



Nordic Employment Law Bulletin - February



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We are pleased to introduce the very first Nordic Employment Law bulletin where we monthly will 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 Norway

- **New pension rules for occupational pension in place from 1 January 2022:** all employees from 13 years of age and regardless of position percentage (if part-time) shall be entitled to pension accrual from their employer if earning more than NOK 1000. Employers will have to adjust their schemes by 30 June 2022 and must expect increased costs.
- **Legislative proposal under consideration by the Parliament** relating to removal of the “try & hire” legal basis for temporary employment up to 12 months and to reintroduce a possibility for trade unions to on their own behalf file collective law-suits to challenge hiring of labour. We expect the proposals to be adopted during Q2 this year.
- **Termination of notice sent to employees by e-mail only** will as a main rule not be valid under the Norwegian Working Environment Act, a recent decision from the high court confirms. The employer must provide a statutory letter to be delivered in person or sent by registered mail in order to terminate an employment relationship.



Highlights from Denmark

- **New Danish Whistleblower Protection Act:** On 24 June 2021, Denmark passed a new Whistleblower Protection Act in accordance with the requirements set out in the EU Whistleblowing Directive of 23 October 2019. In the Act it is stated that all employers, both private and public, with at least 50 employees must set up an internal whistleblower system through which employees can raise concerns. The rules entered into force for public authorities and for private companies with more than 249 employees on 17 December 2021. The rules will enter into force on 17 December 2023 for private companies with 50-249 employees.
- **New agreement on equality of maternity rights between parents and parental leave:** Due to the implementation of the EU Directive on work-life balance for parents and carers and the repeal of Council Directive 2010/18/EU, the Danish Government has entered into a political agreement concerning equality of maternity rights between parents and parental leave. The aim is to create more equality between men and women in the labor market with fathers being granted their own parental leave. The Directive must be implemented in Denmark no later than August 2, 2022.
- **Temporary Act gives employers the right to require employees to present a valid "corona passport":** On the 26 November 2021 the Danish government introduced a new Act that gives employers the right to require employees to present a valid "corona passport", unless the employee is granted an exemption from the corona passport for medical reasons. The Act is temporary, meaning that the act will be in force as long as covid-19 is classified as an illness that poses a critical threat to society.



Highlights from Sweden

- **Upcoming changes to the Employment Protection Act.** On 27 January 2022, the Swedish government took the next step in the legislative process for the proposed changes to the Employment Protection Act by submitting a draft bill to the Council on Legislation (Lagrådet). The proposed changes would e.g. make it easier for employers to safeguard key employees when making reductions in force, remove the possibility for employees to claim reinstatement in case of wrongful termination disputes and shorten the permitted duration for fixed term contracts. If implemented, the changes will enter into effect on 30 June 2022.
- **Sweden has implemented the whistleblower directive on time.** The directive was implemented into Swedish law on 17 of December 2021. Companies with more than 250 employees are obligated to implement new reporting lines by 17 of July 2022. Companies with less than 250 employees but more than 50 employees are required to implement new reporting lines by 17 December 2023. The Swedish Work Environment Authority (Arbetsmiljöverket) is tasked with supervision.
- **Are candidates and employees obliged to tell the employer the truth?** A police officer was dismissed after having failed a security clearance check. The Swedish Police found that the police officer had such relations with the criminal underworld that he was not suitable for working for the Police. This recent decision from the labor court does not only describe the rules around security clearance checks, but also what is expected of candidates in general in terms of giving honest responses during job interviews.



Highlights from Finland

- **New rules regarding post-employment non-competes in place from 1 January 2022:** six months' non-competes must be compensated with 40 % of regular salary and longer non-competes with 60 %. In addition, employees may be released from the non-competes only before an employee has resigned and by following a notice period specified in the law. Employers may terminate existing unnecessary non-competes agreed prior to 2022 during 2022.
- **The reformed Act on Co-operation Negotiations in place from 1 January 2022.** The new Act includes, among other, new obligations for the employer to have continuous dialogue periodically with the personnel and to draft a development plan for the personnel.



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