

Main terms under collective agreement between HORESTA (A) and 3F

This overview entails the main terms under the collective agreement between HORESTA (A) and 3F. Not all provisions are mentioned and thus there will be further obligations imposed on the employer than those mentioned here, including further payment obligations.

The collective agreement is drafted in four different version. One for hotels, one for restaurants, one for cafes and one for companies who only employ assistants (in Danish "medhjælpere").

- **Types of employment, § 2:**

Employees can be employed full time or part time. Further, it is possible to hire "on call employees" on a daily basis. With regards to on call employees, see further below regarding § 6 of the collective agreement.

- **Employee categories**

The terms and conditions of the employees covered by the collective agreement between HORESTA (A) and 3F will – to some extent – vary depending on the type of employee in question. The collective agreement divides the employees into the following employee categories:

- **Gastronomes:**
Cooks, sandwich makers, skilled cafeteria assistants, chefs, pizza makers etc.
- **Assistants:**
Counterment/girls, kitchen assistant, dishwashers, cleaners, table clearers, cloakroom attendant, hot-dog stand employees, fast food employees etc.)
- **Receptionist and night porter**
- **Waiters:**
Waiters, waitresses, bartenders

As a starting point employees will only be obligated to perform tasks/assignment lying with the employee category in question.

- **Salary and allowances, § 3:**

Most employees are entitled to a fixed monthly salary consisting of a minimum salary and in addition to that an individually negotiated allowance. Waiters who are paid on a commission basis are entitled to a guaranteed salary level and in addition to that they receive commission based on the turnover of the restaurant incl. VAT.

Each business must pay the waiters with either a fixed salary or pay on a commission basis. If the waiters shall be paid with fixed salary it is necessary to conclude a local agreement on the subject.
The salary levels for the period 2020-2023 are as follows:

WAITERS PAID WITH A FIXED SALARY:

	1 March 2020	1 March 2021	1 March 2022
Minimum salary			
Per month	DKK 24,773.04	DKK 25,173.87	DKK 25.574.70
Per hour	DKK 154.51	DKK 157.01	DKK 159.51

WAITERS PAID ON A COMMISSION BASIS:

	1 March 2020	1 March 2021	1 March 2022
Guaranteed salary per month	DKK 23,348,90	DKK 23.861,96	DKK 24,367.00
Per hour	DKK 145.63	DKK 148,83	DKK 151.98
Per day	DKK 1.061,31	DKK 1.084,63	DKK 1,107.59

GASTRONOMES:

	1 March 2020	1. March 2021	1 March 2022
Skilled gastronomes	DKK 20,653.24	DKK 21,054.07	DKK 21,454.90
Qualification allowance 10%	<u>DKK 2,065.32</u>	<u>DKK 2,105.41</u>	<u>DKK 2,145.49</u>
	DKK. 22,718.56	DKK 23,159.48	DKK 23,600.39
Per hour	DKK 141.70	DKK 144.45	DKK 147.20
Unskilled gastronomes	DKK 20,725.37	DKK 21,126.20	DKK 21,527.03
Per hour	DKK 129.27	DKK 131.77	DKK 134.27

ASSISTANTS, INCLUDING THOSE YOUNGER THAN 18 YEARS:

	1 March 2020	1 March 2021	1 March 2022
Assistants, assisting cleaning, supervisor	DKK 20,400.87	DKK. 20,801.70	DKK 21,202.53
Per hour	DKK 127.24	DKK 129.74	DKK 132.24
Younger than 18 years	DKK 12,298.90	DKK 12,531.38	DKK 12,755.84
Per hour	DKK 76.71	DKK 78.16	DKK 79.56

RECEPTIONISTS, INCL. NIGHT PORTER

	1 March 2020	1 March 2021	1 March 2022
Unskilled receptionists	DKK 20,653.24	DKK 21,054.07	DKK 21,454.90
Qualification allowance 10%	<u>DKK 2,065.32</u>	<u>DKK 2,105.41</u>	<u>DKK 2,145.49</u>
Skilled receptionists	DKK 22,718.56	DKK 23,159.48	DKK 23,600.39
Per hour			
Unskilled receptionists	DKK 128.82	DKK 131.32	DKK 133,82
Skilled receptionists	DKK 141.70	DKK 144.45	DKK 147,20

Allowances/supplements for permanent staff:

Allowance per hour for work at odd hours, § 3, subsection 3:

	1 March 2020		1 March 2021		1 March 2022	
	Adults	Younger than 18 years	Adults	Younger than 18 years	Adults	Younger than 18 years
Weekday						
6 pm – 12 pm	DKK 19.26	DKK 13.84	DKK 19.57	DKK 14.06	DKK 19.88	DKK 14.28
Saturday						
2 pm – 12 pm	DKK 19.26	DKK 13.84	DKK 19.57	DKK 14.06	DKK 19.88	DKK 14.28
Sunday						
6 am – 12 pm	DKK 26.31	DKK 21.86	DKK 26.73	DKK 22.21	DKK 27.16	DKK 22.57

Allowance for night work for waiters (with fixed salary) and gastronomes §. 3, subsection 3:

An allowance for night work is pay for work from 12 pm – 6 am. The allowance is 40 % of the minimum salary per hour.

Waiters paid on a commission basis are not entitled to an allowance for night work.

Allowance for night work for assistants and receptionists. §. 3, subsection 3:

An allowance for night work is pay for work from 12 pm – 6 am. The allowance is the same as the allowance for work on Sundays, as mentioned above.

- **The individually negotiated allowance – right of set off**

The minimum salary sets the lower bar of the actual salary that employees are entitled to under the collective agreement. However, employers are obliged to consider to what extent the employee shall receive an individually negotiated allowance in addition to the minimum salary. It is an implicit premise under the collective agreement that employees will receive an individually negotiated allowance in addition to the minimum salary.

When the monthly minimum salary increases every year in March, this increase will not necessarily result in the employees receiving a similar higher total salary. This is a result of the fact that employers are entitled to set off such increases against the individually negotiated allowance.

- **Seniority allowance, § 3, subsection 4:**

For receptionists and night porters the seniority allowance is based on the seniority at the relevant company. For waiters (fixed pay) and gastronomes the seniority allowance is based on the years of service within the relevant line of business.

The allowance is paid monthly with the same amount for full time and part time employees. The allowance may be set off against the individually negotiated allowance.

Waiters paid on a commission basis are not entitled to a seniority allowance.

The allowance per month is:

3 rd and 4 th year of service	DKK 365.30
5 th and 6 th year of service	DKK 415.50
7 th and 8 th year of service	DKK 547.86

9 th and 10 th year of service	DKK 719.00
11 th until 14 th year of service	DKK 833.11
15 th until 20 th year of service	DKK 938.07
21 st year of service and thereafter	DKK 1,071.58

- **Overtime pay, § 3, subsection 6:**

If part time employees perform overtime ordered by the employer or if full time employees work beyond the scheduled working hours such additional hours must be paid with the regular hourly salary and an additional overtime allowance.

The overtime allowance is accrued for each half hour of work commenced.

As a starting point the overtime allowance will be additionally 50 % of the hourly salary for the first 2 hours of overtime per day, and 100 % thereafter. Overtime for work after 12pm or on days off will always be compensated with an allowance of 100 %.

For waiters paid on a commission basis the monthly guaranteed salary will be increased for each hour of overtime performed. The increase per hour will be as follows:

As of March 1 2020 DKK 171.21, as of March 1 2021 DKK 174.67 and as of March 1 2022 DKK 177.46

- **Voluntary additional hours, § 5, subsection 5:**

This section only applies to part time employees. When the employee voluntarily has accepted to perform additional hours, such voluntary hours, in addition to the guaranteed hours, will be rewarded with the regular hourly salary and not accrue overtime pay.

The total number of working hours (guaranteed hours plus additional hours) must never exceed 148 hours over a period of 4 weeks.

Gastronomes cannot have voluntary additional hours. Similarly, full time employees cannot have voluntary additional hours. All additional hours therefore must be rewarded as overtime.

- **Public holiday allowance, § 3, subsection 8:**

For gastronomes and waiters with a fixed salary an allowance of 150% of the full individual salary is accrued for work performed on a public holiday. This allowance is also accrued for work performed on the 24th December after 3 pm.

For receptionists and assistants an allowance of 100% of the full individual salary is accrued for work performed on a public holiday. This allowance is also accrued for work performed on the 24th December after 3 pm.

The allowance will either be paid out, or the employee will be entitled to take time off in lieu of payment.

There is a special scheme regarding public holidays for gastronomes employed in a business placed in the former County of Copenhagen ("det tidligere Københavns Amt").

For waiters with pay on a commission basis the guaranteed salary per hour is increased for work performed on a public holiday. The increase applies for work commenced from 6 am-2am. The increase per hour will be as follows: As of March 1 2020 DKK 35.96, as of March 1 2021 DKK 36.54 and as of March 1 2022 DKK 37.12.

- **Special allowance, § 3, subsection 9:**

For both permanent staff as well as on call employees a special allowance is paid in addition to the monthly salary. The special allowance is calculated on the basis of the full salary and is paid into the special Holiday Fund for the Hotel and Restaurant industry (Ferienfonden). The employee will receive the special allowance together with the regular holiday pay the holiday year after. The special allowance will increase as follows:

As of March 1 2020 the special allowance is 4.85%, as of March 1 2021 5.85% and of March 1 2022 6.85%

For receptionists who receive their regular salary during holiday the special allowance is paid out together with the holiday allowance (ferietillægget) the holiday year after.

- **Meals, § 3, subsection 10:**

If the employer offers the employees meals on each working day, the employee shall then pay an amount of DKK 12 per working day for the meals (after taxes). On the other hand the employer must pay a supplement of DKK 1 per working hour to the employee each month.

If the value of the meal is more than DKK 12 the employee must pay any such higher amount to avoid being taxed from the value of the meal. The employer must then compensate the employee from such additional expenses by paying an allowance of the difference between DKK 12 and the actual amount, twice. The employer still has to pay the supplement of DKK 1 per working hour to the employee each month.

If no meal is offered to the employees, the employer will instead have to pay a meal allowance of DKK 40 per working day.

All of the above allowances/contributions from the employer are taxable as regular income.

- **Pension and health scheme, § 4:**

For employees who are 20 years of age, and who has at least 6 months seniority within the hotel, restaurant and tourism industry (or who has been covered by a labour market pension scheme before) the employer must pay a pension contribution of 8% plus 0,15 % for a health scheme. The employee must contribute with an amount equivalent to 4 % of the salary. The employer must handle both payments to the pension scheme which is handled by PensionDanmark.

Under the health scheme the employees are entitled to preventive treatment such as treatments from a chiropractor or a physiotherapist etc.

- **Working hours and work schedule planning, § 5:**

The number of working hours for a full time employee is 148 hours per 4 weeks.

Part time employees must be employed for at least 40 hours per 4 weeks. For employees younger than 18 years the actual working hours can be down to 30 hours per 4 weeks.

For part time employees the daily hours of work must be at least 4 hours.

Assistants and night porters can be employed for work during the weekends (from Friday at 10 pm to Monday at 2 am) on a lower number of working hour. For this type of employment (weekend employment) the actual guaranteed working hours cannot exceed 104 hours per 4 weeks.

The employer must produce a work schedule and make it accessible for the employees. The actual working hours may vary from week to week, but the guaranteed number of working hours per 4 weeks must be complied with. The work schedule may be amended with 14 days' notice; or with only 1 week's notice when such changes are imperative. The work schedule must always comply with the working environment act on resting time and a maximum of 6 working days in a row.

In addition to the daily actual hours of work half an hour's meal break is added.

The employees are guaranteed two days off per week. Every second week the two days off must be placed together. Furthermore, the employees must have at least 5 weekends off during a 3 month period, and at least 1 weekend off each month.

- **Additional holiday (feriefridage), § 5, subsection 12:**

Employees are entitled to up to 5 additional days of holiday per year.

During such additional days of holiday employees are entitled to their regular salary. Waiters with pay on a commission basis are entitled to an amount equivalent to the average salary received during the 13 weeks preceding the day of holiday, however, maximum DKK 140 per hour.

If the additional holiday is not spent the employee will be entitled to a compensation equivalent to the salary for any such days not spent, however, a maximum of DKK 140 per hour. In the event of termination of the employment where the employee has not spent the additional holiday, the employee will be entitled to a compensation equivalent to 2.25 % of the salary accrued since 1 May – proportionately deducted for each day that has been spent.

- **On call employment, § 6:**

On call employees are entitled to a higher salary than the permanent staff. An on call employee is guaranteed 5 hours of work per day. An on call waiter may, however, have down to 4 hours work per day if his/her shift commences prior to 4 pm.

On call employees are not entitled to allowances for work on inconvenient hours, except from Sunday allowance which is compensated in accordance with s. 3(3). Receptionists and assistants will further receive an allowance equivalent to the Sunday allowance when working on public holidays.

For gastronomes and waiters travelling funds and so-called "wait pay" will be paid based on the distance to and from the on call employee's home address.

On call employees are not entitled to seniority allowance, public holiday allowance, additional holiday, pay during maternity leave etc. and pay during child's first day of illness.

An on call employee may be entitled to pay for scheduled shifts during his/her own illness provided that he/she meets the requirements. As a starting point on call employees are not entitled to a notice of termination.

- **Pay during illness, § 7, subsection 1:**

If the employee has more than 4 months' seniority with the company, and meets the requirements for employment under the Sickness Benefits Act, the employer must pay full salary during illness for the first 4 weeks of illness. If the employee has been employed less than 4 months, the employee is only entitled to full salary for the first 6 days of illness – provided that the employee meets the requirements for employment under the Sickness Benefits Act.

Hereafter, the employee is entitled to 90 % of his/her salary during illness.

Employees are entitled to be absent with full salary during the employee’s child’s first full day of illness. If the child’s illness is prolonged, the employee is further entitled to one more day of absence, but without pay.

As of May 1 2020 employees have the right to absence without pay to attend the child’s doctor’s appointment. Notice must be given as soon as possible to the employer.

Under certain circumstances the employee may be entitled to salary during child’s admission to the hospital or at home.

- **Pregnancy, maternity, paternity and parental leave, § 8:**

If the mother has at least 9 months seniority with the company at the expected date of birth, she is entitled to full salary during pregnancy leave (4 weeks prior to birth) and maternity leave (14 weeks after birth).

The father is entitled to full salary during his 2 weeks of paternity leave provided he meets the same requirements.

For parental leave started no later than June 30 2020, the parents are further entitled to pay during a total of 13 weeks of parental leave – 5 weeks for each of the parents and 3 weeks to one or the other.

For parental leave started July 1 2020 or later the parents are entitled to pay during a total of 16 weeks – 5 weeks for the parent who was on maternity leave, 8 weeks to the other parent and 3 weeks to one or the other.

The parents will receive full salary during parental leave. For waiters paid on a commission basis the pay will be based on an average of the last 26 weeks of pay. However, payment presupposes that the company qualifies for reimbursement equal to the maximum benefit rate. In the event that reimbursement is less than this, the pay is reduced similarly. In the event there is no reimbursement, the payment to the employee shall lapse.

Parental leave must be taken within the first 52 weeks after the birth of the child(ren).

An increased pension contribution is paid for the mother during the 14 weeks of maternity leave. The increase will be an additional DKK 1,360 per month from the company and DKK 680 from the employee per month, in total DKK 2,040 per month. Part time employees are entitled to a proportionate contribution.

As a member of HORESTA Employer, you will be covered by DA Barsel.

You should please remember to create a profile in DA Barsel to gain access to the self-service. www.DA-Barsel.dk

- **Notice of termination, § 9:**

The notice of termination on the employer will be:

0-3 months employment	14 calendar days
3-24 months employment	notice at the latest the 15th in a month to expire at the end of the month
After 2 years employment	1 month to expire at the end of a month
After 5 years employment	2 months to expire at the end of a month
After 8 years employment	4 months to expire at the end of a month
After 10 years employment	6 months to expire at the end of a month

The notice of termination on the employee will be:

0-3 months employment	14 calendar days
3-24 months employment	notice at the latest the 15th in a month to expire at the end of the month
After 2 years employment	1 month to expire at the end of a month

Receptionists and night porters are covered by the Salaried Employees Act

- **Local agreements**

Under the collective agreement it is possible to enter into local agreements under which some of the terms of the collective agreement can be deviated from. This includes – among other things – the rules regarding placement of working time, assignments designated for other employee categories etc. Local agreements can be reached either directly with the local division of 3F, the shop steward (if any) or directly with the majority of employees who are members of 3F.

It is further possible to be transferred to another pay-scheme for waiters – the so-called “skill development scheme”. Under this scheme, waiters with less than one year of experience as waiters will be entitled to a remarkably lower minimum salary than stated above. On the other hand skilled waiters will be entitled to a higher minimum salary than stated above. Unskilled waiters will under certain circumstances be entitled to participate in training to receive the relevant skills.

If any of the above gives rise to any questions or comments, please contact HORESTA’s legal department – tel. +45 35 24 80 40.

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