

## Employment protection in Sweden – 2008

Item 1 Notification procedures in the case of individual dismissal of a workers with a regular contract	<p><b>Personal grounds:</b> Written notification to employee and trade union, after at least one previous warning (as proof of "long-standing" problems) that action is intended; reasons to be given if requested by employee.</p> <p><b>Redundancy:</b> Notification to employee and trade union. The trade union has a right to deliberation/negotiations.</p>
Item 2 Delay involved before notice can start	<p><b>Personal grounds:</b> Previous notification must be given to the employee, minimum 14 days before notice is intended. If negotiations are asked for, the employer cannot execute the dismissal before the negotiations are terminated. Negotiations can take from a few days or weeks to up to six months.</p> <p><b>Redundancy:</b> Duty to negotiate on pending dismissals before notice can be served. Lack of suitable alternatives must be demonstrated in all cases.</p>
Item 3 Length of notice period at different tenure durations	1m<2y; 2m<4y; 3m<6y; 4m<8y; 5m<10y; 6m>10y. Deviation is possible by collective agreement.
Item 4 Severance pay at different tenure durations	No legal entitlement, but occasionally included in collective agreements.
Item 5 Definition of unfair dismissal	<p><b>Fair:</b> Dismissals on "objective grounds", <i>i.e.</i> economic redundancy and personal circumstances, including lack of competence. In the case of lesser capability because of (e.g.) age, disease, etc., the employer has to try to adjust the workplace, rehabilitate the employee or transfer the employee to other suitable work. According to case law, it is only fair dismissal if the employee has a "permanent reduction of the working capacity which is so considerable that the employee no more can be expected to perform work of any significance with the employer". In cases of redundancy, selection of workers to be dismissed has to be justified (mainly based on last-in, first-out principle).</p> <p><b>Unfair:</b> Objective grounds are deemed not to exist if an employee could reasonably have been transferred to another work, or if dismissal is based on events that happened over two months ago.</p>
Item 6 Length of trial period	All workers: Probationary period limited to a maximum of 6 months trial; does not exclude claim for damages. Deviation possible by collective agreement.
Item 7 Compensation following unfair dismissal	<p>If employer refuses to comply with reinstatement, damages are payable on the scale: 16 months &lt;5 years; 24 months &lt; 10 years; 32 months &gt; 10 years.</p> <p><b>Typical compensation at 20 years tenure:</b> 32 months, if employer refuses to comply with reinstatement order.</p>
Item 8 Reinstatement option for the employee following unfair dismissal	Courts may order reinstatement or damages, plus a sum equal to earnings between the dismissal and the legal settlement of the case. The option of reinstatement is rarely made available to the employee.
Item 9 Maximum time period after dismissal notification up to which an unfair dismissal claim can be made	2 weeks if the employee wants to have the dismissal ruled invalid. If only damages are claimed, the time limit is 4 months.
Item 10 Valid cases for use of fixed term contracts	<p>FTC permitted in following cases:</p> <ol style="list-style-type: none"> <li>(1) for general fixed-term employment;</li> <li>(2) for temporary replacement of absent employees;</li> <li>(3) seasonal work;</li> <li>(4) personal above 67 years of age.</li> </ol> <p>In addition, it is possible to have other rules on FTC in collective agreements.</p> <p>If an employee has been employed for a period of five years by an employer either on a general fixed-term contract or as a substitute for in aggregate more than two years, the employment is transformed into indefinite-term employment.</p>
Item 11 Maximum number of successive FTCs (initial contract plus renewals and/or prolongations)	No limit.
Item 12 Maximum cumulated duration of successive FTCs	Maximum 2 years within a 5 year period.
Item 13 Types of work for which temporary work agency (TWA) employment is legal	Generally allowed.
Item 14 Are there restrictions on the number of renewals and/or prolongations of TWA contracts?	No.
Item 15 Maximum cumulated duration of TWA contracts	No specific rules for TWA contracts. They are usually permanent. If FTCs are used, the same rules as above.

Item 16 Does the set-up of a TWA require authorisation or reporting obligations?	There is a voluntary authorisation system which is administered by the social partners.
Item 17 Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	There is no special legislation. The conditions are regulated in collective agreements and in regular labour law. The employees are regarded as employed by the agency.
Item 18 Definition of collective dismissal	Additional notification requirements apply where more than 5 employees are made redundant.
Item 19 Additional notification requirements (compared to Item 1) in cases of collective dismissal	<b>Notification of employee representatives:</b> Duty to inform and consult with competent trade union. <b>Notification of public authorities:</b> Notification of Employment Agency.
Item 20 Additional delays involved (compared to Item 2)	Waiting periods after notification of employment service are from 2 months (when 5-24 workers involved) to 6 months (when 100+ workers involved).
Item 21 Other special costs to employers in case of collective dismissals	<b>Type of negotiation required:</b> Consultation on alternatives to redundancy, selection standards and ways to mitigate the effects ; notice may not take effect before negotiation with trade union. <b>Selection criteria:</b> Usually based on seniority within a job category, but deviations by collective agreement are possible. <b>Severance pay:</b> No special regulations for collective dismissal.

*This summary was produced by the OECD based on responses to a questionnaire submitted by authorities in OECD member countries. It describes the situation current as at 1 January 2008 and is the basis for calculating the OECD employment protection indicators. To find out more about the methodology used to calculate the OECD employment protection indicators, see [www.oecd.org/employment/protection](http://www.oecd.org/employment/protection).*