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

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Grey = Accepted provisions

The Charter in domestic law

Statutory ad hoc incorporation by specific implementing legislation.

Reports *


The 13th report, submitted on 31 October 2013, concerns the accepted provisions of the Revised Social Charter relating to the Thematic Group 3 "Labour rights" (Articles 2, 4, 5, 6, 21, 22, 26, 29). The Conclusions in respect of these provisions were published in January 2015.

The 14th report, submitted on 4 November 2014, concerns the accepted provisions of the Revised Social Charter relating to Thematic Group 4 “Children, family, migrants”, namely:

- The right of children and young persons to protection (Article 7)
- The right of employed women to protection (Article 8)
- The right of the family to social, legal and economic protection (Article 16)
- The right of children and young persons to social, legal and economic protection (Article 17)
- The right of migrant workers and their families to protection and assistance (Article 19)
- The right of workers with family responsibilities to equal opportunities and equal treatment (Article 27)
- The right to housing (Article 31).

In addition, the report concerns the information required by the European Committee of Social Rights in the framework of Conclusions 2013 (Articles 3, 11, 12, 13, 14, 23 and 30, relating to Thematic group “Health, social security and social protection”), in the event of non-conformity for lack of information.

Conclusions in respect of these provisions will be published in January 2016.

* 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.
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

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

- 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”**

- Freedom not to join a trade union - there are no closed shop clauses in any of the collective agreements.

**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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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 6§2 - Right to a bargain collectively – Negotiation procedures
The statutory framework on posted workers does not promote the development of suitable machinery for voluntary negotiations between employers and workers’ organisations with a view to the regulation of terms and conditions of employment by means of collective agreements.
(Conclusions 2014)

Article 6§2 - Right to a bargain collectively – Collective action
The statutory framework on posted workers constitutes a restriction on the free enjoyment of the right of trade unions to engage in collective action.
(Conclusions 2014)

Article 29 - Right to information and consultation in procedures of collective redundancy
There is no provision that would prevent redundancies from being put into effect before the obligation to inform and consult has been fulfilled.
(Conclusions 2014)

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”

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

Thematic Group 3 “Labour rights”
Article 4§4 - Conclusions 2014

Thematic Group 4 “Children, families, migrants”
Article 19§1 - Conclusions 2011
Article 31§1 - Conclusions 2011
Collective Complaints and State of Procedure in Sweden

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

   None

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

   *Confederation of Swedish Enterprises v. Sweden* (No 12/2002)
   Violation of Article 5 (right to organise), decision on the merits of 15 May 2003.

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

   None.

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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1 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](#).