

► Electronic form for the presentation of complaints before the ILO's Committee on Freedom of Association (CFA)

- Complaints before the CFA can be presented using this electronic form. The form can be downloaded from the [ILO website](#) and its use is encouraged, but not mandatory. The information requested in the six sections below is important as it enables the Committee to assess the receivability of the complaint. Further information and details in relation to the submission of complaints may be found in the [Special procedures for the examination in the International Labour Organization of complaints alleging violations of freedom of association - Annex I \(para. 31 et seq.\)](#). Additional information on the criteria for filtering complaints can be found in the [March 2021 Report of the Committee \(para. 17\)](#).
- The form needs to be signed by an officer of the complainant organization or a person authorized to take such action under the statutes of the organization or by a person holding power of attorney to act on behalf of the organization. Once filled in and duly signed (an electronic signature can be used), please send the form to libsynd@ilo.org. If not possible, please send it to: Freedom of Association Branch, NORMES; Route des Morillons 4, 1211 Geneva, Switzerland.
- For further support, please contact for workers' organizations – ACTRAV (ACTRAV@ilo.org) and for employers' organizations – ACT/EMP (ACTEMP@ilo.org).

► Receivability

1. Please indicate the name of the national or international organization(s) of workers or employers presenting the complaint:

Please provide information on the organization(s) concerned, its statutes, its geographic and/or occupational coverage, contact details, etc. If the organization presenting the complaint does not have a national coverage, please specify the reasons impeding the complaint to be supported by a national or international organization.

Kristelig Fagforening (Krifa) is an independent Danish trade union organization established for the purpose of protecting and promoting the occupational, economic and social interests of workers.

Krifa operates throughout the Kingdom of Denmark and has national coverage. The organization recruits and represents employees across a broad range of occupations, sectors and industries and is not limited to any particular profession, trade or geographic region.

Krifa concludes collective agreements, represents employees in employment-related disputes and workplace matters, provides legal assistance to members and participates in public debate concerning labour market regulation and employment policy.

Krifa is independent of the Danish Trade Union Confederation (Fagbevægelsens Hovedorganisation, FH) and is not affiliated with any other national trade union confederation. The issues raised in the present complaint concern legislative measures that directly affect Krifa's ability to participate in statutory labour market institutions and the legal status and practical value of collective agreements concluded by Krifa.



Contact details

Kristelig Fagforening (Krifa)
Klokhøjen 4
DK-8200 Aarhus N
Denmark

2. Please indicate the Member State of the Organization against which the complaint is made:
Kingdom of Denmark

3. Please provide a detailed account of the alleged infringements of freedom of association and/or collective bargaining, indicating the date in which such infringements occurred and the reasons for bringing this matter before the CFA. Please use the expandable space below to provide as much information as possible in support of your allegations.

1. The Complainant's Allegations

The complaint concerns two legislative measures by which Denmark has granted public representation and regulatory advantages to specifically named labour-market organizations, without establishing an accessible procedure for other organizations to demonstrate their representativeness according to objective, predetermined and verifiable criteria.

1.1 Representation of the Labour Market Council

By Act No. 1656 of 30 December 2024, Denmark established the Labour Market Council. Section 24(2) assigns seats directly to specified organizations, including eight to the Danish Trade Union Confederation (FH) and one to the Danish Confederation of Professional Associations (Akademikerne). Krifa is not represented, nor is any other non-listed organization. The Act contains no procedure allowing Krifa, or any other non-listed organization, to have its representativeness assessed or to qualify for future representation.

The Council advises the Minister for Employment on matters relating to employment policy and the working environment. The complainant alleges that the closed statutory allocation gives the named organizations privileged access to governmental consultation and places Krifa at a structural disadvantage in defending its members' occupational interests and so limits the freedom of association.

1.2 Collective-agreement-based employment scheme

The second measure concerns the collective-agreement-based employment scheme for foreign workers. Under the relevant legislative material, access to the scheme is limited to undertakings covered by collective agreements concluded by the organizations exhaustively listed in that material. Although the list of collective agreements is not included in the Act itself, it appears in the preparatory material, which according to Danish law practice, ranks high when you interpret a statute. When asked about the matter in the Danish Parliament, the Minister for Immigration and

Integration stated that the list in the preparatory material is an exhaustive list of the collective agreements that may be included in an executive order under the Act.

Krifa concludes collective agreements, but its agreements are not included. No accessible procedure or predetermined criteria have been established through which a Krifa agreement may qualify on the basis of its coverage, representativeness or substantive employment conditions.

The complainant alleges that this arrangement gives employers a regulatory incentive to conclude agreements with the selected organizations and a corresponding disincentive to conclude or maintain agreements with Krifa. It thereby impairs Krifa's practical ability to engage in collective bargaining and defend its members' interests.

1.3 Combined effect

The complaint does not challenge distinctions based on representativeness as such. It challenges the fixed statutory designation of named organizations in the absence of objective eligibility criteria, independent review or periodic reassessment.

The complainant alleges that, taken together, the measures strengthen the position of the selected organizations while denying Krifa an effective opportunity to qualify for comparable representation and regulatory recognition.

Against that factual background, the legal issue is whether these forms of statutory preference are compatible with the principles of freedom of association and voluntary collective bargaining under Conventions Nos. 87 and 98.

2. Legal Grounds for the Complaint

2.1 Convention No. 87

Convention No. 87 protects both workers' freedom to establish and join organizations of their own choosing and organizations' freedom to conduct their activities and formulate their programmes. Articles 2 and 3 secure these rights, while Article 11 requires Denmark to take the necessary and appropriate measures to ensure their free exercise.

The CFA accepts that legislation may grant certain privileges to the most representative organizations. Such privileges are compatible with freedom of association only if they do not deprive other organizations of the essential means to defend their members' occupational interests, organize their activities or formulate their programmes. The determination of the most representative trade union should always be based on objective and pre-established criteria in the legislation. See [CFA Compilation of Decisions, "Admissible privileges for most representative organizations"](#), paras. 529–530.

The complainant submits that the direct allocation of Council seats to named organizations, without objective eligibility criteria, review or periodic reassessment, turns representativeness into a closed statutory status. Krifa has no route to assessment, even if its membership, bargaining coverage or sectoral presence changes.

This exclusion from an official consultative body limits Krifa's practical ability to represent its members in employment and working-environment policy.

2.2 Convention No. 98

Article 4 of Convention No. 98 requires measures appropriate to national conditions to encourage and promote voluntary negotiation between employers and workers' organizations.

The CFA recognizes systems that confer bargaining rights on the most representative organization, provided that the entitlement is determined according to clear, pre-established criteria. See [Compilation of decisions of the Committee on Freedom of Association, para. 1360: Systems based on a sole bargaining agent \(the most representative\) and those which include all organizations or the most representative organizations in accordance with clear pre-established criteria for the determination of the organizations entitled to bargain are both compatible with Convention No. 98.](#)

The complainant submits that the employment scheme applies no such criteria. Eligibility depends on whether an undertaking is covered by an agreement concluded by a listed organization, rather than on any objective assessment of the agreement's coverage, representativeness or substantive terms.

By attaching a public-law advantage to agreements concluded by selected organizations, the measure influences employers' choice of bargaining partner and places agreements concluded by Krifa at a disadvantage. It therefore risks undermining the free and voluntary character of collective bargaining.

2.3 Request to the Committee

The complainant respectfully requests the Committee to conclude that:

- a. the allocation of public representation to named organizations without objective criteria, review or periodic reassessment is incompatible with the principles of Convention No. 87.
- b. the restriction of a statutory employment scheme to agreements concluded by selected organizations, without an accessible assessment procedure, is incompatible with the principle of voluntary collective bargaining under Convention No. 98; and
- c. Denmark should establish objective, predetermined and verifiable criteria enabling all eligible organizations to have their representativeness and collective agreements assessed.

Documents containing **evidence in support of the allegations** can be sent together with this form to libsynd@ilo.org. Please provide in the box below the list of documents submitted as evidence.

The complainant submits the following documents in support of the allegations:

1. Act No. 1656 of 30 December 2024 amending the Act on the Organization and Support of the Employment Effort etc., the Working Environment Act and various other Acts.
2. Bill L 75, 2024–25, as introduced, including the preparatory remarks concerning the establishment, composition and functions of the Labour Market Council.
3. Bill L 75, 2024–25, as adopted by the Danish Parliament.
4. Bill L 16, 2025–26, as introduced, concerning the collective-agreement-based amount scheme for certified undertakings.
5. Bill L 16, 2025–26 as adopted by the Danish Parliament.
6. Parliamentary question and answer nr. 7 concerning whether the list of eligible collective agreements in the preparatory material is exhaustive and binding.
7. Documentation showing that Krifa concludes collective agreements and that its agreements are not included in the list of eligible agreements under the scheme.
8. Krifa's statutes and documentation of its national coverage, occupational scope and representational activities.
9. Krifa's statute in original danish version

► Other information

4. Please indicate whether the issue has already been examined by, or submitted to, the **national competent authorities** (national courts, administrative authorities, social dialogue mechanisms or mechanisms to resolve disputes before the ILO that may exist in the country). Please provide **the most updated information** on the state and outcome of the procedures engaged. Please note that exhaustion of national procedures is not a prerequisite for the presentation of a complaint but does constitute an element for the Committee's consideration in determining whether it is in a position to provide pertinent recommendations under its mandate.

Krifa has written responses during the legislative procedure leading up to the adoption of both bills.

5. Please answer the following questions:

- Would your organization wish to avail itself of the possibility, specifically established by the CFA of seeking **voluntary conciliation or other measures at the national level**? This would lead to a temporary suspension for a maximum period of six months of the examination of the merits of the complaint by the CFA. The suspension would be subject to the agreement of the government, and your organization may request that the CFA resume its consideration of the case prior to conclusion of the six months' suspension in the event that the conciliation/other measures have failed. The CFA can decide on a limited further extension of the suspension at the request of both parties should the initial conciliation or other measures need a further period of time to successfully resolve the issues raised in the complaint.
- If yes, please indicate if you would wish to have recourse to the intervention or technical assistance of the Office, including the ILO Bureau for Workers' Activities or Bureau for Employers' Activities, in this regard. The ILO fully supports the resolution of disputes at national level and is available to assist the parties in this regard.

Krifa confirms that it wishes to avail itself of the possibility specifically established by the Committee on Freedom of Association to seek voluntary conciliation or other appropriate measures at the national level.

Krifa is prepared to engage constructively and in good faith in such a process with a view to resolving the issues raised in the complaint and accepts that, subject to the agreement of the Government, the examination of the merits of the complaint by the CFA may be temporarily suspended for this purpose for a maximum period of six months. Krifa further confirms that it wishes to have recourse to the intervention and technical assistance of the Office, including, as appropriate, the ILO Bureau for Workers' Activities, in support of such national-level efforts. This is without prejudice to Krifa's right to request the resumption of the CFA's consideration of the case before the expiry of the suspension period should the conciliation or other measures not lead to a satisfactory resolution.

6. Please indicate whether, to your knowledge, the allegations have already been examined by or submitted to **ILO supervisory bodies** (CFA, Committee of Experts on the Application of Conventions and Recommendations, Representations and Complaints under articles 24 and 26 of the ILO Constitution respectively) and, if so, in what respect any currently submitted allegations are different from those already examined or submitted. Please find detailed information in the ILO Supervisory System Guide for Constituents.

To our knowledge, the allegations have not previously been examined by, nor submitted to, any ILO supervisory body, including the Committee on Freedom of Association, the Committee of Experts on the Application of Conventions and Recommendations, or under the representations and complaints procedures provided for in Articles 24 and 26 of the ILO Constitution.

We are therefore not aware of any prior examination or submission of the allegations by or before such bodies.

Please note that this form shall be **duly signed** (an electronic signature can be used) by a representative of a body entitled to present the complaint (please see above) and must be **fully supported by evidence** of the specific infringements of freedom of association and/or collective bargaining alleged (para. 40 et seq. of the Special Procedures abovementioned).

Date: 23 September 2026

Signature:



Jane Heitmann

President, Krifa