



Nordic Employment Law Bulletin - May



Per Benonisen
Advokat, delägare, Head of
Employment, Norway



Rajvinder Singh Bains
Advokat, delägare, Norway



Kaja Kaarby
Lead Lawyer



Ane Bergo
Lead Lawyer



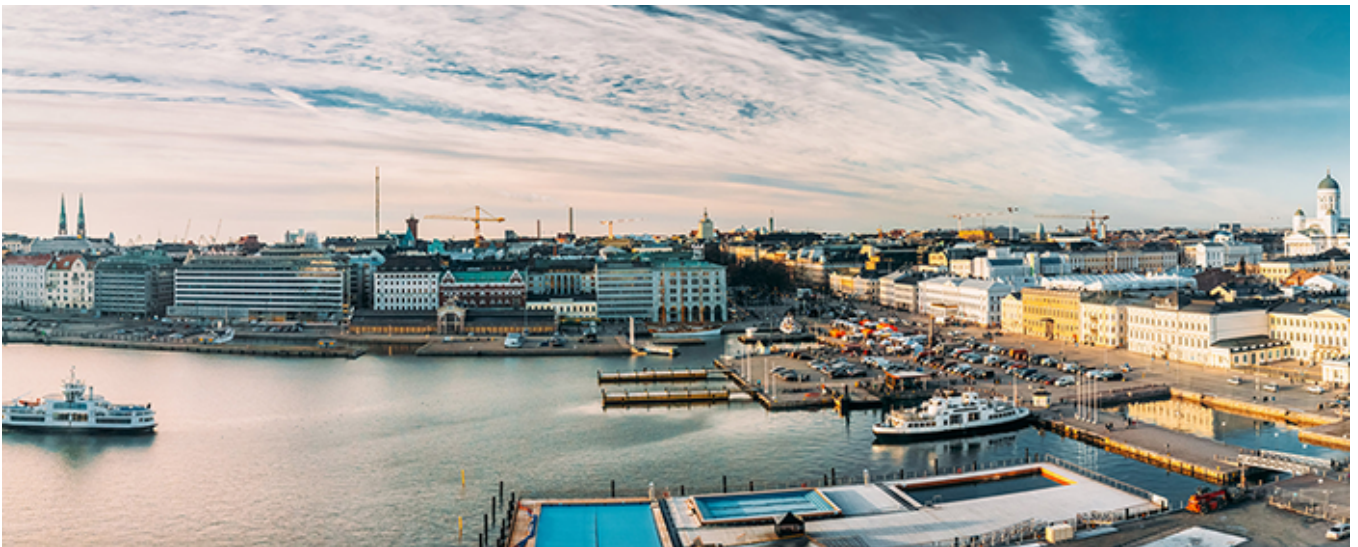
Anniken Sjøvold
Lawyer

In our monthly Nordic Employment Law bulletin our employment lawyers across the Nordic region highlight relevant news and trends on the Nordic employment market scene. The bulletin intends to provide high-level knowledge and insight. Want to learn more? Our experts will be happy to hear from you.



Highlights from Denmark

- **Upcoming amendments to the Act on maternity/paternity leave:** On 26 April 2022, the Minister for Employment submitted a bill to the Danish Parliament to entitle parents who have triplets or more babies at the same birth to get additional 26 weeks of leave. However, these 26 weeks of additional leave must be taken within 18 months after the birth. If the amendments are adopted, the amendments will enter into force on 1 January 2023.
- **Compensation for work-related injuries caused by work-related COVID-19 vaccinations:** On 20 April 2022, the Minister for Employment submitted a bill to the Danish Parliament to amend the Workers' Compensation Act. The proposed amendments imply that the Government will pay a compensation for work-related accidents caused by work-related COVID-19 vaccinations given between 27 December 2020 and 31 December 2022. If the amendments are adopted, they will enter into force on 1 July 2022.
- **New amendments to the Danish Anti-Discrimination Act:** From 1 July 2022, employers are no longer allowed to request information on age when recruiting new employees. This means that employers are not allowed to ask these employees to submit or upload information on their age when they submit their application. The new rules apply in connection with both a traditional job application and an application via electronic recruitment systems.



Highlights from Finland

The Finnish Government proposes following changes to employment laws:

- **The Act on the Protection of Privacy in Working Life** is proposed to be amended to clarify the employer's right to collect employees' personal data when the data is needed for the employer to fulfill its rights and obligations stipulated in the law. The purpose of the change is to clarify the legal status of the Act in relation to GDPR and practices in working life. The changes are proposed to enter into force shortly.
- **The Employment Contracts Act and the Working Hours Act** shall be amended to improve the position of employees working on variable working hours agreement and the Employment Contracts Act to reflect the requirements of the EU directive on transparent and predictable working conditions. Among other, an employer shall be obliged to actively review an employee's variable working hours in relation to actual need of workforce and offer the employee higher minimum hours. Furthermore, the employee's right to compensation for cancelled shifts shall be improved. The employer's obligation to present information on main terms of work shall also be adjusted based on the EU directive. The changes shall enter into force on 1 August 2022.
- **The government parties outlined measures to increase employment level of employees at least the age of 55** in December 2020 and now those measures have been introduced in the form of a government bill. In addition to existing change security rights employees of certain age who have been made redundant shall be entitled to change security allowance and training that shall be financed by employers through unemployment insurance contributions. In addition, the right to additional days on earnings-related daily allowance is proposed to be reduced gradually and fully removed from employees born 1965 and thereafter. The length of employment leave during notice period as stipulated in the Employment Contracts act shall also be extended and an employee's right to part-time work shall be strengthened with an amendment to the Working Hours Act. The changes are proposed to enter into force on 1 January 2023.



Highlights from Norway

- **Judgement on gratuity/tip in the Norwegian service industry.** With effect from 1 January 2019, employers were required to pay employers' national insurance contributions on gratuity/tip received by their employees to the Norwegian government. As this led to increased cost and additional administrative work for employers in the service industry (food & drink, leisure etc.), some employers unilaterally decided that this cost should be borne by the employees and thus made deductions in the employees gratuity before paying the gratuity to the employees. A unanimous court of appeal found that such deductions made by two employers in the Norwegian hotel industry were unlawful. The court found that employers could not transfer this additional cost to the employees based on the managerial prerogative and the employees had not accepted that such deductions were imposed. We expect that the decision is appealed to the Supreme Court of Norway.
- **Tariff negotiations and wage agreements 2022.** In Norway, wages are negotiated by the parties concerned. The so-called leading sector model (Nw. *Frontfagsmodellen*) is generally perceived to set the standard for the negotiations in other sectors. The result of the initial negotiations between the front runners is a framework increase of 3.7 per cent in a year where both the wage and the content of the respective Collective Bargaining Agreements ("CBA's") is up for revision (Nw. *Hovedoppgjør*). This benchmark will be guiding the various negotiations and the consequences of one or more dissension(s) could be industrial action (strike/lock-out), observing the relevant provisions of the Labour Disputes Act. Although wage in Norway as a main rule is not set by law, in certain business sectors parts of relevant CBA's are made generally applicable and thus legal minimum wage applies within these sectors.
- **The Prime Minister's speech on Labour Day.** In his speech on Labour Day 1st May 2022, Jonas Gahr Støre expressed solidarity to the people of Ukraine and underlined that the ongoing war concerns the values of the European continent. Mr. Støre also emphasized the challenges of the Norwegian labour market to which many young individuals are not part, and stated that his governments has commended a thorough "cleaning" of the working life. Which measures in more detail the current government will be enforcing remains to see.



Highlights from Sweden

- **More difficult to obtain work permits.** The Swedish government has previously signalled that it wants to review the work permit regulations with a view to making these stricter, requiring e.g. a raise in the minimum wage requirements. On 28 April 2022, the Swedish government formally announced that they will be establishing a committee to review how these rules should be amended, indicating e.g. that they will want a higher degree of control over which professions that are deemed to suffer from such a shortage of local labour that the use of labour from outside the EU is merited. This signals a significant shift to the current regime which has existed since 2008, under which it is up to the employers to determine if there is a need for recruiting from outside the EU.
- **Unprofessional employment lawyers.** Recent years have seen an upsurge in the number of unprofessional employment lawyers. The lawyers, who are not a members of the Swedish Bar Association, often rack up huge bills for their clients with little to show for it in terms of value for the clients. On 19 April 2022, the Swedish Consumer Agency (Sw. *Konsumentverket*) published a warning against such unprofessional employment lawyers after a large number of individuals have filed complaints with the stage agency.
- **In case of war.** The situation in Ukraine has raised questions regarding Sweden's employment regulation in times of war (or threat of war or other exceptional circumstances). This has resulted in the government initiating an urgent review of the Swedish Employment Preparedness Act. This Act puts certain employment provisions aside in time of war, e.g. the right to leave from employment to participate in education, and limits e.g. statutory consultation rights and vacation benefits. It has been discovered that the act has fallen behind many of the statutory employment reforms during the last decades and requires an update for the avoidance of unexpected consequences.