



LUNDS
UNIVERSITET

Rektor

Lund University's regulations on termination of employment pursuant to Sections 32a and 33 of the Employment Protection Act (1982:80)

The regulations below were approved by the vice-chancellor on 18 December 2020 on the basis of Chapter 2 Section 5 of the Higher Education Act (1992:1443).

Aim

The present regulations aim to ensure a university-wide process for the conclusion of permanent employment positions when the employee reaches the age at which employment protection ceases to apply pursuant to the Employment Protection Act (LAS 1982:80). The regulations are to promote organisational renewal and contribute to the achievement of gender equality and internationalisation goals, while ensuring equal treatment and a dignified conclusion to employment at Lund University.

Background

As of 1 January 2020, new rules apply in LAS. Employment protection has been extended from 67 years of age to 68 and, in 2023, it will be extended to the age of 69.¹ Furthermore, the employer's option only to communicate in writing that employment is to end on the grounds that the employee has reached retirement age has been replaced with a simplified termination procedure. Pursuant to the new legislation, the employer is required to terminate the employment. A termination on the grounds of age does not require an objective reason but presumes that the employee has reached the age at which employment protection ceases to apply. Before this type of termination, the employee and their employee organisation are given an opportunity for negotiation with the employer and the employee is guaranteed a notice period of one (1) month from the date on which termination is notified. Such termination does not need to be implemented by any particular date, as long as the employee has reached the age of 68. If employment is to continue beyond the age of 68, further limitations to employment protection apply (for example exclusion from the preferential right to re-employment and re-employment in a redundancy situation). Often, employees will choose to terminate their employment themselves in view of retirement, with a notice period of two

¹ For text clarity only the increase to the age of 68 is mentioned here, but this also applies to the subsequent increase to the age of 69 in 2023.

months.² A termination by the employee in view of retirement avoids the risk of a gap between the last salary payment and first pension payment.³

Continued employment at Lund University after employment protection ceases to apply pursuant to Section 32a of LAS

At Lund University, the main rule is that employees are to be dismissed once employment protection pursuant to Section 32a of LAS ceases to apply, unless there are *extraordinary reasons*. In these cases, continued employment beyond the age of 68 and the end of employment protection is normally to correspond to 20% of full-time employment and to be conditional on the employee requesting partial leave of absence. This leave of absence cannot be interrupted unilaterally. The dean or equivalent is to take a decision on whether extraordinary reasons apply. The extraordinary reasons are to be justified in writing.

Extraordinary reasons may apply if an employee possesses expertise that is critical to the organisation and difficult to pass on through recruitment or transfer of skills, despite efforts to do so, and if extending employment for a limited period would enable this process. A continued supervisory role to ensure that a doctoral student is able to complete their PhD may constitute such a reason *if* handing over the supervisory role would be detrimental to the doctoral student. Extraordinary reasons may also apply in a special expert assignment including evaluation/follow-up etc.

Extraordinary reasons do *not* apply when the employee has external funding that has not been utilised within the appointed time or a remaining doctoral student supervision assignment can be handed over to another supervisor without prejudice to the doctoral student.

If necessary, a faculty/equivalent can issue regulations within this framework specifying the meaning of extraordinary reasons as well as other circumstances that constitute extraordinary reasons at the faculty/equivalent (in that case, the regulations are to be attached to the relevant decision). Follow-up of compliance with these regulations is to be done annually at the faculty level/equivalent.

The manager concerned is responsible for communicating with the employee at the latest three months, and preferably six months, before the end of employment protection unless the employee has resigned from the position prior to this date.

The manager concerned is responsible for ensuring that the dean/equivalent receives sufficient documentation to enable assessment of whether extraordinary reasons apply, as well as a proposal for when and how follow-up and transfer of expertise, where applicable, are to be done. The discussion with the employee about partial leave of absence, in case of continued employment, is to have taken place before the dean's assessment of whether extraordinary reasons apply. The scope of employment is to be regulated on the basis of the provisions in the

² For those covered by the management staff agreement, a notice period of six months applies. For employees with letters of appointment employment, on the other hand, an obligation to retire at 68 applies pursuant to the law on this type of appointment (1994:261).

³ Retirement pension payments are only made once the application has been processed by the National Government Employee Pensions Board and no earlier than the first of the month following the last day of employment. If notice is given to Lund University on 2 August with 2 September as the last day of employment, the retirement pension will be paid out as of 1 October.

agreement on terms and conditions for government employees which address leave of absence to enable a longer working life. An assessment of scope of employment is to be made on the basis of a collective evaluation of the organisation's needs and the employee's wishes. A new assessment of continued employment is to be conducted annually pursuant to the regulations.

Entry into force and transitional provisions

The present regulations enter into force on 1 January 2021 and apply to terminations on the grounds of age after 1 January 2021. As the entry into force of the regulations does not permit early notification to employees who will turn 68 during the first six months of 2021, communication with these employees is to take place as soon as possible. A follow-up of these regulations is to be conducted after no more than two years.