

Clause regarding employment of apprentices

1. The contractor must ensure that at least 6 % of the man-years (1924 working hours including holidays, sick days, school attendance days etc.) spent in order to fulfill the project contract is filled by apprentices. For example:
 - a. If 10 man-years are spent on fulfilling the contract, 0.6 man-year must be filled by apprentices.
 - b. If 1000 working hours are spent on fulfilling the contract, 60 working hours must be filled by apprentices.
2. An apprentice is an employee with whom the contractor has entered an apprenticeship contract in accordance with the law on vocational education or who is covered by a similar educational scheme in another EU country. It is not a requirement that the employment of the apprentice takes place after entering into the project contract.
3. If the contractor can document that the contractor otherwise has to dismiss employees, the contractor may transfer employees, who are not apprentices, to perform the tendered work assignment, even though it means that the requirement of apprentices is not fully met.
4. If the contractor is unable to recruit the required number of apprentices, the contractor must make an application to the builder and ask for procurement of apprentices. If the builder is unable to procure apprentices for the contractor within 4 weeks after the application, the contractor is entitled to fill the position on normal conditions.
5. The builder is entitled to full insight into the terms of employment of all the apprentices, which the contractor has employed to carry out the work, including persons employed by other employers than the contractor.
6. In connection with the execution and handover of the contract, the contractor must in a satisfactory way substantiate that the required number of apprentices is employed:
 - a. Simultaneously with the presentation of a work plan the contractor must present a plan for the employment of apprentices on the project.
 - b. On site meetings, the contractor must inform the number of presently employed apprentices as well as the total number of employees, and this must be noted in the minutes of meeting.
 - c. During the execution of the project the contractor must continuously update the plan for employment of apprentices, when changes are made in the staffing of the assignment.
 - d. Furthermore, the contractor must at any time be able to document - at the request of the builder - that the requirement of employment of apprentices is complied with. If the builder does not find the presented documentation sufficient, the builder is entitled to ask the contractor for a detailed report to clarify whether the obligations of the contractor are fulfilled.
7. If the contractor does not fulfill his obligation to employ apprentices or is unable to document that this obligation is fulfilled, the builder can inform the contractor that this is considered as violation of the contract. If violation of the contract continues hereafter, the violation becomes substantial and the builder is entitled, on demand, to:
 - collect a fine of DKK 5,000 per week or part thereof per man-year apprentice, which the contractor is obliged to employ according to the present clause, until the contractor has presented the appropriate documentation, or
 - dissolve the contract.
8. Simultaneously with the handover procedure, in accordance with AB 92 § 28, the contractor must document that he has fulfilled his obligations regarding employment of apprentices. If the contractor has not completely employed the required number of man-year apprentices, the contractor will be charged with a penalty corresponding to DKK 100,000 per lacking man-year apprentice. For example, if the contractor fails to employ 0.5 man-year apprentices, the contractor will be incurred a penalty of DKK 50,000.