

VORTRAGSREIHE

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European Union influence on Swedish labour law (with special regards to the Temporary Agency Directive)

Referent:

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The "Swedish Model" – three main features

- The social partners (trade unions and employers' organisations) have a strong position
- The Swedish State has traditionally been in the background
- Collective agreements are important for regulating the labour market

the Social Partners

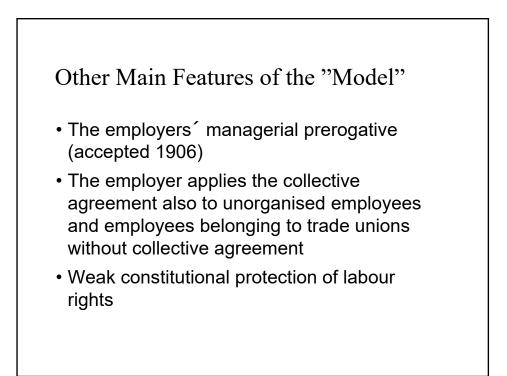
- Strong and well organised on both sides
- Trade union membership rate is (still) very high (70%)
- The employers' organisation rate is very high
- The relationship between the parties is built on mutual trust and responsibility (Saltsjöbaden Agreement 1938, Industrial Agreement 1997)
- · Large and centralised organisations

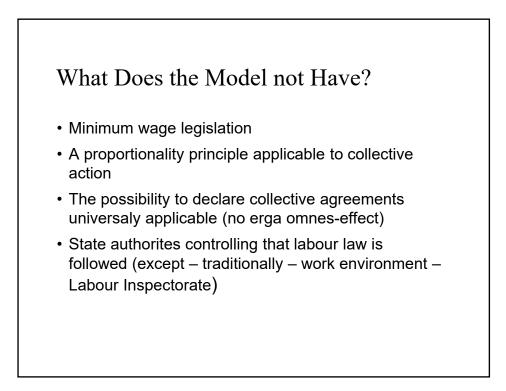
Collective Bargaining and Collective Agreements

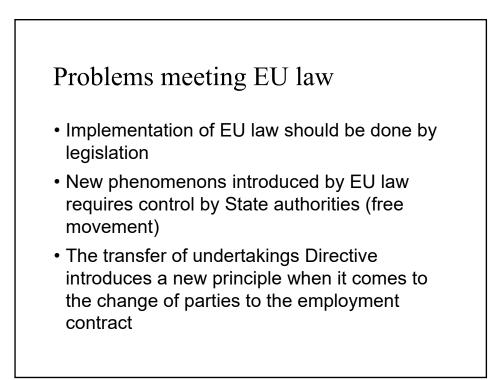
- Collective agreements cover almost all employees (90%)
- The parties to the agreement in the first instance the trade unions are responsible for controlling compliance
- · Negotiations between the parties is a central element
- The employees' rights of information and consultation are exercised through the unions (established trade union = party to the collective agreement)
- The right to take collective action is rather wide in an international perspective (sympathy/secondary action)

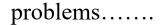
Labour Legislation

- Very limited until the 1970s
- · Legislative "explosion" during the 1970s
- Became more extensive after EU membership 1995
- Often possible to agree on something else in a collective agreement (semi compulsory legislation)
- Overall aim is that legislation shall apply to all employees in the same way (white-/blue collar, state, private)





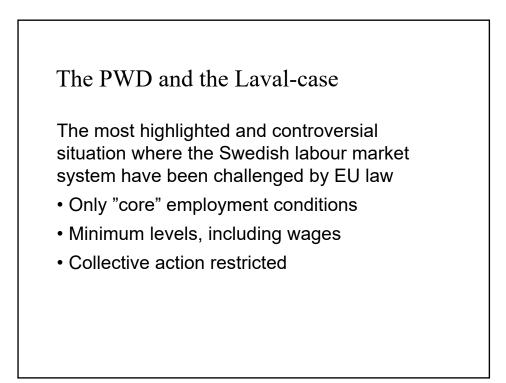




- Anti-discrimination legislation individual rights
- Detailed legislation (the working time Directive)
- Legal activism from the Court of the EU
- The Posting of Workers Directive and the Laval-case

Traditional Swedish model for combating social dumping

- The trade union invites the employer to negotiate
- The trade union asks the employer to sign the collective agreement
- The trade union gives notice of industrial action
- Industrial action
- Sympathy actions



Implementation of the Agency Work Directive

- Temporary work agencies illegal in Sweden until a new Act entered into force 1992
- Some restrictions during 1992 (need, timelimits, restricted fixed-term)
- From 1993 no restrictions at all
- Collective agreements for the sector since the 1980s!
- Today about 1,5 % of the labour force

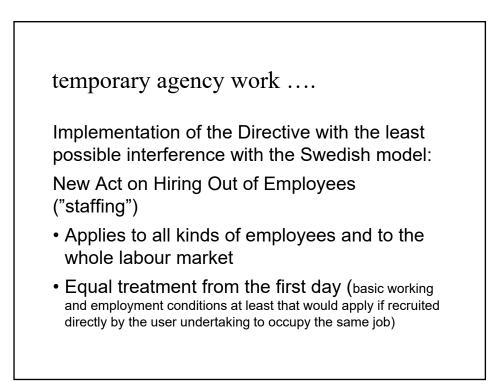


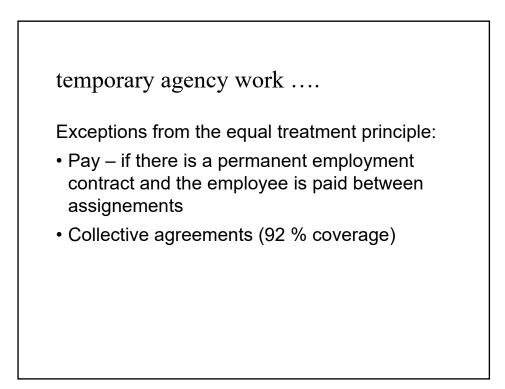
- Today collective agreements cover about 92 % (low rate of unionisation)
- Treated like any other business
- Treated like any other employee all labour legislation applies (and social security law)

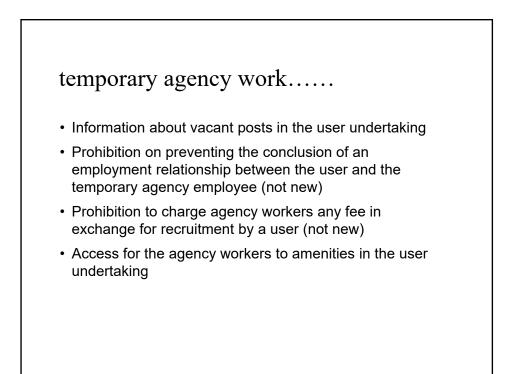
temporary agency work....

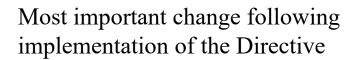
- The employment contract is between the temporary agency and the employee
- The contract between the agency and the user is a contract under ordinary contractual and business law, and there is no contractual relationship between the user and the temporary employee



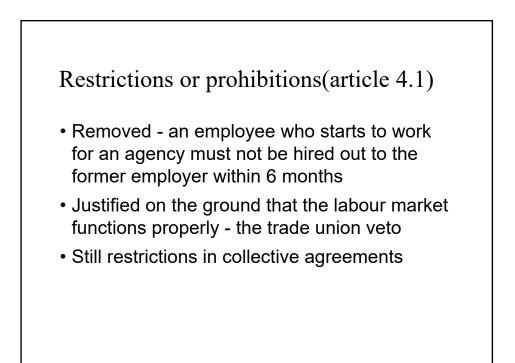


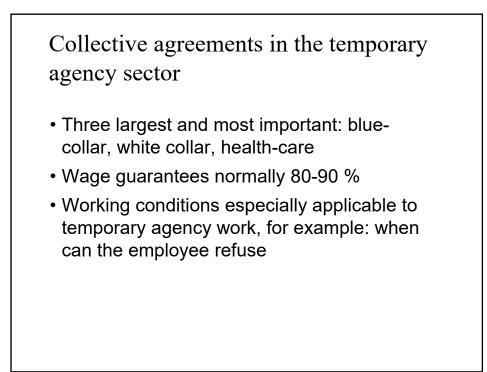


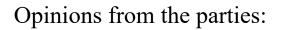




- The relationship between the Posting of Workers Directive and the Agency Work Directive?
- Posted agency workers can claim equal treatment within the "hard core" of the Posting of Workers Directive
- This means among other working conditions: equal pay







- Trade unions traditionally negative (not professional employees), especially the Swedish Trade Union Confederation (LO)
- LO still wants some restrictions regarding lenght of hiring and a special need
- Controversial when an employer dismiss because of redundancy and then hires in agency workers

Conclusion:

- Swedish trade unions are pragmatic
- Collective agreements in the temporary work agency sector shows that the social partners are able to combine flexibility and security