

— Sweden —

Ratifications

Sweden ratified the European Social Charter on 17/12/1962: it accepted 62 of the Charter's 72 paragraphs.

Sweden ratified Protocol No. 1 which adds new rights on 05/05/89, Protocol No. 2 reforming the control mechanism on 18/03/1992 and Protocol No. 3 on the "collective complaints" procedure on 29/05/1998. It has not yet made a declaration enabling national NGOs to submit complaints.

Sweden ratified the Revised Charter on 29/05/1998: it accepted 83 of the Revised Charter's 98 paragraphs. In 2003, and again in 2008, the European Committee of Social Rights (ECSR) had an exchange of views with the Swedish authorities with a view to encouraging the acceptance of further provisions.

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1	
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3	
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1	
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2	
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1	
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3	
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22	
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1	
31.2	31.3								= Accepted provisions			

Reports

Between 1964 and 2000, Sweden submitted 20 reports on the application of the Charter. Between 2001 and 2008 it submitted 7 reports on the Revised Charter. The 8th report will concern the provisions accepted by Sweden, related to the theme Health, social security and social protection (Articles 3, 11, 12, 13, 14 23 and 30 of the Revised Charter).

The 8th report was submitted on 21 January 2009

Collective Complaints

- ▶ No. 12/2002 Confederation of Swedish Enterprises: Article 5

The Charter in domestic law

Statutory ad hoc incorporation by specific implementing legislation.

Sweden's record with respect to application of the Charter is the following as of 1 January 2009:

Examples of progress achieved following conclusions or decisions of the ECSR¹

Health/Education

- ▶ The Act on the working environment has been extended to cover children under 18 who do not receive any income, including children related to their employer (1990) and those who work in their employer's home (1996) *Article 7§1 – prohibition of employment under the age of 15*
- ▶ In 2001, legislation was enacted which makes health education a school subject in its own right *Article 11§2 – right to health (education)*
- ▶ Entry into force in 2006 of the Children and School Students (Prohibition of Discrimination and Other Degrading Treatment) Act (2006:67). It, *inter alia*, prohibits discrimination of children and pupils on the basis of disability in the field of education. *Article 15§1 – right to education and training for persons with disabilities*

Non-discrimination

Origin

- ▶ Adoption of the Act of 7 April 1994 against ethnic discrimination, including in employment *Article 1§2 – non-discrimination in employment*
- ▶ Entry into force on 1 January 2001 of the new Social Security Act (*Socialförsäkringslagen* No. 1999/799) which contains provisions concerning work-related benefits which are no longer related to residence in Sweden; and all direct references to nationality have been abolished *Article 12§1 – right to social security*

Sex

- ▶ Adoption of Act No. 433 of 1991 on equal opportunities *Articles 1§2 and 20 – right of men and women to equal treatment and equal opportunities*

Employment

- ▶ Abolition of the provision of the legislation governing seafarers which provided that seamen could be bound by coercive measures to remain at their post (Act No. 282 of 18 May 1973 on the Merchant Navy) *Article 1§2- prohibition of forced labour*
- ▶ Recourse to the closed shop provisions has been made more restrictive (Act of 10 June 1976 on participation in decisions in employment) *Article 5 – right to organise*

Movement of persons

- ▶ Abolition of the requirement for employers to pay for language courses for their migrant workers (Repeal in 1986 of Act No. 650 of 1972) *Article 19§5 – right to equal treatment in respect of taxes and dues*
- ▶ Under legislation adopted in 2005, foreign students are now entitled to work in Sweden without obtaining a work permit for as long as their residence permit is valid. *Article 18§2 – simplifying formalities and reducing dues and taxes*

Cases of non-conformity

¹ The European Committee of Social Rights (ECSR) makes a legal assessment of the conformity of national situations with the European Social Charter, the 1988 Additional Protocol and the revised European Social Charter. It adopts conclusions in the framework of the reporting procedure and decisions under the collective complaints procedure (Article 2 of the Rules of the ECSR).

Health

► *Article 7§9 – working conditions between the age of 15 and 18 (regular medical examination)*

The legislation does not guarantee regular medical examination for young workers aged under 18 in prescribed occupations.

► *Article 8§1 – right to maternity leave and benefits*

Swedish legislation does not provide for a period of at least six weeks compulsory postnatal leave.

Education

► *Article 7§3 – prohibition of employment under the age of 15*

The mandatory rest period during school holidays for children still subject to compulsory education is not sufficient to ensure that they benefit from such education.

Movement of persons

► *Article 18§3 – right to simplification and liberalisation of formalities related to immigration*

1. Rules governing the access to the employment market for nationals of States Parties to the Revised Charter or to the 1961 Charter are too restrictive;

2. Residence permit extensions for foreign workers who have lost their job in order to provide sufficient time for a new job to be found are not granted.

► *Article 19§§8 and 10 – right to guarantees in case of expulsion*

A migrant worker expelled on grounds of national security may not appeal to an independent body². This also applies to self-employed workers.

Employment

► *Article 4§1 – right to a fair remuneration*

There is no evidence that the right to a remuneration that ensures a decent standard of living is guaranteed for a single worker earning the minimum wage.

► *Article 4§4 – right to notice of dismissal*

Provisions of collective agreements may provide, to an excessive extent, for derogations from the statutory period of notice on dismissal.

► *Article 5 – right to organise*

There is no protection in law of the freedom not to join a trade union where a closed shop operates and closed shop and priority clauses are found in practice.

► *Article 29 – right to information and consultation in collective redundancy procedures*

No provision is made for some possibility of recourse to administrative or judicial proceedings before redundancies are made to ensure that they are not put into effect before the consultation requirement is met.

Non-discrimination

Sex

► *Article 20 – right of women and men to equal treatment and opportunities in employment*

Employment insurance legislation involves indirect discrimination against women working part-time.

Nationality

► *Article 10§5 – full use of facilities available*

Foreign students are subject to a length of residence requirement for entitlement to financial assistance for training.

² RecChS(95)10 adopted on 22 May 1995 by the Committee of Ministers (renewed on 14 December 1995).

