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Title

A Government Agency in Cooperation: Legal Conditions for the Social Insurance Agency's Cooperation with the Public Employment Service Agency and Health Care Providers in Sweden.

Abstract

This doctoral thesis investigates and analyzes the legal conditions under which the Swedish Social Insurance Agency may engage in cooperation with the Swedish Public Employment Service and Swedish Health Care Providers (both public and private), regarding rehabilitation, information exchange and investigation measures in individual sick leave insurance cases. It also presents an analysis of whether these legal conditions contribute to safeguarding legality and legal certainty when the Social Insurance Agency is involved in cooperation.

Overall the thesis concludes that the legal conditions for such cooperation are good in terms of assistance regarding rehabilitation, information exchange and investigation measures. The designated assignment of the Social Insurance Agency relating to the distribution of sickness benefits is also such that any cooperation that helps the individual's rehabilitation or the investigation and assessment of entitlement to such benefits is encouraged. The legality and legal certainty in such cooperation is also found to be fundamentally safeguarded, since it follows from the principle of legality in Swedish administrative law that any measures taken by the Social Insurance Agency in cooperation with other bodies must be founded in the constitutional legal order. However, since the Social Insurance Agency's assignment pertains to the distribution of positive rights and benefits, the requirements governing how clearly stated and distinct such legal support must be are generally less stringent. This is reflected in the rules and principles identified as supporting or limiting the legal conditions for cooperation, as in many cases they lack detailed prerequisites for when they may be used or what should be done. Many of the legal rules or legal principles that limit the authority and power to freely design the possible content, aims and process practice of cooperation are also not specifically aimed at regulating such situations. Moreover, in many cases they are found in constitutional or general administrative law principles that are essentially abstract, and not usually applied by administrators in the handling of individual cases. This, in turn, affects the overall impact that the supporting factors of legality and legal certainty can have in the Social Insurance Agency's multi-party cooperation. These supporting factors include the Agency's duties to ensure independent decision-making (ideally) based on a clearly designated assignment, to comply with the legal principles of objectivity, equality before the law and foreseeability, and to respect the individual's personal integrity in multi-party cooperation.

Keywords

Social insurance, Social Insurance Agency, Public Employment Service Agency, Health Care Providers, health care, rule of law, administrative law, social security law, cooperation, public authorities, sickness benefits, vocational rehabilitation, return-to-work, secrecy, data protection, investigation measures.

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