



EMCC

European Monitoring Centre on Change

Sweden: Staff information and consultation on restructuring plans

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Sweden

Phase:

Anticipation

Type: Staff information and consultation on restructuring plans

Last modified: 17 August, 2017

Native name:

Lag (1976:580) om medbestämmande i arbetslivet

English name:

Co-Determination Act (SFS 1976:580)

Article

11, 13 and 15

Description

According to the Co-Determination Act, all employers are obliged to consult with affected trade unions when the need for restructuring, defined as significant changes to the business, is being contemplated. Where an employer is not bound by a collective agreement it is obliged to consult with all affected trade unions (i.e. trade unions that have members facing termination due to redundancy). An employer bound by a collective agreement only has to consult with the trade union that has signed the agreement.

In a redundancy situation, the employer must present the following information to the trade union(s) in connection to the primary negotiations:

- the reasons for the planned dismissals;
- the planned number of employees affected and the categories to which they belong (white and/or blue collar workers);
- the number of employees normally employed and the categories to which they belong (white and/or blue collar workers);
- the planned time period during which the dismissals are to be carried out;
- the method of calculating potential severance payments that will be paid in addition to any monies owed under the provisions of collective agreements or the law.

The purpose of the consultations is to give the unions possibilities at an early stage to give additional input that may change the company's decision making. However, this does not give the unions the right to veto and any outcomes of a restructuring process are ultimately at the company's sole discretion.

A party who is required to negotiate must appear at the negotiating session and, if necessary, submit a reasoned proposal for the solution of the question to which the negotiations relate. The parties may jointly choose the form of negotiation. During these consultations, the employer has to specify the grounds for the restructuring. The employer, however, enjoys considerable freedom to cut jobs for business reasons, e.g. redundancies. The employer may for instance close down a business regardless of whether it is profitable or not, or restructure the business due to new technology or due to the use of temporary agency workers.

Comments

No information available.

Cost covered by

Not applicable

Involved actors other than national government

Trade union

Thresholds

No, applicable in all circumstances

Sources

- 📖 DG Employment, Social Affairs and Equal Opportunities/Héra (2011), Selected companies' legal obligations regarding restructuring
- 📖 Ius Laboris (2011), Individual Dismissals Across Europe, Brussels
- 📖 [Lag om medbestämmande i arbetslivet](#)
- 📖 Ius Laboris (2009), Collective Redundancies Guide, Brussels
- 📖 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 Wyatt (2006), Employment Terms and Conditions Report Europe, Volume I, Brussels, Belgium

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