

European (& the GCC) Employment Law Update

Jurisdiction: Sweden
Date: October 2017

Impact date	Development	Impact
1 July 2017	Protection of private sector employees in the welfare sector who provide information to the media (Sw. <i>lagen (2017:151) om meddelarskydd i vissa enskilda verksamheter</i>)	<p>The legislation strengthened the protection for private sector employees in the welfare sector who provide information to the media. According to the 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, 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, there are provisions regarding sanctions for breaches of the legislation.</p> <p>The legislation came into force on 1 July 2017.</p>
1 June 2017	Changes of national provisions applicable according to the posting of workers (Sw. <i>lagen (1999:678) om utstationering av arbetstagare (uppdateringar i utstationeringslagen)</i>).	<p>The purpose of the Swedish 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

		<p>labour market.</p> <ul style="list-style-type: none"> • Trade unions will 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 came into force on 1 June 2017.</p>
1 December 2017	The Swedish Government proposes changes to the Aliens Act (2005:716) (Sw. <i>utlänningslagen</i>) in relation to residence permits.	<p>Due to previous precedent rulings by the Migration Court of Appeal, legislation in relation to work permits has been given a strict interpretation, resulting in severe implications for individuals. According to the ruling, work permits have been withdrawn when the employment conditions for which the work permit were based upon have not been fully met, regardless of the circumstances in the individual case. This has had the effect that the Migration Agency has been forced to withdraw work permits even in cases of minor errors which have been remedied.</p> <p>In order to avoid such strict interpretation of the legislation, the Swedish Government has proposed amendments to the Aliens Act (2005:716) which allows the Migration Agency to refrain from withdrawing work</p>

		<p>permits when the employer has taken measures to rectify an error, before the Migration Agency has taken any action.</p> <p>It is important that employers are very careful to ensure that the conditions for which the work permit is based upon are maintained. However, if an error has occurred, the employer should quickly correct this and report the correction to the Migration Agency.</p> <p>The changes are proposed to come into force on 1 December 2017.</p>
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