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REVISED EUROPEAN SOCIAL CHARTER

Seventh report on the implementation of
the Revised European Social Charter

submitted by

THE GOVERNMENT OF SWEDEN

Articles 1, 9, 10, 15, 20 and 25
(for the period 1/1/05 – 31/12/06)
Article 18
(for the period 1/1/03 – 31/12/06)

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CYCLE 2008

Seventh Report

Submitted by the Government of Sweden

in accordance with Article 21 of the Revised European Social Charter on the measures taken to give effect to the following provisions of the

Revised European Social Charter

- Articles 1, 9, 10, 15, 20 and 25 for the period 1st January 2005 to 31st December 2006 and
- Article 18 for the period 1st January 2003 to 31st December 2006.

Article 24 has not been ratified by Sweden.

In accordance with Article 23 of the Revised Charter, copies of this report have been communicated to

- (1) Svenskt Näringsliv (Confederation of Swedish Enterprise)
- (2) Sveriges Kommuner och Landsting (The Swedish Association of Local Authorities and Regions)
- (3) Arbetsgivarverket (Swedish Agency for Government Employers)
- (4) Landsorganisationen i Sverige (the Swedish Trade Union Confederation)
- (5) Tjänstemännens Centralorganisation (the Swedish Confederation of Professional Employees)
- (6) SACO, Sveriges Akademikers Centralorganisation (the Swedish Confederation of Professional Organisations)

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Article 1

Article 1:1

Question A

Full employment is achieved by making it more profitable to work, by making it less expensive to hire workers and by improving the climate for enterprise.

Otherwise reference is made to the National Action Plan for Employment, page 8, and to the previous report.

Source: Government communication (rskr) 2006/07:23, *Sveriges handlingsplan för tillväxt och sysselsättning 2006-2008*.

The labour market policy budget:

	2005	2006	2007	2008
Bn SEK	69	71	62	55

Source: BP 07 UO13, p. 13.

Question B

The “Job and Development Guarantee” programme targets the most disadvantaged groups. The forecast is 42,000 participants for 2008.

Employment:

	2005	2006	2007
Per cent, ages 20-64 years	77.4	77.7	79.0

Unemployment:

	2005	2006	2007
percentage of workforce	8.7	8.7	7.7

Source BP 07 Finansplan, p. 13.

The Swedish economy is experiencing a strong upturn, with demand, both domestic and foreign, growing on a wide front during the early part of 2006. The investment situation remains buoyant and household consumption has grown rapidly. Sweden is in many ways a country which has harnessed the willingness and ability of the individual to work, assume responsibility and develop, as well as creating and investing in the future. Sweden is characterised by openness towards the outside world and a readiness to assimilate changes. International comparisons in recent years have allotted Sweden’s competitive strength and business climate a progressively higher ranking position.

But Sweden is also faced with great challenges. Good growth notwithstanding, more than a million people are outside the labour market and there is a great deal of social and economic exclusion. With an ageing population, demand for welfare services is rising. Globalisation is making demands on the adaptability and flexibility of the Swedish economy.

Environmental challenges, climate change not least, are calling for new and more efficient solutions.

The Government policy which is to lay the foundations of sustainable economic development, provide scope for greater welfare and cope with challenges to come is presented in Sweden’s revised action programme for growth and employment 2006-2008 (*Sveriges reviderade handlingsprogram för tillväxt och sysselsättning 2006–2008*). In its *Budget Bill for 2007*, the Government announces a large number of measures for realising this policy. It is crucially important to meet the demographic challenge by means of sustainable public finances. The surplus target for financial saving in the public sector is therefore to be maintained and every reform appraised with reference to what the national economy will tolerate.

Welfare can be secured by breaking exclusion in the labour market, creating more jobs and creating more enterprises. First of all, work has to be made more profitable. A major income tax reform is proposed, the main emphasis of which will be on making employment more profitable to people in low and medium income brackets. In the long term the Government plans to introduce further income tax reductions. The work strategy is to be highlighted in unemployment insurance through changes in compensation and the terms of insurance. Unemployment insurance must provide temporary compensation in the event of unemployment, providing the individual with security and facilitating readjustment, but is not to constitute a long-term livelihood. Health insurance must be aimed at preserving the security of those afflicted by illness or injury, while at the same time motivating and enabling them to return to work.

Secondly, it must be made easier and less expensive to hire personnel. Initiatives are being taken to help those who have been out of work for a long time to return to employment. The cost of hiring young persons is to be reduced. Employers' "co-financing liability" for health insurance after the second week of sicklisting is to be abolished. The Government also finds it urgently necessary to reduce payroll tax in certain service sectors. The Government has announced impending proposals for a tax reduction relating to the purchase of domestic services by private persons. The Labour Market Administration is to be thoroughly reformed and the scope of labour market policy reduced, both by cutting down the number of persons taking part in employment policy programmes and by phasing out a number of programmes altogether. Thirdly, the climate for enterprise in Sweden is to be improved and entrepreneurial activity made more profitable. In its Budget Bill the Government proposes a number of measures to promote entrepreneurship and make the hiring of manpower more profitable. Capital supply to enterprise is to be improved and corporate administrative overheads reduced by simplifying rules and cutting down on red tape. The measures proposed for boosting manpower demand by abolishing payroll taxes on certain services, coupled with tax deductions for the purchase of domestic services, will also encourage the development of new and existing undertakings in the service sector. The Government also proposes an initiative to increase entrepreneurial activity among women and to simplify the starting and running of businesses in the welfare sector. The Government intends introducing changes aimed at augmenting diversity and competition between different care providers. During the next four years the Government also intends taking initiatives to strengthen Swedish research.

The economic situation

Sweden's GDP growth was very strong during the early part of 2006. The positive development in the first half-year was fuelled by a wide-ranging growth of demand in the Swedish economy. Following relatively weak growth in the first half of 2005, exports made a notable recovery, the investment boom has continued and domestic consumption has grown at a good rate.

GDP growth will be subdued later on but will remain historically high. The downturn, which will not achieve maximum impact until 2007, will stem primarily from a deceleration of investments. Total investments have been rising since 2003, and driving forces behind the upturn have included high capacity exploitation and favourable financial condition in enterprise. Those driving forces remain, suggesting a continuing high level of investment, but as the new production capacity is commissioned, investment growth, e.g. in industrial plant, is expected to diminish.

The downturn in GDP growth for 2007 is also due to a deceleration of export growth. This year, however, foreign demand for Swedish products is growing, due partly to the recovery occurring in the Euro zone which means so much for Sweden's export industry. This in turn is also contributing towards a good growth of commodity exports for 2006. Next year will bring a slight global downturn, causing exports to grow less rapidly. The declining growth rate of investments and exports is to some extent offset by an accelerating growth of Swedish household spending.

Financial policy is expected to change in a slightly expansive direction for 2006 and in a neutral direction for 2007, and despite a progressively less expansive monetary policy in the period ahead, a continuing low level of interest rates is anticipated, as a result of low inflationary pressure. Employment is expected to grow rapidly, contributing to a high growth rate for available household incomes. Households are also in a good starting position as regards accumulated wealth. All these things taken together point to a further acceleration of household spending for the forecasting period, especially in 2007. Public spending will rise mainly in the local government sector, partly as a result of improved municipal finances.

Table Balance of resources

Percentage change

2005	2006	2007	2008	2009	
Household consumer spending	2.4	3.6	4.2	3.6	3.1
Public consumption	0.7	1.4	1.5	1.0	0.6
Fixed growth investments	8.5	7.2	3.3	3.6	3.6
Inventory investments	-0.2	-0.2	0.1	0.1	0.0
Exports	6.4	8.3	6.4	6.1	5.9
Imports	7.3	7.6	7.1	6.4	6.1
GDP	2.7	4.0	3.3	3.1	2.7
Regular employment participation rate P1P	77.4	77.7	79.0	79.8	80.2
Open unemployment P2P	6.0	5.6	5.8	5.0	4.3
Total unemployment P2, 3P	8.7	8.7	7.7	6.3	5.8
UND1X, annual average	0.8	1.3	1.9	1.5	1.8
KPI, annual average	0.5	1.6	2.5	2.0	1.9

(Sources: Statistics Sweden (SCB) and Ministry of Finance.

Note: The figures for 2008 and 2009 are estimates based on assessments of the resource situation and the potential economic growth rate.

P1P No. persons aged 20-64 in regular employment, i.e. not including persons taking part in employment policy programmes, by percentage of population in this age group.

P2P Percentage of workforce.

P3P Percentage openly unemployed or taking part in labour market policy programmes.)

So far during 2006 inflation has risen slightly, but it is still short of the Riksbank target of 2 per cent. Inflation has been low in recent years. Wage restraints coupled with a strong growth of productivity are holding back manpower costs in enterprise, which helps to curb the national inflation rate. Rising energy and import commodity prices, however, have caused the retail price index (KPI) to rise somewhat of late. When, later on, wage increases accelerate at the same time as productivity growth decelerates, this will slightly increase the national pressure of inflation, but it is anticipated that a stronger krona and falling energy prices can help to curb inflation in future.

Efficient wage formation has a crucial bearing on the development of inflation and makes possible lower unemployment, high employment and rising output. In recent years the social partners have assumed considerable responsibility. The nominal growth rate of wages since the mid-1990s has been about half the figure for the 1980s, at the same time as real wage growth has been significantly better. Wages are expected to go increasing at a relatively moderate rate in 2006, due to the low level of agreed pay increases and a low level of capacity exploitation.

After four years of slow development, employment took an upward turn in the second half of 2005. This has continued during 2006. There has been no commensurate fall in open unemployment, however, because manpower supply has increased at the same time. There are judged to be good prospects of continuing employment growth. Altogether employment is expected to rise by 1.7 per cent this year and 1.5 per cent next year. Labour market policy

programmes will be heavily scaled down in 2007, causing open unemployment to rise somewhat. There will, however, be a significant reduction of total unemployment, i.e. open unemployment plus the number of persons taking part in employment policy programmes.

Source: Government communication (rskr) 2006/07:23

Question C

Job vacancies:

	2005	2006	2007
N, 1st quarter, private sector	28,000	35,000	
	39,000		

Source: AMS 2007:1, p. 18

Reply to question in Conclusions 2006 concerning Article 1:1 – Policy of full employment

Raising employment by getting more people to work and counteracting marginalisation is the biggest single challenge confronting economic policy. Large parts of the population of employable age – over a million people altogether – are outside the labour market or are working less than they would like to. The labour market situation in Sweden improved in 2006 and the improvement has continued during 2006. The proportion in regular employment rose from 77.0 to 77.4 per cent between 2004 and 2005 and development has remained good during 2006.

So far, however, the decline in total unemployment has been small, partly owing to a growth of manpower supply. The Government's latest forecast indicates 5.6 per cent open unemployment and 8.7 per cent total unemployment, together with 77.7 per cent regular employment, for 2006. The Swedish Labour Force Survey (AKU) was restructured in 2005 to bring it into line with the rest of the EU. The restructuring caused open unemployment in accordance with the national definition to rise by about 0.4 percentage units. Thus the unemployment rate for 2005 is on practically the same level as in 2004. The Government intends to inaugurate a process whereby Sweden's statistics will be adapted to make them more comparable with those of the other EU Member States. GDP growth, which was formerly fuelled to a great extent by high export demand and high productivity, now stems to a greater extent from domestic consumption. At the same time, the improved situation in the employment sector is leading to greater optimism among households, which in itself has the effect of spurring consumption, thus augmenting the prospects of a continuing rise in manpower demand. There are also a number of indicators pointing in this direction. For example, the number of new job vacancies registered with the Public Employment Service has been rising uninterruptedly and is now at a very good level.

Labour market policy can and must act as a lubricant in the labour market, helping people to move as quickly as possible from one job to another, or from unemployment to a job in the regular employment sector. **In its Budget Bill for 2007 the Government has therefore included a number of measures to improve the efficiency of labour market policy and to underscore the work strategy.**

- *New Start Jobs* imply a subsidy, equalling payroll tax, payable to employers hiring people who have not worked for over a year. The scheme is for people who have been unemployed and enrolled with the Public Employment Service, have taken part in labour market policy programmes or have been gaining their livelihood through sickness benefit or sickness and activity benefit full time for more than one year. The subsidy is payable for the length of time for which the persons hired have been without work, subject to a maximum of five years.
- *A Job and Development Guarantee* for long-term unemployed persons was introduced in 2007, the aim being, by means of individually designed policy measures, to get the participants into the regular employment sector as quickly as possible. The activities will be possible under the auspices of a wide variety of authorised providers. The participants will receive benefit equalling 65 per cent of lost earnings, subject to a maximum of SEK 680 daily and in no case under SEK 320 daily. Persons declining to participate will forfeit their entitlement to benefit. The Activity Guarantee programme is being phased out at the same time.
- *Employment training* is to focus more on reinforcing the competence of the unemployed individual and will be concentrated on areas of manpower shortage.

These measures and other tax reductions were introduced simultaneously with the abolition of a succession of labour market policy programmes, e.g. Free Year, Plus Jobs, Trainee Replacement, Jobs for Graduates, Computer & Activity Centres, International Work Experience Scholarships (Interpraktik), non-outsourced employment training within the regular education system, grants towards vacation employment for upper secondary school students, and general and reinforced hiring support.

The new model introduced on 1st January 2006 for persons with functional impairment and reduced work capacity is to be continuously monitored and evaluated until 2009.

The Government intends enlarging subsidised hiring opportunities for persons with functional impairment.

Article 1:2

QUESTION A

For current legislation in this field, reference is made to earlier reports.

Information with reference to the enquiry in Conclusions 2006 concerning age discrimination

Ban on age discrimination

The Discrimination Committee presented its final report, *En sammanhållen diskrimineringslagstiftning* (SOU 2006:22), in February 2006. The contents of the report include a proposal for age to be introduced as a protected ground for discrimination in the workplace.

New legislation is currently being drafted and the Government is working to a schedule whereby a proposed new Discrimination Act will be referred to the Council on Legislation at the end of 2007/beginning of 2008. The plan is for a Government Bill then to be introduced in the Riksdag (parliament) in March 2008 and debated in the spring of 2008, after which the

new Act is expected to come into force in the autumn of 2008. The ban on age discrimination in the workplace will be one of the new provisions contained by this Act.

In the field of labour market policy, the “New Start Jobs” wage subsidisation scheme has been introduced as a means of counteracting discrimination and marginalisation of disadvantaged groups. A new model, comprising three levels of support for persons with functional impairment, has been introduced. New initiatives have been taken towards helping immigrants to start their own businesses. Source: NAP 2006/07:23.

Reply to question in Conclusions 2006 concerning indemnification in discrimination cases

Maximum amount of damages

Damages under labour law legislation concerning discrimination – as elsewhere in Swedish labour law – have two components: financial damages for economic loss, and general damages for insult (non-financial damages). The financial damages which can be awarded are limited to a certain number of monthly salary payments. Since, however, a monthly salary can comprise any amount, there is no limit on the amount of damages which can be awarded. Moreover, the general damages which can be awarded for insult are entirely unlimited, and so Swedish law cannot be considered to prescribe maximum amounts for discriminatory dismissals, there being no limit on general damages or the sum total of financial and general damages.

The Government plans, however, in future legislation, to abolish the limit on the number of monthly salary payments which can be awarded as financial damages.

QUESTION B

Ba)

Continuous consultations with the social partners have been introduced to facilitate the drafting of new policy proposals. Otherwise reference is made to previous reports.

Bb)

No changes; reference is made to previous reports.

QUESTION C

Reference is made to previous reports.

QUESTIONS D-G

GENERAL REMARKS CONCERNING FORCED LABOUR AND RELATED ISSUES

The following may be of interest on the subject of penal provisions.

Forced labour can, depending on the circumstances of the individual case, be regarded in Swedish law as unlawful coercion, assault or trafficking, for example. The penalties for these offences range from fines to 10 years' imprisonment.

Between 2005 and 2006 a Commission was appointed to review the penal provision on trafficking etc. Work is also in progress within the Government Offices on action plans to combat trafficking. Otherwise there is nothing new to report on the subject of penal law during the period to which the present report refers.

Commission on penal provisions against trafficking

The terms of reference for the Commission appointed among other things to review the penal provision on trafficking (dir. 2005:152 and addenda in dir. 2006:78 and 2007:88) were resolved on in December 2005. In particular, the Commission is to consider whether use of improper means should no longer be a prerequisite of trafficking convictions. As part of the review, the special investigator is to consider whether any changes are needed to the description of the offence or the scales of penalties, and also the reasons for and against abolishing or limiting the requirement of dual punishability. The investigator is also to consider whether legislation on residence permits needs adding to in order to provide necessary protection in Sweden for a person actively participating in legal proceedings by testifying or acting as complainant in a trafficking case. The Commission is due to report on its remit not later than 30th April 2008.

Action plans to combat trafficking

It can be added that work has proceeded in the Government Offices on devising two action plans relating to trafficking – one concerning prostitution and trafficking for sexual purposes, with special emphasis on women and children, and one concerning trafficking for manpower exploitation, trade in human organs etc.

Penalties for young offenders

New provisions concerning penalties for young offenders entered into force in January 2007. Among other things, *youth service* was introduced as a new and separate penalty for offenders under 21. Youth service is administered by the municipalities. It consists of unpaid work and other specially arranged activity for at least 20 and not more than 150 hours. In order for youth service to be ordered, the young person concerned must have consented to it and the penalty must be appropriate having regard to the offender's personality and other circumstances. Youth service must be designed in such a way that young persons have the experience of the community clearly stating that crime is not acceptable.

Otherwise reference is made to previous reports.

QUESTION G and reply to general question in General Introduction Conclusions 2006 concerning work in prisons

Regulation of the employment of prison inmates

Under Section 12 of the Correctional Treatment in Institutions Act (1974:203), prison inmates in Sweden are duty bound to work.

The duty of employment is divided into various programmes. The activities themselves have clear objectives, are structured and timetabled and are aimed at improving the knowledge and insights and/or improving the skills and/or changing the behaviour of the individual inmate. The activities can be divided into:

- Work
- Studies
- Programmes.

The work programme includes operational work and services. Operational work includes manufacturing and service-oriented activity. Services include, for example, caretaking, kitchen assistance and ground and property maintenance, e.g. snow clearance. Some prisons have established a combination of work and education, e.g. in association with Lernia.

Inmates of most institutions have educational opportunities open to them. Primarily these take the form of studies at compulsory and upper secondary school levels, but studies at university level are also possible. Many inmates opt for a combination of work and studies.

The prison and probation system has many different treatment programmes, e.g. for persons with drink and/or drug problems, persons convicted of having assaulted a partner in a close relationship, or persons convicted of sexual offences.

Inmates working outside the prison (under pre-release or parole schemes) come under the same collective agreements, legislation and other rules as other employees at the workplace concerned, the only difference being that presence outside the institution is subject to conditions, e.g. limited freedom of movement.

Section 44 of the Act lays down that an inmate is to receive remuneration, in accordance with principles defined by the Government or a national authority appointed by the Government, for work done, so long as the work has not been undertaken on his or her own account or for an employer outside the institution. Remuneration is also to be paid when an inmate, by prearrangement, takes part in instruction, education or other specially arranged activity or treatment or pursues private studies. If work or other activity cannot be provided for the inmate, or if the inmate is partially or wholly incapable of such activity, remuneration shall be paid insofar as the inmate is not receiving an old age pension under the Income-Based Old Age Pensions Act (1998:674) or the Guarantee Pension Act (1998:702) or sickness benefit or activity compensation under the National Insurance Act (1962:381).

Remuneration for work must be set according to the inmate's work input, unless there are special reasons to the contrary. Remuneration for other activity must as a rule be set on a uniform basis.

The Government, or another authority appointed by the Government, issues prescriptions concerning the use of remuneration as per Section 1 and of other earned income received by the inmate.

Remuneration levels are governed by the Provisions and General Recommendations of the Swedish Prison and Probation Service.

Regular hours for the disposition of programmes are indicated by an Act and Ordinance, as are piece rates, overtime compensation, market rates of pay at the institutions where they are applied, and so forth. An inmate of a prison or remand centre taking part in structured and timetabled programme activity and in other activity qualifying for remuneration must be remunerated for the actual length of participation, which may total up to 40 hours per normal week and not less than 30 hours per normal week. The regular time shall also include timetabled hours outside regular programme activity time on weekdays, Saturdays, non-working days preceding public holidays and Sundays and public holidays.

Public procurement brings inmates into contact with private undertakings to varying extents.

Question in general introduction to Conclusions, general questions, 2006, concerning 1:2 concerning anti-terrorist legislation

The answer to the question of whether anti-terrorist legislation prevents people from working/being hired is: No.

Question in general introduction to Conclusions 2006 concerning the right to a private life

The *Constitution Act* prescribes certain safeguards for personal privacy. Those provisions have a bearing on working life. Chap. 2, Section 3 of the *Constitution Act* requires citizens to be protected from violation of their personal privacy through the register of data about them by means of automatic data processing. The provision requires this protection to be indicated in greater detail by law. One such law is the *Personal Data Act* (1998:204).¹ Chap. 2, Section 6 of the *Constitution Act*, furthermore, affords protection against coercive physical interference such as body search, house search and suchlike intrusion and against the examination of letters or other confidential communications and against secret monitoring or recording of phone calls or other confidential messages. The safeguard under Chap. 2, Section 6 of the *Constitution Act* can be circumscribed by statute, subject to the conditions indicated in Chap. 2, Section 12 of the *Constitution Act*. The provisions of the *Constitution Act* apply solely to relations between citizens and the authorities.

Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms also affords a certain measure of protection. Among other things that article lays down that “Everyone has the right to respect for his private and family life, his home and his correspondence.” The scope of this protection, however, is not altogether clear. The protection can be of consequence to both the private and the public sectors. The *European Convention* has the status of law in Sweden, through the European Convention for the Protection of Human Rights and Fundamental Freedoms Act (1994:1219). Under Chap. 2, Section 23 of the *Constitution Act*, no law or statutory instrument may be promulgated contrary to Sweden’s commitments under the Convention. Section 30 of the *Public Employment Act* (1994:260) contains rules indicating when employees are obliged to submit to periodic health examinations. That provision is applicable within the public sector. Section 5 of the *Hiring Ordinance* (1994:373) contains provisions as to when job applicants are obliged to furnish medical certificates. Those rules apply to authorities accountable to the Government. In addition, rules on medical examination are contained in the *Letters Patent Act* (1994:261).

The anti-discrimination laws are of significance for the whole of the employment sector. They forbid employers to practise discrimination against employees or job applicants on grounds of sex, religion or other belief, ethnic identity, sexual orientation and functional impairment. Discrimination of the kinds in question constitutes violations of individual privacy and integrity.

¹ Through the Personal Data Act the Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data is transposed to Swedish law. Mention can also be made of Regulation 45/2001 of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

General provisions concerning the wholly or partly automatic processing of personal data and concerning certain manual processing of such data are contained in the *Personal Data Act* (1998:204). In addition to this Act, there are also a large number of other statutory instruments containing special provisions on the preconditions for processing personal data in various kinds of activity.

In certain cases employers are duty bound to request a job applicant's excerpt from the register of criminal convictions, e.g. when a person is offered employment in child care, preschool or school; see the *Inspection of Records (Preschool, School and School Child Care Staff) Act* (2000:873). Similar rules apply, under the *Insurance Brokers Act* (2005:405), to the authorisation of insurance brokers.

Excerpts from the register of criminal convictions contain information from the register kept pursuant to the *Criminal Convictions Register Act* (1998:260) concerning certain crimes of violence and serious crimes against property or certain forms of serious economic crime. In other cases the legislation requires a more comprehensive security examination to be carried out previous to a person being hired. This applies, for example, under the *Security Protection Act* (1996:627), to the hiring of a person who is to participate in activity of consequence for national security or who is to be engaged for tasks of importance for protection against terrorism. The employer decides whether or not the person in question is to be hired.

Employees in the Prison and Probation Service, in common with other persons entering a closed institution, are obliged, under certain conditions, to submit to general entry control; see Section 29 a of the *Correctional Treatment in Institutions Act* (1974:203).

The existing regulatory structure is not comprehensive. In disputes concerning the personal privacy of employees, therefore, the Labour Court has ruled that control, in cases where statutory authority is lacking, may not be at variance with accepted practice or otherwise improper. When applying the principles concerning accepted practice and impropriety, the Labour Court strikes a balance between the interests of employer and employee; see, for example, AD 1991 No. 45 and AD 1998 No. 97.

The Government has appointed a Commission to propose legislation for the protection of personal privacy and integrity in the workplace, applicable to both the public and the private sector. The Commission is due to present its findings not later than 1st October 2008.

Article 1:3

Question A

During 2006 the employment offices of the Public Employment Service mediated 610,000 hirings, equalling 41 per cent of all hirings in the country. Source: AMS 2007:1. Otherwise no changes to report; reference is made to previous reports.

Question B

Reference is made to previous reports. There are still 325 national employment offices, operating free of charge, in all 282 of Sweden's municipalities.

Question C

In practice, private employment exchanges exist only in the form of manning enterprises. They fill only one or two per cent of the 610,000 places mediated by the Public Employment Service. Co-operation is informal and local, e.g. through the interchange of databases for jobseekers and vacancies. There is no national regulation of this co-operation. Otherwise reference is made to the previous report.

Question in Conclusions 2006 concerning private employment exchanges

The above reply to question C also constitutes a reply to the question asked in Conclusions concerning private employment exchanges.

Question D

The Labour Market Administration (AMV), with its tripartite Board, is partly integrated with the stakeholders in the labour market. This has led to unclear roles and an unclear allocation of responsibilities. Changes were already announced by the Government before it took office in September 2006. The joint boards at regional level (County Labour Boards) have already been abolished. A new AMV organisation with a stricter, more traditional administrative structure, will be inaugurated in January 2008. Partite consultations with such interests as employers, unions and persons with functional impairment will, however, continue in new forms.

Question E

Reference is made to previous reports.

Question in Conclusions 2006 concerning Art. 1:3

The employment offices must give priority to those who have difficulty in obtaining work and those who have been out of work for a long time. These jobseekers are mainly to be found among persons with functional impairment entailing reduced work capacity, persons with foreign backgrounds, young persons (aged 18-24) and long-term sicklisted persons. To indicate the priority given to these groups, their share of programmes and initiatives is presented relative to their share of the unemployed population.

Statistics regarding persons with foreign backgrounds are presented in terms of both citizenship – non-Nordic citizens – and country of birth. Until November 2003, however, the Labour Market Administration employed the concept of foreign nationals only. Foreign nationals constitute only a portion of all residents born abroad, and the group changes with the passing of time as immigrants apply for and obtain Swedish citizenship. As from November 2003, Public Employment Service registers also indicate jobseekers' countries of birth. The requirement of priority for persons with functional impairment entailing reduced work capacity, persons with foreign background, young persons (aged 18-24) and long-term sicklisted persons implies that these groups should have a share of counter-cyclical programmes and initiatives exceeding their share of the unemployed population. This requirement, however, need not be met for each programme or initiative separately, because that would frustrate an efficient utilisation of the various programmes/initiatives.

There are considerable differences between individual counter-cyclical programmes and initiatives, with regard to content, purposes and target groups.

In 2006 the counter-cyclical programmes and initiatives met the requirement of priority for long-term sicklisted persons and jobseekers with functional impairment entailing reduced work capacity. Both these groups were heavily overrepresented in the programmes in relation

to their share of the unemployed population. The requirements of priority for young persons and priority for persons born abroad and non-Nordic citizens were not satisfied, however. The proportion of foreign-born persons and non-Nordic citizens taking part in programmes declined during 2006 and both groups were underrepresented in the programmes. Young persons' share of programmes also declined, partly because Plus Jobs, which had many participants in 2006, were less emphatically addressed to young persons.

Article 1:4

Nothing new to report. Reference is made to the previous report.

Article 9

Questions A to C

Nothing new to report. Reference is made to the previous report.

Question D a-d

Employment training:

	2005	2006	2007
expenditure, MSEK	3,000	2,323	2,778
av. no. participants/yr	9,000	11,000	11,000
% employed after training	59	57	59

Source: AMS URE 2007:1

Within the compulsory school the school year of 2005/06 there were 984 counsellors, which is equivalent to 0.19 counsellors per 100 pupils, or is equivalent to approximately one councillor per 500 pupils. Of these 62% had adequate education.

Within the upper secondary school the school year of 2005/06 there were 1012 counsellors, which is equivalent to 0.23 counsellors per 100 pupils or a little less than one counsellors per 400 pupils. Of these 75% had adequate education.

Regarding the education for adults, there is no access to such figures.

Regarding higher education, there is some education. In a report from *Högskoleverket 2007:24 Studier, karriär och hälsa* (studies, careers and health) the following is reported:

An approximation of the number of full year students compared to the number of annual manpower within study counselling, shows that there are between approximately 400 and 2000 students per annual manpower depending on the seat of learning. The number of annual manpower however is difficult to appreciate as the local study counselling often is performed in part time basis and parts of the study counselling in practice in different amount is

conducted by teachers et c. The persons who work with study counselling normally has two kinds of education - either within counselling or within behaviour science, or within the area which they work within.

Statistics regarding the amount of counsellors per municipality is **appended, App 1.**

Question E

Employment training is provided at all 325 of Sweden's employment offices.

Question I Conclusions 2007 concerning Art 9 - vocational guidance within the education system

Vocational guidance within the education system

The Committee took note of the information in the Swedish report and made additional questions regarding the number of beneficiaries and expenditure regarding guidance.

Unfortunately we do not have access to statistics regarding the number of beneficiaries and expenditure. However, in the 2006 Attitudes Survey (*Attityder till skolan 2006*) the pupils were asked what source of information or contact they considered important for their choice of study programme in upper secondary school. It is difficult, however to estimate the number of beneficiaries on the strength of this information.

The results:

Study visits and practical vocational training (28% very important, 33% rather important).

Printed material (11% very important, 43% rather important)

Counsellor (15% very important, 30% rather important)

Friends (12% very important, 25% rather important)

Parents (8% very important, 21% rather important)

Question in Conclusions 2007 Art 9 - vocational guidance in the labour market

Intake of new participants for counselling or placement (AVP) activities remained high in 2006, with 61,300 participants commencing a period of participation in the initiative, but this was 2,900 down on the preceding year. Men comprised 54 per cent of the new participants, which is commensurate with their share of the unemployed population. Most of the new participants were aged between 35 and 54. There were only minor differences between the sexes in terms of age structure. The average number of participants monthly varies between 19,000 and 28,000 for the period under consideration. On average 24,226 persons monthly remained within the initiative during the 2006 fiscal year, which was nearly 800 participants fewer per month compared with the previous year. Women made up 49 per cent of the residual participants, which slightly exceeds their share of the unemployed population.

Participation in the initiative is possible both within and outside the Activity Guarantee. Participation within the Activity Guarantee is commonest. 77 per cent of those taking part in AVP in 2006 did so within the Activity Guarantee, which was 4 percentage units fewer than for the preceding year. The total number of participants, i.e. the number of persons taking part in counselling and placement activities at some point during the year, in 2006 was 84,547.

The employment offices must give priority to those who have difficulty in obtaining work and those who have been out of work for a long time. These jobseekers are mainly to be found among persons with functional impairment entailing reduced work capacity, persons with foreign backgrounds, young persons (aged 18-24) and long-term sicklisted persons. The requirement of priority for persons with functional impairment entailing reduced work capacity, persons with foreign backgrounds, young persons (aged 18-24) and long-term sicklisted persons implies that these groups' share of counter-cyclical programmes and initiatives should exceed their share of the unemployed population. Long-term sicklisted persons and persons with functional impairment were heavily overrepresented in AVP in relation to their share of the unemployed population, which can be put down to this initiative above all targeting Activity Guarantee participants. The AVP participation of non-Nordic citizens has fallen slightly in relation to their share of the unemployed population. The share of foreign-born persons in this initiative is on the whole commensurate with their share of the unemployed population. Young persons were heavily underrepresented in the initiative, which can be put down to their instead having access to counselling and placement initiatives within two youth initiatives, namely municipal youth programmes and the Youth Guarantee.

Article 10

Article 10:1

Question Aa

An Ordinance concerning State grants towards apprenticeship training for adults entered into force in 2004, making it possible for certain crafts with manpower shortages to be learned at post-secondary level, with the prospect of obtaining a journeyman's certificate or corresponding professional diploma. Persons with upper secondary education in the craft concerned or with corresponding skills are eligible for admission.

Otherwise reference is made to the previous report.

Question Ab

Employment training:

	2005	2006	2007
expenditure, MSEK	3,000	2,323	2,778
av. no. participants/yr	9,000	11,000	11,000
% employed after training	59	57	59

Source: AMS URE 2007:1

Funding allocation for qualified vocational education (KY) in 2007: KSEK 1,139,566.

Questions Ac-e

(c) No. KY training providers in 2006: 221.

(d) No figures available.

(e) 35,000 persons in post-secondary vocational education (non-university/college) in 2006.

Otherwise reference is made to the previous report.

Question B

Balance of the sexes in KY

Educational field	2006	
	Women	Men
IT	552	3,046
Business economics & management, commerce & administration	5,688	2,820
Health care and nursing	2,781	421
Journalism & information	85	60
Art & media	1,215	1,470
Agriculture, horticulture, forestry & fisheries	833	537
Materials & manufacturing	673	500
Environment conservation & protection	157	113
Education & teacher training	142	34
Personal services	2,532	664
Urban construction & structural engineering	454	1,568
Social work & caring services	769	214
Security services	105	244
Technology and technical industry	707	3,039
Transport services	517	561
Total	17,265	15,297

Balance of the sexes, average age and age intervals

The students in 2006 comprised 53% women and 47% men. Comparing 2005, 2004 and earlier years, one finds more women than men both applying and being accepted for qualified vocational education programmes. Out of a total of just over 40,000 students applying for a KY programme in 2006, rather less than 32% were accepted. Upwards of 58% of the applicants were women, and of these just over 54% were accepted for a KY programme. One reason may be that certain educational fields where women predominate have increased their share of the total volume of KY programmes. The biggest educational field, accounting for 24% of the total volume in 2006, was *Business economics & management, commerce & administration*, with 67% women students.

Question C

Reference is made to the previous report.

Question D

Reference is made to the previous report.

Question E

Reference is made to the previous report.

Answer to questions in Conclusions 2007 regarding 10:1

Paragraph 1 – Secondary and higher education

The following can be said with reference to the Committee's request in the Conclusions for information regarding pathways between secondary vocational training and higher education:

The Swedish Education system is designed with a view to eliminating dead ends and promoting lifelong learning. In the current Swedish system, all national and specially-designed upper secondary programmes lead to general eligibility, including the vocationally-oriented programmes.

Article 10:2

Question A – Legal framework and functions, organisation, operation and financing of apprenticeships

Information on the general provision on vocational education and training (VET), which is an integrated part of the upper secondary education system in Sweden, is given in previous reports.

The experimental scheme called *Lärande i arbetslivet*, LIA (Learning in working life), governed by a special Ordinance (SFS 2000:690), is still in operation. The scheme was described in the previous report.

The proposals in the Bill introduced by the former Government, *Knowledge and Quality – eleven steps for the development of upper secondary school* (prop. 2003/04:140), also described in the previous report, have been cancelled by the new Government which took office in October 2006. The new Government has appointed a Commission to deliver suggestions for a new structure for upper secondary education (terms of reference no. 2007:8). According to the terms of reference the suggestions will entail three types of upper secondary degrees; a general, a vocational and an apprenticeship degree.

Until the new upper secondary system is put in place and apprenticeship is made a permanent possibility (valid for students starting their upper secondary education the autumn of 2010 according to plans) the government will issue a pilot scheme with apprenticeship training, valid for studies starting the autumn of 2008. The ordinance will be issued later this autumn and provide the possibility for a three year full time work-based apprenticeship in any sector of the labour market. The National Agency for School Improvement will be responsible for implementing the ordinance and the National Agency for Education will issue payments to

participating organisations in accordance with an ordinance on state co-funding relating to the pilot scheme. SEK 515 million is reserved for the activities from 2008 to 2010.

Question B

Up to July 2006 LIA had made it possible for 1800 young students to pursue work-based training within the scheme. Available statistics does not make it possible to see the number of students who has participated between 1st January 2005 and 31st December 2006.

The new pilot scheme for apprenticeship training has not entered into force yet, so there is no information available on the implementation of number of participants.

Question C

LIA has been carried out in vocational sectors connected to almost all the different vocationally-oriented training programmes in the upper secondary system. The dominating sectors have been vehicle engineering, business administration, electrical engineering, construction and health care.

The new pilot scheme for apprenticeship training will be open for all vocational sectors.

Question D

There are no private apprenticeship schemes assisted out of public funds.

Question E

Both LIA and the new pilot scheme for apprenticeship training are available for all categories of young boys and girls who are eligible to upper secondary education. In Sweden 98 per cent of an age cohort continue from compulsory school into upper secondary education. Nine out of ten are eligible for national study programmes and for the others individual study programmes are available.

Question F

See question E. Upper secondary education is provided by the municipalities within a national legal framework. All residents in a municipality have a right of access to upper secondary education if they meet the eligibility criteria.

There are no specific follow up data on the participation of disabled students in LIA. Since disabled students are integrated as far as possible in the general school system, Swedish school statistics does not generally single out disabled students.

The new pilot scheme for apprenticeship is open to young people who have been admitted to a national or specially-designed vocationally-oriented programme and applied to be

transferred to the apprenticeship scheme. The board of the education decides which principles to use for the transfer to the apprenticeship scheme. General rules that apply for access for disabled persons to upper secondary school should apply also for the apprenticeship scheme.

Answer to questions in Conclusions 2007 regarding 10:2

With reference to the request for additional information on apprenticeships the following can be said:

- Length of apprenticeships – LIA is an alternative way to pursue studies on a national vocationally-oriented or specially-designed upper secondary programme and hence the total study time is three years, of which a minimum of 30 weeks must be carried out in a work place.
- Division of time between theory and practice – cannot be answered in a general way for everybody, but what can be said is that in a national programme about one third of the time is allocated to general core subjects (Swedish/Swedish as a second language, English, Mathematics etc.) and the rest is vocationally-oriented subjects and student's own choice of subjects, which can be both theory and practice.
- Selection of apprentices is a responsibility for the school.
- Selection and training of instructors is also a responsibility for the local level. However, in evaluations, the need for support from the national level for training of instructors has been voiced.
- Apprentices' pay – apprentices are still considered students during the LIA placement and hence their pay is still their study grant. During the first part of the LIA pilot scheme there was a state grant to the board of the school of SEK 1,500 per student, with the aim of supporting co-operation with working life.
- There are no figures available on the termination of contracts, but the National Agency for School Improvement, which is the agency responsible for the follow up of LIA, estimates that the number of contracts that are terminated based on the workplace's breach of contract is very small.
- There is no follow up data available on the number of diploma holders who find work and how long it takes for them to find their first skilled job.

Addendum:

The information reproduced in Conclusions 207 appears to be a description of the apprenticeship training, the commencement of which had been signalled by the former Government for 2007, but which was cancelled by the present Government before it had started. Instead a Commission (the Upper Secondary Schools Commission) was appointed to review the whole system of upper secondary schooling and among other things to submit proposals for a future regular upper secondary school apprenticeship training scheme.

In addition, an experimental scheme of upper secondary school apprenticeship training will be starting this autumn (2008).

The figure mentioned (24 students) probably stems from the dwindling apprenticeship training which is to be found within the Individual Programme and is not the same thing as otherwise described in the text. There appears to have been a misunderstanding on this point.

Article 10:3

Questions A-d and F

Reference is made to previous reports.

Question E

The large and variegated supply of qualified vocational education, coupled with the focused and relatively brief duration of studies and the availability of study assistance, gives adults an opportunity of studying without any major financial or social sacrifices being involved, which favours the equity aspect. The authority also gives priority to programmes counteracting gender-stereotyped choices, and requires training providers in their State grant applications to state how they intend to address this issue, a point which is followed up by the authority in the course of surveillance activities. The statistics show qualified vocational education still to have an even balance of the sexes, viz 53% women and 47% men in 2006.

Otherwise reference is made to the previous report.

Answer to questions in Conclusions 2007 concerning 10:3

The Employees' Right to Educational Leave Act (1974:981)

Section 1 of the Employees' Right to Educational Leave Act (1974:981) provides, among other things:

“An employee in public or private service wishing to undergo education is entitled to **necessary** leave of absence from his employment.”

The Act does not indicate any limits to the possible duration of such a period.

Answer to questions in Conclusions 2007 regarding 10.5 – training measures for the long-term unemployed

One overarching task is for the employment offices to give priority to those who have difficulty in obtaining work and those who have been out of work for a long time. These jobseekers are mainly to be found among persons with functional impairment entailing reduced work capacity, persons with foreign backgrounds, young persons (aged 18-24) and long-term sicklisted persons. To indicate the priority given to these groups, their share of programmes and initiatives is presented relative to their share of the unemployed population. This requirement was met in 2006 for jobseekers with functional impairment and for long-term sicklisted persons but not for jobseekers with foreign backgrounds, nor for young persons. The proportion of foreign-born persons and non-Nordic citizens taking part in programmes declined during 2006 and both groups were underrepresented in the programmes. Young persons' share of programmes also declined, partly because Plus Jobs, which had many participants in 2006, were less emphatically addressed to young persons.

Labour market policy initiatives for the long-term unemployed

Labour market policy can and must act as a lubricant in the labour market, helping people to move as quickly as possible from one job to another, or from unemployment to a job in the regular employment sector. In its Budget Bill for 2007 the Government has therefore included

a number of measures to improve the efficiency of labour market policy and to underscore the work strategy.

- *New Start Jobs* imply a subsidy, equalling payroll tax, payable to employers hiring people who have not worked for over a year. The scheme is for people who have been unemployed and enrolled with the Public Employment Service, have taken part in labour market policy programmes or have been gaining their livelihood through sickness benefit or sickness and activity benefit full time for more than one year. The subsidy is payable for the length of time for which the persons hired have been without work, subject to a maximum of five years.

- *A Job and Development Guarantee* for long-term unemployed persons was introduced in 2007, the aim being, by means of individually designed policy measures, to get the participants into the regular employment sector as quickly as possible. The activities will be possible under the auspices of a wide variety of authorised providers. The participants will receive benefit equalling 65 per cent of lost earnings, subject to a maximum of SEK 680 daily and in no case under SEK 320 daily. Persons declining to participate will forfeit their entitlement to benefit. The Activity Guarantee programme is being phased out at the same time.

The new model introduced on 1st January 2006 for persons with functional impairment and reduced work capacity is to be continuously monitored and evaluated until 2009.

The Government intends enlarging subsidised hiring opportunities for persons with functional impairment.

Article 10:5

Question A

General and vocational education and training at upper secondary level is free of charge in Sweden. According to the Education Act books, tools and other instruments that are needed for a modern education must be provided free of charge. However, there is also a stipulation that the board of the school can decide that the students themselves need to bring but a few tools themselves. This has often meant that students for example have to bring their own calculators to Mathematics classes.

Question B

Sweden has a generous system of study support which is universal and the same for all beneficiaries. All students meeting certain basic requirements and taking a study programme which qualifies for study assistance are entitled. The main forms of study support are loan-grant assistance and study assistance.

Students taking upper secondary and post-secondary study programmes can obtain loan-grant assistance. The grant portion equals approximately 34.5 per cent of the total amount obtainable. The total amount per four-week period is approximately SEK 7,350 for 2007. In addition to this total amount, certain students can obtain a supplementary loan of about SEK 1,600. Students with children can also obtain a supplementary grant. Students are allowed to have a certain independent income, at present approximately SEK 100,000 annually, without incurring any reduction of their loan-grant assistance.

Loan-grant assistance for studies below upper secondary level can be provided for up to 120 weeks and for post-secondary level for up to 240 weeks. Loan-grant assistance for studies at upper secondary school level can be provided to students aged over 20. There is no minimum

age limit for studies at post-secondary level. The upper age limit is 54, whatever the study level.

Certain foreign nationals must be equated with Swedish citizens where entitlement to Swedish study support is concerned. This applies to foreign nationals who, by virtue of employment or establishment as entrepreneurs in Sweden, can adduce social benefit rights under Community law, the EEA Agreement or the EC-Switzerland Agreement on Free Movement of Persons. The same applies to members of their families. Furthermore, foreign nationals with a permanent right of abode in Sweden who can plead social benefit rights under Community law must be equated with Swedish nationals. Finally, foreign nationals having the status of permanent residents in Sweden, or who have such status in another EU Member State but hold Swedish residence permits, and can adduce social benefit rights under Community law, are also to be equated with Swedish nationals.

Foreign nationals who are not equated with Swedish citizens can obtain Swedish study support if they have permanent residence permits in Sweden and have settled in Sweden primarily for a purpose other than that of undergoing education here.

Answer to questions in Conclusion 2007 10:5

Concerning foreign students (non-conformity)

As from 1st July 2006, the entitlement of foreign nationals to study support ceased to be geared to a certain residential standing in Sweden. As from that date, a foreign national can obtain Swedish study support if he or she has a permanent residence permit in Sweden and has settled here primarily for a purpose other than that of undergoing education.

Certain new statutory provisions in Sweden also took effect on 1st July 2006, indicating which foreign nationals are to be equated with Swedish citizens for purposes of entitlement to Swedish study support. An enumeration of the foreign nationals to be equated with Swedish citizens will be found in the reply to question B, Article 10, paragraph 5, above.

Training during working hours (Art. 10:5 c)

In principle, all (permissible) leave of absence taken by the employee counts as working time in Swedish law. This also applies to leave of absence for education/in-service training.

Basic vocational education in Sweden is mainly provided in upper secondary school, which includes both university/college-entrance and vocational study programmes. Follow-up, evaluation and supervision are conducted by the National Agency for Education, apart from the quality control carried out by educational mandators themselves, e.g. through the quality reports they are required to present annually.

On a voluntary basis, programme committees including representatives of the local employment sector and school exist as consultative bodies in most communities with vocational upper secondary schooling. These committees discuss matters of relevance to the vocational programme concerned. Evaluation and quality issues are among the topics which can and should be addressed. This applies to vocational education in general and not to apprenticeship, the reason being that Sweden does not yet have any apprenticeship training worth mentioning (see text under point 1).

Under the experimental scheme beginning this autumn, such programme committees or apprenticeship committees are obligatory for the schools wishing to participate. Working life organisations are represented in this connection, the very purpose of the construction being to ensure the quality of the activities.

The proposals for permanent apprenticeship training presented recently by the Upper Secondary Schools Commission similarly provides for obligatory local consultations with the labour market parties, but also at national level.

This applies to the apprenticeship training taking place within upper secondary school. In addition, many industries have apprenticeship training which takes place after completion of upper secondary schooling and is to be regarded as part of the complete training of a fully paid-up skilled worker, e.g. in the construction industry. That aspect is not touched on here.

Summing up, Sweden, by tradition, has a more school-based pattern of vocational education than in many other countries. Apprenticeship training, however, is gaining ground, initially as an experimental activity and subsequently (probably in 2011) as a regular alternative to more school-based activity.

Swedish schools are evaluated by the National Agency for Education. Foreseeable changes to upper secondary schooling in Sweden include closer co-operation between education and the labour market parties, not least where future apprenticeship training is concerned.

Article 15

Article 15:1

Question A

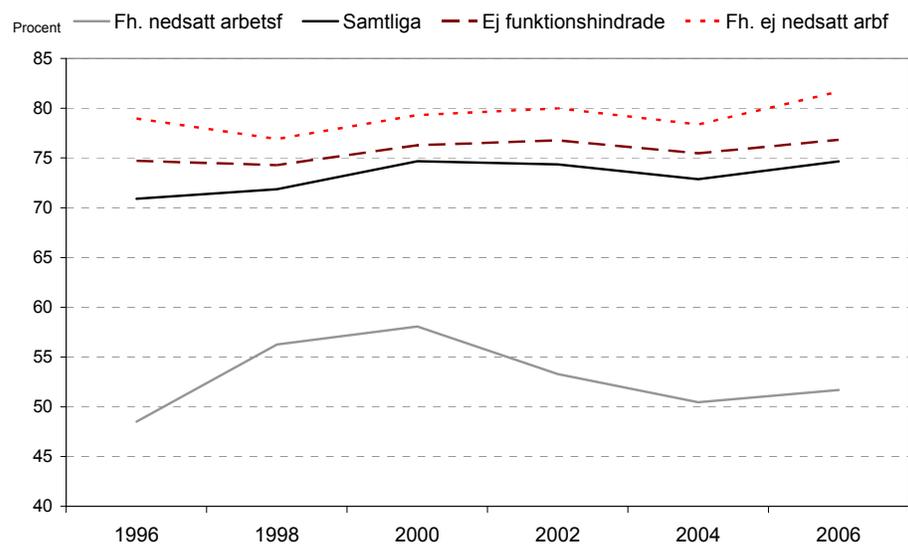
SCB survey of the employment situation among persons with functional impairment

The employment situation among persons with functional impairment forms the subject of a biennial survey which supplements the regular Labour Force Survey (AKU) and is based on interviews with upwards of 30,000 persons aged between 16 and 64. The latest survey, in the fourth quarter of 2006, showed 918,600 persons (15.7 per cent of the population) to have a functional impairment. Of these, about 556,000 (9.5%) judged their work capacity to be reduced. Persons with functional impairment have a lower employment participation rate than the population as a whole.

Employment intensity among persons with functional impairment and reduced work capacity was 51.7 per cent in the fourth quarter of 2006. This was significantly lower than for the total population, which at the same point in time had an employment intensity of 74.7 per cent. Employment among persons with functional impairment and reduced work capacity has developed less well since 2000 in relation to the population as a whole; see figure 1.

Figure 1 Persons employed, by percentage of population, 4th quarter, 1996-2006

Percentage
 Funct. imp. w. red. wk cap.
 Whole pop.
 Without funct. imp.
 Funct. imp. without red. wk cap.



Note: Owing to a restructuring of AKU statistics, figures before and after April 2005 are not fully comparable.

Source: Funktionshindrades situation på arbetsmarknaden² AKU, SCB.

Table 1. Employment participation rates

	1996	1998	2000	2002	2004	2006
Without functional impairment	74.7%	74.3%	76.3%	76.8%	75.5%	76.8%
With functional impairment	54.8%	60.1%	68.4%	65.1%	61.6%	62.9%
whereof red. wk capacity	48.5%	56.3%	58.1%	53.3%	50.4%	51.7%
whereof wk capacity not reduced	79.0%	76.9%	79.3%	80.0%	78.4%	81.7%
Whole population	70.9%	71.9%	74.7%	74.3%	72.9%	74.7%

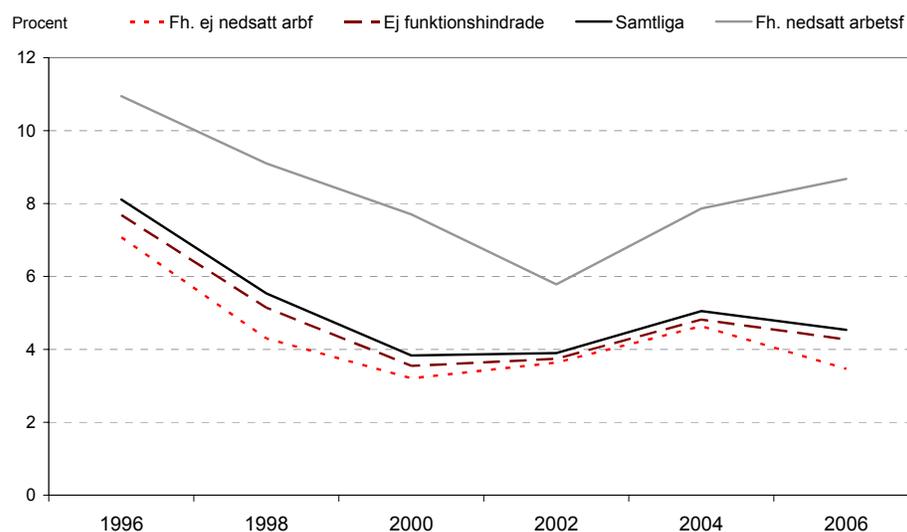
The SCB surveys also indicate great differences in unemployment between persons with functional impairment and reduced work capacity and the population as a whole; see figure 2. According to figures for the fourth quarter of 2006, unemployment among persons with functional impairment and reduced work capacity was 8.7 per cent, which was 4.2 percentage units higher than for the total workforce between the ages of 16 and 64. The SCB figures also show unemployment among persons with functional impairment to have increased more since 2002, in percentage terms, than for the population as a whole. This increase, moreover, has occurred despite both the number of persons with functional impairment and reduced work

² Reports based on surveys during the fourth quarter of every other year from 1996 to 2006, supplementing the regular SCB Labour Force Survey (AKU). The statistics for 2006 will be made public and will be published in the summer of 2007.

capacity taking part in countercyclical programmes and special initiatives for persons with functional impairment having risen during the same period, according to figures from AMS (the National Labour Market Board).

Figure 2 Unemployed persons, by percentages of the labour force. 4th quarter, 1996-2006

Percentage
 Funct. imp. w. red. wk cap.
 Whole pop.
 Without funct. imp.
 Funct. imp. without red. wk cap.



Note: Owing to a restructuring of AKU statistics, figures before and after April 2005 are not fully comparable.

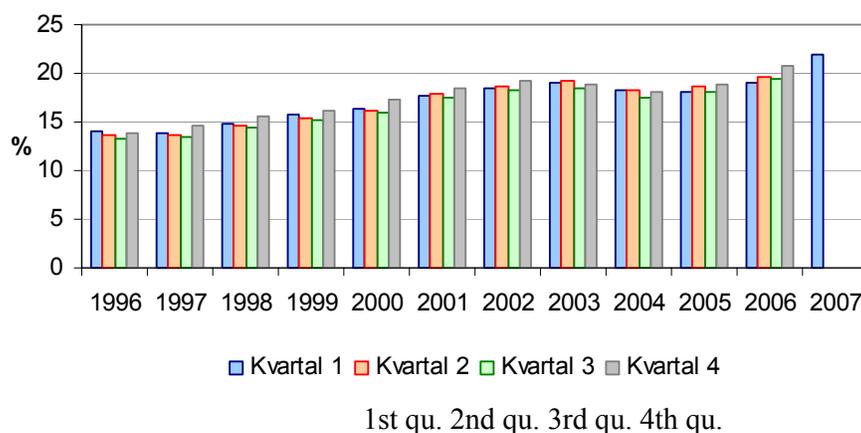
Source: Funktionshindrades situation på arbetsmarknaden AKU, SCB.

Persons with functional impairment also have a lower standard of education than the total population, which can partly account for their weak position in the labour market. The participation of persons with functional impairment in post-secondary education, however, has developed well.

Register data from AMS concerning persons with functional impairment entailing reduced work capacity

An average of almost 134,700 persons with functional impairment entailing reduced work capacity were enrolled with the Public Employment Service in 2006. This was just under 20 per cent of the total number of enrollees. During the past 10 years the proportion of enrollees with functional impairment has risen from 14 per cent in the first quarter of 1996 to nearly 22 per cent in the first quarter of 2007.

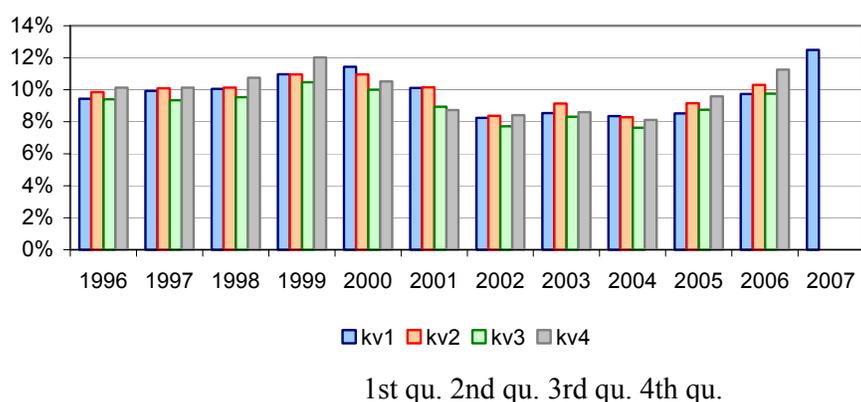
Figure 3 Persons with functional impairment in proportion to the total number of Public Employment Service enrollees, quarterly figures 1996-2007



Source: AMS

Out of an average of approximately 134,700 persons with functional impairment enrolled with the Public Employment Service in 2006, upwards of 21,500 were openly unemployed and 27,300 were taking part in counter-cyclical programmes. Another 65,000 or so were taking part in special initiatives for persons with functional impairment and reduced work capacity.³ Viewed over a ten-year period, the number of persons with functional impairment in proportion to all openly unemployed persons has fluctuated, standing at about 10 per cent at the end of the 1990s. At the beginning of the 2000s this declined somewhat, but since 2004 the proportion of persons with functional impairment to the total number of openly unemployed has been steadily increasing.

Figure 4 Unemployed persons with functional impairment, by percentages of total no. unemployed, quarterly figures 1996-2007

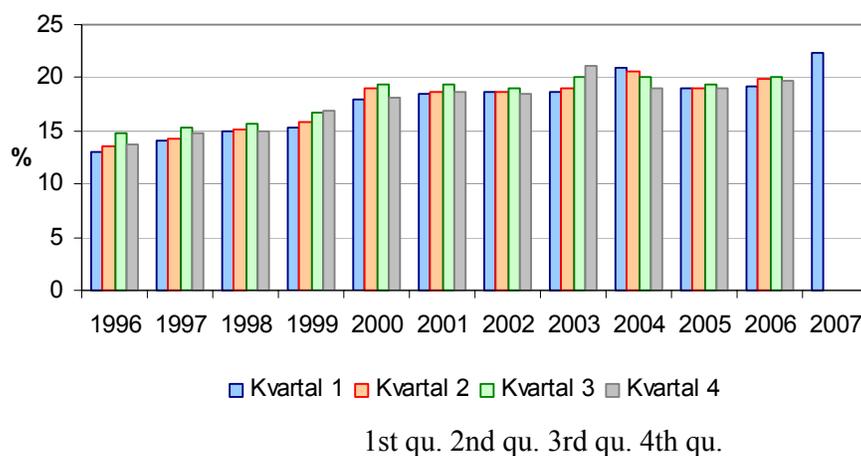


Source: AMS

The percentage of persons with functional impairment among participants in counter-cyclical programmes has increased during the past ten-year period.

³ Wage subsidies, OSA (sheltered employment in the public sector) and Development or Security Hiring.

Figure 5 Persons with functional impairment, by percentages of total no. participants in counter-cyclical programmes, quarterly figures 1996-2007

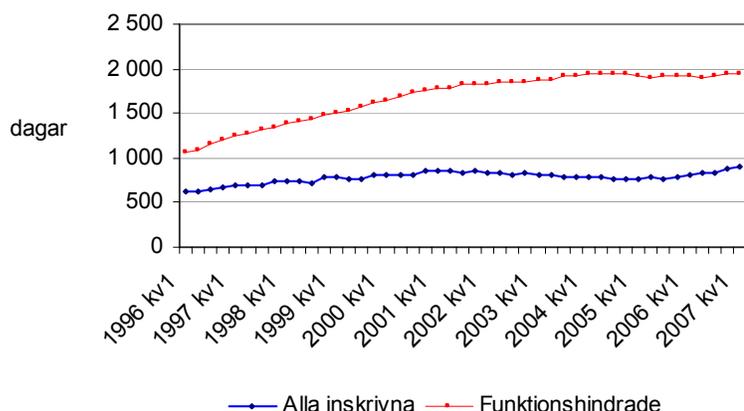


Source: AMS

During 2006 an average of just over 11,000 persons with functional impairment had been enrolled with the Public Employment Service for over two years and had not had any employment for the past two years, i.e. were long-term enrollees. Persons with functional impairment comprised 29 per cent of long-term Public Employment Service enrollees in 2006.

Data concerning average enrolment times with the Public Employment Service clearly show persons with functional impairment to have significantly longer enrolment times. The differences compared to persons without functional impairment have increased over the past ten-year period.

Figure 6 Average duration of enrolment with the Public Employment Service



days
 qu. 1
 All enrollees
 Enrollees with functional impairment
 Source: AMS

Persons with functional impairment are overrepresented, not only among long-term enrollees but also among persons taking part in the Activity Guarantee. During the first quarter of 2007 their share stood at just over 28 per cent, as compared with just over 19 per cent for the first quarter of 2001. At the end of March 2007, persons with functional impairment were overrepresented in the counter-cyclical programmes Plus Jobs (25.3 per cent), Vocational Rehabilitation (72.5 per cent), Counselling and Placement Activities (28.4 per cent), In-depth Mapping and Counselling (64.3 per cent) and Preparatory Training (26.7 per cent).

Special initiatives for persons with functional impairment

Special labour market policy initiatives for persons with functional impairment are governed by Ordinance 2000:630, Special initiatives for persons with functional impairment entailing reduced work capacity. For this purpose a funding allocation has been established under expenditure head 13 Labour Market. The allocation is termed 22.4 Wage Subsidies, Samhall etc. and for 2007 stood at MSEK 12,600.

Table 2. Volumes of the main special initiatives for persons with functional impairment entailing reduced work capacity

<u>Volumes</u>	Outcome			Forecast			
	2004	2005	2006	2007 (Budget)	2008	2009	2010
Wage subsidies	52,834	55,325	57,684	57,362	58,360	58,809	60,097
OSA	5,880	5,381	5,117	6,000	6,000	6,000	6,000
Samhall (annual personnel equivalents)	19,323	18,662	17,961	17,918	17,694	18,217	18,217
Security Hirings			201	2,667	2,897	2,897	2,897
Development Hirings			527	2,551	3,460	3,460	3,460
Total	78,037	79,369	81,490	86,498	88,411	89,382	90,670

QUESTION B

Reference is made to previous reports.

In addition:

The National Agency for School Improvement was commissioned in August 2006 to provide support to a selection of municipalities and schools for developing the quality of *educational and vocational guidance*. Lessons and outcomes of these targeted measures will then be used by the Agency to develop activities in other municipalities and schools. Work will among other things include observation of the role which interaction between schools and working life can play in augmenting pupils' knowledge of working life. The Agency is also to undertake general measures addressed to all mandators, e.g. initiatives aimed at strengthening systematic quality improvement of educational and vocational guidance. One of the targeted initiatives will focus on compulsory schools for pupils with learning disabilities and on adult education for the intellectually disabled.

Ba)

An estimate of the skills which persons with functional impairment possess and the criteria used for estimating the rehabilitation prospects of persons with functional impairment

Sweden does not have any statutory procedure for the assessment of an individual person's work capacity. The methods used are decided by the Social Insurance Agency itself. In recent years the Agency has developed a structured investigation method (SASSAM) for mapping an insuree's potentialities and impediments with regard to gainful employment.

For the assessment of an individual person's work capacity, the Social Insurance Agency can outsource statements of various kinds from health care and medical services. In addition, it is the duty of an employer to furnish the Agency with data and reports needed for assessing an insured employee's capabilities of working for the employer.

The Social Insurance Agency can also request that the insuree undergo examination or attend a special meeting (set-off meeting) for assessment of his or her work capacity and

rehabilitation needs and prospects. In such connections the Agency can outsource examinations and reports from private producers.

Bb)

The organisation of training for persons with functional impairment in regular schools and/or special schools (access, no. persons and establishments).

Reference is made to the previous report. Current statistics are presented in the table below.

Table: Schools and pupils, 2006/06 school year

	No. schools	No. pupils
Regular education		
Preschool class	3,951	91,900
Compulsory school	4,872	962,349
Upper secondary school	818	376,087
Special education for pupils with functional impairment		
Compulsory school for pupils with learning disabilities	755	14,390
Upper secondary school for students with learning disabilities	267	8,233
Special school (school units)	8	548

Bc)

Organisation of vocational guidance for persons with functional impairment (access, no. persons and establishments).

Educational and vocational guidance in the school system is available to all pupils, regardless of the type of school attended and of any functional impairment.

It is the head teacher's responsibility to ensure that educational and vocational guidance activities are organised in such a way that pupils receive guidance preparatory to the various options which school offers and before choosing their continuing education and future occupation.

In the 2006/07 school year there were a total of 2,310 full-time qualified educational and vocational guidance officers.

Bd)

The organisation of vocational education (access, no. persons with functional impairment receiving education through regular or special systems).

No changes in this educational field since the last report.

No statistics are available concerning the number of persons with functional impairment in the regular education system. (See further under part II, question 3b.) For the number of pupils undergoing special education for pupils with functional impairment, see b).

Be)

Adjustments to vocational rehabilitation methods in relation to the needs of the labour market.

The vocational rehabilitation funded through health insurance is based on the needs of the individual insuree, its purpose being to enable the insuree to earn an independent livelihood. No other consideration is paid to the labour market situation.

Bf)

Financial assistance to persons with functional impairment undergoing vocational rehabilitation

The Social Insurance Agency has certain possibilities of funding vocational rehabilitation measures for employees and self-employed persons, insofar as these measures are not a part of the employer's rehabilitation responsibility. In the normal instance the employer has to finance vocational rehabilitation measures conducted in or near the workplace and aimed at enabling the employee to go on working in the employer's operation.

The Social Insurance Agency can grant rehabilitation allowance to a person taking part in a vocational rehabilitation programme. Rehabilitation allowance comprises rehabilitation benefit and a special grant to compensate for certain expenses which may be associated with vocational rehabilitation, e.g. travel expenses, tuition fees etc.

QUESTION C

Reference is made to the previous report.

QUESTION D

Da)

The number and structure of the principal institutions offering regular education and vocational education and the number of places available.

See question B.

Db)

The number of persons taking part in such education.

See question B.

Dc)

The number of personnel, their qualifications and measures taken to ascertain their expertise.

	No. teachers	Percentage with post-secondary teacher education
Preschool class	6,945	84.8 %
Compulsory school	102,717	80.7 %
Upper secondary school	37,244	71.3 %
Compulsory school and upper secondary school for persons with learning disabilities	8,749	60.7 %
Special school	340	69.7 %

The school mandators are obliged under the Education Act to employ teachers with training appropriate to their main teaching duties. Swedish teaching certification or the equivalent is required for indefinite-term hiring as a teaching in the public sector school system.

The Government has taken several measures to strengthen teachers' competence. A major in-service training initiative is being made to focus on teachers' subject competence, but other relevant in-service training is also being provided to promote pupils' goal achievement. Within this scheme, special funding has been set aside for in-service training in special needs education.

In addition, the Government has appointed a special investigator to review the teacher competence provisions of the Education Act, the aim being to strengthen the quality of schools and preschool education and to improve pupils' goal achievement (dir. 2006:140). The special investigator's proposals and deliberations are to be presented not later than 1st February 2008.

Dd)

How co-operation is organised between general and specialised services

The way in which co-operation is organised is a matter for the municipalities to decide, in their capacity as educational mandators. An inclusive working approach makes it possible, for example, for pupils with learning disabilities to receive part or all of their tuition together with compulsory school pupils, but it is important to be guided by the needs and potentialities of the individual pupil and to shape tuition accordingly.

Teaching often takes place on the same premises, which facilitates co-operation between the different types of school.

Information in reply to questions in Conclusions 2007 concerning 15:a

No. children with functional impairment

A report, as yet unpublished (Ministry of Health and Social Affairs), puts the number of children and young persons (aged 0-19) with functional impairment at upwards of 108,000. This estimate has been arrived at by studying the number of children and young persons receiving various types of supportive measure and financial compensation referring to a

functional impairment, as well as children and young persons with self-perceived functional impairment. The calculation was then corrected for double counting.

1. The Committee requests more information on the subject of legislation to prevent discrimination in the education sector and whether it matches the minimum requirements defined by the Committee.

The reference here is to the *Children and School Students (Prohibition of Discrimination and Other Degrading Treatment) Act (2006:67)*.⁴

The purpose of the Act is to promote equality of rights among children and school students and to counteract discrimination on grounds of sex, ethnic identity, religion or other belief, sexual orientation or functional impairment. It is also the Act's purpose to counteract other degrading treatment (victimisation). The Act applies to education referred to in the Education Act.

The purpose of the Act is to assure all pupils of a calm, secure and safe environment, as being the foundation of children's and young persons' development and learning. No child, young person or adult shall need to be subjected to any form of harassment or other degrading treatment in connection with these activities.

The Act applies to children and school students taking part in education covered by the Education Act, and accordingly does not refer to persons who have been "unlawfully excluded or segregated or otherwise denied an effective right to education" as referred to in the question. In Sweden it is the duty of the pupil's municipality of residence to provide compulsory school education for the pupils registered as residing within its boundaries.

It should be made clear that compulsory school for persons with learning difficulties and special school – together with compulsory school and upper secondary school – are parts of the public sector education system in Sweden. Pupils with certain kinds of functional impairment, or their custodians, *can opt for* compulsory school for persons with learning difficulties, which have specialist competence for responding to the special needs and condition of these pupils. Compulsory school for persons with learning difficulties receives pupils who, by reason of their intellectual disability, are judged incapable of attending regular compulsory school or upper secondary school. In cases where a learning disability has been diagnosed, the parents can choose between placing their child in compulsory school for persons with learning disabilities or in regular compulsory school. In other words, there is legislation entitling the pupil's custodians to decline the offer of a place in compulsory school for persons with learning disabilities, in which case the pupil will be admitted to regular compulsory school. It is the duty of the municipality to offer special support to pupils in need of it. If an investigation shows a pupil to be in need of special support, an action programme has to be drawn up. That programme must identify the needs, state how they are to be provided for and indicate how the measures taken are to be followed up and evaluated.

Questions concerning inadequate adjustment of tuition and lack of support for pupils with functional impairment in a particular school can be referred to the National Agency for Education, which is responsible for surveillance of education under the Education Act.

See also question 3 c).

⁴ "Such legislation should, as a minimum, require a compelling justification for special or segregated educational systems and confer an effective remedy on those who are found to have been unlawfully excluded or segregated or otherwise denied an effective right to education."

2. *The committee wishes to know*

- *whether and if so how the normal curriculum is adapted for the benefit of functionally impaired school students.*

The curriculum for the Swedish school system is a fairly overarching document which mainly expresses the basic values of schools and their overriding objectives. On the other hand there are syllabi for each subject in compulsory school and upper secondary school. These are more detailed, containing a description of the subject and of the targets which the pupil is expected to achieve.

Pupils with functional impairment attending regular compulsory or upper secondary school have the same syllabi as other pupils. No modifications are made. The Education Act entitles all pupils to the support they need in order to achieve the targets of the school system. This applies both to pupils with difficulties stemming from functional impairment and pupils who have difficulty in achieving the targets for other reasons.

A pupil who is not found to measure up to the objectives for the syllabus can be offered a place in compulsory school for the intellectually disabled or in a special school. Concerning the syllabi of these schools, see question 4, below.

- *whether and how individualised educational plans are made for school students with functional impairment.*

For all pupils in compulsory school, compulsory school for pupils with learning disabilities and special school, teachers must summarise, at least once per term, the measures needed for the pupils to achieve the targets. This has to be done in a written document called an *individual development plan*. The individual development plan is part of the dialogue between teacher, pupil and parents as to how the education must be adapted in order for the individual pupil to attain the achievement targets. Development plans are drawn up for all pupils, regardless of any functional impairment.

If a pupil is in need of special supportive measures under Chap. 5, Section 1 of the Compulsory School Ordinance (1994:1194), the head teacher of the school concerned must also ensure that an *action programme* is drawn up, indicating what the needs are, how they are to be provided for and how the measures taken are to be followed up and evaluated.

- *whether teaching for special needs pupils is integrated with teacher education*

Teacher education must provide the competence needed in order for all pupils to learn and develop. This also includes pupils with functional impairment. Special education is part of the general training programme for all prospective teachers. Students can also opt for special needs teaching as an emphasis and/or speciality. The aim is for all prospective teachers to amply equipped by their knowledge of special needs teaching for organising work according to the time, stimulus and support needed by different children and pupils.

In addition, the Government has resolved on the introduction of a special needs teacher education which will provide in-depth knowledge of linguistic development and of effective methods of stimulating pupils' reading, writing and arithmetical ability at an early age. This teacher education programme will be of three terms duration and will be open to applicants

with teaching certification. The new programme is expected to be inaugurated in the autumn term 2008.

- whether and how resources (support staff and assistive devices included) accompany the child and whether other measures are taken to facilitate the integration of children with functional impairment into regular education, e.g. modification of school facilities to make them physically accessible,

Municipalities are duty bound to offer special support to pupils in regular education who need it. If it is found that a pupil may be in need of special supportive measures, the head teacher shall see to it that the need is investigated. If the investigation shows the pupil to be in need of special support, an action programme must be drawn up, indicating what the needs are, how they are to be provided for and how the measures taken are to be followed up and evaluated.

A compulsory school or upper secondary school student must be given supportive teaching if it is to be feared that he or she will not attain the achievement targets or if the pupil needs the instruction for other reasons. In compulsory school, special support must be given to pupils in need of special teaching. Support of this kind must in the first instance be provided within the class or group to which the pupil belongs, but can be provided in a special teaching group where there are particular reasons for so doing. In cases of this kind, the pupil and the pupil's custodian must be consulted.

If a compulsory school pupil cannot obtain instruction reasonably adapted to the pupil's situation and aptitudes, the governing body may resolve on a modified study programme of the pupil, in which case derogation from the time schedule is permissible. It is the responsibility of the governing body to ensure that a pupil with a modified study programme receives an education equivalent, as far as possible, to other education provided at the school.

In upper secondary school, special needs teaching can be arranged within the class for students in need of special support, and special classes may be formed for students who, on account of hearing or vision impairment, mobility impairment or other pronounced study impediments, are unable to follow the ordinary instruction. One form of supportive input in compulsory and upper secondary school may be for the student to have the services of a student assistant. An assistant of this kind is hired by the educational mandator and, accordingly, not directly linked to the student. The National Agency for Education has been instructed by the government to carry out an inventory of physical access in compulsory and upper secondary schools. A report on the remit is due not later than 1st October 2008.

- whether and how the modality of tests and examinations is adapted to allow for functional impairment and whether examinations taken under non-standard conditions are divulged to a third party.

It should be made clear that the Swedish school system does not have any examinations as such. Instead marks are based on a comprehensive assessment of the pupil's achievement in tests, lesson participation etc.

There are, however, national standardised achievement tests in a number of subjects, to facilitate nationally uniform assessment of the pupils' achievement. These national tests can be adapted where there are particular reasons for doing so. By "particular reasons" is meant personal circumstances of a more than temporary nature which directly impede the pupil from achieving a certain target, e.g. physical functional impairment. In the event of modification, the pupil should be given the help he or she needs in similar test situations, and the tests or parts of them should be modified in such a way that achievement of the goals concerned can still be assessed.

If the tests are adapted, this has to be taken into account when assessing the pupil's achievement. If, for example, tasks designed to test achievement of the curricular goals of reading comprehension are read out to the pupil, then the pupil's achievement is no longer being tested in relation to the predefined target. If listening support is nonetheless employed, the teacher has to decide how this affects the assessment. The way in which the assessment can be performed within the structure of the test also hinges on the subject concerned.

The second part of the question is taken to mean whether a third party can be apprised of tests being conducted in modified forms. Data of this kind are not collected at national level. Such information may occur within the individual school, but information concerning the test procedure has no bearing on the mark which the pupil is awarded subsequently.

- whether qualifications are the same for all children or whether different qualifications exist, and if so, whether these are evaluated equally for the individual and in regular education. To evaluate this, the Committee is interested to know how large a proportion of these children proceed to further education.

Concerning the award of marks in compulsory and upper secondary school, there are provisions permitting the teacher to disregard individual targets which the pupil should have achieved, if there are particular reasons for doing so. By "particular reasons" is meant personal circumstances of a more than temporary nature which directly impede the pupil from achieving a certain target, e.g. physical functional impairment.

Concerning the award of marks in compulsory school for pupils with learning disabilities and in special school, see question 4, below. No statistics are available concerning pupils with functional impairment receiving instruction in compulsory and upper secondary school. (See also question 3b, below.) Students who have completed upper secondary schooling for persons with learning disabilities are not eligible for admission to university or college.

3a. The State must take measures to allow integration and must show that progress is being made towards framing an education system which excludes no one. Such information is to be presented.

This question is answered by showing the development of pupils taught outside the regular forms of education, and by describing governmental measures in progress to make things easier for pupils with functional impairment.

Pupil development

Information concerning pupil development is based principally on the latest situation report of the National Agency for Education (Skolverket 2006:288).

The number of pupils enrolled in compulsory school for pupils with learning disabilities rose during the late 1990s and early 2000s. The Agency notes that the increase has now tailed off, due mainly to a fall in the total number of pupils of compulsory school age. Upwards of 1,400 pupils attended compulsory school for persons with learning disabilities in 2006/07. This equals roughly 1.4 per cent per cent of all compulsory school pupils. The proportion has been fairly steady in recent years.

In 2007 there were about 8,200 students attending upper secondary school for persons with learning disabilities. The proportion of students attending upper secondary school for persons with learning disabilities has grown in recent years, due mainly to a rise in the total number of students of upper secondary school age. Since the beginning of the 21st century the proportion of students attending upper secondary school for persons with learning disabilities

has risen from 1.7 per cent of the upper secondary school population to 2.1 per cent in 2006/07. The National Agency for Education notes that most pupils who are deaf or hard of hearing attend ordinary compulsory school. Very few attend special school. The number stood at 548 in 2007 and has been falling steadily since the beginning of the 21st century, when it was about 800.

Initiatives

The new Government which took office in the autumn of 2006 has introduced a number of initiatives in the school sector, aimed at enabling all pupils, regardless of any functional impairment, to choose the type of school that suits them best. To ease the situation of pupils in special need of support, the Government has reintroduced the special needs teacher education which was abolished at the beginning of the 1990s. As from the autumn of 2008, qualified teachers will be able to extend their teacher education so as to become specially qualified for teaching pupils with special needs.

The Government has inaugurated a major in-service training initiative for teachers, as part of which special funding has been earmarked for in-service training in special needs teaching.

3b. In addition, statistics are to be presented concerning participation in compulsory basic school and compulsory upper secondary school

Most pupils with functional impairment are taught in regular types of school, but Sweden does not maintain statistics concerning students with functional impairment receiving regular instruction in compulsory or upper secondary school. This is due partly to the basic view taken of functional impairment, namely that an injury or illness can cause a functional impairment which, confronted by an unmodified environment, can become a functional impediment to the individual. The focus of attention is on the environment rather than the individual.

Another reason is the purely practical difficulty of defining, for statistical purposes, which pupils are to be considered as having functional impairment. The Education Act makes it the duty of schools and municipalities to give all students the support they need in order to achieve the goals of schooling. Special support can be given to pupils on various grounds, and not only by reason of functional impairment. Statistics concerning the total number of students in each type of school are presented under question B concerning Article 15:1.

3c. The Committee also requests information concerning case law and complaints lodged with the appropriate institutions, including the Disability Ombudsman, concerning compulsory basic school.

This question is taken to mean that the Committee requires information concerning case law and complaints relating to measures by municipalities and schools to make school accessible to everyone regardless of functional impairment.

First of all it should be pointed out that by international standards case law plays a relatively minor part in the Swedish judicial system.

The Board of Appeals for Education

Certain decisions in school can be appealed to the Board of Appeals for Education, which is empowered to quash decisions by schools and municipalities. The types of issue which may be appealed are expressly indicated in the Education Act (1985:1100), the Compulsory School Ordinance (1994:1194) and the Fixed Duration Education (Special Resource Centres) Ordinance (2004:203). The number of formal appeals referring to pupils' opportunities for

participating in regular education is very small, the reason being that a school or municipality has very few legal possibilities of placing a pupil outside the regular school system against the wishes of the pupil's parents. For compulsory school for pupils with learning disabilities there is legislation entitling the pupil's custodian to decline a place offered; see the Experimental Activity (Increased Parental Influence on the Schooling of Children with Learning Disabilities) Act (1995:1249).

No such legislation exists concerning special schools, and decisions concerning admission to special school can be appealed to the Board of Appeals for Education. The Special Schools Authority, SPM, endeavours, however, to ensure that admission to special school is based on a consensus between school, pupil and parents, and in practice a child is never admitted to special school against its custodians' wishes. Since its formation at the beginning of the 1990s, the Appeals Board for Education has in fact never had any cases where custodians have opposed admission to special school.

The decision to place a pupil in a special teaching group within regular education can be appealed. This is not a matter of transferring the pupil away from regular education, but rather of a pupil being taught in a special group for the entire school day or parts of it. Perhaps the pupil needs to be in a smaller group than the ordinary class, or else pupils with similar needs are taught together, by staff with special competence. It should be made clear that placement in a special teaching group is based by the pupil's need of support and that in certain – though not all – cases that need emanates from a functional impairment.

About 10 cases annually are referred to the Appeals Board of the National Agency for Education concerning placement in a special teaching group. No two cases are at all alike, and this influences the Board's assessment. The Board itself stresses the importance of the school first having done what it can to enable the pupil to be taught in an ordinary class. Moreover, placement in a special class must not be used as a means of transferring pupils who are found disruptive. The placement must be prompted by the possibility of giving the pupil special support for achieving the targets.

The Disability Ombudsman

The Disability Ombudsman supervises compliance with anti-discrimination legislation. A special enactment prohibiting discrimination and other degrading treatment of children and school students has existed since 2006 (2006:67). Persons considering themselves to have suffered discrimination on account of a functional impairment can file a complaint with the Ombudsman. The discrimination laws indicate that as a first recourse the Disability Ombudsman (HO) must try to prevail on the party complained against to comply voluntarily with the laws. If the Ombudsman finds that there are grounds for litigation, a conciliation meeting is called to begin with. If this does not lead to an agreement, HO has to decide whether to file judicial proceedings. During 2006 and so far during 2007 (28th August 2007) a total of 89 complaints have been filed under the Children and School Students (Prohibition of Discrimination) Act. It should be borne in mind that the Act only took effect on 1st April 2006. Its enactment has received a great deal of media coverage, added to which, the Ombudsman has carried out several information and training measures about it during the year. The Ombudsman has not yet had occasion to refer any case to conciliation or litigation.

The Disability Ombudsman can pursue cases under powers conferred by the Children and School Students (Prohibition of Discrimination) Act. That Act does not cover issues concerning inadequate adjustment of tuition or support for pupils with functional impairment. Issues of that kind must instead be handled by the National Agency for Education. However, the majority of cases hitherto reported to the Ombudsman have included elements concerning lack of adjustment and support, which has made it difficult for the Ombudsman to pursue the

matter further. Of the 89 complaints received, 60 have been struck off and transferred to the Agency for this reason.

The National Agency for Education

Abuses in public sector and independent schools can be reported to the National Agency for Education. A complaint may lead the Agency to level criticism against a municipality or an independent school, and the Agency also ascertains whether the municipality or school has been guided by its criticism. On the other hand the Agency is not formally empowered to revise decisions made by a municipality or school.

During 2006 the Agency received 1,007 complaints concerning deficiencies in schools, preschool activity and caring services for schoolchildren. 36 per cent of the complaints concerned degrading treatment, 23 per cent special support, 22 per cent the mandator's organisation and management and 13 per cent entitlement to education. In 24 per cent of the cases the Agency levelled criticism against the mandator of the school concerned.

The Agency also carries out inspections, and every school in the country is inspected at six-yearly intervals. The Government has appointed a Commission to develop these inspection activities and, among other things, to see whether inspections can be carried out more frequently (dir. 2007:80). The inspection is among other things concerned with ascertaining whether pupils in regular education receive the support to which they are entitled.

4. In relation to special education (i.e. compulsory school for pupils with learning disabilities and special schools), the Committee requests information as to

- whether the primary responsibility rests with the Ministry of Education.

Special schools for pupils with learning disabilities can have municipal, county council or independent mandators. These are primarily responsible for the education. The State indicates goals and rules for education and carries out surveillance and follow-up.

Special schools, which are for deaf or hearing-impaired pupils at compulsory school level, come under State mandatorship. There are six of them, and they are administered by a national authority accountable to the Ministry of Education, namely SPM, which is primarily responsible for this education.

- how the curriculum is designed and whether the curriculum and the above mentioned individual education plans and rehabilitation programmes are validated/adopted by the Ministry of Education,

The curriculum for the Swedish school system is a fairly generalised document which above all expresses the basic values and overriding objectives of the school system. Special schools for pupils with learning disabilities come under the same curricula as regular compulsory school and upper secondary school. Special schools exist only on a level corresponding to compulsory school and follow the same curriculum as regular compulsory school.

On the other hand there are syllabi for the various subjects in compulsory and upper secondary school. These are more detailed, containing a description of the subject and of the goals which the pupil is expected to achieve.

Most of the syllabi for special school are the same as for regular compulsory school. The goals which compulsory school pupils must have achieved by the end of their fifth year have

to be achieved by the end of the sixth year of special school. The goals which compulsory school pupils must have achieved by the end of the ninth year have to be achieved in special school by the end of the tenth year. Special syllabi have been devised for sign language, Swedish, English, modern languages and movement and drama, and have been designed for use by all special school pupils.

Special schools also admit pupils who have both hearing impairment and learning disabilities. The syllabi of compulsory school for pupils with learning disabilities (see below) apply to these pupils.

Obligatory school for pupils with learning disabilities (corresponding to regular compulsory school) comprises compulsory school and training school. The syllabi in compulsory school for pupils with learning disabilities differ from those of regular education. The syllabi express goals indicating the level of achievement which the pupils must have attained, *according to their capabilities*, when they leave school.

Training school is for pupils who, on account of their learning disabilities, are not judged capable of achieving the goals of compulsory school for pupils with learning disabilities. Training school has syllabi for five major subject fields: aesthetic activity, communication, motor skills, daily activities and reality perception. Mother tongue instruction in training school comes within the communication subject field.

Upper secondary school for students with learning disabilities offers vocational education in the same way as regular upper secondary school, in national or specially designed programmes. There are also individual programmes comprising activity training or vocational training. The syllabi differ from those of regular upper secondary school.

The Government adopts syllabi for compulsory school, Sami school and special school. The National Agency for Education decides syllabi for upper secondary school, compulsory school for pupils with learning disabilities and upper secondary school for students with learning disabilities. Individual development plans and other plans for the individual students are drawn up by the mandator concerned.

- what qualifications the curriculum leads to and whether they are recognised as enabling the student to go on to further education or to gain access to vocational education or to the open labour market,

Marks for special school pupils not taking the syllabi of compulsory school for pupils with learning disabilities have the same value as the marks obtained by pupils in regular compulsory school. Pupils attending compulsory school for pupils with learning disabilities shall, on completion of their schooling, be given a certificate of the education they have undergone. If the custodian so requests, a general educational assessment can be added to the certificate. If a pupil attending compulsory school for pupils with learning disabilities or the pupil's custodian so requests, marks are to be awarded. In cases where a leaving certificate is awarded, the pupil's achievement must be assessed in relation to the goals indicated by the syllabus for each subject. Marks are awarded on a two-point scale, instead of the three-point scale for regular compulsory schooling, and cannot be invoked in applications for admission to regular upper secondary school.

No marks are awarded in training school, but referencing and evaluation must nevertheless proceed continuously, the point of reference being the goals defined in the individual study plan drawn up in consultation with the student's custodian.

In upper secondary school for students with learning disabilities, marks have to be awarded at the end of each course, though not for activity training. Here again, marks are awarded on a two-point scale, instead of the four-point scale used in regular upper secondary schools. Marks obtained in upper secondary school for students with learning disabilities cannot be invoked in applications for admission to higher education, but pupils attending compulsory school for pupils with learning disabilities have the possibility of taking individual subjects in accordance with the syllabi of regular compulsory or upper secondary school and of obtaining marks accordingly.

- how large a proportion of the students go on to vocational education or further education or enter the open labour market,

The proportion of students leaving special school with at least pass marks in all three core subjects, and thus eligible to apply for regular upper secondary school, has been running at about 40 per cent in recent years, but in 2006 it fell to 27 per cent. (In absolute figures, 15 out of 63 special school leavers in 2006 did not have pass marks in all core subjects.)

SPM puts these results down to students tending more often to enter special school in the upper years, in which case they have less prospect of achieving the targets. The proportion of students who ought really to be following the syllabi of compulsory school for pupils with learning disabilities has also increased.

90 per cent of the students leaving special school in 2006 (57 out of 64) went on to the National Upper Secondary School for the Deaf or the National Upper Secondary School for the Hard of Hearing, both of which are run by the Municipality of Örebro.

Pupils attending compulsory school for pupils with learning disabilities are not as a rule in a position to apply for higher education within the regular education system.

- whether the quality of education comes under the same kind of surveillance as regular education.

Surveillance is primarily conducted through the educational inspection activities of the National Agency for Education, in the same way as for regular education.

Compulsory schooling

In its Conclusions for 2007 the Committee has asked whether Swedish anti-discrimination legislation in the school sector meets certain minimum requirements specified in Art. 15.

The Children and School Students (Prohibition of Discrimination and Other Degrading Treatment) Act (1006:67) is intended to promote the equal rights of children and school students and to counteract discrimination on grounds of sex, ethnic identity, religion or other conviction, sexual orientation or functional impairment.

The Act prohibits direct discrimination, indirect discrimination and harassment connected with any of the protected grounds. The definition of discrimination tallies with that in Community law and the prohibition carries the sanction of damages.

If, then, discriminatory consideration is paid to a functional impairment, e.g. in connection with admissions to a certain school, the aggrieved party is entitled to damages for the affront which the discrimination implies.

The Act entered into force on 1st April 2006, and between that date and the end of the year the Disability Ombudsman received 14 complaints within the scope of the Act. At year's end it had still not been decided to take any of these cases to court, and so as yet there is no case law to report.

Higher education

During 2005 and 2006 the Disability Ombudsman did not decide to take to court any cases coming under legislation on the equal treatment of post-secondary students, nor have there been any extrajudicial settlements in this field.

Article 15:2

Reference is made to the reply under 15:1.

In addition:

Chap. 3, Section 3 (2) of the Work environment Act (1977:1160) lays down that "The employer shall make allowance for the employee's special aptitudes for the work by modifying working conditions or taking other appropriate measures. In the planning and arrangement of work, due regard shall be paid to the fact that individual persons have differing aptitudes for the tasks involved."

More detailed Provisions on adjustment for disability and on rehabilitation are contained in Provisions AFS 1994:1 of the Work Environment Authority. Questions concerning adjustment for disability are also addressed in the Provisions of the Work Environment Authority on Work with Display Screen equipment (AFS 1998:5).

Official responsibility for matters of adjustment and rehabilitation is vested in several agencies, the Work Environment Authority among them. The Work Environment Authority's inspection activities focus primarily on work environments and the organisation of rehabilitation, not the rehabilitation of individuals.

Samhall AB, which is funded by means of public grants, is tasked with arranging activities to provide meaningful and developmental employment for occupationally handicapped persons.

Answers to questions in Conclusions 2007 regarding Art. 15:2 – Case law regarding employment

Two cases have been decided by the Labour Court during the period covered by this report. In both of them the aggrieved parties were represented by their union organisations.

The first case (AD 2005 no. 32) concerned a graduate engineer who had been diagnosed with MS, multiple sclerosis. He informed his employer of this and just over three months later he received notice of dismissal. AD ordered the employer to pay the man SEK 100,000 general damages.

The second case (AD 2006 No. 97) concerned a priest who suffered from a foodstuff allergy and was therefore denied employment as a missionary in Brazil. The man was awarded SEK 50,000 damages.

The Disability Ombudsman has concluded four extra-judicial settlements during the period covered by this report, with compensation of between SEK 15,000 and 65,000 awarded to the aggrieved party:

- * A woman with hearing impairment obtained and started a new job. After she started she felt that the noise level in the work room was too high for her to be able to sit there all day. Her mention of this brought her hearing impairment to the employer's knowledge and she was allotted a different work room, but no tasks within the scope of the job she had been given.
- * A male bus driver was prevented by a gastro-intestinal disorder from working at certain times and was therefore refused right of priority for re-hiring. Under the extra-judicial settlement which was concluded the man was offered, in addition to damages, an indefinite-term contract with working hours to suit his needs.
- * A zoo keeper with CP injuries was given notice of dismissal despite longer standing, following an agreement between the employer and the trade union in derogation of the standard rules of "first in, last out".
- * A woman with epilepsy had been working for just over a month in a group housing unit when the employer told her that she would not be welcome back. The employer judged her to be unsuitable for the work, but concluded an extra-judicial settlement with HO after the matter had been investigated.

Answers to questions in Conclusions 2007 regarding Art. 15:2 – regarding measures to promote employment

Subsidised employment is so called negotiated employment with all the usual benefits according to the market. The trade unions has to agree to the arrangement.

Sheltered employment in Samhall is except from the law of job (employment) security (LAS) but there is an agreement between the employee and the union about the usual benefits for the employees.

During the 2006 fiscal year, an average of just over 65,000 persons took part in the special initiatives for persons with functional impairment entailing reduced work capacity, viz subsidised employment and public sheltered employment (OSA). This was nearly 2,000 up on the figure for 2005.

Wage subsidies and OSA are special initiatives for persons with functional impairment and involve partly different target groups. Two-thirds of wage-subsidised employees have some form of functional impairment. OSA employees usually have occupational disabilities of a socio-medical nature. These occupational disabilities are commoner among men than among women. During the 2006 fiscal year an average of 59,958 persons monthly had wage-subsidised employment and 5,124 had OSA employment. The sexes were unevenly balanced

in these programmes. In both the special initiatives for persons with functional impairment, men were overrepresented in relation to their share of the unemployed population with functional impairment, accounting for 62 per cent of newly hired wage-subsidised employees and 74 per cent of newly hired OSA employees.

In contrast to the counter-cyclical programmes and initiatives, it is not relevant to speak of priority groups where special initiatives for persons with functional impairment are concerned. The target group for wage subsidies and OSA comprises persons with functional impairment entailing reduced work capacity. Outcomes, i.e. the proportion gainfully employed following the conclusion of an initiative, cannot be measured by the same yardstick as with counter-cyclical programmes and initiatives, the reason being that grants for wage-subsidised and OSA hirings can extend over a period of several years. Only a small annual proportion of the total number of participants proceed from wage-subsidised and OSA employment to regular employment.

Upwards of 2,600 persons left wage-subsidised employment for non-subsidised employment in 2006. This was 4.4 per cent of the average number of participants. The commonest hiring was continued hiring by the same employer or indefinite term hiring.

Men obtained indefinite term contacts more often than women, while women came to be employed by the hour and part-time unemployed to a considerably greater extent than men. From OSA, 2.1 per cent of the average number of participants changed to non-subsidised employment.

The unit cost of wage-subsidised hirings and OSA in 2006 was, respectively, SEK 10,100 and SEK 12,100. The total cost of OSA remained unchanged in 2006, amounting to MSEK 739. The total cost of wage subsidies was MSEK 6,900 in 2006, which was MSEK 661 up on the previous fiscal year. This increase was due partly to a rise in the number of participants and partly to a rise in the qualifying wage level in 2005.

Article 15:3

QUESTION A

Reference is made to the previous report, with the following additions:

How does national cultural policy promote participation by persons with functional impairment?

Access to culture is a key issue in the field of cultural policy, one of the prime objectives of which is to promote universal opportunities for participation in cultural life, for cultural experience and for personal creativity.

Authorities strategically responsible for promoting disability perspectives in the cultural sphere

Sectoral responsibility for the achievement of the national goals of disability policy (Government Bill Prop. 1999/2000:79) in the cultural sphere has since 2002 been vested in

the Swedish Arts Council and the National Heritage Board. The remit is further defined in the standing instructions of these two authorities.

Both authorities have been judged to be doing good work to spur the activities of other cultural agencies with reference to access for persons with functional impairment.

During 2007 the Swedish Arts Council, acting on a Government remit, carried out a review of its work hitherto, among other things highlighting strong and weak points and noting that dramatic art is the artistic field which should have priority for the period ending 2010. In 2005 the Council set up a disability committee with a view to broadening its competence in the disability sector. The committee's membership is to be reviewed in 2007.

The National Heritage Board, reporting in 2006, finds that the county museums have made good progress in their promotion of access. It also finds that the special initiatives taken and the awareness existing in the cultural environment sector show the sector to have broadened its approach and to moving in the right direction in relation to the goals of disability policy.

Access improvement targets in appropriation warrants

The majority of appropriation warrants include feedback requirements on the subject of accessibility. Most national authorities have drawn up action plans for the implementation of disability policy.

One of the axioms of the Government's *policy for children* is for all children to have equal rights and opportunities. No child may be subjected to discrimination on account of functional impairment. Children and young persons with functional impairment are entitled to participation and to influence and self-determination over their lives on the same terms as other children and young persons. In the school sector, new legislation prohibiting discrimination and other degrading treatment of children and pupils in school by reason of functional impairment came into force in April 2006. The new provisions apply to girls and boys in preschool activity and to women and men in municipal adult education. The Act promotes the equal rights of children and school students and is aimed at counteracting discrimination on grounds of sex, ethnic identity, religion or other beliefs, sexual orientation and functional impairment. It is also aimed at preventing and averting other degrading treatment not directly referable to these grounds of discrimination. The Act applies to activities conducted under both national/local government and private auspices.

In concrete terms, the new provisions imply proactive measures to prevent and counteract all forms of degrading treatment. Every activity must have an equal treatment plan, setting forth the measures planned. It is vital that children and school students should take part in this process.

Compliance with the Act is to be monitored by the various Ombudsmen and the National Agency for Education, the latter having established a function entitled the Children's and Pupils' Representative for Equal Treatment. The authorities are empowered to bring actions for damages on behalf of aggrieved children or pupils. Damages can be awarded if the persons responsible for the activity concerned default on their duties under the Act.

QUESTION B

Transport

Measures taken by the Government

Government Bill Prop. 2005/06:160, Modern Transport, was passed by the Riksdag in 2006. In it the Government proposed that the National Road Administration and the Swedish Rail Administration be jointly commissioned to draw up a national action programme for the long-term development of public transport. Part of the programme was to focus on concerted efforts to make public transport accessible to persons with functional impairment. With reference to the Bill, the Government resolved, in July 2006, to task the National Road Administration and the Swedish Rail Administration with drawing up such an action programme, and the two authorities began work in the autumn of 2006 with a project code-named “KOLL-framåt”.

Work of the Sectoral authority

The Swedish Rail Administration

During 2005 the Swedish Rail Administration compiled and published *Banverkets råd och riktlinjer – Vägledning för utformning av den fysiska miljön för funktionshindrade* (Swedish Rail Administration recommendations and guidelines – Guidance on design of the physical environment for persons with functional impairment). Alterations improving the platform environment and enlargements and revisions of the information system to provide an accessible railway system for persons with functional impairment were carried out at several stations all over the country in 2005. The Administration’s work on a draft standard for traffic information equipment at stations continued that year. The proposed standard will make traffic information accessible to more people, partly through the installation of necessary equipment at stations where traffic information is at present lacking, and also by conveying information through new channels. During 2005 the proposed standard was communicated to and accepted by transport purchasers, traffic providers, the various organisations of disabled persons and other interest organisations. The Administration has continued its work of installing Tactile Ground Surface Indicators (TGSIs) on platforms. It has also participated in European work to harmonise the European rail system by devising Technical Specification Documents (TSD) for interoperability. The old platform information boards have been replaced at the great majority of stations in Sweden.

During 2006 the Swedish Rail Administration and the National Road Administration together commenced work under the KOLL-framåt project on uniting the national transport utilities and the rest of the sector on common objectives and problem definitions, as well as preparing a scheme for a priority network within which public transport should be fully accessible in 2010. The Swedish Rail Administration’s work on the accessibility adjustment of stations continued in 2006.

The National Road Administration

Measures of accessibility creation such as adapted vehicles, picnic spots, footpaths and cycle paths, pedestrian crossings and TGSIs were notably augmented and the proportion of buses the low floors and low entrances somewhat increased during 2005. In addition, the

Administration provided competence support and funding support to municipal authorities for accessibility investments. On the national road network, 157 transfer points and large bus stations were rebuilt in 2005-2006 for improved disability access. Public transport facilities were adapted for person with functional impairment with the aid of State grants from the Administration totalling MSEK 20 in 2006. The adjustment measures taken concerned vehicles, information and payment systems, terminals and bus shelters.

The Swedish Civil Aviation Authority

The Swedish Civil Aviation Authority has produced a guide for air travel providers, summarising the international rules and recommendations which have been developed in the civil aviation industry with a view to assuring passengers with functional impairment of good access to air travel.

Accessibility improvements are all the time being introduced at Sweden's airports and elsewhere.

During 2005 the European Union was engaged on drafting a Regulation on rights of disabled persons and persons with reduced mobility when travelling by air. The Administration played an active part in this work. The Regulation (No. 1107/2006) was adopted in July 2006 and during the same year the Administration prepared and implemented information measures concerning it.

The Swedish Maritime Administration

New Regulations on disability adjustment of passenger ships in Swedish waters having come into force in 2004, in 2005 the Administration produced an on-line manual describing how they are to be implemented. During 2006 the Administration continued publicising the on-line manual dealing with the new Regulations on disability adjustment of passenger ships in Swedish waters. The manual describes how the Regulations are to be interpreted, how a new passenger vessel can be designed and what rules apply to the rebuilding of an existing vessel.

The National Public Transport Agency

The National Public Transport Agency, acting in collaboration with the four national transport utilities and the National Board of Housing, Building and Planning, has published recommendations and guidelines concerning travel co-ordination at stations and terminals. The common functions referred to comprise information, ticket sales and reservations, personal service/assistance, co-ordination and interaction between players and the physical design of terminals and stations.

Car support

Car support is an important instrument for achieving the goals of disability policy. It is intended to facilitate independent living, complete with gainful employment, social contacts, access to public and commercial amenities etc.

New rules on car support took effect on 1st January 2007 and can be briefly summarised as follows. Parents of children with functional impairment are to receive a basic grant of SEK 60,000 (formerly SEK 30,000) for the procurement of a motor vehicle. The definition of

“parent” has been enlarged so as also to include non-parental custodians and persons who have received children for adoption or for permanent care and upbringing.

A new basic and procurement grant can be awarded, at the earliest, after nine years, but an earlier award is possible if the vehicle has been driven at least 180,000 km since the previous grant was awarded.

Adjunction to transport assistance

An experimental scheme to supplement transport assistance was recently inaugurated in 17 municipalities, under legislation requiring a municipality to provide financial support to a resident with a functional impairment so that the resident can procure or modify a motor vehicle, the idea being that independent transport capacity will reduce the need for transport assistance, augmenting the individual person’s options while at the same time curbing public expenditure. The experiment will last from 1st July 2007 until 30th June 2010, after which it will be evaluated by the National Road Administration.

Housing

One important initiative relating to access issues has been the addition to the Planning and Building Act of rules for the elimination of easily remedied obstacles.

The aim is for obstacles of this kind to have been eliminated before the end of 2010. The initiative forms part of a national action plan for disability policy (Prop. 1999/2000:79).

In the matter of easily remedied obstacles, the National Board of Housing, Building and Planning has been tasked with continuing the provision of information to property owners and other important agents concerning the rules on the elimination of easily remedied obstacles to improved access.

The county administrative boards have been instructed to intensify their surveillance in this field.

The National Board of Housing, Building and Planning has been given until 15th September 2007 at the latest to report on a follow-up of the Provisions on easily remedied obstacles, to present a comparison with the findings from the 2005 follow-up and to suggest policy measures to be taken.

Culture

The Swedish Library of Talking Books and Braille (TPB)

TPB, acting in collaboration with other libraries, shall provide for the reading needs of persons with vision impairment and other reading disabilities. Some 360,000 persons, roughly 4 per cent of Sweden’s population, are entitled to talking books. The aim is for 25% of all books published every year to be available in talking-book form. TPB has conducted extensive speech synthesis development projects, and in 2006 speech synthesis was made an integral part of regular production. Following amendments to Swedish copyright legislation in 2005, the number of libraries with talking-book permits has risen in the past two years from about 40 to over 400.

During 2007 TPB carried out an analysis, commissioned by the Government, of future prospects concerning, among other things, the number of borrowers, personnel strength and competence needs within the authority. During 2007 TPB will also be submitting its concluding report on a remit for developing a national digital distribution system having persons with reading disabilities as its target group.

The centre for Easy-to-Read (LL)

This foundation was formed in 1987 and conducts activities for promoting reading and access to literature among groups with certain reading disabilities.

In 2007 the foundation's funding was reinforced with MSEK 2 for the purpose of enlarging the supply of easy-reading news and books for use in schools. The books and easy-riding newspaper issued by LL are to a great extent used in compulsory schools and other educational contexts. The easy-reader newspaper 8 SIDOR has a circulation of about 110,000.

Film

The Swedish Film Institute distributes grants towards film and video for audio description and subtitling in Swedish, the aim being to make film more accessible to persons with functional impairment. As from 2006 this support also includes audio description and subtitling in national minority languages.

Priority is to be given to films for children and young persons.

The cinema digitisation which is expected to take place in the market in the long term should offer cinemas practically unlimited possibilities of screening Swedish films both with and without subtitling at relatively low cost.

Commission on a new language law

In 2007 the Government appointed a Commission to draft new language legislation. The investigator is also to consider whether such an enactment should include provisions on the national minority languages and the status of Swedish sign language. The work of the Commission is expected to be concluded on 31st December 2007.

How national cultural policy promotes participation of persons with functional impairment

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The National Heritage Board, reporting in 2006, finds that the county museums have made good progress in their promotion of access. It also finds that the special initiatives taken and the awareness existing in the cultural environment sector show the sector to have broadened its approach and to moving in the right direction in relation to the goals of disability policy.

Otherwise reference is made to previous reports.

QUESTION C

The Disability Advisory Panel

The Government has instituted a Disability Advisory Panel to serve as a major forum for deliberations and exchange of information between the Government and the DPOs on matters of particular interest to persons with functional impairment.

The Disability Advisory Panel has seven permanent members and seven alternates representing the DPOs, plus Under-Secretaries of State from six government departments, including the Ministry of Culture.

Otherwise reference is made to previous reports.

Response to questions in the Conclusions for 2007 concerning Art. 15:3 – Case law regarding Life of the community

During the period covered by this report, one case has been tried. It concerned a man who was refused admission to a restaurant, according to the man and the Disability Ombudsman because he had a wheeled walker, and according to the restaurant because he was intoxicated. The court awarded the man SEK 15,000 damages, but an appeal is now pending.

In addition, the Disability Ombudsman concluded five extra-judicial settlements which among other things provided compensation of between SEK 10,000 and 15,000 to the aggrieved parties:

- A wheelchair-bound man was refused taxi transport, the driver claiming that there was not enough room for his wheelchair in the boot.
- A man with vision impairment was not allowed to order beer in a restaurant, on the grounds that it would jeopardise his safety.
- A woman with cerebral palsy was refused admission to a restaurant because the security guard found her behaviour odd.

- A woman with mobility impairment was subjected to harassing interrogation when booking a flight.
- A man with mobility impairment was not allowed to take his personal assistant into a gym free of charge.

Article 18

Article 18:1

Question A

As reported previously, in February 2004 the Government appointed a Parliamentary Committee (KAKI) to review the regulations governing labour immigration in Sweden, the purpose being to draft provisions permitting an expansion of labour immigration from countries other than the EU/EEA and Switzerland. KAKI presented its final report, *Arbetskraftsinvandring till Sverige* (SOU 2006:87) to the Government on 18th October 2006. The Government memorandum *Ett effektivt och flexibelt system för arbetskraftsinvandring* (Ds 2007:27) and KAKI's final report were circulated for comment in the autumn of 2007. On 27th March 2008 the Government resolved on the referral to the Council on Legislation of draft legislation including proposed new rules on labour immigration. The Government will be putting a Bill before the Riksdag before the summer of 2008. Provided the Bill is passed, the new rules of labour immigration are expected to take effect on 15th December 2008.

Main outlines of the proposals in the document referred to the Council on Legislation:

Basic preconditions for labour immigration in Sweden

One basic precondition proposed for admission to Sweden as a migrant worker is an offer of work which the migrant will be able to live on. The conditions of service offered must not be inferior to those applying under Swedish collective agreements or regarded as acceptable in the occupation or industry concerned. The principle of Community priority is to be respected, i.e. citizens of the EU/EEA and Switzerland are to have first refusal of job opportunities.

Far greater scope for the award of permanent residence permits for workers

Work permits are to be granted for up to two years or for the shorter period to which the hiring refers and will be eligible for one or more renewals. Application for renewal will be possible from within Sweden. The total permit period must not exceed four years. After this, the fixed-term residence and work permit will be convertible into a permanent residence permit.

Connection of work permits with a particular employer and a particular kind of employment

When first granted, a work permit must be connected to a particular employer and a particular kind of work. After two years the fixed-term work permit is only to be connected to a particular kind of employment.

Rules of revocation allowing jobseekers up to three months

The residence permit of an alien who has lost his or her job will be revocable failing application within three months for a work permit with reference to a new hiring. In other

words, a person losing their job during the period for which their work permit is valid has up to three months in which to find a new job.

Visiting students to be able to apply for work permits from within Sweden

Visiting students who have completed studies corresponding to 30 credits or who have completed one term as postgraduate visiting students at a university or college will be able to apply for residence and work permits from within Sweden, but must do so before their student residence permits expire.

Possibility for asylum-seekers to apply for work permits from within Sweden

An asylum-seeker whose residence application has been finally refused will, subject to certain conditions, be able to apply for a residence and work permit from within Sweden. The alien must have been employed for six months, must have an offer of permanent employment or of employment of at least one year's duration, and must in all other respects meet the basic requirements for the grant of a work permit. In addition, the application must be made within a fortnight of the final refusal of the asylum application.

Question B

The account refers to applications from citizens of the countries which have ratified one of the statutes, apart from the countries where EU regulations apply. Only first-time applications and first-time permits are counted.

During **2003**, work permit applications totalled 6,755 and 5,207 work permits were granted.

During **2004**, work permit applications totalled 860 and 680 work permits were granted.

During **2005**, work permit applications totalled 816 and 709 work permits were granted.

During **2006**, work permit applications totalled 1,226 and 1,097 work permits were granted.

Question C

Reference is made to the previous report.

Article 18:2

Question A

Reference is made to the previous report. The following can be added.

As from 1st June 2005, visiting students have been entitled, for the duration of their student residence permits, to work without having to obtain a work permit.

Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents was transposed to Swedish law with effect from 20th April 2006. Part of the purpose of introducing the Directive was for third-country nationals to be able to avail themselves, in the same way as Member State citizens, of opportunities of free movement within the EU.

The basic rule under the Directive is for a third-country national with a Swedish permanent residence permit and of at least five years residential standing to be accorded special status, equivalent to that of a long-term resident. To qualify as a long-term resident the third-country national must among other things be able to support himself/herself and any accompanying family members. A third-country national having the status of long-term resident in another Member State will be able, together with members of his/her family, to settle in Sweden and obtain a fixed-term residence permit. After five years' residence these persons will also be eligible for the status of long-term residents in Sweden.

Question B

The charge payable by a third-country national applying for a residence and work permit is SEK 1,000 for persons aged over 18 and SEK 500 for persons under 18. Charges are payable for both first-time applications and renewal applications. An employer does not pay any charges for a residence and work permit application.

Question C

Information in respect of Conclusions 2005

On-line work-permit applications

Work permit applications – both first time applications and applications for renewal – can now be made on-line, through the Migration Board website (www.migrationsverket.se). It is also possible for the *entire* transaction to be carried out on the web at one and the same time by sending in the application or registration, appending passport copies or other enclosures, and paying the application fee, if any. (In many cases accompanying family members can apply simultaneously with the main applicant.)

Discussion at the Migration Board concerning practice regarding the duration of work permits (and the possibility of permits in certain cases being awarded for longer periods than at present)

There are two grounds for the award of work permits, namely for covering a temporary manpower shortage (TB) and as a part of international exchange (IU). The AMS (National Labour Board) guidelines on work permit application assessment set a maximum period of 18 months for TB and 48 months for IU.

The Migration Board has sought the power to issue work permits for longer periods at a time. At present the following applies.

In TB transactions a statement always has to be obtained from the County Labour Board concerned before the Migration Board can grant a work permit. The work permit is usually granted for the period for which its award has been seconded by the County Labour Board.

In IU transactions, subject to certain conditions, the Migration Board can grant work permits in accordance with a general statement issued previously by AMS. If these conditions do not apply, a statement must be obtained from the County Labour Board in the individual case. The Migration Board can grant work permits for 48 months if the offer employment refers to a period that long and if the preconditions of the general statement apply or the County Labour Board has seconded the grant of a permit for that length of time. Otherwise the work

permit is granted for the length of time to which the offer of employment refers or for the length of time indicated by the statement from the County Labour Board.

Application charges

The application charge is fixed on the principle that it must cover the cost to the authority of processing the application. Under certain rules of exception it is waived or reduced in a number of cases. The rules of exception apply mainly to work permit applications by virtue of family connection.

Article 18:3

Question A

A work permit is linked to a particular employer and a particular kind of work.

(a) There are no geographic links in work permits. For as long as the person concerned is working for the same employer and in the same kind of employment, the work can be done in any geographic location whatsoever.

(b) No change of occupation is possible without a new work permit being applied for.

(c) Work permits are granted for up to 18 months in the case of work with a temporary manpower shortage and for up to 48 months in the case of work included in an international exchange. Work permits cannot be renewed for a longer period.

Question B

A third-country national losing his or her job retains the residence and work permit. The Migration Board has no power to revoke a valid residence and work permit unless the alien, without having a work permit, carries on activity for which such a permit is required. The person concerned is expected to leave the country.

Question C

During 2008 the Government will be putting new rules of labour immigration before the Riksdag. The Government proposals include several elements with a bearing on Art. 18:3.

Information in respect of Conclusions 2005 Art. 18:3

Consequences of job loss

One question specially addressed by KAKI concerned the relation of dependence between employer and employee. To balance this relationship, KAKI proposes that a third-country national should be allowed to remain in Sweden and apply for new employment if the first job comes to an end. If no new work permit is granted within three months, it is proposed that the residence and work permit be revoked and the third-country national leave the country.

Article 18:4

Reference is made to the previous report.

Article 20

Question A

The Parental Leave Act

New rules under the Parental Leave Act (1995:58) entered into force on 1st July 2006. The amendments touch on several of the detailed questions below and for the sake of simplicity will now be described in one sweep.

Basically, the amendments are as follows.

Prohibition of discriminatory treatment:

A main rule prohibiting discriminatory treatment of jobseekers or employees for reasons connected with parental leave is being added to the Parental Leave Act as follows.

An employer may not subject a jobseeker or employee to discriminatory treatment for reasons connected with statutory parental leave when the employer

1. makes a decision in a hiring question, selects a job applicant for a job interview or takes any other measure during the hiring process,
2. decides on promotion or selects employees for promotion training,
3. decides on or takes any other measure relating to work experience,
4. decides on or takes any other measure relating to other training or vocational guidance,
5. applies conditions of pay or other conditions or service,
6. directs and allocates work or
7. gives notice, dismisses with immediate effect, lays off or takes any other active measure against an employee.

Exceptions:

The prohibition of discrimination connected with parental leave does not apply in the event of different conditions or different treatment being a necessary consequence of the leave of absence.

New rules of evidence:

If a job applicant or employee shows circumstances giving cause to suppose that he or she has been discriminated against for reasons connected with parental leave, it is for the employer to prove that there has been no such discriminatory treatment or that the discriminatory treatment is a necessary consequence of the parental leave.

The Equal Opportunities Act

The Equal Opportunities Act (1991:433) governs prohibitions of gender discrimination by employers, e.g. with regard to access to employment, conditions or service and protection from notice of dismissal/summary dismissal. The prohibitions are contained in the following sections:

Section 15-16 (prohibiting direct and indirect gender discrimination) combined with

Section 17 (1) (hiring decisions)
Section 17 (2) (decisions concerning promotion)
Section 17 (3) (work experience)
Section 17 (4) (vocational guidance)
Section 17 (5) (conditions of service)
Section 17 (6) (work supervision)
Section 17 (7) (notice of dismissal, summary dismissal and other decisions implying the termination of employment)

The Equal Opportunities Act was tightened up and expanded further on 1st July 2005 so as also to include persons applying for or completing work experience. Thus the rules concerning prohibition of discrimination, harassment, invalidity of agreements and damages are also applicable to cases of these kinds. A person who, without being an employee, does work in a workplace in an outsourced capacity shall also be deemed an employee. The party on whose premises work experience is performed shall be deemed an employer and the persons primarily referred to are students applying for or performing work experience as part of their education.

In addition, it is also prohibited to order an employee to exercise discrimination. If the instruction is obeyed, this means someone being unfavourably treated. If the instruction is not obeyed, it will be ineffective in the sense of no effect resulting. An instruction which is not obeyed can amount to the singling out of a person or persons as intended “victim(s)” of discrimination. This singling out can attract attention and cause gossip, and an event of this kind can also amount to discrimination. If an employer orders an employee to practise discrimination which leads to unfavourable treatment, the employer will be bound by the employee’s discriminatory behaviour, in which case claims for damages can be directed against the employer.

The scope for derogation of the ban on discrimination has also been reduced. The previous exception “for non-profit or other special interest” has been repealed. The new exception applies in connection with decisions concerning hiring, promotion and training for promotion and is worded in such a way that “a certain gender shall be necessary by reason of the nature of the work or the context in which it is done”. The exception is very narrow and the employer must have strong reasons for invoking it. High demands are made on the employer’s argumentation and it must be clear that the governing factor was the nature or context of the work.

The Discrimination (Prohibition) Act (DFL) (2003:307)

In addition to the Equal Opportunities Act a further Act prohibiting gender discrimination among other things has been passed, namely the Discrimination (Prohibition) Act (2003:307). As from 2005 this Act includes a ban in gender discrimination. For the purposes of the Act, discrimination comprises direct and indirect discrimination, harassment and instructions to discriminate. Under this Act, discrimination on grounds of sex is prohibited in connection with

- labour market policy activities, i.e. private and public employment exchanges,
- the start-up or conduct of business activity,
- professional practice,

- membership of and/or participation in an employees' organisation, an employers' organisation or professional organisation or benefits conferred by such an organisation,
- the professional supply of goods, services and housing.

Section 7 of the Discrimination (Prohibition) Act (DFL) prohibits gender discrimination with regard to professional practice, e.g. authorisation, registration or suchlike which is needed or can be of importance for the practice of a particular profession.

Question B

A job applicant or employee considering themselves to have been subjected to gender discrimination by an employer can themselves bring a court action. Under Sections 46-47 of the Equal Opportunities Act a trade union can do the same on behalf of its members and the Equal Opportunities Ombudsman (JämO) if the individual consents thereto (and a trade union, if any, has refrained from taking legal action in the matter).

Question C

The Equal Opportunities Act contains provisions (Sections 23-24) whereby gender-discriminatory provisions of contracts/collective agreements can be voided.

Question D

The Equal Opportunities Act prohibits reprisals by the employer on account of the employee having rejected the employer's sexual advances, reported the employer for discrimination, complained of discrimination or taken part in an investigation pursuant to the Act.

If the employee is summarily dismissed or given notice of dismissal, this can be voided (Section 24 of the Equal Opportunities Act). An employer, however, is not compelled to comply with a judgement declaring summary dismissal/notice of dismissal invalid. Instead the judgement may entitle the aggrieved party to damages both under the Equal Opportunities Act and under Section 39 of the Security of Employment Act.

Question E

The burden of proof in the Equal Opportunities Act is set forth in Section 45 a and is divided, on the lines of Art. 4:1 of the Burden of Proof Directive, 97/80/EC.

Question F

The Equal Opportunities Act contains three provisions on active measures relating to recruitment (Sections 7-9). The provisions are concerned with the employer, through proactive measures, promoting and achieving an equal balance of the sexes in various types of work and within different categories of employees, partly by means of training and skills development (Section 7) and partly, in hiring situations, by particularly endeavouring to recruit applicants of the underrepresented sex (Section 9). The employer shall state targets and policy measures in these fields in the firm's annual equal opportunities plan, and shall also (Section 8) ensure that job vacancies are applied for by both sexes.

A prohibition of disfavoured treatment was added to the Parental Leave Act (1995:584) with effect from 1st July 2006. Under the prohibition (Section 16), an employer may not disavour a job applicant or an employee for reasons related to parental leave, e.g. when making a hiring decision, selecting an applicant for a job interview or otherwise intervening in the hiring process. The Equal Opportunities Ombudsman is empowered to instigate legal proceedings on an individual person's behalf with reference to infringements of Section 16.

Question G

Neither the Equal Opportunities Act nor any other enactment states that a particular sex is necessary to the exercise of a particular occupation. However, in derogation of the ban on direct gender discrimination, Section 17 (2) (1) of the Equal Opportunities Act permits separate treatment in connection with hiring if a particular gender is necessitated by the context or nature of the work. This generally phrased exception is modelled on Art. 2.6 of Directive 2002/73.

No Labour Court case law exists laying down the necessity of a particular sex for a particular occupation, but the *travaux préparatoires* of the above mentioned exception refer, for example, to consideration of freedom of religion or acting parts as instances where the exception may be applicable.

Question H

Reference is made to the previous report.

Question I

a)

The occupational rate has been on approximately the same level under the second millennium. The unemployment rate has been reduced some up until 2003. The year 2006 the relative number of labour for women in the age of 20-64 years of age was 80 per cent and the relative number of unemployed was 4 per cent.

2006 the relative number of labour for men in the age of 20-64 years was 86 per cent and the relative number of unemployment was 5 per cent.

Usually worked time

Year 2006 65 per cent of all women in the age 20-64 years were employed on full time and 35 per cent on part time.

The equivalent for men was 89 respective 11 per cent. The women today work as much in the public as in the private sector, whereas the men for the larger part work in the private sector.

In the public sector employment has decreased since 1990 for women and since 1980 for men. The changes are partly due to redundancies, but also the conversion into independent subsidiary companies of amongst others the Post office, the Teleworks and Waterfall under the 1990-ies. Employed in those companies now are counted into the private sector, which increased both for women and men after a substantial decrease for a couple of years.

Part time work and employment per hour

The number of openly part time unemployed women and men has decreased some in comparison with the previous year, but the number of persons employed per hour had continued to increase.

During 2005 nearly 71 000 individuals were registered as part time unemployed whereof 77 percent women and 23 percent men. In comparison with 2004 it was a decrease with 2600 individuals.

The number of persons employed per hour increased with 4000 persons to 95 000 whereof 65 percent women and 35 percent men.

According to the Central Statistics Bureaus statistics for 2006 the number of under occupied, that is persons who both wish to and are able to work more, where parttime unemployed, employed per hour and employed per season are included, included 248 000 individuals whereof 64 per cent women and 36 per cent men. This is a decrease from 2004 with 16 000 individuals, which in the closest only considered women.

b)

To reduce the imbalance between woman and men in occupations and sectors in the labour market, a range of other political areas and issues has to be addressed besides labour market issues. Taxation, childcare, parental leave, education e.g.– are all important areas, which has to be scrutinized in order to see how initiatives within different policy areas all could contribute to achieving a less gender-segregated labour market.

The Swedish Public Employment Service has been tasked by the Government to reduce the gender segregation in the labour market. Co-workers in the employment services has taken initiative to "gender Desegregation Project". The maincourse is to combat gender-bound vocational choices. Prioritizes areas for 2006 is cooperation with employers, projects intended mainly for men respectively women and dissemination including implementation of method development.

c)

Equal pay

Wage disparities have largely remained the same since the early 1990s. According to wage statistics, women's pay is on average 84 per cent of men's pay (when comparing full time wages). If we take into account women's and men's differing distribution according to age, level of education, working hours, sector and occupational group (Standard weighting) difference becomes smaller and women earn 92 per cent of what men earn. The single biggest factor when considering wage differences is the professional group. Many of the Swedish women work in large professional groups in the public sector where the wages are low. In 2006 the average female wages were 93 per cent of men's wages after standard weighting, which is a small improvement compared to previous years.

The pay gap is linked to a number of legal, social and economic factors which go far beyond the single issue of equal pay for the same job. The professions and jobs in which women predominate are undervalued in comparison with those in which men predominate, without this necessarily being justified by any objective criteria. Almost 40 per cent of women work in health, education and public administration, compared to 20 per cent of men. This segregation is reinforced by traditions and stereotypes which influence, for example, the choice of education courses. Also parenthood reduces the employment rate of women and their careers are therefore more slower and shorter and thus less financially rewarding.

According to the Equal Opportunities Act (1991:433) each employer must carry out a survey and analysis of wage disparities between women and men and this includes an obligation to assess whether any existing wage disparities are directly or indirectly related to gender. The written action plan for equal pay that the employer must produce each year is to include information on what wage adjustments and other measures need to be undertaken to achieve equal pay for equal work and for work of equal value. The measures are to be carried out as soon as possible, and within three years at the most.

Wage formation is an issue for employers and trade unions. The Mediation Institute has in their appropriation directions to point out the importance of constructing central agreements in such a way that they facilitate the work of the local parties to achieve gender equal pay. One effect of that is that the pay gap between men and women has been the big issue in wage bargaining during the last year. Some branches with low wages and many women have therefore got higher salaries 2007

Part-time or fixed-term contracts

One of the major problems concerning women's participation on the labour market is that many women are only offered part-time work, even though they both need and request full-time work. This goes for both the private and the public sector. Part-time and temporary employment is more common among women than among men. Men are routinely offered full-time work. See tables.

A decrease in part time unemployment, or in unemployment as a whole, cannot be achieved by legislative means. The fundamental precondition is a high demand for labour. The Government is therefore putting forward a whole range of measures for job creation and increased employment. In addition, an important component of the Swedish labour market model is that the State should not legislate on matters better dealt with in negotiations between the social partners. Questions on full time and part time, various requests on working time arrangements, etc, are to a high degree matters that should be solved through collective agreements.

Part-time or fixed-term contracts 2003–2007

Year	Women	Men
2003	48,4	20,3
2004	49,0	21,7
2005	50,1	22,5
2006	51,6	23,5

2007	51,5	23,2
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Source: AKU

It is more usual that women have part-time or fixed-term contracts than men. About 50 per cent of the women and one fifth of the men have those contracts and it has increased a little since 2003.

Share of part-time 2003–2007

Year	Women	Men
2003	40,0	10,6
2004	40,8	11,4
2005	39,5	9,9
2006	39,9	10,0
2007	39,9	10,1

Source: AKU

Of all employed women 40 per cent have part-time contracts compared to 10 percent of all employed men. During the period of 2003–2007 it has been very small changes. For both men and women it is 25 per cent who has part-time contracts.

Share of fixed-term contracts 2003–2007

Year	Women	Men
2003	17,0	12,3
2004	16,8	13,5
2005	17,6	13,9
2006	18,8	14,8
2007	19,5	14,6

Source: AKU

More women than men have fixed-term contracts. Almost 20 per cent of the women and 15 per cent of the men. Share of fixed-term contracts has increased a little for both men and women the last years.

Question J

The Government proposes introducing an *equal opportunity bonus* in parental insurance, to improve the prospects of men taking a bigger share of parental leave during children's first year of life and of men and women sharing work in the home.

In addition, *tax concessions for domestic services* have been introduced with the aim of making it easier for women and men to combine family life and working life. The Government is allotting *MSEK 100* over a three-year period to augment entrepreneurial start-ups by women, to spur the growth of women's enterprises and to improve knowledge and research on the subject of women's enterprise.

Question K

As has already been mentioned, a number of prohibitions of gender discrimination, effective from 1st July 2005, have been added to the Discrimination (Prohibition) Act. Section 5 of the

Act prohibits gender discrimination with regard to labour market policy programmes (placement services included), and Section 11 prohibits discrimination with regard to social insurance. No cases referring to these prohibitions have yet been judicially decided.

Conclusions 2006

Question in Conclusions 2006 Art. 20 concerning wage mapping etc.

Concerning the possibility of comparing one's wage with that applied by other employers:

Swedish case law shows no instance of an applicant having succeeded with such a comparison.

Concerning differences between the public and private sectors:

The Equal Opportunities Ombudsman is currently examining the wage mapping of the biggest employers, who between them have a million employees. The scrutiny has yet to be completed, but so far it has not revealed any differences between the public and private sectors where compliance with the provisions is concerned.

Response to the observation that the situation in Sweden is incompatible with Art. 20, since the rules of unemployment insurance can entail direct discrimination of women employed part time

Basic facts concerning Swedish unemployment insurance

Swedish unemployment insurance is a readjustment insurance, its purpose to provide economic benefit to the involuntarily unemployed under a period of readjustment.

The insurance consists of a *basic insurance* and a voluntary *income loss insurance*. Benefit from the basic insurance is provided to applicants who fulfils the *general conditions* and the *work condition*. In order to obtain benefit from the income loss insurance the applicant must have been a member of an unemployment insurance fund for at least twelve months (*membership condition*) and fulfilled the work condition after the last admission to the unemployment insurance fund.

The basic conditions

In order to fulfil the basic condition the applicant has to :

- be capable of working and unimpeded from undertaking work on behalf of an employer for at least 3 hours each working day and for on average at least 17 hours per week,
- be prepared to accept an offer of suitable work during periods for which he or she has not given notice of an impediment that can be accepted by the unemployment insurance fund,
- be registered as a jobseeker with the Public Employment Service in accordance with the procedure prescribed by the Government or the authority appointed by the Government,
- participate in the drawing up an individual action plan in consultation with the Public Employment Service, and

- actively seek suitable work but be unable to obtain it.

The work condition

In order to fulfil the work condition the applicant must, during a framework period of twelve months immediately prior to the commencement of unemployment, have,

- gainfully worked for at least 6 months and performed work for at least 80 hours per calendar month⁵, or
- gainfully worked for at 480 hours during a continuous period of 6 calendar months and performed work for at least 50 hours during each one of these months.⁶

In order to be entitled to income-related benefit, the applicant shall have fulfilled the work condition since last being admitted to the unemployment insurance fund. An applicant who immediately prior to the admission has been a member of another such fund may, in order to fulfil the work condition, be credited with the duration of membership of that fund.

The membership condition

Membership of an unemployment insurance fund is open to any individual satisfying the conditions prescribed by the regulations of a fund, concerning work within the operational area of the fund. However, membership may only be granted to those who during a consecutive period of five weeks have performed gainful work for at least four weeks, for on average at least 17 hours per week, and still work to at least this extent. Membership is not open to those who

- are members of another unemployment insurance fund, or
- have reached the age of 64.

When membership of an unemployment fund is granted, admission to the fund is deemed to have occurred on the first day of the calendar month in which gainful work according to the first paragraph was started, though at the earliest on the first day of the calendar month when the application for membership was made.

Motive

Historical background

The requirement of being capable of working and unimpeded from undertaking work on behalf of an employer for a certain number of hours per day each working day, has been a requirement of Swedish unemployment insurance for many years. The requirement is linked and corresponds to the membership condition and the prior work condition⁷.

The idea was to have a connection between the membership condition and the work condition and in that way to ensure that the member of the unemployment insurance fund did not end up in the situation of not managing to fulfil the work condition.

⁵ Changed 1st January from 70 hours per month to 80 hours per month.

⁶ Changed 1st January from 450 hours during a continuous period of 6 calendar months and work for at least 50 hours during each of these months, to 480 hours during a continuous period of 6 calendar months and work for at least 45 hours during each of these months.

⁷ See footnotes 1 and 2.

The number of working hours that has to be completed in order to qualify for unemployment insurance has an historical link to collective agreements between the social partners, e.g. on pensions and sickness benefit additional to those received from the official system.

Current data

In 2006, 23 per cent of the labour force worked part time but only 5 per cent of them worked less than 20 hours per week.

It is a well-known fact that women work more part time than men. In 2006, 36 per cent of the female labour force worked part time but only 6 per cent worked less than 20 hours per week. This means that most of them are covered by the unemployment insurance in one way or another and that the numbers of workers not covered by the unemployment insurance system is therefore very limited.

Those who are not entitled to unemployment benefit have the right to social benefits if they cannot support themselves.

General

Labour supply regarding shorter hours is often temporary or sporadic work. The reason and the cause behind these conditions⁸ is the thought that in order to qualify for benefit the applicant must have had a certain connection to the labour market. In addition, it is a disadvantage to have to accept an employment in a lesser extent. It would not be reasonable if a person could claim benefit without having worked to some extent for at least some time.

The previous Government appointed a Commission which investigated the possibility of strengthening the right to full-time employment. The Commission's proposals were submitted to the then Government at the end of November 2005 (SOU 2004:50). The present Government does not intend proceeding any further with the proposals.

(Article 24)

This article has not been ratified by Sweden.

Article 25

Question A

Reference is made to previous reports

Question B

Since the last report (2002) was submitted, certain changes have been made, increasing the number of situations covered by the Wage Guarantee.

In addition to the case of bankruptcy reported previously, a Wage Guarantee also applies, as from 1st June 2005, to corporate reconstruction under the Reconstruction Act.⁹ This procedure, however, is not based on insolvency and is thus partly beyond the scope of the

⁸ The general condition.

⁹ Prop. 2004/2005:57 Lönegaranti vid företagsrekonstruktion.

question, but it should nonetheless be reported since it constitutes an augmentation of workers' rights in Wage Guarantee form.

Question C

Certain changes have been made since the last report (2002), in that the amounts have been increased and also the length of time for which they are covered by the Wage Guarantee. The grounds as previously reported still apply, but as from 1st January 2004 a maximum amount of four price-referenced base amounts (currently SEK 161,200) applies, which amounts to an improvement in that the amount is now index-adjusted, and also an increase in real terms. As from the same date, the Wage Guarantee applies for a period of up to 8 months instead of 6 as previously. Another change occurring at the same time was the alteration of the calculation reference point for receivables having preferential status and coming under the guarantee from the due date to the duration of the claim (subject to certain exceptions where this basis of calculation would be oppressive).¹⁰ The same bases of calculation apply to corporate reconstruction.

Question D

Reference is made to previous reports.

Question E

The maximum amount has since 1st January 2004 been index-based, following the price-referenced base amount (which is defined annually as provided in Chap. 1, Section 6 of the National Insurance Act (1962:381)). Simultaneously with the indexing, the maximum amount was increased and is currently estimated (2006) at SEK 161,200. A limitation of the preferential status of wage receivables was introduced at the same time. Preferential status is limited to 10 price-referenced base amounts (at present SEK 403,000).¹¹ Otherwise reference is made to previous reports.

Question in Conclusions 2005 concerning Article 25

The Committee requests new information concerning the length of time elapsing between the presentation of a Wage Guarantee claim and disbursement. In earlier replies, reference has been made to a report presented in 1993, and since then we have replied that there are no statistics on this subject but that enquiries addressed to the authorities concerned have given no cause to suppose other than that disbursements are made promptly and competently. There are no indications of disbursements of the Wage Guarantee not functioning as intended and in accordance with previous reports. No new report and no new statistics are available.

As regards the question of how far the maximum amount covers the true claim, the following can be stated. With effect from 1st January 2004 the maximum amount is index-based, conforming to what is termed the price-referenced base amount (defined annually as provided in Chap. 1, Section 6 of the National Insurance Act (1962:381)). Simultaneously with the indexing, the maximum amount was increased and is currently estimated (2006) at SEK 161,200.

¹⁰ Prop. 2002/2003:49 Nya Förmånsrättsregler, avsnitt 7

¹¹ Prop. 2002/03:49, avsnitt 7

Explanations are requested as to why the wage receivables fall short of the maximum amount and refer to less than the maximum period. The incentives now existing for taking early action when an employer first runs into financial problems may be part of the reason. Active participation by the union side is another. Other creditors also have reason to respond to signs of wages not being paid as they should be. The earlier insolvency proceedings or reconstruction are stated, the smaller will be the accumulated arrears of wages to be made good out of the Guarantee.