



**LUNDS**  
UNIVERSITET

## GUIDELINES

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Vice-Chancellor

# **Lund University's Guidelines on Termination of Employment Pursuant to Sections 32a and 33 of the Employment Protection Act (1982:80)**

## **Aim**

The present Guidelines 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 Guidelines 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, with a change from 1 January 2023. Employees currently have the right to remain in employment to the age of 69. In a case where the employee does not terminate their employment when they have reached the age of 69 through making an application for retirement, 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 entitled to consultation with the employer and the employee is guaranteed a notice period of one (1) month from the date notification of termination is made. Such termination does not need to

be implemented by any particular date, as long as the employee has reached the age of 69. If employment is to continue beyond the age of 69, certain limitations to employment protection apply (for example exclusion from the preferential right to 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 months. For those covered by the management staff agreement, a notice period of six months applies. For those employed under a power of attorney (i.e. with stronger employment protection than is usually the case), on the other hand, an obligation to retire at 69 applies pursuant to the Act Regarding the Employment of Public Servants in Positions of Authority (1994:261). A termination by the employee in view of retirement avoids the risk of a gap between the last salary payment and the first occupational pension payment. (Occupational 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 occupational pension will be paid out as of 1 October.)

### **Continued employment at Lund University after the age of 69**

At Lund University, the main rule is that termination of employment is to be implemented at the age of 69 unless there are extraordinary reasons. Continued employment beyond the age of 69 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 doctoral degree 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 focusing on evaluation or follow-up.

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 impairing the doctoral student's prospects for concluding their studies.

If necessary, a faculty/equivalent can issue guidelines 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 guidelines are to be attached to the relevant decision). Follow-up of compliance with the guidelines 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 employee reaches the age of 69, 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 conducted. The discussion with the employee about partial leave of absence 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 agreement on terms and conditions for government employees which address leave of absence to enable a longer working life. An assessment of the scope of employment is to be made on the basis of a collective evaluation of the organisation's needs and the employee's wishes. It is also the case that after an employee has reached the age

of 69 and remains in employment, due to the dean/equivalent having deemed that there are extraordinary reasons for continued employment, it continues to be the manager concerned who decides which funds are to be used to finance the continued employment. A new assessment of continued employment is to be conducted annually in accordance with the guidelines. In cases where an employee is awarded Wallenberg Scholars or ERC Advanced Grants that extend beyond when the employee reaches the age of 69, the annual assessment is deferred to a later date. This is provided that there is a review based on the circumstances of the individual case and an approval by the Vice-Chancellor that is to be documented by the faculty/equivalent.

### **Entry into force and transitional provisions**

The present Guidelines enter into force on 1 July 2023 and apply to terminations on the grounds of age after 1 July 2023.