

Industrial relations developments in the commerce sector in Europe

Country report: Denmark

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Background and economic importance of the commerce sector

Broad state of the sector

In the sector as a whole the number of enterprises remained reasonably constant during the first decade of the twenty-first century: it decreased from 38,571 (wholesale 15,844, retail 22,727) in 2002 to 37,065 in 2007 (wholesale 13,722, retail 23,343). The number of employees in terms of fulltime equivalents (FTEs)¹, however, increased by 5%, which illustrates a process of gradual up-scaling of employment rates per company.

In terms of the total turnover in Denmark's commerce sector, 72% was realised in wholesale and 28% in retail. Wholesale turnover increased from DKK 586,898 million (€78,884 million) in 2002 to DKK 712,016 million five years later; for retail the increase was from DKK 224,170 million to DKK 275,115 million.

Table 1: *Overview retail and wholesale*

2007	Retail sector	Wholesale sector
Employed people headcount	188,018 ^a (208,000) ^b	161,589 (171,000)
FTEs	123,765 FTE ^a	148,576 FTE
Turnover in million DKK / Euro	275,115 / 36,925	712,016 / 95,564
GVA in million DKK/ Euro	93,441 / 12,541	54,921 / 7,371
No. of enterprises	23,343	13,722

Source: Statbank; EU Klemms database (<http://www.euklems.net/>)

^a Statbank 2006; data for 2007 still incomplete

^b EU Klems database (<http://www.euklems.net/>)

In total these 37,065 commerce enterprises had 53,528 workplaces, of which 41,641 had fewer than ten employees.² The commerce sector is responsible for 60% of the total turnover in the service sector as a whole.

Retail

Denmark's (food) retail branch is characterised by a process of continuous concentration, on an even greater scale than in other European countries. The number of shops has dropped by 73% since 1990. This is the result of at least three main factors/developments:

- Increasing competition in the market which has hit local, privately owned, smaller shops.
- Changing legislation which enables larger shops to have longer opening hours and achieve a more competitive edge in relation to smaller local shops.
- A trend of more people moving from the countryside to the big cities, which has led to a further decline in local shops, which were concentrated outside the cities.

The three leading retail groups (Coop Danmark, Dansk Supermarked and SuperGros) have now reached a combined market share of about 86%.³

¹ FTE refers to the number of jobs that would exist if all employees in the sector worked full-time.

² Statbank, Workplaces by industry, size and time.

³ International Federation of Grocers' Associations, 'Local shops – independent local retailers and their added value', 2007; see also: Lars Esbjerg, Klaus G. Grunert, Nuka Buck and Anne-Mette Sonne Andersen, 'Working in Danish Retailing: Transitional workers Going Elsewhere, Core Employees Going Nowhere, and Career-Seekers Striving to Go Somewhere'; in Niels Westergaard-Nielsen (ed.), *Low-Wage Work in Denmark*, Russell Sage Foundation, New York, 2008.

Table 2: Top three retailers, Denmark

Company name	Subsector	Market share	Turnover 2008/2009 in € billion	Number of stores
Coop Denmark	Food	41%	DKK 50 = €6,7	n.a.
Dansk Supermarkeds ^a	Food, Clothing, Shoes	31%	DKK 37 = €5	549 ^b
SuperGros	Food	14%	DKK 17 = €2,3	2000 ^c

^a Dansk Supermarked A/S, Højbjerg Årsrapport for 2009 (Annual report 2009)

^b Plus two wholesale centres

^c <http://www.supergros.com>

The economic crisis has affected Denmark's retail sector, but apparently not as severely as in other countries. The retail sales volume dropped by 1.1% from February to August 2009, but there was no decline in food.

Wholesale

After years of steady growth between 2005 and 2008, Danish wholesale saw its stock value drop in 2009. In particular textile and household goods as well as 'other specialised wholesale' experienced heavy losses. Food wholesale seemed less badly hit, which is in line with the developments in food retail. Food wholesale, however, covers less than one-fifth of total turnover in the wholesale subsector.

Turnover is highest in 'other specialised wholesale' with DKK 237 million in 2007 (31% of all wholesale). Textiles and household goods are second with DKK 164 million (22%) and food, beverages and tobacco third with DKK 141 million (19%). 'Other machinery' had a turnover of DKK 97 billion (13%) and IT equipment of DKK 57 billion (8%).

Parallel with the situation in retail the number of food wholesale companies in Denmark has fallen rapidly since 1995, at a greater rate than in other European countries.⁴

Employment in the sector

Retail and wholesale together employed 357,154 people in 2008.⁵ A majority of these workers were employed in retail, but counted in FTEs, employment in wholesale is still more extensive – though figures for the two subsectors come closer each year.

The retail sector counted 195,565 employees⁶ in 2008; this is 13.7% more than four years earlier (when there were 152,038 employees, or 116,797 FTE). In retail nearly six in ten employees are women. Food retail is heavily dominated by female workers, whereas electrical goods retail and wholesale have proportionally more men among their employees. Between 2004 and 2008 the percentages of male and female employees in retail as a whole stayed practically constant: from 58.4% women in 2004 to 59.2% in 2008. Part-time employment increased gradually but moderately over those four years: from 37.8% in 2004 to 40.1% in 2008. Given the substantial difference between headcount and FTE employment, the majority of these part-time jobs must be small contracts. More than a quarter of the employees in retail are so-called

⁴ D. Baker, *The Danish food marketing chain: developments and policy choices*, Copenhagen 2003.

⁵ Statistic Denmark, Statbank Denmark.

⁶ Latest data FTEs 2006: 123,765.

‘transitional workers’: school pupils and students, working as checkout operators or sales assistants. They all work part time and have flexible contracts. These workers are cheaper than the core employees. The minimum monthly wage for unskilled workers is about €2,000; workers under the age of 18 earn just half of that (€1,057 per month). The gender factor in part-time jobs is no longer an important variable. Among male employees part-time employment rose from 37.8% to 40.1% (the average for the subsector).

In wholesale, employment grew from 149,690 employees (139,705 FTE) in 2004 to 161,589⁷ in 2008, a rise of 8.1%. This sector has been dominated by male employees, with two out of three employees being male. A gradual but slow shift seems to be taking place; the share of men decreased from 67.9% in 2002, to 67.5% in 2004 and 65.9% in 2008.

Major trends in the commerce sector according to social partners

Based on interviews with the social partners as well as literature and internet research, the main trends for the sector and its industrial relations seem to be:

- Further loss of small shops, in particular in food retail
- Threat of loss of employment as a consequence of rationalisation, economies of scale and new technologies
- Risk that pension system will face difficulties
- Anticipated further growth of part-time contracts
- Need to cope with environmental challenges. (The employers’ organisation Dansk Erhverv – Chamber of Commerce – has started a Retail Action Plan for Climate Change, noting that ‘Retailers can primarily play a part by implementing climate measures in their own stores, and increasing the availability of climate-friendly products and information to consumers.’⁷)

Relevant sector actors (employers’ organisations and trade unions)

Before 1982, the Danish government played an important role in collective agreements. Since then, negotiations in the private sector have been decentralised. But agreements between sectoral social partners still have to be approved by the biggest employers’ umbrella organisation, the Confederation of Danish Employers (DA) and its counterpart the Danish Confederation of Trade Unions (LO).

DA covers 51% of private employment and 32% of total employment. It is the main organisation of private sector employers in manufacturing, services, retail trade, transport and construction, representing 13 affiliates with 28,000 member companies employing 665,000 full-time equivalents.

During the past decade sectoral employers’ organisations have been merging and consolidating. The number of member organisations has fallen from a high of 336 in 1956 to just 13 in 2009. Nevertheless, within this period the number of employees directly covered increased from 330,000 to just over 665,000. DA covers approximately 90% of all employees within its territory.

⁷ Latest data FTEs 2007: 148,576.

⁸ Dansk Erhverv, *The Danish Retail Sector – Climate change and responsibility in the Danish retail sector*, 2010.

The main employer organisation at sectoral level is the Confederation of Danish Industries (DI). As the counterpart of the largest bargaining cartel on the trade union side, CO-Industri, DI negotiates the industry agreement that sets the standard for the rest of collective bargaining in Denmark. DI covers 62% of membership in DA, organising large companies and small and medium-sized enterprises (SMEs) within manufacturing, services, retail trade and transport. In 2008 DI merged with the then third-largest employer organisation, the Confederation of Danish Commercial Transportation and Service Industries (HTS) and became a player in industrial relations in the commerce sector.

LO is the big umbrella trade union confederation, organising two-thirds of all unionised employees and approximately 50% of all workers in Denmark. It had 1.25 million members by the end of 2007, two-thirds of all unionised workers. A year later membership had fallen to 1.22 million. This illustrates the long-term trend of steadily declining membership rates in the LO unions.

The second-largest trade union confederation is the Danish Confederation of Professionals (FTF; 357,845 members in January 2009). Most affiliated unions operate in the public sector and in financial services.

The Danish Confederation of Professional Associations (AC; 133,212 members at the beginning of 2009) is the third confederation.

The largest of the 17 trade unions affiliated to LO are the Union of Commercial and Clerical Employees (HK) and the United Federation of Danish Workers (3F). The largest LO trade union representing employees mainly working in the public sector is Trade and Labour (FOA).

Most employees in commerce are represented by the white collar LO union HK. The total membership is about 220,000. HK is a member of the pan-European confederation UNI Europa. It operates in various sectors within both the public and the private sector. It had 320,150 members in 2008 (down from 329,679 a year before). Of them around 90,000 are commerce employees, both in wholesale and retail. The rest of the membership belongs to three other sectors: Privat (Transport, private services, media, health), Kommunal (local authorities) and State (national public services). This may explain why, despite the fact that in commerce male and female employees are nearly evenly represented, in HK as a whole women make up almost 75% of the total membership.

The other union operating in the Danish commerce social dialogue is the Danish Food and Allied Workers Organisation, with 27,845 members in 2008 (2007: 29,455).

Levels and tools for collective bargaining and social dialogue in the commerce sector

In wholesale about 70–80% of employees are covered by a collective contract; in retail the figure is about 80%. This is somewhat lower than the national average of 83% coverage for all employees.

The collective contracts agreed still contain elements of the ‘closed shop’, as they may only be put in force if at least 50% of the workers at a certain workplace are members of a specific union that signed the agreement.

Social dialogue at national level: basic and cooperation agreements as a framework

The Danish system of social dialogue is based on strong national coordination and decision making, although negotiations now take place at sectoral level. The framework for collective bargaining is provided by the umbrella organisations DA and LO. They negotiate a long-term cooperation agreement (*Samarbejdsaftalen*), which sets the rules and framework for the negotiation process. As for the contents of negotiations, national social partners negotiate a basic agreement (*Hovedaftalen*). This is the basic document for all sectoral negotiations in a certain year, including the

collective labour agreements (CLAs) in Commerce. *Hovedaftalen* is up for negotiation every time the CLAs have to be renewed, but *Samarbejdsaftalen* does not ‘expire’ in the same way. It is only renegotiated if there is a need to change the processes of collaboration and negotiation.⁹

Building upon this framework, most of the collective bargaining on pay, working time and working conditions can take place at sectoral level. There is a time frame for the various sectoral negotiations. In 2010 negotiations took place between January and April. The sectoral agreements, once agreed, are used as a comprehensive framework implemented at company level.

First level of CLA negotiation: procedures and deadlines

In the past collective bargaining at sectoral level more or less ‘dictated’ wages and working conditions, within the national framework of employment protection. Nowadays there is generally a tendency towards more individual bargaining at company level, with reference to sectoral agreements that set the minimum standards.

Most sectors in Denmark have national collective labour agreements (CLAs). These are negotiated within the various subsectors, such as retail and wholesale. During negotiations and collective agreements between the social partners, a fixed procedure is followed:

- Negotiations must be completed within a certain time limit; this limit may be extended if no agreement can be reached;
- If the parties conclude an agreement, the proposal for a new collective agreement is sent to the union members for a ballot;
- If no agreement on a new collective agreement can be reached, further negotiations take place between a conciliator, appointed by the government, and the social partners;
- If the negotiations continue, conducted by the conciliator, they must be concluded within a certain time limit;
- If still no agreement can be reached, a first notice concerning industrial action may be issued by the union (strike or lockout);
- Industrial action takes place unless the conciliator decides to postpone it; he may do so in the form of two postponements, each of 14 days’ duration;
- If, after that time, no agreement is reached through renewed contact between the parties, industrial action will take place.

When all collective contracts have been agreed at sectoral level, the national umbrella organisations DA and LO are entitled to decide on the whole package of CLAs – the successfully negotiated ones and the mediated ones – with a conciliator. If both umbrella organisations approve, all CLAs will become the basis for wages and working conditions of the employees.

Unions and employers in commerce follow to a certain extent the wage leaders in the metals sector, which is the first sector to start negotiations.

⁹ Eurofound, Denmark, Industrial Relations Profile, 2009.

Second level of negotiation: the individual

After completion of the sectoral collective agreements procedure a second level of dialogue follows. The CLA outcome provides minimum standards for all employees involved. They are also entitled to negotiate an individual labour agreement with their management, which can only be more favourable than the CLA.

The individual level of negotiation is a weaker element of the commerce sector with its relatively large number of transitional employees working under flexible conditions and frequently preparing for other careers while they work in the sector. These employees are in general less empowered to personally negotiate better contracts than colleagues in some other sectors. This means that even if the difference at CLA level is not very large, at the individual level in the company commerce workers may be worse off than other employees in other sectors.

Social dialogue at company level: bipartite joint committees

In large companies there are elected bipartite joint consultation committees, representing management and employees in equal proportion. The committees receive information on the company's financial situation and prospects, employment and major changes, including restructuring and the introduction of new technology. They can formulate a cooperation agreement with guiding principles for working conditions and welfare, including personnel policy, training and continuing training in respect of new technology and the use of personnel data. Each agreement includes a Cooperation Board, run by representatives of LO and the employers' confederations. These Boards have a consultative role and are supposed to develop further cooperation in enterprises.

Social dialogue at regional level: tripartite cooperation

Since the 1990s the labour market policy of the government has been tightened, so that unemployed workers are no longer entitled to receive unemployment benefits passively for long periods. A system of job activation is now obligatory for people receiving unemployment benefits. Job activation schemes have become specifically targeted to the individual unemployed worker while taking companies' manpower requirements into consideration.

Social partners play a role in this new 'active labour market' system, and at a local level new forms of tripartite labour market activation cooperation are in place.¹⁰

Flexicurity

This system as a whole has created a framework for flexicurity, which is still upheld by both social partners. In Denmark the average stay with one employer is lower than in most EU countries, at eight years on average. Each year one in three Danish employees changes jobs. The security provided is not so much protection against dismissal or long unemployment benefits, but active and targeted labour market services.

Typical commerce sector topics dealt with by social partners

In some companies in the commerce sector, unions have to show they organise more than 50% of the workforce before they are acknowledged as having the capacity to negotiate. This is in line with Anglo-Saxon industrial relations systems, and was introduced in response to former 'closed shop' situations, which are still practice in some Danish commerce companies.

¹⁰ Peder Munch Hansen, 'Danish employment policy – a model for the EU?', LO's Brussels Office.

As in 2006 and 2008, in 2010 the negotiators at industry level once again set the trend for commerce negotiations. Some of the topics they agreed were not really relevant for commerce, but the sector was obliged to follow industry in implementing them. Examples include the right to have monthly salaries instead of hourly wages (a measure that had long been in force in the white-collar commerce sectors); higher severance pay (which in any event had already been implemented in commerce) and longer notice of termination of unemployment.

It appears that in a sense the social dialogue system prevents topics that are specific to the commerce sector from being negotiated in detail.

Impact of the financial crisis on social dialogue in the sector

On 22 January 2010, LO and the Confederation of Danish Employers (DA) presented the Danish Minister for Employment with 23 proposed initiatives aimed to fight the rapid growth in long-term unemployment. The number of unemployed had soared to 122,700 in January 2010, the highest level since 2006. Long-term unemployment is on the increase.

The 23 common initiatives include measures aimed at improving access to training and education for the unemployed and to motivate local authorities to make use of these possibilities. DA and LO also propose that existing job centres should use the labour market policy tools more efficiently.

DA's President, Henrik Bach Mortensen, commented: 'The joint proposal from DA and LO encourages initiatives for more targeted upgrading and better exploitation of the relatively numerous job opportunities that still exist on our labour market in spite of the current crisis'. His colleague from LO, Harald Børsting, added: 'I am pleased that we agree with the employers on changing the incentives in order to put a stop to the current "activation circus". ... At the same time, I hope the government will listen to our proposal to improve training and education possibilities for the unemployed.'

Against this background unions negotiated a moderate wage increase in the recently agreed CLA for commerce, and were happy to have achieved even this much in a time of crisis.

CLAs 2010

In the retail subsector the social partners reached an agreement before the deadline without too much difficulty. In wholesale the negotiations took longer, but in the end the wage packages agreed in both sectors were quite similar, with increases of between 2.5% and 3%. Unions were satisfied with this, given the economic crisis in both subsectors.

To empower employees to get the most out of the national CLA on a personal level, the new CLA gives every employee the right to a discussion on wages with the employer each year. This gives them the chance to negotiate individual conditions above the CLA level.

Special attention has been given to the position of women in the commerce sector. In the new CLA the social partners have agreed that equal pay for men and women should be at the heart of the CLAs. In addition, parental leave has been extended from 9 to 11 weeks, anticipating forthcoming EU regulation – however, only one of the extra week is for the mother, and the other week must be taken by the father of the child.

Table 3: Negotiations and CLAs in Danish commerce sector, 2010

Subsector and employees covered	Employers' organisation and main topics	Trade union and main topics	Last CLA agreed	CLA results
Retail (food) 30,000 plus 20,000 ^a	Dansk Erhverv (Chamber of Commerce)	HK Handel	28 February 2010	No extra flexibility for working on Sundays ^b Each year the employer is obliged to hold an individual interview with the employee to discuss wages, with a sanction if the employer fails to do so The minimum wage increases by DKK 1.10 and DKK 1.75 respectively. Employees automatically receive a higher wage if they work more years (seniority) An extra half day off on Christmas Eve and Constitution Day Two weeks extra paid maternity leave – one week is earmarked for the mother and one week for the father
Wholesale and offices 30,000	Dansk Erhverv (Chamber of Commerce)	HK Handel		Minimum wages increases of DKK 1.10 and DKK 1.75 Salary improvement for young workers, trainees and students specified in salary schemes ^c Companies should negotiate compensation for unsocial hours (but voluntarily) A free health check for workers on night shifts On Constitution Day from ½ to 1 day holiday Equal pay (men and women) implemented in CLA. Commission for equal pay established Education – test period of 100% compensation prolonged Employer cannot force employees to take leave after they have been fired Extended rights for shop stewards: it is more difficult to fire them and they get the right to spend time on mobile phone Extended pension rights (from 3 months of employment instead of 9 months) 2 weeks extended maternity leave (one week should be used by the father) From 6 months employment the right to be paid during absence due to child hospitalisation (was 9 months of employment) European framework agreement on violence and harassment implemented in CLA
Other types of retail 30,000	DI (Danish Industry)	HK Handel with HK Privat	March 2010	Most results like the first CLA in this table Extra: facilities for trade unionists (financial compensation)

^a These 20,000 employees work at the market leader Co-op; their collective agreement is almost the same as the subsectoral CLA, but varies on some topics (maternity leave, pensions).

^b The government had announced that it would scrap all regulations preventing companies from opening their shops on Sundays. DI had hoped to increase wage and working hour flexibility in the CLA, in order to facilitate Sunday opening without many extra costs. HK Handel, however, successfully resisted these ideas for the forthcoming contract.

^c The question could be raised why students and young workers get fixed salary schemes in the new CLA, while their older colleagues have to negotiate individually to get a wage agreement above the CLA minimum standards. Ole Sørensen of Arbejdsmiljøforskning in Copenhagen explains: 'It is very important for the unions that students and youngsters do not force down wages (by accepting very low wages because of the state student subsidy). They should not replace union members at an individually negotiated special high wage.'

Perspectives for the development of industrial relations in the commerce sector

In the short term, the social partners expect further changes that will influence social dialogue.

Technology

Technological innovation is expected to have a considerable impact on the jobs of workers in wholesale. In retail it is not anticipated to have such a profound influence, except in the case of checkout operators. Technological changes are expected to have significant repercussions for the number of jobs, and for the qualifications needed to do them.

Historically the social partners have shown themselves able to cope with emerging technological change at work. The unions have been quite open to this change, and believe that better qualifications for staff in the commerce sector are in the interest of all social partners. Formal educational requirements have been in place for jobs in commerce for some years, and these are not expected to be threatened by new technology.

Pensions

Until now the level of pensions has not been in danger. The 2010 CLA keeps pensions at the same rate as before. Even the ‘waiting time’ – the time people have to work before they are entitled to a pension – has been shortened from nine to three months. However, problems may arise during the next few years. Unions expect that it will become more and more difficult to protect pensions from erosion, for demographic reasons and because of the economic crisis.

E-commerce

Most e-commerce in Denmark currently takes the form of buying event tickets or making travel arrangements. Within retail, clothing and sport goods were popular (41% of all internet buyers bought in this field in 2008). Electronic equipment and books & magazines were bought by 29% of internet buyers, but food e-commerce remained relatively insignificant with just 9% of buyers making purchases in this category.

The unions expect that e-commerce will become an increasingly important item in their social dialogue, as more and more goods are bought over the internet each year.

State regulation and social dialogue

Danish social partners seem convinced that social dialogue is in most cases superior to legal intervention by the state. One argument seems to be that voluntary implementation generally works better than legal force. Examples are the new agreements on facilities for shop stewards in the workplace. The stewards are now allowed to have a fixed office hour (or ‘mobile hour’) to answer questions. If this facility had been imposed by law, it might have been perceived as a bureaucratic burden. The same would definitely be the case with the local, individual wage negotiations which the unions pushed for in the latest social dialogue. In practice they may raise the wages of more employees (and thereby put pressure on the rest of the labour market) than a state intervention implementing the same negotiations, or a general wage increase, may have done.

Conclusions and recent special practices

The Danish system of industrial relations promotes the development of an egalitarian social dialogue, in which differences between sectors are not given too much emphasis, despite the fundamental difference between white- and blue-collar workers. Until 2010 the crisis had not fundamentally changed power relations between the social partners and in their social dialogue. However in the long run membership rates are increasing on the employers’ side and decreasing for the unions. It remains to be seen whether this long-term trend will have an effect on social dialogue practices in the future.

Within commerce the future could see more fundamental changes, due to technology, increased competition and demographic developments.

New facets of social dialogue

Individual negotiations

Initial steps have been set to bridge the gap between the collective and individual level in social dialogue concerning working conditions. In the recent Retail CLA a start was made in empowering individuals to use the CLA/social dialogue to negotiate better personal conditions of employment, in dialogue with their employer. Employer and individual employee have to have one formal conversation/negotiation every year, in which they decide upon the individual's wage, working times, etc. The framework for these individual negotiations is set by the CLA, which provides minimum standards and levels. This could be the start of a system of flexicurity which brings together individual needs for flexibility and security (for company and employee) and the sectoral interests of both parties.

Gender and parental leave

In the 2010 CLA employers' organisations and unions acted proactively in anticipation of new EU regulations about gender at the workplace by expanding parental leave. Under the new allowance two extra weeks are awarded, one of which must be taken by the father. In this way the social partners are taking a common responsibility not to simply wait for (future) national regulation, but to treat it as a standard for their own interpretation of gender policy. This implies that eventual conflicts on gender policy in companies will not be left to civil rights institutions to solve, but rather the labour market courts and institutions.

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Interview partners

Employers' organisations

Mads Juul Jørgensen, Dansk Erhverv, employers organisation

Unions

Peter James Stark, HK Handel

Bjørn Jacobsen, HK Handel

Research institutions

Ole H. Sørensen', senior researcher, National Research Centre for the Working Environment (NFA)