

# **Rules for employment after the right to remain employed is no longer valid**

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## **Introduction**

The management of employments must be transparent and take place on an objective and informed basis. Planning of competence provisions must be conducted in a long-term way and a knowledge transfer must be done well in advance.

According to the Employment Protection Act (LAS) (1982:80), starting 1 January 2020 an employer has the right to remain employed until the employee reaches the age of 68 (below referred to as LAS-age). On 1 January 2023 the age limit will be raised to 69 years of age. Once the employee reaches LAS-age a substantial change takes place in the employment protection, with the primary change being that the employer has the right to terminate the employment without an objective basis. Thus, the parties in the employment contract have a mutual right to terminate the employment.

## **Objective**

These rules contain provisions on the employment of persons who have reached the age where their right to remain employed is no longer valid according to the Employment Protection Act (1982:80) (LAS). Apart from this, the same rules apply as they do for other forms of employment, provided that they do not violate these rules.

The purpose of these rules is that employment after the right to remain employed is no longer valid should be managed in an equal way within KI and be based on the needs and financial conditions in our operations.

## **General starting points**

KI has in certain circumstances a need to keep employees who have reached the LAS-age. This concerns persons with important experience, a valuable network of contacts and special skills, where a termination would entail a substantial loss to the operations. This fact must be carefully weighed against the operation's need of re-orientation and renewal as well as against KI's need for other employees to develop in their work and their careers.

Employment after LAS-age is not a right for the individual and a possible employment must always be carefully reviewed on an objective and informed basis based on what the operation needs. The review must demonstrate that it is valuable to the operations to hire a person who has reached LAS-age. The need and benefit that an employment can entail for KI in the short and long run should be a deciding factor in the assessment.

A need can be motivated by special skills that are required to bridge a new recruitment during a specific time or for ongoing and externally financed projects or in order to represent KI in special circumstances.

Long-term planning of competence provision in connection with an employee approaching LAS-age is highly significant to a successful generation change. Included in the regular work involving operational planning should be a plan of the institution's/unit's long-term competence provision, which also includes operational goals, analysis of the challenges that the operation is facing and strategies to achieve those goals. Such an analysis can, for example, entail that the focus of the operation needs to be changed and that actions need to be taken to attract persons with other skill profiles. Employment of a person who has reached LAS-age is always a temporary and short-term solution.

## **Type of employment and terms**

Well in advance before an employee reaches LAS-age, the manager in charge must conduct a dialogue with the employee about how one needs to adapt to the operations according to the current conditions. The dialogue should result in a documented plan for how a change in competence and/or a phasing out of current projects will take place up until the employee reaches LAS-age or, if applicable, a plan for continued projects.

When an employee reaches LAS-age and continued employment is not an option, the employment must be terminated based on the rules in LAS. In cases where the parties agree on continued employment, a new employment contract must be entered in accordance with items 1-7 below. When it is a matter of re-regulation of the employment contract there is no need for a notification of a vacancy. The employer (manager in charge) must annually (in employee talks or equivalent) review the employment well in advance before the employee's birthday, for the purpose of deciding whether the employment will be extended with an additional year. The review assumes that there is a documented dialogue between the manager and the employee. The documentation must among other things contain the conditions for the employment, the scope and a plan for how a change in competence will be conducted. The decision on re-regulation or continued employment according to this section must be specially motivated.

The following applies to all employment contracts that are entered with persons who have reached LAS-age:

1. An employment after LAS-age has been reached will apply until further notice unless there are special reasons to put a time limit on the employment (employment of guest lecturers and adjunct professors takes place based on Chapter 4 Sections 10-12 of the Higher Education Act [1993:100]).
2. The employment terms will be regulated in a new employment contract.
3. Salary will be paid monthly.
4. The employment cannot last for more than five years.
5. The degree of activity must be at least 10 percent and no more than 50 percent of a full-time position.
6. The employment cannot involve special commitments such as manager or job duties that entail a managerial position.
7. Decisions involving employment are made according to the rules in the applicable decision and delegation order.

The president may decide on exceptions in items 4, 5 and 6 if there are extenuating circumstances.

Regardless of what is stated in items 1, 3, 5 and 6, employment can take place through so called intermittent employment when there is a temporary need for employment and it is not possible to plan the scope in advance.

## **Continued work as teacher or researcher**

Specified below are special conditions for employment of teachers and researchers after the age of retirement beyond what applies under the headline "Type of employment and terms"

KI considers it a positive thing when teachers and researchers who, when they reach LAS-age, have skills that are valuable and hard to replace continue their work at KI. In order to effectively utilize available resources, one must carefully analyze how KI can best make use of the knowledge and experiences that

these employees have. Apart from strategic considerations one must take into account the local situation and financial conditions and how the employee is expected to contribute to the development of the operations. It is also important that a teacher or researcher who is interested in continuing his/her work respects the operation's need for renewal and the needs of other employees when it comes to continued support and development.

In applicable cases there should be a plan for how applications in which a contribution will extend beyond the LAS-age will be managed, i.e. proactivity in order for the contribution terms to require employment. Also, a position as principal supervisor should always be planned so that one can be ensured that these jobs can be completed in an efficient way. In this respect one must take the LAS-age into account.

In cases where the institution decides that there are objective and acceptable reasons for why a teacher and researcher should continue his/her work after retirement, one must review how the continued work will be conducted.

## **Connection**

In applicable cases, continued work after LAS-age should primarily be done through connections with the operations, for example as a Professor Emeritus/Emerita, i.e. without an employment.

## **Employment**

If the institution instead of a connection finds that there are special reasons for hiring a teacher or researcher after he/she has reached LAS-age, such a decision must be motivated.

In addition to what is specified under the headline Form of employment and terms, items 1-7, there are special rules that state that a teacher or researcher who is hired after reaching LAS-age must

- a. be financed through own, current and ongoing external funding for salary and maintenance<sup>1</sup>
- b. be hired in direct connection with LAS-age being reached.
- c. be able to act as PI (Principal Investigator) and have attestation rights for external funding that have been signed with the teacher/researcher as principal.
- d. be available as mentor for junior researchers.

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<sup>1</sup>\*The salary cost cannot exceed what is specified in the external funding

The task of acting as a mentor for doctorates cannot be given to teachers and researchers who have passed the LAS-age. One condition for this type of task is that it can be completed before the supervisor's employment stops.

## **Transitional rules**

The five-year limit in item 4 under the headline Type of Employment and Terms start applying from 1 January 2020. Contracts concerning time limited employment that have been entered before these rules come into effect are valid until they expire. If it is necessary for the employment to continue, re-regulation into an employment that lasts until further notice should be done in accordance with these rules.