



April 2006

## **Sixth 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 2, 3, 4, 9, 10, 15, 21, 22, 26 and 29 for the period 1st January 2001 to 31st December 2004.

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

- (1) Svenskt Näringsliv (Confederation of Swedish Enterprise)
- (2) Sveriges Kommuner och Landsting (The Swedish Association of Local Authorities and Regions)
- (3) Arbetsgivarverket (Swedish Agency for Government Employers)
- (4) Landsorganisationen i Sverige (the Swedish Trade Union Confederation)
- (5) Tjänstemännens Centralorganisation (the Swedish Confederation of Professional Employees)
- (6) SACO, Sveriges Akademikers Centralorganisation (the Swedish Confederation of Professional Organisations)

## **ARTICLE 2: THE RIGHT TO JUST CONDITIONS OF WORK..... 3**

2:3 ..... 3

	2
2:5 .....	3
2:6 .....	4
<b>ARTICLE 3: THE RIGHT TO SAFE AND HEALTHY WORKING CONDITIONS .....</b>	<b>5</b>
3:1 .....	5
3:2 .....	5
3:3 .....	9
<b>ARTICLE 4: THE RIGHT TO A FAIR REMUNERATION.....</b>	<b>11</b>
4:1 .....	11
4:3 .....	12
4:4 .....	19
<b>ARTICLE 9: THE RIGHT TO VOCATIONAL GUIDANCE .....</b>	<b>20</b>
<b>ARTICLE 10: THE RIGHT TO VOCATIONAL TRAINING .....</b>	<b>23</b>
10:1 .....	23
10:2 .....	25
10:3 .....	27
10:4 .....	30
10:5 .....	30
<b>ARTICLE 15: THE RIGHT OF PERSONS WITH DISABILITIES TO INDEPENDENCE, SOCIAL INTEGRATION AND PARTICIPATION IN THE LIFE OF THE COMMUNITY.....</b>	<b>32</b>
15:1 .....	32
15:2 .....	36
15:3 .....	38
<b>ARTICLE 21: THE RIGHT TO INFORMATION AND CONSULTATION.....</b>	<b>52</b>
<b>ARTICLE 22: THE RIGHT TO TAKE PART IN THE DETERMINATION AND IMPROVEMENT OF THE WORKING CONDITIONS AND WORKING ENVIRONMENT .....</b>	<b>54</b>
<b>ARTICLE 26: THE RIGHT TO DIGNITY AT WORK.....</b>	<b>55</b>
26:1 .....	55
26:2 .....	56
<b>ARTICLE 29: THE RIGHT TO INFORMATION AND CONSULTATION IN COLLECTIVE REDUNDANCY PROCEDURES.....</b>	<b>58</b>
Appendices: .....	60

**Article 2: The right to just conditions of work**

2:3

***Question A***

Reference is made to the previous report.

***Question B***

Reference is made to the previous report.

***Question C***

Reference is made to the previous report.

***Question D***

Reference is made to previous reports.

***Question E***

Reference is made to previous reports.

***Information in respect of Conclusions 2003***

The parliamentary committee referred to in the second report has put forward its proposals. These have not led to any amendments to the Holidays Act.

2:5

***Question A***

For clearer implementation of the EC working hours directive, the Working Hours Act (1982:673) was amended on 1st July 2005 by a provision sanctioning temporary departure from the main rule concerning weekly rest, if the deviation is prompted by some special circumstance which the employer could not have foreseen. Derogation of this kind is subject to the employee being given commensurate compensatory leave.

The statutory rules can be overridden by collective agreements. Deviations are permissible only so long as they do not imply the application to employees of less favourable conditions than those implied by the EC working hours directive (Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time) (App. 2:1).

Otherwise reference is made to previous reports.

***Information in respect of Conclusions 2003***

Under the Domestic Employment (Working Hours etc.) Act (SFS 1970:943), employees working in the employer's household must be given

at least 36 hours continuous leave of absence every week. This leave of absence shall as far as possible take place at weekends (App. 2.2).

Seafarers are entitled to the following hours of rest under the Seafarers (Hours of Rest) Act (1998:958). The hours of rest should be arranged so as to provide rest for one day per week and on public holidays. Seafarers' hours of rest may not total less than 10 hours per 24-hour period and 77 hours per 7-day period. Seafarers' working time may not exceed 48 hours per week on average for a computation period of 12 months (App. 2.3).

Part-time employees come under the rules of the Working Hours Act concerning weekly rest, the basic rule being that employees must have at least 36 hours continuous leave of absence per seven-day period (weekly rest).

***Question B***

Reference is made to previous reports.

***Question C***

Reference is made to previous reports.

2 : 6

***Question A***

Reference is made to previous reports.

***Question B***

Reference is made to previous reports.

***Information in respect of Conclusions 2003***

Collective agreements do not generally derogate from the rule in Section 6a of the Employment Protection Act. Section 6 a requires information to be disseminated concerning the collective agreement applicable. The collective agreement in force normally includes further provisions applicable to the contract of employment. The collective agreement is available for inspection by the employees.

**Article 3: The right to safe and healthy working conditions**

*Consultation of the labour market parties*

Reference is made to previous report

3 : 1

While referring to the previous report, we wish to add the following.

In 2001 the Government laid down a strategy for improved health in the workplace. That strategy comprises measures relating both to the work environment and to health insurance. The Government's Budget Bill for 2002 included an 11-point programme setting forth policy measures which have now been implemented and are being followed by further measures. A description of the Government's policy is appended (App. 3.1).

Following the expiry, in 2003, of the Work Environment Authority's previous operational programme, a new programme was adopted for the period 2004-2006. That programme indicates six areas of employment which are to have priority for supervision, namely health care, schools, transport, mental welfare and social services, construction and civil engineering, and the wood conversion industry. To these are added three general priorities for supervisory activities, namely systematic work environment management, ergonomics for the prevention of musculoskeletal disorders, and organisational and social conditions. The programme is appended (App. 3.2).

3 : 2

***Question A***

Reference is made to the previous report. The purview of the Work Environment Act has been amended, as described in point b under Question A, below.

Question A

*Legislation passed, 2001 – 2004*

The Work Environment Act (1977:1160)

a. SFS 2002:585

The amendments concern preventive measures, one point of departure being that everything capable of leading to ill-health or accidents is to be altered or replaced so that the risk of ill-health or accidents is eliminated. Furthermore, the employer shall see to it that only employees who have been adequately instructed gain access to areas where there is a palpable risk of ill-health or accidents. The Act was also amended in such a way that the grant of permits by the Work Environment Authority has been

superseded by approval or other certification of compliance with current stipulations (App. 3.3).

b. SFS 2003:365

The amendment makes the Work Environment Act applicable to work on board ship. In principle, the same work environment rules are to be applied to work on board ship as to work ashore, except when the special conditions involved by shipping make this impossible or inappropriate. Supervision of the maritime work environment is to be exercised by the Swedish Maritime Administration in collaboration with the Work Environment Authority (App. 3.4).

c. SFS 2004:453

Amendment following the passing of a new Product Safety Act (2004:451) (App. 3.5).

The Seafarers (Hours of Rest) Act.

c. SFS 2003:368

Implementation of Directive 2000/34/EC of the European Parliament and of the Council of 22 June 2000 amending Council Directive 93/104/EC concerning certain aspects of the organisation of working time to cover sectors and activities excluded from that Directive (App. 3.6).

The Work Environment Ordinance (1977:1166)

a. SFS 2003:442

Secondary amendments prompted by the Work Environment Act being made applicable to work on board ship (App. 3.7).

*Provisions issued by the Work Environment Authority, 2001-2004*

Systematic Work Environment Management (AFS 2001:1)

Systematic work environment management (SAM) is defined as the work done by the employer to investigate, carry out and follow up activities in such a way that ill-health and accidents at work are prevented and a satisfactory working environment achieved. It must be included as a natural part of day-to-day activities and must comprise all physical, psychological and social conditions of importance for the work environment. There must be a work environment policy in the workplace and routines describing how systematic work environment management is to proceed. The employer shall allocate SAM duties and shall see to it that the persons allotted these duties are sufficient in number and have the authority, the resources and the competence that are needed. The employer shall regularly investigate working conditions and assess the risks of any person being affected by ill-health or accidents at work. These Provisions apply to all employers. A party outsourcing manpower is equated with an employer (App. 3.8).

Use of Personal Protective Equipment (AFS 2001:3)

These Provisions are above all an elucidation of corresponding earlier Provisions, AFS 1993:40. The accompanying General Recommendations have been expanded (App. 3.9).

#### Gas Cylinders (AFS 2001:4)

These Provisions are a reworking of earlier Provisions on gas cylinders. Above all, the rules on marking and type testing have been replaced in keeping with Provisions issued by the Swedish Rescue Services Agency (App. 3.10).

#### Anaesthetic Gases (2001:7)

These Provisions are designed to enhance the protection of persons professionally handling anaesthetic gases, in particular medical personnel, dentists/dental nurses and veterinary personnel (App. 3.11).

#### Dock Work (AFS 2001:9)

These Provisions apply to the loading, unloading, mooring, casting off and bunkering of ships, cargo handling or other terminal work and handling of ships' stores and equipment. They apply solely within dock areas, shipping lanes or the equivalent (App. 3.12).

#### Use of Pressure-Retaining Devices (AFS 2002:1)

These Provisions apply to the professional use of pressure-retaining devices, storage tanks, low-pressure gas containers and vacuum vessels. They do not apply to pressure-retaining devices in nuclear engineering facilities for which Provisions have been issued by the Swedish Nuclear Power Inspectorate. A facility with pressure-retaining devices must undergo risk assessment before it can be commissioned (App. 3.13).

#### Rock Work (AFS 2003:2)

These provisions apply to work in rock storage facilities, mines and quarries. They include stipulations concerning rescue blankets in vehicles and face masks for protection from gases in the event of fire, and rules concerning remote control and automatic equipment used in rock work. Commencement of rock work must be preceded by an investigation and risk assessment (App. 3.14).

#### Work in Potentially Explosive Atmospheres (AFS 2003:3)

These Provisions apply where workers can be exposed to danger caused by potentially explosive atmospheres in buildings, facilities, equipment or other technical devices and in any other workplaces where potentially explosive atmospheres are liable to occur (App. 3.15).

#### Inspection of Lifting Gear and Certain Other Technical Devices (AFS 2003:6)

These Provisions apply, for example, to excavators and mobile cranes. Use of the devices concerned is subject to certain conditions laid down in the Provisions. For the purposes of these Provisions, the term "employer" also includes, for example, a party engaging outsources manpower for work in their undertaking (App. 3.16).

**Synthetic Organic Fibres (2004:1)**

These Provisions apply to all activities in which synthetic inorganic fibres or materials containing more than 5 per cent of such fibres by weight are handled. A party using fibrous products in their operations shall, if a choice can be made between different products of the kind, endeavour to use the product emitting least fibrous dust, especially dust containing respirable fibres (App. 3.17).

**Ladders and Trestles (AFS 2004:3)**

These Provisions apply primarily to portable ladders and trestles and deal with the design of ladders and trestles, type inspection, marking and use (App. 3.18).

**Use of Tractors (AFS 2004:6)**

These Provisions apply to farm and forestry tractors designed and manufactured for speeds of between 6 and 40 km/h. A person working with a tractor shall be familiar with its technical design, safety devices and properties to the extent necessary for safe use in various work situations ( App. 3.19).

***Question B***

Reference is made to the previous report.

***Information in respect of Conclusions 2003***

- There is no special register concerning asbestos in buildings.
- Work environment legislation makes no distinction between employees with typical contracts of service (indefinite-term/full-time employees) and those with atypical contracts of service (fixed-term contracts and part-time employees).
- Public sector employees come under the Work Environment Act.
- Provisions of the Work Environment Act applying to work done by the employer himself or done by two or more persons professionally engaging in an activity on their own joint behalf without having any employees include, for example, Chap. 1, Section 1, the provisions of Chap. 2 concerning different work environment factors, and the provisions of Chaps. 7 and 8 on supervision and sanctions. As noted by the Committee, the provisions on technical devices, dangerous substances and common workplaces apply to one-person undertakings. One-person and family undertakings are obliged to comply with the Work Environment Authority's Provisions on Technical Devices and substances capable of causing ill-health or accidents, as well the Provisions relating to common workplaces. The Provisions do not generally state which parties are responsible for the Provisions being complied with. If, however, the employer is expressly made responsible, it is at the same time made clear whether one-person undertakings and family businesses are to be equated with employers. This is the case, for example, with the Provisions on Lasers (AFS 1994:8) and Lead (AFS 1992:17). See Apps. 3.20 and 3.21.



- The rules of the Work Environment Act are applicable even if the parties in an employer-employee relationship are members of the same family.

3 : 3

***Question A***

Reference is made to the previous report, with the following addition.

Concerning supervision methods, implementation of the Provisions “AFS 2001:1, Systematic Work Environment Management” were allotted special priority for the period 2001-2004, the aim being to promote systematic work environment management in business undertakings and administrative organisations through various supervisory measures.

The following should be mentioned on the subject of statistics.

The number of workplaces supervised by the Work Environment Authority during the period covered by this report was 293,037 (2004).

The number of inspection visits during the same period was 120,069.

The number of employees included in these inspection visits was approximately 1.1 million out of a total of some 3.7 million.

Further statistics relating to the activities of the Work Environment Inspectorate between 2001 and 2004 are presented in Apps. 3.22-3.25.

***Question B***

Reference is made to the previous report. For statistics, see Apps. 3.22-3.25.

***Question C***

The figures in the following table, like those in Apps. 3.26-3.30, refer to all employees and self-employed persons.

	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Work accidents	37,461	37,688	34,592	32,705
of which fatal	56	60	56	57
Work-related illnesses	26,440	22,339	25,565	20,787
No, employees and self-employed	410,1867	414,7174	409,5047	417,3085

Accidents and illnesses by branch of economic activity are shown in Apps. 3.26-3.30.

Concerning the question of “preventive measures taken in each sector”, reference is made to Apps. 3.22-3.25.

#### **Article 4: The right to a fair remuneration**

4:1

##### ***Question A-C***

The social partners are fully responsible for wage setting, and wages are usually determined through collective agreements. The union organisations have a traditionally strong position in Sweden. The unionisation rate is approximately 80 per cent. The collective agreement coverage rate is higher still, in the region of 90 per cent. Rates of pay for the remaining portion of the labour market are also influenced by the collectively negotiated areas.

There is no state regulation of minimum wages. For persons with low incomes the social security system intervenes. Minimum wages are instead provided for through collective agreements.

Reference is also made to previous reports.

##### ***Question D***

Reference is made to previous reports with the following addition.

According to the Ministry of Finance, the average net monthly wage of an employee was SEK 16,250 in 2004 and 16,582 in 2005. Gross monthly earnings were SEK 23,700 in 2004 and 24,400 in 2005.

As regards minimum wages defined by collective agreement, we may note that in the LO (manual workers) sector minimum rates of pay or low wages are defined in practically all collective agreements, with the exception of the LO agreement for the national government sector. Examples of minimum wages for 2005: municipal employees aged 19 or over: SEK 13,400 gross (SEK 9,739 net).

TCO (salaried staff) agreements for the public sector include minimum wage provisions for employees in industry and commerce, banking and insurance and journalism. Examples of minimum wages for 2005: SIF collective agreement: employees aged 18 or over: SEK 13,260 gross (SEK 9,654 net); Finansförbundet (the Financial Sector Union of Sweden): employees aged 18 or over: SEK 12,000 gross (SEK 8,837 net), employees aged 21 or over: SEK 15,100 gross (SEK 10,840 net).

Within SACO (academic and graduate professionals), provisions on minimum rates of pay are, with few exceptions, lacking in collective agreements. The parties at local level generally have extensive liberty to decide both the scope and distribution of pay improvements. Not infrequently, agreements are “figureless” agreements of local wage

formation agreements, with employer and employee agreeing on salary in one-to-one interviews.

The National Mediation Office reports that only a small proportion of employees have the minimum wage agreed on. Minimum wages are constructed in such a way as to be paid only to workers who have not attained a certain age, a certain standing, certain professional qualifications, a certain level of experience or suchlike. This generally applies to workers who have recently entered the employment sector or are new to a particular field of activity.

Generally speaking, minimum wages and average pay improvements proceed concurrently. In certain areas with a relatively low wage level, however, e.g. retail trade and municipal employment, minimum rates of pay have been rising faster than average rates in recent years.

4 : 3

#### *Question A*

Reference is made to previous reports, with the following addition.

Certain closer definitions, effective from 1.1.2001, have been added to provisions of the Equal Opportunities Act concerning measures to be taken.

The term “equivalent work” is now defined as follows (Section 2 (2)):

A job is to be considered equivalent to another if, having regard to all the requirements it entails and to its nature, it can be considered to equal the other job in value. The requirements which the job entails shall be determined according to such criteria as knowledge and skills, responsibility and exertion. Particular account shall thus be taken of working conditions when assessing the nature of the job. Act (2000:773).

Requirements concerning the procedure for surveying and analysing rates of pay, partly with reference to the concept of equivalent work, are defined as follows in Section 10:

In order to discover, remedy and prevent unfair differences in pay and other conditions of service between women and men, the employer shall annually map and analyse

- provisions and established practice regarding pay and other conditions of service applied by the employer, and
- pay differentials between women and men doing what is to be considered equal or equivalent work.

The employer shall assess whether pay differentials occurring are directly or indirectly connected with gender. The assessment shall in particular refer to differences between

– women and men doing what is to be considered equal work, and a group of employees doing work which is or is usually considered to be dominated by women and a group of employees doing work which is to be considered as equivalent to such work but is not, or is not usually considered to be, dominated by women. Act (2000:773).

The analysis based partly on the concept of equivalent work shall be summed up in an action plan, the contents of which include time frames and the costing of measures proposed. This is laid down in a new Section 11:

The employer shall annually prepare an action plan for equal pay and in it give an account of the results of the survey and analysis referred to in Section 10. The plan shall state what pay adjustments and other measures need to be implemented in order to achieve equal pay for work which is to be considered equal or equivalent. The plan shall further contain a cost computation and a time schedule aimed at ensuring that the required pay adjustments are implemented as soon as possible and at the latest within three years.

An account and evaluation of how the measures planned were implemented shall be included in the action plan for the following year.

The obligation to prepare an action plan for equal pay shall not apply where the employer had less than ten employees at the end of the preceding calendar year. Act (2000:773)

This amendment is supplemented by a provision to the effect that a union representative from an organisation which has a collective agreement with the employer and serving in the joint group for pay surveying and analysis has a special right to information. This right of information is linked to rules of confidentiality and secrecy, section 12 :

The employer shall supply any employees' organisation to which he is bound by a collective bargaining agreement with whatever information may be necessary to enable the organisation to collaborate in the pay survey and analysis and in the preparation of an action plan for equal pay.

If the information concerns particulars of pay or other circumstances affecting an individual employee, the rules of confidentiality and damages contained in Sections 21, 22 and 56 of the Employment (Co-Determination in the Workplace) Act (1976:580) apply. The provisions of Chapter 14, Sections 7, 9 and 10 of the Secrecy Act (1980:100) apply in public activities. (2000:773)

During the period to which this report refers, the Labour Court defined the legal position on the equivalent work concept in two cases:

- In AD 13/01 on 21st February 2001, the Swedish Labour Court found for the first time that two different jobs (those of midwife and hospital

department engineer) with one and the same employer could be deemed equivalent in the Community legal sense.

- In AD 76/01 on 12th September 2001 the Court confirmed the principle that two different jobs (those of intensive care unit nurse and medico-technical engineer) could be deemed equivalent in the Community legal sense.

The equal Opportunities Act applies to all employers, i.e. in both the private and public sectors. Its provisions are peremptory and cannot be derogated by collective agreement. In this respect *no change occurred* during the period in question.

### ***Question B***

Reference is made to the particulars furnished under Article 1.2 in Sweden's first report on measures taken to give effect to the revised Social Charter.

JämO has commented on the effect of the pay survey provisions (Sections 10-11 of the Equal Opportunities Act) and their relation to the pay discrimination provisions (Sections 15-17 of the Equal Opportunities Act) in two reports submitted to the Government in 2003 and 2005 respectively. The conclusions in the second of these reports also touch on the period referred to in the inquiry. The reports can be accessed in Swedish on <http://www.jamombud.se/dokument/rapporteromlone.asp> and in English on <http://www.jamombud.se/en/> Briefly, the Equal Opportunities Ombudsman has found partly as follows:

- Following the 2001 amendment, the provisions can now be said, for the first time, to be working as the legislator intended when the rules were introduced in 1994. It is above all in the past two years, i.e. since 2004, that the tightening up of the provisions has begun to have a discernible impact.
- The provisions are beginning to find their place in "the Swedish model". Fears of the Labour Court wielding decisive influence on wage formation have not been borne out. Pay corrections resulting from litigation have not had any impact. One major bone of contention was the employer's duty of supplying information for the purpose of pay surveys. The employers feared that this information could come to be utilised as evidence in or a basis for legal proceedings. This has not proved to be the case.
- The pay survey provisions are an instrument for achieving gender equality of pay at the individual workplace. They have been successful in that rates of pay have been corrected for groups of jobs where women predominate and also for individual workers. The structure of the rules also means that Swedish promotion of gender equality in matters of pay proceeds proactively rather than through dispute negotiations and litigation.
- The Act requires employers and representatives of employees to co-operate in the pursuit of pay equality between the sexes, but the concrete

procedure is unclear. The requirement of bipartite co-operation often collides with the tradition conflict-based system of pay negotiations.

- JämO welcomes an incipient development whereby the parties at central level agree on the structure of industrially adapted material to facilitate surveying and analysis by the parties at local level. The 2004 collective talks constituted a trend inflection, as described for example in the annual report of the National Mediation Office for 2004; see [www.mi.se](http://www.mi.se)

### *Question C*

Reference is made to the previous report.

### *Information in respect of Conclusions 2003*

#### **Does the 2001 statutory amendment mean that in pay discrimination proceedings comparisons can now be made between workers with different employers?**

The text of the Government Bill (1999/2000:143, p. 38, 3rd paragraph) states:

- “In cases where comparison is not made with an actual person, the question arises how a jobseeker or employee of the other sex would have been treated. In the ultimate resort, general conditions in the industry or more general arguments of justice and equity, for example, will have to be resorted to as a standard for comparison.” But the basic principle remains that the comparison “must of course focus specifically on the particular employee’s conditions in relation to other employees doing equal or equivalent work for the same employer.”(see *ib.*, p. 109, 6th paragraph.)

#### **Is there any case law connected with this amendment?**

The government and JämO do not know of any case law relating to this particular aspect of the ban on pay discrimination.

#### **Levels of indemnity in discrimination cases, financial and constructive damages.**

There have been extremely few Labour Court cases in which the applicant has invoked the provisions of the Equal Opportunities Act and been awarded damages. In case 69/01, which concerned recruitment, a woman jobseeker was awarded SEK 50,000 damages. In AD 102/02 a female employee who had been subjected to sexual harassment was awarded SEK 80,000. All in all nothing indicates that the amendment has been followed by any appreciable rise in the level of damages awarded.

#### **What steps are being taken to improve employers’ compliance with the provisions of the Equal Opportunities Act concerning active measures?**

The amendments which came into force on 1.1.2001 have proved an important means of improving employers’ compliance with the Act’s provisions. For 1999 and 2005 respectively, SCB (Statistics Sweden) conducted a major questionnaire survey to investigate the occurrence of

equal opportunities plans. The figures show that compliance with the Act's provisions has improved but that the results still cannot be termed satisfactory.

The Commission has observed that no cases were referred to the Equal Opportunities Tribunal for several years. That has now changed, and the Tribunal received 13 complaints between 2001 and 2004. The limited number of cases should not necessarily be taken to imply that contingent fines are a sanction of no importance.

At a certain stage in the processing of a transaction it is common for JämO to issue a reminder that a penal injunction under Section 35 may come to be considered if the employer fails to accommodate JämO's viewpoints. The reminder concerning the possibility of a contingent fine is usually an effective means in itself of prevailing on the employer to remedy the omission.

Similarly, there are a number of instances of JämO having obtained the information requisite for supervision (Section 34) but only after reminding the party concerned of the possibility of a penal injunction being issued. Another important reason for so few cases being brought before the Equal Opportunities Tribunal is that the Act clearly emphasises JämO's task of inducing employers to comply with the legislation of their own volition (Section 31).

At the same time as JämO has noted the very infrequent use by unions of the possibility of applying for a penal injunction, one cannot help noticing that several organisations have since 2002/2003 developed alternative methods of demonstrating their assumption of responsibility for compliance with the provisions on pay surveys. The following are some of the activities occurring, and the list is by no means exhaustive:

-In October 2003 the Swedish Association of Graduate Engineers conducted an inquiry among its union officials concerning the promotion of gender equality in the workplace. A quarter of the 330 or so respondents reported that equal opportunities plans were lacking entirely. Half of the employers carried out annual pay surveys.

-In mid-2004 the Graphic and Media Workers' Union examined the equal opportunities plans of 56 employers in the industry.

-In the autumn of 2004 the Metalworkers' Union carried out a survey of equal opportunities plans in undertakings within its Skövde branch. Plans were called in from all employers with at least ten Metalworkers' Union members on the payroll.

-The Union of Civil Servants (ST) reported on 20th January 2005 that during the year it would be demanding pay surveys at all workplaces where it was represented. This was made clear by the plan of activities for 2005.



-SKTF (publicly and privately employed salaried employees who work with service and support to the public within municipal and county areas, as well as within the church) conducted surveys of all municipalities and county councils in 2003 and 2004, concerning their pay survey activities. The figures for 2004 showed that one out of every three employers had not carried out a pay survey.

-SIF (white collar union) resolved in 2004 on a major initiative concerning pay survey issues. Seven persons have been hired on a project basis to work regionally on training for elected representatives and employees. The aim is for pay surveys to be carried out at all workplaces with SIF members, in order to reveal and eliminate unfair and inexplicable pay differentials. SIF has 364,000 members, divided between 2,500 local branches.

These examples will serve to show that activities have been developed in union organisations affiliated to LO, TCO and SACO, and that predominantly male and female unions are involved. These six instances alone show the number of employers included in union scrutiny actions to be far greater than the average of 150-200 pay surveys examined by JämO every year.

Other agents carrying out surveys of compliance with the Act are *the media*, in connection with feature articles etc. on gender-related pay differentials. Specialist experts at some of Sweden's *county administrative boards* conduct and have developed, in their several regions, a regular combined scrutiny and advisory service concerning employers' pay surveys. On the other hand there is no question here of supervision in the strictly legal sense.

All in all, JämO discerns a growing commitment on the part of various agents to observing compliance with the Equal Opportunities Act, and especially with its pay survey provisions. JämO sees a connection between the activities which have now been described and the legislative changes introduced in 2001. In addition, the growth of activities, especially in the past two years, may have been spurred by the National Mediation Office's mission:

in its deliberations with the social partners concerning impending and current collective negotiations, to draw attention to the importance of the central collective agreements being constructed in such a way as to encourage the efforts of the parties at local level to address pay issues in a gender equality perspective. The National Mediation Office shall consult JämO in connection with the discharge of this remit.<sup>1</sup>

The report of the National Mediation Office for 2004 shows in detail that elucidations in central collective agreements to facilitate the implementation of the pay survey provisions at local level were especially common in the 2004 round of collective bargaining.

---

<sup>1</sup> Uppdrag från Näringsdepartementet. Dnr 257/03.

**Request for information in greater depth “on active policies carried out by the public authorities... e.g.: measures taken to encourage women to take up predominantly “male occupations or to improve the status of jobs traditionally performed by women and women’s pay etc”**

One of the overriding aims of labour market policy is to try to counteract a gender-segregated labour market, i.e. an employment sector with women and men differently represented in different occupation, and to contribute towards a growth of equality of opportunity between women and men in the employment sector. Labour market policy measures are a means to this end. The Swedish labour market, however, is highly segregated between the sexes and men’s and women’s educational and vocational choices are very much gender-based, as are the recruitment activities of many employers. Consequently the possibilities of the Labour Market Administration overcoming gender segregation in the labour market are limited.

AMS (the National Labour Market Board) has devised a strategy for continuing efforts to overcome gender segregation in the labour market. At the same time, new guidelines have been laid down for the work of the Labour Market Administration (AMV) to achieve equality of opportunity between women and men in the workplace. The point of departure for this strategy is its inclusion in AMV’s basic mission of overcoming gender segregation in the labour market. The essence of the strategy is that the equal opportunities mission of labour market policy must be integrated in all AMV activities and all monitoring of the same.

AMS is being allotted MSEK 28 annually for projects designed to encourage women and men respectively to make non-traditional vocational choices, Trend-breaking Projects, the means to this end being counselling and a variety of preparatory and orientational programmes. Some of the projects have been aimed at establishing ideas of gender equality in county employment boards and at employment offices. Other projects have been concerned with augmenting the gender perspective in counselling, recruiting more men for non-traditional occupations or training programmes, making young women more interested in technology, and training employment board/employment office staff in the active pursuit of gender equality.

*Examples of two projects taking place within the Trend-breaking Projects:*

The *Hållplats Teknik* project ran for 2 years in the County of Västra (West) Götaland. Using a “Try It” course of between 8 and 10 weeks duration, this Trend-Breaking project was aimed at arousing and stimulating women’s interests in technology. The target for 2001 was for 72 women to have the chance of taking part in the project and for 50% of the participants to have a realistic action plan aimed at getting them into technical vocational education/employment after the project ended. The outcome for the same year was that 55 women took part, of whom 50% had an action plan for technical vocational activity after taking part in the course. The target for 2002 was slightly different, namely for 60 women to have the chance of taking part in the project. 60 women joined the project, of whom 53 completed it. 60% of these had a realistic action plan aimed at technical education after their participation had ended.

Under 2001-2002 The Trend-Breaking project *Fler män till högskoleutbildning* ("More men for higher education") was conducted in the County of Värmland during 2001-2002. Its purpose was to induce unemployed men in the Municipalities of Hagfors and Munkfors to commence post-secondary studies in fields where women predominate, and the target was between 10 and 15 participants. Out of a total of 21 participants 6 embarked on post-secondary studies in areas of mainly female employment. Another 2 participants applied but were not accepted for the programme of their choice.

4 : 4

***Question A***

Reference is made to the previous report.

***Question B***

Reference is made to previous reports.

***Information in respect of Conclusions 2003.***

The collective agreements which the Committee refers to in the metal trade have been renegotiated and meet the requirements of the Social Charter. The clause criticised in the Swedish Painters' Union's agreement remains in force. The government has invited the parties to the latter agreement to a meeting where the clause on periods of notice will be discussed. The results of this meeting will be described in the next report.

## Article 9: The right to vocational guidance

### *Question A*

Reference is made to the previous report with the following addition.

#### *Vocational guidance within the education system*

The Voluntary Schools Curriculum (Lpf 94) indicates that educational and vocational counselling must be offered to all high school (“upper secondary school”) students. Educational and vocational counselling in the broad sense is of great importance, in view of the continuous changeability of working life as regards competence requirements and recruitment needs in different fields. Universities and colleges, employment offices, business enterprise, the social partners and industrial organisations therefore have important parts to play in the supply of information to schools and their pupils. Statistics show that there were a total of 933 educational and vocational counsellors serving in Swedish high schools in the 2004/05 school year, corresponding to 822 full-time teaching posts. The Education Act lays down that educational and vocational counsellors hired on an indefinite term basis must have undergone training for their duties. Their task is to inform and counsel pupils concerning their choice of study courses, further education and vocational activity, and in doing so to counteract restrictions of choice which are based on gender or on social or cultural background.

The pupil is not obliged to follow the counsellor’s advice. Counselling is intended as guidance enabling each pupil to decide his or her educational and vocational future on the basis of greater capacity for analysing different options and judging their potential consequences. Counselling, in other words, is not peremptory and accordingly no measures are taken if it is not complied with.

#### *Vocational guidance at employment offices*

Reference is made to the previous report with the following addition.

- a) AMV vocational guidance is free of charge.
- b) Vocational guidance within the public Employment Service is provided by AMS and the county labour boards. The public Employment Service operates through local employment offices under county labour board auspices and through the AMS Employment Service Customer Service.
- c) Through the Employment Service website on the Internet the general public can access information about occupations and education and points to be taken into consideration in their vocational/occupational decision-making.
- e) A lucid description of the *Vägledning till arbete* service (“Guidance to Work”, one of the seven services which the Employment Service offers to jobseekers) and the counselling methods which it includes have helped to articulate vocational guidance. Provision of this service through three service channels – the Internet, Customer Service and the local employment

offices, which together make up the Swedish Employment Service – augments the services which jobseekers have at their disposal.

f) In-depth mapping and guidance is a concentrated investigation initiative for jobseekers who are uncertain of their own capabilities and of requirements and possibilities in the employment sector, and whom the Employment Service judges to be in special need of support. This initiative can last for up to 12 weeks, during which time the jobseeker can receive activity support. The investigation initiative includes persons both with and without disability.

Apart from introducing the jobseeker to the tools on [ams.se](http://ams.se) and making sure that the jobseeker can use them, the placement officer/employment counsellor also employs counselling interviews and group counselling, methods which have been quality-assured so as to achieve uniformity throughout the organisation and to guarantee the quality of counselling work. Extensive training measures are conducted through the vocational counselling interview, and planning has begun for training in group counselling.

***Question B***

Reference is made to previous reports and to the answer in C.

***Question C***

Reference is made to the previous report, with the following addition. All information on [ams.se](http://ams.se) is accessible both to the jobseeker and to the placement officer/counsellor and constitutes a guidance tool. The [ams.se](http://ams.se) website offers information about training and occupations and also about the whereabouts of the available jobs and how to apply for them. In addition to an interest test there is a special programme for jobseekers wishing to choose a new occupation/job. A programme is currently being developed for persons who are already employed but wish to change their work situation.

***Question D***

a) Expenditure under the Guidance to Work service is not separately accounted for but time input accounts for the past two years have shown that 8% of all working time at county labour boards and employment offices in 2004 was devoted to the Guidance service and 7% in 2005.

b) AMV personnel strength currently stands at upwards of 10,000. Of these about 6,000 are employed as placement officers. AMV no longer makes any distinction between placement officers and vocational counsellors, and a placement officer may thus be actively concerned with several services, of which Guidance to Work may be one. The occupational psychologists on the AMV staff provide in-depth guidance and are currently 348 in number.

c) There were 620,000 jobseekers enrolled with the Employment Service on 13th February 2006. Of these about 78,000 were in need of counselling, and of these latter, 21,000 had received compulsory schooling or the equivalent, 42,500 high school (“upper secondary school”) education and 14,800 post-

secondary education. 20,600 were women and 37,800 men. 26,300 were aged under 25, 41,000 between 26 and 50 and 11,000 over 50.

d) All Swedish municipalities have employment offices. There are approximately 325 employment offices altogether.

***Question E***

Reference is made to the previous report with the following addition.

Information about occupations and educational opportunities is accessible to everyone who is interested, this being a public service on the Internet. The Employment Service Customer Service provides brief interviews in connection with the use of vocational and educational information on [ams.se](http://ams.se), and these interviews are also available to everyone with an interest in these matters.

Some of the service offered through the local employment office requires a person to be enrolled there as a jobseeker. The extent of the service which the local employment office can offer the jobseeker depends on the jobseeker's needs. It is for the employment office to decide what service/initiative is to be provided. The jobseeker's needs are viewed in relation to requirements and possibilities in the employment sector.

## **Article 10: The right to vocational training**

10:1

### ***Question A***

#### *Vocational training programmes*

Reference is made to the previous report with the following addition.

The experimental scheme comprising certain kinds of “Qualified Vocational Training” was placed on a permanent footing as from 1st January 2002. Qualified Vocational training is a post-secondary programme based on close co-operation between working life and the education system. Admission is subject to the same basic eligibility requirements as for higher education. Qualified Vocational Training is open to all high school (“upper secondary school”) leavers with basic eligibility, but also to persons with experience of working life or unemployed persons with corresponding qualifications. The programmes are generally of 2 years’ duration and one-third of each programme comprises On-the-Job Learning (LIA). The employment sector designs the programmes in partnership with the education system and finances the LIA period. Qualified Vocational Training comprises 16 000 trainee equivalents in 12 industrial and occupational fields. A follow-up of the students showed 75 % of them to have obtained work within 6 months of completing their training. The Government has allocated approximately MSEK 1120 for Qualified Vocational Training during the 2006 fiscal year.

The Education Act defines the aim of nationally recruiting advanced training in municipal adult education as being to give adults a training fitting them for a new level in their present occupation or for a new occupation. This training had 5.850 participants during the 2003/2004 school year. A large number of the training courses were converted to Advanced Vocational training 2005

Vocational training is also provided in the form of Supplementary Training, which is subject to varying degrees of State supervision. In 2004 there were 164 programmes under State supervision with a total of some 3,500 places, qualifying for State support and receiving State grants.

Vocational training is also provided as a part of popular education. The popular education definition of vocational courses includes courses at post-secondary/higher education level. Participants in popular education vocational courses at folk high schools number approximately 2,700.

Apprenticeship training within the individual high school programme is open to all entrants with full compulsory school leaving certificates.

(a)

Reference is made to the previous report.

(b)

*Total cost of outsourced employment training for unemployed and activity support (MSEK) 2001-2004*

Activity	2001	2002	2003	2004
Outsourced training	2,137	1,736	1,584	1,004
Activity support	2,029	1,500	1,463	1,019

Expenditure on Advanced Employment Training (KY)

2001: 506,300 KSEK

2002: 551,781 KSEK

2003: 683,075 KSEK

2004: 741,988 KSEK

***Question B***

Reference is made to previous reports with the following addition

Table Female students ( Qualified Vocational Training) in different sectors

Branch	Women%
Construction	22
Economy	65
IT, multimedia, graphical industry	29
Agriculture, forest, gardening	70
Food industry	46
Environment	67
Technology/Manufacturing	26
Transport	46
Wood industry	48
Tourism/Restaurant Sectors	77
Nursing/Caring Services	86
Sundry	56
-----	
Total	50

***Question C***

Reference is made to the previous report.

***Question D***

Reference is made to previous reports

***Question E***

Reference is made to previous reports.

***Information in respect of Conclusions 2003***

The Government has invested heavily in raising the number of places in Advanced Vocational Training and other experimental apprenticeship schemes for adults.



Skills and experience are recognised by the training institution concerned. A Validation Committee has been set up to further the development of the validation method.

In Swedish higher education we have programmes leading to professional diplomas, and also free studies which are combined in a general degree. The number of higher education entrants in 1997/98 was 64,281, while the number of programme entrants was 36,355. The “difference” of 27,900 students includes those intending to combine courses into a general degree (Higher Education Diploma, B.A, M.A) and those who never intended to graduate. Since, where non-programme students are concerned, it is impossible to single out those intending to graduate, the fairest procedure is to state a figure for programme entrants only. 43 per cent of 36,355 programme entrants in 1997/98 graduated from the programme within 5 years and 56 per cent within 7 years. To these (graduating within 7 years) are added 7 per cent who have taken some other degree, usually a general degree. Another 9 per cent had not taken a degree but were registered in the higher education system for 2003/04. 63 per cent of programme entrants graduate within 7 years.

The employment participation rate for graduates between 2001-2004 is based on figures from Statistics Sweden (SCB) and is as follows:

Year	Employed	Among the total population
2001	622 000	744 000
2002	644 000	768 000
2003	658 000	795 000
2004	692 000	828 000

10 : 2

#### ***Question A***

Reference is made to previous reports.

#### ***Questions B-C***

Reference is made to previous reports with the following addition.

#### *Percentages and numbers of persons under 25 completing employment training and preparatory training programmes, 2001*

Vocational emphasis	2001
IT (system, operation)	5%
Technology/Science	1%
Education	2%
Arts/Media	2%
Economics/Social science	2%
Nursing/Caring services	12%
Office work/Warehousing	4%
Customer service	6%
Restaurant sector	8%
Construction/Heavy engineering	5%
Manufacturing/Crafts	20%

Machine operation	17%
Transport	12%
Sundry	2%
Total percentage, employment training	100%
Total numbers, employment training	5,826
Preparatory training	5,003
Grand total, all training	10,829

Nearly half the young male participants take some form of industrial training. In recent years there has also been a noticeable increase in the number taking transport programmes. Nursing and caring service programmes predominate for women, together to some extent with customer service and restaurant programmes.

***Question D***

Reference is made to the previous report.

***Question E***

See answers to Questions A-B.

***Question F***

See answers to Questions A-B.

***Information in respect of Conclusions 2003***

High school (“upper secondary school”) apprenticeships.

Sweden at present has **formal** high school apprenticeships for the individual programme only. Statistics from the National Agency for Education show only 24 students taking these apprenticeships in 2004.

On the other hand, workplace components, of at least 15 weeks duration and spread out between three school years, are included in all high school vocational programmes. Since the Ordinance stipulates *at least* 15 weeks’ workplace training, there are schools with a far larger part of instruction workplace based, in which case the programme can be termed a quasi-apprenticeship. No statistics are available concerning schools outsourcing more than the minimum.

In addition, an experimental scheme entitled *Lärande i arbetslivet* (LIA) and governed by a special Ordinance, SFS 2000:690, has been operating since 2000. Here the requirement is for 30 weeks, divided between three school years, to take the form of workplace training. The workplace time is subject to a special syllabus. The experimental scheme is also distinguished by the requirement of a programme committee for consultations between school and working life. The members of the committee are representatives of the social partners, school staff and students. School, enterprise and student all sign a training contract in which the educational objectives and the teachers and tutors responsible are specified in greater detail. This experimental scheme is confined to a limited number of schools.

In the Bill entitled *Knowledge and Quality – eleven steps for the development of upper secondary school* (Prop. 2003/04:140), the Government took the view that upper secondary school apprenticeships should be developed as an attractive option in high school. The National Agency for Education was instructed by the Government to draw up proposals concerning the design and regulation of these apprenticeships. The proposals were submitted on 1st February 2006 and the matter is currently being processed in the Government Offices. The intention is for students to be able to opt for apprenticeship as an alternative means of achieving the same objectives and competence as students taking the more in-house path through high school.

10 : 3

#### ***Question A***

Reference is made to previous reports with the following addition.

Support for employee training was discontinued on 1st February 2004 and replaced with the possibility, on an experimental basis, of arranging bottleneck training for employees within the framework of employment training. The purpose of the experimental scheme, to be concluded in 2005, is to make it easier for employers to hire qualified manpower for occupations with a shortage of competent applicants.

The funding frame for the period as a whole totalled MSEK 360 for an estimated 3,300 persons. The actual number commencing bottleneck training (i.e. training for short-handed occupations) was approximately 400 annually. This lower level of interest can be attributed to the very low manpower shortage prevailing during the experimental period.

Recruitment grants provide employees with an opportunity of improving their competence. This grant is for the persons most in need of training. It is payable from the calendar year in which the student is 25 up to and including the calendar year when the student is 54. The grant is payable for 50 weeks, after which the intention is for the student to switch to study assistance insofar as he or she opts to continue the training. The recruitment grant was introduced in 2003 and is estimated for 30,000 persons studying full time. The target group includes both unemployed and employed persons. In 2003 21 388 persons was appointed recruitment grants and in 2004 26 275 persons was. The government spend 1.4 MSEK on recruitment grants in 2004. Besides this 651 persons was supported through the widened use of recruitment grants according to the special conditions applicable in 2004, the specific effort on an education combining, part time grant with part time work, for those in education to assistant nurses. This state costs for this specific investment in 2004 was 10 MSEK.

Official SCB statistics show the following numbers undergoing personnel training under employers' auspices

2002	2003
2,677,000	2,719,000

**Question B**

See reply with reference to D, below.

**Question C**

Reference is made to previous reports.

**Question D**

Employment training for unemployed	2001	2001	2002	2002	2003	2003	2004	2004
	men	women	men	women	men	women	men	women
IT (system, drift)	7%	3%	3%	2%	1%	1%	1%	0%
Technology/Science	1%	0%	2%	0%	2%	1%	0%	0%
Education	2%	1%	2%	5%	3%	3%	2%	4%
Arts/Media	1%	2%	0%	2%	1%	0%	0%	1%
Economics/Social science	2%	3%	1%	1%	0%	0%	0%	0%
Nursing/Caring services	3%	32%	3%	32%	7%	49%	3%	29%
Office work/Warehousing	3%	7%	3%	5%	2%	3%	1%	2%
Customer service	3%	14%	4%	17%	3%	13%	4%	19%
Restaurant sector	6%	14%	4%	10%	5%	11%	6%	16%
Construction/Heavy engineering	7%	0%	9%	1%	11%	1%	10%	2%
Manufacturing/Crafts	27%	6%	24%	5%	25%	4%	26%	6%
Machine operation	19%	12%	20%	13%	16%	8%	19%	10%
Transport	17%	2%	23%	4%	22%	3%	22%	5%
Sundry	1%	3%	3%	4%	2%	2%	5%	3%
Total percentage, employment training	100%	100%	100%	100%	100%	100%	100%	100%
Total numbers, employment training	3,921	1,905	3,938	1,653	2,391	1,065	2,745	1,103
Preparatory training	2,789	2,214	5,903	3,455	3,935	2,154	7,650	4,425
Grand total, all training	6,710	4,119	9,841	5,108	6,326	3,219	10,395	5,528

**Question E**

Reference is made to the previous report.

**Question F**

Vocational training is not subject to any admission restrictions relating to disability or non-Nordic origin.

**Information in respect of Conclusions 2003**

The Adult Education Initiative was concluded in 2002. However, the Government is still allocating funds to ensure the availability of adult education on that level. Today there are 240,000 adults involved in different kinds of adult education.

An evaluation of the Adult Education Initiative, published in 2004 by the Swedish National Agency for School Improvement, shows the Initiative to

have been the biggest adult education scheme ever undertaken in Sweden. The State has contributed just under 19,000 MSEK (student aid excluded); this has been distributed to all municipalities in the country during a period of just over five years. Altogether between 1997 and 2002, activities were conducted corresponding to 444,000 full-time annual personnel equivalents (not including the base organisation of 176,000 places).

The proportion of unemployed taking part in the project varies between 40 and 50 per cent. More than half the participants in the Adult Education Initiative began their studies with only brief formal education behind them; this was defined as, at most, two years' completed high school studies or the equivalent. Two-thirds of the students were women, despite the efforts made by the municipalities to recruit men. Many of the project targets were achieved. Those targets were expressed as follows:

- Reducing unemployment.
- Developing and renewing adult education.
- Reducing education gaps.
- Enhancing the prospects of growth.

It is hard to tell, however, in what way unemployment has been affected by the Adult Education Initiative. Many people took part in education/training instead of being unemployed or taking part in some other labour market policy programme. This ought to have improved their prospects of coping successfully in the labour market. A fair number of students, moreover, went on to post-secondary study programmes.

**The Labour Market Administration** does not share the cost of employment training with any other authority, organisation or undertaking. There are cases of persons in danger of becoming unemployed being waged by their employer for the duration of employment training, instead of receiving activity support. In exceptional case the Employment Service also awards activity support to persons taking part in training programmes outsourced by others, e.g. by business undertakings or NGOs.

All Employment Service enrollees have the **same possibility of** access to employment training. No special admission requirements apply to non-Nordic citizens. Admission requirements for the programmes vary, depending on the emphasis and difficulty of the training itself.

**The Employee's Right to Educational Leave Act (1974:981)** entitles employees to leave of absence for training and education. This entitlement applies to an employee who, when the leave of absence begins, has been with the employer for the past six months or for a total of not less than twelve months in the past two years. The employer is to some extent entitled to postpone the leave of absence to a later date than requested by the employee. The employer is under no obligation to contribute towards the cost of the training, and in the absence of any such contribution the employee has to utilise other possibilities, such as a student loan.

10 : 4

Reference is made to previous reports with the following addition.

During 2001 work experience schemes remains a common programme for overcoming long-term unemployment, but new initiatives such as the Activity Guarantee and preparatory training are now commoner expedients than employment training where long-term unemployed are concerned. This last mentioned programme has begun to be used more for an offensive purpose than as means of resolving bottleneck situations in the labour market. Many of the long tem unemployed have a low level of formal education and the qualification level of employment training having been raised considerably in recent years. Of that reason it is of importance to offer preparatory courses for long-term unemployed in order to strengthening their competence in order to make an opportunity for as many as possible to assimilate an employment training.

*Long-term unemployed proceeding to employment training programmes, 2001*

Labour market policy programme	2001
Wage subsidies	2%
OSA (public sheltered employment)	0%
Entrepreneurial start-ups	3%
General hiring support	2%
Reinforced hiring support	2%
Work experience	25%
Computer Activity Centres	10%
KUP	2%
Development Guarantee	8%
AMI	7%
Counselling and placement activities (GAR)	17%
Employment training	7%
Preparatory training	14%
Total programme participants, percentage	100%
Total no. LTU proceeding to programmes	35,934

***Information in respect of Conclusions 2003***

Activity Guarantee participants have the same possibility as other Employment Service enrollees of taking part in employment training, but the proportion of such participants referred to employment training is quite small, due very much to this group not having up-to-date work experience and/or having insufficient prior qualifications. This group is more a subject of preparatory training measures.

10 : 5

***Question A***

Reference is made to previous reports.

***Question B***

Reference is made to previous reports.

***Question C***

Reference is made to previous reports with the following addition.

On-the-job training is financed out of the budget of the Labour Market Administration and thus entirely from Government funds.

The PES (Public Employment Service) administers payments of the on-the-job training grants. The employer chooses the training provider independently.

***Question D***

Reference is made to previous reports.

***Question E***

See answers in A-C.

**Article 15: The right of persons with disabilities to independence, social integration and participation in the life of the community**

15:1

***Question A***

Reference is made to the previous report.

From 1st January 2001, however, a statutory amendment came into force whereby persons who have been awarded personal assistance before reaching the age of 65 may retain this form of service after it.

A special survey supplementing Statistics Sweden's regular Labour Force Surveys (LFS) and based on interviews with 29,816 persons was carried out in 2004 to reveal their number. The result showed that about 1,080,000 people or 19 per cent of the population aged 16-64 have some form of disability. More data from this survey are presented under Article 15:2, question B.

***Question B***

Reference is made to the previous report with the following addition.

a) Vocational rehabilitation constituted 7.2 per cent of the total volume of counter-cyclical programs and initiatives during 2005. On average there were 8,600 people taking part in vocational rehabilitation every month, which is in average 800 more than the preceding year. The rise can be explained by the increasing amount of jobless with disabilities registered with the public Employment Service. During 2005 the proportion of jobseekers with disabilities (9 per cent of the unemployed population) undergoing vocational rehabilitation was 72 per cent.

On 1st January 2006 the Government launched a new model for integrating people with disabilities into the labour market. This model consists of three steps: a programme for assessment and guidance, an Employment Development Programme and non-Samhall Sheltered Employment.

The assessment and counselling programme is intended to work in a more structured way with vocational rehabilitation. Jobseekers with disabilities undergo up to 12 weeks' assessment of their abilities and prospects of getting a job or an adequate individual programme. The programme should lead to a development plan which is to be complied with.

Employment Development Programmes and Sheltered Employment under non-Samhall auspices are described in Article 15 Para. 2, Question A.

b) The resource centres described in the previous report are a part of the new agency inaugurated in July 2001, the National Agency for Special



Needs Education. The main task of this Agency is to provide support and advice to the municipalities responsible for the schools. A further task for the agency is the development and production of teaching materials for students with disabilities.

Statistics requested concerning specially adapted schools. The statistics refer to the 2004/05 school year.

The number of pupils attending specially adapted compulsory school is 14,715. Of these, 439 attend independent specially adapted compulsory schools, 16 county council specially adapted compulsory schools and 14,260 municipal specially adapted compulsory schools.

There are 755 specially adapted compulsory schools altogether, viz 723 municipal, 1 county council run and 31 independent.

The number of students attending specially adapted high school ("upper secondary school") is 7,141. Of these, 6,587 attended municipal specially adapted high schools, 204 county council and 350 independent specially adapted high schools.

There are 276 specially adapted high schools. Of these, 245 are municipal, 8 county council run and 23 independent.

Sweden has 6 national special schools for deaf and hearing-impaired pupils. The total pupil strength is about 600.

#### c) Activities within the National Labour Market Board (AMS)

People with disabilities constitute a priority group among jobseekers enrolled with the Public Employment Service. As a step towards implementing the National Action Plan concerning policy for the disabled (From patient to citizen, 1999/2000:79) the Government has given AMS responsibility for handicap issues within the agency's sector. As a consequence of this the government has set up 5 milestones for AMS' sectoral responsibility:

- Disabled people's ability must be used to such an extent that their employment rate reaches the same level as that of the total population.
- The proportion of long-term registered jobseekers with disabilities enrolled with the public Employment Service must rise faster than the corresponding percentage of other long-term registered jobseekers.
- The proportion of people with disabilities participating in employment training programmes must be higher than the corresponding percentage of unemployed.
- The proportion of employers disposed to hire people with disabilities must rise significantly.
- People with disabilities who need individual support in a work situation and adaptations of the workplace must have received adequate help not later than 2010.

AMS reports regularly on developments relating to the above targets, which are intended to be achieved by 2010.

In guidelines laid down in the 2005 fiscal year, AMS instructed the Public Employment Service to support those people who have most difficulty in obtaining work, among them people with reduced work capacity.

Within the National Labour Market Administration, the regular employment offices provide guidance for persons with disabilities. A large part of vocational rehabilitation today is also provided within the regular placement system. For certain special disabilities, such as blindness, deafness/hearing impairment, severe disability and intellectual, mental and socio-medical disabilities, there are also specially trained personnel. A minor portion of these resources is deployed at regional level, covering several counties. As an experimental measure, counselling for the deaf is also being provided on a distance basis, under a scheme to which AMS has contributed by developing special technology.

25 per cent of those receiving counselling in 2004 were enrolled as disabled. The total number receiving counselling averages 25,037 per month. To this are added the counselling measures provided in the course of vocational rehabilitation.

d) The counties outsource vocational employment training programmes, often targeting occupational fields in which manpower shortages are anticipated or exist already. The PES can also approve the provision of individual places in adult education and, to a certain limited extent, at post-secondary level as well. In addition there is supplementation of theoretical training, with workplace practical training included. It is also possible for training programmes to be relayed in their entirety to a workplace.

The county labour boards also procure preparatory training for people with a low level of basic education. The preparatory training share of employment training has been stable at around 53 per cent between 2000-2005. Of those in preparatory training, 21 per cent are people with disabilities, which is to be compared with 11 per cent in employment training. The higher rate of disabled in preparatory training is explained by their lower educational background compared with the population on average.

During 2005 the disabled comprised 10.7 per cent of employment trainees, and at the same time 9 per cent of the total number of unemployed. Employment training participants averaged 8,700 monthly. In addition there are a number of training programmes which are tailored to people with particular disabilities, e.g. dyslexics, the blind/partially sighted and the deaf/hard of hearing.

Large training providers comprise municipal adult education, which mainly provides preparatory training programmes, and a number of training enterprises specialising mainly in vocational employment training programmes.

20.5 per cent of preparatory training participants were persons with disabilities.

e) The AMS vocational rehabilitation organisation

Vocational rehabilitation services are mainly intended for occupationally handicapped jobseekers. The portion of this service referring to the occupationally handicapped is organised as part of the amenities of the Public Employment Service and also in the form of special working units at county level (PES Rehabilitation).

All counties and the majority of employment offices offer services for the occupationally handicapped staffed by specialists, which means that to a great extent the occupationally handicapped can be served in their home areas. As a result of decentralisation and the integration of vocational rehabilitation with placement activities, jobseekers also have ready access to the full range of PES amenities. Special rehabilitation resources exist within (PES Rehabilitation) for the vision impaired, blind, mobility impaired, hearing impaired and deaf, in a regional organisation, and, in every county, for people with mental and socio-medical occupational disabilities. Vocational rehabilitation is continuously adapted to the requirements of the labour market, e.g. through labour market information and visits to different enterprises, but above all through work experience periods in enterprise with relevant duties assigned by the employer. This work experience is intended to furnish both guidance and a chance of staying on as a permanent employee. In the course of rehabilitation, capabilities are developed in accordance with the demands which the labour market poses.

f) Reference is made to previous reports

***Question C***

The above-mentioned initiatives apply to all people of employable age (16-64) with disabilities, but the employment offices are primarily responsible for jobseekers aged 20 and over. Young people aged between 16 and 20 are the responsibility of the municipalities, acting through municipal youth programs. Exceptions apply, however, concerning young people with severe disabilities. For them the Public Employment Service provides special initiatives, such as the Young Disabled scheme and counselling for young people with disabilities in high school.

***Question D***

(a), (b) and (d)  
See answers to Question B.

(c)

The number of Public Employment Service employees assisting disabled persons with is approximately 1,500 placement officers and specialists, comprising about 20 % of total personnel strength.

*Information in respect of Conclusions 2003*

Legislation entering into force in April 2006 prohibits discrimination of children and pupils, e.g. on grounds of disability. This legislation will apply to pre-school, compulsory school and high school, and also to certain corresponding types of school, such as specially adapted schools, special needs schools and Sámi school. The legislation will also apply to municipal adult education and Swedish language instruction for immigrants. The

Office of the Disability Ombudsman will monitor compliance with the legislation within its domain.

15 : 2

***Question A***

Reference is made to previous reports, with the following addition.

From 1st January 2006 the Government has launched new measures aimed to integrate disabled unemployed persons with the work force:

- Non-Samhall sheltered employment and
- Employment Development Programmes.

Non-Samhall sheltered employment is aimed at creating alternative workplaces to Samhall for those with disabilities who have most difficulty in entering the mainstream labour market. Samhall, a state-owned company receiving a state grant, has for 25 years, together with municipalities, had a monopoly of arranging sheltered employment in Sweden. As a consequence of the general restructuring of the Swedish industry, many unskilled jobs have moved away from Sweden to low-wage countries in Asia or the Baltic region. This has limited Samhall's possibilities of finding job opportunities for people with disabilities. The Swedish Government expects, through the new form of sheltered employment, to find new employment opportunities in niches that Samhall is not able to reach.

Employment Development Programmes are temporary employment limited to at most one year (with the possibility of a one-year extension) aimed at increasing transitions to regular employment for disabled persons. In addition to the actual working tasks, the jobs must also include rehabilitative and developmental features of assessment and guidance.

For people with disabilities leading to considerable difficulties in the labour market, e.g. of a psychical and intellectual nature, special introduction and hiring support (SIUS) is available. SIUS is a scheme based on the Supported Employment methodology involving a "job coach". This support has helped even people with very severe occupational disabilities to find employment.

During 2005 the number of disabled participants in counter-cyclic programmes averaged 23,162 weekly which is 2,000 more than in 2004. The number of disabled unemployed enrolled with the PES amounted on 21,900 2005 which is 2,200 more unemployed than in 2004. This is explained by a general slowdown on the demand in the labour market. During 2005 an average of 62,700 people monthly had wage-subsidised employment, which is 1.803 more employed than in 2004.

Jobseekers with disabilities wishing to start their own businesses have access to the "Special start-up support" programme, which provides a grant of up to SEK 60,000 during the start-up phase.

An Act (1999:132) prohibiting discrimination of disabled persons in working life came into force in Sweden on 1st May 1999. This Act forbids employers to treat disabled jobseekers less favourably than persons without disabilities in terms, for example, of hiring, pay, other conditions of service and dismissal. The prohibition also applies when, for example in connection with hiring and promotion, the employer can create for a disabled person a situation similar to that applying to persons without any such impairment and when the employer can be reasonably required to take such measures.

Through the medium of case law this Act has resulted, for example, in a person diagnosed with multiple sclerosis and for that reason given notice of dismissal – contrary to the Act's provisions – being awarded, not only financial damages but SEK 100,000 punitive (“non-financial”) damages as well. (AD 2005:32)

### ***Question B***

In 2005, the proportion employed 180 days after concluding their vocational rehabilitation was 37 per cent.

A total of 32,385 disabled jobseekers obtained some form of employment through the Employment Service in 2005. This was 5,000 up on 2004. Those obtaining work comprised 6.9 per cent of the average number of jobseekers with disabilities, unemployed persons and labour market policy programme participants. 41% obtained non-subsidised employment, while the remainder obtained wage-subsidised employment, public sheltered employment (OSA) with hiring support or employment with Samhall AB.

Statistics Sweden has recently presented a special survey supplementing the regular Labour Force Surveys (LFS) of 2004 and showing that disabled persons have a lower employment rate than non-disabled. During the period 1996-2004 the difference in employment rates between disabled and non-disabled ranged between 20 and barely 10 percentage units. The survey distinguishes between disabled persons with reduced working ability and those whose working ability is not reduced by their impairment. According to the survey there is a significant difference between these groups with regard to employment rates. The employment rate for disabled persons without reduced working ability has been significantly improved since 1996. In 2004 their employment rate was even better than for the non-disabled. For those with reduced working ability developments have not been that positive. Only 50 per cent of this group are employed. The employment rate for disabled persons with reduced working ability was higher between 1998-2002 but has fallen because of the general slowdown in the labour market. At the same time the difference in employment rates between non-disabled persons and disabled persons with reduced working ability rose from 18 percentage units in 1998 to 25 in 2004.

### ***Question C***

Reference is made to previous reports, with the following addition:

In 2005 Samhall had 20,682 employees. Transitions to other employment in 2005 totalled 5.3 per cent. This is an improvement on 2004, when only 4.6 per cent left Samhall for other employment. Sick leave has been a problem in the company. The rate of sick leave declined, however, from 20 per cent in 2002 to 15 per cent in 2005.

15 : 3

***Question A***

Reference is made to previous report, with the following additions.

In May 2000 the Swedish Riksdag (parliament) enacted a national action plan for disability policy. The aims of this action plan, described in the previous report with reference to Article 15, are:

- a social community based on diversity;
- a society designed to allow people with disabilities
- of all ages full participation in the life of the community;
- equal opportunities in life for girls and boys, women and men with disabilities.

Achievement of these aims depends on the disability perspective being made an integral part of decision-making processes and planning of activities in all sectors of the community. A number of national authorities have therefore been allotted a sectoral responsibility whereby they are particularly charged with implementing the action plan. They are to co-ordinate, support and prosecute work in their own sectors and appoint joint consultation bodies together with the disabled persons movement. The National Board of Health and Welfare has also been tasked with actively facilitating a systematic description, not later than 2010, of the living conditions of people with disabilities. The work of the sectoral authorities has led to a more systematic approach. There are now 14 national authorities with this remit. The authorities to be entrusted with sectoral responsibility, however, are not permanently designated, and the allocation of such responsibility should be reviewed continuously.

Handisam (the Swedish Agency for Disability Policy Co-ordination) was set up on 1st January 2006 for the purpose of strengthening the coordination of disability policy work. Handisam's tasks include co-ordinating and supporting the work of the sectoral authorities, supplying the Government with supporting documentation for pursuit of the aims of disability policy, and supporting various agents through training and knowledge dissemination. Handisam is to apply both a gender and a children's perspective to its work.

Sisus (the National Agency for Special Educational Support) has, on the Government's behalf and in partnership with the DPOs, devised a national competence development programme. Sisus has also been tasked with promoting greater competence in responding to persons with disabilities, especially on the part of public sector employees. Because children and young persons can perceive response differently from adults, Sisus has

among other things published an anthology entitled (in Swedish) “Ostrich Wings”, in which disabled youngsters describe their everyday lives. Responsibility for competence development was transferred on 1st January 2006 to the new Handisam authority.

The children’s perspective must be present in all priority fields of the action plan. Children and young persons are also specially highlighted in educational and cultural policy and in county council child and juvenile habilitation activities. The action plan notes too that parents of extensively disabled children need a great deal of help in order to function as normal families. This requires support for the family to be designed so as to suit the family as a whole, with individual solutions, a limited number of persons involved and co-ordination of the various inputs. Personal assistance is a vital input under the Support and Services (Certain Functionally Impaired Categories) Act (LSS) which is also available to children. This scheme is currently being reviewed by a Government Commission whose remit includes describing how children in need of personal assistance can be given a hearing in the handling of such matters, as well as analysing how the child perspective impacts on handling procedures and decision-making

#### ***Question B***

a) The aim of making public transport accessible to disabled persons not later than 2010 has now been incorporated as one of the intermediate objectives of transport policy. Banverket (the Swedish Rail Administration), the Swedish Civil Aviation Authority, the Swedish Maritime Administration and the Swedish Road Administration are responsible for the achievement of disability policy aims in their several sectors.

One important task for making the transport sector more accessible is for the standard of buses, railway carriages, aircraft and boats to be successively improved as new material replaces old. The Swedish Road Administration has devised standards of physical design. State grants totalling something like MSEK 1,200 have been paid out since 1998 for direct measures in public transport. In addition to measures affecting vehicles and stopping points, these have included transport personnel training, stations and travel centres, tramway stations, information and payment systems, special vehicles, trams, order reception centres, feeder roads etc. In addition, the Road Administration and Rail Administration have commissioned an assessment of the measures needed for removing impediments to the use of stations, stopping points and vehicles.

Banverket has developed an action plan for an operation which will be serviceable and open to disabled persons and will include common definitions and objectives concerning disabled access. Banverket has also laid down recommendation and guidelines for the design of the physical environment for disabled person in the rail transport system.

Accessibility improvements are continuously in progress at Sweden’s airports. The Civil Aviation Authority has developed a signage manual of legible text and readily intelligible pictograms to make information at airports more accessible. The same authority has developed an aircraft

accessibility guide for the civil aviation industry, based on a compilation of international rules and recommendations and aimed at assuring disabled passengers of good aircraft access. The Swedish Maritime Administration has been actively involved in a project which among other things has included recommendations and guidelines on the design of shipping terminals, large passenger vessels and archipelago craft and which is being consulted by the Administration as work continues at national level.

Public transport is procured by municipalities and transport mandators. In their mass transit procurement nowadays, all municipalities and transport mandators insist on vehicles etc. being accessible to disabled persons. Rikstrafiken (the National Public Transport Agency), which is tasked with the procurement of interregional public transport, by air, rail, sea and land, which would not be commercially viable, stipulates in all procurement that transport must be accessible to people with disabilities.

*b) Access to housing,*

In its Spring Policy Bill 2004, the Government earmarked MSEK 30 for a **lift installation grants** scheme. The purpose of the grant was above all to encourage the installation of lifts in pre-existing multifamily dwellings, thereby improving accessibility for all concerned, though presumably it is elderly and mobility-impaired persons who are most affected by not having a lift at their disposal. Grants were awarded for the installation of lifts or other lifting devices in multifamily dwellings as part of the maintenance, refurbishment, enlargement or extension of buildings comprising at least three storeys at the time of disbursement. Grants were paid at a rate equalling one quarter of installation cost, subject to a maximum of SEK 250,000. One qualification for the grant was that other necessary measures had to be taken to improve accessibility. The grant helped to finance an additional 133 lifts, which in turn are now serving 1,572 dwelling units.

**Easily removable impediments**

One of the more pivotal changes ushered in by the national action plan for disability policy was the Government's announcement of accessibility improvements to public facilities and places. Many of the existing obstacles are easily removable, e.g. small differences of height and kerbs. The Riksdag therefore approved a Government Bill to amend Chap. 17, Section 21a of the Planning and Building Act (1987:10 PBL), to the effect that easily remedied obstacles to access and use by persons with impaired mobility and orientation capacity are to be removed from existing premises to which the general public have access and from public places (Government Bill Prop. 2000/01:48). The provisions thus added to the Planning and Building Act took effect on 1st July 2001. The government's aim is for these impediments to be removed by 2010 at the latest. The National Board of Housing, Building and Planning was instructed to elucidate the concept of accessibility. This was made possible by amendments to Chap. 17, Section 22 of the Planning and Building Act and Section 5 of the Planning and Building Ordinance (1987:383) empowering the Board to issue Provisions laying down more exact requirements of serviceability in connection with public places or areas for structures other than buildings being arranged or altered. The Board was also empowered to



issue Provisions requiring easily remedied obstacles to access to be removed in certain existing environments, namely premises to which the general public have access, and public places. The Government consented to the Board's draft implementing provisions concerning easily remedied obstacles. The Provisions came into force on 1st December 2003 (BFS 2003:19 HIN 1). On 15th September 2005 the Board submitted to the Government a follow-up report on the Provisions. In addition the Board has drafted implementing provisions concerning accessibility and serviceability to persons with mobility or orientation impairment in public places and in areas for structures other than buildings. Those Provisions entered into force on 1st October 2004 (BFS 2004:15 ALM 1).

### **Review of the Planning and Building Act**

In 2002 the Government appointed a committee to review the Planning and Building Act (PBL). That review includes the question of accessibility. The PBL Committee's terms of reference state among other things that one important question for it to study concerns means of enabling various interest organisations, e.g. DPOs, to exert more influence on the planning process. The question of which parties are to be consulted before decisions are taken and which are to have a right of appeal under PBL is also to be studied as part of the review. The terms of reference go on to indicate that the Committee is to consider and present ways of integrating the aims of national disability policy with the planning and building process. In its report, which was presented on 27th September 2005, the Committee finds that "the accessibility and serviceability of urban settlements to person with impaired mobility and orientation capacity are a vital community concern which, however, has not impacted fully on the implementation of building legislation. Improved accessibility is first and foremost a matter of better implementation, but the improvement can also be supported through certain elucidations of the stipulations when alterations are being made to existing settlement, and also by amending the rules on testing, inspection and supervision. Better implementation may also be promoted by reinforcing the possibility of sanctions being imposed for neglect of the rules or stipulations. In order, however, for these changes to serve any real purpose, it is above all necessary for the stipulations to be complied with more than at present." The report has been circulated for comment and is now being processed in the Government Offices. The Government intends in due course to introduce a Bill containing any proposals which the report occasions.

### **National Board of Housing, Planning and Building sectoral authority**

The National Board of Housing, Planning and Building has in recent years been closely concerned with accessibility, partly as a consequence of its sectoral responsibility for disability policy. In 2002, as part of that sectoral responsibility, the Board presented proposed intermediate objectives, followed in 2004 by revised intermediate objectives. Among other things the Board's intermediate objectives include information and communication concerning accessibility, support of the municipalities in their work of preparing accessibility analyses, viable management of the housing adjustment grant and a growth of dialogue with training and study programmes of importance for the built environment. The Board has drawn

up an action plan for the intermediate objectives and its work is continuing in accordance with the plans adopted. The Disability Ombudsman (HO) attaches the utmost importance to the Board's information initiatives on the subject of accessibility. HO also approves of the Board continuously reviewing its intermediate objectives.

Other accessibility promotion measures taken by the National Board of Housing Planning and Building have included the arrangement of conferences and the compilation of information material on accessibility. Among other things the Board organised a seminar at the 2004 Planning and Building Days and a series of conferences entitled "A City for All" in 2005. In addition, the Board participates continuously in in-service training on the subject of accessibility for persons variously involved in the planning and building process and for accessibility consultants. The courses focus on legislation and its intentions, to equip the agents to assert accessibility interests in their various capacities. There is also ongoing co-operation with various organisations, and the Board is represented in several accessibility expert groups and committees under the auspices of other national authorities. Standardisation with regard to accessibility is a pivotal field, and here the Board is actively involved at ISO, CEN and national levels.

*Access to cultural activities and leisure for persons with disabilities*

One of the foremost aims of national cultural policy is to promote opportunities of cultural experience and personal creativity for all.

The Swedish National Council for Cultural Affairs and the National Heritage Board have since 2001 been allotted sectoral responsibility for promoting the implementation of disability policy in their respective sectoral fields. The two authorities have also formulated intermediate objectives for their sectoral responsibility.

The Swedish National Council for Cultural Affairs has been allotted special funding for the promotion of disability policy measures within its sectoral field.

In 2005 the Swedish National Council for Cultural Affairs and the National Heritage Board both carried out operational environment analyses to estimate the headway made by efforts to give disabled persons access to culture. The operational environment analyses show that headway is being made, at the same time as several measures remain to be taken.

The Swedish National Council for Cultural Affairs has among other things formed a Disability Committee, and work relating to accessibility issues has made more headway regarding libraries and museums than with regard to dramatic art. Representatives of the latter, however, are favourably disposed towards the Council's information and support concerning greater accessibility promotion efforts.

The National Heritage Board finds that agents in the heritage and cultural environment sectors have acquired a more positive attitude onwards accessibility over the past five years.

The Disability Ombudsman judges the work of the two sectoral authorities to have been successful. Both these authorities have also expressed a desire for their respective sectoral responsibilities to be reworded so that they can work more actively.

The Swedish Library of Talking Books and Braille (TPB) works to make literature accessible to people with print disabilities. The aim is for 25% of annual literature output to be published in talking book form.

One important task in recent years has been the transfer of analogue titles to digital ones in DAISY format. Broadband has now made it possible, for example, for higher education establishments and libraries to download the books themselves from TPB direct. The number of students borrowing talking and Braille books rose from 90 in 2002 to 1,800 in 2004.

The Centre for Easy-to-Read produces an easy-to-read newspaper, 8 SIDOR, which is published once weekly and has a circulation of about 130,000. So far 750 book titles have been published. The Centre is also designated a centre of competence for matters relating to easy reading and intelligibility.

The Commission on the Status of Sign Language ( 2003:169) was appointed in 2003. Its remit includes investigating the access of sign language users to culture, the media and independent creativity. The Commission is due to report in the spring of 2006.

The 2000 Film Agreement introduced support to film and video production for vision-impaired interpretation and subtitling in Swedish. This improved the possibilities of persons with hearing and vision impairment experiencing Swedish films at the cinema and on video. The support for 2004 amounted to roughly 1.5 MSEK.

In addition, between 2001 and 2004 the Government promoted accessibility issues by means of targets and feedback reporting stipulations in appropriation warrants and other policy documents addressed to national authorities, foundations and other agents in the field of cultural policy.

### ***Question C***

Reference is made to the previous report, with the following addition.

The Government Disability Delegation is a national co-ordinating body for deliberations and information interchange between the Government and the DPOs on matters of particular concern to people with disabilities. The Delegation is chaired by the Minister for Social Affairs, and its members also include DPO representatives and eight Under-Secretaries of State representing various ministries. Consultations are not confined to social issues but also in this way encompass many different policy fields. The Disability Delegation holds about four meetings annually.

Most municipalities and county councils have similar consultative groups, often referred to as Disability Committees.

The 14 sectoral authorities described with reference to Question A are also required to maintain groups for consultations with the DPOs..

In addition, the DPOs are frequently represented on various Government Commissions addressing issues which, one way or another, affect people with disabilities. The DPOs also participate in the consultation process by commenting on Government Commission reports insofar as they consider themselves affected by the proposals put forward.

### ***Information in respect of Conclusions 2003***

#### ***Enforcement***

Persons referred to in Section 1 of LSS are entitled to special support and special service as referred to in Section 9 (1)-(9), if they need help with their daily living and their needs are not otherwise provided for. Persons referred to in Section 1 (1)-(2) of LSS are also entitled, on the same conditions, to the inputs referred to in Section 9 (10). The Act was described in the previous report. Decisions concerning measures for an individual person under Section 9 of LSS may be appealed in a common administrative court. Recourse to an administrative court of appeal is subject to the grant of a review dispensation.

Provisions, effective from 1st July 2000, were added to LSS with the aim of preventing enforcement of an administrative court judgement in the individual person's favour being delayed or failing to materialise. Under new provisions which entered into force on 1st July 2002, a municipality or county council omitting to provide without unreasonable delay an input referred to in Section 9 of LSS must be ordered to pay a special charge which accrues to the state. When the amount of the special charge, which can be at least SEK 10,000 and up to MSEK 1, is determined, particular heed shall be paid to the duration of the delay and to how serious it can otherwise be considered. Questions concerning a special charge are adjudicated, at the instance of the county administrative board, by the county administrative court within whose jurisdiction the municipality is situated or the county council's administration is conducted. If, after being ordered to pay a special charge, a municipality or county council still fails to provide inputs, a new special charge may be imposed.

#### ***Various forms of economic assistance available to persons with disabilities.***

##### **Activity and sickness benefit**

As from 2003, the terms "permanent disability pension" and "temporary disability pension" have been superseded by "activity benefit" for persons aged 19-29 and "sickness benefit" for persons aged 30-64. Thus the minimum age has been moved from 16 to 19, the reason being that no one today commences gainful employment before reaching the age of 19. Sickness benefit is granted *indefinitely or for a limited period*, while activity benefit is always granted for up to three years at a time. Sickness and activity benefit are paid at rates of 25,50, 75 or 100 per cent, depending on the degree of work capacity reduction.

This change serves to indicate that the person granted these benefits is not to feel that the way back to working life need be closed permanently. In practice this means either the Social Insurance Office, in the case of a person having received *fixed-term sickness benefit*, having to decide whether work capacity is still reduced when the benefit period ends, if a new application is then to be considered, or the Social Insurance Office, in the case of a person who has received sickness benefit for an *indefinite* term, always having to carry out a renewed investigation of work capacity at least once every three years.

On the other hand there was no change in the basic conditions of entitlement to the new sickness/activity benefit. Thus entitlement to benefit requires permanent or prolonged (at least one year's) reduction of work capacity by at least 25 per cent as a result of illness or other impairment of physical or mental work capacity. Where activity benefit is concerned, this rule is subject to certain exceptions, described below.

When assessing the extent to which work capacity is reduced, the ability of the insured to earn a livelihood from work *normally* occurring in the labour market or other suitable work available to the insured must be taken into consideration.

When appraisal of entitlement to sickness or activity benefit is thought to require it, the Social Insurance Office may request that the insured person be examined by a certain physician or undergo some other examination, such as work testing or work training, so that an assessment can be made of his or her medical condition, work capacity and need/prospects of rehabilitation.

When entitlement to benefit is considered so to require, the Social Insurance Office must also

1. request a statement from a physician or some other expert,
2. address an enquiry to the insured individual, his or her employer or physician, or some other person who will presumably furnish the necessary information,
3. visit the insured, and
4. investigate whether, following a measure relating to proactive sickness allowance or rehabilitation services, the insured is partly or wholly capable of earning an independent livelihood.

Activity benefit is always limited to at least three years at a time. As the name implies, it is intended to encourage activity without the economic security of the individual being affected. The Social Insurance Office must investigate whether the recipient of activity benefit can participate in activities which may have a positive effect on his or her illness or physical or mental capacity. The Social Insurance Office, acting in consultation with the young person concerned, must plan and co-ordinate the various activities which the young person has opted for, so that the development opportunities can be utilised. There are no admission requirements for activities, and an insured person who, on account of disability, has been

unable to finish his or her training at compulsory or high school level by mid-year in the year of his or her nineteenth birthday is entitled to full activity benefit until, at most, age 30, without any special assessment of work capacity.

A person granted sickness or activity benefit has the possibility of working on a trial basis for up to 24 months, counted one year from the award of benefit, without benefit entitlement being affected. Insurance compensation may be retained for the first three months of the dormant period. The beneficiary may work 25, 50, 75 or 100 per cent of full time.

A person receiving full sickness or activity benefit has a small amount of scope for an assignment or gainful employment estimated at about 1/8 of normal working time. Earned income not exceeding about 1/8 of normal full-time earnings from the assignment or employment the insured person is capable of doing should not as a rule affect entitlement to full sickness or activity benefit.

A person receiving  $\frac{3}{4}$  sickness or activity benefit, i.e. with 25 per cent capacity, wishing to work and at the disposal of the labour market can obtain employment support which will help to facilitate hiring, possibly with a wage subsidy provided. If this cannot take place within 6 months, the person concerned must be given employment with Samhall AB.

### **Caring allowance and disability benefit**

*Caring allowance* can be paid to the parent looking after a sick or disabled child in the home. One stipulation is that the child must need special supervision and care for at least six months or that the parent incurs additional expense due to the child's disability. The caring allowance, then, is compensation for the nursing and supervision carried out by a parent and/or for the additional expense entailed by the child's disability. It can also provide partial compensation for the loss of earnings which looking after the child entails if a parent has to refrain from economic activity.

Additional expense can be instanced with the following:

- the cost of an extra room in the home (e.g. for nursing equipment, assistive devices or as a treatment room),
- the cost of assistive devices or expenses associated with various assistive devices (e.g. rental or special insurance cost of an assistive device),
- computerised assistive devices,
- additional cost of health care, nursing, diet etc.,
- cost of disposable articles (bandages etc.),
- additional travel expenses.

Depending on the extent of supervision and care needed and the amount of additional expenditure, caring allowances are payable at the full rate or at three-quarters, half or a quarter of the full rate. A full caring allowance for one year equals 250% of the price base amount (i.e. amounts to some SEK 8,270 monthly, the price base amount for 2006 being SEK 39,700). A caring allowance can also be paid for additional expenses only, if these attain a certain level. Caring allowance is payable at most up to and including the

month of June following the child's nineteenth birthday, after which the child can receive disability benefit in his or her own right.

In certain circumstances a person who is ill or disabled can obtain *disability benefit* from the month of July in the year of his or her nineteenth birthday. This is subject to the person concerned needing more time-consuming assistance from another person in order to cope with daily living, work or studies, or else incurring substantial additional expense. Disability benefit is 36, 53 or 69 per cent of the price base amount, depending on how much assistance a person needs or how much additional expense is involved (the maximum benefit rate thus gives SEK 2,283 monthly, the price base amount for 2006 being SEK 39,700). Substantial extra expense can of itself confer entitlement to disability benefit;

- the cost of an extra room in the home (e.g. for nursing equipment, assistive devices or as a treatment room),
- the cost of assistive devices or expenses associated with various assistive devices (e.g. rental or special insurance cost of an assistive device),
- computerised assistive devices,
- additional cost of health care, nursing, diet etc.,
- cost of disposable articles (bandages etc.),
- the cost of capital goods (e.g. a washing machine or special vacuum cleaner acquired specifically on account of a person's disability),
- additional travel expenses (can be claimed by an insured person who is gainfully employed, studying or in receipt of a pension)
- additional expenditure on travel to and from work in the person's own car (fixed and variable costs),
- municipal transport assistance charges (insofar as these exceed the cost of travel by ordinary public transport).

#### *Technical aid*

Assistive devices for disabled persons in connection with daily living, nursing and treatment and for personal use in connection with education and instruction are prescribed by the medical mandators as part of their responsibility for health care and nursing, i.e. under the Health and Medical Services Act (1982:763). Assistive devices are prescribed within several activities – in primary care, through technical aids centres, auditory aids centres and vision centres – by doctors, nurses, physiotherapists, speech therapists and occupational therapists making a professional assessment of the aids most suitable to the individual concerned. Large parts of the supply of assistive devices are subsidised by the county councils and municipalities. Charges payable by the individual vary from one county council to another, added to which, not all county councils charge for the same assistive devices. Expenditure on assistive devices totals MSEK 3,000-4,000 according to certain estimates, but only about MSEK 130 is believed to be paid directly by the patients.

#### *Non-discrimination and the Disability Ombudsman*

The responsibilities and tasks of the Disability Ombudsman (HO) are defined in the Disability Ombudsman Act (1994:749) ( App 15.1), the Act (1999:132) Prohibiting Discrimination at Work of Persons with Functional Impairment (App 15.2), the Post-Secondary Students (Equal Treatment) Act

(2001:1286) (App 15.3), the Discrimination (Prohibition) Act (2003:307) (App 15.4) and the Disability Ombudsman (Standing Instructions) Act (1994:949) (App 15.5).

HO's main task is to ensure that the Act (1999:132) Prohibiting Discrimination at Work of Persons with Functional Impairment, the Post-Secondary Students (Equal Treatment) Act (2001:1286), the Discrimination (Prohibition) Act (2003:307) and the proposed enactment banning discrimination and other degrading treatment of children and pupils are complied with. The last mentioned enactment is intended to take effect on 1st April 2006.

Monitoring of compliance with the Act Prohibiting Discrimination at Work of Persons with Functional Impairment can be briefly summarised as follows. In the first instance HO must endeavour to persuade employers to comply with the Act of their own free will. It is the duty of employers, when called upon by HO to do so, to furnish the particulars concerning conditions within the operation which may have a bearing on the Ombudsman's supervisory activity, and also to furnish particulars when the Ombudsman seconds a request by an individual jobseeker or employee for details of the qualifications of the person awarded the job or training opportunity concerned. The employer, however, is not obliged to disclose particulars if there are special reasons for not doing so. If the employer does not comply with such requests, HO may subpoena him to do so. This decision can be appealed by the employer to the Anti-Discrimination Board (Nämnden mot diskriminering). In proceedings under the Act, HO may represent individual employees and jobseekers if the aggrieved individual consents and the Ombudsman finds that the dispute involves an important issue of precedent or for some other reason should be made a subject of judicial proceedings. The Ombudsman also has discretion to plead another claim on the complainant's behalf in the same proceedings. Judicial proceedings take place in the Labour Court. HO's standing to litigate is subsidiary to that of the trade union.

Monitoring of compliance with the Post-Secondary Students (Equal Treatment) Act can be briefly summarised as follows. In the first instance HO must endeavour to persuade high education establishments to comply with the Act of their own free will. It is the duty of a higher education establishment, when called upon HO to do so, to furnish particulars of conditions in its activity which may have a bearing on the Ombudsman's supervisory activity, and also to furnish particulars when the Ombudsman seconds a request by an applicant for details of the qualifications of the person accepted for the study programme. In a dispute under this Act, HO may represent individual students and applicants if the individual consents thereto. The Ombudsman also has discretion to plead another claim on the complainant's behalf in the same proceedings. Judicial proceedings take place in a common court.

Monitoring of compliance with the Discrimination (Prohibition) Act can be briefly summarised as follows. HO must endeavour to persuade parties to whom the statutory prohibition applies to comply with the Act of their own free will. In a dispute under this Act, HO is empowered to litigate on behalf



of individuals considering themselves victims of discrimination or reprisals, of the aggrieved party consents thereto. The Ombudsman also has discretion to plead another claim on the complainant's behalf in the same proceedings. Judicial proceedings take place in a common court.

#### *Sanctions*

Damages, both financial and non-financial, can be awarded for breaches of the 1999 Act. Non-financial damages refer to the humiliating treatment occurring and can also be said to have a preventive function. Financial damages are compensation for the financial loss incurred, e.g. loss of earnings or other benefits, or actual expenses. The provisions can be briefly stated as follows.

An employer contravening the bans in discrimination must pay financial and non-financial damages. Non-financial damages can be awarded in all the situations to which the prohibitory provisions refer. Financial damages, on the other hand, are only payable if the employer is in breach of the prohibitions with regard to training and vocational guidance, pay or other conditions of service, work supervision and notice of dismissal, summary dismissal, lay-offs or other forms of intervention. Financial damages cannot be awarded if the employer breaches the prohibitions concerned with regard to a decision concerning hiring, selection for a job interview or any other measure in the course of the hiring process, decisions concerning promotion or selection for promotion training, or a matter of work experience.

Non-financial damages can be awarded for offences against the Post-Secondary Students (Equal Treatment) Act (2001:1286). Financial damages, on the other hand, are not payable under this enactment.

The provision on damages can be summed up as follows. The state, a municipality or a county council as higher education mandator and a private education provider permitted to confer degrees under the Degrees (Various, Permission to Confer) Act (1993:792) must pay non-financial damages for the humiliation which a student or applicant has been subjected to as a result of the higher education establishment concerned contravening

- the bans on discrimination,
- the ban on discrimination with regards to measures of support and adjustment,
- the ban on reprisals,
- the duty of investigating cases of sexual and other harassment and taking action against them.

Damages can be reduced or eliminated entirely where it is equitable to do so.

Non-financial damages can be awarded for offences against the Discrimination (Prohibition) Act (2003:307). Financial damages, on the other hand, are not payable under this enactment.

Briefly, a party in breach of the Act's provisions prohibiting discrimination or reprisals must pay non-financial damages to the aggrieved party for the humiliation which the discrimination or reprisals imply. If the discrimination or reprisals are committed by an employee, the damages are

awarded against his or her employer. Damages can be reduced or eliminated entirely where it is equitable to do so.

#### *Communication*

Accessibility issues have been allotted a prominent position in the process of improving the service which public authorities provide to the general public, in keeping with the vision of the 24/7 authority. Co-operation between the Swedish Agency for Public Management, the Swedish W3C Office and the Accessibility Centre at the Office of the Disability Ombudsman has resulted in an update of *Vägledningen för 24-timmarswebben* (“Guide to the 24-hour Web”), published by the Electronic Administration Board (E-nämnden) in May 2004. That guide makes recommendations for developing the use of public websites. Requirements of universal usefulness and accessibility are a pivotal factor permeating the guide in its entirety.

Sweden does not have language legislation defining the legal status of the Swedish language, minority languages or sign language. Three minority languages are covered by special language enactments which apply in certain geographic regions where individuals are entitled to use them in their dealings with public authorities and law courts. It was already established in 1981, however, during the Riksdag’s processing of the Government’s Budget Bill for that year, that persons deaf from childhood need to be bilingual in order to cope with dealings between themselves and in the community at large, which is to say that they need to master both their own visual/manual sign language and the language of the community at large, i.e. Swedish. One of the aims of the national language policy (Government Bill Prop. 2005/06:2 *Bästa språket – En samlad svensk språkpolitik*) is for “Everyone to be entitled to develop and acquire the Swedish language, to develop and use their own mother tongue and national minority language and to have the opportunity of learning foreign languages. The Bill, passed by the Riksdag on 7th December 2005, notes that Swedish sign language is the mother tongue of the deaf and that access to information and the possibility of making themselves understood in sign language are a basic prerequisite of accessibility and participation for the deaf, the deaf-blind, persons becoming deaf in adult years and certain persons with hearing impairment.

#### *Mobility*

With the advent of the national action plan it was proposed that disability policy be made to concentrate on eliminating obstacles to full participation by disabled citizens in the life of the community. National authorities were made responsible for spearheading the development of an accessible society. To support this development, HO was allotted resources for setting up a national accessibility centre, tasked with a co-ordinating, supportive, advisory and proactive role in the task of making society accessible.

Following the formation of Handisam (the Swedish Agency for Disability Policy Co-ordination), the activities formerly conducted by the Disability Ombudsman within the framework of the National Accessibility Centre have been transferred to the new authority. Handisam’s mission in the

accessibility context is to encourage and promote progress towards a more accessible Sweden, as well as observing the progress made in this respect by national authorities, municipalities and other public agents.

#### *Transport*

The Car Support Ordinance has existed for over 15 years, and during this time more than 25,000 persons have been granted financial support towards the purchase and modification of motor vehicles. Car support is an important initiative for disabled persons who are unable to use public transport, enabling them to travel in their own cars and in this way to participate in the life of the community on the same terms as people without disabilities. Increased funding allocations over the past few years have meant better opportunities of greater participation and freedom for persons in need of this support. The number of grants made between 1997 and 2004 fluctuated between 2,100 and 2,400 annually. In percentage terms, more men than women have benefited from the support scheme (54 per cent as against 46).

#### *Housing*

Concerning the construction of new buildings, see reply to question B b.

The purpose of the Home Adjustment Grants Act (1992:1574) is to give disabled persons a change of independent living. The municipality is responsible for grants being made for the adjustment and reinstatement of homes in accordance with the Act's provisions. Home adjustment grants are paid to private persons as the owners, tenant-owners or tenants of year-round housing accommodation. Grants are awarded for adjustments to the permanent functions in and adjoining the home concerned. They are only made if the measures to be taken are a necessary means of making the home usable for the disabled individual. No grant is payable if the measures referred to already need to be taken for reasons other than the need for adjustment. Home adjustment grants are also paid towards measures connected with the disabled person's need of rehabilitation, functional training and nursing, if the need ought reasonably to be otherwise provided for. In the case of new housing construction, home adjustment grants are only payable if there is special cause for choosing a home design which necessitates adjustment. In connection with the purchase and sale of a home, a home adjustment grant towards expensive measures is payable only if there are special reasons for choosing a home which requires adjustment. The grant is disbursed following completion of the measure to which it refers. Municipal decisions under this Act can be appealed in a common administrative court.

**Article 21: The right to information and consultation**

Reference is made to previous reports.

The Employee Participation (European Companies) Act (2004:559), which entered into force on 10th October 2004, is a transposition of the Council Directive 2001/86/EC of 8 October 2001 supplementing the Statute for a European company with regard to the involvement of employees and includes rules of information and consultation.

The circle of employees to whom employers are obliged to provide continuous information was expanded on 1st July 2005, in such a way that employers in workplaces with no collective agreement are obliged to provide continuous information to all representatives of unionised workers in the workplace. This provision is now included in Section 19 a of the Employment (Co-determination in the Workplace) Act (MBL). The content of information and the obligation generally agree in extent with Section 19 of the Employment (Co-determination in the Workplace) Act (MBL), as described in previous reports. (First report on measures taken to give effect to the 1988 Supplementary Protocol.)

***Question A***

Reference is made to the previous report.

***Question B***

Reference is made to the previous report.

***Question C***

*Exceptions in connection with industrial disputes*

Reference is made to the previous report.

*Rules of secrecy*

Reference is made to the previous report.

*Rules of confidentiality applying to employee board representatives*

Reference is made to the previous report.

***Questions D***

80% of the Swedish workforce are unionised and 92% are covered by collective agreements. This is because many collective agreements also require the employer to apply their provisions to employees who are not members of the union concerned. As mentioned in previous reports, the law does not require employers who are bound by collective agreements to supply information continuously to employees who are not members of the organisation with a collective agreement, but provision to this effect can be made in the collective agreement itself. Collective agreements of this kind are generally local. There is no conspectus showing how widespread these

agreements are or to what degree they extend the right concerned to all employees.

At workplaces with no collective agreement it is now the duty of employers to supply information to representatives of the unionised workers on the lines of Section 19 of the Employment (Co-determination in the Workplace) Act (MBL). The provision concerned, Section 19 a, did not, however, enter into force until after the period referred to (1st July 2005). However, it ensures that information will also be supplied in workplaces not coming under collective agreements, i.e. parts of the remaining 8%.

Sweden has three central union organisations: LO, TCO and SACO, respectively representing blue-collar workers, white-collar workers and university graduates. Workplaces with collective bargaining will often have three collective agreements one for unions affiliated to one or other of these three central federations. Few workers are unionised outside this structure. Together the three central union organisations represent nearly four million employees. Rival organisations, such as the SAC Syndicalists, have a combined membership of 1,700. All in all, this means that information is presumably supplied to at least 80% of Sweden's employee population.

All trade unions irrespective of being part of a collective agreement or not has a right to initiate negotiations with the employer on any question which concerns the relationship between an employee and the employer, section 10 Employment (Co-determination in the Workplace) Act (MBL). Employers' obligation to initiate negotiations is regulated in Sections 11 and 13 in the same act. The content of these provisions are described in previous reports. The right to negotiation correspond to the right to consultation. All in all it is presumably possible to conclude, taking the figures and facts described above into consideration, that at least 80% of the Swedish workforce is entitled to a right to consultation in the meaning of article 21.

Non-unionised workers have no statutory right to information and consultation. It is unclear to what extent such rights are extended to them by collective agreement.

***Questions E-G***

Reference is made to the previous report.

***Questions in Conclusions 2003***

See reply under D, above.

Article 22: The right to take part in the determination and improvement of the working conditions and working environment

*Questions A-F*

Reference is made to the previous report

**Article 26: The right to dignity at work**

26:1

***Question A***

Reference is made to the previous report

***Question B***

The Office of the Equal Opportunities Ombudsman (JämO) works on a preventive basis by distributing its handbook on sexual harassment and combining this with education and information for employers, union representatives and employees (“participation”). Participation can also come to be considered on occasions when a complaint has been filed alleging sexual harassment in the workplace. In 2002 JämO carried out 210 such participation visits, in 2003 250 and in 2004 170.

JämO’s regular duties also include scrutinising gender equality plans. A plan of this kind shall include the employer’s guidelines and contingency plan for dealing with sexual harassment. A total of 624 plans were scrutinised in 2002 and 161 in 2004. Normally JämO scrutinises 150-200 plans each year. From time to time a special concentration concerning certain tasks are made. That explains the huge difference between the years 2002 and 2004.

Reference is made to previous reports.

***Question C***

Reference is made to the previous reports.

***Question D***

Reference is made to the previous reports.

***Information in respect of Conclusions 2003***

In a case (AD 2002:102) in 2002 an employer who was found to have neither investigated cases of sexual harassment nor tried to prevent them was ordered to pay SEK 80,000 non-financial damages.

In a case (AD 2005:22) in 2005 an employer was found to have defaulted on the investigate requirements. On the other hand he was not found in default for not having made sufficient effort to prevent the sexual harassment. Only non-financial damages were awarded, amounting to SEK 50,000.

Anti-discrimination legislation and work environment legislation make the employer solely responsible for investigating and counteracting different kinds of harassment. If the harassment is committed by a person other than the employer, that person can only be called to account under criminal law.

Under Provisions issued by the Work Environment Authority, victimisation at work can only be committed by employees and employers or representatives of the latter. The same goes for anti-discrimination laws.

Within the framework of systematic work environment management (Section 2 a of the Work Environment Act, AFS 2001:1), however, it is the employer's duty to ensure that employees have sufficient knowledge and receive adequate support when subjected to harassment, e.g. by customers and patients. The Provisions on Internal Control, however, have been superseded by the Provisions on Systematic Work Environment Management (AFS 2001:1), see Article 3.

The employee concept of the anti-discrimination laws includes trainees as well as employees and jobseekers. Outsourced workers are also protected.

26 : 2

***Question A***

The Ordinance of the National Board of Occupational Safety and Health (1993:17) concerning measures to combat victimisation is accompanied by General Recommendations by the Board on implementation of the Provisions. The General Recommendations give the following examples of victimisation:

- Slandering or maligning an employee or his/her family.
- Deliberate withholding work-related information or supplying incorrect information of this kind.
- Deliberate sabotaging or impeding the performance of work,
- obviously insulting ostracism, boycott or disregard of the employee.
- Persecution in various forms, threats and the inspiration of fear,
- Degradation, e.g. sexual harassment.
- Deliberate insults, hypercritical or negative response or attitudes (ridicule, unfriendliness etc.).
- Supervision of the employee without his/her knowledge and with harmful intent.
- Offensive "administrative penal sanctions" which are suddenly directed against an individual employee without any objective cause, explanations or efforts at jointly solving any underlying problems. The sanctions may, for example, take the form of groundless withdrawal of an office or duties, unexplained transfers or overtime requirements, manifest obstruction in the processing of applications for training, leave of absence and suchlike.

Reference is also made to previous reports.

***Question B***

Reference is made to previous reports.



***Question C***

Reference is made to previous reports.

***Information in respect of Conclusions 2003***

Victimisation as referred to in the work environment Provisions can only be committed by employees and employers or employers' representatives.

The same applies to the anti-discrimination laws.

Within the framework of systematic work environment management (Section 2 a of the Work Environment Act, AFS 2001:1), however, it is the employer's duty to ensure that employees have sufficient knowledge and receive adequate support when subjected to harassment, e.g. by customers and patients.

The employee concept of the anti-discrimination laws includes trainees as well as employees and jobseekers. Outsourced workers are also protected.

Information concerning the anti-discrimination laws, explaining employers' obligation and employees' rights, can be accessed on the home pages of the various Ombudsmen.

The Provisions for which the Work Environment Authority is responsible are readily accessible on its website.

**Article 29: The right to information and consultation  
in collective redundancy procedures**

***Question A***

Reference is made to previous reports.

***Question B***

(a)

Reference is made to previous reports.

(b)

Reference is made to previous reports.

(c)

Reference is made to previous reports.

(d)

Reference is made to the previous reports.

***Question C***

Reference is made to the previous reports.

***Information in respect of Conclusions 2003***

Swedish law requires the employer to observe certain principles concerning the order in which workers can be made redundant. The main rule is that the person with the shortest standing must be the first to go. If the employee can only be given further employment after transfer to other duties, continued hiring is conditional on that employee being sufficiently qualified. This follows from Sections 7 (transfer to other duties) and 22 (last in first out) of the Security of Employment Act. Derogation of the principles in Section 22 is possible by collective agreement.

Every notice of dismissal on account of shortage of work (redundancy notice) must be preceded by negotiations as provided in Sections 11 and 13 of the Employment (Co-determination in the Workplace) Act (MBL). If the employer wishes to depart from the principles of “first in, last out”, the natural procedure is for the workers’ union to be given an explanation. Section 15 of the Employment (Co-determination in the Workplace) Act (MBL) requires the party liable to negotiate to put forward a reasoned proposal for resolving the issue which the negotiations are concerned with. The negotiations must be opened as soon as the employer contemplates cutbacks, and the employer cannot decide on the notices to be served before they have been completed.

Trade unions may go to court to seek compensation for non-pecuniary damage.

An employer defaulting on the requirements of information and consultation can be ordered to pay damages. No other consequences are possible. Notices of dismissal can only be invalidated if the dismissal is considered to have no objective foundation, but the adjudication of this matter is unaffected by the procedures relating to information and consultation.

## Appendices:

- 2:1 Lag om ändring av arbetstidslagen (1982:673)
- 2:2 Lag (1970:943) om arbetstid m.m. i husligt arbete
- 2:3 Lag om vilotid för sjömän (1998:958)
- 3:1 Regeringens åtgärder för ökad hälsa i arbetslivet
- 3:2 Arbetsmiljöverket Verksamhetsprogram 2004-2006
- 3:3 SFS 2002:585
- 3:4 SFS 2003:365
- 3:5 SFS 2004:453
- 3:6 SFS 2003:368
- 3:7 SFS 2003:442
- 3:8 AFS 2001:1
- 3:9 AFS 2001:3
- 3:10 AFS 2001:4
- 3:11 AFS 2001:7
- 3:12 AFS 2001:9
- 3:13 AFS 2002:1
- 3:14 AFS 2003:2
- 3:15 AFS 2003:3
- 3:16 AFS 2003:6
- 3:17 AFS 2004:1
- 3:18 AFS 2004:3
- 3:19 AFS 2004:6
- 3:20 AFS 1994:8
- 3:21 AFS 1992:17
- 3:22 Statistics 2001
- 3:23 Statistics 2002
- 3:24 Statistics 2003
- 3:25 Statistics 2004
- 3:26 Anmälda arbetsskador 2001
- 3:27 Fortsättning 3.26
- 3:28 Anmälda arbetsskador 2002
- 3:29 Anmälda arbetsskador 2003
- 3:30 Anmälda arbetsskador 2004
- 15:1 SFS 1994:749
- 15.2 SFS 1999:132
- 15.3 SFS 2001:1286
- 15.4 SFS 2003:307
- 15.5 SFS 1994:949