Scandinavia at a Glance
**INTRODUCTION**

The Scandinavian countries of Norway, Denmark and Sweden are vital to the global economy. Combined, they employ more than 13 million people and all three are ranked in the top 35 countries with the highest GDP. Compared to the rest of Europe, Norway, Denmark and Sweden have some of the lowest unemployment figures on average. Collectively, the Scandinavian countries are also considered the most competitive economic region in all of Europe.

Some credit the Nordic model for the continued economic stability of the region, which has weathered the financial crisis of the past few years, better than expected. The Nordic model is a combination of a free market economy supported by an active welfare state. The focus is on providing low barriers to free trade, maximizing the efficiency of a gender-equal labor force and providing extensive benefits to workers. However, the Nordic model is not just one policy that all three countries follow. Rather, it is a set of policy ideas and initiatives that each country implements in its own way.

Despite the similarities though, when it comes to employment law, there are very important distinctions to consider. As such, L&E Global has assembled this Scandinavian Overview in order to provide multi-nationals with a summary of the most important issues impacting their businesses in the region.

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**SUMMARY**

### Employment Contracts

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<td>The employer’s social security contributions are mandatory and include specific changes. Parental leave allowed. Mandatory sick pay is payable by the employer.</td>
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**Employment Contracts**

**Norway**

- Writing format with a minimum content therein. The employee shall be hired on a permanent basis. Fixed contracts are only allowed under certain requirements. An employment contract may provide for a trial period of up to six months and must be referenced in the written contract.
- The notice period is one month as a general rule, but there may be differences depending on length of the employment term. The notice period within the trial period is fourteen days.

**Denmark**

- Writing format with a minimum content therein. Fixed-term employees are generally entitled to receive the same benefits as permanent employees. The end of the employment is determined by objective conditions such as a specific date, completing a specific task, or the occurrence of a specific event. Initial probationary period of a maximum of three months, during which either party may terminate the relationship on short notice and without the need for just cause. The notice periods are based on the individual employee’s length of service.

**Sweden**

- Writing format with a minimum content therein. Fixed-term employment is acceptable only for an aggregated time period of two years during a five-year period. If longer, the employment will automatically transfer into an employment for an indefinite term. A trial period of a maximum of six months may be agreed.
- The notice periods vary between one and six months, depending on the length of the employment term. The notice period within the trial period is two weeks. The notice of termination must be in writing and with a minimum content therein. Certain regulations apply if the employer is bound by a collective bargaining agreement.

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**Termination of Employment Contract**

**Norway**

- Both parties to an employment contract may terminate the employment agreement at any time, subject to either the statutory or contractual notice period without any grounds for termination at hand. The employer issuing the termination must however, provide a written explanation of the termination upon the employee’s request. As for collective dismissal, the employer has to inform and negotiate with the employees or their representatives when the number of employees to be made redundant over a period of 30 days is expected to reach certain thresholds set in the Danish Act on Collective Redundancies. Redundancies must be notified to the Regional Employment Council. As for the severance payment, an employee who is dismissed without just cause, and who has been employed for at least one year at the time of dismissal, is entitled to severance pay. The payable amount depends on the employee’s age.

**Sweden**

- An employment may only be terminated by the employer if objective grounds are at hand (i.e. redundancies or personal reasons). However, the employer and the employee are free to enter into an exit agreement where the strict employment protection rules are deviated from. With respect to redundancies, it is sufficient if the employer decides to reorganize its activities, regardless of profitability. In a redundancy situation, the employee concerned must in the first place be offered any reasonable vacant position in the company. The last-in, first-out principle applies, and the employee with a longer employee’s length of service.
- Moreover, the employee has the right to flexible working hours in certain cases. Overtime is only permitted if there is an exceptional and time-limited need for it and cannot exceed ten hours during a period of five two-weeks. The extra pay shall be at least 40 percent more than what the employee makes during a regular working hour. There is minimum right of 25 working days of holiday leave per year, including Saturdays.

**Denmark**

- EEA nationals are entitled to apply for work in Denmark and will not need a work permit. However, they must register with the local authorities no later than six months and apply for an EEA residence certificate if their stay exceeds six months. EEA nationals who do not work or apply for work in Denmark must apply for a residence permit no later than three months. Non-EEA nationals are, as a basic rule, not allowed to enter Denmark without obtaining a residence permit and a work permit. Permission will automatically be granted to applicants possessing special skills and qualifications according to the so-called ‘job-card regime’. Individuals who have been offered a high paid job may be granted a permit under the Pay Limit Scheme.

**Sweden**

- Citizens in a European Union (EU) or European Economic Area (EEA) country are entitled to work in Sweden without obtaining a work permit. Non EU/EEA citizens must have a work permit, as well as a residence permit, before entering Sweden to work. However, experts and some other employee categories, may work in Sweden under certain circumstances without a work permit.

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**Authorisations for Foreign Employees**

**Norway**

- Foreign employees from outside the EEA/EFTA area, including self-employed individuals, must, as a rule, hold a residence permit that entails the right to work in order to work in Norway. There are different types of permits depending on whether someone is a skilled worker, an unskilled worker (such as seasonal workers and seafarers on board foreign ships), a specialist, a student, a researcher, etc.

**Denmark**

- EEA nationals are entitled to apply for work in Denmark and will not need a work permit. However, they must register with the local authorities no later than six months and apply for an EEA residence certificate if their stay exceeds six months. EEA nationals who do not work or apply for work in Denmark must apply for a residence permit no later than three months. Non-EEA nationals are, as a basic rule, not allowed to enter Denmark without obtaining a residence permit and a work permit. However, the provisions regarding minimum salary stipulated in law, but collective bargaining agreements contain such provisions.

**Sweden**

- The terms and conditions for employment are regulated in the individual employment agreement and in the collective bargaining agreement, if any. However, there are some mandatory rules which have to be observed. As for the salary, there are no provisions regarding minimum salary stipulated in law, but collective bargaining agreements contain such provisions.

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**Working Conditions**

**Norway**

- The Swedish Environment Act lays down the minimum requirements. As for the salary, there are no statutory regulations concerning minimum wages. However, wage levels and minimum wages are, in general, established in collective bargaining agreements. The maximum normal working hours shall not exceed nine hours per twenty-four hours and forty hours per seven days. The employees have the right to flexible working hours in certain cases. Overtime is only permitted if there is an exceptional and time-limited need for it and cannot exceed ten hours during a period of five two-weeks. The extra pay shall be at least 40 percent more than what the employee makes during a regular working hour. There is minimum right of 25 working days of holiday leave per year, including Saturdays.

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**Employee Rights When an Undertaking is Transferred**

**Norway**

The rights and obligations of the former employer shall be transferred to the new employer. The new employer is also bound by any collective pay agreement that was binding upon the former employer, except in certain cases. The transferred employees have the right to retain the individual working conditions that follow from a collective pay agreement. The employees’ right to earn further entitlement to retirement pension, survivor’s pension and disability pension in accordance with a collective service pension scheme, shall also be transferred to the new employer. An employee may oppose the transfer of the employment and must notify the former employer of this within the time limit specified in the information given to the employees’ elected representatives, within which the employer is bound to discuss the transfer of the undertaking with them. The time limit cannot be shorter than 14 days after the information is given.

**Sweden**

The employees will automatically be transferred to the acquiring company on unaltered terms and conditions. However, post-transfer, the acquiring company is free to initiate a redundancy programme subject to law. The employees may refuse the transfer and will, in such a case, remain employed by the transferring company. Prior to the decision to transfer the business, the acquiring company, as well as the transferring company, must, as a rule, call for and conclude union consultations. The transferring company will remain liable (jointly with the acquiring company) towards the transferred employees for liabilities pertaining to the time prior to the transfer. If the transferring company is bound by a collective bargaining agreement, such agreement shall apply, where relevant, to the acquiring company. Specific rules apply if the acquiring company is already bound by a collective bargaining agreement.

**Denmark**

Rights and obligations under individual employment agreements and collective bargaining agreements are automatically transferred to the transferee in the event of a transfer of a business or part of a business. The transferee is considered as having adopted the transferor’s collective bargaining agreements, unless the transferee gives notice to the unions within a certain time limit after the transfer date. Dismissal due to a transfer of a business or part of a business is not considered reasonably justifed by the circumstances of the dismissal. If the employment is due to financial, technical, or organisational reasons which cause occupational changes, if the employees’ working conditions are changed to the detriment of the employees, the employees may choose to consider themselves dismissed. The Act also contains provisions on information and consultation of the employees (or the employees’ representatives).

**Employee Representation**

**Norway**

Shop stewards to represent the organized employees shall be elected at every enterprise where the enterprise or the employees so demand. The number of shop stewards varies up to 12, depending on the number of employees, and shall be elected from among workers of recognized ability, with experience of and insight into working conditions at the enterprise. In certain cases, an employee will not be able to be a shop steward. Elections are for one calendar year with exceptions. Shop stewards have the right to commit the employees in some matters. Shop stewards have the right to deal with and to try to settle amicably, any grievance individual employees may have against the enterprise. They are also entitled to receive information and discuss with the management of the enterprise matters. The employees have the right to participate in the management of the workplace.

**Denmark**

Danish employees are, under certain rules, entitled to representation in Works Council, Board of Directors, security at work and health protection committee, collective dismissals and transfer of undertakings. The number of representatives, the appointment of representatives and their tasks and obligations depends on the forum in question, the size of the business and/or the number of employees employed. However, such employee representatives enjoy special protection against dismissal at the same level as applies to a shop steward. The employees employed by a company employing 35 employees or more, may elect a number of employee board members. Such board members join the Board of Directors and carry out board work in cooperation with board members elected by the annual general meeting.

**Employers Associations And Trade Unions**

**Norway**

The basic legal framework of collective bargaining and collective dispute resolution consists essentially of the 1927 Labour Disputes Act and the 1938 PELDA. This legislation contains no specific limitations on the scope of bargaining issues. There is no requirement for the union. The two most important unions are LO (The Norwegian Federation of Trade Unions), representing employees, and NHO (The Confederation of Norwegian Business and Industry), representing employers. Generally, trade unions have a right to enter into collective agreements. Collective bargaining agreements are usually negotiated every other year. LO and NHO have developed the so-called Main Agreement, a framework agreement that contains the general rights and basic rules in the workplace. The Main Agreement obliges the parties to maintain industrial peace for the duration of the collective bargaining agreement.

**Sweden**

All employees have a right to belong to a trade union, to exercise the rights of membership in such an organisation, and to participate in such an organisation or the establishment thereof. If the employer is bound by a collective bargaining agreement, the unions under that agreement may appoint local union representatives. There is no limitation in the number of local union representatives that the trade union may appoint. Further, the trade union decides on the length of the representative’s term. The local union representative shall manage questions relating to labour at the specific workplace. The union representative is entitled to time off in order to conduct union work and enjoys an extended protection in a redundancy situation. Under the collective bargaining agreement, there is a right to employee board representation if the company has employed an average of at least 25 employees during the last fiscal year.

**Denmark**

The origin of the current system is the 1889 “September Settlement” between the Danish Employer’s Confederation (DA) and the Danish Confederation of Trade Unions (LO). The settlement provides a set of basic rights and obligations to be respected by the parties, including: (i) the employer’s right to form trade unions; (ii) the employer’s right to manage and control the work; (iii) the right to take industrial action e.g. strikes and lockouts; and (iv) the peace obligation. Danish Employer’s Confederation (DA) and the Danish Confederation of Trade Unions (LO) are the major umbrella bodies for employers and employees respectively. However, other umbrella bodies exist in the Danish labour market.
Social Security

Norway

Persons who work, or are residents in Norway, are obliged to be members of and to pay contributions to the Social Security Scheme. Employers have to pay social security contributions on wages and other remuneration that the employers have to report. As for the insurance, the National Insurance Scheme covers a wide range of benefits. Maternity leave, including compensation, lasts for a maximum of fifty-seven weeks and twelve for the father. The compensation is between 80 percent and 100 percent. Retirement pensions are divided into three levels: retirement pensions from the National Insurance Scheme, mandatory occupational pensions and private savings. The pension rights are adjusted in accordance with the general life expectancy of the population. Employers must provide mandatory occupational pensions. The third are private savings, irrespective of employment and the Norwegian pension scheme.

Denmark

Employers and employees must contribute to a supplementary pension scheme for employees. There is no obligation under the law for the employer to provide the employees with different insurances apart from mandatory insurances, except in certain cases. As far as the maternity leave, both female and male employees have the right to absence in connection with pregnancy and childbirth. Some individual employment agreements and collective bargaining agreements provide for full salary during some of the above periods. A female employee is entitled to 50 per cent of her salary during absence from work due to pregnancy and childbirth. As for the pension, Danish citizens with permanent residence in Denmark are entitled to old-age pension, but there are some exceptions. Salaried employees are entitled to old-age pension, but there are some exceptions. Salaried employees are entitled to old-age pension, but there are some exceptions. 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Sweden

The pension system is administered by the state and financed by employers and employees jointly. The employers’ contribution is paid through the mandatory employer’s social security contributions. In addition to the state pension, it is common that the employees are entitled to supplementary pension provided by the employer. For employers not bound by collective bargaining agreements, such additional pension benefits are completely optional and discretionary. As a general rule, the employee is entitled to mandatory sick pay payable by the employer, during sick days 2-14. Thereafter the employee may be entitled to state sick pay. Supplementary sick pay, payable by the employer, may be an obligation under the applicable collective bargaining agreement. As regards to parental leave, the employee may be on leave until the child is 18 months, regardless of whether the employee receives compensation from the state or not. Parental leave for a longer period (max 420 days in total for one parent) depends on the employee’s eligibility for state pay during that period.

Credits and Disclaimer

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Further advice should be taken before relying on the contents of this summary.

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