

26. Sweden

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Rights to social security benefits in Sweden are based either on residence or work and not on migration law categories, nationality or the like. The duration of residence and employment in Sweden decides which social risks the migrant worker is insured against. For shorter periods of work by third-country nationals posted from outside the EU the social security regime of the country of origin applies. Sweden has concluded bilateral social security agreements with several countries, covering different rules, which may affect rights to different benefits. The social security institution usually asks for an A1 form, but usually does not investigate its validity.

Box 1 Sector-specific variations of social security rules

The Swedish social security system is characterised by the principle of universalism as regards the resident population. The right to different social benefits depends on either domicile or work. The public social security scheme does not vary from sector to sector. Sectoral collective bargaining is an important form of labour market regulation and agreements may provide different standards, depending on sector.

Table 1.26 Overview of the relationship between form of migration and entitlement to a particular social security service

Third-country-national categories	Social security categories					
	Health insurance	Pension contributions	Unemployment insurance	Basic security (social assistance)	Insurance against accidents at work	Child benefits
Posted workers	Yes	No	No	Yes	Yes	Yes
Intra-corporate transfers	Yes	Yes	Yes	Yes	Yes	Yes
Seasonal workers	Yes	Yes	Yes	Yes	Yes	Yes
Temporary agency workers	Yes	Yes	Yes	Yes	Yes	Yes
High-level professionals	Yes	Yes	Yes	Yes	Yes	Yes
Self-employed	Yes	Yes	Yes	Yes	Yes	Yes

Source: Authors' analysis, 2022.

Box 2 Changes during the Covid-19 pandemic

Access to unemployment benefits were broadened during the Covid-19 pandemic. In effect, membership criteria and the qualifying period as regards hours worked were lowered, making more people eligible for unemployment benefits. People belonging to a risk group were afforded a particular social security benefit when staying home from work. The waiting period for sickness benefits was suspended. A doctor's certificate was not needed for the first 15 days of sick leave. While changes to social security were not aimed at migrant workers, restrictions on mobility might have affected migrant workers' ability to enter Sweden.

Description of the Swedish system

1. Overview of social security rights of short-term third-country-national migrant workers

Rights to social security benefits in Sweden are based either on residence or work, as defined by the applicable code, and not on migration law categories, nationality or the like. The duration of residence and employment in Sweden determines what risks the migrant worker is insured against. If the residence period is intended to be one year or more, the migrant is considered from day one to be residing in Sweden and therefore has the right to residence-based benefits, such as child allowance, housing allowance and parental benefits at minimum and basic levels (ch. 5 act 2010:110). Work-based benefits apply from the start of employment and include, for example, occupational injury compensation, parental benefit at the sickness benefit level and basic level, income related activity compensation and sickness compensation, and rehabilitation allowance (ch. 6 act 2010:110). In the case of a work permit for less than a year the migrant worker does not have a right to subsidised health care, therefore other private insurance coverage is required.

Workers posted from outside the EU for a period shorter than one year do not qualify for either work-based or residence-based benefits (ch. 5 sect. 3, ch. 6 sect. 4, Act 2010:110). If the stay in Sweden is supposed to be longer than a year, the worker will have a right to residence-based benefits. If the assignment in Sweden can be assumed to be longer than a year, the work is to be considered to have been performed in Sweden and to grant rights to work-based benefits. For shorter periods of work by third-country nationals posted from outside the EU the social security regime of the country of origin applies.

2. Differences in social security rights of different categories of short-term third-country-national migrant workers

High level professionals, under certain conditions, are covered by a number of social security schemes. They must present three months of private health insurance in order to be granted a permit. Subsidised health care demands registration and intent to reside more than one year.

Pension contributions to the national public system are made by the employer. The right to a pension depends on the duration of residence in Sweden and the level of earnings. It takes a long time to qualify for an adequate pension. Collective bargaining agreements may contain rules on pensions. Unemployment insurance demands a fixed domicile in Sweden and availability for work. Earnings-related benefit depends on membership of the unemployment insurance fund and having worked for a qualifying period. The right to basic security in the form of social assistance depends on holding a residence permit valid for at least one year and intending to reside in Sweden for at least one year. The right to insurance against accidents at work while working depends on possession of a work permit. The right to child allowance and flat-rate and low-level cash benefits under parental

insurance depend on whether the applicant intends to reside in Sweden more than a year and holds a residence permit. The right to belong to the earnings-related parental insurance system depends on whether the applicant is working and holds a work permit.

Self-employed persons are, under certain conditions, covered by a number of social security schemes. They have a right to subsidised health care if holding a valid residence permit and legally domiciled in Sweden. Subsidised health care demands registration and intent to reside more than one year. Contributions must be made to the public pension system. The right to a pension depends on duration of residence in Sweden and amount of earnings. It takes a long time to qualify for an adequate pension. Unemployment insurance demands a fixed domicile in Sweden and availability for work. Earnings-related benefits depend on membership of the unemployment insurance fund and having worked for a qualifying period. The right to basic security in the form of social assistance depends on holding a residence permit valid for at least one year and intending to reside in Sweden for at least one year. The right to insurance against accidents at work while working depends on possession of a work permit. The right to child allowance and flat-rate and low-level cash benefits under parental insurance depend on whether the applicant intends to reside in Sweden more than a year and holds a residence permit. The right to belong to the earnings-related parental insurance system depends on whether the applicant is working and holds a work permit.

Intra-corporate transferees are, under certain conditions, covered by a number of social security schemes. They must present private health insurance for stays shorter than one year. Subsidised health care demands registration and intent to reside more than one year. Pension contributions to the national public system must be made by the employer. The right to a pension depends on duration of residence in Sweden and amount of earnings. It takes a long time to qualify for an adequate pension. Collective bargaining agreements may contain rules on pension. Unemployment insurance demands a fixed domicile in Sweden and availability for work. Earnings-related benefits depend on membership of the unemployment insurance fund and having worked for a qualifying period. The right to basic security in the form of social assistance depends on holding a residence permit valid for at least one year and intending to reside in Sweden for at least one year. The right to insurance against accidents at work while working depends on possession of a work permit. The right to child allowance and flat-rate and low-level cash benefits under parental insurance depend on whether the applicant intends to reside in Sweden more than a year and holds a residence permit. The right to belong to the earnings-related parental insurance system depends on whether the applicant is working and holds a work permit.

(i) Third-country-national seasonal workers

Third-country-national seasonal workers must present private health insurance. Subsidised health care demands registration and intent to reside more than one year. Pension contributions to the national public system must be made by the employer. The right to a pension depends on duration of residence in Sweden and amount of earnings. It takes a long time to qualify for an adequate pension.

Collective bargaining agreements may contain rules on pension. Unemployment insurance demands a fixed domicile in Sweden and availability for work. Earnings-related benefits depend on membership of the unemployment insurance fund and having worked for a qualifying period. The right to basic security in the form of social assistance depends on holding a residence permit valid for at least one year and intending to reside in Sweden for at least one year. The right to insurance against accidents at work while working depends on possession of a work permit. The right to child allowance and flat-rate and low-level cash benefits under parental insurance depend on whether the applicant intends to reside in Sweden more than a year and holds a residence permit. The right to belong to the earnings-related parental insurance system depends on whether the applicant is working and holds a work permit.

(ii) Third-country-national posted workers

Third-country-national posted workers have subsidised health care upon registration and if there is an intent to reside more than one year. Contributions are not made to the public pension system. The right to basic social security in the form of social assistance depends on holding a residence permit valid for at least one year and intending to reside in Sweden for at least one year. The right to insurance against accidents at work depends on having a work permit for a period longer than a year. The right to child allowance and flat-rate and low-level cash benefits under parental insurance depend on whether the applicant intends to reside in Sweden more than a year and holds a residence permit. The right to belong to the earnings-related parental insurance system depends on whether the applicant is working and holds a work permit. There is no right to earnings-related parental cash benefits for work shorter than one year.

(iii) Third-country-national temporary agency workers

Third-country-national temporary agency workers have a right to subsidised health care if holding a valid residence permit and legally domiciled in Sweden. Subsidised health care demands registration and intent to reside more than one year. Pension contributions to the national public system must be made by the employer. The right to a pension depends on duration of residence in Sweden and amount of earnings. It takes a long time to qualify for an adequate pension. Collective bargaining agreements may contain rules on pension. Unemployment insurance demands a fixed domicile in Sweden and availability for work. Earnings-related benefits depend on membership of the unemployment insurance fund and having worked for a qualifying period. The right to basic security in the form of social assistance depends on holding a residence permit valid for at least one year and intending to reside in Sweden for at least one year. The right to insurance against accidents at work while working depends on possession of a work permit. The right to child allowance and flat-rate and low-level cash benefits under parental insurance depend on whether the applicant intends to reside in Sweden more than a year and holds a residence permit. The right to belong to the earnings-related parental insurance system depends on whether the applicant is working and holds a work permit.

3. Conditions for obtaining different social security rights

Rights to social security benefits in Sweden are based either on residence or work, as defined by the applicable code, and not on migration law categories, nationality or the like. The duration of residence and employment in Sweden determine what risks the migrant worker is insured against. Work-based benefits apply from the start of employment.

4. Portability of benefits between host country and country of origin

Sweden has concluded bilateral social security agreements with a number of countries, and these agreements cover different rules and may affect rights to particular benefits.

5. Social security rights of short-term third-country-national migrant workers during the Covid-19 pandemic

Changes to social security during the pandemic were not aimed at migrant workers.

6. Overview of enforcement and monitoring

Companies posting workers to Sweden must notify the Work Environment Agency about the posting and the names of the posted workers (sect. 4 act 1999:678, sect. 7-8 regulation 2017:319). The social security institution asks for A1 forms as a matter of routine, but usually does not perform any particular investigations (Inspektionen för socialförsäkringen rapport 2015:11, p. 85f).