

Work Environment Act (1977:1160)

Amendments : up to and including SFS 2014:659

Chapter 1 Purpose and scope of the Act

Section 1

The purpose of this Act is to prevent occupational illness and accidents and to otherwise ensure a good work environment. *Act (1994:579).*

Section 2

This Act applies to every activity in which employees perform work on behalf of an employer. The Act also applies to work on ships even when a Swedish ship is used for maritime transport outside the territorial waters of Sweden.

Regarding ships and work on ships, the provisions of this Act concerning the Swedish Work Environment Authority shall apply to the Swedish Transport Agency instead. The provisions of this Act concerning employers shall, as regards ships, also apply to shipowners, even when work on the ship is performed by someone other than a person employed by the shipowner. In this Act, a party who exercises decisive influence on the operation of the ship in the shipowner's stead shall be equated with a shipowner.

Chapters 3 and 5 contain provisions concerning obligations in certain respects of persons other than employers and employees.

The Ship Safety Act (2003:364) contains provisions on the obligations of masters in connection with work on ships.

The Product Safety Act (2004:451) also applies as regards products that are intended for consumers or that it may be assumed will be used by consumers.

Provisions on the manufacturing, placing on the market and use of substances, whether on their own, in preparations or in articles, are given in Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC. *Act (2010:1543).*

Section 2a

The provisions contained in Chapter 2, Section 1, first paragraph, and Sections 2 and 3, and in Chapter 3, Section 4, second paragraph, apply to foreign ships within the territorial waters of Sweden. In other respects, the provisions of the Act apply to foreign ships only to the extent prescribed by the Government. *Act (2003:365).*

Section 3

For the purposes of Chapters 2–4 and 7–9, the following persons are to be treated as employees:

1. persons undergoing education or training, with the exception of children in preschool and pupils in out-of-school centres;
2. persons in institutional care performing work that they have been assigned;
3. persons serving under the National Total Defence Service Act (1994:1809) and other persons performing duties prescribed by an act or voluntarily participating in education or training for activities within the scope of the total defence.

Persons referred to in points 1 and 2 of the first paragraph are also to be treated as employees for the purposes of Chapter 5, Sections 1 and 3. In addition, Chapter 6, Sections 6a, 8, 15, 17 and 18, Chapter 7, Sections 13 and 14, and Chapter 9, Section 3 contain special provisions concerning persons undergoing education or training.

In cases referred to in the first and second paragraphs, the provisions of this Act concerning employers shall apply to a person conducting the activities in the context of which the work is performed. *Act (2010:856).*

Section 4

For participants in labour market policy programmes, this Act applies to the extent stated in Section 7 of the Labour Market Policy Programmes Act (2000:625).

For participants in work experience or other skills enhancement activities who have been assigned to these activities by a social welfare committee, this Act applies to the extent stated in Chapter 4, Section 6 of the Social Services Act (2001:453).

For persons given employment by the Swedish Migration Agency under Section 4 of the Reception of Asylum Seekers and Others Act (1994:137), this Act applies to the extent stated in Section 5 of the Reception of Asylum Seekers and Others Act.

Section 5 of the Act on Swedish Armed Forces Personnel in International Military Operations (2010:449) states that this Act also applies abroad in certain cases other than those indicated in Section 2, first paragraph, second sentence. *Act (2010:457).*

Section 5

The Government or the authority designated by the Government may issue special regulations concerning the total defence in derogation from this Act. *Act (1991:677).*

Chapter 2 The state of the work environment

Section 1

The work environment must be satisfactory, taking into account the nature of the work and social and technological developments in society. In the case of work on ships, the work environment must also be satisfactory with regard to the requirements of maritime safety.

Working conditions must be adapted to people's differing physical and mental capabilities.

Employees must be given the opportunity to participate in the design of their own work situation and in processes of change and development affecting their own work.

Technologies, the organisation of work and the content of work must be designed in such a way that the employee is not subjected to physical strain or mental stress that may lead to illness or accidents. Forms of remuneration and the organisation of working time must also be taken into account in this connection. Closely controlled or restricted conditions of work must be avoided or limited.

Efforts must be made to ensure that the work provides opportunities for variety, social contact and cooperation, as well as coherence between different tasks.

Furthermore, efforts must be made to ensure that working conditions provide opportunities for personal and professional development, as well as for independence and professional responsibility. *Act (2003:365).*

Section 2

Work must be planned and organised in such a way that it can be performed in a healthy and safe environment.

Section 3

The premises in which work is performed must be designed and equipped so as to be suitable from a work environment perspective.

Section 4

The occupational hygiene conditions must be satisfactory as regards air quality, acoustics, lighting, vibrations and other comparable factors.

Adequate safety measures must be taken to prevent injuries caused by falls, collapses, fire, explosion, electricity or other comparable factors. *Act (2003:365).*

Section 5

Machinery, tools and other technical equipment must be constructed, positioned and used so as to provide adequate safeguards against illness and accidents.

Section 6

Substances capable of causing illness or accidents may only be used in conditions that provide adequate safety.

Section 7

Personal protective equipment must be used when adequate protection against illness or accidents cannot be achieved by other means. This equipment must be provided by the employer.

In the case of work on ships, personal protective equipment must be provided by the shipowner, unless someone else by whom the employee is employed has assumed this responsibility. *Act (2003:365).*

Section 8

Spaces and facilities for personal hygiene, consumption of food and rest, as well as for first aid in the event of accidents or sickness, must be provided to the extent appropriate to the nature of the work and the needs of the employees.

Personnel transport vehicles must be suited to their purpose.

The Ship Safety Act (2003:364) contains further provisions on spaces, appliances, measures for help and care in the event of accidents or sickness, and food and water for employees on board ships. *Act (2003:365)*.

Section 9

The Planning and Building Act (2010:900) and regulations issued pursuant to that Act contain special provisions concerning the construction and design of buildings. *Act (2010:905)*.

Section 10

The Working Hours Act (1982:673) and regulations issued pursuant to that Act contain provisions concerning working hours.

The Rest Periods for Seamen Act (1998:958) contains provisions concerning working hours and periods of rest in connection with work on ships.

The Working Hours for Certain Road Transport Work Act (2005:395) contains provisions concerning working hours for certain road transport work.

Chapter 5, Section 5 contains special provisions concerning working hours for minors. *Act (2005:396)*.

Chapter 3 General obligations

Section 1

The provisions of this Chapter shall be applied taking into account the requirements relating to the state of the work environment set forth in Chapter 2. *Act (1994:579)*.

Section 1a

Employers and employees must cooperate to create a good work environment. *Act (1994:579)*.

Section 2

The employer must take all necessary measures to prevent the employee from being exposed to illness or accidents. One starting point in this connection must be that anything that can lead to illness or an accident must be changed or replaced so as to eliminate the risk of illness or an accident.

The employer must take into account the special risk of illness and accidents that may be associated with an employee performing work alone.

Premises, machinery, tools, safety equipment and other technical equipment must be kept in a good state of repair. *Act (2002:585)*.

Section 2a

The employer must systematically plan, direct and monitor activities in a manner that ensures that the work environment meets the prescribed requirements for a good work environment. The employer must investigate work-related injuries, continuously investigate the risks involved in the activities and take the measures required as a result. A timetable must be set for measures that cannot be taken immediately.

To the extent required by the activity, the employer must document the work environment and measures adopted with respect to it. Action plans must be drawn up in this connection.

Furthermore, the employer must ensure that her or his activities incorporate suitably organised job modification and rehabilitation measures in fulfilment of the duties required of her or him under this Act and under Chapter 30 of the Social Insurance Code. *Act (2010:1225)*.

Section 2b

The Government may issue regulations on matters that come under the responsibility of the Swedish Work Environment Authority for supervising the application of Section 2a, first and second paragraphs, with respect to compliance with Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC. *Act (SFS 2010:1543)*.

Section 2c

The employer must ensure that the occupational health services required by the working conditions are available.

‘Occupational health services’ means an independent expert resource in the work environment and rehabilitation fields. The occupational health services must work specifically to prevent and eliminate health risks in workplaces and must have the expertise to identify and describe the links between work environment, organisation, productivity and health. *Act (2010:1543)*.

Section 3

The employer must ensure that the employee acquires a good knowledge of the conditions in which the work is conducted and that the employee is informed of the risks that may be associated with the work. The employer must make sure that the employee has received the necessary training and that she or he knows what to do to avoid the risks associated with the work. The employer must ensure that only employees who have received sufficient instructions have access to areas where there is a clear and present risk of illness or accidents.

The employer must take into account the particular fitness of the employee to perform the work by adapting the working conditions or taking other appropriate measures. In the planning and organisation of work, due account must be taken of the fact that people’s fitness to perform working duties differs. *Act (2002:585)*.

Section 3a

An employer must notify the authority designated by the Government without delay of any death or severe injury that has occurred in connection with the performance of work.

An employer must also notify the same authority without delay of injuries in connection with work suffered by several employees at the same time and of incidents that have entailed a serious danger to life and health.

Chapter 6, Section 14 of the Swedish Maritime Code (1994:1009) contains regulations on the obligation of the master of a ship to report certain events in connection with work on board a ship. *Act (2013:610)*.

Section 4

The employee must participate in work relating to the work environment and take part in the implementation of the measures needed to create a good work environment. The employee must comply with directions issued, use the safety equipment and exercise the caution otherwise needed to prevent illness and accidents.

An employee who discovers that work involves an immediate and serious danger to life or health must immediately notify the employer or a safety representative. The employee is not liable to pay compensation for any loss resulting from her or his non-performance of work pending instructions regarding the resumption of work. *Act (1991:677)*.

Section 5

Relevant parts of this Act and regulations issued pursuant to this Act shall apply to work performed by the employer herself or himself. This also applies when two or more persons engage in professional activities for their joint account and without employees unless, however, the activities are conducted solely by members of the same family.

Persons engaging in professional activities without employees, alone or with members of their families, are obliged to comply with what is prescribed in this Act and pursuant to this Act concerning technical equipment and substances capable of causing illness or accidents, and also concerning shared workplaces.

Chapter 4, Section 10 provides that regulations may also be issued regarding obligations in other respects. *Act (1994:579)*.

Section 6

A person who commissions building or civil engineering works must:

1. ensure, at every stage of the planning and design process, that work environment perspectives are taken into account with regard to both the construction phase and future use;
2. appoint a suitable building work environment coordinator for the planning and design of the work, with the duties specified in Section 7a; and
3. appoint a suitable building work environment coordinator for the performance of the work, with the duties specified in Sections 7b and 7f.

A person who commissions building or civil engineering works may appoint herself or himself or someone else as building work environment coordinator. However, if someone else has been appointed, the person commissioning building or civil engineering works is not released from responsibility for the duties indicated in the first paragraph, points 2 and 3. *Act (2008:934)*.

Section 7

At every stage of the planning and design of building and civil engineering works, architects, designers and other participants shall, within the framework of their duties, ensure that work environment perspectives are taken into account with regard to both the construction phase and future use. *Act (2008:934)*.

Section 7a

The building work environment coordinator appointed for the planning and design of building and civil engineering works in accordance with Section 6, first paragraph, point 2 must coordinate the application of relevant work environment regulations to be complied with at every stage of the planning and design process with regard to both the construction phase and the use of the building or facility. This applies in particular when decisions are made on issues relating to the planning of operations that are to be carried out simultaneously or in succession, and when the time required for such operations is calculated. The building work environment coordinator must take into account work environment plans and other documentation referred to in Chapter 4, Section 8, second paragraph, points 1–3. *Act (2008:934)*.

Section 7b

The building work environment coordinator appointed for the performance of building or civil engineering works in accordance with Section 6, first paragraph, point 3 is responsible for coordinating work on preventing risks of illness and accidents at the workplace and performing the duties indicated in Section 7e, points 2–5, and:

1. coordinating the application of relevant work environment regulations when decisions are made on technical or organisational issues relating to the planning of operations that are to be carried out simultaneously or in succession, and when the time required for such operations is calculated;
2. coordinating the application of relevant work environment regulations to ensure that the party or parties engaging in activities at the workplace apply these regulations systematically and follow a work environment plan;
3. coordinating measures to verify that building and civil engineering works are performed correctly with respect to the work environment;
4. taking necessary measures to ensure that only authorised persons have access to the workplace; and
5. organising the duties incumbent under Section 7g on those conducting activities at a shared workplace. *Act (2008:934)*.

Section 7c

What is stated in Section 6 and in regulations issued pursuant to Chapter 4, Section 8 concerning a person commissioning building or civil engineering works shall instead apply to a contractor engaged by that person insofar as:

1. the contractor has been commissioned to take independent responsibility for the planning and design or the performance of the work; and
2. a written agreement has been made that the duties referred to in Section 6 and in the associated regulations will rest with the contractor in the performance of the commission.

If the Consumer Services Act (1985:716) is applicable to commissions under the first paragraph, point 1, what is stated in Section 6 and in regulations issued pursuant to Chapter 4, Section 8 shall apply to the contractor in the performance of the commission. However, this does not apply if a written

agreement has been made that what is stated in Section 6 and in the associated regulations shall instead apply to the person commissioning the building or civil engineering works. *Act (2008:934)*.

Section 7d

If a permanent place of business is a shared workplace for several businesses, the party that is in control of the workplace is responsible for the coordination of work environment issues. If a ship is a shared workplace for several businesses, the shipowner is responsible for such coordination. However, if a ship has been taken into a shipyard in Sweden, the party responsible for operating the shipyard is responsible for such coordination. The responsibility for coordination of safety measures required for the loading or unloading of a ship in a Swedish port rests with the employer responsible for this work.

The responsibility for coordination set forth in the first paragraph can be transferred to a party conducting activities at the workplace or, where the loading or unloading of a ship in a Swedish port is concerned, at the port, or the shipowner.

With regard to shared workplaces other than those referred to in the first paragraph, those who are conducting activities there may agree that one of them will be responsible for such coordination. This does not apply in the case of workplaces for building or civil engineering works. *Act (2008:934)*.

Section 7e

The party responsible for the coordination of work environment issues under Section 7d must ensure that:

1. work on preventing risks of illness and accidents is coordinated at the shared workplace;
2. work is scheduled as necessary to prevent risks of illness and accidents resulting from differing activities being conducted at the workplace;
3. general safety equipment is set up and maintained and general safety regulations are issued for the workplace;
4. the party responsible for the special safety equipment that may be needed for a certain type or certain types of work is clarified; and
5. social rooms and sanitary facilities are arranged at the workplace to the extent needed. *Act (2008:934)*.

Section 7f

If building or civil engineering works share a workplace with other activities referred to in Section 7d, sections 6–7c apply with respect to the building or civil engineering works and Sections 7d and 7e with respect to the other activities.

For the purpose of creating satisfactory safety conditions, the party responsible for coordination of work environment issues under Section 7d must ensure that consultations are held with the person appointed building work environment coordinator under Section 6. *Act (2008:934)*.

Section 7g

Those who conduct activities at a shared workplace, whether simultaneously or in succession, must consult and make joint efforts to create satisfactory safety conditions.

Each of them separately must ensure that their own activities and arrangements at the shared workplace do not entail that anyone working there is exposed to a risk of illness or accident.

Those who are conducting activities or working at the shared workplace must follow instructions from a building work environment coordinator where building and civil engineering works are concerned and from the party responsible for coordinating work environment issues in other cases. *Act (2008:934).*

Section 7h

Any person producing prefabricated buildings or facilities must ensure that work environment perspectives are taken into account in connection with their design, with regard to both the construction phase and future use, and ensure that different aspects of the design are coordinated. *Act (2008:934).*

Section 8

Any person who manufactures, imports, transfers or supplies a machine, tool, safety equipment or other technical equipment must ensure that the equipment offers adequate safeguards against illness and accidents when it is released on the market, delivered for use or displayed for sale.

Technical equipment that does not comply with the requirements in the first paragraph may be exhibited at trade fairs, exhibitions or similar events if it is clearly indicated that the requirements have not been fulfilled and that the equipment may not be released onto the market or delivered for use until it fulfils such requirements. In the event that the equipment is operated, adequate safety measures must be taken to avoid accidents.

Instructions for the assembly, installation, use and maintenance of the equipment, and other information concerning the equipment that is material to the prevention of illness and accidents (product information) must accompany the equipment when it is delivered through clear labelling, in the form of documentation or by some other means. Information of particular importance for the work environment must be supplied in connection with the marketing of the equipment. *Act (2008:295).*

Section 9

Any person who manufactures, imports or transfers a substance capable of causing illness or accidents must take the measures needed to prevent or counteract any safety risks involved when the substance is used as intended.

The provisions of Section 8, third paragraph concerning product information and information in connection with marketing shall also apply with regard to substances capable of causing illness or accidents. *Act (2002:585).*

Section 10

Any person transferring or supplying a packaged product must ensure that the packaging does not entail any risk of illness or accidents. *Act (1991:677).*

Section 11

Any person installing technical equipment must ensure that the necessary safety features are put in place and that other requisite safety measures are taken. *Act (1991:677)*.

Section 12

The person in control of a workplace must ensure that such permanent equipment is located at the workplace to ensure that no person who works there without being engaged by her or him as an employee is exposed to the risk of illness or accidents. She or he must also ensure that other equipment at the workplace can be used without such risk.

Any person who engages contract labour to perform work in her or his business must take the safety measures required by this work. *Act (1994:579)*.

Section 13

Chapter 7, Section 8 contains provisions concerning the responsibility for safety, in certain cases, of persons supplying premises, land or an underground space for work or as social rooms. *Act (1994:579)*.

Section 14

Repealed by Act (2008:934).

Chapter 4 Authorisations

Section 1

The Government or the authority designated by the Government may, with respect to technical equipment or substances capable of causing illness or accidents, issue regulations concerning:

1. conditions for manufacture, use and labelling or other product information;
2. testing or verification of the fulfilment of prescribed requirements or conditions; and
3. prohibitions against, special conditions for or other restrictions on placing on the market.

The Government or the authority designated by the Government may issue regulations on the design and use of safety equipment to protect against falls to lower levels. *Act (2013:610)*.

Section 2

If necessary for the prevention of illness or accidents at work, the Government or the authority designated by the Government may issue regulations prescribing that a permit, approval or other certificate of compliance with the relevant requirements be required:

1. before work processes, work methods or facilities may be used; and
2. before technical equipment or substances capable of causing illness or accidents may be released on the market, used or delivered for use. *Act (2013:610)*.

Section 3

The Government or the authority designated by the Government may issue regulations prescribing that:

1. a register must be maintained at the workplace of certain types of technical equipment or certain substances present there that are capable of causing illness or accidents; and
2. an employer must maintain a register of employees who are exposed to substances that may lead to illness, with information regarding the work and the exposure, and the employer must provide information from the register to a doctor.

The Government or the authority designated by the Government may also issue regulations concerning the inspection of safety conditions in a particular kind of activity and the installation of technical equipment.

An employee must be given the opportunity, upon request, to obtain information from a register compiled in compliance with the first paragraph, point 2, that relates to her or him. *Act (2013:610)*.

Section 4

If special considerations of safety so demand, the Government or the authority designated by the Government may issue regulations prohibiting the use of work processes, work methods or technical equipment or substances capable of causing illness or accidents. *Act (2013:610)*.

Section 5

If a particular type of work involves a risk of illness or accidents, the Government or the authority designated by the Government may issue regulations making it obligatory to arrange medical examination or vaccination, or other preventive treatment against infection, of persons who are employed or are intended to be employed in the work concerned.

The Government or the authority designated by the Government may also issue regulations prohibiting the engagement in such work of any person whom medical examination has shown to be suffering from a disease or weakness rendering her or him particularly vulnerable to a risk of illness or accident. *Act (2013:610)*.

Section 6

If a particular type of work involves a special risk to certain groups of employees, the Government or the authority designated by the Government may issue regulations prohibiting such work from being performed by employees belonging to such a group, or prescribing that special conditions are to apply when the work is performed by such employees. *Act (2013:610)*.

Section 7

The Government or the authority designated by the Government may issue regulations prescribing that registers containing the names of the persons examined and the results of their examinations must be kept in connection with medical examinations referred to in Sections 5 and 6. *Act (2013:610)*.

Section 8

The Government or the authority designated by the Government may issue regulations on:

1. advance notice
 - a) with respect to the obligation of the person commissioning building or civil engineering works to ensure that such notice is submitted to the supervisory authority; and

b) in other respects; and

2. the obligation to otherwise notify or submit information to the supervisory authority or to retain documents that are relevant from a safety perspective.

Furthermore, the Government or the authority designated by the Government may issue regulations prescribing:

1. that a person commissioning building or civil engineering works must ensure that:

a) a work environment plan is prepared;

b) documentation appropriate to the nature of the project is produced and taken into account in the subsequent work; and

c) the work environment plan and documentation are adapted to the progress of the work and any changes that have occurred;

2. that a building work environment coordinator as prescribed in Chapter 3, Section 7a must prepare a work environment plan or have such a plan prepared and produce the documentation referred to in point 1;

3. that a building work environment coordinator as prescribed in Chapter 3, Section 7b must ensure that necessary adaptations are made in the work environment plan and the documentation referred to in point 1; and

4. an obligation to otherwise prepare documents that are relevant from a safety perspective. *Act (2008:934).*

Section 9

The Government or the authority designated by the Government may issue regulations requiring doctors to notify the supervisory authority of any sickness that may be connected with work and to provide the supervisory authority with information and assistance. *Act (2013:610).*

Section 10

The Government or the authority designated by the Government may issue any further regulations on the state of the work environment and general obligations in respect of the work environment that are needed to prevent illness and accidents at work.

The Government or the authority designated by the Government may also issue regulations requiring a person who engages in professional activities alone or with a family member, without employees, to comply with provisions of this Act and regulations issued pursuant to this Act concerning obligations other than those indicated in Chapter 3, Section 5, second paragraph. *Act (2013:610).*

Chapter 5 Minors

Section 1

For the purposes of this Act, a 'minor' is a person who has not attained the age of 18.

Section 2

A minor may not be engaged for or perform work, as an employee or in any other capacity, before the calendar year in which the minor attains the age of 16 or before the minor has completed her or his compulsory education.

Notwithstanding the provisions of the first paragraph, a minor who has attained the age of 13 may be engaged for, or perform, light work that will not have a detrimental effect on the minor's health, development or education.

The Government or the authority designated by the Government may issue regulations concerning exceptions to the first paragraph for engaging the services of a minor who has not attained the age of 13. Such an exception may only concern very light work of a type that would entail that special and significant problems of application would arise if an exception were not permitted.

The Government or the authority designated by the Government may issue regulations concerning work referred to in the second and third paragraphs.

The Merchant Seaman Act (1973:282) and the Ship Safety Act (2003:364) contain special provisions on the minimum age for work on ships. *Act (2013:610)*.

Section 3

A minor may not be engaged for, or perform, work in a manner involving a risk of accident or of overexertion or some other harmful effect on the minor's health or development.

The Government or the authority designated by the Government may issue regulations concerning conditions for, or the prohibition of, a minor being engaged for, or performing, work involving a substantial risk of accident or overexertion or some other harmful effect on the minor's health or development. *Act (2013:610)*.

Section 4

The Government or the authority designated by the Government may issue regulations directing that, upon medical examinations prescribed pursuant to Section 2, fourth paragraph, or Section 3, second paragraph, a register must be kept of the names of the persons examined and the results of the examinations. *Act (2013:610)*.

Section 5

The Government or the authority designated by the Government may issue regulations concerning the duration and organisation of working time for minors who are engaged for or perform work. *Act (2013:610)*.

Chapter 6 Cooperation between employers and employees, etc.

Section 1

Employers and employees must conduct suitably organised work environment activities. *Act (1991:677)*.

Section 2

At every workplace where five or more employees are regularly employed, one or more of the employees must be appointed safety representative (work environment representative). Safety

representatives must also be appointed at other workplaces if the working conditions so require. Alternates should be appointed for safety representatives.

Safety representatives are to be appointed by a local employees' organisation that is currently or customarily bound by a collective agreement with the employer. In the absence of such an organisation, safety representatives are to be appointed by the employees.

In the case of a workplace for which no safety committee under Section 8 has been appointed, the local branch of a federation or an association of employees comparable to such a branch may appoint a safety representative from outside the circle of employees at the workplace (a regional safety representative). The right to appoint a regional safety representative applies only if the branch or association has a member in the workplace.

The Ship Safety Act (2003:364) contains provisions on how safety representatives on ships are to be appointed. *Act (2009:870)*.

Section 3

If a workplace has more than one safety representative, one of the representatives shall be appointed principal safety representative with the task of coordinating the safety representatives' activities.

Section 4

A safety representative represents the employees in work environment matters and must strive to promote a satisfactory work environment. To this end, the representative is responsible, within her or his safety area, for monitoring the safeguards against illness and accidents and compliance by the employer with the requirements of Chapter 3, Section 2a. Safety representatives on ships are also responsible for monitoring that the ship has the crew it is required to have under any decision or regulations.

A safety representative must participate in the planning of new or altered premises, equipment, work processes, work methods and of the organisation of work, as well as the planning of the use of substances capable of causing illness or accidents. Furthermore, a safety representative must participate in the establishment of action plans as referred to in Chapter 3, Section 2a.

Employers must notify safety representatives of any changes affecting safety conditions within the representative's area.

Employers and employees are jointly responsible for ensuring that safety representatives receive the requisite training. *Act (2003:365)*.

Section 5

Safety representatives referred to in Section 2, second paragraph, are entitled to the leave required for the performance of their function. Representatives retain their employment benefits during any such leave.

Section 6

A safety representative is entitled to access the documents and obtain the other information needed for the representative's activities.

Section 6a

If a safety representative considers that measures need to be taken to achieve a satisfactory work environment, the safety representative must apply to the employer for such measures. The safety representative may also request that a certain investigation be carried out to verify conditions within the safety area. Upon application, the employer must immediately give the safety representative written confirmation that the employer has received the representative's request. The employer must make a response in the matter without delay. If the employer fails to do so, or if the request is not considered within a reasonable time, the Swedish Work Environment Authority, upon application from a safety representative, must consider whether an order or prohibition should be issued under Chapter 7, Section 7. Such an application from a safety representative on a ship must instead be submitted to the Swedish Transport Agency, which must consider whether an order or prohibition should be issued under the Ship Safety Act (2003:364).

Where there is a safety committee, a safety representative may directly require the committee to address a work environment issue.

A request from a safety representative under the first paragraph may also concern safety measures needed for the employer at a workplace where the safety representative is active to fulfil her or his obligations towards external labour under Chapter 3, Section 12.

The provisions of the first and second paragraphs concerning safety representatives shall also apply to student safety representatives under Section 17. *Act (2009:870)*.

Section 7

If a particular task of work involves immediate and serious danger to the life or health of an employee, and if no immediate remedy can be obtained by applying to the employer, the safety representative may order the suspension of that work pending a decision by the Swedish Work Environment Authority.

If safety considerations so demand, and if no immediate remedy can be obtained by applying to the employer, the safety representative may order the suspension, pending a decision by the Swedish Work Environment Authority, of work carried out by an employee alone.

If a prohibition issued by a supervisory authority that has become final and non-appealable or requires immediate compliance by virtue of an order under Chapter 9, Section 5, is disregarded, a safety representative may immediately suspend the work to which the prohibition refers.

Measures taken by a safety representative under the first to third paragraphs may also concern work performed in the employer's business by temporary employees.

A safety officer is not liable for any loss resulting from a measure referred to in this Section.

The Ship Safety Act (2003:364) contains provisions on the right of a safety representative to suspend work on a ship and on the effect of such action. *Act (2009:870)*.

Section 8

At a workplace where at least fifty persons are regularly employed, there must be a safety committee consisting of representatives of the employer and of the employees. A safety committee

must also be appointed at workplaces with smaller numbers of employees if the employees so require.

The employees' representatives are to be appointed from among the employees by a local employees' organisation that is currently or customarily bound by a collective agreement with the employer. In the absence of such an organisation, representatives are to be appointed by the employees.

At a workplace where there are student safety representatives, two of these must also be included in the safety committee. The student safety representatives decide among themselves which of them will be members of the safety committee.

The Ship Safety Act (2003:364) contains provisions on how a safety committee on a ship is to be appointed. *Act (2009:870)*.

Section 9

The safety committee must participate in the planning of work environment measures at the workplace and follow up the implementation of these measures. It must carefully monitor developments in matters relating to protection against illness and accidents and promote satisfactory work environment conditions. A safety committee on a ship must also monitor that the ship has the crew it is required to have under any decision or regulations. The safety committee shall deal with questions concerning:

1. occupational health services;
2. action plans as referred to in Chapter 3, Section 2a;
3. the planning of new or altered premises, equipment, work processes and work methods, and of the organisation of work;
4. the planning and use of substances capable of causing illness or accidents;
5. information and training concerning the work environment;
6. job modification and rehabilitation activities at the workplace. *Act (2003:365)*.

Section 9a

Through a collective agreement, a body may be appointed to serve the function of a safety committee referred to in Section 8 and also deal with issues other than those specified in Section 9. Such a body may be termed something other than 'safety committee'.

This Section is not applicable in the case of a safety committee on a ship. *Act (2011:741)*.

Section 10

Safety representatives may not be hindered from fulfilling their duties.

If a safety representative represents an employee performing work at a workplace that the employee's employer does not have control of, the employer who has control of the workplace is obliged to grant the safety representative access to the workplace to the extent required by the representative to fulfil her or his function.

A safety representative may not be given inferior work conditions or terms of employment because of her or his appointment. On the termination of her or his appointment, the employee shall be guaranteed working conditions and terms of employment identical or equivalent to those that she or he would have had if she or he had not held the appointment. *Act (1994:579)*.

Section 11

An employer or employee contravening the provisions of Section 10 is obliged to provide compensation for any loss or injury caused. In determining whether and to what extent loss or injury has been caused, regard shall also be had to circumstances that are not of a purely economic character. If it appears reasonable in view of the extent of the loss or injury or other circumstances involved, the damages may be reduced or completely waived.

If several persons are liable for loss or injury, the liability shall be apportioned between them as is reasonable considering the circumstances.

Section 12

Any person wishing to claim damages under Section 11 must notify the other party of her or his claim within four months of the occurrence of the loss or injury concerned. If, within that period, negotiations concerning the claim have been demanded under the Employment (Co-Determination in the Workplace) Act (1976:580), or by virtue of a collective agreement, an action must be brought within four months from the conclusion of the negotiations. Otherwise an action must be brought within eight months from the occurrence of the loss or injury.

The first paragraph shall apply in a corresponding manner to claims concerning employment benefits under Section 5.

If the provisions of the first or second paragraph are not complied with, the right of action will lapse.

For a safety representative on a ship, the Ship Safety Act (2003:364) shall apply instead of the provisions of this Section. *Act (2003:365)*.

Section 13

Cases concerning the application of Sections 10 and 11 shall be dealt with in accordance with the Labour Disputes (Judicial Procedure) Act (1974:371). However, general provisions on judicial proceedings apply to claims against an employee or, in cases referred to in Section 10, second paragraph, claims against the person who has control of a workplace. *Act (1994:579)*.

Section 14

Sections 4–7 and 10–13 shall apply to an employer when the employer has been notified of the choice of a safety representative by the organisation or the employees making the appointment or, if the employer could not be reached, when notice of the choice has been sent to the workplace.

Section 15

The provisions of Section 5, Section 10, first and third paragraphs, and Sections 11–14 shall apply in a corresponding manner to members of safety committees except student safety representatives.

In the case of student safety representatives, Section 10, first and second paragraphs, and Sections 11, 12 and 14 shall apply in a corresponding manner. General provisions on judicial proceedings

apply to cases concerning the application of Sections 10 and 11 that relate to student safety representatives. *Act (2009:870)*.

Section 16

The Trade Union Representatives (Status at the Workplace) Act (1974:358) shall also apply concerning safety representatives and safety committee members appointed by organisations referred to in Section 2, second or third paragraph. If a safety representative or a member of the safety committee on a ship has been appointed by the employees on board, the Act shall be applied as if she or he was appointed by their local employees' organisation. However, the provisions of this Section shall not apply insofar as the representative's or member's rights under this Chapter or under the Ship Safety Act (2003:364) would be limited by this. *Act (2003:365)*.

Section 17

Persons undergoing education or training must be given the opportunity, by the person responsible for the education or training, of taking part in work environment activities at the workplace, if this is reasonable given the nature of the education or training and its duration.

The scope and form of pupils' participation in the school's work environment activities must be adapted to take account of their age, maturity and other circumstances in the case of:

1. pupils in preschool class and in years below year 7 in compulsory school, special school and equivalent education, and Sami school;
2. pupils in compulsory school for pupils with learning disabilities, upper secondary school for pupils with learning disabilities, and equivalent education; and
3. pupils in special education for adults.

Pupils in years 7–9 of compulsory school, years 7–10 of special school and upper secondary school, and equivalent education, are represented in work environment activities by pupil safety representatives.

Persons undergoing post-secondary education and adult education other than special education for adults are represented in work environment activities by student safety representatives. A student safety representative must be at least 18 years old. *Act (2010:856)*.

Section 18

Pupil safety representatives are to be appointed by the pupils and student safety representatives by the students.

The entity responsible for the education must ensure that pupil safety representatives and student safety representatives receive the training and the leave required for their function.

Pupil safety representatives and student safety representatives are entitled to the information needed for their function. However, in the case of pupil safety representatives, the right to information does not apply to information that is subject to secrecy under Chapter 7, Section 13, first paragraph. The Public Access to Information and Secrecy Act (2009:400) shall apply with respect to information in the work of public authorities that is subject to secrecy. *Act (2009:870)*.

Chapter 7 Supervision

Section 1

The Swedish Work Environment Authority supervises compliance with this Act and regulations issued pursuant to the Act.

Except for Section 13, this Chapter does not apply to work on ships. The Ship Safety Act (2003:364) contains provisions on supervision of work on ships and restrictions on the right to use ships. *Act (2003:365)*.

Section 2

The Government may issue regulations on supervision by the Swedish Work Environment Authority of compliance with Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC. *Act (2010:1543)*.

Section 3

The supervisory authority is entitled, upon request, to receive the information, documents and samples and to order the investigations required for supervision under this Act.

Section 4

A person who, in the course of her or his activities, uses a certain product or commissions another person to perform a certain type of work is required to disclose the identity of the person supplying the product or performing the work when required by the supervisory authority to do so.

A person who has transferred or supplied technical equipment or transferred a substance that is capable of causing illness or accidents is obliged, at the request of a supervisory authority, to furnish available information regarding the persons to whom the product has been transferred or supplied. *Act (1991:677)*.

Section 5

For purposes of supervision under this Act, the supervisory authority must be granted access to workplaces and may carry out investigations and take samples there. No compensation will be paid for samples taken.

The police authority must provide the assistance required for the supervisory authority to exercise supervision under this Act.

The Government or, following authorisation by the Government, the Swedish Work Environment Authority may issue regulations concerning an obligation to compensate the supervisory authority for reasonable claims for expenses in connection with sampling and the analysis of samples. *Act (2014:659)*.

Section 6

If a shared workplace as referred to in Chapter 3, Section 7d, third paragraph has no person

responsible for coordination of work environment issues, the Swedish Work Environment Authority may decide that one of those engaged in activities there shall have such responsibility.

If there are special reasons, the Swedish Work Environment Authority may decide that the responsibility for coordination of work environment issues in cases referred to in Chapter 3, Section 7d shall be transferred to one of those engaged in activities at the shared workplace.

With respect to responsibility for work environment issues in connection with building or civil engineering works under Chapter 3, Section 6, the Swedish Work Environment Authority may, if special reasons exist, make a decision transferring this responsibility:

1. from a contractor to the person commissioning building or civil engineering works in cases referred to in Chapter 3, Section 7c; or
2. from the person commissioning building or civil engineering works to a contractor, insofar as a commission as referred to in Chapter 3, Section 7c, first paragraph, point 1 has been made. *Act (2008:934)*.

Section 7

The Swedish Work Environment Authority may issue, to a person with safety responsibility under Chapter 3, Sections 2–12, Chapter 5, Section 3, first paragraph, or Section 6 of this Chapter, such orders or prohibitions as are needed to secure compliance:

1. with this Act or regulations issued pursuant to the Act; and
2. with the provisions of Regulation (EC) no 1907/2006 that fall within the supervisory responsibility of the Swedish Work Environment Authority.

A decision to issue an order or prohibition may be accompanied by a conditional financial penalty. An order or prohibition of this kind may also be directed against the State as employer.

Should any person neglect to comply with an order, the Swedish Work Environment Authority may order that remedial measures be taken at her or his expense.

If an order has been issued concerning a measure for which a building permit, demolition permit or land permit is required under the Planning and Building Act (1987:10) but such a permit is refused, the order shall lapse as far as the measure is concerned. *Act (2013:610)*.

Section 8

If premises, land or an underground space supplied for work or as social rooms are unsatisfactory in terms of safety, the Swedish Work Environment Authority may, under Section 7, prohibit their supply until specified measures have been taken regarding the premises, land or other space concerned.

The Swedish Work Environment Authority may issue, to the person supplying premises, land or an underground space for work or as social rooms, an order under Section 7 for the investigation of safety conditions at the location concerned. *Act (2000:764)*.

Section 9

Repealed by Act (2000:764).

Section 10

To ensure compliance with a prohibition under Section 7 or 8, the supervisory authority may order a facility, space or equipment to be sealed or otherwise shut off. The authority is responsible for executing such orders. *Act (1994:579)*.

Section 11

The person responsible for safety under Chapter 3, Sections 8–10, may be ordered to provide warning information or to recall a product. The contents of such an order shall correspond to what is stated in Sections 14–18 of the Product Safety Act (2004:451). However, what is stated there regarding the manufacturer shall instead refer to the person responsible for safety under Chapter 3, Sections 8–10.

The order shall be accompanied by a conditional financial penalty unless there are special reasons making this unnecessary. *Act (2008:295)*.

Section 12

The Government may prescribe that special fees are to be charged in matters under this Act.

Section 13

A person who has been appointed to serve as a safety representative, a student safety representative or a member of a safety committee or who has taken part in job adaptation and rehabilitation activities under this Act may not improperly disclose or utilise facts that have come to her or his knowledge in the course of the assignment concerning trade secrets, work procedures, business dealings, the personal circumstances of individuals or matters of importance to national defence.

A safety representative, member or participant who has been appointed by a local employees' organisation as referred to in Chapter 6, Sections 2 and 8 may, notwithstanding the duty of confidentiality set forth in the first paragraph, pass information on to a member of the executive committee of the organisation or to a work environment expert at a central employees' organisation to which the local organisation belongs. The right to pass information on applies only if the informant notifies the recipient of the duty of confidentiality. In such a case, the duty of confidentiality also applies to the latter.

In activities of public authorities, the provisions of Chapter 10, Sections 11–14 and Chapter 12, Section 2 of the Public Access to Information and Secrecy Act (2009:400) apply instead. *Act (2009:870)*.

Section 14

The supervisory authority shall supply each safety representative and student safety representative with a copy of the written communications made to a workplace concerning work environment issues. *Act (2009:870)*.

Chapter 8 Sanctions

Liability

Section 1

Any person who intentionally or negligently fails to comply with an order or prohibition issued pursuant to Chapter 7, Section 7 or 8 shall be fined or sentenced to imprisonment for a maximum of one year. However, this does not apply if the order or prohibition was accompanied by a conditional financial penalty. *Act (2013:610)*.

Section 2

Fines shall be imposed on persons who intentionally or negligently:

1. employ a minor in contravention of Chapter 5, Section 2, first paragraph, or of regulations issued under Chapter 5, Section 2, third or fourth paragraph;
2. contravenes regulations on work by minors issued under Chapter 5, Section 3, second paragraph, point 4, or Section 5;
3. furnishes incorrect information in matters of importance when a supervisory authority has requested information, documents or samples or has requested investigations under Chapter 7, Section 3 or 4;
4. removes safety equipment or renders such equipment inoperative without valid cause; or
5. fails to provide notice to the supervisory authority in accordance with Chapter 3, Section 3a.

An act that is covered by an order or a prohibition under Chapter 7, Section 7 shall not give rise to criminal liability as described in the first paragraph. *Act (2013:610)*.

Section 3

Chapter 20, Section 3 of the Penal Code contains provisions concerning liability for infringements of Chapter 7, Section 13.

Confiscation

Section 4

If any equipment or substance has been used in connection with an offence coming under this Chapter and in violation of a prohibition under Chapter 7, Section 7, that property or the value of that property shall be confiscated, unless this is manifestly unreasonable. *Act (2013:610)*.

Financial penalties

Section 5

The Government or the authority designated by the Government may issue regulations prescribing that a financial penalty be charged in the event of an infringement of a regulation issued pursuant to Chapter 4, Sections 1–8. The penalty shall be charged even if the infringement was not committed intentionally or negligently.

A regulation concerning financial penalties must indicate the manner in which the penalty is to be calculated for different kinds of infringement. It must be possible to determine the amount directly with the aid of the specified basis of calculation. The financial penalty shall be at least SEK 1 000 and at most SEK 1 000 000. *Act (2013:610)*.

Section 5a

No financial penalty shall be charged for an act covered by an order or prohibition under Chapter 7, Section 7. *Act (2013:610)*.

Section 6

The financial penalty shall be charged to the natural or legal person operating the activities in which the infringement occurred.

The penalty may be reduced or waived if the infringement is negligible or excusable, or if, in view of the circumstances, it would otherwise be unreasonable to charge the financial penalty.

The penalty accrues to the State. *Act (2013:610)*.

Section 6a

The Swedish Work Environment Authority adjudicates financial penalty cases by means of penalty orders.

A penalty order means that the party deemed responsible under Section 6 for an infringement is ordered to accept the penalty immediately or within a certain time.

Once the order has been accepted, it has the force of a final and non-appealable court decision charging a penalty. However, acceptance made after the expiry of the time specified in the order is null and void. *Act (2013:610)*.

Section 7

If the penalty order has not been accepted within the specified time, the Swedish Work Environment Authority may apply to the administrative court within whose jurisdiction the penalty order was issued for a financial penalty to be charged.

Leave to appeal is required for appeal to the Administrative Court of Appeal. *Act (2013:610)*.

Section 8

A financial penalty may only be charged if the person subject to the penalty order has been served with the application within five years of the time the infringement occurred.

The county administrative board must be notified immediately of a decision to charge a penalty. The penalty must be paid to the county administrative board no later than two months after the decision became final and non-appealable. Information to this effect must be included in the decision.

If the penalty is not paid within the period of time stated in the second paragraph, a late payment penalty will be imposed under the Late Payment Penalties Act (1997:484). The unpaid penalty and the late payment penalty shall be turned over for collection in accordance with the Act on the Collection of Debts to the State (1993:891). *Act (2013:610)*.

Section 9

Repealed by Act (2013:610).

Section 10

A penalty that has been imposed lapses if enforcement has not been carried out within five years of the date on which the decision became final and non-appealable. *Act (2013:610)*.

Chapter 9 Appeals

Section 1

Repealed by Act (2000:764).

Section 2

Decisions in individual cases taken by the Swedish Work Environment Authority under this Act or under regulations issued pursuant to this Act may be appealed to an administrative court.

Leave to appeal is required for appeal to the Administrative Court of Appeal. *Act (2008:297)*.

Section 3

To safeguard the interests of employees in matters under this Act, appeals under Section 2 may be made by a principal safety representative or, in the absence of a principal safety representative, another safety representative.

In the absence of a safety representative, an appeal may be made by an employees' organisation insofar as the matter concerns the interests of the organisation's members. If the action relates to something other than work on a ship, the organisation must have previously expressed its views on the matter.

To safeguard the interests of students in matters under this Act, appeals may also be made by a student safety representative. *Act (2009:870)*.

Section 4

The Swedish Work Environment Authority may refer particularly important matters concerning regulations to the Government before the Authority takes a decision in the case. *Act (2000:764)*.

Section 5

A supervisory authority may prescribe that its decisions shall have immediate effect. *Act (2000:764)*.

Transitional provisions

1977:1160

This Act enters into force on 1 July 1978, when the Workers' Protection Act (1949:1) and the Forest Accommodation Act (1963:246) will cease to apply. However, Sections 14 and 16, Section 26, second paragraph, Section 74, first paragraph, and Section 75 of the Workers' Protection Act shall continue to apply until the Government or, by decision of the Government, the National Board of Occupational Safety and Health issues provisions as authorised in the new Act corresponding to the Proclamation prohibiting the use of employees for painting work involving lead paint (1949:210), the Proclamation concerning medical examination and medical inspection for the prevention of certain occupational diseases (1949:211), the Proclamation prohibiting the use of substances containing benzole in the manufacturing of leather footwear (1949:491) and the Proclamation prohibiting the use of minors for certain types of work (1966:521).

Any regulation, advice or instruction issued pursuant to Section 45, second or third paragraph, or Section 74, second paragraph, of the Workers' Protection Act that applies at the time this Act enters

into force continues to apply in its previous area of application and, for the purposes of this Act, shall be treated as having been issued under the Work Environment Act.

The provisions of the second paragraph shall apply similarly with respect to regulations, advice or instructions mentioned there but intended to enter into force on 1 July 1978 or later.

If any act or other statute makes reference to or otherwise relates to a regulation that has been replaced by a provision in the Work Environment Act, the new provision shall apply instead.

1994:579

This Act enters into force on 1 October 1994.

The older provisions in Chapter 8, Section 2 continue to apply with respect to infringements that have occurred before 1 October 1994, but no penalties other than fines may be imposed for these infringements.

A financial penalty referred to in Chapter 8, Section 5 of this Act may only be imposed for an infringement that has occurred after the Act has entered into force.

1995:326

This Act enters into force on 1 May 1995. Appeals against decisions issued before this Act entered into force shall be made in accordance with older provisions.

2008:297

1. This Act enters into force on 1 July 2008.

2. Regarding decisions issued by the Swedish Work Environment Authority before 1 July 2008, the older wording of Chapter 9, Section 2 applies.

2008:1362

This Act enters into force on 1 January 2009. In applying Section 7a of the Administrative Court Procedure Act (1971:291), the Swedish Transport Agency rather than the Swedish Maritime Administration shall be the individual's opposite party, if the Agency is competent after the Act has entered into force to process the type of issue to be adjudicated.

2010:856

1. This Act enters into force on 1 July 2011.

2. Older provisions continue to apply to adult education for persons with intellectual disabilities until the end of June 2012.

2011:741

This Act enters into force on 1 August 2011. For workplaces where consultation on the work environment is regulated by collective agreement at the time of entry into force, the Act applies from 1 January 2013.

2013:610

1. This Act enters into force on 1 July 2014.
2. Older regulations continue to apply to infringements that occurred before the Act entered into force.