

Till
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Vår referens
Roland Bergkvist

Answering questions from "Modernising labour law to meet challenges of the 21 century (presented by the EU-Commission)" COM (2006) 708 final

Sif is Sweden's Leading White-Collar Union with about 300 000 members. Sif is a trade union that works in the technology and knowledge-based sectors of the labour market. In simple terms, this means that Sif's members work in the private sector in companies that operate in areas such as IT, telecom, construction, manufacturing and R&D. Sif is a member of TCO in Sweden.

Background

These answers are of course based on the situation in Sweden with high productivity in companies, have a look at Oecd:s "produktivitetsdatabas" and Oecd:s employment outlook 2006, and the system with law and collective agreements which complete and postulate each other.

An example, these agreement complete same rules in Employment Protection Act.

"Agreement on reorganization and reduction of the workforce" from 1997 between Employers and Employees organisations in private sector, PTK which Sif is a member of, at national level.

" § 1 This agreement has been reached to help overcome the readjustment problems which arise, for employees as well as companies, when shortage of work arises as a result of development measures, restructuring, rationalization and lack of profitability.

The employees who are supernumerary to requirements when there is shortage of work should be helped financially during a period of re-adjustment and also to find a new job.

Companies where overstaffing arises during a shortage of work should be given those conditions with regard to manning which promote the continuation of operations to greatest possible extent.”

The following text describes the collectively agreed old age pension, which are a complete to the state pension, based on a collective agreement between Employers and Employees organisations in private sector at national level. You can find similar agreement in the public sector.

Collectively agreed old age pension

If you are employed by an employer with a collective agreement within PTK, you are insured according to ITP (Supplementary pension for salaried employees in industry and commerce). This gives you pensions from both ITP and ITPK.

You start earning your **ITP** from the age of 28 if you work at least 8 hours per week. Then your employer starts paying contributions for your ITP pension. **Collectum** administers the ITP pension.

You must have earned towards your pension for at least 30 years in order to receive a full ITP pension. If you have not done this, the pension will be reduced by amount of years that are missing.

Pension able age is 65, but you can retire from 55. However, you benefit by waiting until you are 62 as all the pension contribution are then paid into your pension.

If you have questions about your ITP, contact **Alecta**.

ITPK is an extra old age pension that you receive in addition to the ITP pension. (The K stands for *komplettering*, i.e. supplement).

It is your employer who pays in the contribution for ITPK but it is you who decides how the contribution it to be used and administered. You do this via the so-called "ITPK-choise".

Answers

A 1. The opinion of Sif is there is no need for such an agenda to improve Swedish labour law. If other unions think there should be such an agenda, the results must not infringe on the Swedish labour law system, including the collective labour law, and in same question, also the social- and tax-system concerning self-employment.

A 2. The Labour law and collective agreement in the Swedish labour market is already contributing to flexibility and security. It could be better, but it's mainly a question for parties in the labour market.

A 3. Existing regulations, laws and collective agreements, have been adequate for quite long time to the aim the question is dealing with. For example, an employee can have six month free for trying to be a self-employed person. An the other hand it's easier for an employer, with ten or less employee, to choose which employee should leave the enterprises when there is a need for redundancies, than its for bigger company.

Things could be better, for example an employee could have the right, to try another work for six months. This is not a issue and the parties have to deal with it.

A 4. The opinion of Sif is that it's a suitable situation for both employees and employers. Things can be better and changes might be necessary, but this is a Swedish question and there is no need for regulations at EU level.

A 5. The form of income compensation and active labour market policies are not a matter for the EU and therefore it can't be useful to consider more flexibly employment protection legislation at EU level.

A 6. Both law and collective agreement could play a role in promoting access to training and transitions between different contractual forms for upward mobility over the course of a fully active working life, but it's a question for each member state to deal with.

A 7. In Sweden there is no need for greater clarity in legal definitions of employment and self-employment.

A 8. It's impossible for all to have a well-grounded opinion about the impact of such minimum requirements on job creation as well as on the protection of the workers.

A 9. Sif states that there is no need for clarification of this matter in Sweden, because there are no "three-way relationships". Whether there should be subsidiary liability or not is a question for each member state.

A 10. There is no need to clarify the employment status of temporary workers because the temporary workers are ruled under the Employment Protection Act as every other employee in Sweden.

A 11. Sif states that the organization of working time should not be dealt with in this matter, because there is a lot of flexibility in the Working Time Directive, and if working time issues are a part of this discussion, there is a need to include the whole question of workers health and safety, witch is not possible and foreseen in this specific Green Paper.

A 12. Sif states that member state should retain their discretion in this matter.

A 13. Sif states that such co-operation is necessary and social partners should not take part in such co-operation.

A 14. The opinion of Sif is that there should be no further initiatives at an EU level to support action by the member state to combat undeclared work.

Roland Bergkvist
International Secretary
Political Secretariat
Sif
105 32 Stockholm
Sweden
+46 8 508 972 79