



Employment Law News – What’s new in Swedish Employment Law (Third Quarter 2017)

1 The Swedish Labour Court grants interim injunction regarding industrial actions

After conflicts arose regarding a change of the salary system and a key inventory, employees of RenoNorden AB, a waste disposal company, started a so-called “wild” strike on July 5, 2017. RenoNorden AB is bound by a collective bargaining agreement and it should therefore be industrial peace. This was also confirmed by the trade union, Transportarbetareförbundet, which did not support the strike. A lawsuit was filed against Transportarbetareförbundet and approximately 50 employees and on July 14, 2017, the Labour Court announced its interim injunction, holding that all employees without a doctor’s certificate were participating in an unlawful industrial action and obligated to return to work immediately. RenoNorden AB has also claimed damages of SEK 5,000 from each of the employees, which will be tried by the court in October.

2 The Swedish Labour Court grants interim injunction regarding non-competition

On the basis of a contractual non-competition clause, an employer forbade an employee, who had resigned, to take employment in a competing company during a period of twelve months after the termination of employment. Because the employee had already accepted a job offer from a competing company, the employer applied for an interim injunction, claiming that the employee was bound by the non-competition clause. The Labour Court found that the employee had access to company-specific knowledge which the company had a legitimate interest in protecting and that the clause was reasonable, especially given that the employee was well-compensated, and ruled in favour of the employer. The interim injunction was accompanied by a fine of SEK 500,000 in case of non-compliance.

3 **Bărbulescu v. Romania – employers’ monitoring of their employees’ private electronic communication**

In a recent ruling by the European Court of Human Rights (“**ECtHR**”), which concerned an employee who had been dismissed on the grounds of a breach of the employer’s internal policy after the employer had monitored his electronic communications and accessed their contents, the court concluded that there had been a violation of Article 8 (right to respect for private and family life, the home and correspondence) of the European Convention on Human Rights. The court held that the national courts had failed to strike a fair balance between the interests at stake and failed to determine whether the employee had received prior notice of the monitoring and did not address the fact that he had not been informed of the nature or the extent of the monitoring or the degree of intrusion. The national courts also failed to determine the specific reasons justifying the monitoring measures, whether less intrusive measures could have been taken and if the communication might have been accessed without the employee’s knowledge.

The ruling applies to the 47 members of the Council of Europe, including Sweden, and it is therefore relevant for Swedish employers. The judgement clarifies that employers may monitor their employees’ electronic communication, however, the employees must be informed in advance of the monitoring and the extent of it.

[https://hudoc.echr.coe.int/eng#{"itemid":\["001-177082"\]}](https://hudoc.echr.coe.int/eng#{)

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Törngren Magnell is pleased to announce that Lisa Ericsson has joined our employment law team. Lisa Ericsson advises on all aspects of employment law, including in particular employment M&A, collective and individual redundancies, collective bargaining agreements and trade union issues. Before joining Törngren Magnell, Lisa Ericsson worked as an in-house counsel at the employers’ association the Swedish Construction Federation and before that as a senior associate at Hamilton law firm for more than 10 years. Lisa Ericsson brings valuable knowledge on collective bargaining agreements in particular relating to the building and construction industry.

If you would like more information, or specific advice, please contact



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