatible with fixed salary and independent work organisation. This presupposes that the employees generally have co-determination in the execution and scheduling of the work (independent work organisation) and have the opportunity to manage their own working hours, taking into account the work duties.

For example, the employee may have independent work organisation if they have influence on when and how sales meetings are planned and held.

Can employees have fixed salary and work in accordance with extended agreed working hours at the same time?

Employees with fixed salary and independent work organisation are not covered by the collective agreement's rules for placement of employees' working hours (Sections 5, 6 and 7).

Can employees get supplements, see Section 9, Paragraph 4, if they are employed on fixed salary and independent work organisation?

No, in principle employees are not entitled to the supplements, because the agreed salary reflects the independent work organisation and mutual flexibility.

Is it independent work organisation if the employee has to work on a holiday, but can choose the time to work on this holiday?

The employee may very well, as a result of their duties and deadlines, find it necessary to work, e.g. on evenings, weekends or on a holiday. What is crucial is that the employee themselves has co-determination on the organisation of this.

Workload

No different annual standard hours is agreed with employees on fixed salary, but there may be periods where the workload exceeds a normal working week, but such periods may also be offset by periods that make it possible to work less than a normal working week. Employees with independent work organisation generally do not receive payment for additional work.

The manager and employee must regularly discuss whether there is a reasonable link between working hours and the scope of work tasks.

Special work assignments (Section 10)

If it is a natural part of the job, e.g. bank consultant, to go out and eat or participate in social activities with customers and the employee themselves has an influence on how these activities are planned and held, this does not trigger special payment in accordance with Section 10.

If, on the other hand, such an activity is not a natural part of an employee's job, it will have to be agreed, depending on the circumstances, whether the person in question will participate and if so, whether it will trigger a supplement in accordance with Section 9, Paragraph 4, see Section 10. See the guide on special work assignments, as the content of Section 10 has not been changed.