



Economic and Social Council

Distr.
GENERAL

E/1984/7/Add.5
27 January 1984

ORIGINAL: ENGLISH

First regular session of 1984

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties to the Covenant,
concerning rights covered by articles 6 to 9, in accordance with the
first stage of the programme established by the Economic and Social
Council in its resolution 1988 (LX)

SWEDEN*

[19 October 1983]

* The initial report concerning rights covered by articles 6 to 9 of the Covenant submitted by the Government of Sweden (E/1978/8/Add.5) was considered by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights at its 1980 session (see E/1980/WG.1/SR.15).

I. GENERAL

1. The International Covenant on Economic, Social and Cultural Rights was signed on behalf of Sweden on 29 September 1967. The Swedish instrument of ratification was deposited with the Secretary-General of the United Nations on 6 December 1971. The Covenant entered into force with regard to Sweden on 3 January 1976.

2. The Swedish ratification did not require the enactment of new legislation. A reservation was made, however, with regard to article 7, paragraph (d), in so far as remuneration for public holidays is concerned.

3. The basic conditions prevailing in Sweden, as well as the basic programmes and institutions relevant to the rights dealt with in articles 6 to 9, have been described in Sweden's first report on this subject (E/1978/8/Add.5). To a large extent the information given in that report is still relevant. It may, however, be recalled that as of January 1977, the Swedish Instrument of Government, which forms part of the Swedish Constitution, contains a provision expressing certain important principles relating to the purpose of the activities of the community. Article 2 of chapter 1, thus, states, inter alia, that the personal, economic and cultural welfare of the individual shall be the fundamental goal of the activities of the community. In particular, the community shall secure the right to work, to housing and to education and shall promote social care and security as well as a favourable living environment.

4. Since 6 October 1977, when the initial Swedish report was submitted, no changes in the Swedish Constitution bearing on articles 1 to 5 have been made. With regard to the right to self-determination, as recognized in article 1 of the Covenant, it should be noted that Swedish assistance to refugees from liberation movements and victims of apartheid in southern Africa has been substantially increased since 1977.

5. With reference to article 3 of the Covenant, it should be noted that an Act of Equality between Women and Men at Work came into force on 1 July 1980. A translation into English of this Act is enclosed. 1/ The Act aims at promoting equal rights as regards work, working conditions and opportunities for self-fulfilment in employment. Both the public and private sectors are covered by the Act. A government-appointed Equal Opportunities Ombudsman is responsible for ensuring compliance with the Act, which has two main parts. One part contains rules on the prohibition of discrimination on grounds of sex, and the other deals with active measures to promote equality. The ban on discrimination means that an employer may not treat an employee or a job-seeker unfairly on account of his or her sex. Exceptions are made for what is known as the favourable treatment of the underrepresented sex, and also for the furtherance of ideological and other special interests. An employer who contravenes the ban can in certain cases be ordered to pay compensation for moral or other damage. Disputes regarding discrimination on grounds of sex will normally be adjudicated by the Labour Court.

6. The Act imposes on the employers an obligation to take active measures to promote equality through planned and goal-oriented efforts to further equality. Rules on active measures to promote equality can be replaced or supplemented through collective agreements between labour and management on equality.

/...

7. The main functions of the Equal Opportunities Ombudsman are to ensure that the Act is observed. An Equal Opportunities Commission has been appointed by the Government and has the task of imposing fines when employers omit to take such active measures to promote equality as have been suggested by the Equal Opportunities Ombudsman.

8. Reference is also made to Sweden's report to the United Nations on the implementation of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, as well as to annexes to the present report. 2/-4/

9. As regards the extent to which non-nationals are guaranteed the rights dealt with in articles 6 to 9, reference is made to the report prepared by the Swedish Government in accordance with article 22 of the Constitution of the International Labour Organisation (ILO) on the measures taken to give effect to the provisions of the ILO Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation. The latest report covers the period 1 July 1980 to 30 June 1982.

II. ARTICLE 6: THE RIGHT TO WORK

A. The principal laws and regulations in this context are:

- (1) The Instrument of Government, article 2 of chapter 1;
- (2) The Employment Service Act of 1935, with amendments;
- (3) The Instructions for the Labour Market Administration of 1965, with amendments;
- (4) The Labour Market Ordinance of 1966, with amendments;
- (5) The Security of Employment Act of 1982.

B. 1. In addition to the information contained in the initial Swedish report (E/1978/8/Add.5) reference is made to the Swedish report to ILO concerning the implementation of the Employment Policy Convention (No. 122). The latest report covered the period 1 July 1980 to 30 June 1982.

2. Reference is also made to the Swedish reports on the implementation of the following ILO Conventions:

- (a) Nos. 29 and 105 concerning Abolition of Forced Labour;
- (b) No. 88 concerning the Organisation of the Employment Service;
- (c) No. 150 concerning Labour Administration: Role, Functions and Organisation;
- (d) No. 142 concerning Vocational Guidance and Vocational Training in the Development of Human Resources.

/...

3. Sweden was the first country to ratify, on 20 June 1983, the ILO Convention (No. 158) concerning Termination of Employment at the Initiative of the Employer. A translation into English of the Swedish Security of Employment Act is enclosed. 5/

C. Statistical information on the Swedish labour market is given in the enclosed survey published by the National Labour Market Board. 6/

III. ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

A. Remuneration

1. The wages on the Swedish labour market are determined through free negotiations for collective agreements. Statutory provisions concerning collective bargaining have existed for many years (since 1936). There is no legislation on minimum wages. In a reform concerning freedom of collective bargaining in 1965 the principle of free collective bargaining was extended to the national and local government sector.

2. For further details, reference is made to the Swedish report for the period 11 June 1980 to 30 June 1981 to ILO on the measures taken to give effect to the provisions of Convention (No. 151) concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service.

3. Sweden has also ratified, in August 1982, the ILO Convention (No. 154) on Promotion of Collective Bargaining. Furthermore, Sweden has ratified the ILO Convention (No. 100) on Equal Remuneration. The latest Swedish report concerning that Convention covers the period 1 July 1978 to 30 June 1981. For additional information, see the enclosed publications (in Swedish) from the parties of the Swedish labour market. 7/

B. Safe and healthy working conditions

1. A Work Environment Act and Work Environment Ordinance came into force on 1 July 1978. The scope of this legislation is wider than that of the preceding Workers' Protection Act of 1949. The Work Environment Act contains the basic provisions concerning occupational safety and health. More specifically, the Act includes rules on how employers and employees should co-operate on work environment matters. In accordance with the Act the employers bear the main responsibility for the work environment.

2. Furthermore, the Act lays down the general requirements which are to apply to both the physical and the psychological work environment. In addition to this legislation there are labour-management agreements on work environment matters. A translation of the Work Environment Act and the Work Environment Ordinance as amended as of 1 January 1983 is enclosed. 8/

3. Reference is further made to Swedish reports on the following ILO Conventions:

(a) No. 81 concerning Labour Inspection in Industry and Commerce;

/...

(b) No. 115 concerning the Protection of Workers against Ionising Radiations;

(c) No. 139 concerning Prevention and Control of Occupational Hazards caused by Carcinogenic Substances and Agents;

(d) No. 148 concerning the Protection of Workers against Occupational Hazards in the Working Environment due to Air Pollution, Noise and Vibration (the latest Swedish report on this Convention covers the period 1 July 1980 to 30 June 1981).

4. Sweden has also ratified, in August 1982, the ILO Convention (No. 155) concerning Occupational Safety and Health and the Working Environment. Statistics concerning occupational injuries during the period 1955 to 1980 in Sweden are enclosed. 9/

C. Equal opportunity for promotion

1. With regard to the question of equal opportunities for promotion it should suffice to refer to the Swedish report to the United Nations on the implementation of the United Nations Convention on the Elimination of All Forms of Discrimination against Women as well as to the Swedish report for the period 1 July 1980 to 30 June 1982 concerning the ILO Convention (No. 111) concerning Discrimination in Respect of Employment and Occupation.
2. It should also be noted that Sweden ratified, in August 1982, the ILO Convention (No. 156) concerning Equal Opportunity and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities.

D. Rest, leisure, limitation of working hours and holidays with pay

1. In this context reference is made to the Swedish report to ILO regarding the Convention (No. 14) concerning Weekly Rest and the Convention (No. 132) concerning Holidays with Pay.
2. Other relevant information is to be found in the Swedish report of 20 June 1983 concerning certain unratified ILO instruments, that is, the Weekly Rest (Commerce and Offices) Convention (No. 106), as well as certain Recommendations (No. 103) and the Reduction of Hours of Work Convention (No. 116). The present report contains, inter alia, a description of the Swedish Working Hours Act of 1982. A translation into English of this Act is enclosed. 10/
3. It should also be mentioned that in August 1982 Sweden ratified the Convention (No. 47) on the Reduction of Hours of Work to 40 a Week.

IV. ARTICLE 8: TRADE UNION RIGHTS

1. The trade union rights should be seen in the light of the fundamental rights to freedom of assembly and association. Those rights are constitutionally guaranteed in Sweden, as is the right to take strike or lock-out action or any similar measure. Those freedoms and rights have been discussed in more detail in

/...

the initial Swedish report, under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/1/Add.9).

2. For further details on trade union rights, reference is made to the Swedish reports to ILO regarding the following Conventions:

- (a) No. 87 concerning Freedom of Association and Protection of the Right to Organise;
- (b) No. 98 concerning the Right to Organise and Collective Bargaining;
- (c) No. 151 concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service.

3. Reference is also made to the enclosed paper concerning the right to strike in national government service, issued by the Swedish Ministry of Finance (former Ministry of the Budget). 11/

V. ARTICLE 9: RIGHT TO SOCIAL SECURITY

A. The basic legislation concerning social security in Sweden is the 1962 National Insurance Act, which includes provisions governing the national basic pension scheme, the national supplementary pension scheme and the national sickness insurance scheme. The social security system also comprises, however, the 1975 Partial Pensions Insurance Act, the 1976 Occupational Injury Act, the 1973 Unemployment Insurance Act, the 1973 Cash Labour Market Allowance Act and the 1947 General Family Allowance Act. Moreover, with regard to national pensions, sickness insurance and occupational injury insurance there are other insurance schemes. The employees in the public sector are, for instance, covered by special pensions and sickness schemes. Furthermore, there are social security schemes resulting from agreements between the parties on the labour market. All these insurance schemes are, however, only supplementary to the national schemes.

B. As to the main features of the schemes in force, some brief comments appear below. For a more detailed account, see the enclosed report on social security in Sweden (prepared by the National Social Insurance Board in April 1981). 12/

(1) Medical care. The national insurance scheme covers the entire population of Sweden (as well as non-resident Swedish citizens). An insured person is entitled under this scheme to compensation for doctor's care, dental care and hospital care as well as for travelling expenses in connection with such care. Compensation may also, pursuant to a decision by the Government, be awarded for certain other care or treatment.

(2) Cash sickness benefits. All insured persons, who have reached the age of 16 years and who are registered with a social insurance office, are entitled to sickness cash benefits, provided that their annual income from gainful activity amounts to at least 6,000 Swedish crowns.

/...

Housewives and men under 65 who live permanently with their spouses are guaranteed a cash sickness benefit, even though they do not have an annual income from gainful activity of at least 6,000 Swedish crowns. The same rule applies to unmarried insured persons who are responsible for a child under 16 years of age.

(3) Maternity benefits. An insured parent who, in connection with the birth of a child, does not engage in gainful activity, is entitled to parent's cash benefits.

Foster parents and adoptive parents may obtain parent's cash benefits on essentially the same terms as natural parents. For temporary care of a child below 12 years of age, parent's cash benefits may also be awarded.

Housewives are also entitled to parent's cash benefits.

(4) Invalidity benefits; (5) old-age benefits; (6) survivor's benefits. In Sweden these three items are part of the basic pension scheme and the supplementary pension scheme whose main features can be summarized as follows.

All Swedish nationals residing in Sweden are entitled to a basic pension. Furthermore, Swedish nationals residing abroad may receive a basic pension calculated in relation to the supplementary pension to which they are entitled. The basic pension is reduced in the same way as the supplementary pension if the pensioner has not qualified for full pension. Non-Swedish nationals may, subject to conditions laid down in international agreements between Sweden and their home countries, qualify for a basic pension.

The basic pension scheme is of a universal, flat-rate type and is intended to provide a basic protection in case of disability, old age and death and to guarantee a minimum standard for everyone. The benefits are independent of contributions, income test or period of insurance and are paid independently of earlier income. The basic pension is calculated as a percentage of a fictitious amount known as the base-amount, which is in principle automatically adjusted to the consumer price index.

The various benefits payable under the basic pension scheme are old-age pension, disability pension, widow's pension, child pension, general pension supplement, wife's supplement, child supplement, municipal housing supplement, handicap allowance and care allowance.

All Swedish nationals as well as non-Swedish nationals residing in Sweden are covered by the supplementary pension scheme, irrespective of profession.

Supplementary pensions are based on income earned from gainful activity between 16 and 65 years of age. Pension-carrying income is calculated per calendar year and is converted into pension points. Three years with pension points are required for entitlement to a supplementary pension.

The supplementary pension scheme provides old-age pension, disability pension as well as family pension (widow's pension and child pension) over and above the basic pension scheme. The amount of the pension is related to the size of the previous income from gainful activity.

Entitlement to supplementary pension benefits is in principle based on income earned in Sweden. Benefits are fully exportable to any country.

Employees between the ages of 60 and 65 may combine part-time work with partial pension. Anyone who has reached the age of 60 and who reduces his or her working hours will receive partial pension as compensation for a part of the income loss. Partial pension is also available for self-employed persons.

(7) Employment injury benefits. The 1976 Act on Occupational Injury Insurance introduced new rules concerning insurance against occupational injuries.

Every employee is insured against injuries at work. Self-employed persons and those who take commissions are insured if they are residing in Sweden and belong to the supplementary pension scheme. Students are insured to the extent that the training entails a certain risk of occupational injury.

Occupational injury includes injuries resulting from an accident at work, other injurious effects (work disease), infections and accidents on the way to and from work.

If the working capacity is reduced by at least one half, the insured is entitled to sickness benefits from the occupational injury insurance. When the reduction of the working capacity is complete, full sickness benefits are paid, otherwise 50 per cent.

An insured person, whose working capacity is permanently reduced because of an occupational injury, has the right to compensation in the form of an annuity after the acute state of the sickness has ceased.

(8) Unemployment benefits. The unemployment benefit scheme covers an overwhelming majority of industrial and building workers as well as a large and increasing number of white-collar workers. The scheme is administered by the trade unions concerned. Benefits vary, depending on the income and family status of the insured, but are designed to enable the unemployed to maintain a largely unimpaired standard of living.

An extensive reform of unemployment insurance came into force in the beginning of 1974. In principle, everyone in Sweden is entitled to a basic cover if he becomes unemployed. Briefly, unemployment benefits are based on the existing insurance system together with a new cash benefit. Within the insurance scheme, daily benefits have been increased and their duration has been prolonged. The basic cover also applies to those who do not belong to an unemployment insurance society. As a result of the reform unemployed persons are guaranteed a general, taxable basic cover of 55 Swedish crowns a day. The reform is financed by means of an employer's fee and State grants.

(9) Family benefits. Family benefits are paid in the form of a child allowance for each child below 16 years of age who is residing in Sweden. There is a supplementary allowance for families with three children or more below 16 years of age.

There are also municipal housing allowances which depend on the income of the family.

List of reference material*

1/ "Act concerning Equality between Women and Men at Work". Ministry of Labour, Stockholm, July 1980.

2/ "Equality between Men and Women in Sweden". Swedish Institute, Stockholm, May 1983 (from the series "Fact sheets on Sweden").

3/ "Equal Opportunity Agreement". SAF (Swedish Employers Federation), 1982.

4/ "The Swedish Equal Opportunities Ombudsman at Work" by Inga Britt Törnell, Swedish Institute, Stockholm, August 1982.

5/ "Security of Employment Act, 1982" (unofficial translation). Ministry of Labour, Stockholm.

6/ "Swedish Employment Policy. Annual Report 1981/82". The National Labour Market Board, Solna.

7/ Various publications (in Swedish) concerning agreements on the Swedish labour market.

8/ "The Swedish Work Environment Act and The Swedish Work Environment Ordinance". Ministry of Labour, Stockholm, January 1983.

9/ "Numbers of occupational injuries in the years 1955-1980 in Sweden" (table).

10/ "Working Hours Act". Ministry of Labour, Stockholm, 1983.

11/ "The Right to Strike in National Government Service". Ministry of the Budget, Stockholm, 1982.

12/ "Social Security in Sweden". National Social Insurance Board.

Reports submitted by the Government of Sweden concerning the following ILO instruments are also enclosed:

No. 111, Convention concerning Discrimination in Respect of Employment and Occupation

No. 122, Recommendation concerning Employment Policy

No. 100, Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value

* This reference material is available for consultation in the files of the Secretariat, as received from Sweden.

/...

No. 106, Convention concerning Weekly Rest in Commerce and Offices

No. 103, Recommendation concerning Weekly Rest in Commerce and Offices

No. 116, Recommendation concerning Reduction of Hours of Work

No. 87, Convention concerning Freedom of Association and Protection of the Right to Organise

No. 98, Convention concerning the Application of the Right to Organise and to Bargain Collectively

No. 151, Convention concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service
