

Preamble

Clarification regarding the basic conditions for researchers working in Sweden

Swedish labour law in general

The Swedish labour legislation generally applies to all sectors in the Swedish labour market. The legislation assures employees fundamental rights, such as employment security, vacation and regulated working hours.

In addition, there are laws that apply only to the government sector. This could be, for example, regarding the appointment procedure and disciplinary sanctions. A majority of the Swedish universities and institutes of higher education is under governmental authority. Over 90% of the academic staff is employed within the state sector.

Government employees are also insured special rights based on the Swedish Constitution, for example, a broad right to criticize their employer.

In comparison with many other European countries, the Swedish labour legislation is not particularly extensive or detailed. It is mainly to be considered as protective legislation guaranteeing employees a basic protection. Instead, the employees' terms of employment are governed mainly by collective agreements. The Swedish labour market is characterized by a high degree of organisation and a low level of organisational fragmentation.

Collective agreements

Collective agreements complement the labour law. There are both central and local collective agreements. The central collective agreements apply either within the entire government sector or part of it, for instance the higher education sector.

For the government sector, there are central collective agreements, which regulate pensions, holiday pay during leave and compensation for personal injury. There are also central collective agreements that allow specific grounds for temporary employment.

At the universities/institutes of higher education, the parties may conclude local collective agreements. The space for what can be regulated by local collective agreements is determined by law and the central collective agreements. Among the issues more closely regulated by local collective agreements is the distribution of working hours. Sweden has chosen to regulate by law that the terms of collective agreements in the government sector also apply to unorganised workers.

That means that despite the fact that if an individual worker might not be a member of a union, he or she is undoubtably embraced by the regulations of the collective agreement.

In the personal employment contract, the parties may more closely regulate the conditions of employment, providing that it does not contradict law or collective agreement.

It is common that the parties in the individual contract specify the conditions for the initial basic salary and where the work is to be performed.

The Collective Agreements referred to in this text are untranslated into English, due to a central agreement between the Swedish Agency for Government Employers and its parts.

Parental Leave

Parental leave in Sweden is governed in law through [Parental Leave Act](#). The legislation applies to both the mother and the father, as well as to incoming researchers from other countries.

The recruitment procedure

The government employment process differs from other sectors.

According to the Swedish Constitution, the decision for government contracts shall pay regard to objective factors only, such as merit and competence, of which competence should be of prime consideration.

Appeal

An applicant who has been rejected an appointment, has the right to appeal the decision of appointment. The appeal is heard by a special board. If the appeal is approved, the appellant should be offered the appointment, instead of the person that first received the appointment.

Transparency

Within the government sector, the employment procedure is specifically regulated, for instance how to inform about vacancies and how employment decisions should be notified. Application documents are public documents and therefore other candidates, as well as the public, have the right to access the documents.

The principle of public access to official documents

The principle of public access to official documents is a basic principle of our constitution. It means that the public and the media have the right to inspect state and municipal activities. The principle is expressed in various ways;

- everyone is entitled to read the documents of public authorities: access to official documents;
- officials and others who work for the state or municipalities are entitled to say what they know to outsiders: freedom of expression for officials and others
- officials and others in the service of the state or municipalities are normally entitled to disclose information to newspapers, radio and television for publication or to personally publish information: right to communicate and publish information;

The principle is regulated by fundamental laws;

[Freedom of Press Act](#) (Tryckfrihetsförordningen) TF 1949:105

[The Fundamental Law on Freedom of Expression](#) (Yttrandefrihetsgrundlagen) YGL 1991:1469

However, there are provisions on confidentiality according to Swedish law, limiting the right to access official documents as well as in the public officials' right to freedom of expression.

These provisions can be found in;

[The Public Access to Information and Secrecy Act \(Swedish Code of Statutes 2009: 400\)](#) (Offentlighets- och sekretesslagen)

Data protection and processing of personal information

In addition to the EU General Data Protection Regulation (2016/679 GDPR), the Swedish legislation concerning data protection and privacy for all individual citizens, implement the data protection principles with following specific laws and regulations:

[Data Protection Act SFS 2018:218](#) (Lag med kompletterande bestämmelser till EUs dataskyddsförordning)

[Data protection Ordinance SFS 2018:219](#) (Förordning med kompletterande bestämmelser till EUs dataskyddsförordning)

Since GDPR is a regulation and therefore is directly binding and applicable, it also provides flexibility in some aspects of the regulation to be adjusted on a national level. In Sweden, it must comply with the fundamental laws.

Public authorities, whose core activities consist of regular or systematic processing of personal data, are required to employ a [Data Protection Officer \(DPO\)](#) who is responsible for managing compliance with the GDPR. Appropriate technical and organizational measures are also required in order to implement the data protection principles.¹

¹ KTH technical and organisational measures for implementing GDPR principles are specified under 2. Ethical principles, and 8. Dissemination, exploitation of results.

Definitions researcher

The definition of researcher follow the definition adopted by the European commission, the Frascati definition, described² in detail in the Frascati Manual.

Consequently, researchers are described as follows:

"Professionals engaged in the conception or creation of new knowledge, products, processes, methods and systems, and in the management of the projects concerned."

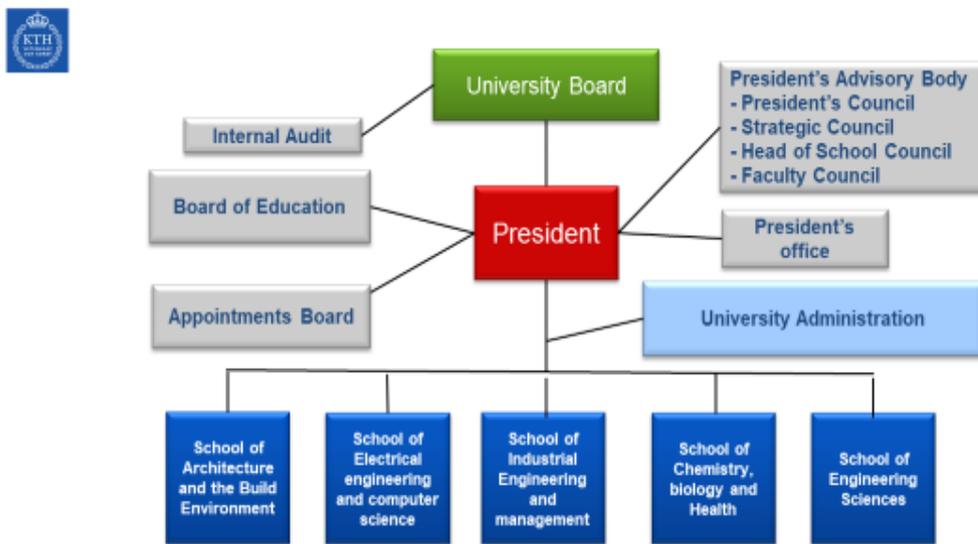
More specifically, this Recommendation relates to all persons professionally engaged in R&D at any career stage³, regardless of their classification. This includes any activities related to "basic research", "strategic research", "applied research", experimental development and "transfer of knowledge" including innovation and advisory, supervisory and teaching capacities, the management of knowledge and intellectual property rights, the exploitation of research results or scientific journalism.

A distinction between Early-Stage Researcher and Experienced Researchers is stated:

The term Early-Stage Researcher⁴ refers to researchers in the first four years (full-time equivalent) of their research activity, including the period of research training.

Experienced Researchers⁵ are defined as researchers having at least four years of research experience (full-time equivalent) since gaining a university diploma giving them access to doctoral studies, in the country in which the degree/diploma was obtained or researchers already in possession of a doctoral degree, regardless of the time taken to acquire it.

Organogram of KTH Royal Institute of Technology



² In: Proposed Standard Practise for Surveys on Research and Experimental Development, Frascati Manual, OECD, 2002

³ COM (2003) 436 Of 18.7.2003: Reserchers in the ERA: One profession, multiple careers.

⁴ See Work Program Structuring the European Research Area Human Resources and Mobility Marie Curie Actions, edition September 2004, page 41

⁵ Idem, page 42