

Unemployment Insurance Act

(SFS 1997:238)

Those who are covered by the Act

SECTION 1 The unemployment insurance covers both workers and business operators. Certain special provisions that only apply to business operators are contained in Sections 34 to 37.

SECTION 2 The provisions of this Act concerning members of an unemployment fund shall also be applied to those who are affiliated to the supplementary unemployment fund.

Section 3

Only persons who in Sweden satisfy the benefit conditions set forth in this Act are entitled to benefit, unless otherwise prescribed in Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community.

The Government or the authority designated by the Government may issue regulations establishing that certain types of work performed abroad shall be treated in the same way as work in Sweden.

If the Government has entered into an agreement with another State concerning conditions for the right to receive benefit that differ from those prescribed in this Act, the unemployment insurance fund shall apply these conditions. (SFS 2006:470).

Section 3a

Repealed (SFS 2006:470).

Basic insurance and loss of income insurance

SECTION 4 The unemployment insurance consists of basic insurance and loss of income insurance.

SECTION 5 The unemployment insurance shall be administered by unemployment funds. The Unemployment Funds Act (SFS 1997:239) contains provisions on unemployment funds.

Basic insurance

SECTION 6 Benefit under the basic insurance shall be paid to a person who

- is not a member of an unemployment fund, or
- is a member of an unemployment fund but does not satisfy the conditions applicable for entitlement to income-related benefit.

This benefit shall be paid at the earliest on the date when the unemployed person reaches the age of 20. (SFS 1998:1783)

Loss of income insurance

Section 7

Benefit under loss of income insurance shall be paid to a person who has been a member of an unemployment fund for at least twelve months, provided that, since last joining the fund, the member has satisfied the work condition laid down in Sections 12 to 14a ('membership condition'). (SFS 2006:1546).

SECTION 8 Persons who immediately prior to joining an unemployment fund have been members of another such fund may be credited with the time as a member of that fund in order to satisfy the membership condition.

General conditions for entitlement to benefit

Section 9

Applicants are entitled to benefit in the event of unemployment if they

1. are capable of working and there is nothing to prevent them from undertaking work on behalf of an employer for at least 3 hours each working day and an average of at least 17 hours per week,
2. are prepared to accept an offer of suitable work during a period for which they have not given notice of an impediment that can be accepted by the unemployment fund,
3. are registered as jobseekers at the public employment office as prescribed by the Government or an authority designated by the Government,
4. cooperate in establishing an individual action plan in consultation with the public employment office, and
5. actively seek suitable work but cannot obtain such work.

A person who rejects assignment to the job guarantee for young people is not entitled to benefit in the event of continued unemployment. (SFS 2007:810).

Section 9a

Repealed (SFS 2007:393).

Section 10

Benefit under this Act shall not be paid in the following cases.

1. Benefit shall not be paid to persons participating in education.
2. Benefit shall not be paid to persons laid off without pay.
3. Benefit shall not be paid to persons on unpaid leave.
4. Benefit under basic insurance shall not be paid to persons expelled from membership under Section 37, first paragraph, point 2 of the Unemployment Funds Act (SFS 1997:239), for a period of one year following expulsion.

If there are special grounds the Government or the authority designated by the Government may, by way of derogation from the provisions of points 1–3, prescribe that benefit may be paid to persons participating in education or laid off without pay or on unpaid leave, and issue regulations on the conditions for entitlement to benefit that are to apply in such cases. (SFS 2005:1197).

SECTION 11 Work offered shall be deemed suitable, if

1. reasonable regard has been taken, within the framework of the supply of job opportunities, to the applicant's qualifications for the work and also to other personal circumstances,
2. the employment benefits are compatible with the benefits that workers receive who are employed in accordance with a collective agreement or, if there is no collective agreement, are reasonable in relation to the benefits enjoyed by workers with equivalent duties and qualifications at comparable companies,
3. the work does not pertain to a workplace where there is currently a labour dispute as a consequence of industrial action that is permissible by law and collective agreement, and
4. the conditions at the workplace correspond to those prescribed by statute or by regulations issued by a government authority regarding measures to prevent ill-health or accidents.

The Government or the authority designated by the Government may issue further regulations concerning suitable work. (SFS 2000:627)

Other conditions for entitlement to benefit

The work condition

Section 12

Applicants are entitled to benefit in the event of unemployment if, during a framework period of twelve months immediately prior to the onset of unemployment, they

1. have had gainful work for at least 6 months and have performed this work for at least 80 hours per calendar month, or
2. have had gainful work for at least 480 hours during a consecutive period of 6 calendar months and have performed this work for at least 50 hours during each of these months ('work condition').

To be entitled to income-related benefit the applicant must have satisfied the work condition after last joining the unemployment fund. An applicant who has been a member of another such fund immediately prior to joining the fund may be credited with the time as a member of the other fund in order to satisfy the work condition. (SFS 2006:1546).

Section 13

Time spent in gainful work includes time during which the applicant

1. has been on annual leave,
2. has been on leave on full or partial pay for some reason other than sickness, service under the Total Defence Service Act (SFS 1994:1809) or the birth of a child, or
3. is receiving severance payments or financial compensation equivalent to pay because of the termination of the employment.

In the case of severance payments, the time concerned is calculated on the basis of the size of the severance payments relative to the applicant's average monthly income from the employment concerned over a certain period. In the case of financial compensation equivalent to pay, the time concerned is calculated as the number of months to which the compensation refers. The Government or the authority designated by the Government may issue more detailed regulations concerning these calculations. (SFS 2006:470).

Section 13a

To the extent that it is necessary to satisfy the work condition, time during which the applicant has performed service under the Total Defence Service Act (SFS 1994:1809) or has received parental benefit under the National Insurance Act (SFS 1962:381) shall also be equated with gainful work, though for no more than two calendar months in total.

In cases referred to in the first paragraph, when applying Section 12, first paragraph, point 2 at least 330 of the 480 hours specified there shall refer to gainful work during at least 4 calendar months with at least 50 hours having been performed during each of these months. During each of the remaining maximum 2 months the applicant shall have performed gainful work, performed service under the Total Defence Service Act (SFS 1994:1809) or received parental benefit under the National Insurance Act (SFS 1962:381) for time equivalent to at least 50 hours. (SFS 2006:1546).

SECTION 14 The following shall be ignored when examining the work condition

1. gainful work which the employer has financed with a special recruitment incentive under the Recruitment Incentives Ordinance (SFS 1997:1275), or

2. gainful work which has been conducted pursuant to the provisions on start-up grants under the Labour Market Policy Programmes Ordinance (SFS 2000:634). (SFS 2000:1460)

Section 14a

Repealed (SFS 2007:393).

SECTION 15 Time during which gainful work has been performed may not be counted more than once to satisfy the work condition. However, gainful work that has been used to satisfy the condition for a daily allowance in the form of a basic amount may later be included to satisfy the condition for the income-related benefit, provided the work was performed after last joining the fund.

The framework period

Section 16

When the framework period is to be determined in accordance with Section 12, account shall not be taken of time during which the applicant has been prevented from working owing to

1. certified illness,
2. completed full-time education that the applicant has completed after reaching the age of 25 or that has been preceded by at least five consecutive months of full-time gainful work,
3. compulsory care under the Care of Abusers (Special Provisions) Act (SFS 1988:870),
4. deprivation of liberty within the field of the prison and probation service,
5. a) care of own child who has not reached the age of two or care of an adoptive child for two years after the child's arrival in the family,
b) care of own child who has not reached the age of three or care of an adoptive child for three years after the child's arrival in the family, provided that immediately prior to such leave the applicant had gainful work to an extent equivalent to at least one work condition,
6. an order under the Communicable Diseases Act (SFS 2004:168) or the Food Act (SFS 2006:804) or regulations issued pursuant to the Food Act,
7. residence abroad as a result of the applicant having accompanied her or his spouse during the spouse's work abroad, provided that the spouse's employer has its registered office in Sweden and the pay is disbursed from Sweden; in this context a person with whom the applicant lives in circumstances resembling those of spouses is treated as equivalent to a spouse, or
8. care of a relative when full benefit has been paid under the Compensation for Leave to Care for Relatives Act (SFS 1988:1465).

However, the first paragraph, point 6, does not apply with respect to health controls on entering the country under Chapter 3, Section 8 or isolation under Chapter 3, Section 10 of the Communicable Diseases Act. (SFS 2008:310).

Section 17

Furthermore, when a framework period is to be determined in accordance with Section 12, account shall not be taken of time during which the applicant

1. has been receiving parental benefit under the National Insurance Act (SFS 1962:381),
2. has been prevented from working owing to service under the Total Defence Service Act (SFS 1994:1809), or
3. has been performing gainful work financed by the employer by a special recruitment incentive under the Recruitment Incentives Ordinance (SFS 1997:1275).

However, time equated with gainful work under Section 13a shall be included in the framework period. (SFS 2007:393).

Section 17a

The amount of time that is not to be included in the framework period under Section 16, 17 or 23 may comprise at most five years.

However, this does not apply to applicants referred to in Section 16, point 7. (SFS 2006:1547).

Section 18

Repealed (SFS 2006:1546).

Section 19

Repealed (SFS 2006:1546).

Form of the benefit

SECTION 20 The following applies for all daily allowances.

- The daily allowance shall be paid in the form of an amount calculated per day.
- During one calendar week the number of days of compensation and days of work plus waiting and suspension days may amount to a total of at most five.
- The daily allowance may not be paid for a Saturday or Sunday, unless the Government or the authority designated by the Government grants an exception.
- The daily allowance may not be paid for time during which the applicant receives parental benefit under the National Insurance Act (SFS 1962:381).
- A daily allowance that is less than 10 kronor per day shall not be paid and öre shall be rounded up to the nearest krona.

The length of the waiting period and the benefit period

Section 21

The daily allowance may not be paid before the applicant has been unemployed for 7 days during a consecutive period of 12 months ('waiting period condition'). Only those days for which a daily allowance would have been paid if the waiting period had expired are counted in the waiting period. (SFS 2008:412).

Section 22

Benefit is paid for at most 300 days ('benefit period'). However, an applicant who, on day 300 of the benefit period, is parent to a child under 18 shall be paid benefit for at most 450 days.

When it is determined how many days of the benefit period have been used up, a day on which the applicant has received activity support under the Activity Support Ordinance (SFS 1996:1100) shall be equated with a benefit day under this Act. Days before 1 October 2007 shall not be taken into account.

If, immediately prior to joining an unemployment fund, the applicant has been receiving benefit from another unemployment fund, days of benefit under the other fund shall be included in the benefit period.

The entitlement to a daily allowance ceases at the end of the month preceding the month in which the unemployed person reaches the age of 65. (SFS 2007:413).

Section 23

If unemployment ceases before the end of the benefit period, the applicant is entitled to benefit for the number of days remaining in that period in the event of renewed

unemployment, even if the applicant does not then satisfy the work and waiting period conditions.

However, the applicant is not entitled to benefit after a consecutive period of 12 months has elapsed since the applicant last received benefit. Time referred to in Sections 16 and 17 shall not be included in such a period.

If the benefit period has expired but during the period the applicant has once again satisfied the work condition, benefit shall be paid for a further benefit period. However, the waiting period condition must then be satisfied once again. The new benefit period shall be calculated from the date on which the earlier period expires. (SFS 2007:393).

The amount of daily allowance

Basic amount

SECTION 24 Benefit in accordance with basic insurance shall be paid in an amount per day that is not based on previous income from gainful work (daily allowance in the form of a basic amount).

A daily allowance in the form of a basic amount shall be paid in the amount determined by the Government, unless otherwise prescribed by this Act.

Income-related benefit

Section 25

Benefit in accordance with loss of income insurance shall be paid in an amount per day that is based on previous income from work (daily allowance in the form of income-related benefit).

A daily allowance in the form of income-related benefit shall be paid in at most the amount determined by the Government and at least the amount determined in accordance with Section 24, second paragraph, unless otherwise prescribed by this Act. (SFS 2006:1546).

Section 26

Unless otherwise prescribed by Section 25, second paragraph, Section 27, Section 27a or Section 30, a daily allowance shall be paid in an amount corresponding to the following percentage of the applicant's daily earnings during normal working hours.

- 80 per cent during the first 200 days of the benefit period, and
- 70 per cent during the remainder of the benefit period.

When it is determined at which percentage benefit shall be paid, a day on which an applicant has received activity support under the Activity Support Ordinance (SFS 1996:1100) shall be equated with a day of benefit under this Act. In this connection, account shall not be taken of days prior to 1 January 2007. (SFS 2007:393).

SECTION 27 A daily allowance to applicants who have been granted a public old age pension or other pension that is paid on the basis of gainful work shall be paid at 65 per cent of the applicant's daily earnings during normal working hours subject to the limitation prescribed by Section 25, second paragraph. (SFS 2002:205)

Section 27a

An applicant who, in the course of the benefit period, has once again satisfied the work condition and for whom benefit is payable during an additional benefit period shall, if it is to her or his advantage, be paid a daily allowance at an amount corresponding to 65 per cent of the daily earnings on which the benefit during the immediately preceding benefit period was based. The amount shall be at least the amount determined in Section 24, second paragraph.

The provisions of the first paragraph may be applied for at most two benefit periods directly following one another. (SFS 2007:393).

Section 28

‘Normal working hours’ shall mean the average working hours during the whole of the twelve-month framework period specified in Section 12.

When a daily allowance is paid under Section 27a or Section 30, ‘normal working hours’ shall mean the applicant’s normal working hours during the latest period of unemployment benefit.

For a person who has not been receiving unemployment benefit the hours offered in the job and development guarantee shall constitute the applicant’s normal working hours.

The Government or the authority designated by the Government may issue regulations concerning **conversion of hours worked to normal working hours**. (SFS 2007:393).

Section 29

‘Daily earnings’ means one fifth of the weekly income or, in the case of an applicant receiving a monthly salary, 1/22 of the monthly income that the applicant usually received before the onset of unemployment during working hours that were normal for the applicant.

The Government or the authority designated by the Government may issue regulations concerning **conversion of income received to daily earnings**.

Section 37 contains provisions on the calculation of daily earnings for business operators. (SFS 2006:470).

Section 30

An applicant who has left the job and development guarantee may, if it is more advantageous, be paid a daily allowance in an amount corresponding to what was paid most recently in activity support while participating in the job and development guarantee. The amount shall, however, be at least what is determined in accordance with Section 24, second paragraph, if the application for benefit is made within 12 months of the date on which the applicant left the job and development guarantee.

The provisions of the first paragraph may be applied at most twice per applicant. (SFS 2007:393).

Section 30a

An applicant who has left the job guarantee for young people may, if it is more advantageous, be paid a daily allowance in an amount corresponding to what was paid most recently in benefit while participating in the job guarantee for young people. The amount shall be at least what is determined in accordance with Section 24, second paragraph, if the application for benefit is made within 12 months of the date on which the applicant left the job guarantee for young people.

The provisions of the first paragraph may be applied at most twice per applicant. (SFS 2007:810).

SECTION 31 A daily allowance may be paid to an applicant who, as a result of unemployment, is in continuous receipt of benefit from a source other than the unemployment fund, in an amount comprising at most the difference between the highest amount that may be paid in accordance with Sections 26 to 29 and the benefit he or she is receiving.

Deductions from the daily allowance

SECTION 32 A daily allowance in the form of income-related benefit in accordance with Section 27 shall be reduced by 1/260 of the annual pension. A corresponding deduction shall be made from a daily allowance in the form of a basic amount, if the applicant is granted an old age pension or other pension as described in Section 27.

SECTION 33 The provisions of Sections 27 and 32 shall not apply if the Government, for special reasons, prescribes otherwise.

Business operators

SECTION 34 In this Act, ‘business operators’ refers to persons who own or are part owners – directly or indirectly – of business operations in which they are personally active and over which they have significant influence.

SECTION 35 A business operator shall, unless otherwise prescribed by the second paragraph, be deemed to be unemployed when the business operator’s personal activity in the business may be deemed on an overall assessment to have ceased other than temporarily.

A business operator who temporarily ceases to conduct operations in the business shall be deemed to be unemployed provided that the cessation of the business is not to any extent of a seasonal nature and that no operations are conducted in the business. A business operator who resumes operations following a temporary cessation with benefit under this paragraph is entitled to benefit only if the conditions laid down in the first paragraph are satisfied. Benefit under this paragraph may only be used once per business.

SECTION 36 If there are special reasons, the Government or the authority designated by the Government may prescribe that a business operator shall be deemed to be unemployed even in cases other than those referred to in Section 35.

SECTION 37 When determining the base for the calculation of daily earnings, the daily earnings of business operators shall be based on the average income during the last three years prior to the year of closure. If the business operator has discontinued operations within 12 months from when the business operator started the business, the benefit may be based on the business operator’s previous employment.

Part-time and incidental employment

SECTION 38 Benefit to persons who seek part-time work shall be paid with the number of daily allowances per week that, according to a conversion table established by the Government, represents the unemployment that is to be compensated.

The Government or the authority designated by the Government may issue regulations for the calculation of benefit in the case of part-time work in the event that working hours are not set at a certain number of hours per day or week.

Section 39

If someone is unemployed for part of a week in cases other than those referred to in Section 38, benefit shall be paid with the number of daily allowances per week that corresponds to the unemployment for which benefit is to be paid according to the conversion table established by the Government.

In calculating such unemployment, account shall not be taken of incidental employment carried out by the applicant alongside her or his full-time work during at least twelve months prior to the onset of unemployment if

- the income from the incidental employment has not on average exceeded an amount equivalent to six basic amounts per week,
- the incidental employment is not expanded during unemployment, and
- the incidental employment does not impede the person from accepting suitable full-time work.

If, after the onset of unemployment, the income from the incidental employment exceeds an amount equivalent to six basic amounts per week, the entire excess amount shall be deducted from the daily allowance. (SFS 2007:393).

Section 40

The Government or the authority designated by the Government may prescribe limitations on the entitlement to benefit and on the waiting period over and above the provisions of this Act for persons who perform part-time work during weeks when they are otherwise unemployed. (SFS 2008:33).

SECTION 41 If the applicants' labour supply per week exceeds the weekly hours during which they normally performed work immediately prior to unemployment, the excess time shall not be included when the benefit is established.

Limitation in the case of seasonal unemployment

SECTION 42 The Government or the authority designated by the Government may, if there are special reasons to do so, limit the entitlement to benefit of workers who are mainly engaged in an occupation where unemployment occurs regularly each year.

Suspension from entitlement to benefit

SECTION 43 The applicant shall be suspended from entitlement to benefit during the time stated in Section 44, if the applicant

1. has left her or his work without valid cause, or
2. has been suspended from work owing to improper conduct. (SFS 2000:1460)

SECTION 44 If it is likely that work referred to in Section 43 would have lasted at most five days or more than five but at most 10 days or more than 10 days, the period of suspension comprises

- 10, 20 or 45 benefit days respectively in the case of suspension under Section 43, point 1, and
- 20, 40 or 60 benefit days respectively in the case of suspension under Section 43, point 2.

Only days which would have counted towards a waiting period or for which a daily allowance would have been paid, if the suspension had not occurred, or days during which the applicant has performed gainful work, shall be included in the period of suspension. However, the total period of suspension may not exceed

- 28, 56 or 112 calendar days respectively in the case of suspension under Section 43, point 1, and
- 56, 112 or 168 calendar days respectively in the case of suspension under Section 43, point 2. (SFS 2000:1460)

SECTION 45 If, during the period of suspension, such a circumstance as is referred to in Section 43 occurs, a new period of suspension shall be calculated in accordance with the provisions of Section 44, unless the new period of suspension falls entirely within the ongoing period of suspension.

An applicant who has been suspended from benefit twice within the same benefit period because he or she has left his or her work without valid cause or has been suspended from work owing to improper conduct, is not entitled to benefit if such circumstance occurs a third time within the same benefit period until he or she thereafter has once again satisfied a work condition.

The period of suspension shall be calculated from the date on which the circumstance referred to in Section 43 occurred. (SFS 2000:1460)

Reduction of benefit

SECTION 45 a The daily allowance shall be reduced by 25 per cent for 40 benefit days ('reduction period') within the benefit period, if an applicant

1. has rejected an offer of suitable work without acceptable reasons, or
2. without having explicitly rejected such work has nevertheless through her or his conduct obviously caused the employment not to come about.

If such a circumstance as is referred to in the first paragraph occurs for a second time during the benefit period, the applicant's daily payment shall be reduced by 50 per cent for a further 40 benefit days within the benefit period.

If such a circumstance as is referred to in the first paragraph occurs for a third time during the benefit period, the applicant is not entitled to benefit until he or she thereafter has once again satisfied a work condition.

The reduction period shall be calculated from the date on which the circumstance referred to in the first paragraph occurred. If, during the reduction period, such a circumstance occurs as gives cause for a new reduction period, that reduction period shall be calculated from the end of the preceding reduction period. If such a circumstance as gives cause for a reduction period occurs during a period of suspension, the reduction period shall be calculated from the end of the period of suspension.

The period within which a reduction of the daily allowance shall be made may not exceed 180 calendar days from the date on which the reduction period commenced. (SFS 2000:1460)

Common provisions concerning suspension and reduction

SECTION 46 The provisions of Section 43 and Section 45a, first paragraph, point 1, concerning work shall apply regarding labour market policy programmes for which activity support is granted under the Activity Support Ordinance (1996:1100). In this connection, the provisions of Sections 44, 45 and 45a, shall apply where applicable. (SFS 2002:626)

Application for benefit and issuing of certificates

SECTION 47 An application for benefit shall be made to the unemployment fund. A certificate from the employer shall be attached to the application describing the applicant's working situation and giving the other information that is necessary to assess the applicant's entitlement to benefit. If such a certificate can only be acquired with great difficulty, the working situation and other information may be verified in another way. The employer shall

issue the certificate upon request in accordance with a standard form determined by the Swedish Unemployment Insurance Board.

Certificates and other information shall be kept with the fund's documents.

The Government or the authority designated by the Government shall issue regulations regarding applications for benefit to the unemployment fund. (SFS 2002:545)

SECTION 48 The Swedish Unemployment Insurance Board shall issue certificates showing the entitlement to benefit of persons who satisfy the conditions for the right to retain benefit when applying for work in another State within the EU or the EEA or in Switzerland. (SFS 2002:545)

Duty to provide information

Section 48a

The Swedish Public Employment Service shall provide an unemployment fund with the information about an applicant that is relevant in applying this Act. (SFS 2007:393).

Section 48b

An unemployment fund shall provide the Swedish Public Employment Service with the information concerning benefit under this Act that is relevant to an employment service matter. (SFS 2007:393).

Section 48c

The Swedish Social Insurance Agency and the Swedish Board for Study Support shall provide an unemployment fund with the information on benefits or other support granted to an individual that is relevant in applying this Act.

The Swedish Social Insurance Agency shall also provide an unemployment fund with

- the information on parenthood that is needed to examine the right to unemployment benefit, and
- the information that the Swedish Social Insurance Agency possesses about a member of the unemployment fund having performed paid work while receiving activity support for participation in a labour market policy programme. (SFS 2007:393).

Section 48d

An unemployment fund shall provide the Swedish Social Insurance Agency and the Swedish Board for Study Support with the information about benefit under this Act that is relevant in the case of the recipient in a matter concerning benefits or other support granted to an individual. (SFS 2004:836).

Section 48e

An unemployment fund shall provide another unemployment fund with the information on an individual that is relevant to the processing of an unemployment benefit matter. (SFS 2006:133).

Section 48f

Redesignated Section 48g (SFS 2006:470).

Section 48g

The Swedish Public Employment Service shall provide the Swedish Unemployment

Insurance Board with the information that is relevant to the supervision of unemployment insurance matters or for issuing certificates under Section 48. (SFS 2007:393).

Section 48h

The Swedish Unemployment Insurance Board shall provide the Swedish Public Employment Service with the information that is needed in its follow-up, analysis and evaluation activities. (SFS 2007:393).

Section 48i

The Government shall issue further regulations on the information that shall be disclosed under Sections 48a to 48h. (SFS 2006:470).

Appeals, reconsideration and amendment

Appeals on matters concerning entitlement to benefit

SECTION 49 Decisions by an unemployment fund on matters concerning entitlement to benefit under this Act may be appealed against to a general administrative court, unless otherwise prescribed by the Labour Disputes (Restriction of Social Benefits) Act (1969:93). The competent county administrative court is the court within whose judicial district the first decision in the matter has been made.

When considering appeals against a decision by the county administrative court in cases referred to in the first paragraph, the bench of the administrative court of appeal shall include lay judges if lay judges participated in the county administrative court. (SFS 2001:28)

SECTION 50 A decision by the unemployment fund may not be appealed against by an individual before the fund has reconsidered its decision in accordance with Section 61. If a decision is appealed against before it has been reconsidered, the appeal shall be deemed to constitute a request for reconsideration.

SECTION 51 The Swedish Unemployment Insurance Board may appeal against a decision by a court and an unemployment fund on matters referred to in Section 49, including appeals in favour of an individual. (SFS 2002:545)

Appeals on matters concerning the issuing of certificates

SECTION 52 A decision by the Swedish Unemployment Insurance Board on matters concerning the issuing of certificates in accordance with Section 48 may be appealed against to a general administrative court. (SFS 2002:545)

Common provisions on appeals

SECTION 53 Appeals against a decision shall be made in writing.

The document of appeal shall state the decision that is being appealed against and the change to the decision that is requested.

SECTION 54 The document of appeal shall be submitted to the instance that has made the decision. The document shall have been received by this instance within two months from the date on which the appellant received the decision or, if the appeal has been brought by the Swedish Unemployment Insurance Board or an unemployment fund, within two months from the date of the decision. (SFS 2002:545)

SECTION 55 The instance that has made the decision appealed against shall consider whether the document of appeal has been received in good time.

If the document has been received too late, it shall be dismissed, except when

1. the delay results from the instance that has made the decision appealed against having provided the applicant with incorrect information about how to appeal, or
2. the document of appeal has been received within the time allowed for appeal by the instance that is to consider the appeal.

In cases referred to in point 2, the instance where the document of appeal has been received shall forward it to the instance that has made the decision and at the same time state the date on which the document was received by the superior instance.

SECTION 56 If the document of appeal is not dismissed under Section 55, second paragraph, the instance that has made the decision appealed against shall forward it and other documents in the matter to the instance that is to consider the appeal.

SECTION 57 A decision under this Act by an unemployment fund, the Swedish Unemployment Insurance Board or a court applies immediately, unless otherwise stated in the decision or decided by the instance that is to review the decision. (SFS 2002:545)

SECTION 58 In a case where an individual party appeals against a decision of an unemployment fund, the fund is the individual's opposite party.

SECTION 59 The Swedish Unemployment Insurance Board may take over the duty of an unemployment fund to represent the public authorities in legal proceedings at the county administrative court and the administrative court of appeal.

The Board represents the public authorities in legal proceedings before the Supreme Administrative Court. (SFS 2002:545)

SECTION 60 Leave to appeal is required in with the case of appeals to an administrative court of appeal.

The provisions of Section 33, fourth paragraph of the Administrative Court Procedure Act (1971:291), do not apply to a dismissal decision that has been made by an unemployment fund. (SFS 1998:391)

Reconsideration and amendment

SECTION 61 Decisions by an unemployment fund on matters referred to in Section 49 shall be reconsidered by the fund, if requested by the individual whom the decision concerns.

This does not apply if the unemployment fund has already changed the decision under Section 63.

SECTION 62 The provisions of Sections 53 to 56 concerning appeals shall be applied to requests for reconsideration.

SECTION 63 An unemployment fund shall without request amend its decision in matters referred to in Section 49 and which have not been reviewed by a superior instance, if

1. the decision contains a manifest error which is due to a typographical error, error of calculation or other such oversight,
2. the decision was incorrect owing to it having been made on the basis of manifestly erroneous or incomplete information, or

3. the decision was incorrect owing to a manifestly erroneous application of the law or some other similar cause.

An amendment in accordance with the first paragraph need not be made if the incorrectness is of minor importance.

SECTION 64 An amendment of a decision pursuant to Section 63 may not be made after more than two years have elapsed from the date on which the decision was made.

A decision may be changed even after this time has expired if it only thereafter comes to light that the decision has been made on the basis of manifestly erroneous or incomplete information or if there are other exceptional reasons.

SECTION 65 When reconsidering a matter under Section 61, the decision may not be changed to the disadvantage of the individual.

When an amendment is made pursuant to Section 63, the decision may not be changed to the disadvantage of the individual, if there are exceptional reasons against doing so.

Special provisions

SECTION 66 An applicant who deliberately or by gross negligence has provided incorrect or misleading information about circumstances that are relevant to the assessment of her or his entitlement to benefit shall be deprived of entitlement to benefit. When the applicant is a member of an unemployment fund, such a deprivation shall only be made when the unemployment fund, in accordance with Section 37, second paragraph of the Unemployment Funds Act (SFS 1997:239), has decided not to expel the applicant from membership. The deprivation shall apply for at least 130 benefit days. If there are special reasons, the deprivation may apply for fewer days.

For applicants who have been deprived of benefit in accordance with the first paragraph, benefit may only be disbursed after they have performed such gainful work as is referred to in Sections 12 and 13 for 80 days from the date on which the circumstance that resulted in the deprivation came to the knowledge of the unemployment fund.

If there is probable cause to believe that an applicant has been guilty of such conduct as is referred to in the first paragraph, benefit due to the applicant may be withheld pending an investigation of the matter.

A decision under the first paragraph shall immediately be reported to the Swedish Unemployment Insurance Board. (SFS 2002:545)

SECTION 67 The Labour Disputes (Restriction of Social Benefits) Act (SFS 1969:93) shall be applied to benefit under this Act.

Section 68

/Ceases to apply on 2 March 2009/ If someone, by means of incorrect information or by an failure to fulfil her or his obligation to provide information or notification or otherwise has caused benefit to be paid improperly or in too high an amount or if someone has otherwise received benefit improperly or in too high an amount and he or she ought reasonably to have realised this, the excess amount disbursed shall be repaid. This applies unless there is reason in the particular case for complete or partial exemption from the repayment obligation.

In the case of a repayment obligation under the first paragraph a reasonable amount may be withheld from a later payment as a deduction from the amount paid in excess.

Section 68

/Enters into force on 2 March 2009/ If someone, by means of incorrect information or by a failure to fulfil her or his obligation to provide information or notification or otherwise has caused benefit to be paid improperly or in too high an amount, the excess amount disbursed shall be repaid. The same applies if someone has otherwise received benefit improperly or in too high an amount and he or she ought reasonably to have realised this. (SFS 2009:11).

Section 68a

/Ceases to apply on 2 March 2009/ If someone who has received benefit from an unemployment fund has later received pay or financial damages equivalent to pay for the same period, the benefit from the unemployment fund shall be repaid. However, this does not apply if there is reason in the particular case for complete or partial exemption from the repayment obligation. (SFS 2006:470).

Section 68a

/Enters into force on 2 March 2009/ If someone who has received benefit from an unemployment fund has later received pay or financial damages equivalent to pay for the same period, the benefit from the unemployment fund shall be repaid. (SFS 2009:11).

Section 68b

/Enters into force on 2 March 2009/ If a person is obliged to repay benefit under Section 68 or 68a, the unemployment fund may allow payment to be deferred or enter into an agreement with the person concerned on a repayment plan. In such a case, the unemployment fund shall charge interest on the unpaid amount.

Interest shall be charged from the day on which the deferment was allowed or the agreement on a repayment plan was entered into, though not for time before the amount for which repayment is demanded became due for payment.

Interest shall be charged at a rate that at all times is two percentage points above the government lending rate. (SFS 2009:11).

Section 68c

/Enters into force on 2 March 2009/ If demand has been made for repayment of an amount pursuant to Section 68 or 68a and the amount is not paid when due, penalty interest shall be charged on the amount in accordance with the Interest Act (SFS 1975:653). The same applies when the person obliged to repay benefits has been allowed to defer payment or has entered into an agreement on a repayment plan in accordance with Section 68b and payment is not made within the time agreed. (SFS 2009:11).

Section 68d

/Enters into force on 2 March 2009/ If there are special reasons, the unemployment fund may completely or partially waive a demand for repayment under Section 68 or 68a or interest under Section 68b or 68c. (SFS 2009:11).

Section 68e

/Enters into force on 2 March 2009/ In case of a repayment obligation under Section 68 or 68a or an obligation to pay interest under Section 68b or 68c, in the event of a later disbursement of unemployment benefit the unemployment fund may decide to deduct a reasonable amount towards payment of the amount demanded. (SFS 2009:11).

SECTION 69 The provisions of Chapter 17, Section 1 of the National Insurance Act (SFS 1962:381) and Chapter 6, Section 7, second paragraph of the Occupational Injuries Insurance Act (SFS 1976:380) apply to the reduction of certain benefits by daily allowances paid.

Section 70

/Enters into force on 2 March 2009/ If there is probable cause to assume that the applicant will be barred from entitlement to benefits or that the benefit will be reduced, an unemployment fund can decide that the benefit shall be withheld or paid at a lower amount until a decision is taken in the case concerning barring or reduction of benefits. (SFS 2009:11).

Transitional provisions

1997:238

Regulations concerning the entry into force of this Act shall be issued in the Unemployment Insurance (Introductory Provisions) Act (SFS 1997:240) and the Unemployment Funds Act (SFS 1997:239).

1998:1783

This Act enters into force on 1 January 1999. As regards persons who have been assigned to activities for working life development before 1 January 1999, the older wording of Section 22 shall apply.

2000:1460

1. This Act enters into force on 5 February 2001.
2. However, the provisions of Section 19, points 1 to 3, 5 and 6 and Section 30 shall continue to apply for applicants who prior to entry into force satisfied the conditions and apply for benefit no later than 31 March 2001.
3. However, the provision on the length of the benefit period contained in Section 22 shall apply as formerly worded to those who prior to entry into force have reached the age of 57 and who are entitled to benefit owing to an ongoing benefit period.

2001:28

This Act enters into force on 1 April 2001. Older provisions apply in cases where a reconsideration decision has been made before then.

2002:626

1. This Act enters into force on 1 January 2003.
2. Older provisions shall continue to apply for special training allowances that pertain to periods prior to entry into force.

2003:330

1. This Act enters into force on 1 September 2003.
2. The provisions of Section 14a shall not be applied to those who have started participation in the activity guarantee prior to the entry into force of the Act.
3. The older wording of Sections 17 and 23 shall apply to those who started participation in the activity guarantee prior to the entry into force of the Act.

2006:6

1. This Act enters into force on 1 January 2007.

2. For a person whose waiting period under Section 21 has begun to run before the Act enters into force, the older wording of Section 17a, first paragraph shall be applied when calculating the applicant's framework period. (SFS 2006:1547).

2006:470

This Act enters into force on 1 July 2006. The provision of Section 68a shall be applied with regard to benefit from an unemployment fund pertaining to time after the entry into force.

2006:1527

1. This Act enters into force on 1 January 2007.
2. Older provisions continue to apply with regard to recruitment grants provided under the repealed Act concerning recruitment grants for adult students (SFS 2002:624).

2006:1546

1. Section 26 of this Act shall enter into force on 5 March 2007 and the remainder of the Act on 1 January 2007.
2. An applicant who, before the Act enters into force, has satisfied the conditions in Sections 12 and 13a as previously worded may be credited for this when an examination is made of her or his entitlement to benefit in the event of unemployment with regard to the first subsequent period of benefit.
3. When examination is made of entitlement to benefit in the event of unemployment, an applicant may, when Section 12, first paragraph, point 1 is applied, be credited for the calendar months before entry into force of the Act during which the applicant, within the framework period, has performed work for at least 70 hours. However, this only applies when examining benefits during the first benefit period after entry into force.
4. When examination is made of entitlement to benefit in the event of unemployment, an applicant may, when Section 12, first paragraph, point 2 is applied, be credited for the calendar months before entry into force of the Act during which the applicant, within the framework period, has performed work for at least 45 hours. However, this only applies when examining benefits during the first benefit period after entry into force.
5. If Section 13a, first paragraph is applicable in cases referred to in point 4, when Section 13a, second paragraph, first sentence is applied the applicant may be given credit for the calendar months before entry into force of the Act during which the applicant has performed gainful work for the equivalent of at least 45 hours.
When Section 13a, second paragraph, second sentence is applied, the applicant may be given credit for the calendar months before entry into force of the Act during which the applicant has performed gainful work, performed service in accordance with the Total Defence Service Act (SFS 1994:1809) or received parental benefits under the National Insurance Act (SFS 1962:381) for the equivalent of at least 45 hours.
6. An applicant who, before the Act enters into force, has satisfied the conditions in the repealed Section 18 or 19 may be credited for this when examination is made of her or his entitlement to benefit in the event of unemployment with regard to the first period of benefit after entry into force. An application for entitlement to benefit must, however, have been received by the unemployment fund no later than the end of February 2007. When determining the daily allowance for a person who has satisfied the conditions set forth in Section 19, the repealed Section 30a shall be applied.
7. For a person whose waiting period under Section 21 has begun to run before the Act enters into force, the older wording of Section 28 shall be applied when calculating the applicant's normal working hours during the first subsequent benefit period.

2007:393

1. Sections 48a, 48b, 48g and 48h of this Act shall enter into force on 1 January 2008 and the remainder of the Act on 2 July 2007.

2. For applicants who, before 2 July 2007, have participated in employment training or other training within the framework of a labour market policy programme, a work placement scheme, the youth guarantee, a computer/activity centre, vocational rehabilitation or a project with labour market policy orientation, or an activity in which benefit has been paid under the previous repealed Section 3a, or have performed gainful work carried out with the support of the provisions on start-up grants, the older wording of Section 17 shall apply.

3. A decision on extension of the benefit period taken before 2 July 2007 pursuant to Section 22 as worded before 2 July 2007 shall continue to apply.

4. For applicants who have participated in the activity guarantee, the older wording of Section 23 shall apply.

5. For applicants who have had their benefit period extended under Section 22 as worded before 2 July 2007, the older wording of Section 26 shall apply.

6. For applicants who have satisfied a work condition within the framework of the activity guarantee, the older wording of Section 30 shall apply.

7. For applicants for whom the waiting period specified in Section 21 has begun to run before 2 July 2007, the older wording of Section 39 shall apply during the benefit period.

2008:412

1. This Act enters into force on 7 July 2008.

2. For a person who has commenced a waiting period before the entry into force of the Act, the older wording of Section 21 shall apply.

2009:11

1. This Act enters into force on 2 March 2009.

2. Older provisions shall continue to apply with respect to demands for repayment of amounts disbursed prior to entry into force.