

Preamble to Örebro University's HRS4R application

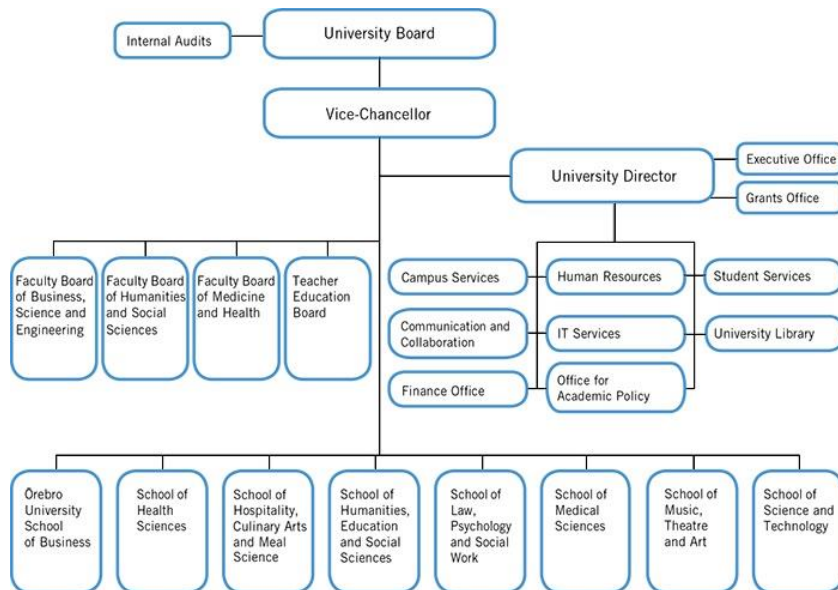
Where is Örebro?

Örebro is situated about halfway between Stockholm and Oslo. The town has a population of some 150,000 people and recently celebrated its 750th anniversary.



Organogram for Örebro University

To help understand some of the texts in the Gap Analysis and Action Plan, a university organogram is shown below.



Swedish law

The applicable acts and ordinances governing and relating to employment and research carried out in Sweden have already been lodged with the European Commission by The [Association of Swedish Higher Education](#). These acts and ordinances will not be discussed further in this document.

A distinction is made between fundamental laws and other laws. The fundamental laws contain basic rules as to how the country is to be governed and take precedence over all other laws.

The Government can also take decisions about rules that are to apply in Sweden. These rules are known as ordinances. All new laws and ordinances are published in the Swedish Code of Statutes ([SFS](#)).

The Constitution

Like most other democracies, Sweden has a written [Constitution](#) that sets out the rules for how society shall be governed. The Constitution consists of four fundamental laws: the Instrument of Government, the Act of Succession, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. The Riksdag Act is not one of the fundamental laws but occupies a position between a fundamental law and an ordinary law.

The fundamental laws take precedence over all other laws. This means that other laws may never conflict with the provisions of the fundamental laws.

- [The Instrument of Government](#)
- [The Act of Succession](#)
- [The Freedom of the Press Act](#)
- [The Fundamental Law on Freedom of Expression](#)
- [The Riksdag Act](#)

Swedish labour law

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, for example, regarding the appointment procedure and disciplinary sanctions. Most Swedish universities and institutes of higher education are under governmental authority and as a result, more than 90% of academic staff are employed within the state sector.

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

In comparison with many other European countries, the Swedish labour legislation is not particularly extensive or detailed. It is mainly to be seen as protective legislation guaranteeing employees a basic protection. Instead, employees' terms of employment are governed mainly by collective agreements. The Swedish labour market is characterised 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 universities/colleges of higher education, the parties may negotiate local collective agreements. 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 legally regulate that the terms of collective agreements in the government sector also apply to non-unionised employees. This means that an individual who is not unionised is still covered by the regulations of the collective agreement.

In the personal employment contract, the parties may more closely regulate the conditions of employment, provided that this does not contradict other laws or collective agreements.

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



Parental leave

Parental leave in Sweden is governed in law through the [Parental Leave Act](#). It is probably the most generous parental leave legislation in the world and applies to both the mother and the father. The legislation also applies in 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 employment 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 employment 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 who was first awarded the appointment. This process does not apply for doctoral student positions.

Transparency

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

The principle of public access to official documents

The principle of public access to official documents is a basic principle of the Swedish constitution. It means that the public and the media have the right to inspect state and municipal documents. 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 the media 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
- [Freedom of Speech Act](#) (*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 Secrecy Act \(Swedish Code of Statutes 2009: 400\)](#) (*Offentlighets- och sekretesslagen*)

Definitions of researchers

A specific definition of researchers has been adopted by the European Commission and is detailed in the Frascati Manual¹. Consequently, researchers are described as:

“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 stage², 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 is made between Early-Stage Researcher and Experienced Researchers³:

- The term *Early-Stage Researcher* refers to researchers in the first four years (full-time equivalent) of their research activity, including the period of research training.
- *Experienced Researchers* are defined as researchers having at least four years of research experience (full-time equivalent) since gaining a university degree/diploma allowing 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.

Delimitations

What is stated in the gap analysis refers to conditions for state employees, thus researchers with the state as the accountable authority.

Researchers working under other authorities than a state institution, or those who fund their research through scholarships or stipends, are not covered by the description below.

References

1. Guidelines for Collecting and Reporting Data on Research and Experimental Development, [Frascati Manual](#), OECD, 2015.
2. [COM \(2003\) 436](#) Researchers in the ERA: One profession, multiple careers.
3. [Work Programme](#) Structuring the European Research Area Human Resources and Mobility Marie Curie Actions, 2004, page 41 ff.