

Information for foreign berry pickers

Engelska/English – New rules are in effect for foreign berry pickers

This is an information leaflet from the Swedish Work Environment Authority for anyone who wishes to work as a berry picker in Sweden.

The Swedish Work Environment Authority is the government agency responsible for the enactment of the Work Environment Act, the Working Hours Act and other regulations in relation to the work environment at Swedish work places. We also develop rules and provide information regarding working conditions. In addition, the Swedish Work Environment Authority is the liaison office for posting issues. This means that we provide information about what is applicable to workers employed abroad on temporary assignments in Sweden.

In this leaflet you will find the rules regarding work and residence permits, the work environment, working hours, minimum wage etc. for 2010 in Sweden.

From the 2010 season, the Migration Board will process all applications for work permits for pickers of wild berries in the same way that all other applications for work permits are processed. Exactly what this involves is described below.

For people who wish to work as a berry picker in Sweden

If you want to work as a berry picker in Sweden and do not come from an EU country, you normally need a work permit. In most cases, citizens of countries outside of the EU also need a visa in order to visit Sweden. If you are planning to work in Sweden for a longer period than three months, you will need a work permit and also a residence permit.

It is the Migration Board that handles the rules governing work permits and residence permits. You must apply for a permit before you leave for Sweden. You can apply for residence and work permits on the Migration Board's webpage, www.migrationsverket.se. You can also submit your application to the Swedish Embassy or Consulate in the country you reside. If you are planning to work in Sweden for less than three months and need a visa to enter Sweden, you must submit your application for a work permit to a Swedish Embassy or Consulate.



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What is required to obtain a work permit?

To obtain a work permit, it is necessary that:

1. you are in possession of a valid passport,
2. you are able to support yourself through your work,
3. there is sufficient work to ensure that your salary is at least SEK 13 000 per month (see point 5),
4. your employer has advertised the position in Sweden and the EU for at least ten days (for new employment),
5. your employer offers working conditions that are on par with a Swedish Collective Labour agreement or what is normal in the profession or trade (see below),
6. your employer offers the trade unions in question the opportunity to comment on the employment conditions in the job offer.

” The ordinary working hours must not exceed 40 hours a week

What are the employment conditions for berry pickers according to the Swedish Collective Labour agreement?

For you to obtain a work permit, the salary must be no less than SEK 13 000 per month, and the employment conditions must be equal to those of the Swedish Collective Labour Agreement (or what is normal in the profession or trade).

If you are employed by a company with operations in Sweden, the Collective Labour Agreement you are covered by is the Swedish Municipal Workers' Union agreement with the Federation of Swedish Forest and Agricultural Employers. The agreed minimum wage under this agreement is SEK 18 542 per month. If you are employed on an hourly basis, the agreement also contains information about the minimum hourly wage.

If you are employed by a foreign company with no operations in Sweden, such as a temporary staffing agency, the temporary staffing agreement is valid. Under that agreement, the minimum wage is SEK 19 772 per month. This applies regardless of whether or not the foreign temporary staffing agency has signed a collective agreement.

A berry picker must be paid at least the minimum wage set out in the Swedish collective wage agreement

If your employer has signed an agreement with the Swedish Municipal Workers' Union, the agreement in its entirety is in force. The agreement contains regulations regarding minimum wage, working hours, insurances and a lot more. At the webpage of the Municipal Workers' Union, www.kommunal.se, you will find the pdf leaflet "Working in Sweden" with further information about the agreement and your rights. The leaflet is obtainable in a number of different languages.

Picking berries without being employed

For those who have a visa to visit relatives, it is possible to pick berries as a private individual. Income from picking berries is tax free for private individuals up to SEK 12,500 per person and year.

For private individuals, there are special regulations in relation to visas. Information regarding visa requirements can be found on the Migration Board's webpage.

Work environment and Hours of work

Your employer must live up to the statutes set out in the Swedish Work Environment Act, the regulations of the Swedish Work Environment Authority and the Working Hours Act during the time you are working in Sweden.

The Working Environment Act contains rules about the obligations of the employer and other Health and Safety officers in relation to the prevention of ill-health or accidents at the workplace. The Work Environment Act governs everything from ensuring that machinery and tools comply with the necessary security requirements to ensuring that the stress levels are not too high.

The Working Hours Act contains rules about how much you are allowed to work in a 24-hour period, per week and per year. You are for example, entitled to 11 consecutive hours free from work in a 24-hour period. This is referred to as daily rest. The ordinary working hours must not exceed 40 hours a week. If it becomes necessary, working hours may be 40 hours a week on average during a four-week period. This means that it is possible to work more during certain weeks and less during others. Normally, you will work 8 hours a day.

Under certain circumstances, you may work a maximum of 48 hours over a 4-week period or 50 hours during one calendar month. The overtime may not exceed 200 hours during one calendar year.

It is incumbent upon the Swedish Work Environment Authority to ensure that employers live up to the requirements of the Work Environment Act and the Working Hours Act. The inspectors of the Swedish Work Environment Authority visit various facilities and check that employers follow the rules. If the Work Environment Act is not followed, the inspectors have the power to stop certain activities from being carried out. If you believe that your employer is in breach of the regulations, you should contact the Swedish Work Environment Authority. You can also contact the Municipal Workers' Union who have regional health and safety officers whose task it is to make sure that the working environment is safe.

” For further information
see www.skatteverket.se

The Working Hours act can be removed through collective bargaining. Collective Labour Agreements can replace the whole act or parts of it. The Swedish Work Environment Authority does not exercise influence over the Working Hours act when the issue regarding working hours has been settled by collective bargaining. Therefore, the Swedish Work Environment Authority can therefore not allow any exceptions to certain parts of the law.

If you fall ill

In the Swedish Social Insurance system, there are work-based benefits such as sickness benefit and parental benefits for which you need to have a job. There are also residency-based benefits. Individuals who work in Sweden on a temporary basis do not normally qualify for these benefits.

If you have been posted to Sweden i.e. you are employed by a manpower agency/staffing company in your home country, you are insured in your home country. If, on the other hand, you are employed by a Swedish employer, you qualify for Swedish Social Insurance at least when it comes to work-based benefits. If your stay in Sweden is less than a year, you are not regarded as a resident and cannot claim residency-based benefits.

Berry pickers who arrive from another EU-country are subject to certain regulations which means that they may be entitled to both residency-based and work-based benefits if they work exclusively in Sweden.

It is the Swedish Social Insurance Office that decides whether a person is insured in Sweden and is entitled to benefits. You can register with the Swedish Social Insurance Office on your own initiative when you arrive in Sweden to work. Registration does not affect your possible right to benefits. Read more on the Swedish Social Insurance Office's webpage www.forsakringskassan.se.

For further information,
see the Swedish Tax Agency's webpage,
www.skatteverket.se.

Do you need to pay tax in Sweden?

There is a special exception to the obligation to pay tax for those who are employed by an employer in the home country and who only work in Sweden on a temporary basis. Income is tax free provided the employment does not exceed 183 days in a one year period. The employer however, is subject to some restrictions. The exception is only valid if your employer does not have a permanent establishment in Sweden. A permanent establishment includes offices, factories or similar.

If your employer has a permanent establishment in Sweden, you will pay a special income tax, SINK, in Sweden provided you stay a maximum of six months in Sweden. Under these circumstances, the tax rate is 25 percent. After six months, you are considered a resident of Sweden from a taxation point of view and must therefore pay tax according to the standard regulations. This may also be the case if you visit Sweden repeatedly.

Posting

There are certain legal regulations in force according to Swedish law if you are posted, i.e. if your employer in your home country sends you to Sweden to work for a limited period of time. You may for example work for a manpower agency/staffing company in your home country and get sent to Sweden to work for a few months. In this case, you would be posted. Posted workers are covered by the Swedish regulations regarding holidays and maternity leave. The Swedish Work Environment Authority is a so called liaison office for posting issues and is able to provide you with information regarding your rights. Read more about posting at www.posting.se.

workinginsweden.se

On the Swedish Institute's homepages, www.sweden.se and www.workinginsweden.se, you can find more information about Sweden and working here.



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Our vision: Everyone wants to, and can, create a good work environment

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The Swedish Work Environment Authority

Tfn: +46-(0)8-730 90 00
www.av.se

The Fire Brigade

Tfn: 112

The Swedish Social Insurance Agency

Tfn: +46-(0)498-200 700
Tfn: +46-(0)771-524 524
www.forsakringskassan.se

The Swedish Migration Board

Tfn: +46-(0)771-19 44 00
Tfn: +46-(0)771-235 235
www.migrationsverket.se

The Police Authority

Tfn: 112 (emergency),
Tfn: +46-(0)77-114 14 00 (non-emergency)
www.polisen.se

The Municipal Workers' Union

Tfn: +46-(0)10-442 70 00
www.kommunal.se

The Swedish Tax Agency

Tfn: +46-(0)771-778 778
www.skatteverket.se

SOS Alarm

Tfn: 112
www.sosalarm.se

The Swedish Institute

www.sweden.se

Ministry for Foreign Affairs

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www.regeringen.se
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