

European (& the GCC) Employment Law Update

Jurisdiction: Sweden
Date: April 2017

Impact date	Development	Impact
1 January 2017	Increased protection for whistleblowers	<p>The new legislation offers protection against reprisals against employees who sound the alarm about serious wrongdoings (Sw. <i>lagen (2016:749) om särskilt skydd mot repressalier för arbetstagare som slår larm om allvarliga missförhållanden</i>). However, the new legislation does not establish any right to sound the alarm. The term “serious wrongdoings” refers to crimes for which imprisonment is included in the penal scale or comparable wrongdoings. The protection also extends to agency workers who report wrongdoings in the operations of the company where the agency workers perform their work.</p> <p>In order to enjoy protection under the new legislation, employees should first report serious wrongdoings internally. When reporting such wrongdoings internally, the employees are only required to base the reporting on suspicions in order to enjoy protection under the new legislation. An employee also enjoys protection under the new legislation when the employee reports to the employee’s trade union.</p> <p>When making reports externally, employees will only be protected by the new legislation if they have first reported the matter internally and if the employer has failed to take reasonable measures in response to the report and has failed to inform the employee of such measures. Furthermore, the employee must have had reasonable grounds for such external reporting. However, the employee may under certain circumstances enjoy protection under the new legislation when reporting serious wrongdoings externally without first having reported the matter internally. Employers breaching the legislation in relation to whistleblowers will be liable to pay damages to the employee in question.</p>

<p>1 January 2017</p>	<p>New legislation on active measures against discrimination and for equal treatment.</p>	<p>This legislation is an overall framework and has a dual purpose to prevent discrimination and to promote equal treatment. According to the new legislation, the promotion of equal treatment means that all individuals covered by the Swedish Anti-Discrimination Act (Sw. <i>diskrimineringslagen (2008:567)</i>) are given equal rights and opportunities.</p> <p>Furthermore, active work in order to prevent discrimination and promote equal treatment should be conducted by the employer in four stages; (i) survey of the risks of discrimination and equal treatment in the company, (ii) analysis of why there is a risk of discrimination or unequal treatment, (iii) measures consisting of an annual recording of the active work undertaken in this regard (only required for employers with at least 25 employees), and (iv) evaluation and follow-up of the measures.</p> <p>According to the new legislation, the work relating to active measures should include five different areas; (i) working conditions (which in practice means work environment), (ii) recruitment and promotion, (iii) training and other skills development, (iv) salaries and other terms of employment, and (v) the possibility to combine work and parenthood.</p> <p>Furthermore, the remuneration survey (Sw. <i>lönekartläggning</i>), which aims to discover, remedy and prevent unfair differences in salary and other terms of employment between women and men, shall be conducted every year instead of every three years.</p>
<p>1 April 2017</p>	<p>Protection of private sector employees in the welfare sector who provide information to the media.</p>	<p>The Swedish Government has proposed new legislation on strengthened the protection for private sector employees in the welfare sector who provide information to the media. According to the proposed legislation, workers in any profession in the private business sector of which is publicly funded within the school sector and the healthcare sector, should have the same rights as civil servants to provide information about activities that occur at their workplaces to the media. For example, irrespective of whether the employees are working in a private or a public school, it is proposed that these employees should have the same protection. However, the protection is limited by the confidentiality provisions applicable in the respective areas and the concerned employees will have no right to disclose documents. Furthermore, the employer may not make inquiries regarding the identity of the person who has made the disclosure. In addition,</p>

		<p>provisions regarding sanctions for breaches of the legislation are proposed.</p> <p>The changes are proposed to come into force on 1 April 2017.</p>
<p>1 June 2017</p>	<p>The Swedish Government proposes a number of changes to provisions applicable to the posting of workers.</p>	<p>The purpose of the legislation is to create a more effective and efficient system for the protection of the rights of posted workers under the EU Posting of Workers Directive (Sw. <i>utstationeringsdirektivet</i>) and the Enforcement Directive (Sw. <i>tillämpningsdirektivet</i>). The proposed changes consist of, inter alia, the following:</p> <ul style="list-style-type: none"> • Provisions aimed at increasing transparency and predictability when posting workers so that it will be easier for companies that post workers to find out what conditions apply in the Swedish labour market. • Trade unions will always be able to demand a Swedish collective bargaining agreement with regard to posting employers, ultimately by means of industrial action. Such industrial action will however only continue to be allowed in order to claim minimum employment benefits as protected under the Posting of Workers Directive. This will strengthen the protection for posted workers and opportunities for trade unions to ensure that these workers actually receive the wage and other employment conditions to which they are guaranteed by employers under the Posting of Workers Directive. • Posted workers who are not members of the trade union that concluded the agreement should have the right to demand certain collective bargaining agreement conditions in a Swedish court. • Protection for posted workers against retaliation by the employer when the posted employees have invoked their rights. <p>The changes are proposed to come into force on 1 June 2017.</p>