REGERINGSKANSLIET

Juni 2001

First Report

submitted by the Government of Sweden

in accordance with Article 21 of the Revised European Social Charter on the measures taken to give effect to the following provisions of the

Revised European Social Charter
– Articles 1, 5, 6, 7, 12, 13, 16, 19 and 20 for the period 1st January 1999 to 31st December 2000.

In accordance with Article 23 of the Revised Charter, copies of this report have been communicated to

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ARTICLE 1

THE RIGHT TO WORK

1:1

QUESTION A

See appendix 1, Tables 1, 1a

Labour market policy is implemented through a variety of labour market policy instruments. These can take the form of what are traditionally termed *labour market policy programmes,* or else of *labour market services* (the core services being placement, counselling and vocational rehabilitation). The various labour market policy instruments interact with one another in a functional sense. To make this interaction as efficient as possible, they are included, through the Employment Service, in an organisationally integrated system, the purpose of which is to attain the objectives defined for labour market policy by government and parliament. Parallel to placement, counselling and vocational rehabilitation, the various labour market policy programmes play an important role in improving the matching of jobseekers and job vacancies. A jobseeker's action plan can sometimes include several programmes as a means to the end of achieving permanent employment in the regular labour market.

Labour market policy programmes can be classified in many different ways. They are, for example, divided into *counter-cyclic programmes* and *programmes for the occupationally handicapped,* the rule being for programmes in the first mentioned category to be adapted to the current economic situation, while those in the second category must correspond to the needs of the individual, whatever the economic situation.

The *programmes for the occupationally handicapped* category is intended to ensure that occupationally handicapped persons have a share in labour market policy resources. The most important of these programmes are wage subsidies and public sheltered employment, which serve to provide the employer with compensation commensurate with the disabled employee's functional impairment. In addition, occupationally handicapped persons have priority in the context of the *counter-cyclic programmes* which, with just one or two exceptions, are funded out of the budget allocation for *labour market policy measures.*

The counter-cyclic programmes in turn may be divided into *supply-side* and *demand-side* programmes. The first mentioned category is aimed at influencing the supply of labour so as it bring it closer into line with demand in both the short and long term. This is the case with employment training, the biggest counter-cyclic programme in terms of both expenditure and number of participants. The second category is concerned with raising labour demand when necessary, through economic incentives for temporary jobs/work experience opportunities or the bringing forward of recruitment plans. Operationally, counter-cyclic programmes are sometimes also divided into programmes involving *activity support/training allowance* and programmes involving *recruitment subsidies.* Activity support means the individual receiving support corresponding to what he or she receives in the form of unemployment compensation. If the individual is not entitled to unemployment compensation, a smaller, predefined amount is payable. Recruitment subsidies mean that an employer hiring an employed person is allowed a grant or tax reduction.

Programmes for the occupationally handicapped comprise various forms of sheltered employment, subsidised by the State. This employment can be with business enterprises (State-owned or private), municipal authorities, county councils, State utilities or non-profit organisations. The most severely disabled can also obtain sheltered employment with a State-owned company, AB Samhall, which has been commissioned by the Government to provide meaningful and developmental employment for some 26,000 occupationally handicapped persons. Samhall has a regional policy brief and has to maintain nation-wide coverage. In addition it has a placement target whereby, each year, at least 5 per cent of the disabled employees shall proceed to regular employment.

The programmes accounting for the biggest items of expenditure in labour market policy are programmes for the disabled (totalling upwards of MSEK 10,000) and employment training and work experience (over MSEK 8,000). See appendix 1, Table 1a.

In addition to labour market policy programmes there are special funding allocations for project activities. Labour market policy projects comprise initiatives undertaken conjointly with the Employment Service and other agents in the labour market. The projects must be of such a kind that they cannot be arranged in the context of other labour market policy programmes, and their emphasis must be calculated to strengthen the prospects of individual persons obtaining and keeping a job. This is a way of promoting non-traditional initiatives in labour market policy. Expenditure on non-traditional initiatives during 2000 exceeded MSEK 480.

In August 2000 the Public Employment Service (PES) introduced an Activity Guarantee program. Its express purpose is to improve the employability of jobseekers who have been registered with the PES for a long time (more than two years) or who risk becoming long-term registered. Participation in the Activity Guarantee includes working together with a guidance officer from the employment office, taking an active part in drawing up an individual action plan, looking for work and participating in suitable labour market programs. The participants do not leave this guarantee programme until they get a job that lasts six months, start a regular education or choose to leave the programme for other reasons. By the end of the year 2000 about 24 000 persons had participated in this programme.

Reference is also made to the previous report.

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See appendix 1, Tables 2 and 3.

Expenditure on labour market policy measures has successively declined over the past five years and for 2000 totalled MSEK 65,424. The volumes of active measures have on the whole conformed to labour market development, with a turning point in 1998, when the number of persons taking part in active measures began to diminish. During the past five years the proportion of active measures has exceeded the proportion of passive ones.

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See appendix 1, Tables 4, 6.

Most (54.6 per cent) of the participants in regular labour market programmes during 2000 were men. The proportion of women has declined somewhat since 1997, when it was 48.7 per cent (as against 45.4 in 2000). (See appendix 1, Table 6.)

The proportion of non-Nordic nationals taking part in programmes has declined since 1996, according to statistics from the National Labour Market Board. Non-Nordic nationals in 2000 constituted 11.1 per cent of participants in the counter-cyclic programmes; see appendix 1, Table 4. On the other hand the proportion of non-Nordic nationals taking part in programmes for the occupationally handicapped has been steadily rising since 1997 and for 2000 was 3.9 per cent; see appendix 1, Table 4.

The fastest growing age group among programme participants is persons aged between 55 and 64, who comprise 15.7 per cent of all programme participants in 2000. The steepest percentage decline among programme participants concerns those aged between 20 and 24. The proportion of participants with functional impairment has risen since 1997 and in 2000 is 18.6 per cent; see appendix 1, Table 6.

Reference is also made to the previous report.

QUESTION B

See appendix 1, Tables 5, 5a, 6, 7.

Labour market developments have remained positive. Employment has risen since 1997. Official Swedish statistics (AKU, the labour force survey, which is the source referred to in this section unless otherwise indicated) indicate that upwards of 74.2 per cent of the population between the ages of 16 and 65 were employed in 2000; see appendix 1, Table 5. This equals 95.3 per cent of the labour force for that year. The metropolitan counties had the highest employment level (75.3 per cent), while the forest counties, at 71.2 per cent, had the lowest. Men were more extensively employed than women (76.1 per cent as against 72.2 per cent). In percentage terms, employment has grown most in financial and commercial services (by 30.4 per cent between 1995 and 2000; see appendix 1, Table 5a). It has declined most, again in percentage terms, in agriculture, forest industry and fisheries (by 20.7 per cent between 1995 and 2000).

The number of indefinite-term employees has continued to increase. The proportion of temporary employees and self-employed persons has declined somewhat between 1999 and 2000; see appendix 1, Table 7. Temporary employees in 2000 constituted 13.7 per cent, self-employed persons 10.3 per cent. The proportion of self-employed was far greater among men than among women (14.5 and 5.7 per cent respectively). On the other hand the proportion of temporary employees was higher among women (16.4 per cent as against 11.1 per cent for men).

The proportion of part-time employees has declined somewhat and in 2000 was 21.7 per cent. Part-time hirings are very much more frequent among women (35.1 per cent) than among men (9.5 per cent).

During 2000, unemployed persons aged between 16 and 65 equalled 4.7 per cent of the national labour force and 3.6 per cent of the national population. Women had a lower unemployment rate: 4.3 per cent of the labour force (3.2 per cent of the population) as against 5 per cent (4 per cent) for men; see appendix 1, Table 5. All age groups showed an improvement, except for young persons between the ages of 16 and 19, whose unemployment showed a marginal increase to 9.6 per cent as compared with 9.4 per cent – the lowest level in five years – for 1999. Statistics from the National Labour Market Board show an unemployment rate of 4.1 per cent for persons aged between 15 and 64 in 2000; see appendix 1, Table 6. The same source indicates that 9.4 per

cent of non-Nordic nationals were unemployed in 2000, as compared with 12.8 per cent in 1998.

The number of unemployed has increased in the group which has been out of work for between 18 months and three years; see appendix 1, Table 6a. The biggest increase (by 79 per cent) in this kind occurs in the group unemployed for between 19 and 24 months.

Reference is also made to the previous report.

QUESTION C

See appendix 1, Table 8.

Most of the new job vacancies reported to the Employment Service have been in caring services, education and other services. Caring services reported the largest proportion of vacancies (24 per cent of all new vacancies reported). The great majority of job vacancies (65 per cent in 2000) were for 6 months or more.

Information in respect of conclusions XV-1

"Employment situation":
Fourth paragraph: See under Article 1:2 Ethnic discrimination III.

Fifth paragraph: Certain figures are inaccurate or have been calculated by a different method from that used in this year's report. The proportion of long-term unemployed fell from 28.9 per cent in 1997 to *28.6* per cent in 1998, not to 22 per cent; see Table 3, page 40 of "Nineteenth Report". Figures for 1995-1996 are also wrong, the correct figures being approximately 24 per cent for 1995 and 26 per cent for 1996. The proportion of long-term unemployed has on the whole conformed with the trade cycle. The AKU definition of long-term employed has been altered for 1999 and 2000. Figures available for these years are not comparable with those supplied previously.

Seventh paragraph: See under Article 1:1, Question B, second and third paragraphs. It can be added that 78 per cent of part-time employees worked more than half-time (20 hours) in 2000.

"Employment policy"
Sixth paragraph: *The Discrimination at Work (Prohibition of Persons with Functional Impairment) Act (1999:132)* was passed by the Riksdag and entered into force on 1st May 1999. The proportion of unemployed disabled persons obtaining work rose by 23 per cent between 1999 and

2000 (from 4.3 per cent in 1999 to 5.3 per cent in 2000). This is twice the increase for all unemployed (9.4 per cent).

1:2

QUESTION A

Ethnic discrimination

I. New legislation on measures to counteract ethnic discrimination in working life.

A new Ethnic Discrimination at Work (Prohibition) Act has been in force since 1st May 1999. The term ethnic discrimination refers to discrimination on grounds of race, colour, national or ethnic origin or reasons of belief. The Act prohibits both direct and indirect discrimination irrespective of any discriminatory intent on the employer's part. It requires employers to take active measures to promote ethnic diversity in the workplace. The Act affords protection against ethnic discrimination in the entire recruitment process, as well in the treatment of employees.

The Ombudsman against Ethnic Discrimination shall investigate and, as a last resort, take labour law cases to court when complaints have been submitted by individuals. The Ombudsman is also to see to it that employers work actively to promote ethnic diversity in the workplace. The Ombudsman also has certain tasks in cases concerning discrimination in other areas of society.

In order to assist employers in their work to promote ethnic diversity in the workplace, the Ombudsman has published and disseminated a "handbook for active measures" with advice and examples of best practices of such work. Another handbook – "Recruiting without discrimination" – written by the Ombudsman together with other ombudsmen has also been published.

II. Diversity as a starting point

The new integration policies in force since 1998 build on the assumption that society's ethnic and cultural diversity should be used as the point of departure for shaping general policies and their implementation in all sectors and at all levels of society.

The Government therefore, has in June 1999, resolved on a number of measures in this respect. They include the following.

An Action Plan for Diversity for the Government Offices has been adopted. The Plan includes a number of concrete measures to be taken during 2000-2002.

Public authorities have been instructed to draw up action plans on how to promote ethnic diversity among the employees.

All public authorities are to mainstream society's ethnic and cultural diversity in their regular work.

Several public authorities have been instructed to report on how they included the integration perspective in their regular work during 2000.

III. Increasing employment among immigrants.

Although the labour market position of people with immigrant backgrounds has improved considerably during the last few years, this group still has a higher unemployment rate than others. Immigrants, therefore, are a prioritised group in labour market policies, and the Government has allocated MSEK 100 (approximately € 11 million) per annum during 2000 through 2003 for specific measures to increase employment among immigrants. These measures include the following.

Additional training for immigrants with a non-Swedish education in health and medical care, teaching, technical or natural sciences.

Training for unemployed immigrants in primary and elderly care.

Validation of non-Swedish professional competence.

Improved Swedish language training for new arrivals.

Promoting of ethnic/cultural diversity within public administration and private companies, mostly within social sciences, data, law and economics.

Guidance for immigrants on how to set up and run a small business.

IV. Metropolitan policies

In 1998 a new policy area was introduced – metropolitan policies. The goals of metropolitan policy are:

To lay the foundations of sustainable growth in the metropolitan regions: In this way, metropolitan policy should contribute to the creation of new employment opportunities in both the metropolitan regions and the country at large;

To stop social, ethnic and discriminatory segregation in the metropolitan regions, and to work for equal and comparable living conditions for people living in the cities.

The policy is being pursued through agreements on local development between the Government and seven municipalities in urban areas. The Government contributes up to half of the cost of initiatives taken within the framework of these agreements. The agreements should be seen as a permanent alteration in the forms of co-operation between the state and the municipalities, and not as a temporary programme.

The Government has for this purpose decided to allocate nearly MSEK 2,000
(€ 220 million) for a three-year period from July 1999.

V. A National Action Plan against racism, xenophobia, homophobia and discrimination.

As part of the work towards a National Action Plan against racism, xenophobia, homophobia and discrimination, the Government in April 2000 commissioned the Ombudsman against Ethnic Discrimination and the National Integration Office to provide information and training for people in key positions, e.g. in the labour market, on mechanisms behind ethnic discrimination as well as the legal provisions against ethnic discrimination.

In January 2001 the Government put forward A National Action Plan against Racism, Xenophobia, Homophobia and Discrimination.

An overall objective of this Plan is to help mobilise the whole of our society – national administration, municipalities, unions, employers' organisations, businesses, NGOs and individuals – in the struggle for a Sweden where every individual is respected regardless of colour, ethnic or national background, religious belief or sexual orientation.

This Action Plan has a number of specific and concrete proposals concerning both working life and other areas of society. The proposals include initiatives concerning the long-term promoting of democratic values, improved legislation, increased awareness about discrimination, support for local work, the role of NGOs and the strategic role in this context for The National Integration Office. Important elements of the Plan concern ways of co-operation between the Government and other actors, not least NGOs.

Two of the ideas put forward in the Action Plan are:
The Government will work with the objective that existing possibilities of applying anti-discrimination clauses in public procurement ("contract

compliance") should be used to their full extent. Such clauses could be seen as a tool to counter discrimination and promote equal rights

The possibilities are to be explored of combining Government economic support with conditions related to non-discrimination.

The Plan also lays down that a non-discrimination perspective must be clearly reflected in most policy areas.

VI. A National Action Plan for Human Rights.

In May 2000 an inter-ministerial working group has been appointed to draft a National Action Plan for Human Rights. This Action Plan should, among other things, identify initiatives that can improve the promotion and protection of human rights, in working life and other areas of society.

VII. Power and influence

In September 2000 the Government appointed a commissioner to analyse the distribution of power and influence within different areas of Swedish society from an integration perspective. The findings, due to be presented in December 2003, can be expected to form the basis of further initiatives aimed at promoting integration, not least on the labour market.

VIII. Sanctions and remedies in cases of discrimination in employment

Slightly simplified, the provisions on sanctions and remedies in cases of ethnic and cultural discrimination in working life, as laid down in the Ethnic Discrimination at Work (Prohibition) Act, are as follows.

If, through a term in a contract with the employer, an employee is discriminated against in a manner forbidden by the Act, the term shall be modified or declared *void* if the employee so requests. If the term is of such importance in relation to the contract that it cannot be reasonably required that the contract shall otherwise remain in effect, the contract can be modified in other respects or be declared void in its entirety.

If an employee is discriminated against in any manner forbidden by this Act through the employer terminating a contract or taking any other similar legal action, the legal action shall be declared *void* if the employee so requests.

If a job applicant is discriminated against, the employer shall pay *damages* to the person discriminated against for the violation of integrity that the discrimination involves.

If an employee is discriminated against, the employer shall pay *damages* to the employee for the loss that arises and for the violation of integrity that the discrimination involves.

If an employee is subjected to retaliatory action by the employer, the employer shall pay *damages* to the employee for the loss that arises and for the violation of integrity that the retaliatory action involves.

Discrimination based on age

The EU *Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation* includes protection against discrimination based on age. The Swedish Government has established a commission that will investigate how Sweden is to implement this directive. The commission will submit its report by 1st July 2002.

Discrimination based on sex

See under Article 20.

Concerning other grounds for alleging discrimination, reference is made to previous reports.

QUESTION B

Ethnic discrimination

a-b

A number of main employers' and employees' organisations have set up a committee, the Council for Diversity in Working Life, to support, follow and develop diversity in the labour market.

A working group comprising representatives of trade unions, the National Integration Office and the Ombudsman against Ethnic Discrimination has been set up to find methods of making local union representatives better informed about laws against discrimination.

The Ombudsman against Ethnic Discrimination shall actively increase the awareness of employers and employees as well as their respective organisations concerning the provisions of the Ethnic Discrimination at Work (Prohibition) Act.

The Ombudsman shall work together with authorities, business, and organisation in order to counter and prevent ethnic discrimination in different areas of society.

In April 2000, as mentioned under Question A,V, the Government commissioned the Ombudsman against Ethnic Discrimination and the National Integration Office to provide information and training for key people in key positions, e.g. in the labour market, on mechanisms behind ethnic discrimination as well as the legal provisions against ethnic discrimination.

Discrimination based on sex

See under Article 20.

Concerning other grounds for alleging discrimination, reference is made to previous reports.

QUESTION C

See under Article 5.

PROHIBITION OF FORCED LABOUR

QUESTIONS D, E, F

Reference is made to the latest report to the ILO concerning ILO Convention number 29 (Forced labour), appendix 2.

Reference is also made to previous reports.

QUESTION G

Information concerning the conditions under which work is carried out in prison establishments:

The work done by inmates of Swedish prison establishments is aimed at readjusting them to society. Under the Prison Treatment Act (1974:203), employment, e.g. in the form of work or education, is both the right and the duty of a prisoner. The obligation to work does not, however, apply to pensioners.

Work in prison establishments is done under the auspices of the prison and probation service. It can take the form of manufacturing or service activity as well as in-house services (such as cleaning, kitchen assistance and snow clearance). Often it takes the form of relatively unskilled manufacturing work in workshops. The prisoner is entitled to remuneration for his or her work. The normal rate of pay is about SEK 9 per hour. A small proportion of the payment received has to be set aside for use in connection with furlough and release.

At certain prison establishments inmates can receive market-adjusted payment, the normal rate for which is SEK 22 per hour. The purpose of market-adjusted payment is to give prisoners an opportunity of putting their finances in order before release.

The provisions of the Work Environment Act concerning the quality of the work environment, supervision, penalties etc. also apply to prisoners doing work allotted to them.

To facilitate social adjustment, a prisoner can be granted permission to leave the prison during working hours in order to work. Permission of this kind is granted primarily if the prisoner needs induction into working life before being released. The prisoner is not entitled to receive payment from the State for work done for an employer outside the prison establishment.

Further information on the Swedish prison and probation service is available on the home page of the National Prison and Probation Administration: http:/ / www.kvv.se

Information in respect of conclusions XV-1

Jämo (the Office of the Equal Opportunities Ombudsman) is empowered, under the Equal Opportunities Act, to bring contentious cases of alleged discrimination before the Labour Court. This is subject to the assent of the individual employee whom the dispute concerns, and also to Jämo finding that the dispute involves an important precedent or that there is otherwise special cause for taking it to court.

Recently (February 2001) the Labour Court returned judgement in a case where, in 1997, Jämo sued a county council for pay discrimination against two midwives who compared their rates of pay with that of a hospital technician. The claim concerned pay discrimination in connection with equivalent work.

During the Labour Court proceedings the question arose of how pay comparisons are to be made, i.e. whether they should be confined to basic rates or should also include compensation for unsocial working hours (payment for unsocial working hours and a certain reduction of working time). This question was referred to the ECJ, which in a judgement on 30th March 2000 endorsed Jämo's view that only basic rates of pay were to be compared. In its recent judgement in the case (AD 2001 No. 13), the Labour Court found that Jämo had shown the midwives to have done work which was to be considered equivalent of that done by the hospital department engineers. The Labour Court, however, accepted the explanations given by the employer for the differences in pay – the different ages of the midwives and the hospital technician and the importance of the market and collective agreements – and found the employer to have established that the differences in pay had nothing to do with the sex of the employees.

In another case before the Labour Court, to which Jämo had added another case through an action brought in 1998, Jämo and the employer agreed on an extra-judicial settlement in November 1999, before any decision was made by the Court. That case concerned pay discrimination of a dialysis nurse who compared her rate of pay with that of a hospital

engineer. Here again the question was one of equivalent work. Under the settlement reached, the dialysis nurse received both the pay rise claimed by Jämo in the case, though not retroactively, and half the damages which Jämo had sued on the nurse's behalf.

At present Jämo has three discrimination cases pending in the Labour Court. Two of these concern pay discrimination in connection with equivalent work (intensive care unit nurses and midwives comparing their rates of pay with those of hospital engineers). These cases were filed in 1998 and 1999 respectively and it is expected that both will be decided during 2001.

During 2000, finally, Jämo brought one more case before the Labour Court, alleging that the employer had been guilty of sex discrimination by entering into a contract of service and immediately afterwards unilaterally cancelling the same on learning that the woman was pregnant. The Labour Court's decision in this case is expected during the current year (2001).

The Labour Board is currently (March 2001) trying a case of pay discrimination in connection with equal work, filed by a trade union organisation. The case concerns the State (a county administrative board) as employer and discrimination of female social welfare inspectors at the county administrative board who compare their rates of pay with those of male social welfare inspectors who were hired considerably later. The Labour Board's judgement in this case is expected in May 2001.

1:3

QUESTION A

See appendix 1, Tables 8, 9.

The percentage of jobseekers obtaining work after being enrolled at the Employment Service has risen steadily since 1996 (appendix 1, Table 9). Altogether 11.4 per cent of PES jobseekers in 2000 obtained work. A larger proportion of women did so (11.9 per cent, as against 11.1 per cent of the men). Work was most easily obtained by the 20-24 age group (18.2 per cent). The group experiencing most difficulty was older person aged between 55 and 64, only 5 per cent of whom obtained work. Work was obtained by 8.2 per cent of non-Nordic nationals and 5.3 per cent of persons with functional impairment.

Most of the unemployed persons obtaining work were re-hired or were jobseekers wishing to remain registered with the PES (part-time employees, temporary employees or job-changers; see appendix 1, Table 9a).

The number of job vacancies has risen uninterruptedly since 1996. First-time vacancy reports in 2000 totalled 522,457. The proportion of vacancies of more than six months' duration grew considerably during the same period and in 2000 was 65 per cent (as against 53 per cent in 1996).

The largest proportion of vacancies registered with the PES came from the caring services (24 per cent of all vacancies). Teaching and other service occupations were also in demand. On the other hand the already small proportion of job vacancies in agriculture, forestry and fisheries declined still further (amounting to only 1 per cent for 2000)

QUESTION B

During 2000 several of the employment offices started to reorganise in order to be able to respond more adequately to the demands of employers and jobseekers.
For several years AMS has been developing self-service instruments to better serve those jobseekers and employers who can handle the matching process themselves. This development continued during 1999 and 2000, and new instruments in this respect were introduced.

Within the employment offices the different roles of the employment officers were redefined accordingly. The three main professional tasks are information, counselling and coaching. Work to introduce and implement these roles is still going on.

The activities of the former employability centres have during the last two years gradually been integrated with the work of the employment offices, so as to bring this kind of services closer to the customer and avoid a time-consuming process of handing over responsibility for the client from one unit to another. As a result of the integration, most of both the tasks and the funding for staff have been transferred to the employment offices. Most counties retain a small organisational unit of specialists such as psychologists and nurses. Their role is to serve the needs of the client on a consultative basis, while ultimate responsibility for the client remains with the employment office. Remaining units also include some special employment offices for certain groups of occupationally handicapped, often with a responsibility that extends over several counties.

Within the counties there is an ongoing process of reorganising the employment offices as units covering natural labour market areas. This is intended to improve the planning process so that it will meet the demands of the labour market as adequately as possible. Another advantage is that staff and funding for labour market programs can then be more flexibly deployed. The process has not entailed the closure of any local employment offices but can rather be looked upon as a co-ordination of offices into larger units with common leadership, budgets and staff.

QUESTION C

In April 1999 AMS put forward a policy to be adopted towards private companies, providing temporary work, staffing and recruiting services. The government had already lifted the ban on private placement services in 1993. The new policy means that the employment offices should give the same service to these as to other employers. This does not, however, include suggesting suitable applicants when these companies are involved in direct recruiting services. (The public employment offices should not – for free – help the Recruiting Company to perform services for which they in their own turn charge the client-company.) There have also been a few projects where the Public Employment Service co-operates with private staffing and recruiting firms to find new forms of employment services. So far this has only occurred on a local, experimental basis.

The activities of private employment agencies are governed by the rules applying to other employers and also by the Private Employment Agencies and Manpower Rentals Act (1993:440)

Special agreements exist between trade unions and manning and recruitment enterprises. In addition, the Swedish Association of Temporary Work Businesses and Staffing Services (SPUR), the largest representative organisation in this sector, has statutes and ethical guidelines defining more closely the responsibilities of the employers concerned.

QUESTION D

Traditionally the Swedish Public Employment Service is organised with supervisory bodies at different levels. These bodies – at central regional and local level –include persons who represent trade unions, employers, municipalities and various other organisations having an interest in a certain field, for example the services given to jobseekers with occupational disabilities. This was further strengthened by a rule that the

representatives nominated by the municipality should constitute a majority of the local employment service committee.

QUESTION E

Reference is made to the previous report.

Information in respect of conclusions XV-1

See under Question C.

1:4

Reference is made to the previous reports.

ARTICLE 5

THE RIGHT TO ORGANISE

QUESTION A

Reference is made to the previous report.

a. The right to organise on the labour market is expressly regulated by Swedish labour law, *viz* Section 7 of the *Employment (Co-Determination in the Workplace) Act*, appendix 3. The right to organise applies equally to employers and employees of all categories. Under the Act, it implies the right of *belonging* to an organisation, the right of *utilising* membership of an organisation, the right of *working for* an organisation and the right of *working for formation* of an organisation. In conclusion, there is no prohibition or restriction in law of any category of workers or employers from forming or joining an organisation.

Questions concerning the structure and workings of the organisation and its members' status are not governed by law. On these matters the organisations create their own rules (statutes). Thus the question of admission to an organisation and the question of which members may hold positions in the administration or management are regulated by the organisations themselves. Under the statutes of most organisations, everyone working within a certain recruiting area is entitled to admissions. If a person is denied admission, a court of law may adjudicate the decision and declare that person entitled to admission. Other decisions within the organisation may also be made a subject of litigation, in which case the court applies general legal principles. Judicial precedent indicates among other things that organisations are obliged to treat all members equally.

b-d. Reference is made to the previous report.

QUESTION B

Reference is made to previous reports.

In addition:

a. See under Question A.

b. *Pre-entry closed shop clauses in practice*
On 5th April 2001 the Government held a meeting with representatives of the Swedish Trade Union Confederation, the Swedish Building Workers' Union, the Swedish Electricians' Union, the Swedish Painters' Union, the Confederation of Swedish Enterprise and the Swedish Construction Federation to investigate the actual prevalence of pre-entry closed shop clauses in the Swedish labour market today, and also to discuss what can be done to overcome the problem of such clauses still in fact existing.

The following facts emerged from the deliberations. Pre-entry closed shop clauses do not exist any longer in collective agreements in the Swedish labour market, nor do they exist in substitute agreements signed between individual employers and various unions today. Nor do clauses of this kind exist in earlier substitute agreements signed by the Swedish Electricians' Union or the Swedish Painters' Union. On the other hand, pre-entry closed shop clauses do occur in earlier substitute agreements concluded between individual employers and the Swedish Building Workers' Union, which are still in force. The total number of existing substitute agreements concluded by the Swedish Building Workers' Union is about 9 000.

The Government's deliberations with the social partners have already yielded concrete results. In May and August 2001 the Swedish Building Workers' Union instructed its various branches to send a letter to all employers with which they had a substitute agreement containing a pre-entry closed shop clause. The instructions from the Swedish Building Workers' Union calls for the latter to inform employers that the Swedish Building Workers' Union does not intend to insist on the clause being put into effect or to otherwise invoke it. (See appendices 4 and 5.)

Judgement from the Labour Court involving the negative right of association
In March 2001, the Labour Court pronounced a judgement involving the negative right of association. The parties in the case were the Swedish Construction Federation and the Swedish Building Workers' Union. The case concerned certain regulations in the collective agreement between the parties stipulating that a deduction of a certain percentage should be made on outgoing salaries and that this deduction should be paid to the contracting trade-union organisation as compensation for the organisation's review of salary records. The Swedish Construction Federation maintained that this procedure violates the rights of unorganised employees to remain outside the trade union and referred to Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The Labour Court ruled that the pay deduction used to pay the review fees cannot be placed on an equal footing with compulsory unionism, nor can it be regarded as subjecting unorganised employees to force or pressure to become members of the union. The

procedure thus does not entail a violation of unorganised employees' negative right of association, according to the Court.

The judgement is enclosed in its entirety (see appendix 6).

QUESTION C-E

Reference is made to the previous report.

Information in respect of conclusions XV-1

Right to join or not to join a trade union

See under Question B.

Representativity

The question of representativity for the purpose of collective bargaining is a matter exclusively for the trade unions and the employers. The Government does not intervene even in practice. According to the Employment (Co-Determination in the Workplace) Act (appendix 3), trade unions which have collective agreements with employers have *a right* to collective bargaining. This means in practice, that smaller trade unions without any collective agreements can have some difficulties in making themselves heard.

The trade union organisations themselves nominate their permanent and alternate candidates for official bodies. Prior to nomination for any official body, the Government always calls upon the nominating body to propose one man and one woman. Otherwise the nominating bodies have a completely free hand in choosing their candidates.

The Government's annual budget includes a special funding allocation for the social partners. For 2001 the Government has earmarked MSEK 74 (upwards of ECU 8m.) to be applied among other things to the activities of regional safety delegates. This funding is allotted to the Swedish Work Environment Authority, which then makes disbursements in response to requests by the social partners.

ARTICLE 6

THE RIGHT TO BARGAIN COLLECTIVELY

6:1

Reference is made to the previous reports.

6:2

QUESTION A

Reference is made to the previous reports.

In the industrial and commercial sectors, co-operation agreements have been concluded which contain procedures for collective bargaining, as described in a previous report. In addition, co-operation agreements have been concluded in the national and local government sectors, as described below under Article 6, para. 3.

As regards indications of the number of negotiations and agreements concluded during the period referred to, it can be noted that a large number of agreements have been concluded on different levels. There are more than 200 collective bargaining areas for which nation-wide collective agreements are concluded and then to a great extent implemented through collective agreements at local level. The trend in recent years has been for nation-wide agreements to be concluded for three-year periods.

QUESTION B

Reference is made to the previous reports.

QUESTION C

A National Mediation Office was set up on 1st June 2000 to mediate in labour disputes and to promote the efficiency of wage formation. The Office is described below under Article 6, para. 3.

One question on which the Swedish State proposes intervention through legislation, i.e. a circumscription of the scope for concluding collective agreements, concerns old age pensions. At present the point at which employees are entitled and obliged to retire on old age pension is not, in principle, governed by law. In the absence of collective provisions, however, the employee is required, under Section 33 of the Security of Employment Act, to retire at age 67 if the employer so requests. Instead the right and obligation of employees to retire on old age pension is normally governed by pension agreements concluded between the social partners, or else through private agreements or through a special statutory instrument for certain occupational categories. At present, under collective agreements, retirement is usually mandatory at age 65 for the majority of employees in the Swedish labour market. In March 2001 the Government introduced a Bill on old age pensions, aimed at introducing wider security of employment so as to give employees a genuine opportunity of increasing their pensions in keeping with the terms of Sweden's pensions system. The Bill provides for a new, peremptory provision to be added to the Security of Employment Act, entitling, but not obliging employees to remain employed until age 67. The proposed provision means that in future it will not be permissible to conclude agreements making retirement obligatory before the age of 67. Agreements in derogation of the peremptory right will be invalid. It is proposed that this statutory amendment take effect on 1st September 2001. A special interim provision has been proposed, to avoid interfering with current collective agreements. That provision lays down that collective agreements concluded before the new provision enters into force will remain valid, the new peremptory provision of the Security of Employment Act notwithstanding, until the agreement concerned has expired, though at most up to and including 2002.

Information in respect of Conclusions XV-1

Concerning Article 6, para. 2, the Committee has asked to be kept informed of developments regarding the setting up of a mediation institute. Reference is here made to the reply given under Article 6, para. 3.

6:3

QUESTIONS A-C

The National Mediation Office

A new authority called the National Mediation Office was established on 1st June 2000, at the same time as the National Conciliators' Office was abolished. The National Mediation Office has a more extensive remit than the National Conciliators' Office and, in addition to its task of mediating in labour disputes, shall also work to promote the efficiency of wage formation.

The task of promoting the efficiency of wage formation includes the Office taking early action, e.g. by summoning the parties to deliberations or otherwise apprising itself of impending or current collective negotiations.

The Office should also
- seek to induce the social partners to draw up timetables for collective negotiations with a view to concluding new agreements before the preceding agreement expires, as well as facilitating the co-ordination of timetables where appropriate,
- hold consultations with the social partners on the socio-economic preconditions for their negotiations and
- utilise and maintain the broad consensus existing in the labour market on the wage-setting role of the competitive sector and, where appropriate, encouraging collective agreement duration periods conducive to efficient wage formation and endeavouring to ensure that negotiations in internationally competitive collective bargaining sectors are concluded first in the event of parallel negotiations being conducted.

The National Mediation Office is responsible for the annual publication of a report on pay developments, while the National Institute of Economic Research is responsible for the compilation of an annual report on the socio-economic preconditions for wage negotiations. The National Mediation Office is the national authority responsible for official wage statistics as from 1st January 2001.

Rules applying to collective bargaining and disputes

Subject to the consent of parties negotiating for collective agreements, the National Mediation Office can appoint one or more negotiation leaders or mediators. If there is a risk of industrial action or industrial action has already commenced, the Office is entitled to appoint mediators without the consent of the social partners, but this does not apply if the social partners are bound by a registered agreement on negotiating procedure which contains rules, e.g. on mediation, resembling the so-called Industrial Agreement. Agreements of this kind

also exist in the national and local government sectors and between employers and salaried staff in the trade and service sectors.

The mediator shall endeavour to bring about an agreement between the parties. To promote a good solution to the dispute, the mediator can put forward independent proposals for an agreement. The mediator shall also try to induce a party to postpone or cancel direct action.

The period of notice for industrial action is being extended from seven days to seven working days. The party omitting to notify the National Mediation Office can become liable to pay the State a notification charge of at least SEK 30,000 and up to SEK 100,000.

The National Mediation Office, acting at the mediator's request, may, where conducive to a good solution, order a party to postpone impending direct action for up to 14 days. A postponement order may be issued once per mediation remit. A party taking industrial action contrary to an order by the Office may become liable to pay the State an increased notification charge of at least SEK 300,000 and up to MSEK 1.

These amendments entered into force on 1st June 2000.

Co-operation agreements

Co-operation agreements resembling those already reported from the industrial and commercial sectors have been concluded in the national and local government sectors.

The national government sector

The co-operation agreement for the national government sector is aimed at enabling the parties at central and local levels in the national government collective bargaining sector to carry on constructive collective negotiations without resorting to industrial action. The parties are agreed that the course and outcome of pay talks in the national government collective bargaining sector shall contribute towards national economic balance and shall not disrupt the efforts of the competitive business sector to achieve a movement of costs on a level with the outside world. For the promotion of constructive negotiations aimed at concluding central collective agreements, the parties have set up the Joint Committee for the national government sector which is headed by an impartial chairman. They have also set up the Joint Council for the national government sector consisting of representatives of local parties and responsible for the intentions of central agreements being given effect at local level.

Within three months of a general agreement on rates of pay etc. ceasing to apply, or in connection with a party renouncing such an agreement,

the parties to the agreement shall set a timetable for negotiations. The basic assumption shall be that a new agreement should be concluded before the current agreement has expired. If the parties are unable to agree on a timetable, the Joint Committee shall define one. The negotiations begin by the parties communicating their claims to each other and to the Joint Committee in writing. After negotiations on general agreements concerning rates of pay etc. have opened, no further claims may be presented.

If a party requests mediation or the Joint Committee refers a negotiating issue for mediation, the Joint Committee shall without delay appoint one or more impartial advisers to mediate between the parties. The impartial advisers can, on their own initiative and according to what they judge beneficial for the negotiating process between the parties, resolve to order the parties to investigate and define individual negotiation issues, and also put forward proposals for the resolution of the negotiating issues. A party wishing to opt out of the mediation must obtain a statement from the impartial advisers concerning their assessment of the feasibility of further mediation. Mediation shall be deemed concluded when a party having completed his duty of mediation has informed the counter-party and the Joint Committee in writing that he is opting out of the mediation.

Before giving notice of industrial action, a party shall inform the counter-party and the Joint Committee of his intention of giving such notice and his reasons for doing so. The Joint Committee shall refer the negotiation issue without delay to impartial advisers for mediation, unless mediation has taken place previously. Once mediation has been requested by a party or the Joint Committee has resolved on it, and while mediation is in progress, the parties to the dispute may not commence or notify each other of industrial action.

The Joint Committee can order mediation to continue and postpone industrial action announced by a party until it judges all possibilities of a negotiated settlement to have been exhausted, but at most for fourteen calendar days. The Joint Committee can then propose to the parties concerned that the negotiation issue be resolved through arbitration. If a party on the employee side resorts to industrial action, all claims to retroactive implementation of rates of pay and other benefits under the central agreement will be lost, unless otherwise agreed between the parties.

The local government sector

The local government agreement on negotiating procedure is aimed at creating the best possible opportunities for conducting central negotiations on rates of pay and general conditions of service with results which are economically reasonable for the sector. In this way the

parties wish to contribute towards efficient wage formation which will lead to good growth, high employment and low unemployment. The negotiations shall to the greatest possible extent take place without recourse to industrial action. The parties note that the competitive sector has a wage-setting role and, where appropriate, negotiations in internationally competitive collecting bargaining areas can be concluded first if negotiations are conducted simultaneously.

The basic assumption is for the parties to conclude new agreements on rates of pay and general conditions of service etc. before the previous agreements have expired. Another important basic principle is that wage formation should be stable, long-term and conducive to development, efficiency and quality in the activity concerned and should make provision for the equal opportunities aspect. Pay developments should also proceed in harmony with pay developments in the world at large.

Central negotiations on rates of pay and general conditions of service shall be planned and conducted by the parties concerned with the aim of concluding them before the previous agreement has expired. The negotiations shall begin, three months before the expiry of the current agreement, with the parties presenting their claims. After this, claims may only be presented if a party is able to show that he was impeded from presenting it in time.

At the time of the expiry of central agreements on rates of pay and general conditions of service, the parties shall be assisted by a negotiating mediator. The parties concerned shall jointly appoint mediators tasked with assisting them in their collective negotiations. The negotiation mediator is empowered to resolve on his own initiative to order a party to investigate or to define individual negotiation issues, to present independent proposals for the resolution of the negotiating issues and to postpone impending direct action until all conceivable possibilities of a solution have been exhausted, though at most for a continuous period of 14 calendar days per industrial action or enlargement thereof. A measure of this kind may only be taken once per mediation remit.

A party intending to give notice of direct action shall inform the negotiation mediator before doing so. Notice of industrial action shall be given to the counter-party and negotiation mediator at least 14 days in advance. A party may not give a counter-party notice of industrial action or commence industrial action after mediation has been requested in a labour dispute or while such mediation is in progress. In the event of industrial action announced by an employees' organisation entering into force, the right to retroactive pay benefits will cease.

Reference is also made to previous reports.

6:4

QUESTION A

Reference is made to previous reports.

QUESTION B

Reference is made to previous reports.

Information in respect of Conclusions XV-1

The Committee's overview in its conclusions regarding who is entitled to resort to industrial action is correct.

QUESTION C

Reference is made to the previous reports.

A new provision, however, has been added to Section 41 b of the Employment (Co-Determination in the Workplace) Act, to the effect that an employee may not take or participate in industrial action for the purpose of concluding a collective agreement with an undertaking which does not have any employees or where only the entrepreneur or members of the entrepreneur's family are employees and sole proprietors. The same applies to industrial action for the purpose of supporting anyone wishing to conclude a collective agreement with such an undertaking. Industrial action taken contrary to this provision is to be deemed unlawful.

Information in respect of Conclusions XV-1

With the exception of the new provision of Section 41 B of the Employment (Co-Determination in the Workplace) Act, the Commission's overview of restrictions on the right to strike is correct.

New procedural provisions, however, have been added to the Employment (Co-Determination in the Workplace) Act with the establishment of the new National Mediation Office as from 1st June 2000. This question has been partly touched on with reference to Article 6, para. 3. It can be added that the duty of notification does not apply in

connection with what is termed a recovery blockade, i.e. if an employee takes part in a blockade duly resolved on by an association of workers for the purpose of obtaining payment of a clear and matured claim to wages or to other remuneration for work done.

Co-operation agreements have also been concluded in several collective bargaining areas. Among other things they include provisions, supplementing the rules of the Employment (Co-Determination in the Workplace) Act, on the procedure for resorting to strike action. The co-operation agreement for the national and local government sectors has been dealt with under Article 6, para. 3. The co-operation agreements for the industrial and commercial sectors have been described in a previous report.

QUESTION D

Reference is made to previous reports.

QUESTION E

Reference is made to the previous reports.

The above mentioned co-operation agreements contain provisions on claims to the retroactive implementation of rates of pay and other conditions of service. For further particulars, see under Article 6, paragraph 3.

QUESTION F

See appendix 7.

ARTICLE 7

THE RIGHTS OF CHILDREN AND YOUNG PERSONS TO PROTECTION

7:1

QUESTION A

Reference is made to the previous report (Questions A and B under Article 7, para. 1).

The National Board of Occupational Safety and Health has changed its name to the Swedish Work Environment Authority. The Labour Inspectorate is now a part of the Work Environment Authority.

QUESTION B

Reference is made to the previous report (Question B under Article 7, para 1).

Section 9 of the Provision of the Swedish Work Environment Authority on Minors at Work (AFS 1996:1) indicates requirements for work to be done by persons aged under 16. Work of this kind shall be simple and free from danger. Special requirements apply concerning the disposition of working hours and daily and weekly rest. The General Recommendations on the implementation of the Provisions include an enumeration (see below) of simple and non-dangerous tasks suitable for 13- and 14-year-olds. That list is intended to indicate the level of difficulty which can be deemed appropriate. One important factor which can decide whether or not the work is appropriate concerns the duration and frequency of the individual working operation.

Office work: Work at a personal computer or terminal. Typing, inputting, sorting, picking and filing work, sorting of mail, photocopying.
Commercial work: Light duties as a retail assistant (not check-out work). Window-dressing etc., price-labelling.
Restaurant work: Light work on tray carrying and general duties at self-service counters, in cafes and suchlike.

Agriculture, forestry and horticulture: Light feeding work, light manual sowing and planting, weeding of beds and small cultivated areas, picking of fruit and soft fruit.
Distribution work etc.: Light courier or delivery work (not carriage of cash and valuables).
Precision engineering work: Basic manual assembly (not soldering/brazing or gluing capable of injuring health).
Engineering work: Manual assembly of small items (not soldering/brazing, riveting or welding).
Electrical engineering work: Manual assembly of small items (not soldering/brazing, testing or of work on a live electrical installation, not gluing capable of injuring health).
Woodwork and joinery: Manual assembly (not gluing capable of injuring health).
Painting: Painting (not paint-spraying) using paint which is not dangerous for health.
Printing and allied trades: Sorting, picking etc. of light printing products. Manual trimming, e.g. of prints or copies.
Glass and ceramics: Manual polishing of finished glass, china and ceramic products.
Packing and wrapping: Placing, packing, bundling of small items, labelling (not machine-tending). Manual folding and gluing of cartons. Light gluing work, using glue which is not dangerous for health.
Warehouse and storeroom work: Reception, storage and issue of light articles. Marking and counting work.
Body and beauty care: Assistance in a hairdressing salon (but not using substances dangerous for health).
Photographic work: Mounting and sorting of copies, where there is no risk of contact with fluids dangerous for health.
All sectors: inspection and control of light products (not technical testing).
Cleaning work: Light cleaning work. Light outdoor clearance duties.

QUESTION C

Compliance with current rules is verified through the supervisory activities of the Work Environment Authority. Supervisory work includes inspections of workplaces. On these occasions information is supplied concerning current rules and a check is made to see if there are any minors at the workplace and, if so, whether the rules applying to minors are being complied with. The Work Environment Authority compiles information material on current rules, e.g. in the form of brochures and overhead transparencies. Current Provisions can be accessed on the Authority's home page.

7:2

QUESTION A

Apps. 1 and 2 of AFS 1996:1 contain lists of hazardous jobs from which persons under 18 are disqualified.

App. 1:

List of certain hazardous tasks prohibited under Section 5, subject to the exception there stated.

Rock work:
Rock work above and below ground.
All other rock construction work below ground, in mines and quarries. This prohibition does not apply to work in rock caverns which are completely secured against falling stones.

Exceptions under Section 5(1) to the prohibitions in 1 (a) and (b) are subject to the presentation of a medical certificate.

Work involving the risk of falling objects etc.:
Clearance of slopes and removal of overhangs in gravel pits, sand pits and clay pits.
Earth moving involving the risk of burial under spoil.
Demolition of buildings or structures.
Assembly and disassembly of structural elements normally handled with a lifting device.
Assembly and disassembly of load-bearing and supportive structures in a pre-cast building.

Work at great heights:
Work involving a risk of falls and where the height above ground or the equivalent level exceeds 3.5 metres. This prohibition also applies if the risk of falls is prevented by means of a lifeline, horizontal ladder or suchlike. The prohibition does not apply if there is a safety rail or equivalent safety device.

Loading and unloading of ships:
Work on loading, unloading or mooring of ships.
This prohibition does not apply to manual loading, unloading or mooring of ships if the hull is less than 12 metres in length or less than four metres wide.

Nursing etc.:
Work in an intensive care unit, infectious disease ward, emergency ward, psychiatric ward and dialysis ward, as well as other dialysis work. Care of substance abusers.
Care and transport of deceased persons.
Work with hazardous waste of the kind referred to in the Provisions of the National Board of Occupational Safety and Health or Work Environment Authorities on Hazardous Waste.
Work in home help services and home nursing with clients suffering from mental illness or substance abuse problems.
Exceptions under Section 5(1) to the prohibitions in 5 (a) – (d) are subject to the presentation of a medical certificate.

Work entailing danger of violence:
Transport of money and valuables to or from a financial institution or repository.
Security work as referred to in the Security Companies Act (SFS 1974: 191).

Work with animals:
Handling of bulls.
Rounding up, anaesthetisation, linking and sticking in all types of slaughtering.

Work with experimental animals as referred to in the Provisions of the National Board of Occupational Safety and Health or Work Environment Authority on work with laboratory animals.
Work with other animals which can be presumed dangerous. (AFS 2000:31)

Work on railways or trackways:
Driving of a locomotive or other track-bound traction vehicle. Shunting work, including the coupling of wagons and carriages.

Work with tractors, motorised implements, vehicles etc.:
Work as a driver or operator of the following vehicles and implements.
Tractors with winch, loader, harvester or excavator unit or front-loader with implement.
Tractor with a lifting device other than three-point coupling.
Forest trailer with loading unit or winch, skidder, forwarder.
Off-road scooter.
Motorised implement intended for construction, heavy engineering and roadwork.
Lifting truck. An exception is made, however, for a truck with a total weight (combined weight of truck, driver and maximum load for which the vehicle is equipped) of less than 2 tonnes if the work is done under the supervision of an instructor and on level, horizontal and surfaced ground.
Harvester, feller, limber and slasher, as well as combinations of the same for timber-cutting.
Scarifier, sowing or planting machine in forestry, shrub clearance machine, rotary cultivator, rotary hoe, rotary mowing machine, combine harvester and snow blower.

Work with mechanically powered lifting devices, ropeways or conveyors:
Work as a driver or operator of the following mechanically propelled lifting devices.
Lift, fodder hoist, crane, overhead crane, telfer, stacking crane, mobile work platform, vehicle hoist, suspended scaffold, permanent façade hoist, tailgate hoist, winch, ski-lift and other ropeway, dragline bucket, cableway, roundabout, roller coaster and suchlike fair ground device.
This prohibition does not apply to the operation of a permanently installed push-button lift. Nor does it apply to the operation of a telfer, lift block or suchlike for lifting one's own work piece in connection with machine work.

Work with mechanically powered technical devices, tools etc.:
The following prohibitions as per (a) – (h) apply only to devices whose output or power rating is so high that contact with their moving or machining parts entails a risk of injury.
The prohibitions as per (a) – (d) do not apply to a device where the risk in question is prevented by technical safety measures, e.g. two-handed

control or a light curtain. Nor does it apply to a device having a guard, e.g. enclosure or screen, of such a kind that the tools are inaccessible, in compliance with Provisions of the National Board of Occupational Safety and Health or the Work Environment Authority on Machinery and Other Technical Devices. The prohibition does, however, apply if the safety devices have to be set manually.

Work with the following mechanically driven devices, tools etc. is prohibited. The prohibition also applies to other devices having other names but with the corresponding modes of operation and risks:
Wood-working and metal-working machines:

Band, frame, jig and circular saws, a chain mortising machine, shears, a blanking and cutting machine.
Barking, cross-cutting, chopping and splitting machines.
Milling, cutter, planing and vertical drilling machines as well as lathes.
Mechanical, hydraulic and pneumatic presses, power shears, blanking and bending machines, edging machines, drop hammers, forging hammers, die-casting machines, nailing machines, concrete manufacturing machines, injection moulding machines, platen punching machines, gilding machines, clothes presses, compression presses and refuse presses.
Machines with an open roller or screw.

Machines for food handling:

mixing, grinding, crushing and chopping machine. Rinding machine, grating machine, centrifuge, band and circular saws for meat, slicers and packing machines. Clip machine, sausage filler, chop cutter, dicing machine, dough dispenser.
Power chain saw, bush saw, bush cleaner with metal blade, e.g. for undergrowth clearance, powered hedge trimmers and cross-cut grinding machine.

Vibrating hand-held tools:

Percussion drill, pneumatic chisel, oscillating grinding machine, percussive nut runner, concrete vibrator, riveting hammer, rock drilling machine, breaker and bounding-up machine.
The prohibition does not apply to temporary work with a percussive drilling machine or oscillating grinding machine (less than 30 minutes' work in the course of a working day).

Nailing machine and bolt gun.

The prohibition does not apply to a nailing machine for insertion objects with a mass not exceeding 0.3 g and an insertion length not exceeding 25 mm.

Devices for cleaning, painting, rust-proofing and suchlike with a working pressure exceeding 1 MPa (10 bar).
(i) Open-blast cleaning. (AFS 2000:31)

<u>Overhaul, maintenance and repair work</u>:

Overhaul and repair of a high-voltage installation. Work on or in dangerous proximity to a live part of such an installation.
Inspection and repair of pressure vessels, vacuum vessels, piping and open storage tanks which, under Provisions of the National Board of Occupational Safety and Health or the Work Environment Authority, are subject to inspection.
Lubrication, cleaning, repair and comparable overhaul of a motor, machine, transmission or other mechanical device when in motion, if the moving parts of the device are accessible.
Pumping and work in direct connection with the pumping of

-tyres for busses, lorries and trucks with trailers and for aircraft to pressures exceeding 300 kPa (3 kp/cm^2)

-tyres for tractors and other motorised implements than trucks and for trailers for such vehicles to pressures exceeding 150 kPa (1.5 kp/cm^2)

-tyres of the same type as those mentioned above but intended for other purposes, to pressures exceeding 300 and 150 kPa respectively.

(e) Repair and comparable overhaul of a mechanical device permanently connected to the electricity supply or some other permanent energy source. (AFS 2000:31)

Work with hazardous substances:
Work with a chemical product or hazardous substance formed in the course of work and, under the Provisions of the Chemicals Inspectorate on the Classification and Labelling of Chemical Products, is referable to one of the danger classes
Highly toxic,
Toxic,
Allergenic,
Carcinogenic,
Mutagenic,
Possible risk of impaired fertility,
Corrosive, with the risk phrase Causes Severe Burns, R 35 or
Dangerous for health, with the risk phrases
Possible Risk for Irreversible Effects, R 40 or
Danger of serious damage to health by prolonged exposure, R 48.
The prohibition does not apply to occasional filling of benzene-containing gasoline in vehicles or motorised implements used by the minor in the course of work. The prohibition does, however, apply to other kinds of work with such gasoline.
Work with an explosive product as referred to in the Flammables and Explosives Ordinance (SFS 1988:1145).
Work with the production of filling, storage or use of gas.

> The prohibition does not apply to work with closed gas containers of less than 30 litres. Nor does the prohibition apply to the use of air, LPG or town gas.

Work with pesticides referable, under the Pesticides Ordinance (SFS 1985:836) to Class 1 or 2.

> The prohibition also applies to work with forest seedlings treated with such chemical pesticides.

Production or processing of a metal alloy or other substance with special risk of ignition, such as a metal alloy with high magnesium content or comparable readily ignitable substances.
Cutting and welding with gas, electricity or laser.

> The prohibition does not apply to spot, press or seam welding in a machine if the work is arranged in such a way that the risk of crushing and exposure to welding smoke are averted.

Work with material containing asbestos. See also App. 2, point 3.
Work with quartz or quartz-bearing material in conditions of such a kind that, under provisions issued by the National Board of Occupational Safety and Health or the Work Environment Authority, employees shall undergo medical examination.
Exceptions under Section 5(1) to the prohibitions under 13 (h) are subject to the presentation of a medical certificate.
(i) Work with lead or with material containing lead, in conditions of such a kind that, under provisions issued by the National Board of Occupational Safety and Health or the Work Environment Authority, employees shall undergo medical examination.

Exceptions under Section 5(1) to the prohibitions under 13 (i) are subject to the presentation of a medical certificate.
(j) Work in an environment entailing such exposure to a hazardous substance that respiratory protective equipment needs to be used.
Work in a confined space where gas or vapour in a concentration dangerous for health, a dangerous concentration of methane or some other flammable gas vapour, or a dangerously low concentration of oxygen can occur.
Work with wastewater, sewage sludge or night soil within a sewerage or latrine facility.
Work on premises where micro-organisms are used which belong to safety Class 2 as referred to in the Ordinance of the National Board of Occupational Safety and Health (AFS 1992:8) containing Provisions on Biological Substances.
Other work entailing a special risk of contact with micro-organisms.
Work involving harmful exposure to aromatic polycyclic hydrocarbons in soot, tar, pitch, smoke or dust. (AFS 2000:31)

Closely controlled work
Work done as piecework or on contract or with a similar incentive pay arrangement and controlled by the technical system or other factors preventing the minor from regulating his or her own working pace.

App. 2
List of certain hazardous tasks which are entirely prohibited under Section 7

1. Work done under water or under elevated pressure in a pressure tank, caisson or suchlike (diving work).
2. Work which, in the case of adults, may only be done by special permission of the supervisory authority under Provisions issued by the National Board of Occupational Safety and Health or the Work Environment Authority. (AFS 2000:31)
3. Demolition work which, in the case of adults, may only be done by special permission of the supervisory authority under Provisions issued by the National Board of Occupational Safety and Health or the Work Environment Authority. (AFS 2000:31)
4. Work with experimental cancer research or work taking place on the same premises as such research work.
5. Work on premises where micro-organisms are used which belong to safety Class 3 or 4 as referred to in the Ordinance of the National Board of Occupational Safety and Health (AFS 1992:8) containing Provisions on Biological Substances.
6. Other work entailing a special risk of contact with micro-organisms.
7. Work entailing a palpable risk of contact with human blood which is or is very likely to be disease-carrying.

QUESTION B

Reference is made to the previous report.

QUESTION C

Reference is made to the answer made to Question C under Article 7, para 1.

Information in respect of conclusions XV-2

Between 1996, when the number of reports was 110, and 1999, accidents to minors rose by 30%, whereas accidents for all age groups rose by 10%. According to the Labour Force Surveys (AKU) compiled by Statistics Sweden, the number of 16- and 17-year-olds employed rose by 12% and the number of persons employed between the ages of 16 and 64 rose by 3% during the same period. Reported work accidents to minors in 1993 totalled 143, and of these 103 (73%) involved boys. One accident was fatal (there were one and three fatalities in 1998 and 1996 respectively). Most of the work accidents to minors reported in 1999 involved high school (upper secondary school) students (38%). The commonest accidents to boys were machine and handling accidents, while the commonest accidents to girls were caused by persons/animals and falls. It was above all other persons, knives and stairs that were involved in these accidents. Cuts to the hand were the commonest injury to boys and sprained or pulled muscles among girls. Just over one victim in four had less than a week's experience of the task. The corresponding figure for all age groups was 5%. 28% of accidents occurred in June and July.

7:3

QUESTION A

The obligation to attend school ceases at the end of the spring term in the calendar year when the child is 16 years old.

QUESTION B

Reference is made to the previous report.

With regard to the minors' right to leave from work during the summer holiday, the following information – which was asked to be supplied in this report by the Governmental Committee – shall be added and taken into consideration. The summer holiday for children in Sweden is very long. The holiday is not less than 10 weeks'; normally it is 11 weeks'. The Government has considered four weeks' continuous leave from work during the holiday as enough for letting the children rest in order to benefit from the coming school year.

The nature of the work performed by these children: see the reply to Question B under Article 7:1, above.

QUESTION C

Reference is made to the answer made to Question C under Article 7, para. 1.

Information in respect of conclusions XV-2

Work by minors on school days:
The Work Environment Authority, through the Work Environment Inspectorate, supervises compliance with the terms of permission granted by the school management. If necessary, the Authority requests a statement from the school. In practice, the amount of work done by minors before or after school is small, but there are no statistics concerning the type of work which can be involved or the extent of it.

Summertime work by minors
The school summer holiday in Sweden is at least ten weeks long, sometimes lasting for 11 or 12 weeks. This means that Sweden does not meet the Committee's stipulations that minors shall not be allowed to work for more than half the summer holiday. Under Swedish rules (AFS 1996:1) minors shall have at least four weeks' continuous leave during the summer holiday, which is probably sufficient for rest and recovery before going back to school. In practice, the problem in Sweden is not that young people work too much during the summer holiday but if anything the contrary, i.e. that teenagers have difficulty in finding things to occupy themselves with during the long summer holiday. To prevent young people going idle, local authorities try to arrange work for them during a few weeks of the summer holiday.

Supervision by the Work Environment Inspectorate with reference to AFS 1996:6:
See under Question C, Article 7:1.

7:4

QUESTION A-B

Reference is made to the previous report.

QUESTION C

Reference is made to the answer made to Question C under Article 7 para. 1.

QUESTION D-E

The rules apply to all minors.

7:7

QUESTION A-D

Reference is made to the previous report.

QUESTION E

Reference is made to the answer made to Question C under Article 7, para. 1.

7:8

QUESTIONS A-E

Reference is made to the previous report.

QUESTION F

Reference is made to the answer made to Question C under Article 7 para. 1.

7:9

QUESTIONS A-B

Reference is made to the previous report.

In addition the following information – which was asked to be supplied in this report by the Governmental Committee – shall be added and taken into consideration.

In Sweden we believe that the protection of minors from risks at work should be achieved through *preventive* measures. The purpose of Swedish work environment legislation is to prevent ill health and accidents being caused by work. Aiming at protecting minors at work, the following two provisions are *fundamental* and in practice very important. Under Section 2 in the Ordinance on Minors at Work the employers have far-reaching duties of taking into consideration all factors of the working environment which can imply a risk to the health and safety of a minor, in both a physical, mental and social respect. A minor shall only perform tasks for which the employer can guarantee adequate safety. Section 3 stipulates that if necessary in order to assess whether the work entails a special risk to a particular minor employee's health or safety, the assessment shall be based on a check, recurrent if necessary, of the minor's health. This is a duty of the employer. The Work Environment Inspectorate supervises the employer's compliance with the requirements of these rules. In the event of breaches of the rules, the Inspectorate can issue an injunction requiring the employer to take certain action. The Inspectorate can also issue a prohibition with a contingent fine for non-compliance. With regard to work of hazardous nature, it must be underlined that *the principle rule* in the legislation stipulates that minors shall not be engaged to perform work of a hazardous nature. (See Section 5 in the Ordinance on Minors at Work.) The occupations of a hazardous nature are listed in the law. The legislation permits minors to perform work of a hazardous nature in two different situations. The first exception is if the work is performed as part of *teacher-controlled teaching*. The other exception is if the minor has fulfilled the compulsory school attendance and has at least the age of 16 and either the work is performed as part of *vocational training*, guided directly under a special instructor or the minor has fulfilled vocational training for that particular work. The exceptions are very limited and restrictive and the aim is of course to prevent risks and to protect minors at work. For certain of those occupations of a hazardous nature, there is

an *additional condition* for the application of the exceptions. That is the request of a medical certificate. *The legislation requires a medical certificate in those cases where a certificate as such can eliminate or reduce any risks.* One example of this is work within the health care service. On the other hand, for some types of work of a hazardous nature, a certificate of a doctor would not have any effect of eliminating or reducing the risk of the minor. Then it would be meaningless with such a requirement. One example of such an occupation is work where there is a risk of collapse of a building. The hazardous occupations are considered to be hazardous because of *objective*, mechanical circumstances. If an occupation is considered to be dangerous for a minor because of individual, personal reasons, the above mentioned sections 2 and 3 apply. According to Art 7:9 in the Charter, the contracting parties decide them selves which type of occupations that should be regarded as hazardous. Sweden has chosen to include not only occupations for which a medical control of the minor can prevent the risks, but also other types of hazardous occupations, where we have identified risks which can not be prevented by medical control. The Government believes the minors should be protected even in those cases. Offences against Section 5 on work of hazardous nature are punishable by fines. The Work Environment Inspectorate can also in this case issue an injunction requiring the employer to take certain action or issue a prohibition with a contingent fine for non-compliance.

QUESTION C

Reference is made to the answer made to Question C under Article 7 para. 1.

7:10

QUESTIONS A-C

Reference is made to the previous report.

QUESTION D

Children living in a vulnerable situation are in need of society's support and protection. Various groups of children are usually mentioned in this connection: children subjected to physical or mental abuse and sexual

abuse, children of substance abusers, children of mentally ill parents, children of intellectually disabled parents, children of battered women, and neglected children. It is hard to say how many children can be included in the vulnerable child category. Many such children have a composite problem panorama and occur in more than one group. In addition, the children's situation can be further affected by other social factors, such as social isolation, overcrowding and financial problems. Statistics concerning these children are deficient and need to be improved. There is a dark figure concerning children's vulnerability. It is important to observe and assess children's need of community help with reference to the child's problems rather than his/her being a part of a particular group.

The child perspective in the Social Services Act was reinforced in 1998. Under the new provisions, measures affecting children should be taken with due consideration for their best interests, and a child is entitled to be heard in matters which concern him/her. If a child is to be placed away from home, the possibility should be investigated of the child living with a relative or some other closely connected persons. Clearer rules now also apply concerning child care investigations.

The situation of children whose parents are in custody, including the prison and probation system, has been observed within the social services. Questions arising include how the child's need of contact with a parent in custody is to be provided for, and also the provision of parental education and improved visiting conditions to benefit prisoner's children.

The Government has appointed a parliamentary committee to provide a more adequate conspectus of the occurrence of child battering and of development needs in different professions coming into contact with children. The committee's remit is to investigate child battering and related issues.

Several NGOs are working to promote children's interests and to focus attention on conditions for children at risk. One such example is BRIS (Children's Rights in Society), which operates the Children's Helpline. Many children call this number to describe their vulnerable situation. Swedish Save the Children operates a crisis reception for children and young persons. Many groups of children at risk have been observed through the advocacy activities of the NGOs. This applies, for example, to children who have witnessed violence in the home and to lone children who have come to Sweden in order to apply for residence permits.

It is important to prevent *children becoming victims of crime*. When children are nevertheless subjected to criminal acts, it is essential that they should be helped in a manner conforming to high standards of

knowledge, empathy and legal security. Several statutory amendments have therefore been enacted in recent years, aimed at strengthening children's position in the legal process.

These changes have included the entitlement of children to a *special representative* where the custodian or a third party closely connected with the custodian is suspected of committing a criminal offence against the child. The purpose of this legislation is to improve the possibilities of investigating such criminal suspicions and also to prevent any further abuse of the child.

The penal provisions on *sexual offences* have been amended to strengthen safeguards for children against sexual abuse and to further emphasise the serious view taken by penal legislation of sexual abuse of children. A parliamentary committee has now been tasked with reviewing the provisions on sexual offences. Where sexual offences against children are concerned, the review is to be based on the stipulations of the CRC.

The new crime of *gross violation of integrity (grov fridskränkning)* was added to the Penal Code in 1998. This penal provision applies to crimes committed, for example, by parents against their children, and specifically underlines the gravity of repeated criminal behaviour towards others in close relations.

As a result of amendments to the legislation on *child pornography*, all dealings with child pornography have now, in principle, been criminalised. At the same time, an aggravated offence has been introduced with a special scale of penalties. The National Criminal Investigation Department has a specialised group for fighting child pornography offences. To support its activities, a digital reference library has been compiled which at present contains over 200,000 images. A new law on liability for electronic notice boards was passed in 1998. The person supplying an electronic notice board is now obliged to remove messages that are obviously of such a kind as to constitute child pornography offences, for example.

Young offenders, especially those committing criminal offences before they are 18, receive special treatment under Sweden's penal system. Basically, the main responsibility for young offenders devolves on social services, and these offenders shall as far as possible be excluded from the prison and probation system generally and from prison in particular. A new penalty – closed juvenile care – was introduced in 1999 for persons committing criminal offences before the age of 18. The intention is for this penalty on the whole to replace prison sentences for the age category concerned.

For some years now, several municipalities have been operating *mediation activities*, whereby offender and victim meet, by reason of a

criminal offence, in the presence of an impartial mediator. The Government has commissioned a special investigator to investigate and analyse the appropriate role of mediation for young offenders in the judicial system.

The proportion of young persons consuming *alcohol* has increased somewhat in recent years. The main increase concerns the percentage of young persons becoming intoxicated. Swedish youngsters, however, continue to start drinking later than the majority of young persons elsewhere in Europe. One important reason for this is the restrictive alcohol policy that has existed in Sweden for a long time and whose main component is the protection of young persons.

The Government recently introduced a bill proposing a five-year national action plan for the prevention of alcohol-related injuries. This plan provides for the strengthening and development of measures aimed at preventing children and young persons from consuming alcohol. High priority is given to measures aimed at deferring the onset of alcohol consumption and to achieving an alcohol-free childhood and adolescence.

The Government takes a serious view of existing signs of a growth of *drug abuse* among young persons, and is keeping a close watch on these developments. The Government considers it extremely important to retain the vision of a drug-free society and to further stimulate popular opinion against the acceptance of drug abuse. A parliamentary commission has been engaged since 1998 on a review of drug policy measures. The work of this commission is to be followed up in an action plan for the drugs sector, on the same lines as the plan already drawn up concerning alcohol.

Tobacco is a serious public health problem and the cause of the majority of pandemic diseases. Sweden's legislation on tobacco is restrictive by international standards. The introduction of non-smoking restaurants is currently being considered as a means of reducing tobacco consumption. We are working to protect children and young persons from beginning to use tobacco and have made a great deal of headway in combating tobacco consumption. Nine out of ten smokers begin smoking before they are 18. Differences in smoking habits between the sexes are especially prominent in the lower age groups. More girls than boys smoke. See "Up to the age of 18", (appendix 8).

Sexual transmitted diseases
Sweden has from an international perspective a fairly stable situation when it comes to the prevalence of STIs and HIV in the general population.

HIV is still a very rare infection among young people under 25 years of age in Sweden. The most common STI among young people is chlamydia infection. Chlamydia infection has been on the decrease in Sweden for many years. From 1988 to 1994 the number of diagnosed cases decreased by 54 %. This trend was broken in 1994 and the number of cases in 1999 increased by 23 %. In 1999 the mean age at diagnosis was 22.7 years for women and 25.5 years for men. Eighty-six percent of all cases were in the age group 15-29 years. Statistics in Sweden show that there were a higher proportion of women that was diagnosed with chlamydia infection, 58 % for women compared to 41 % for men in 1998. During the 1990´s the proportion of men has steadily increased due to screening programmes, more effective diagnostic methods and prevention programmes targeting young men. Gonorrhoea infection has increased during the last three years although from rather low rates. Eighty-five percent of the cases are men with a mean age of 33 years for men and 25.5 for women respectively. The majority (64 %) of the men were infected abroad and 62 % of the women were infected in Sweden.

In Sweden young people receive education about sexuality and personal relationships both in primary and secondary school. Education about sexuality has been obligatory since 1955. Youth centres, where young people obtain information about sexuality, STI´s and protection against pregnancy have been in existence since the 1980´s. The centres, which also offer gynaecological examinations and screening for STIs, are staffed by midwifes, social workers and medical doctors often gynaecologists. Young women can get prescription of contraceptives. Traditionally, young women use the youth centres more than young men but this is slowly changing due to special efforts on reaching young men.

QUESTION E

Reference is made to previous reports.

Information in respect of conclusions XV-2

Information on the review of the sexual offences legislation:
See above under article 7:10.

Prohibition of the use of children in the sex industry. Supervisory system and sanctions.
Swedish legislation (see below) prohibits the use, supply or offer of children for pornographic purposes. Authorities, e.g. the police, social welfare authorities and the Work Environment Authority, supervise compliance with these provisions. The sanctions available are stated below.

Under Chap. 6, Section 4 of the Swedish Penal Code, a person engaging in a sexual act with a child under 15 can be convicted of sexual exploitation of a minor. Chap. 6, Section 7(1) also makes it a punishable offence in other cases to sexually touch a child under 15 or to induce the child to undertake or participate in an act of a sexual nature.

Chap. 6, Section 7(2) also makes it a punishable offence to induce, by coercion, seduction, or other improper influence, a person between the ages of 15 and 18 to undertake or participate in an act of a sexual nature if the act is an element in the production of pornographic pictures or constitutes pornographic posing in circumstances other than those relating to the production of a picture. Participation which is voluntary in every respect, however, does not come within the scope of this provision. If, however, payment has been promised, for example, then the requirement of a person having been induced to participate is probably satisfied.

Under Chap. 16, Section 10 a of the Penal Code, all dealings in child pornography are in principle criminalised. Accordingly this provision applies, among other things, to the production of child-pornographic images. To promote or improperly exploit financially another person's prostitution is punishable as procuring or gross procuring (Chap. 6, Sections 8 and 9 of the Penal Code). Whoever by promising or giving recompense obtains or tries to obtain casual sexual relations with a person under the age of 18 can be convicted of seduction of youth (Chap. 6, Section 10 of the Penal Code).

In addition to the provisions of the Penal Code, there is other legislation which can be applicable when minors have sexual intercourse in return for payment or engage in sexual posing. Under the Work Environment Act (1977:1160) a minor may not be engaged for or perform work in a manner which entails a risk of harmful effects on the minor's health or development (Chap. 5, Section 3(1)). A minor is defined as a person under the age of 18 (Chap. 5, Section 1). The engagement of a minor for posing in a sex club is contrary to this legislation. The same applies if children under 18 are used as photographic models for pornographic material or are engaged in massage parlours or posing studios. The Work Environment Authority has the power to intervene with an injunction or prohibition in cases where a minor has duties of the kind referred to in Chap. 5, Section 3 (Chap. 7, Section 7). A person in breach of such an injunction or prohibition can be fined or sentenced to up to one year's imprisonment (Chap. 8, Section 1).

Under powers conferred by the Care of Young Persons (Special Provisions) Act (LVU) (1990:52), social welfare authorities can intervene coercively, for example, if a young person is exposing his or her health or development to a palpable risk of harm through socially degrading behaviour, as for example when a young person appears in a

sex club or is involved in prostitution (Section 3). The police can also intervene, for example, when young persons pose in sex clubs or are involved in street prostitution. The Police Act (1984:387) empowers the police to take in charge a person presumably under the age of 18 if he or she is found in circumstances which manifestly imply an imminent and serious risk to his or her health and development (Section 12).

ARTICLE 12

THE RIGHT TO SOCIAL SECURITY

12:1-3

Reference is made to previous reports.

Changes in legislation

Administration
Work to develop the technical systems within the social insurance administration continues. In future it will for example be possible to fill in forms at the social insurance offices' website.

General
Social Security agreements
Sweden and the Netherlands have concluded a new agreement on the waiving of reimbursement for the cost of benefits in connection with sickness, maternity, accidents at work and occupational diseases, and the cost of administrative and medical controls. The agreement is retroactive as from 1st January 1994.

Base amount
During the period to which this report refers, the base amount, by which several benefits under the Swedish social security system are calculated, was raised as follows.

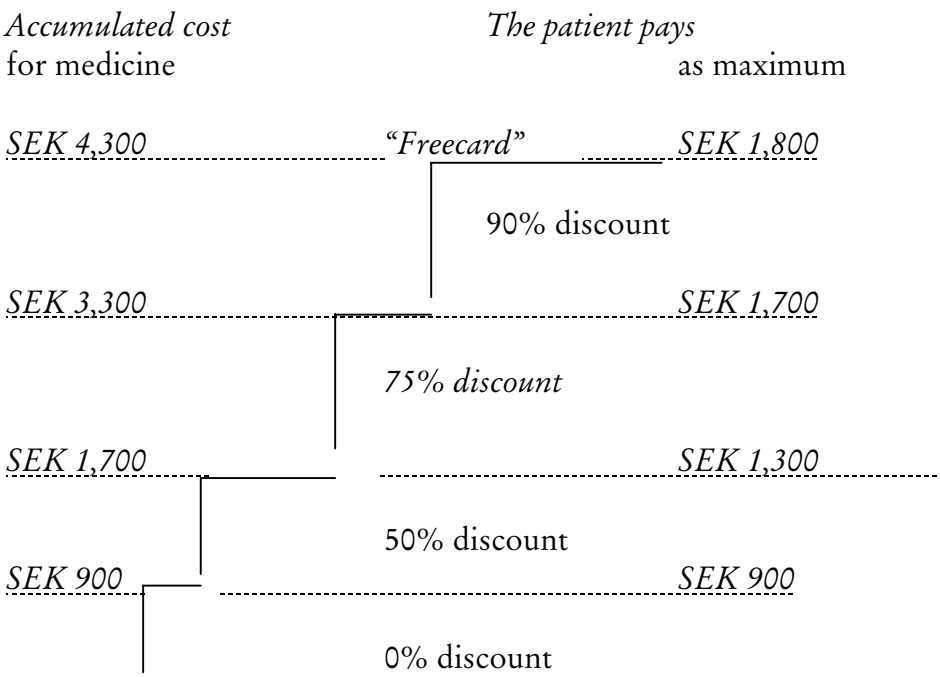
Year	Base amount
1999	SEK 36,400
2000	SEK 36,600

Medical care
Pharmaceuticals
On 1st June 1999, the Swedish Riksdag (parliament) changed the amount of reimbursement for medicines on prescription.

During a 12-month period the maximum cost for medicines to the patient is SEK 1,800 counted from the first day of purchase of medicines during this period. No reimbursement is possible up to an accumulated sum of SEK 900 during a 12-month period.

Total cost of person medicine:	The private person pays:		The private person pays:
up to SEK 900	100%	of the total cost	SEK 900
SEK 901-1,700	50%	of the total cost	SEK 900-1,300
SEK 1,700-3,300	25%	of the total cost	SEK 1,300-1,700
SEK 3,300-4,300	10%	of the total cost	SEK 1,700-1,800
SEK 4,300-	0%	of the total cost	SEK 0

"The Benefit Stair" shows the calculation:



Dental care

New dental care legislation came into force on 1st January 1999. Dental care is a free market, i.e. charges for dental care differ between dentists and between dental hygienists. The insurance reimburses dentists and dental hygienists with a fixed amount. The Government changes the amounts every year. A list of the fixed tariffs for the year 2000 is attached.

Dental care is divided into basic dental care and into prosthetics and orthodontics. Dental care can be subscribed for two years at a fixed price. The patient pays the difference between the dentist's price and the reimbursement.

The reimbursement for prosthetics and orthodontics is higher than for basic dental care. Dental care for elderly and disabled persons was made a county council responsibility as from 1st January 1999.

Medical services
The fees for medical services differ between the county councils. The fees presented below are the minimum and maximum fees in the year 2000:

Outpatient care by GPs or family doctors		SEK 100-140
Outpatient care by specialists		SEK 150-250
Outpatient paramedical care		SEK – 60
Inpatient care	Maximum	SEK 80/24 hrs

High cost limitations
The high cost limits for patients' charges paid within a 12-month period are SEK 900 for pharmaceuticals and SEK 2,000 for technical aid.

Sickness insurance
The maximum amount per day for sickness insurance, parental insurance, i.e. income based benefits, was raised to SEK 602 per day with effect from 1st January 2000.

Persons without a permanent job have been eligible for sickness allowance as from 1st July 2000. This is payable to any person having short employment and for whom it is difficult to calculate whether they would have worked during the first fourteen days of the sickness period or not. These persons were not previously entitled to sickness allowance for the first fourteen days of the sickness period.

Family benefits
Parental insurance
On 1st January 2000, the parental benefit level for each child beyond the second (triplets, quadruplets etc.) was raised to the sickness benefit level.

Maintenance support
A parent who is not living with his or her child has to pay maintenance support. The parent has to pay the following percentage of the salary, as from 1st February 2000, in maintenance support:

One child	14%
Two children	11.5%
Three children	10% for each child

No maintenance support is payable by a parent earning less than SEK 80,600.

Child allowances
With effect from 1st January 2000, the basic child allowance was raised from SEK 9,000 to SEK 10,200 per child and year.

As from the same date, the large-family supplement to the basic child allowance is:

For the third child	SEK 2,224
For the forth child	SEK 8,160
For the fifth child and for each child thereafter	SEK 10,200

Old age benefits
Nothing to report.

Invalidity benefits
Dormant disability pension

A person who has been entitled to disability pension for at least one year has the possibility of retaining it for a maximum of three months while trying to work. If after three months the person continues to work, the disability pension can be made dormant for the duration of work. During a period of 12 months, including the three-month trial period, the insured person can try to work without losing his or her right to disability pension. The disability pension can be 100%, 75%, 50%, or 25% dormant. During the first year of dormant disability pension, the insured can request disability pension without the social insurance office examining his or her entitlement.

A person with a dormant disability pension can continue to work for another 24 months without losing the right to the disability pension. If the person wishes to revert to disability pension, the social insurance offices will confirm his or her entitlement to it. Further entitlement to disability pension will be examined when the decision on dormant disability pension expires, after three years,.

The social insurance offices have the right to cancel the dormant disability pension due, for example, to excessively numerous or prolonged interruptions of work or due to parental allowance or sickness.

Employment injury benefits
Nothing to report.

Financing
Cf. appended memos (appendix 9).

Information in respect of conclusions XV-1

Payment of employers' contributions
A person accountable for employer's contributions shall file a tax return in this respect once monthly. If the tax return is filed too late, a delay charge of SEK 1,000 is added. If no return is filed or incomplete particulars are furnished in the return, the employer's contributions can be decided by discretionary assessment. If incorrect information is furnished in the tax return, additional tax can be charged. The additional tax is 20 per cent of the tax which, if the incorrect information had been accepted, would not have been charged or would have erroneously been credited to the taxpayer. Additional tax can also be charged if a discretionary tax assessment has been made. In addition, if the tax is not paid punctually, interest is charged at a rate corresponding to the basic rate plus 15 percentage units. The basic rate corresponds to the rate of interest applying to six-month national debt bonds. The claim can also be referred to the Enforcement Authority for collection.

The Tax Authority can carry out audits to verify that employers' contributions have been correctly accounted for.

The black sector
There is a degree of uncertainty regarding calculation of the black sector. At an estimate, however, the black sector can be presumed to equal roughly 4 per cent of GDP.

No direct, specific measures are taken to check the black sector. Instead checks are made by the Tax Authority in the course of ordinary control activities, mainly by means of audits. The Tax Authority sometimes concentrates its controlling activity on what are known as cash branches, e.g. taxi and restaurant businesses, where "lump labour" or "moonlighting" is relatively common. Certain preventive activities also occur under the direction of the Economic Crimes Bureau, e.g. in the form of information to the business community concerning accounting fraud. There is also a rule of representative liability whereby the representative of a juristic person which has omitted to pay tax can become liable for payment of it, which can serve as an incentive for representatives to ensure that tax is paid.

There is no special surveillance of part-time workers as far as is known.

The pension reform
The low rate of growth in recent years, combined with the constant rise in pension amounts, highlightened the weakness of the old pension system. It became too costly. Unless the rules were changed, substantial problems would arise when the baby boomers of the 1940s retire around the year 2010.

The benefit formula for calculating pensions in the old pension system demanded an economic growth of approximately 2 percent annually. With slower growth the system demands increased contributions. During the 1950s and 1960s, GDP in Sweden increased by over 3.7 percent per year. During the period after 1975, average annual growth has been less than 2 percent. Furthermore, the fluctuations in the business cycle have been increasingly large.

The government of Sweden believes that a sound policy, based on shared values of solidarity and social justice is essential in order to face the common demographic challenges. These demographic challenges are of unprecedented proportions. The population is aging. Life expectancy is increasing while, at the same time birth rates are falling. In the future, there will not be enough younger people available to replace the ageing working population.

The number of old age pensioners in proportion to the working population is increasing. In 2000, there were 30 old age pensioners for

every 100 people at work. In 2025, 11 more old-age pensioners will have to be supported for every 100 people at work. Previously, the increasing number of pensioners was offset by the entry of women into the labour market, which increased the revenue in the pension system in the form of contributions. We cannot expect such increase in employment in the future.

The increased cost of pension payments, combined with low growth, was the most important reason for reform.

Among other reasons for the reform, the following should be mentioned.

The old system favoured those with erratic earnings trends or those who worked for a short time (typically white collar workers), while being unfair to those whose income developed consistently and who work for a long time (typically blue collar workers). This was due to the benefit formula determining pension rights on the basis of the 15 years of highest income and a minimum qualifying period for the receipt of a full benefit to 30 years. Two people with the same life time earnings could receive very different pensions, although they both had paid the same amount in contributions. The government of Sweden believes that it is not fair that those who work all their lives and have a steady earnings profile should receive less from the system than those who enjoy a short career. The reformed pension system is, therefore, based on lifetime earnings.

Money must be found for the increasing pension payments. Savings must be made in order to meet the need of investments in order to ensure healthy growth. When growth is low, payments according to the old system could not reasonably be paid by sharply increasing contributions. Under the old rules pension costs might amount to 36 percent of the total payroll by the year 2025. Raising tax levels to such levels would impede growth.

All the rules governing the reformed pension system have not yet entered into force. It is, thus, not yet possible to say anything concerning results obtained.

ARTICLE 13

THE RIGHT TO SOCIAL AND MEDICAL ASSISTANCE

13:1

QUESTION A

The Social Services Act (1980:620) makes the municipality ultimately responsible for ensuring that persons living within its boundaries receive the support and assistance they need. This responsibility does not in any way detract from the responsibility devolving on other providers, e.g. country council responsibility for health care.

A fundamental principle of the health care system is that it is a public sector responsibility to provide and finance health services for the entire population. Responsibility for these services rests with the county councils and the municipalities which levy taxes to raise the financial resources required and operate the services provided. Each county council must offer good health and medical care to persons residing within the county. The same applies to persons who, without being domiciled in Sweden, are entitled to care as more specifically indicated by EC Regulation 1408/71. The county council is obliged to offer urgent medical care to all persons staying, without being domiciled, within the county.

QUESTION B

The Social Services Act makes the municipality ultimately responsible for ensuring that persons residing within its boundaries receive the support and help they need. This help can take the form of financial or other support and must guarantee the individual a reasonable standard of living. Whoever is unable to provide for his needs or to obtain provision for them in any other way is entitled to assistance from the social welfare committee towards his livelihood (livelihood support) and for his living in general (other assistance), on the conditions indicated in the Social Services Act. Livelihood support is provided for reasonable expenditures on food, clothing and footwear, play and leisure, disposable articles, health and hygiene, a daily newspaper, a telephone and a television licence fee, housing, domestic electricity supply, journeys to and from

work, household insurance, medical care, emergency dental care, glasses and membership of a trade union and unemployment insurance fund.

To guarantee equality across the country, the Riksdag (Parliament) passed amendments to the Social Services Act, effective from 1st January 1998, with reference to social assistance schemes. The right to assistance is now specified in the Act in the form of endorsement with certain specified cost items. The level of assistance is based on the Consumer Board's consumption and price analyses.

Reasonable expenditure referred to in p. 1 of the foregoing shall, as more exactly prescribed by the Government, be computed with reference to a norm applying to the whole country (the national norm), on the basis of official price surveys regarding basic consumption in various types of household. For a single-person household without children the national norm is SEK 3,000 per month. Additional support is given for each child in the household. The social welfare committee shall, however, compute this expenditure at a higher level if, in a particular case, there is a special reason for doing so. The committee may also, in a particular case, compute the expenditure at a lower level if there is special reason for doing so. For expenditures referred to in p. 2 the support varies due to actual and reasonable costs.

By "other assistance" is meant help in the home and special accommodation for service and care for elderly persons or home with special service for persons with functional impairment.

The social welfare committee may also provide assistance in another form than, or over and above, that indicated in the foregoing, if there is a reason for doing so.

According to the Social Services Act the assistance is to assure the individual of a reasonable standard of living. The concept "reasonable standard of living" is not defined in more detail in the Act. It must be assessed on the basis of the time and the circumstances under which the person in need of help is living. Under the Social Services Act the municipalities have a great deal of freedom in determining how their work is carried out and determining the payment of assistance on the basis of varying local conditions and needs.

In the 1990s the number of people claiming benefits rose by over 200,000 people and social security expenditure almost doubled. An increasing number of people were finding it difficult to earn a living and sought financial assistance from their local social security office. Increasing unemployment – which peaked in 1992 as the labour market collapsed – and increased immigration are the main factors behind this trend. In 1998, however, social security expenditure and the number of people and households claiming benefit fell for the first time in a decade.

In 1998 the number of people receiving benefit, defined as all people in the households receiving benefits, was almost 692,000. This corresponded to 7.7 people per 100 of population. The gender distribution among recipients aged 16 and over was generally even, 51% women and 49% men. Those on benefit are largely young people. Almost a fifth of people in the population aged 20-24 received benefits at some point in 1998. The number of old age pensioners receiving social security benefits was low. Just under 2% of people over the age of 65 were receiving social security benefits.

User charges may be levied from patients on terms defined by the county council or municipality. Patients residing within the county council or municipality and those entitled to medical benefits under Regulation (EEC) 1408/71 shall be given equal treatment in this respect. For in-patient care, however, the county council may fix charges for different income intervals and define rules concerning reduction of the user charge. The maximum charge payable for in-patient care is SEK 80 per day. Charges made, for example, for care which municipalities are obliged to offer to persons living in special accommodation for the elderly and for persons with functional impairment may not, when added to home help charges, be of such magnitude that the individual is not left with sufficient means for his or her personal needs, housing costs etc. A person who has paid caring charges for out-patient health and medical care totalling up to SEK 900 is thereafter exempted from paying further charges for such care for the remainder of one year. A similar high cost levied for pharmaceuticals guarantees that no person need pay more than SEK 1,800 for their medicine in the course of a year. For persons with the lowest incomes there is a further safeguard in the form of livelihood support, whereby these persons shall also have access to health and medical care and to medicines.

QUESTION C

Entitlement to benefits is set out in more detail through provisions on livelihood support and other assistance. As mentioned before livelihood support is to cover the basic needs of the individual and includes a "national norm" – a lowest standard sum that is decided by the government every year and covers six budget items – plus certain expenses determined on an individual basis. An individual may appeal to the County Administrative Court against a decision made by the social welfare committee on livelihood support and other assistance. As a complement to livelihood support the municipality has the opportunity, but is not obliged, to provide assistance in another form, for example furniture and equipment, debt management and major dental care. A decision made on these grounds is final.

Health care and medical legislation is framed, not in terms of rights but in terms of the care providers' obligations. To ensure that the stipulations of the Health and Medical Services Act concerning good care are complied with, various authorities are tasked with examining questions of accountability and with lending assistance when problems arise in connection with health and medical care, namely the Disciplinary Board of Health Care and Medical Treatment, the regional supervisory units of the National Board of Health and Welfare and the county council patient committees.

QUESTION D

The amount of public funds allocated to social assistance and the number of families and persons covered

	Current prices in millions SEK	1995 prices in millions SEK	Spending in % of GDP	Number of families with social assistance	Number of persons with social assistance (including children)
1990			0.3%	277,146	
1991			0.4%	297,498	
1992			0.5%	327,824	
1993			0.6%	373,034	
1994			0.6%	391,800	
1995			0.6%	388,702	
1996			0.7%	403,204	
1997			0.7%	402,869	
1998			0.6%	367,342	
1999			0.5%	313,472	
2000			0.5%	..	..

The amount of social assistance paid yearly rose between 1990 and 1997 because of the severe economic crisis and concomitantly rising unemployment during those years. Unemployment figures decreased at the end of the decade and are still doing so.

Total expenditure on health and medical care amounts to 8.4 % of GDP (1998).

Information in respect of conclusions XV-1

The social welfare committee may require a person receiving livelihood support for a certain time to take part in work experience or other competence-enhancing activity to which he is referred by the committee, if it has not been possible to provide a suitable labour market policy programme for the individual and he is under 25 years of age, or he is aged 25 or over but, for special reasons, is in need of competence-

enhancing measures, or is engaged in a training programme for which special financial arrangements are available but is in need of livelihood support during an intermission in the studies.

Work experience or competence-enhancing activity shall have the purpose of developing the possibilities for the individual to be self-supporting in future. The activity shall strengthen the possibilities of the individual entering the labour market or, where appropriate, further training. It shall be framed with reasonable consideration for the personal preferences and aptitudes of the individual concerned. Before making a decision as provided in subsection one, the social welfare committee shall consult the county labour board.

The claimant is entitled to appeal against a decision made on these grounds to The County Administrative Court.

The Committee asks for explanation of *the decrease of the national norm for social assistance*, from 3 100 SEK to 2 900 SEK.

The situation is not that the national norm has decreased. Before 1 January 1998 there was no national norm for social assistance. Each municipality had to decide the level of social assistance. Though the National Board of Health and Social Welfare recommended a norm, but it was not obligatory. This recommended norm included, above the livelihood support, a small amount to cover more longtermed costs, such as furniture, television-set etc. The national norm, decided by the Parliament, includes normal everyday expenditure. If a person or a family needs support to cover costs concerning i.e furniture or more expensive clothes he or she has to apply for that and the law gives the right to support that is needed to gain a resonable standard of living.

13:2

The Election Act (1997:157) states that every Swedish citizen aged 18 or over on the election day and domiciled in the country or nationally registered here has the right to vote in parliamentary elections. Every person aged 18 or over on the election day and nationally registered as a resident of a particular county and municipality is entitled to vote in county council and municipal council elections. Citizens of the EU countries and Norway and Iceland have the same right in this respect as Swedish citizens. Other foreigners acquire the right to vote after three years of national registration in Sweden. The electoral register shall contain particulars of every person qualified to vote. Under the National Registration Act (1991:481), every person residing in Sweden shall be registered at a property unit. A person who cannot be thus registered shall be registered in the parish.

13:3

In the latter part of the 1990s the municipalities increased their specialisation in work with persons seeking financial assistance. Special units for processing financial assistance have become more common, as have phone-in enquiries and welfare centres for new claimants. Often initiatives are focused on defined groups of claimants, e.g. young people who are unemployed, long-term recipients of benefits or unemployed people with an immigrant background. The commonest initiatives are financial advice and special initiatives for the unemployed, usually within the framework of co-operation with the employment service or measures within the municipality's labour market unit.

The persons employed in the municipalities on the provision of social assistance have graduated from a school of social work. No figures are available concerning the number of voluntary helpers.

Social assistance is available nationwide and is regulated by law (the Social Services Act).

Information in respect of conclusions XV-1

The evaluation work done by the Centre for Evaluation of Social Services: The Centre for Evaluation of Social Services (CUS) is a research centre affiliated to National Board of Health and Welfare. Its main focus of research is evaluation, and the use of evaluation in the quality assurance work of the social services. The CUS is autonomous in the sense that it has its own governing board and secretariat, and advisory groups of external experts. Its relative autonomy is an advantage, since this facilitates openness to external influences. For example co-operation with researchers within and outside Sweden, which is an important aspect of the CUS' work. The CUS was established in order to meet a need for systematic empirical validation of the methods used in the social services. Its aim is to contribute to a well-grounded and professional discourse, characterised by theoretically sustainable and empirically substantiated studies.

Statistics on the volume of applications for social welfare services: See under Article 13:1, question B.

13:4

See under Article 13:1, question A.

ARTICLE 16

THE RIGHT OF THE FAMILY TO SOCIAL SECURITY, LEGAL AND ECONOMIC PROTECTION

QUESTION A-C

Reference is made to previous reports and to information given under article 12, above.

QUESTION D

Please indicate whether legislation or other provisions in your country provide for protection of victims of violence or sexual abuse within the household.

In cases of violence to the person – whether domestic or otherwise – prosecution is not dependent on an accusation being made by the person subjected to the offence. Anyone who receives information about such an offence can report it to the police.

If there is a suspicion that a child is e.g. being physically abused, a provision of the Social Services Act stipulates that this be reported to the social services.

Since 2000 new legislation has been in force concerning *särskild företrädare för barn* (special children's representative). This legislation is above all meant to be used when there is a suspicion that the child's parents or any other legal caretaker of the child is sexually molesting the child. The legislation empowers the court to appoint a counsel as a legal caretaker for the child without informing the parents. The counsel can then agree, for example, to have the child examined by a doctor to secure evidence. When there is evidence of a child-abusive environment in the household, the social services can decide to assume responsibility for the child and move the child, for example, to a specially appointed family home.

A new offence has been introduced into the Penal Code – Gross violation of a woman's integrity. Its purpose is to deal with repeated punishable acts directed by men against women having a close

relationship with the perpetrator. The provision also covers children and other closely related persons (gross violation of integrity).

For serious offences there is always a possibility for the court to keep the accused offender in custody during the investigation of the crime. However, if there is no justification for taking a person into custody, there is no legislation or other provision that makes it possible to order a member of a household to stay away from his or her house pending investigation of the alleged assault. If the person who needs to be protected wants to have a restraining order issued to a member of the household, she or he has to move to a different location. The social welfare legislation, however, stipulates that local social welfare must act to provide women who are or have been exposed to violence or other abuse in the home with help and support in order to change their situation.

Please indicate whether there are regulations and measures to prevent the risk of ill-treatment and to support and rehabilitate the victims.

All authorities are obliged by law to treat all people, victims included, with respect and dignity. The issue of ensuring that victims are not subjected to a second victimisation has been discussed for several years and has led to several changes in the legislation. The police and prosecutors are, for example, obliged to give victims of crime information about the legal proceedings. If the offender is sent to prison the victim has a right to be informed about parole and release from prison, to mention just a few obligations. The Injured Party's Counsel Act gives the victim of a serious crime of violence the right to free legal counsel during the police investigation and trial. If a person who has been ill-treated by an authority can file a compliant with the Parliamentary Ombudsmen. It is their task to ensure that the courts, as well as central and local government authorities, correctly apply the rules to which they are subject.

There is no provision explicitly entitling victims to rehabilitation. A Bill has, however, been introduced which stipulates that local social services shall support all victims of crime. Support of this kind could mean rehabilitation if deemed necessary.

QUESTION E

Reference is made to previous reports.

QUESTION F

Since 1993 housing construction has been very low. Many local authorities have failed to develop plans for meeting new housing construction needs which are now arising. Some local authorities do not even want to have new housing built, in spite of the existing demand for dwellings. In order to clarify the responsibility of the municipalities, the Government recently introduced legislation which will establish a formal obligation for local authorities to ensure that housing is made available. There is also an obligation for local authorities to run a rental-housing agency, when needed.

Another obstacle to the construction of housing affordable for all is the construction cost. Housing expenses in Sweden are among the highest in Europe in terms of disposable income. The cost of building and maintaining houses is too high at present. The National Board of Housing, Building and Planning has been instructed by the Government to set up a Construction Cost Forum. The purpose of the forum is to

demonstrate, on the basis of central government measures, and in co-operation with the municipalities and the construction industry, practical methods of promoting competition, price pressure and ecological innovation, thereby encouraging the construction of good-quality, cheap housing.

The Government is also drafting a Bill to establish additional favourable conditions for the construction of rental housing, above all in the expanding regions. The aim is to stimulate this kind of construction, for the benefit of broader categories of households. Ongoing construction and newly built housing are mainly for owner-occupation and very expensive. There is a great shortage of affordable rental housing in expanding regions.

Statistics concerning new construction
Number of dwellings by year of construction start, 1990-2000,

Year	Multi-family dwellings	Single-family housing	Total
1990			69,626
1991			56,932
1992			49,497
1993			11,929
1994			11,869
1995			12,769
1996			12,872
1997			12,006
1998			12,620
1999			14,423
2000*			17,200

* Preliminary figures.

QUESTION G

The Swedish public, including the young generation, are normally well informed about family planning matters. This is achieved in various ways.

Sexual education in schools gives most people a basic knowledge of the subject. Of course parents, also play an important role. Many newspapers and magazines also give the young generation knowledge and advice.

In addition, the health system informs patients when necessary. A special service is provided by youth clinics, which often specialise in reproductive health matters. Maternity clinics help women through pregnancy and delivery. Often they are also an important source of

knowledge about sex, relations and family planning methods after the child is born.

Information in respect of conclusions XV-1

The Committee has expressed its wish to be kept informed of the steps taken by Sweden in respect of a proposal to the effect that *joint custody* should be extended automatically to unmarried parents.

To begin with, it should be pointed out that the scope of the proposal is by no means limited to the establishment of joint custody *in the event of separation*, as might be understood from the Committee's conclusions. On the contrary, what the proposal aims at is the attribution *ex lege* of joint custody to unmarried parents on a much earlier stage, i.e. following a three-month period after the establishment of paternal affiliation by recognition.

The Government have not yet proposed any legislation to this effect. The proposal is still under consideration in the Ministry of Justice.

Swedish Strategy for the Implementation of the UN Convention on the Rights of the Child
In 1999 a unanimous Riksdag passed the Government's proposed Strategy for Implementation in Sweden of the UN Convention on the Rights of the Child (Government Bill no 1997/98:182). The strategy, based on the report of the Swedish Parliamentary Child Committee, implies, briefly, that national, local and regional authorities are to observe and apply the CRC in the course of their activities. The aim is for the Convention and its intentions to be present in all decision-making that affects children. In other words, a child perspective is to be included in all decisions by which children are affected. The aim is to develop the capacity of adult society for listening to children and for perceiving the effects of different decisions in the child's perspective. As part of the strategy:

- The CRC shall be an active instrument, permeating all decision-making within the Government Offices that affects children.
- The child perspective shall to a suitable extent be included in the terms of reference for Government Commissions.
- National government decisions affecting children shall be subjected to child impact analysis.
- The CRC should in various ways be included in training programmes for professional groups destined to work with children.
- National government employees whose work has implications for children and young persons shall be offered in-service training on the CRC.

- Municipalities and county councils should similarly offer in-service training to their personnel.
- Municipalities and county councils should establish systems for monitoring the realisation of children's best interests in local government activity.
- The activities and organisation of the Office of the Children's Ombudsman shall be reviewed in order to strengthen its role in implementing the CRC.
- The influence and participation of children and young persons in urban and traffic planning are to be developed.
- Child statistics are to be developed.

The work of implementing the strategy is in progress at various levels in the community. The co-ordination of children's issues within the Government Offices, on the basis of the CRC, has been strengthened through the establishment of a co-ordinating function located within the Ministry of Health and Social Affairs. This function is tasked with assisting in the drafting and examination of Government decisions (Bills, terms of reference, remits etc.) and generally accelerating and developing work on children's issues within the Government Offices.

The Office of the Children's Ombudsman is working, on the Government's behalf and in keeping with the above strategy, to implement training measures and to develop methods and tools for giving effect to the CRC, e.g. child plans and child impact analyses. This work is proceeding in co-operation with reference groups from municipalities, county councils and national authorities.

Taxation provisions
There are no specific taxation rules for households with children. Sweden's taxation system is based on the principle of the rules of taxation being of general validity. This being so, other instruments instead of taxation rules are used to make things easier for households with families. It should be added, however, that the basic child allowance is not taxable.

Child care services
Provisions concerning State grants for municipalities not exceeding a certain maximum charge for pre-school activities (pre-school and family day care) and school child care (out-of-school centres and family day care) will take effect on 1st January 2002. Municipalities applying the tariff provisions outlined below qualify for State grants.

The monthly charge for *pre-school* activity may not exceed, respectively, three, two and one per cent of the household's reference income for the first (youngest), second (next youngest) and third child. On no account may the charge exceed, respectively, SEK 1,140, SEK 760 and SEK 380

per month. No charge is payable at all for the fourth and subsequent children in the household.

The monthly charge for *school child care* may not exceed, respectively, two, one and one per cent of the household's reference income for the first (youngest), second (next youngest) and third child. On no account may the charge exceed SEK 760 per month for the first child and SEK 380 for the second and third children respectively. No charge is payable at all for the fourth and subsequent children in the household.

A municipality applying this maximum tariff and entitled to State grant can also obtain an extra State grant which, for all municipalities, can total MSEK 500 per annum. The municipality will receive this State grant on condition that it is used for additional staffing of pre-school activity and school child care. The grant can also be applied to competence-improving measures for pre-school teachers, recreation instructors and childminders in these activities.

Background and reason for a new trend in housing policy.
There were several reasons for the drastic decline in housing construction at the beginning of the 1990s. The rise in housing demand during the latter half of the 1980s led to substantial cost increases for new production. At the beginning of the 1990s Sweden entered a recession, with high unemployment and lower disposal incomes. The tax reform of 1990 and 1991 resulted in the housing sector bearing a large share of the cost of reforming the income tax system. The lower VAT rate on building production and the operating cost segment of rents was removed and replaced by full VAT of 25 per cent.

Housing costs in the national budget became extremely high, especially in relation to the national budget deficit. Interest rates were high at the start of the 1990s and a new interest subsidy system from 1993 resulted in a rapid reduction of interest subsidies compared with the previous regulations. Housing policy was directed towards cutting subsidies, deregulating planning and housing allocation and achieving a higher degree of market orientation. This shift, in combination with economic recession, the radical tax reform, low inflation and high real interest rates by the late 1990s, led to extremely low levels of housing construction, rising housing costs and also a growth of regional imbalances in housing markets. This has left our country with a dual housing market. Expanding regions are suffering from a growing housing shortage, especially as regards rental housing, while many other towns and cities have a housing surplus.

Housing production is now expected to rise, mainly in the expanding regions. Almost fifteen thousand dwellings were started in 1999. During 2000 more than 17,000 dwelling were started and this year new construction is expected to climb to 21,000 dwellings.

ARTICLE 19

THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO PROTECTION AND ASSISTANCE

19:1

QUESTION A-C

Information in respect of conclusions XV-1

Rules on press freedom and freedom of expression are fundamental. Misrepresentations can be refuted through the supply of dependable information and through the ability of the authorities to supply additional information to individual persons.

As stated above (article 1, para 2, question A, V), the Government has adopted a National Action Plan against racism, xenophobia, homophobia and discrimination. An overall objective with this Action Plan is to contribute to mobilising our whole society – state administration, municipalities, unions, employers' organisations, businesses, NGOs and individuals – in the struggle for a Sweden where every individual is respected regardless of colour of skin, ethnic or national background, religious belief or sexual orientation.

19:2

QUESTION A-B

Reference is made to previous reports.

19:3

There is no information to be given.

19:4

QUESTION A

Ethnic discrimination

Reference is made to previous reports and to information given under Article 1.

The 1999 Ethnic Discrimination at Work (Prohibition) Act forbids an employer to discriminate a person on grounds of race, colour of skin, national or ethnic origin or religious creed. The Act is applicable to remuneration and other conditions of employment and service as well as "enjoyment of the benefits of collective bargaining" which are provided by an employer. It is the task of the trade union or the Ombudsman against Ethnic Discrimination to see to it that this provision is followed. Although this Act does not specifically refer to migrant workers or discrimination on grounds of nationality, the provisions will cover such discrimination in most cases.

Information in respect of conclusions XV-1

A new, stronger enactment against ethnic discrimination in the workplace came into force in Sweden on 1st May 1999. Unlike its predecessors, the new Act provides safeguards against discrimination through other recruitment procedure, from the first seeding to the hiring decision or even when the employer curtails the entire recruitment process. This has the effect of reducing the burden of proof on a person seeking remedy. The new Act has resulted in more victims filing complaints with the Ombudsman against Ethnic Discrimination (DO). The number of complaints from working life rose by 50% between 1998 and 1999, remaining almost on the same level in 2000. In the first instance the law requires DO to try to obtain voluntary rectification from employers. Stronger statutory protection has also resulted in many more of the complaints filed with DO having a positive outcome for the complainant.

During 2000, extra-judicial settlements were reached in 16% (26 out of 159) of the cases concluded during the year. In 1999 as well, the proportion of extra-judicial settlements was 16% (25 out of 152), as against only 3% (3 out of 97) in 1998. In several cases the extra-judicial settlement has meant both employment and indemnity for the victim. There has also been a rise in the number of actions filed with the Labour Court, but the new Act has yet to be tested in a final judgement.

One very important part of the new Act also requires employers to work on a preventive basis to ensure that ethnic discrimination does not occur in recruitment or in the workplace. This work, referred to as "active measures", has to be conducted on a planned basis. Measures of this kind include, for example, opening up recruitment and making the workplace attractive to all comers, regardless of ethnic identity, counteracting the occurrence of ethnic victimisation, and dealing with such phenomena if they do occur.

DO has compiled training material to assist employers in this process. Compliance with the Act is supervised by DO and the trade unions.

QUESTION B

Reference is made to previous reports.

Information in respect of conclusions XV-1

Access to accommodation

The right to housing is expressed in the Swedish Constitution (Chap. 1, Section 2): "it shall be incumbent upon the public administration to secure the right to work, housing and education…." Putting this into effect is a municipal responsibility.

The latest goal of Swedish housing policy, approved by the Riksdag (Parliament) in 1998, has the following wording: "Housing is a social right and housing policy shall give everyone the opportunity of living in a good home at a reasonable cost and in a stimulating, secure and ecologically sustainable environment. Housing policy shall contribute to decent and equal living conditions. In particular it shall promote good conditions for children and young people."

There are three groups whose right to housing is guaranteed by (national) legislation, *viz* by the Social Services Act: 1. people with functional impairment, 2. elderly people who (even with help from the public sector) are no longer able to live by themselves in their regular homes, and 3. asylum-seekers (up to the point where they have been granted a residence permit).

For groups 1 and 2 it is the municipalities that, under social welfare legislation, are legally obliged to provide appropriate dwellings. For group 3 this is a national obligation and the right is restricted to housing in specific accommodations.

Once an asylum seeker has been granted a residence permit there is no time limit for access to housing on the ordinary housing market,

including both public rental housing and the private rental sector. Sweden does not have any social housing in the strictest sense of the term. Public rental housing is a non-profit rental sector, owned by the municipalities, and is open to all households.

19:5

Reference is made to previous reports.

19:6

QUESTION A

Reference is made to previous reports.

QUESTION B

Reference is made to previous reports. Children who are under 18 and unmarried are allowed family reunification. Older children can be allowed family reunification if they have been members of the same household as the migrant worker.

QUESTION C

Reference is made to previous reports.

Information in respect of conclusions XV-1

The Committee has asked whether housing and income level can constitute grounds for refusing family reunification, and whether family reunification may be refused for other reasons, such as illness or infirmity. Housing and income levels cannot constitute grounds for refusing family reunification. Nor can illness and infirmity.

In response to the Committee's request concerning application processing: On average it takes seven months to process an application for family reunification, if the case is not appealed.

19:7

In matters of legal aid, persons domiciled in Sweden have parity of status, regardless of whether or not they are Swedish nationals.

Under Section 12 of the Legal Aid Act, even a non-Swedish national who neither is nor has been domiciled in Sweden can be granted legal aid in certain cases. This applies if the matter in question is to be dealt with in Sweden and there are special reasons why legal aid should be granted.

Information in respect of conclusions XV-1
Nationals of all new contracting parties to the Charter or the Revised Charter are considered in the same way as Swedish citizens in respect of legal aid. The only exception is Bulgaria which has not ratified any of the relevant treaties.

19:8

QUESTION A-B

Reference is made to previous reports.

Information in respect of conclusions XV-1

In previous reports reference has been made to a report by NIPU, the Committee on a New Judicial Instance and Procedural Order for Aliens Cases. That committee has compiled a broad overview of the handling of cases concerning residence and work permits. One of many issues dealt with is the processing of security matters, but the main issue concerns the handling of asylum applications. After circulating the report for comment, the Government resolved to appoint a working group to study the processing of asylum cases more closely. That working group reported in June 2000 and its report has also been circulated for comment. NIPU's proposals are still being processed in the Government Offices.

In all matters relating to a child, special consideration shall be given to the child's health and development and its best interests generally. The expulsion of a migrant worker does not affect the residential status of the worker's family, except in cases where the members of the family derive their residence permits from the worker and do not have any independent right of abode. Their residence permit entitlement is, however, separately assessed.

19:9

Swedish law does not impose any limits on the transfer of earnings and savings by migrant workers.

Information in respect of conclusions XV-1

There have been no changes in the situation.

19:10

What is written above concerning Article 19, para. 4 also applies to self-employed migrant workers.

No distinction is made between employees and self-employed persons regarding Swedish language instruction for immigrants (19:11) and mother tongue instruction (19:12).

Self-employed persons occupy a similar position as regards Article 19, paras. 1, 2, 6 and 8.

Reference is made to previous reports.

19:11

Swedish language instruction for immigrants (sfi) is intended to give *adult* immigrants a basic knowledge of the Swedish language and Swedish society.

In the case of *school pupils*, Swedish as a second language is arranged as a teaching subject in the public sector school system.

QUESTION A

It is the duty of every municipality to offer sfi to all immigrants as from the second half of the year in which they are 16, if they do not already have a basic knowledge of the Swedish language. Sfi is a type of school which students can join and leave at any time of the year. Tuition is free of charge and must be made available as soon as possible. Normally a municipality has to offer sfi not more than three months after the newly arrived immigrant has been registered as a resident. The benchmark for the duration of instruction is 525 hours. The actual figure may be more

or less, depending on how much instruction the student needs in order to attain the achievement targets defined in the sfi syllabus. Teaching staff for the 1999/2000 school year totalled 1,130 whole-time equivalents. Of these, 82 per cent were qualified teachers. Municipal expenditure on sfi totalled MSEK 604 in 1999. The municipalities receive a standard State grant of about SEK 154,000 for every adult immigrant received. This grant includes sfi funding.

School pupils are taught Swedish as a second language in compulsory school, following a syllabus laid down by the Government, and in high school ("upper secondary school"), for running syllabi laid down by the National Agency for Education. Syllabi at both levels were revised during 2000. In compulsory school the rule is that Swedish as a second language must be provided if needed, for example, by pupils having a language other than Swedish as their mother tongue, and for immigrant pupils having Swedish as their principal language of communication with one or both custodians. Teaching of Swedish as a second language is to be arranged instead of regular Swedish language instruction. In addition, Swedish as a second language can be taken as a language option, as the pupil's elective or as the school elective. In high school the rule is that a pupil having a mother tongue other than Swedish can make Swedish as a second language his or her core subject instead of Swedish, if the pupil so needs and desires. The pupil can also take Swedish as a second language within his or her individual electives.

QUESTION B

A total of 34,115 adults took part in sfi instructions during the 1990/2000 school year.

During the 1999/2000 school year, 59,188 pupils were taught Swedish as a second language in compulsory school. This was roughly 48 per cent of all pupils entitled to this instruction.

In high school, the leaving certificates of 1,123 and 973 pupils respectively included the two courses of Swedish as a second language arranged in high schools during the 1998/99 school year.

19:12

A pupil is entitled to mother tongue instruction if one or both custodians have a language other than Swedish as their mother tongue and that language is used by the pupil for everyday communication. A further requirement is that the pupil must have a basic knowledge of the language and actually want to be taught it. Entitlement for such

instruction continues for a total of up to seven years. A pupil in special need of instruction is entitled to receive it for a longer period. In addition, the pupil can take mother tongue as an individual elective, in which case there is again no time limit.

QUESTION A

Mother tongue instruction is provided within the public sector school system.

A municipality is not obliged to provide mother tongue instruction unless there is a suitable teacher available and at least five pupils desire to be taught the language. The instruction is provided in compulsory school, following a syllabus laid down by the Government and revised in 2000. Syllabi for high school ("upper secondary school") are laid down by the National Agency for Education. These were also revised in 2000.

QUESTION B

During the 1999/2000 school year, 63,986 pupils received mother tongue instruction in compulsory school. This was 52 per cent of all pupils entitled.

ARTICLE 20

THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUNDS OF SEX

QUESTION A

(a) Access to employment, protection against dismissal and occupational reintegration

The Equal Opportunities Act (SFS 1991:433), which came into force on 1st July 1980, has always contained safeguards against discrimination in connection with hiring and dismissal. To ensure full harmonisation with the Directive on Equal Treatment (76/207/EEC) and the Burden of Proof Directive (97/80/EC), the provisions of the Equal Opportunities Act prohibiting discrimination were recently reviewed and the statutory text somewhat amended as a result. The amendments (SFS 2000:773) entered into force on 1st January 2001. Section 17, point 1 of the Act provides that a ban on sex discrimination applies when the employer makes a hiring decision, selects a job applicant for a job interview or takes any other measure during the hiring process.

Where recruitment is concerned, the rules imply that a job applicant is safeguarded against sex discrimination throughout the hiring procedure. This applies, for example, to the employer's decision on which people are to be called for job interviews. The same safeguard applies, as laid down in point 2 of the said provision, in a promotion situation, i.e. when an established employee applies for a higher position with the same employer.

The ban on discrimination is constructed as follows. An employer may not disadvantage a job applicant or an employee by treating him or her less favourably than the employer treats or would have treated a person of the opposite sex in a similar situation, unless the employer shows the disadvantaging to be unconnected with sexual identity. The employer concept is central and the situation is normally presumed to concern the treatment of an applicant by the same employer as compared with an applicant of the opposite sex "in an equivalent situation". Certain possibilities have been opened up for making hypothetical comparisons to the extent permitted by Community law.

The Swedish Act affords protection against both direct and indirect discrimination. It contains a definition of indirect discrimination which conforms to Community law. Intent to disadvantage does not have to be proved. The evidential rules of Community law are fully applicable, which means that a person considering themselves to have been discriminated against shall present facts giving cause to presume that discrimination has occurred, after which the burden of proof passes to the employer. Further to this point, see the reply to Question E, below.

The dismissal prohibition is constructed on the same lines as the safeguard against discrimination in connection with hiring. As stated above, the ban on discrimination applies both to procedures which can be termed direct discrimination and to cases of indirect discrimination, which can, for example, mean defining apparently neutral but de facto disadvantageous criteria concerning the order in which employees are to be given notice of dismissal.

The Equal Opportunities Act ties in with the system of rules laid down in the Security of Employment Act (1982:80). One important principle of this latter enactment is that there shall be objective grounds for dismissal. The burden of proof on this point lies with the employer. In reality this basic objectivity safeguard provides comprehensive protection against all kinds of unfair dismissal.

It is above all when determining the order of dismissal in connection with redundancies that there is a risk of women being discriminated against on grounds of sex. On 1st January 2001 a rule was introduced enabling an employer with not more than ten employees to exclude at least two employees of special importance for ongoing activities before deciding the order of dismissal (SFS 2000:763). This faculty of exclusion, of course, affects other employees' chances of being allowed to stay on. Legal action is possible to examine whether the exclusion rule has been used by the employer in the manner intended or whether the rule has served as a cloak for getting rid of mothers of infant children, for example.

As regards safeguards in connection with readjustment to working life, it will be recalled that the Swedish Equal Opportunities Act refers to the relation between employer and job applicant/employee. There are no special rules on sexually based discrimination in connection with rehabilitation through such public agencies as the Employment Service or a social insurance office. This question, however, is likely to be addressed in connection with an impending review of anti-discriminatory legislation.

There are, however, certain provisions of the Equal Opportunities Act which promote the return to work after a longer or shorter intermission. That Act lays down that employers shall see to it that the workplace is

suitable for employees of both sexes. Under this provision, far-reaching adjustment demands can be made, for example as regards adjustment to conditions typically applying to women who have been absent for a considerable time. Another very important provision is that employers shall see to it that work is organised in such a way that employees are able to combine working life with family responsibilities. This rule is of positive significance to women returning to work after prolonged parental leave, and for all parents of very young children.

In addition to a ban on discrimination, the Equal Opportunities Act also contains rules on active promotion of equal opportunities by the employer (Sections 3-13). The following can be specially highlighted. Employers shall promote an equal balance of women and men in different types of work and in different categories of employee through training, competence development and other suitable measures. Employers shall also encourage applications by both women and men for job vacancies. When hiring new personnel, special efforts shall be made to obtain applicants of the under-represented sex. It is the employer's duty to ensure that the proportion of employees of the under-represented sex gradually increases.

Vocational guidance, training, retraining and rehabilitation

The Equal Opportunities Act, with its ban on discrimination, applies to vocational guidance, training and rehabilitation within the context of an employer-employee relationship. There is no explicit safeguard against discrimination on grounds of sex in connection with vocational guidance etc. unconnected with an employer-employee relationship, but public employers are required by the Constitution Act to apply objectivity and impartiality in their activities. These requirements are distinguished, for example, by the entitlement of both women and men to equal opportunities and equal treatment. In the education sector a special discrimination law is being drafted on similar lines to the discrimination rules of the Equal Opportunities Act. Under this draft legislation, post-secondary students will be given comprehensive protection against discrimination on grounds of sex. School and higher education legislation at present contains safeguards against sexual harassment, but not against other unfavourable treatment on grounds of sex.

(c) Terms of employment and working conditions, including promotion

Section 17 of the Equal Opportunities Act enumerates situations in which safeguards are provided against discrimination on grounds of sex. Point 3 of that section refers to "rates of pay or other conditions of service for jobs which are to be regarded as equal or equivalent." In order for the social partners, prior to pay talks, to be able to discover and avert pay discrimination, Sections 11-13 lay down rules on the charting of pay differentials. This charting shall result in a plan of action for equality of pay between the sexes. This provides a possibility of rectifying gender-based unfairness even outside the concepts of equal and equivalent work. The Act includes a definition of "equivalent work". But the purpose of the rules on the charting of pay differentials is to reveal unfair rates of pay in work where women predominate. Union organisations with collective agreements are now entitled to access particulars of individual persons' rates of pay to the extent necessary for the purpose of helping to chart pay differentials.

Section 17, point 4 provides a safeguard against discrimination on grounds of sex "when employers direct and allocate work". Working conditions which are not to be termed rates of pay but, for example, concern working hours, working conditions and suchlike, come under this head.

Career development, including promotion

Section 17, point 2 provides a safeguard against discrimination on grounds of sex when an employer decides on promotion or selects employees for promotion training. As mentioned in (a), this safeguard applies to promotion in the same way as to recruitment generally. The

rule in the section of the Act dealing with active measures (Section 7), to the effect that an employer shall promote an equal balance between women and men by means of training, competence development and other suitable measures, served to underpin the ban on discrimination.

QUESTION B

Complaints concerning breaches of the ban on discrimination in the Equal Opportunities Act can be filed with the national authority concerned, namely the Office of the Equal Opportunities Ombudsman (JämO). JämO is empowered to bring proceedings in the Labour Court on an individual person's behalf. A trade union organisation has first-hand right to represent a member in proceedings concerning discrimination on grounds of sex, and accordingly JämO, when applying for a writ of summons, has to show that the trade union organisation has waived its right in this respect. An individual person unsupported by JämO or a trade union organisation can bring an action in a District or City Court, whose judgement can be appealed in the Labour Court. The Labour Court's judgements cannot be appealed in the normal run of things. The right of remedy described here concerns areas a, c and d. As regards area b, vocational guidance, training and rehabilitation not conducted under the auspices of an employer fall outside the scope of the Equal Opportunities Act. Certain legislation applying to schools and post-secondary education makes it possible for abuses to be brought to the attention of a supervisory authority, but there is no right of legal remedy of the kind of which complainants are assured by the Equal Opportunities Act. As has already been mentioned, this area of the law is under review.

QUESTION C

Under Section 23, an agreement is invalid insofar as it prescribes or permits sex discrimination which comes under the anti-discrimination provisions of the Equal Opportunities Act. As laid down in Section 24, contractual provisions between employers and employees can be invalidated on similar grounds by a court of law. The principles of Community law are fully applicable, which means that an invalidation of this kind takes effect immediately, without having to wait for renegotiation by the parties. The court may fill out the agreement so as to give it a non-discriminatory meaning.

QUESTION D

The Equal Opportunities Act includes a right of both financial indemnification and general damages ("compensation for affront") in the event of sex discrimination and in the event of reprisals following a complaint alleging sex discrimination or because the employee has rejected the employer's sexual overtures (Sections 15-17 compared with

Section 25, and Section 22 compared with Section 27 of the Equal Opportunities Act). In the travaux préparatoires of the statutory changes introduced at the turn of the year, it was emphasised that the award of damages shall reflect the fact of sex discrimination being a serious affront to the individual and of protection against such discrimination being a human right. By tradition in Swedish law, great importance is attached to statements in travaux préparatoires.

Any person entitled in the employer's stead to decide concerning an employee's working conditions is equated with an employer. The remedies available also include the right of re-hiring in the event of sexually discriminatory notice or summary dismissal. A person given notice or dismissed can then bring proceedings to invalidate the notice or dismissal. Where notice is concerned, the main rule is that the hiring continues until the notice has been adjudicated by a court. Where hiring is concerned, the Equal Opportunities Act affords no possibility of obtaining the appointment which, due to a sexually discriminatory decision, has gone to another applicant. A possibility of this kind does, however, exist where national government appointments are concerned, through the procedure of administrative appeal available in that connection. In administrative appeals the instance to which the hiring decision is appealed can amend the original decision, e.g. on finding that the appellant has been passed over in a way which is sexually discriminatory.

The Equal Opportunities Act also includes another type of sanction. JämO – and also, since the turn of the year, central organisations of employees with which the employer has collective agreements – can request a special tribunal, the Equal Opportunities Commission, for a penal injunction to be issued to an employer defaulting on the active promotion of equal opportunities. The penal injunction, then, is not a sanction against an employer guilty of sex discrimination against an individual employee.

QUESTION E

The Burden of Proof Directive has been transposed into Swedish law with effect from the New Year. This means that the petitioner shall present facts giving reason to suppose that discrimination on grounds of sex has occurred. Another expression which can be used for describing the evidential situation is that there must be a "prima facie" case of sex discrimination. An overall assessment shall be made, and accordingly no circumstances have any predetermined significance. The rules of presumption existing in the former Equal Opportunities Act have ceased to apply. The Burden of Proof then passes to the respondent/employer, who has to establish that there is no gender aspect involved. In cases of

indirect discrimination, the proportionality principle applies. To satisfy the burden of proof, the employer then has to show that the routine, measure etc. chosen was necessary for the purpose chosen and, moreover, adequate and objective.

At the time of writing, no judicial precedent exists on the new rules of evidence.

QUESTION F

Notice of dismissal by reason of pregnancy has long been illegal under employment security legislation. In addition, all measures which can be sexually discriminatory in relation to a woman who is pregnant or who wishes to exercise her right of parental leave are covered by the Equal Opportunities Act. Common situations occurring are that a woman who is pregnant or the parent of a young child does not obtain a job she has applied for, in spite of being the best qualified for it, or that a fixed-term hiring is not continued when it comes to the employer's knowledge that the woman is pregnant. Pregnancy and parental leave are not specifically mentioned in the Equal Opportunities Act, but the substance of Community law is to be fully applied. In the individual case the question is whether the woman can present facts giving reason to suppose that she has received disadvantageous treatment on grounds of sex, after which it is for the court to assess the employer's arguments to show that sex made no difference.

Under Section 5 of the Equal Opportunities Act, every employer has to facilitate the combination of gainful employment and parenthood by both female and male employees. In certain cases of alleged sex discrimination handled by JämO, this provision of the Equal Opportunities Act has been successfully invoked in order to modify the organisation of work, so that after parental leave a woman can continue her employment with necessary adjustments of working hours to day nursery opening hours. In this way settlement out of court has been possible. The Labour Court is currently trying two cases of discrimination in connection with pregnancy and parental leave, in which the Equal Opportunities Act and the Equal Treatment Directive have been invoked.

It is unclear how far protection against discrimination in connection with parental leave extends under Community law and to what extent measures on grounds of parental leave can be classed as measures on grounds of sex. The Parental Leave Act (1995:584) contains provisions for the protection of persons exercising their right of parental leave. Sections 16 and 17 contain provisions on employment security and protection against a deterioration of working conditions and against

transfer to other duties. There are also special safeguards for female employees who are expecting a child, have recently given birth or are nursing (Sections 18-20). Employers in breach of the Parental Leave Act can be ordered to pay damages (Section 21). JämO is not authorised to consider claims based exclusively on the Parental Leave Act.

QUESTION G

There are no occupations or appointments reserved for either sex, but there are a small number of posts for which, in practice, women have difficulty in being considered, since there are certain basic physical requirements which have to be met. This applies to the fire service, which hitherto has recruited only a very small number of women. It also applies to certain appointments in the defence establishment. The basic requirements are under review, to ensure that they do not unfairly exclude women and impede their career opportunities within the defence establishment.

QUESTION H

The Equal Opportunities Act requires positive measures to be taken by the employer to adapt the workplace to both sexes. This can mean special training measures for women, an opportunity of trying new tasks, modification of working hours to enable women with parental responsibility to combine gainful employment with family responsibility. Thus "favouring" women by such means in order to offset their greater difficulties in the labour market is not only permitted but is something that all employers are required to undertake on a planned basis. As regards the filling of appointments, reverse of "positive" discrimination is permitted by authority of an equal opportunities plan or some other personnel policy document in which the employer has indicated, clearly and predictably, that reverse discrimination will be applied as a means of more swiftly redressing the balance of the sexes in a certain type of appointment. Reverse discrimination in favour of a female applicant – if women are under-represented in the type of position concerned – means that she must be fully qualified for the post but that male applicants with better qualifications can be passed over. Reverse discrimination may not be applied in such a way that gender automatically confers priority.

It is common for large employers particularly to make a deliberate effort to interest women in applying for jobs where men predominate. This is often evident from the job adverts. Reverse discrimination in the sense given above is relatively unusual. In the higher education sector, however, it has been used on the basis of special provisions of the higher education ordinance, to increase the proportion of female professors and

post-doctoral fellows. In the national government sector, increasing consideration is being given to the equal opportunities aspect in the filling of appointments, with the result that a woman with equal or virtually equal qualifications obtains the appointment if there is an uneven balance of the sexes.

It can be added that, under the In-House Training Grants Ordinance (1984:518), State grants for in-house training can be awarded for training aimed at equalising the balance of the sexes in the workplace.

QUESTION I

Pay statistics are to be found in "Women and Men in Sweden" (appendix 10). Otherwise, unfortunately, no statistics are available.

QUESTION J

During the past two-year period, JämO has received about 100-120 individual complaints annually alleging discrimination under the Equal Opportunities Act. About half these complaints have concerned pay discrimination. Complaints from women and men (!) who have encountered difficulties when wishing to combine gainful employment with active parenthood have increased during the period, distinctly so during 2000. Several complaints have been filed by women who have lost their jobs or whose fixed-term appointments have been terminated after their pregnancy has come to the employer's knowledge, even though it has been illegal in Sweden ever since 1939 to dismiss an employee for having a child. The complaints have concerned employers who in various ways, according to the complainants, have attempted to circumvent the current legislation. During 2000 JämO brought a case of this kind before the Labour Court (cf. the account given under the next heading). Complaints by men (15% of the total number) have mainly concerned hiring matters but have also referred to problems encountered by fathers in combining gainful employment with parenthood.

Just over half the cases examined by JämO during the past two-year period have been written off because discrimination could not be shown. This should also be viewed against the background of the more exacting requirements of evidence applying before 2001. In a number of cases (10-15 annually) JämO – and in some cases the trade union of the discriminated party, to which JämO, by agreement with the union itself and as provided in the Equal Opportunities Act, has transferred the discrimination complaint – has settled out of court with the employer.

These extra-judicial settlements have usually included indemnification of the discriminated party.

One of JämO's most important tasks is to examine employers' equal opportunities plans. The examinations conducted have shown, however, that many employers do not have such plans, even though the law requires them to do so. This has been confirmed by a survey which JämO conducted in 1999 together with Statistics Sweden (SCB).

During the two-year period 1999-2000 JämO examined more than 500 equal opportunities plans. The examinations showed that the plans often lack one or more of the areas indicated by the Act, and it is above all quantifiable objectives and concrete measures that are lacking. The plans have been especially deficient as regards the mapping of rates of pay. The tightening up of the Equal Opportunities Act with regard to the equal opportunities analysis of rates of pay is also to be viewed against this background.

During the current two-year period JämO has carried out special examinations of equal opportunity plans in the banking, finance and insurance sectors, and also in the IT sector and among major firms of auditors. In collaboration with union organisations (the Swedish Metalworkers' Union and LO), JämO has also carried out an extensive training scheme for union representatives concerning the procedure for drawing up an equal opportunities plan. A large number of equal opportunities plans have also been examined in the course of these training projects.

JämO has not during the past two years referred to the Equal Opportunities Commission any case concerning penal injunctions against employers defaulting on their active promotional equal opportunities.

QUESTION K

No.

Information in respect of conclusions XV-2

On page 24 it is asked, among other things, whether the provision of Section 7 of the Equal Opportunities Act concerning the duty of employers to promote, through training, competence development and other suitable measures, an equal balance of the sexes in different types of work and in different categories of employee, also permits an individual employee to file proceedings regarding such measures on his or her own behalf. The question can be answered as follows, with

reference to the Equal Opportunities Act as worded after 1st January 2001. The Equal Opportunities Act does not contain any provision entitling an individual person to demand a certain kind of training, competence development or similar measures from his or her employer with reference to the obligation incurred by the employer under Section 7. There is, however, a certain possibility of having such a question examined in a discrimination dispute, i.e. if an employee feels that he or she has been disadvantaged in this respect compared with other employees of the opposite sex. Under Section 15 of the Equal Opportunities Act, an employer may not disadvantage a job applicant or an employee by treating him or her less advantageously than the employer treats or would have treated a person of the opposite sex in a similar situation (if, that is to say, the employer offers training, competence development or other measures to persons of one sex but not of the other), unless the employer can show that the unfavourable treatment has nothing to do with the complainant's sex. An exception applies, however, if the treatment is part of efforts to promote equal opportunities at work and there is no question of applying rates of pay or other conditions of service to jobs which are to be considered equal or equivalent. Under Section 16 of the Equal Opportunities Act, an employer may not disadvantage an employee by applying a provision, a criterion or a procedure which appears neutral but in practice particularly disfavours persons of one sex, unless the provision, criterion or procedure is appropriate and necessary and can be justified with reference to objective factors unconnected with the sex of the individuals concerned. The prohibitions under Sections 15 and 16 apply, for example, when the employer selects an employee for promotion training or when the employer applies different conditions of service to jobs which are to be considered equal or equivalent (the new Section 17 of the Equal Opportunities Act).

Concerning the proportion of part-time workers who do not qualify for benefits, see appendix 11. The tables show an estimate of the figures requested. Note that the figures refer to part-time employees who are not entitled to or do not claim any form of supplementary benefit from an unemployment insurance fund (i.e. those who are entitled to supplementary benefit but do not claim it are included). The calculation is based on the number of persons currently receiving unemployment insurance compensation according to AMS records. As regards part-time employees (i.e. the majority) who are not even registered with the Employment Service, the only conclusion we can draw is that they are not at present claiming or entitled to any supplementary benefit from an unemployment insurance fund. The majority of these (probably 75% or more), however, would be entitled to unemployment insurance compensation if they had been put out of work completely.

The National Institute for Working Life has been engaged since 1999 on a comprehensive research project on the theme of "Gender, Work and

Health". This project is to continue for at least another four years. Within it research is being conducted into the labour market, work organisation and health. One important component is the combination of research into the labour market and health. The long-term purpose of the project is to find possible ways of breaking segregation in the labour market and of achieving better work and better health.

As regards JämO and its other activities in pursuit of pay equality, the following can be reported. Since 1999 JämO has been engaged on a special project concerned with job valuation, code-named Lönelots. The purpose of the project has been to accelerate the promotion of pay equality between the sexes. The paramount wage-setting principle in the Swedish labour market today is that of individual, differentiated rates of pay. Under the project work has been undertaken to develop and communicate methods *both* of gender-neutral job valuation *and* of individual qualification assessment, i.e. for all wage components with a bearing on the individual person's earnings. This work has above all focused on investigation and development, counselling and training, as well as information and networking. As from 2001 Lönelots activities have been integrated with JämO's other measures with reference to the active promotion of equal opportunities by employers.