

## — Sweden and the European Social Charter —

### Ratifications

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

Sweden ratified the Additional Protocol to the European Social Charter on 05/05/89, the Amending Protocol to the European Social Charter on 18/03/1992 and the Additional Protocol providing for a system of collective complaints on 29/05/1998. It has not yet made a declaration enabling national NGOs to submit complaints.

Sweden ratified the Revised European Social Charter on 29/05/1998: it accepted 83 of the Revised Charter's 98 paragraphs.

### Table of Accepted Provisions

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

### The Charter in domestic law

Statutory *ad hoc* incorporation by specific implementing legislation.

### Reports \*

Between 1964 and 2000, Sweden submitted 20 reports on the application of the Charter. Between 2001 and 2013, it submitted 13 reports on the Revised Charter.

The [12<sup>th</sup> report](#) submitted on 30 November 2012 covers the accepted provisions relating to the Thematic Group 2 "Health Social security and Social protection", (Articles 3, 11, 12, 13, 14, 23 and 30). The Conclusions in respect of these provisions were published in January 2014.

The [13<sup>th</sup> report](#) submitted on 31 October 2013 covers the accepted provisions relating to the Thematic Group 3 "Labour rights", i.e.:

- The right to just conditions of work (Article 2)
- The right to a fair remuneration (Article 4)
- The right to organise (Article 5)
- The right to bargain collectively (Article 6)
- The right to information and consultation (Article 21)
- The right to take part in the determination and improvement of the working conditions and working environment (Article 22)
- The right to dignity at work (Article 26)
- The right to information and consultation in collective redundancy procedures (Article 29)

Conclusions in respect of these provisions will be adopted in December 2014.

\* [Following a decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years. As from 2014 State Parties having accepted the complaints procedure have to provide a national report every two years only.

## **Situation of Sweden with respect to application of the Revised Charter**

### **Examples of progress achieved in the implementation of social rights under the Social Charter<sup>1</sup>**

#### **Thematic Group 1 "Employment, training and equal opportunities"**

- ▶ Entry into force in 2006 of the Children and School Students (Prohibition of Discrimination and Other Degrading Treatment) Act (2006:67). It, *inter alia*, prohibits discrimination of children and pupils on the basis of disability in the field of education.
- ▶ Under legislation adopted in 2005, foreign students are now entitled to work in Sweden without obtaining a work permit for as long as their residence permit is valid.
- ▶ Adoption of the Act of 7 April 1994 against ethnic discrimination, including in employment
- ▶ Adoption of Act No. 433 of 1991 on equal opportunities

#### **Thematic Group 2 "Health, social security and social protection"**

- ▶ In 2001, legislation was enacted which makes health education a school subject in its own right
- ▶ Entry into force on 1 January 2001 of the new Social Security Act (*Socialförsäkringslagen* No. 1999/799) which contains provisions concerning work-related benefits which are no longer related to residence in Sweden; and all direct references to nationality have been abolished
- ▶ Abolition of the provision of the legislation governing seafarers which provided that seamen could be bound by coercive measures to remain at their post (Act No. 282 of 18 May 1973 on the Merchant Navy)

#### **Thematic Group 3 "Labour rights"**

- ▶ Recourse to the closed shop provisions has been made more restrictive (Act of 10 June 1976 on participation in decisions in employment)

#### **Thematic Group 4 "Children, families, migrants"**

- ▶ The Act on the working environment has been extended to cover children under 18 who do not receive any income, including children related to their employer (1990) and those who work in their employer's home (1996)
- ▶ Abolition of the requirement for employers to pay for language courses for their migrant workers (Repeal in 1986 of Act No. 650 of 1972)

### **Cases of non-conformity**

#### **Thematic Group 1 "Employment, training and equal opportunities"**

- ▶ *Article 10§5 – Right to vocational training - Full use of facilities available*  
Nationals of other States Parties to the Charter and the 1961 Charter not members of the EU must have a permanent residence permit in order to be entitled to study support for education and vocational training. ([Conclusions 2012](#))

#### **Thematic Group 2 "Health, social security and social protection"**

- ▶ *Article 12§1 – Right to social security - Existence of a social security system*  
It has not been established that the minimum level of the unemployment and sickness benefits are adequate. ([Conclusions 2013](#))

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<sup>1</sup> « 1. The European Committee of Social Rights rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure » (Article 2 of the Rules of the Committee).

► *Article 23 – Right of the elderly to social protection*

The scope of the legal framework to combat age discrimination outside employment is not sufficiently wide.

[\(Conclusions 2013\)](#)

**Thematic Group 3 “Labour rights”**

► *Article 4§4 - Right to a fair remuneration - Reasonable notice of termination of employment*

Certain workers under 30 with five or more years’ service are granted only one month’s notice of termination of employment.

[\(Conclusions 2010\)](#)

**Thematic Group 4 “Children, families, migrants”**

► *Article 7§9 – Right of children and young persons to protection - Regular medical examination*

a regular medical examination for all young workers is not guaranteed by legislation.

[\(Conclusions 2011\)](#)

► *Article 17§2 – Right of children and young persons to social, legal and economic protection - Free primary and secondary education - regular attendance at school*

Children unlawfully present in the territory do not have effective access to education.

[\(Conclusions 2011\)](#)

► *Article 19§§8 and 10 – Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed; - Guarantees concerning deportation*

Migrant workers expelled on account of national security have no right of appeal to an independent body.

[\(Conclusions 2011\)](#)

**The European Committee of Social Rights has been unable to assess compliance with the following provisions and has invited the Swedish Government to provide more information in the next report:**

**Thematic Group 1 “Employment, training and equal opportunities”**

(Report to be submitted before 31 October 2015)

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**Thematic Group 2 “Health, social security and social protection”**

(Report to be submitted before 31 October 2016)

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**Thematic Group 3 “Labour rights”**

(Report to be submitted before 31 October 2013)

- Article 5 - Conclusions 2010
- Article 29 – Conclusions 2010

**Thematic Group 4 “Children, families, migrants”**

(Report to be submitted before 31 October 2014)

- Article 19§1 - Conclusions 2011
- Article 31§1 - Conclusions 2011

## Collective Complaints and State of Procedure in Sweden <sup>2</sup>

### Collective complaints (under examination)

*Federation of Catholic Family Associations in Europe (FAFCE) v. Sweden* (No 99/2013)

### Collective complaints (proceeding completed)

1. Complaints inadmissible or where the Committee has found no violation

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2. Complaints where the Committee has found a violation, which has been remedied

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3. Complaints where the Committee has found a violation and where progress has been made but not yet examined by the Committee

*Confederation of Swedish Enterprises v. Sweden* (No 12/2002)

Violation of Article 5 (right to organise), decision on the merits of 15 May 2003.

4. Complaints where the Committee has found a violation, which has not yet been remedied

*Swedish Trade Union Confederation (LO) and Swedish Confederation of Professional Employees (TCO) v. Sweden* (No. 85/2012)

Violation of Article 6§2 (right to bargain collectively), violation of Article 6§4 (right to bargain collectively), violation of Article 19§4a (right of migrant workers to protection and assistance), violation of Article 19§4b (right of migrant workers to protection and assistance), decision on the admissibility and merits of 3 July 2003.

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<sup>1</sup> The case-law of the Committee on collective complaints may be consulted on the European Social Charter's website on the [Collective Complaint webpage](#). Searches on complaints may also be carried out in the [European Committee of Social Rights Caselaw database](#).