

European (& the GCC) Employment Law Update

Jurisdiction: Sweden

Date: April 2018

Impact date	Development	Impact
1 January 2018	New regulatory framework for newly arrived immigrants' establishment in working and community life	<p>The new law aims to facilitate and speed up the establishment of certain newly arrived immigrants in working and community life (Sw. <i>lagen (2017:584) om ansvar för etableringsinsatser för vissa nyanlända invandrare</i>).</p> <p>The new law largely regulates the state responsibility for establishment efforts.</p>
1 March 2018	Changes in the Swedish Aliens Act regarding intra-corporate transfer	<p>The rules in the Swedish Aliens Act (Sw. <i>utlänningslagen (2005:716)</i>) regulating the conditions for receiving work permits are mainly on a general level and applicable to all types of employees.</p> <p>The regulations in the Intra-Corporate Transfer Directive (the "ICT") deals with the conditions for entry and residency for citizens outside the EU and Switzerland who are employed by a company outside the EEA and who will work in Sweden within the same corporation as a manager, specialist or a trainee. Thus, the Swedish Parliament has adopted changes in the Swedish Aliens Act in relation to residence permits. The changes will facilitate intra-corporate transfers.</p> <p>The changes also give an employee that has received an ICT permit in another EU member state the possibility to reside and work in Sweden up to 90 days during a period of 180 days. The new employment must still be within the same corporation.</p> <p>It will be possible to get the ICT permit extended, and the ICT permit shall also apply to the employee's family members for the period during which the employee's ICT permit is valid.</p>
1 June 2018	Implementation of the EU Directive on minimum requirements for worker acquisition and	The EU Directive on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and

	<p>preservation of supplementary pension rights</p>	<p>preservation of supplementary pension rights must be implemented by the member states no later than May 2018.</p> <p>The purpose of the Directive is to make sure that employees do not lose their right to earned pension rights when working in different EU states. Consequently, the Swedish Government has proposed a new law that will incorporate the minimum requirements according to the directive on acquisition and preservation of supplementary pension rights (<i>Sw. lagen (2018:131) om villkor för intjänande och bevarande av tjänstepension</i>).</p> <p>The proposed law will strengthen employees' rights when it comes to supplementary pension rights. Some of the most important minimum requirements that are supposed to be implemented are:</p> <ul style="list-style-type: none"> • Employment qualification period: The employment period that an employee must have in order to be able to start earning pension rights, may not exceed three years in total. • Employee's age: A condition stating that the employee must have reached a specific age in order to be entitled to any accrued pension earnings may not be higher than 21 years. • Right to save earned pension rights: The employee's earned pension rights will be retained until the beneficiary reaches pension age. • Employer's obligation to inform employees: Upon request from the employee, the employer must inform an employee in written about the conditions for the employee's pension rights and how the employee could be affected if the employment ends. <p>The Directive only applies to supplementary age pension rights and does not apply to other benefits such as sick pension. Further, exemption from these requirements under this act is permitted for regulations on age pension benefits governed by a collective bargaining agreement. Hence, employers and employees will still have the possibility to agree differently through (central) collective bargaining agreements.</p>
<p>1 July 2018</p>	<p>Changes in the Swedish Aliens Act regarding inspections by the Police Authority</p>	<p>The Police Authority shall be given greater opportunities to carry out inspections at workplaces to check that employers do not have any employees employed who are not entitled to stay or work in Sweden.</p>

		<p>Workplace inspections shall be restricted to sectors where the Police Authority has assessed that there is a particular risk for such employments.</p> <p>The fee that an employer is obliged to pay if the employer has an employee who is not entitled to stay or work in Sweden shall be increased.</p>
2 July 2018	Changes to the Unemployment Insurance Act	<p>The number of qualifying days (Sw. <i>karensdagar</i>) in the Unemployment Insurance Act (Sw. <i>lagen (1997:238) om arbetslöshetsförsäkring</i>) shall be reduced from seven to six.</p>