

[19]

SFS 2002:293

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Unamended.

Prohibition of Discrimination of Employees Working Part Time and Employees with Fixed-term Employment Act (2002:293)

Scope

Section 1 The purpose of this Act is to combat discrimination of employees working part time and employees with fixed-term employment as regards pay and other terms and conditions.

Definition

Section 2 Employees working part time means an employee whose regular working hours during one week or another period shorter than one year are less than the working hours for a comparable employee who according to contract or statute is deemed to work full time.

Prohibition of discrimination

Direct discrimination

Section 3 An employer may not disfavour an employee working part time or an employee with fixed term employment by applying less beneficial pay or other terms and conditions of employment than the employer applies or should have applied for employees in a similar situation who work full time or have an indefinite-term employment respectively, unless the employer demonstrates that the disfavour is not related to the part-time work or indefinite-term employment of the person disfavoured.

This prohibition does not apply if the application of the conditions is justified on reasonable grounds.

Indirect discrimination

Section 4 An employer may not disfavour an employee working part time or an employee with fixed term employment by applying pay or other terms and conditions of employment that appear to be neutral but which in practice is particularly disadvantageous to employees working part time or employees with fixed term employment. However, this does not apply if the application of the terms and conditions can be justified by a reasonable goal and the means are appropriate and necessary in order to achieve the goal.

Sanctions

Invalidity, etc.

Section 5 A contract is invalid to the extent that it prescribes or allows such discrimination as is prohibited under this Act.

Section 6 If an employee is discriminated against in any way that is

prohibited under this Act, through a provision in a contract with the employer, the provision shall be adjusted or declared invalid if so requested by the employee. If the provision is of such importance for the contract that it cannot reasonably be required that it should otherwise apply with unchanged content, the contract may also be adjusted in other respects or be declared invalid in its entirety.

If an employee is discriminated against in any way that is prohibited under this Act through the employer giving notice terminating a contract or implementing other such legal act, the legal act shall be declared invalid if the employee so requests.

The first and second paragraphs shall not apply where Section 5 is applicable.

Damages

Section 7 If an employee is discriminated against by the employer breaching the prohibitions contained in Section 3 or 4, the employer shall pay damages to the employee for the loss that incurred and for the violation caused by the discrimination.

Provided it is reasonable, the damages may be reduced or lapse completely.

Judicial proceedings

Section 8 Cases under this Act shall be dealt with in accordance with the Labour Disputes (Judicial Procedure) Act (1974:371).

Section 9 When anyone brings proceedings under this Act, Sections 64 - 66 and Section 68 of the Employment (Co-Determination in the Workplace) Act (1976:580) shall be applied with the difference that the time limit referred to in Section 66, first paragraph, first sentence shall be two months.