



# **Mutual Learning Programme**

DG Employment, Social Affairs and Inclusion

**Peer Country Comments Paper - Sweden**

## **Cross-agency Cooperation against Undeclared Work and the Protection of Whistleblowers in Sweden**

**Peer Review on “Enhancing whistleblower protection  
through better collaboration between responsible  
authorities – a tool to prevent and tackle  
work-related crime”**

**Norway, 14-15 February 2019**



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Contact: Kim Henriksson

E-mail: [EMPL-A1-UNIT@ec.europa.eu](mailto:EMPL-A1-UNIT@ec.europa.eu)

Web site: <http://ec.europa.eu/social/mlp>

European Commission

B-1049 Brussels

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## 1 Introduction

This paper has been prepared for the Peer Review on "Enhancing whistleblower protection through better collaboration between responsible authorities – a tool to prevent and tackle work-related crime" within the framework of the Mutual Learning Programme. It provides a comparative assessment of the policy example of the host country (Norway) and the situation in Sweden.

## 2 Overview of key trends

*Work related crime and unhealthy competition*, and the need to prevent and curb these practices, are issues that have been high on the political agenda in Sweden the past ten years. According to the Swedish Work Environment Authority (SWEA), over 37 000 persons are subject to work related injuries each year in Sweden, and there are over 10 000 new cases of work-related ill-health. Moreover, almost one person dies from fatal work accidents every week (SWEA 2018).<sup>1</sup> All these cases are, of course, not due to unhealthy competition, but the government and the authorities, as well as the social partners, have paid increasing attention to this problem. As regards economic criminality, the Swedish Tax Agency estimates that around SEK 100 Billion of SEK 600 Billion used in public procurement in Sweden each year disappear due to economic criminality.<sup>2</sup> When it comes to evasion of taxes and social fees, surveys among company owners carried out by the Tax Agency indicate a decrease in many industries after the recent economic crisis in 2008/2009. From 2013 onwards, however, there is a clear upward trend again in construction, retail and in the finance and real estate sectors (Swedish Tax Agency, 2018). Unhealthy competition, social fraud and various forms of economic criminality aimed to gain a competitive advantage, have helped to make whistleblowing a topical issue, as have incidences of maladministration and corruption (Töllborg 2009; Larsson 2012, 2015; Haglunds 2009; Fransson 2013).

There is no uniform definition of whistleblowing in Swedish law. In the preparatory works to the act on protection against reprisals from employers due to whistleblowing, which came into force in 2017 (SFS 2016:749), the notion simply refers to "employees who blow the whistle on irregularities".<sup>3</sup>

The free movement of labour and services and the freedom of establishment are fundamental rights in the EU that have promoted economic growth over the decades. However, market liberalization and internationalization imply risks as well, since economic integration has not been followed by a similar process of social harmonization (Scharpf 2009; Bernaciak 2015). For example, outsourcing and multi-level subcontracting, as well as the practice to flag-out companies to low-cost countries, have made it more difficult to control companies. The possibility to 'shop' between different economic and social regimes in order to press down labour costs is a structural problem in the enlarged EU single market that implies increased risks of low-wage competition and social dumping (Cremers, 2014; Berntsen and Lillie 2015). In addition, the use of more temporary and insecure forms of employment in order to gain 'flexibility' (for the employers) complicates surveillance and control from the authorities as well as from the trade unions (Thörnquist, 2018).

The problem of unhealthy competition is common in labour-intensive sectors, such as restaurants, hairdressing, laundries, cleaning, construction, transport and in the 'green sector' (agriculture, forestry, gardening and other work in the rural sector). It is also a problem in the finance and real estate sector. The Tax Agency and SWEA have prioritized

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<sup>1</sup> SWEA 'Informationsuppdraget om sund konkurrens', 17 January 2018. <https://www.av.se/nyheter/2018/informationsuppdraget-om-osund-konkurrens/>

<sup>2</sup> Swedish Tax Agency. Homepage. 'Skattebrott – ett hot mot vår demokrati'. <https://www.skatteverket.se/foretagochorganisationer/skatter.4.6a6688231259309ff1f800029080.html?q=600+miljarder>

<sup>3</sup> SOU 2014:31, p.54.

these sectors in the past ten years (e.g. SWEA 2017). The tax authority has carried out special inspections and tax revisions of companies and worker in restaurants, hairdressing, laundries and construction since 2008. The employers in these industries are now legally required to maintain daily attendance records at the work sites. Another prioritized sector is road freight transport (Karlsson and Herding 2016). SWEA too, has prioritized construction, road haulage, cleaning and green sector in the authority's ordinary work, as well as in cross-country cooperation (Thörnquist, 2017).

There is no aggregated statistics on whistleblowing in Sweden. The cases taken to the courts are relatively few. The media report cases, but not systematically. In sections where there is a legal obligation to report anomalies, notifications are for obvious reasons more common.<sup>4</sup> In the past few years, the debate on whistleblowing in the academy has been intense, especially after a scandal at Karolinska Institutet (KI), and reports on plagiarism and other frauds in research. Universities, university colleges and other academic institutes could, and sometimes must, notify issues of misconduct to a central expert group for the former regional boards for ethical evaluation of research comprising individual persons. Until 2015, the expert group had received only few notifications, but the number increased in the following years.<sup>5</sup> From 1 January 2019, a central authority ('Etikprövningsmyndigheten') has replaced the regional boards.<sup>6</sup> The Swedish government also has suggested the introduction of a new government board called 'Oredlighetsnämnden', which (instead of the universities and research institutes themselves) shall handle suspicions of serious frauds, such as plagiarism, fake and fabrication in research. The proposed act also states that universities and other higher education institutions shall provide advice on 'good research practice' and introduce supportive routines for notifications, including anonymous tips.<sup>7</sup> The reform has been delayed due to the political crisis in Sweden during the autumn of 2018. It should be mentioned, however, that many higher education institutions have introduced routines for whistleblowing.

Over the years, the public debate on whistleblowing has often been related to concrete cases revealed in the health and social care sector in particular. The Act 'Lex Sarah', is an illustrative example. It refers to a provision in Social Services Act<sup>8</sup> which states that anyone who works in the field of social care and services (within the scope of the Act, including work under the Swedish National Board of Institutional Care, *Institutionsstyrelsen*) is obliged by law to report neglect and maladministration as well as the risk of such problems in the organization. 'Lex Sarah' came into force on January 1, 1999. The background was that the assistant nurse, Sarah Wägnert, had been fired after she had blown the whistle in the media because of severe neglect of elderly in a nursing home.

### **3 National policy / measures**

#### **3.1 A long tradition of statutory rights**

Sweden has long traditions in the field of freedom of information that goes back to 1766, when the first freedom of the press act was introduced (Eek, 1943). As in Norway, the freedom of speech and the freedom of the press are fundamental rights laid down in the Constitution and in Article 10 of the European Convention on Human Rights, which is included in Swedish law. According to Swedish Constitution<sup>9</sup>, people are guaranteed 'freedom of speech' in relation the state. The 'freedom of the press' is regulated in the

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<sup>4</sup> SOU 2014:31, pp. 183-184.

<sup>5</sup> *Universitetslärares* 27 April 2018. <https://universitetslararen.se/2018/04/27/forslag-enskilda-forskare-ska-kunna-tipsa-anonymt/>

<sup>6</sup> Etikprövningsmyndigheten homepage: <https://etikprovning.se/>

<sup>7</sup> SOU 2017:10, 'Ny ordning för att främja god sed och hantera oredlighet i forskning'.

<sup>8</sup> SFS 2000:453, Chapter 14, §3.

<sup>9</sup> *Regeringsformen*, Chapter 2, §1.

Freedom of the Press Ordinance<sup>10</sup> and the Freedom of Expression Act<sup>11</sup>. These acts regulate peoples' right to 'informant protection' (*meddelarskyddet*). This protection consists of several components: freedom of notification, freedom of procurement, right to anonymity, prohibition of investigation and repression ban. The informant protection applies in relation to authorities and other public bodies. These freedoms can be limited under certain circumstances (for example, through the Act on Publicity and Secrecy.<sup>12</sup>

Since the first of January 2017, whistleblowers are, as mentioned above, legally protected against reprisals from the employers (SFS 2016:749). The Act shall complement the existing legislative protection for informants laid down in the constitution. The act covers employees as well as hired workers (if the notification concerns the employer's/client's organization), and the Act does not restrict protection that may apply on other grounds. In order not to limit the employer's *managerial prerogative*, the informant shall first alarm internally, and the Act only applies to 'serious wrongdoings' that have imprisonment in the penalty scale, such as work environmental and environmental crimes. Some leading civil and labour law experts have expressed concern over the fact that it can be difficult for workers to estimate what, in fact, should be regarded as 'serious wrongdoings'. Moreover, the systems used to handle tips in the organization may not be compatible with the protection of persons' integrity (see e.g. *Arbetet*, 3 February 2016; *Sydsvenskan* 5 January, 2017). Another recent reform, which had been discussed for a long time, concerns extension of the legal right to *anonymously* report or provide information on wrongdoings in the own organization to the media or a journalist, which previously applied only to employees in the public sector.<sup>13</sup> Since July 2017, this protection has been extended to workers (employees and self-employed) in private organizations which are completely or partially tax financed (SFS 2017:151).

In contrast to the Norwegian legislation, regulations on whistleblowing is not included in the Swedish Work Environment Act (SFS 1977:1160). However, workers can take up issues on wrongdoings with their trade union representatives or the safety representatives, and the Act on protection against reprisals is applicable in such cases as well (SFS 2016:749, §6). The Swedish Work Environment Act prescribes the appointment of safety representative in worksites with five or more employees, and they represent both the ordinary and hired work force. If there are several safety representatives in a workplace, one of them should be appointed as the main safety representative. The employees (generally the trade unions) appoint the safety representatives. There also are regional safety representatives who support the local safety representatives and who can represent workers in workplaces where workers do not have their own representatives.

### **3.2 Cross-agency cooperation against unhealthy competition**

Over the past few years, an *infrastructure for cross-agency cooperation* against unhealthy competition and social fraud has been established in Sweden with strong influences from the Norwegian experiences in this field. In June 2015, the Swedish Government commissioned SWEA to reinforce supervision in order to prevent and combat 'unhealthy competition' aimed to press down labour cost (Government directive, 2015). The Government also stressed the need of cross-agency cooperation, as well as tripartite cooperation between the authorities and the social partners, in its 'work environment strategy' for the period 2016-2020 (Ministry of Employment, 2017). At the same time, the Government assigned the Police Authority to coordinate inter-agency cooperation against organised criminality (Department of Justice 2015).

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<sup>10</sup>Tryckfrihetsförordningen SFS 1949:105; amended until SFS 2018:1801.

<sup>11</sup>Yttrandefrihetsgrundlag (1991:1469; amended until SFS 2018:1802.

<sup>12</sup>Offentlighets- och sekretesslagen, SFS 2009:400.

<sup>13</sup> Previously, workers employed in the private sector could report wrongdoing to the media, but they were obliged to first bring the case to their employers' attention, and in contrast to public employers, private employers had the right to investigate who delivered information to the media. Thus, the employee ran the risk of being dismissed on grounds of disloyalty (*Statskontoret*, 2016, pp. 81-82).



During 2015-2018, SWEA initiated and coordinated cross-agency cooperation between 13 agencies and built up an organization at the central level and five regional teams for joint inspections of the worksites.<sup>14</sup> In 2018, for example, 1130 joint inspections (with two or more agencies involved) were carried out resulting in, among other things, 102 injunctions and prohibitions.<sup>15</sup> The aim is to make this cross-agency cooperation permanent. The figure below illustrates the organization at the *national level*, i.e. the regional teams are not included.

Figure 1. The organization of the Swedish cross-agency cooperation (2015-2018)



8 2017-05-18



In December 2017, the government issued an additional assignment on cross-agency cooperation during 2018-2020.<sup>16</sup> The focus of the new assignment is on the development of *methods for cross-agency control* in order to counteract work-related fraud, regulatory violations and crime in working life. In contrast to the former assignment issued in 2015, which was addressed to SWEA only, the new assignment applies to *all agencies in the project* (this time eight agencies).<sup>17</sup> This is in line with the Norwegian model for cross-agency cooperation and it may increase the single agencies' motivation to carry out cooperation. According to the assignment, the project shall:

- Identify and analyze how the authorities can contribute to common controls based on their specific assignments, purposes and tools.
- Develop contacts, working methods and routines for well-functioning government control at the national and regional levels.
- Support the authorities regarding the opportunities to exchange information within the framework of current legislation on secrecy.

<sup>14</sup> The structure and development of this phase of the Swedish cross-agency cooperation is described more in details in Thörnquist (2017).

<sup>15</sup> Interview with Ms. Kicki Höök, Project Leader, SWEA, 15 January 2019.

<sup>16</sup> Government decision 2017-12-18. A2017/02422/ARM, A2017/00678/ARM.

<sup>17</sup> The eight agencies are: These are: SWEA, the Swedish Economic Crime Authority, the Swedish Social Insurance Agency, the Swedish Gender Equality Authority, the Swedish Migration Board, the Police Authority, the Swedish Public Employment Service and the Swedish Tax Agency.

- Develop criteria to be used in assessing when joint control of authorities is appropriate and needed, and which authorities should participate and in what way.
- Ensure that the methods will be integrated in the authorities' ordinary activities, so that inter-agency cooperation will work well after 2020.<sup>18</sup>

SWEA is the coordinating authority this time as well. The authority shall also consult with the *social partners* in order to develop ways to exchange knowledge and experiences and to foster tripartite cooperation (see also section 3.4). At the national level there is a *steering group for all participating agencies*, and a group for *methodological support* and another group for *analysis*. The *five regional teams* launched in the previous phase of the cross-agency project, which have been established as permanent bodies under SWEA, have an important role in the operative surveilling work in this project as well.

### 3.3 Intra-Nordic cross-agency cooperation

It should also be emphasized that the national cross-agency cooperation has been extended to comprise *cross-national cooperation between the Nordic countries* as well (see also Annex 2). The idea of contacts with the other Nordics was present already in the first phase of the cross-agency cooperation (see Figure 1). SWEA represents Sweden in the European Platform against undeclared work. In this context the authority applied for and received grants from the European Commission in 2016 for the development of operative cross-agency cooperation between the Nordic countries in the area of worksite inspections during 2017-2018. In the application, SWEA emphasized that the Nordic countries experienced similar challenges, and that they had good cooperative traditions in the field of OSH, but that cooperation on undeclared work was a fairly new challenge. Therefore, the countries have much to learn from each other. The aim of the cooperation was to:

- 'To strengthen already established co-operation within each country through cross-border inspection and learning activities.
- To strengthen regional cooperation within the Nordic region on undeclared work (UDW).
- To bring together, highlighting and sharing good practices that can be found.
- To evaluate the results and disseminate them to the members of the EU platform UDW.'<sup>19</sup>

As the figure below illustrates, the project had a steering group and four sub-groups: one for the inspections, two working groups for communication and effect respectively and one group for dissemination.<sup>20</sup> As regards the inspection activities 20 inspectors participated in the project. All countries visited two neighbour countries and acted as hosts as well, which made 10 visits in total. All inspections were performed in accordance with national priorities and procedures. The inspections concerned undeclared work in various sectors/industries, especially construction, cleaning, restaurants and car repair shops. The inspections were documented in 10 reports. All visits follow the same procedure.

This project developed successfully, and in 2018 the EU Commission granted funding for a second phase of the project, which will comprise the Baltic States as well.<sup>21</sup> The aim is to increase cooperation against undeclared work and unhealthy competition in

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<sup>18</sup> Government decision 2017-12-18. A2017/02422/ARM, A2017/00678/ARM.

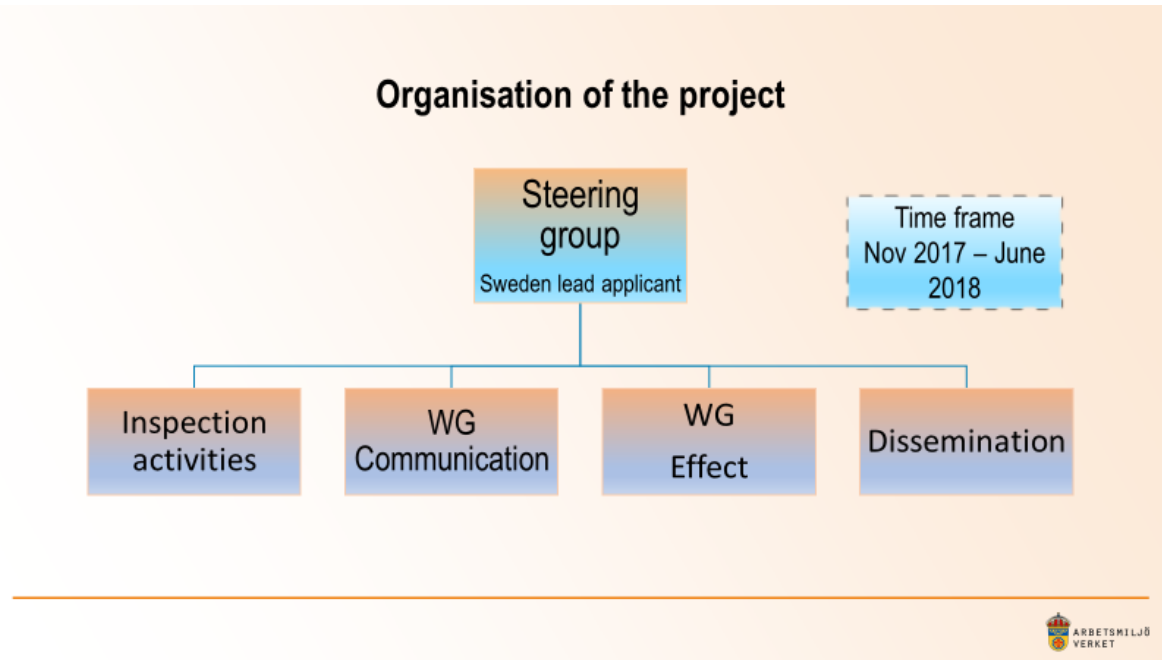
<sup>19</sup> Falk, M. (2018) Tackling undeclared work in the Nordic countries. Nordic Undeclared Work Project (Nordic UDWP). PP presentation at the Work Environment Conference xxx

<sup>20</sup> Ibid.

<sup>21</sup> SWEA, EaSI-PROGRESS: Call for proposals in the field of undeclared work. Reference: VP/2017/005/0010.

the Nordic-Baltic region, and thus help to counteract low-wage competition from the former Eastern Bloc as well.

Figure 2. The organization of the cross-national cooperation between the Nordic countries



### 3.4 Plans for reinforcing cross-agency cooperation on how to handle tips

In contrast to the Norwegian system for cross-agency cooperation, *whistleblowing* is not mentioned explicitly in Sweden, neither in the national nor in the intra-Nordic cross-agency cooperation. It has not figured in the government assignments either.<sup>22</sup> According to SWEA, however, the participating agencies in the current project on cross-agency cooperation with a focus on methods discuss how to handle *tips* from employees as well as from citizens in general. The intension is to exchange knowledge and practice in this field, including how to protect the informants' anonymity and how to handle issues of secrecy in the communication between the agencies.<sup>23</sup> For this purpose, SWEA has made a compilation on current routines and practices among the participating Swedish authorities concerning where and how information and tips from other authorities can be submitted. This may be a first step towards a more systematic cooperation on tips and whistleblowing and on the establishment and use of *whistleblowing systems*. Whistleblowing systems can range from a link at the organization's homepage to the introduction of a special authority to handle these matter (Larsson, 2015).

The Swedish Tax Agency's routines for tips from the citizens (as well as from other authorities) can be mentioned as an example of a more elaborated whistleblowing system: All tips shall be submitted on the Tax Agency's homepage.<sup>24</sup> The Tax Agency gives examples of tips that may be of interest for the authority:

- There is no attendance register at the working site.

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<sup>22</sup> Interview with Ms. Ann-Sofie Mattson, Secretary of the Swedish Ministry of Employment, 10 January and 23 January 2019.

<sup>23</sup> Interview with Ms. Kicki Höök, project leader at SWEA, 15 January 2019.

<sup>24</sup> Swedish Tax Agency's homepage, [www.skatteverket.se](http://www.skatteverket.se),

- Suspicious black work - Why? The ground for the suspicion?
- If the staff escape the workplace, e.g. to hide from authorities.<sup>25</sup>
- If the authority comes across staff from unregistered companies.
- Who leads and controls the business?
- Foreign companies and self-employed. How long time they have worked in Sweden? Who are the clients?
- False documents, e.g. false identity cards in the construction sector (ID06)<sup>26</sup>.

The Tax Agency has 12 officials who work full-time with the analysis and handing of the tips.

Tips and information to SWEA can be submitted on the homepage or by telephone.<sup>27</sup> *Information between authorities* can also (within the framework of the regulations on secrecy) be handled directly on the meetings in the (five) regional cross-agency teams, which were established during the first phase of the project on cross-agency cooperation against unhealthy competition in working-life.

The organizational structure of SWEA is under review, which among other things means that *a special unit of the head office*, focused on the work to prevent and combat unhealthy competition, will be established in Mölndal near Gothenburg.

In 2016, the Government commissioned the Swedish Agency for Public Management (*Statskontoret*) to map out how the government authorities' work with whistleblower functions to detect suspected cases of *corruption*, and to investigate whether a common whistleblower function for several authorities could be appropriate in the Government's work against corruption. A survey among 190 authorities carried out by *Statskontoret* within the framework of this commission showed that 1/7 had introduced a system for whistleblowing (mainly large agencies). The study also concerned whether there was need for a common system for whistleblowing. However, *Statskontoret* estimated that such a system was not possible to realize due to the regulations surrounding data protection. Instead, *Statskontoret* has focused on providing information and guidelines for the establishment handling of tips and the establishment of whistleblowing system to the government agencies. This may also foster exchange of knowledge and experiences between the agencies (*Statskontoret*, 2016).<sup>28</sup>

### 3.5 Cooperation between the authorities and the social partners

*Cooperation between the authorities and the social partners* is an important aspect of the work against unhealthy competition and social fraud. Even though Sweden has a long tradition of tripartite cooperation, it has not been a matter of course to establish an operative cooperation for joint inspections and controls. In June 2018, the government issued an ordinance that entitles the social partners to apply for grants to be used to foster cooperation and exchange of knowledge with the authorities in order to counteract work-related crime and other infringements of the regulations in working life (SFS 2018:1404). It remains to be seen if this will reinforce cooperation on whistleblowing as well. Several trade unions and employer associations have established permanent joint projects aimed to prevent and combat unfair competition and social fraud, for example Construction in Cooperation (*Byggbranschen i samverkan*, BBI) and *Fair Transport* (see Thörnquist 2017). Moreover, in an increasing number of industries and sectors, the social partners have introduced some kind of whistleblowing system.

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<sup>25</sup> The author's comment.

<sup>26</sup> ID06 is a system for identity and attendance control introduced in 2006 within the social partners' in construction joint programme 'Construction in Cooperation' (BBI).

<sup>27</sup> SWEA's homepage, Contact information: <https://www.av.se/om-oss/kontakta-oss/kontaktformular/?hl=tips>; phone number 010-730 90 00.

<sup>28</sup> Interview with Mr. Karl Malm, investigator at *Statskontoret*, 2 January 2014.

## **4 Assessment of public policy implications and success factors**

### **4.1 Both similarities and differences between the Swedish and Norwegian systems**

The legal protection of informants, free speech and freedom of the press are similar in Sweden and Norway. Both of the countries also have a legal protection against reprisals from the employers due to whistleblowing. The labour market models have considerable similarities as well, and there is still reason for talking about a 'Nordic model'. The main differences are that the union density is higher in Sweden, especially in the private sector (the general union density is 69 per cent (2017) (Kjellberg 2018, p. 8).

Moreover, in contrast to Norway, Sweden has not introduced legally extended collective agreements as a measure against unfair competition and social dumping in any sector. The Swedish Transport Workers' Union has discussed this possibility more in earnest, but currently there are as far as known no such plans. The main argument against such a system is that it is not compatible with the Swedish labour market model and that there is a risk of social partners losing members. The fact that Sweden neither has statutory minimum wages nor extended collective agreements means that the labour inspectors representing the authorities have no mandate to control issues on wages at the workplaces.

Whistleblowing is not mentioned in the Swedish Work Environment Law. Yet, the safety representatives have a central role in this context as they have direct contact with the workers. The obligation to notify maladministration and wrongdoings in certain sectors, such as in the health and social care sector have partly developed on the basis of concrete cases (e.g. Lex Sarah).

In contrast to Norway, cross-agency cooperation in Sweden does not include aspects of whistleblowing explicitly, but in the current cooperation on methodological development coordination and knowledge exchange on how to handle tips will probably gain increasing attention.

### **4.2 Success factors**

The constitutional protection of workers who notify misconduct and wrongdoings is strong in both Norway and Sweden in the European context. The effect of the Swedish law against reprisals (introduced in 2017) have not yet been evaluated. The possibility to for workers to discuss observations on wrongdoings with trade union representatives and safety representatives are important components in the work against undeclared work, economic criminality and environmental crime, for example. The fact that the Nordic labour market is well organized and has long tradition of both bipartite and tripartite cooperation are important structural conditions for cross-agency cooperation as well, even though it is not a matter of course.

As regards cross-cooperation at the national level in Sweden, the establishment of five regional teams for joint work-place inspections, which have become permanent bodies, is a good example of a success factor. This is an infrastructure that has been of great importance in the intra-Nordic cross-agency cooperation as well, and will be used also in the Nordic-Baltic project. Whistleblowing is not mentioned explicitly in this context either. However, the very idea of joint inspections, including the presence of representatives from several monitoring authorities during the inspections, may increase the possibilities to take up and discuss problems with the authorities.

In the Nordic project, one aspect that was discussed when the project was summed up, was the inspectors' direct contact with the workers in the working sites. Direct contact is more common in Norway and Finland than in Sweden, due to the fact that Swedish inspectors cannot interfere in issues concerning wages (as Sweden does not have

extended collective agreements). Hypothetically, increasing direct contacts between inspectors and workers could improve the possibilities to report wrongdoings.

SWEA has pointed out some potential success factors for the recently started a project on cross-agency cooperation with a focus on methodological development that are worth mentioning:

- The government assignment concerns all authorities involved
- Resources are allocated
- Each authority's management has prioritized the project
- The project has a common management
- Methodological support and the criteria for this are clearly defined
- Working methods and routines are clearly defined
- Analysis and follow-up will be carried out jointly
- Evaluation of the effects as well
- The participating agencies can also make common follow-ups that show the benefit to society

The success factors that the Swedish authorities have experienced, or have agreed on to develop when implementing the recent government assignment on cross-national cooperation, relate in one way or another to the Norwegian experiences. For example, the fact that SWEA as the coordinating agency was the only authority that had a formal assignment from the government in the first commission that was implemented in 2015-2018 was often referred to as a problem and a big difference from the Norwegian model (Thörnquist 2017).

## **5 Questions**

- How does cross-agency cooperation aimed to protect whistleblowing works in practice in Norway, for example, in the context of labour inspections at the workplaces?
- To what extent are the social partners involved in the Norwegian cross-agency cooperation?
- Which structural conditions facilitate and/or complicate the Norwegian project?
- What is the long-term perspective of Norwegian measures?
- How can this aspect be included in the Nordic (and in the future also Baltic) cross-agency and cross-national cooperation on inspections against unhealthy competition (work-related criminality)?



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## **Annex 1 Summary table**

The main points covered by the paper are summarised below.

### **Overview of key trends**

- *Work related crime and unhealthy competition*, and the need to prevent and curb these practices, are issues that have been high on the political agenda in Sweden the past ten years.
- The possibility to 'shop' between different economic and social regimes in order to press down labour costs is a structural problem in the enlarged EU single market that implies increased risks of low-wage competition and social dumping.
- The debate has been intense in the academy, which has resulted in new reforms that facilitates whistleblowing.

### **National policy / measures**

- Since the first of January 2017, whistleblowers are legally protected against reprisals from the employers (SFS 2016:749). The Act shall complement the existing legislative protection for informants laid down in the constitution.
- Since July 2017, workers in private organizations that are completely or partially tax financed are (like workers in the public sector) legally entitled the right to anonymously provide information to the media or journalists.
- Cross-agency cooperation against undeclared work and unhealthy competition has been established at the national as well as Nordic level, and at Nordic-Baltic cooperation has recently started.
- A project on cross-agency cooperation with a focus on the elaboration of methods launched in 2018 will also include cooperation on how to organize and handle tips to the authorities.
- Trade union representatives and safety representative are important channels for workers for discussing issues on misconduct in the employers' organization, such as undeclared work and social fraud. Whistleblowing is, however, not included in the Swedish Work Environment Act.

### **Assessment of public policy implications and success factors**

- The government's drive for 'Orderliness in the labour market is an important basis for the measures taken to combat unhealthy competition and social fraud, including regulations aimed to facilitate whistleblowing.
- The regional safety representatives are particularly important as they also can represent employees in poorly organized workplaces without own safety representatives.
- As regards cross-cooperation at the national level in Sweden, the establishment of five regional teams for joint work-place inspections, which have become permanent bodies, is a good example of a success factor.
- There is a continuity in the work on cross-agency cooperation that started in 2015. In the light of the first project, SWEA initiated a new, Nordic-based project, which in turn led to Nordic-Baltic project.

- Regarding the new project on cross-agency cooperation that started in 2018 with a focus on methodological development, the governmental assignment concerns all of the eight agencies involved.

### **Questions**

- How does cross-agency cooperation aimed to protect whistleblowing works in practice in Norway, for example, in the context of labour inspections at the workplaces?
- To what extent are the social partners involved in the Norwegian cross-agency cooperation?
- Which structural conditions facilitate and/or complicate the Norwegian project?
- What is the long-term perspective of Norwegian measures?
- How can this aspect be included in the Nordic (and in the future also Baltic) cross-agency and cross-national cooperation on inspections against unhealthy competition (work-related criminality)

## Annex 2 Example of relevant practice

Name of the practice:	<i>Tackling undeclared work in the Nordic countries: Nordic Undeclared Work Project (Nordic UDWP)</i>
Year of implementation:	2016-2018
Coordinating authority:	Swedish Work Environment Authority, SWEA
Objectives:	<ul style="list-style-type: none"> <li>• To strengthen already established co-operation within each country through cross-border inspection and learning activities.</li> <li>• To strengthen regional cooperation within the Nordic region on UDW.</li> <li>• To bring together, highlighting and sharing good practices that can be found.</li> <li>• To evaluate the results and disseminate them to the members of the EU platform UDW.</li> <li>• Discuss new and innovative practices.</li> </ul>
Main activities:	Joint workplace inspections; work in 'working group' for a) information and communication on how to raise awareness of and combatting UDW; and b) for development of methods to measure effects
Results so far:	<p><b>Workplace inspections:</b></p> <ul style="list-style-type: none"> <li>• A total of 20 inspectors has participated.</li> <li>• All countries visits two countries and acts as hosts – 10 visits in total.</li> <li>• All inspections are performed in accordance with national priorities and procedures.</li> <li>• Inspections in the field of UDW in various sectors/industries.</li> <li>• One report from every visit/week pr country = 10 reports.</li> <li>• All visits follow the same procedure.</li> <li>• Working groups: 'Communication': Focus on information and raising awareness in order to combat UDW; Exchange methods of good practice. A short film that depicts the situation for posted workers in the Nordic countries was produced. 2 meetings and 1 joint presentation at seminar arranged by the commission.</li> <li>• 'Effects': the working group has developed a process indicator which measures each country's conditions for facilitating cross-agency cooperation to combat UDW. This process indicator may also be used as a mapping tool on agency or national level.</li> <li>• Several learning seminars, steering group meetings and presentations (e.g. before the European Commission and at a Nordic Work Environment Conference).</li> </ul>

