



[Login](#)

EMCC

European Monitoring Centre on Change

## Sweden: Reemployment obligation after restructuring

[Go to list page](#)

Sweden

Phase:

Management

Type:

Reemployment obligation after restructuring

Last modified: 10 December, 2021

Native name:

Lag (1982:80) om Anställningsskydd

English name:

Employment protection act (1982:80)

### Article

25, 26

### Description

If the employer, after a dismissal (both individual and collective), subsequently recruits staff, employment must first be offered to the previously dismissed workers.

This applies to permanently employed workers as well as workers with fixed-term contracts, on the condition that they have been employed for more than 12 months in total over the past three years (or six months over the past two years for seasonal employment) and that the worker meets the required qualifications.

The right of priority applies for up to nine months after dismissal. Employees eligible for possible rehiring must be informed of the details in their written notice.

Reemployment must be done in accordance with seniority. In other words, the rehiring order is determined by length of previous service. If two or more employees have been employed for an equally long time, the elder or the eldest employee is prioritised.

### Comments

Since the introduction of the Employment protection act in the mid-1970s, the Swedish labour market has gone through major transformations. For instance, temporary work agencies have become common. This means that new ways to circumvent the right to reemployment have arisen. One such case where an employer hired staff during the period when previous employees had a right to be reemployed, sparked an intense debate in the early 2000s. In this case (AD 2003 No. 4), the labour court concluded that it was not a matter of circumvention. However, the court pointed out that the circumvention of the Employment protection act is a complicated issue and that there are circumstances where hiring of staff can be considered an unauthorised circumvention of the priority rules.

The Employment protection act is currently undergoing reform, with changes planned to come into force on 30 June 2022. The amendment will mean that employees who have been dismissed due to lack of work will still be prioritised for re-employment in the business where they have previously been employed. The same applies to employees who have been employed for a limited period of time and who have not been granted continued employment due to a lack of work. A new prerequisite for re-employment, however, is that the employee has sufficient qualifications for the new position. As previously, the employee also has to have been employed for a sufficient period of employment with the employer. The total period of employment shall be more than twelve months in the last three years, or

- in the case of fixed-term employment, for a total of more than nine months during the last three years, or
- in the case of seasonal employment for a former seasonal worker, for a total of more than six months in the last two years.

#### Cost covered by

Not applicable

#### Involved actors other than national government

National goverment only

#### Thresholds

No, applicable in all circumstances

### Sources

- Storrie, D. (2005), 'Collective dismissals in Belgium, France, Germany, Sweden and the UK: Some legal, institutional and policy perspectives', Working paper from the MIRE project
- Watson, W. (2006), 'Employment terms and conditions report Europe', Volume I, Brussels, Belgium
- Lagen om Anställningsskydd
- En reformerad arbetsrätt – för flexibilitet, omställningsförmåga och trygghet på arbetsmarknaden Ds 2021:17

Useful? Interesting? Tell us what you think. ▼

Eurofound welcomes feedback and updates on this regulation

Your name \*

E-mail \*

More information?

Homepage

Subject

Comment \*

Save

Preview

European Monitoring Centre on Change - EMCC

[About EMCC](#)

**European Restructuring Monitor**

- › [About the European Restructuring Monitor](#)
- › [Restructuring events database](#)
- › [Restructuring support instruments](#)
- › [Restructuring related legislation](#)
- › [Restructuring case studies](#)
- › [ERM publications](#)

**European Jobs Monitor**

[Labour market research](#)

[Case studies](#)

[Future of Manufacturing in Europe \(FOME\)](#)

[European Observatory on Quality of Life - EurLIFE](#)

[European Observatory of Working Life - EurWORK](#)

## Quick links

- [Legal information](#)
- [Data protection](#)
- [Environmental policy](#)
- [Cookies](#)
- [Subscriptions](#)
- [Multilingualism](#)
- [Templates for Eurofound reports](#)
- [Eurofound style guide](#)
- [Management Board extranet](#)
- [Map - how to get to Eurofound](#)
- [FAQ](#)
- [Sitemap](#)



## Contact us

Eurofound, Wyattville Road, Loughlinstown, Co. Dublin, D18 KP65, Ireland

Phone: (00) 353 1 2043100

E-Mail: [information@eurofound.europa.eu](mailto:information@eurofound.europa.eu)

Press: [media@eurofound.europa.eu](mailto:media@eurofound.europa.eu)



MEMBER OF THE NETWORK OF EU AGENCIES



EUROFOUND ACHIEVES EMAS REGISTRATION



EUROFOUND IS AN AGENCY OF THE EUROPEAN UNION



[Access to internal documents](#) | [Financial information](#) | [Archives](#) | [Information centre](#) | [RSS feeds](#)

© EUROFOUND 2023

