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EMCC

European Monitoring Centre on Change

## Sweden: Effects of non-compliance with dismissal regulations

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Sweden

Phase:

Management

Type:

Effects of non-compliance with dismissal regulations

Last modified: 10 December, 2021

Native name:

Lag (1982:80) om Anställningsskydd

English name:

Employment protection act (1982:80)

### Article

34-36, 38, 39

### Description

A dismissal without just cause should be declared null and void by the employer if so requested by the employee, unless the employee is dismissed due to a shortage of work. If there is a shortage of work, the dismissal is null only if [the seniority rules on selection](#) are violated. The labour courts settle any disputes over rights and obligations. In addition, economic and general damages can be paid.

Failure to inform and consult trade unions or to give notification to the public employment service does not make the collective dismissals void, but may make the employer liable for fines (about €10–60 per affected employee and the fines increase with the length of the failure to consult and notify).

If an employer fails to comply with a court order declaring a dismissal null and void, the employment relationship is deemed as having been dissolved, and the employer has to pay (additional) compensation to the employee (up to 32 monthly wages).

### Comments

One of the most common reasons for declaring a dismissal void is [inadequate documentation](#) by the employer.

The ongoing reform process of the Employment protection act will entail changes to practices in cases of disputes about dismissals. If a dismissal is annulled, the employment will end after the end of the notice period, rather than last until the dispute is finally settled, which is the current practice. Thus, the employer will not have to pay wages during the entire dispute period. Instead, the dismissed employee may seek support from the unemployment insurance fund and, if the employer is bound by the main agreement, a supplementary collectively agreed unemployment insurance fund, which together correspond to 80% of the employee's salary. The changes are expected to enter into force on 30 June 2022.

#### Cost covered by

Employer

#### Involved actors other than national government

Public employment service

Trade union

Other






#### Involvement others

Labour court

#### Thresholds

No, applicable in all circumstances

## Sources

-  Ius Laboris (2009), 'Collective redundancies guide', Brussels
-  Clauwaert, S. and Schömann, I. (2013), The crisis and national labour law reforms: a mapping exercise. Country report: Sweden, ETUI
-  Lagen om Anställningsskydd
-  Lena Gunnars (2017) Säg upp rätt
-  En reformerad arbetsrätt – för flexibilitet, omställningsförmåga och trygghet på arbetsmarknaden Ds 2021:17

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