



Industrial Action Guide 2023

Guidance, advice and support

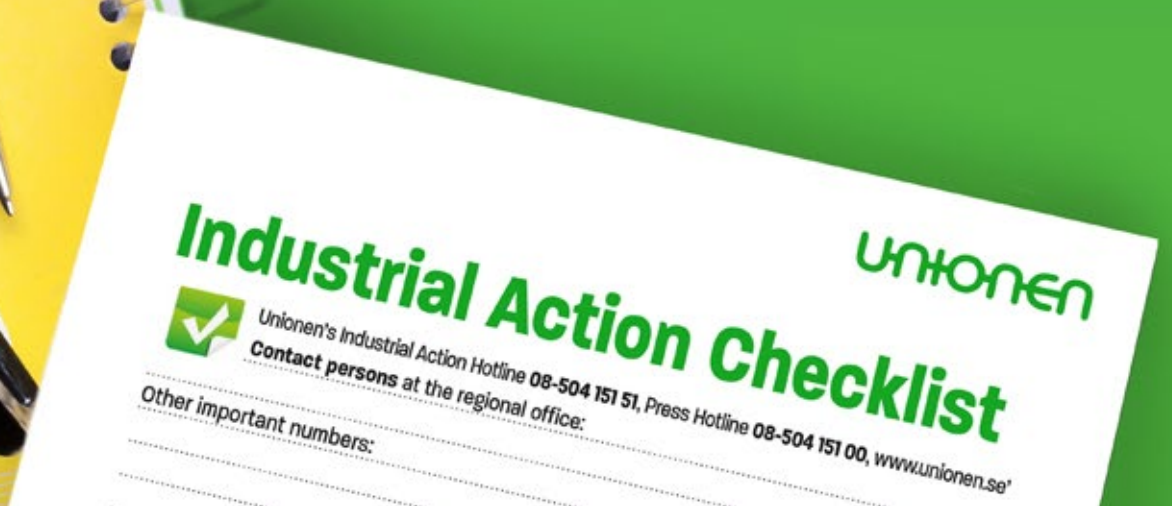


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Martin Wästfelt, Chief negotiator regarding industrial action

Unionen's basic approach and aspiration is to always resolve issues by means of negotiations and mutual agreement. However, as long as there is no mandatory prohibition of industrial action during the collective bargaining agreement and we find ourselves in a situation where, despite our best efforts, we are unable to come to an agreement, we have recourse to industrial action as an ultimate means of exerting pressure which we can and, under the appropriate circumstances, will not hesitate to use.

How and where a labour dispute arises that results in industrial action is never a random event but rather the outcome of the current situation with the collective bargaining agreement, the specific nature of the issue, and after careful deliberations. One aspect of this work is ensuring that a labour dispute that results in industrial action does not pose a direct danger to the functioning of the community/ Plus addition other aspects will also need to be taken into consideration and we are of course obligated to act in a responsible manner in regard to how advance notice of industrial action is given and which workplaces and positions/activities are affected.

This *Industrial Action Guide* provides those who are involved in the preparation and implementation of industrial action with more detailed information on the applicable rules and laws. In a situation where industrial action is to be taken, cooperation and division of responsibilities between the industrial action leadership, union regional offices, shop stewards (elected union representatives) and trade union members at the workplaces is an essential prerequisite for everything to function properly and for us to achieve the goal of entering into or improving an existing collective bargaining agreement.

This Industrial Action Guide provides additional detailed information on what to do in preparation of, during and after the conclusion of industrial action measures. If you are unsure about what applies in a specific situation, you can always contact the Unionen's Industrial Action Hotline on 08-504 151 51.



Martin Wästfelt

Chief Negotiator, Unionen



Why is industrial action engaged in?

It has always been a central task for trade unions to identify problems and contribute solutions to the challenges of the labour market by, among other things, signing and developing our collective bargaining agreements. Many of the conditions that are currently taken for granted in working life exist thanks to Unionen and all other trade unions exerting pressure, forming public opinion, and negotiating employee benefits and workers rights.

The goal of Unionen's work is to improve working life and conditions, and this is possible thanks to the commitment and power of 690,000 members. Together we promote, influence, and work on the issues that Unionen's members think are most important. By negotiating, signing agreements, and offering various forms of support, we contribute to real wage growth, increased opportunities for personal and professional development, inclusivity and a labour market that offers equal opportunities, along with a balance in personal and working life.

When negotiations have been exhausted and no other options remain, we can give notice of industrial action, provided that there is no obligation not to engage in industrial action during the term the collective bargaining agreement. The purpose of industrial action is to put pressure on the other party in order to succeed in signing a collective bargaining agreement.

When there is a collective bargaining agreement in effect, there is rule stating the employer and employee parties bound by it have an obligation not to engage in industrial action during the term of the collective bargaining agreement. Sympathy measures to support another union are however permitted, provided that the industrial action supported by the sympathy measure is permissible.

The Swedish Model

In Sweden, the labour market's social partners, trade unions and employers' organisations are responsible for wage formation and for most of the rules and terms and conditions of employment that apply at workplaces. The agreements between trade unions and employers' organisations/employers are regulated in the collective bargaining agreements signed by the parties. This close cooperation between the labour market parties is known as the "Swedish model" and has historically been very successful, contributing to real wage growth in Sweden for a long time.

When can industrial action take place?

The only time that industrial action can be considered is when there is a “no-contract” situation, meaning either when the company has not signed a collective bargaining agreement or when the central collective bargaining agreements have expired and are up for renegotiation. However, there are two measures that are permitted even when there is a collective bargaining agreement in effect: *neutrality* and *sympathy measures*, which you can read more about on page 6.

The right to industrial action is a constitutionally protected right and the other legal regulations that apply can be found in Sections 41-49 of the Swedish Co-determination in the Workplace Act (MBL).

Industrial action situations can arise in the following cases:

- **Collective bargaining**

In a collective bargaining process, it is mainly a matter of being prepared to organise and carry out your own industrial actions regarding an issue that is important to Unionen’s members and where the parties cannot find a solution and the negotiation possibilities have been exhausted. In a bargaining round, we also need to be prepared to handle and respond to industrial action measures such as lockouts from counterparties.

- **Companies/organisations without collective bargaining agreements**

This involves having to give notice of industrial action to an employer who does not have a collective bargaining agreement where Unionen’s members want an agreement and where this could not be reached through negotiation. This situation is not linked to the collective bargaining process but can occur at any time.

In addition to the exhaustion of the negotiation route, there are other factors and prerequisites that come into play in cases where we do not have a labour agreement, such as the level of organisation, willingness to engage in industrial action, timing, possibilities for escalation, the presence of other unions, possible social impact, etc.

In the case of an industrial action to sign a new agreement at a specific workplace, negotiations for a collective bargaining agreement have taken place locally, i.e. an ombudsman from one of Unionen’s regional offices has negotiated with the employer. Before there is a question of notice and possible industrial action, the regional industrial action representative must be involved and a document drawn up that contains both a negotiation report and a review of the factors mentioned above. The documentation is then sent to the Unionen’s industrial action leadership. Each industrial action situation is unique and there are no given answers to, for example, the degree of organisation required for industrial action to have an effect. It is therefore important to have close contact and cooperation between union members, regional offices, and the industrial action leadership in cases where the employer does not want to sign a collective bargaining agreement, the negotiation route has been exhausted, the members want an agreement and are willing to strike to be encompassed within a collective bargaining agreement.

- **When other unions engage in industrial action**

Unionen also needs to be prepared to act in connection with industrial actions in other trade unions. Occasionally, we have wrongly affiliated members who are more properly encompassed within another union's industrial action, but usually what happens is that the industrial action taken by other trade unions involve us needing to act when there is a request for neutrality or secondary sympathy actions from other trade unions which are threatening or giving advance notice of industrial action or escalating an ongoing strike.

Neutrality as a right

When a union is taking or has already taken industrial action and there are multiple agreements in the workplace, and therefore colleagues who are members of other unions, information about the industrial action and a request for neutrality is normally sent to the union(s) to which the colleagues belong. The right to be neutral is an individual right that prevents members of other unions from doing work that the members encompass by the industrial action would have done.

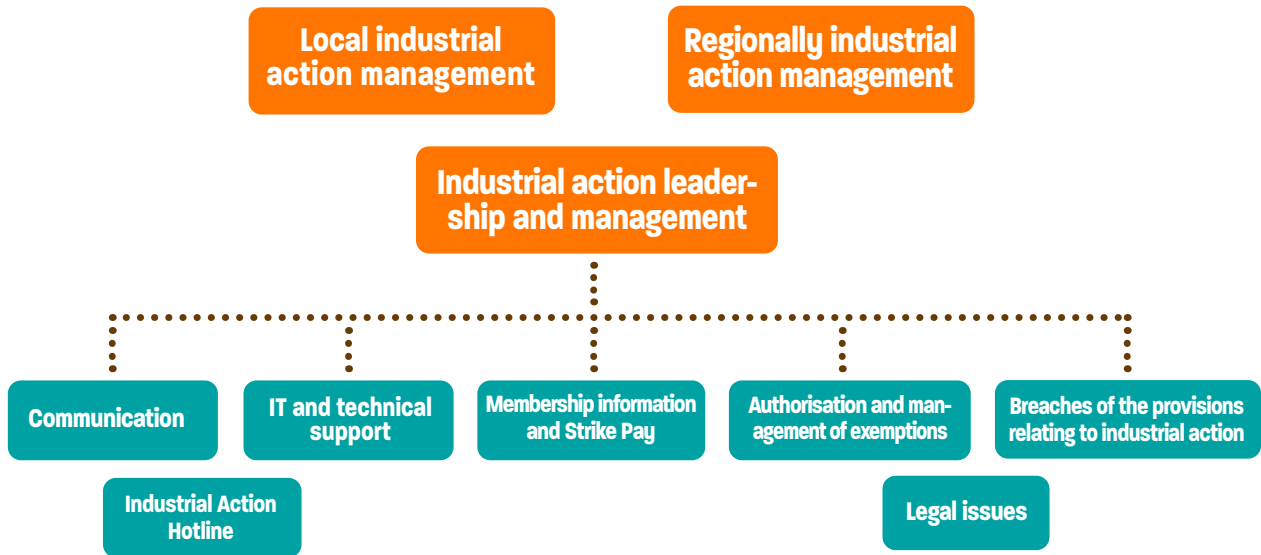
Inter-union sympathy measures

When an employer attempts to circumvent the effects and impact of industrial action, or if additional pressure needs to be put on the other party for other reasons, it is possible to request sympathy measures from other trade unions. Before requesting such a measure, it needs to be properly anchored at the trade union from which the sympathy measures will be requested, as this requires the same type of preparation and implementation as in the case of its own industrial action.

New rules relating to industrial action applicable from 2019

As of 1 August 2019, new legal rules were established concerning an extended period during which the agreement not to engage in industrial action applies to employers who are bound by a collective bargaining agreement. The legislative amendments means that the Sections 4, 42a and 44 of the MBL, the Swedish Co-Determination in the Workplace Act (1976:580), have obtained as new wording plus that two new provisions are introduced, Sections 41d and 41e. The amendments also include a prohibition for an employer or an employee to initiate or engage in industrial action to exert pressure in litigation underway in a court. The amendments to the statute strengthen the collective bargaining agreement's function of prohibiting industrial action during the term of a collective bargaining agreement and establish in law the practice already applied by the majority of the social partners. You can read more this in A-circular 18.19, which can be found at unionen.se.

The roles of the industrial action organisation



Local industrial action organisation

In order to achieve the desired result, it is important that the means of contact with members, unions and employers are functioning and accessible before, during and after the industrial action so that an exchange of information can take place. The local industrial action work, which is planned and carried out at the workplace by Unionen's elected representatives, is absolutely crucial for the industrial action to have an effect and lead all the way to a new collective bargaining agreement. Depending upon, for example, which industrial action measures are involved, the scope of the industrial action, the size of the workplace and the union presence in the workplace, the structure of the local industrial action organisation may vary. Larger workplaces and trade union local branches may appoint a labour dispute committee, and smaller workplaces a labour dispute industrial action. If the local branch does not appoint a labour dispute committee, the board of the union local branch is the industrial action committee. The local labour dispute committee/representative may in turn need to appoint dedicated working groups for i.a. information, monitoring and follow-up of breaches of the provisions relating to industrial action including failures to participate in the industrial action, strike pay, exemptions, and strike management. More information about responsibilities and practical tasks can be found on page 16.

Regional industrial action organisations

The Unionen's regional office acts as a link between the industrial action leadership at the national office and the local industrial action management at the workplace. The regional office assists with the logistics of union member meetings prior to, during, and after the industrial action, offers support, and advice, and answers questions from members and elected representatives.

In workplaces without trade union representatives, the regional office becomes the local industrial action organisation, responsible for, among other matters, contact with employers and providing information to the union's members.

Central industrial action leadership

At Unionen's national office, there is a special industrial action management team that plans, organises, and manages the strategic and operational activities surrounding an advance notification and possible industrial action. Unionen's industrial action management team is always staffed but is activated when necessary and is responsible for managing and implementing operational activities in the following areas:

- Communications
- Industrial Action Hotline
- IT and Technical Support
- Membership information and strike pay
- Authorisation and management of exemptions
- Legal issues
- Breach of the provisions relating to industrial action

Who does what in the event of industrial action?

Unionen's Chief Negotiator recommends the need for industrial action.

The National Board of Unionen decides on industrial action measures.

The industrial action organisation prepares, organises, and terminates the industrial action.

The local, regional, and central industrial action organisation, those responsible for agreements, and the negotiation management plan the industrial action together.

The members implement the industrial action and support is always a prerequisite for industrial action.

Preparing for the industrial action

Strikes, lockouts and other industrial action measures are costly for everyone involved including for the society as a whole. That is why there are established rules for advance notification and the industrial actions that must be observed.

Advance notification

Advance notification means a warning in advance, and in this case it means that before Unionen or any other organisation in the labour market resorts to industrial action measures, we must forewarn, i.e. give notice, to the relevant counterparty. At the same time, we must also inform the Swedish National Mediation Office (Medlingsinstitutet), which then acts as a mediator and conciliator. In some areas, such as those encompassed within the Industry Agreement, the Impartial Chairman (OpO) must also be informed. In these cases, the OpO acts as a conciliator and mediator.

According to Section 45 of the Swedish Co-determination in the Workplace Act, the other party must be notified at least seven working days in advance, (working days means that Saturdays, Sundays and any public holidays are not included within the seven-day period). Other deadlines may apply in areas where there are special negotiating arrangements.

The advance notice document is the main document in an industrial action process. It is usually supplemented by an appendix in which we describe the work tasks and positions, etc. that may be excluded from the industrial action.

The notice document states, among other things, why advance notice of industrial action is being given, the purpose of the industrial action, which employer organisation/ company/ workplaces the industrial action is directed at, what type of industrial action is involved, and when the industrial action will commence. The scope of the industrial action is also stated in the notice document, i.e. which employers the industrial action is aimed at and which workplaces, work tasks and thus which employees are encompassed within the industrial action.

If uncertainty arises because it is unclear which employer an employee has, this is checked by looking at who is listed as the employer on the employee's income declaration.

If an employer mentioned in the notification document uses a consultancy firm that does not belong to the same employer organisation, and there is doubt about the consultants' position in the industrial action, contact Unionen's Industrial Action Hotline.

When it comes to the interpretation and application of a notice, only the organisation that drafted the notice document, in our case Unionen, decides how the advance notice should be interpreted and applied. If questions and concerns arise or if the employer claims a certain interpretation, contact Unionen's Industrial Action Hotline on 08-504 151 51.

Preparations at the workplace

Those who conduct the local industrial action work are the most important parties when industrial action is taken! The work conducted at the workplace by Unionen's elected representatives is absolutely crucial for the industrial action to have an effect and carry all the way to a collective bargaining agreement.

In the case of industrial action at an individual company that does not have a collective bargaining agreement, there are usually no shop stewards at the workplace. In these cases, it is the region concerned that provides the union members with the necessary information and support.

Study and interpret the notice document

Make a careful study of the appendix and, based on it, decide which employees should be excluded if the industrial action breaks out. If you have problems interpreting the notice document, call the Industrial Action Hotline on 08-504 151 51.

Organising the local industrial action work

Start by appointing a working group responsible for liaising between members, the union and company management. Depending on the industrial action measures, the scope of the industrial action and the size of the workplace, the need for and design of the local industrial action organisation varies. In larger workplaces, a labour dispute committee can be appointed, and in smaller workplaces an industrial action representative. The labour dispute committee composed of the same individuals as the board of the union local branch, or it may be necessary to expand the group. In turn, the labour dispute committee/representative may need to appoint specific working groups for, for example, information, monitoring of breaches of the provisions relating to industrial action including failures to participate in the industrial action and strike pay.

If it is unclear how to organise the local work or if other difficulties arise, you can consult the regional office or Industrial Action Hotline!

Hold a union members' meeting

An essential prerequisite for the success of the industrial action is that each worker has the necessary information to follow the instructions. Call a union members' meeting before the industrial action occurs and provide information regarding:

- The purpose(s) behind the industrial action.
- The status of the Negotiations.
- Which employees are affected by the industrial action measures and which, if any, are excluded.
- The composition, tasks and responsibilities of the local industrial action group.
- The exact date when the industrial action will commence, and the process of ascertaining when it has ended.
- Plan and communicate how the union's members will receive information from the local branch and remain informed if their workplace is not accessible.
- Remind people that personal mobile phone numbers and e-mail addresses are required as during a strike they cannot expect to have access to a company-supplied phone or work e-mail account/computer.

Inform EVERYONE

When a notice of pending industrial action is issued, invite all employees of the company to an informational meeting. Present the background and purpose of the industrial action notice. Inform them about the possibility of becoming a member during the notice period, up until the actual industrial action commences, and thus be entitled to strike pay (industrial action grants and benefit payments) corresponding to lost income.

Keep up with the information

Stay informed and updated by visiting Unionen.se where all elected representatives and union members directly affected by a labour dispute or industrial action will receive specific information when in logged-in mode. Also keep abreast of the news on radio and TV, and maintain close contact with your regional office for support and advice.

Inform your trade union colleagues

Provide information on the impact of the industrial action to representatives of other trade unions that may be represented in the workplace.

Recruit more members for greater strength

Recruiting more members in the workplace is always one of the most important tasks of the local branches, but it becomes even more important in connection with a labour dispute escalating to industrial action. The need for trade union organisations to be a strong counterpart to employers is never more evident than when there is a clash of wills in collective bargaining contract negotiations. And never is it so clear how our strength and ability to put pressure behind demands and arguments depends on how many employees are Unionen members. A high level of unionisation promotes greater impact for the industrial action, and a high degree of representation increases the possibility of having the other party actually listen to our demands.

Having a large number of Unionen members at the workplace is obviously a strength for the local branches when it is time for local negotiations, as well as in the work of pursuing local issues.

When a workplace industrial action is announced, the question of the right to strike pay naturally takes centre stage. All of the arguments in favour of membership are good, but it is a useful idea to focus on the fact that those who are not already members have the possibility of receiving strike pay if they apply for Unionen membership before the date on which the industrial action commences.

Types of industrial action

There is a wide range of different types of industrial action, but they all have in common that they are a part of trade union activities and used as a means of exerting pressure from the trade union's side for the purpose of securing a collective bargaining agreement at the workplace.

Historically, the most common form is a "work stoppage," i.e. industrial action entailing a cessation of work by employees, a strike. Another less severe industrial action measure is a ban on the employer requiring overtime work. And when it is the employer who is the initiator of the industrial action, it is referred to a "lockout."

Neutrality and sympathy measures

Unionen can only involve its own members in industrial action measures. In cases where there are members of other unions at the workplace, our industrial action management will normally send information about the industrial action to the union(s) with a request for neutrality. Neutrality means that employees who are not members of Unionen have an individual right not to perform the work of Unionen members. In certain situations, we can also request sympathy measures from other unions, for example if we see that employers are trying to circumvent the effects of the industrial action or if we want to put further pressure on our counterpart. Before requesting such action, we must first properly liaise with the trade union we are requesting sympathy action from.

Strikes

A strike means that Unionen's members are to refrain from working and their work tasks are put under suspension (banned). A ban means that nobody else is permitted to perform the work concerned.

The only work that may be performed is that which Unionen exempts in the notice of impending industrial action (as stated in the notice document) and work that is encompassed within other unions' collective bargaining agreements or covered by an exemption.

In the event of a strike, the local industrial action organisation should establish a picket line leadership with responsibility for preparing a schedule of picketing and related matters. The advice is general to start organising the picket line as soon as that there will be strike is announced, as it must be ready before the strike commences.

Overtime bans, working to rule, and freeze on new hires

A ban on overtime or working to rule means that no employee is permitted to work more than the regular daily working hours for which they are employed. This also means that those who work part-time are not permitted to increase their working hours. No overtime may be worked, *even if* the request to do so was given prior to the start of the industrial action. A freeze on new hires prevents all new hiring irrespective of the type of employment. Usually the measure also includes a ban on hiring consultants for the duration of the industrial action.

Lockouts

The most common type of industrial action measure taken by employers is a lockout. This means that employees are barred from the workplace and are not entitled to any pay from their employer during the lockout. The employer must state in the notice the extent of the lockout and whether it will encompass all or part of the workforce. Individual employees or departments can be excluded from a lockout. The advance notice period for a lockout is seven working days, the same as for a notification of an intent to strike. If the industrial action also encompasses workers who are not members of the trade union concerned, the notice should also be displayed on a public notice board at the workplace or in another appropriate place so that all employees can see it.

Frequently asked questions about the industrial action

In preparation of and during an ongoing industrial action, a special document containing questions and answers is prepared and distributed to elected representatives, regions, and members. Below are some of the most frequently asked questions.

How is the Swedish Trade Union Representatives (Status at the Workplace) Act (1974:358) applied in the event industrial action is commenced?

It depends on the nature of the trade union work. There is no right to continue to receive a wages from the employer during regular industrial, neither during the notice period nor during the time the industrial action is underway, however elected union representatives are entitled to take a leave of absence. For other trade union work, normal rules apply during the notice period and during regular working hours in the event of a ban on requiring overtime, i.e. shop stewards (elected union representatives) are generally entitled to paid leave to perform their union responsibilities. In case of uncertainty, contact your regional office or the Industrial Action Hotline on 08-504 151 51.

Is it permissible to make local agreements during negotiations or when a notice of impending industrial action is given?

Do not make any local agreements on wages or other terms and conditions of employment before the central collective bargaining agreement is finalised!

Discussions that could lead to a collective bargaining agreement between the local branch and the employer at local level must not take place during the ongoing collective bargaining process. It is important not to disrupt our joint efforts to achieve the goals that we have jointly set for the entire collective bargaining process. If a local collective bargaining agreement is signed concerning for example salaries or other terms and conditions of employment, this can lead to that industrial action is not permissible at the workplace during the term of the agreement. Local, binding collective bargaining agreements can also make it difficult to apply a subsequent agreed upon nationwide agreement reached at the central level. Therefore if the employer initiates local negotiations or desires to end the pay review before the central collective bargaining agreement is finalised, decline to do so and contact your regional office or Unionen's Industrial Action Hotline.

Do union members have obligations during industrial action measures?

As a union member, you are obligated by the Unionen's Articles of Association to participate in the industrial action, even if you perhaps do not personally agree with the industrial action measures (Article 2.3(1) of the Unionen's Articles of Association).

A member cannot be granted a withdrawal after a notice of industrial action has been issued (Article 2.4(1)). If a member performs work despite a strike underway, their failure to participate in the industrial action is considered a breach of the provisions relating to industrial action, and such a refusal to participate in an industrial action is grounds for exclusion from Unionen (Article 2.4(6)).

What applies when working outside of Sweden?

The labour industrial action only applies to activities within Sweden's borders. However, if you are on a business trip, you must return back to Sweden before the industrial action commences and then you are thus encompassed by the industrial action.

What applies to training during the industrial action?

The starting point is that planned training paid for by the employer must continue. However, it is important to monitor whether the training programmes have already been planned, the scope, and the extent to which the employer may change the planning in order to circumvent the strike. If there is a suspicion of a failure to participate in the strike/industrial action or other breach of the provisions relating to industrial action, the suspicion must be reported (see further information under failures to participate in the industrial action offences on page 19).

What applies to workplaces with an associative agreement?

The industrial action is directed at the party we negotiate with in a collective bargaining process, i.e. the employers' organisation. Therefore employers who are not members of an employers' organisation but who have instead signed an agreement directly with Unionen (associative agreement, *hängavtal*) are not subject to the labour dispute and are excluded from the industrial action.

Are there any exceptions to the industrial action other than what is stated in the advance notice document?

The principal rule is that the employer must apply for an exemption if they wish a salaried employee to be exempted or to perform protective work, (see further information under Exemptions on page 20).

Exceptions to this rule may be made in situations where protective work must be performed because there has been an accident, breakdown or similar incident that involves a risk to human life/health or extensive damage to buildings, facilities, warehouses, etc. In these cases, a salaried employee may start the protection work, while the employer must apply for an exemption as soon as practicable. If the employer's application for exemption is rejected, the work must be stopped immediately.

Can we engage industrial action in a workplace where our members work wholly or partly remotely (e.g. from home)?

Yes, we can. The fact that members are working wholly or partly remotely does not directly prevent strike notice, but it does present some challenges. One of them is that if members work from home, it is more difficult to ensure that they do not perform any work tasks. It is therefore important that all members receive the same information on the obligations that apply in the event of a strike and that the local industrial action management team is aware of and able to communicate via the digital tools (e-mails to personal e-mail addresses, telephone numbers, etc.) that are not at risk of being disconnected or access restricted by an employer. For members who work remotely, i.e. from home or elsewhere, the same rules apply to strike notification as for other union members working on-site at the workplace. This means that they have the identical obligations to attend union meetings and keep themselves updated on the progress of the industrial action. Once the strike is over, they must resume work according to the usual rules on telework that applied before the strike commenced. When making advance notification of an impending industrial action in workplaces where most or all employees work remotely, it may be particularly important to consider our news media and advocacy strategy, as the impact of the employees' stoppage of work is not the same.

During the industrial action

In an industrial action situation, the local industrial action organisation is responsible for the following:

Information

Informing the union's members and, if necessary, other employees – before, during and after the industrial action (see separate section on information on page 17).

Contact details

Ensure that members' personal e-mail addresses and mobile phone numbers are available and registered as directed.

Updating

Keep track of and disseminate information to those concerned from the industrial action management team and the regional office.

Logistics

Provide a physical or digital venue for the industrial action organisation's work outside the workplace and decide how and in which forum members can gather when needed.

Inform the employer

Ensure that the employer has received the notice document and inform them about

- that the industrial action covers all salaried employee work under suspension (except for salaried employees who are bound by another PTK union's agreement)
- that any attempt to exert pressure on an individual will lead to consideration of escalating the labour dispute into industrial action
- who has been exempted from the industrial action (the exemptions are set out in the notice document)
- that it is Unionen's central office that decides on all applications for exemptions and that the application is made via unionen.se.

Local strike management

Instruct picketers about the meaning of the industrial action and which employees are exempt.

The local strike leadership organises the industrial action and prepares schedules for picketers as well as produces instructions for the picketers.

A picketing instruction may include the following information:

- a list of names of exempt employees who should have access to the workplace.
- Make a note of anyone entering a picketed workplace without authorisation, or if there is knowledge that someone involved in the industrial action is working from home, and pass the on details to the local strike leadership.
- Keep in touch with the picket line leadership, follow their instructions, and stay informed of the progress of the industrial action.
- It is important that failures to participate in the industrial action are reported, documented, and reported. Make it clear to members who work during an industrial action that they risk being expelled from Unionen.

Breach of the provisions relating to industrial action

If the employer appears to be planning to circumvent or in some way violate the accepted rules governing the industrial action, for example by hiring staff or otherwise not respecting the industrial action, it is important that the local industrial action organisation immediately reports the breach of rules to the employer. If the employer fails to rectify the situation, the local industrial action organisation must make a formal report of a breach of the provisions relating to industrial action, which is sent to the union's industrial action rule violation group, (visit unionen.se for a copy of the form). This also applies during the advance notice period.

Information during the industrial action

In preparation of and during industrial action, there are often quick turns and a lot of information flowing, therefore the most important and fastest information channels are digital channels such as e-mail, text messages, unionen.se and Mitt Unionen and Mitt Uppdrag. Get into the habit of looking for up-to-date information there several times a day. It is valuable to have good contacts with local news media. All such contacts should be made in an organised manner via the person or persons in the local branch who have been given responsibility, and always after consultation with Unionen's Press Office, telephone 08-504 151 00. All press releases are written by the Press Office at Unionen's national office.

What to do as a local industrial action information group:

- Share the information you receive from Unionen with the members concerned, other employees where relevant, and contact persons at other local trade unions.
- Follow the reporting in the news media and on social media.
- Hold membership meetings when the need arises.
- Together with the labour dispute committee/representative and in consultation with Unionen's Press Office, be responsible for contacts with the mass media. Contact Unionen's Press Hotline on 08-504 151 00 for training in dealing with the news media.

Some tips if you are to be interviewed

- Ascertain in advance what the interview will be about and how quickly the journalist needs responses. (Do not be pressurised to give a response if you are unsure).
- Allow yourself time to think. Say you get back to them shortly - and keep your promise. Use the time to think about and consult with your colleagues about who is best placed to respond. Telephone Unionen's Press Office and consult with them.
- Read up, get factual material. Write down some points with important facts/statements that you want to emphasise and use them as support during the interview. Keep in mind that if Unionen does not speak up, others will. You should always expect that other partners and adversaries will express their views and opinions.
- Provide straightforward, clear messages. Repeat your message and that of Unionen.
- Use easily understandable words and expressions. Assume that the journalist has no in-depth knowledge of trade union issues.
- Be sure to get your own message across but respect the journalist's professional role and situation.
- Stick to the facts. Avoid speculation. Everything you say should be usable in the news media.
- Take advantage of the right to review and possibly correct your quotes before publication.

Suggested channels for the local branch's own information:

- The local branch's own website (if it is not part of the company's intranet).
- Establish closed group forums, such as Facebook, WhatsApp, Teams, etc.
- Flyers
- Notice boards
- Member meetings and announcements in regular or temporary local branch premises.
- Telephone chain and/or SMS mailing Note! In the event of a strike or lockout, personal mobile phone numbers are needed.
- Ensure you have access to and control over the equipment and tools you will need to write/produce and distribute information.
- Write comprehensibly, briefly, to the point with the most important things first. Explain how and where to obtain further information.

Strike pay for Unionen members

In the event of a ban on requiring overtime, the employer pays wages as usual and therefore no strike pay is paid out. In the event of a strike or lockout, the employer will not pay salaries and Unionen's members will receive a payment from the from Unionen's strike fund for their lost income, i.e. strike pay.

The National Board of Unionen decides on the strike pay rules that will apply in each event of strike or lockout. The ambition is for the members affected to receive their money before the employer makes a deduction from their pay. The strike pay is based on the member's gross salary/wagers at the commencement of the strike or similar industrial action and is, by law, not subject to income tax. Therefore, the strike pay corresponds to the loss of salary after tax, calculated for the entire income year. Unionen calculates the strike pay according to tax table 32.

The application for strike pay is made logged in to "Mitt Unionen" on unionen.se, where the case can also be followed.

This needs to be done locally by elected representatives:

The local labour dispute committee/representative can, if necessary, appoint a special industrial action rule violation group.

- Certify the members' application, which is done under "Mitt Uppdrag" on Unionen.se.
- Maintain contact with Unionen's central strike pay group, pass on information to members, and answer questions about which strike pay rules are applicable.
- Inform the relevant employees that it is possible to join and become a new member of Unionen during the notice period up until the time the strike commences and thus receive strike pay. New members who join the union after the time of the industrial action are still welcome to join Unionen, but will however not receive strike pay.

Breach of the provisions relating to industrial action

The purpose, content, and scope of the industrial action are stated in the notice document. If necessary, the local Labour Dispute Committee/representative can appoint a special industrial action rule violation group to ensure that the employer does not commit a breach of the provisions relating to industrial action. Any observations that indicate an attempt by the employer to circumvent the industrial action should be reported to the labour dispute committee/representative.

A breach of the provisions relating to industrial action can also exist when a member refuses to accept the industrial action and carries out their work despite a strike. This also needs to be brought to the attention of the central industrial action rule violation group (you can find a form for reporting this on Unionen.se).

This is what a local industrial action rule violation group should do:

- In the event of a dispute over the interpretation of the advance notice of industrial action, the group must make it clear to the employer that it is Unionen as an organisation that has the role of interpreting and giving instructions on its industrial action measures.
- The industrial action rule violation group shall ensure that the workplace(s) are monitored so that the employer or individuals do not violate the industrial action.
- In the event of a breach of the provisions relating to industrial action occurring or the suspicion of such a breach, the industrial action rule violation group must bring this to the attention of the employer, who must then take measures to avoid breaches of the provisions relating to industrial action in the future. The measures must be reported to the local branch. Inform the employer that the union may escalate the industrial action at the workplace or at other related workplaces and/or employers if the breach of the provisions relating to industrial action continue or the union's instructions are not complied with.
- Report a breach of the provisions relating to industrial action or a suspected breach to the union's industrial action rule violation group on the designated form available at union.se. You should describe on it:
 - The nature of the breach of the provisions relating to industrial action that has occurred
 - Which individuals have participated
 - How the employer has responded
 - Contact person(s) at the local branch, including telephone numbers
 - The form is to be sent to konflikt@unionen.se (state Konfliktbrott/Industrial action breach in the subject line), or alternatively send it by post to:
Unionen Avtal & Politik/Agreements & Policy
Konflikt/Industrial action
105 32 Stockholm

Exemptions from industrial action measures

The purpose of a strike or other industrial action measures in the labour market is to exert severe pressure on the other party and it is in the nature of things that an employer in a strike cannot fulfil all of its obligations. An exemption is therefore primarily of interest to the employer who applies for it for the purpose of minimising the impact and consequences of the industrial action. How and when this can be done is stated in the notice document that is sent to the employer. It is also stated on Unionen's website. All applications for exemption are processed and decided on centrally at Unionen.

The employer's application for exemption

The employer who desires to apply for an exemption must use a designated contact form that is available digitally on Unionen's website www.unionen.se. In the contact form, the employer fills in information about the position(s), unit(s) or individual(s) which the application for an exemption pertains to. The fact that these are members of Unionen is not stated in the application, but rather is information that Unionen itself produces during the processing of the application. It is important that the grounds on which the employer believes that an exemption should be granted is clearly stated.

Applications for exemption must always go from the employer to Unionen via the digital contact form at www.unionen.se. The procedure requires identification authentication with Bank-ID. It is the sole responsibility of the employer to submit an application for exemption if they desire an exemption and union representatives at the workplace should refer to the information on Unionen's website if they have any questions or concerns.

Unionen's processing of applications for exemptions

Applications for exemptions for protective work are given priority, meaning work tasks that are essential to protect life and health or if not carried out would cause extensive damage to buildings, facilities, or warehouses. Protective work may begin before a decision has been made on an exemption – in other cases an employer must wait for the decision.

Unionen's exemption group contacts the elected union representatives at the employer who has applied for an exemption, to ascertain and verify the content of the work tasks in the application. This information is entirely internal to the union and the employer will never receive a copy of or have access to this information/assessment. Affected members and elected representatives at the workplace will be notified as soon as possible if the application for exemption is approved, though this may take some time after the industrial action has commenced.

After the termination of the industrial action

A cessation of the industrial action can be achieved by the parties resuming negotiations on their own initiative and reaching a settlement or collective labour agreement. After mediation or conciliation, the industrial action can be ended by the parties accepting the final proposal made by the mediator.

Once the industrial action is over, work in the company/organisation must resume without delay.

The industrial action organisation informs all concerned so that they can return to work and discontinue the industrial action measures. For this reason, it is important to be able to reach members via personal mobile phone numbers and personal e-mail addresses.

As soon as possible after the conclusion of the industrial action, it is a good idea to discuss and summarise the course of the industrial action, evaluate how the industrial action organisation worked in the workplace and make any adjustments and changes accordingly.

Background – mediation and conciliation

The Swedish National Mediation Office is the Swedish central government's agency responsible for mediation in labour disputes.

For those organisations that have signed an agreement regarding negotiations arrangements and registered it with the Swedish National Mediation Office, the rules contained in the agreement apply – for example the Industry Agreement. An impartial chairman (OpO) within the Industry Agreement and a mediator appointed by the Swedish National Mediation Office have largely the same tasks and powers.

Voluntary mediation

If the parties so desire, the Swedish National Mediation Office can assign a negotiator or mediator to participate in the negotiations. If there is a negotiated agreement, the parties have already agreed in advance on a mediator/partial chair as part of the agreement.

Compulsory mediation and conciliation

The Swedish National Mediation Office may designate a mediator without the consent of the parties if it is deemed that there is a risk of industrial action occurring or if industrial action has already commenced.

The mediator's task is to attempt to bring about an agreement between the parties. The parties who are summoned to a negotiation meeting are obligated to appear.

The Swedish National Mediation Office (and an impartial chair) can decide to suspend the industrial action for a maximum of 14 days. This can only be done once per member assignment.

There is no right for the Swedish National Mediation Office to suspend an ongoing industrial action.

Powers of an impartial chairperson

An impartial chairperson can decide on the following measures, according to the Industry Agreement:

- order the parties to investigate or clarify individual bargaining issues.
- Order, with the consent of the union parties, that individual bargaining issues be decided and resolved by an arbitration board.
- Make their own proposals for the resolution of the negotiation issues, and
- Postpone the industrial action notified by a party until all conceivable possibilities for a solution are conclusively exhausted, however for no more than 14 calendar days.
- Summon the parties to meetings, whereby the summons has a binding effect on the party.
- Summon the parties in the industry to joint consultations, in cases where one or more parties have not succeeded in reaching new agreements.

The mediators/OpO can then present outlines, drafts and more or less complete proposals to explore the parties' positions. Eventually, a "final proposal" is presented.

At the final stage, such a proposal will normally be accepted in its entirety or rejected. The parties may then consider the advantages and disadvantages of accepting or rejecting the proposal. The industrial action is terminated – or it continues.

Industrial Action Checklist



Unionen's Industrial Action Hotline **08-504 151 51**, Press Hotline **08-504 151 00**, www.unionen.se'

Contact persons at the regional office:

Other important numbers:

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Once the notification is issued: Organise the local industrial action work. Do not make local agreements!



This should be in place:

Study and interpret the notice document, Unionen's interpretation applies

Labour dispute committee/industrial action coordinator: Responsible for liaising between members, unions and management and coordinating local work.

Information Officer, responsible for providing information to members and the local industrial action coordinator.

Telephone and e-mail list, personal information

Inform other local representatives of other trade unions

Plan information flow and channels

Recruit new members

Call a membership meeting and provide information about

- the purpose of the industrial action
- which employees are affected by the industrial action
- the union member's obligations
- the state of negotiations
- which groups are excluded
- the tasks and composition of the local industrial action group
- the exact date the industrial action starts and how to find out when it is over
- Collecting personal telephone and e-mail addresses

During the industrial action: Responsibilities of the local industrial action organisation

This should be done:

Information – responsible for providing information to the members.

Update – liaise with regional offices and receive and disseminate information from Unionen.

Logistics – provide a physical or digital meeting place outside the workplace.

Monitoring – ensure that the rules of the industrial action are respected in the workplace.

Inform the employer – ensure that the employer receives the advance notice document (see more info in this Industrial Action Guide under the heading “What the local industrial action organisation is responsible for during the industrial action”).

Strike management – instruct picketers about the nature of the industrial action and which employees are exempt.

Breaches of the provisions relating to industrial action – it is important that Unionen’s local representative immediately calls attention to any rule violations to the employer. If there is no rectification, the local representative should make a formal report of a breach of the rules relating to industrial action, which is then sent to the union’s industrial action rule violation group.

Roles: Proposal of responsibilities in the local industrial action organisation

- **Industrial Action Coordinator**
- **Information Officer**
- **Industrial Action Rules Breach Coordinator**
- **Strike Pay Coordinator**
- **Logistics manager**

Unionen's Industrial Action Hotline 08-504 151 51

Unionen's Press Hotline 08-504 151 00

Unionen's Regional Office unionen.se/kontor