

Status for follow-up of the strategy for combating work-related crime

This report provides an overview of the status for implementation of the measures in the Government's strategy for combating work-related crime. The report was revised on 1 August 2015.

Cooperation with the social partners

1. Strategic cooperation on combating work-related crime

Responsible: The Office of the Prime Minister and the Ministry of Labour and Social Affairs

The Government will cooperate with the social partners on broad and sustained efforts to combat work-related crime. Reports on implementation of the strategy are to be submitted to the social partners. A new report will be submitted in January 2016. A further top-level meeting, to be chaired by the Prime Minister, will be held on 27 January 2016.

2. Further develop tripartite sectoral cooperation in exposed sectors

Responsible ministry: The Ministry of Labour and Social Affairs

In the cleaning services sector, the restaurants, bars and night-clubs sector and parts of the transport sector, tripartite sectoral programmes have been established in cooperation between the authorities and the social partners. The State Secretary in the Ministry of Labour and Social Affairs is holding separate meetings with the sectoral programme groups to discuss appropriate measures for promoting responsible and safe working conditions. The Labour Inspection Authority has established cooperation with the construction industry on reduction of injuries and accidents. Several public agencies participate in the Construction Industry's Responsibility Forum established by the Federation of Norwegian Construction Industries.

Control and follow-up

3. Extend the regional and local cooperation between agencies

Responsible ministry: The Ministry of Labour and Social Affairs coordinates

In order to make cooperation between agencies more binding, provisions are to be made for extended practical operational cooperation at regional and local levels. Joint efforts for promotion of reinforced cooperation between agencies are referred to in the letters of allocation for 2015 to the various agencies. On the basis of the allocation in the National Budget for 2015, co-located units for combating work-related crime have been established in Oslo, Bergen and Stavanger. Participants in this cooperation are the police, the Tax Administration, the Labour Inspection Authority, NAV Kontroll [the

fraud detection division of the Norwegian Labour and Welfare Administration], the Customs and Excise Administration and municipal tax collection offices. In January 2015, the police, the Tax Administration, the Labour Inspection Authority and the Norwegian Labour and Welfare Administration (NAV) prepared a joint action plan for reinforced efforts to combat labour market crime. A request for tenders has been advertised for an external survey and evaluation of the local cooperation between agencies. This work is to be completed by the end of May 2016.

4. National Interagency Centre for Analysis and Intelligence

Responsible ministries: The Ministry of Justice and Public Security and the Ministry of Finance

Provisions are to be made for the police and the control agencies to utilise intelligence gathered in order to develop more effective, powerful and accurate crime fighting. The Police Directorate and the Directorate of Taxes have been assigned the task of planning the establishment of a National Interagency Centre for Analysis and Intelligence for the police and the control agencies. A working group has been appointed consisting of representatives of the police and the Tax Administration. The Norwegian Labour and Welfare Administration (NAV), the Labour Inspection Authority and the Customs and Excise Administration also participate in this work. The report of the working group with recommendations is to be submitted on 15 November 2015. The centre is planned to be established and operational during the first quarter of 2016.

5. Strengthened data sharing between control agencies and between control agencies and the police

Responsible ministry: The Ministry of Justice and Public Security coordinates

Data sharing is one of the main premises for effective cooperation between control agencies and the police. Økokrim heads a working group with representatives from the Tax Administration, the Norwegian Labour and Welfare Administration (NAV), the Labour Inspection Authority, the police and Finance Norway. A national guide to data sharing is to be prepared, and the need for statutory amendments is to be investigated. The work is to be completed by 31 December 2015.

6. More effective sanctions against economic crime

Responsible ministries: The Ministry of Justice and Public Security, the Ministry of Finance and the Ministry of Labour and Social Affairs

Effective sanctions against economic crime play an important part in ensuring compliance with legislation. The Government wishes to set up a system of sanctions combined with an increased risk of being caught, while encouraging better utilisation of the resources of the control agencies and the police and prosecuting authority. In autumn 2015 a bill is to be submitted proposing the addition of a new chapter to the Public Administration Act in order to strengthen legal safeguards when imposing

administrative sanctions. The Ministry of Justice and Public Security has started a survey of selected areas of the police's case portfolio. Following review of the material, meetings will be held with the Ministry of Finance and the Ministry of Labour and Social Affairs in order to discuss which types of case should be transferred from the criminal process chain to the control chain for administrative sanctions.

The Ministry of Finance will follow up comments on the proposed new Tax Administration Act, including a chapter on common penalty provisions for the taxation area. In Prop. 120 LS (2014-2015), the Ministry of Finance has submitted proposals for new rules for cash register systems. The rules will make it more difficult to conceal cash transactions by manipulating cash register systems and will help to reduce payments of undeclared wages. It is proposed that violations of the rules be responded to with coercive fines and infringement fees. the rules enter into force on 1 January 2017 for suppliers of cash register systems and on 1 January 2019 for persons required to keep accounts.

A new provision in the Working Environment Act authorising the Labour Inspection Authority to impose infringement fees in addition to existing instruments entered into force in January 2014. The Labour Inspection Authority has to date imposed infringement fees in ten cases and issued warnings in a further five cases. An increase in the use of infringement fees is intended.

7. Bankruptcy coordinators in the police

Responsible ministry: The Ministry of Justice and Public Security

The Government will strengthen efforts to combat bankruptcy crime and serial bankruptcy filers. Bankruptcy coordinators are to be established in the largest police districts. The National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim) chairs a working group consisting of the police and representatives of the Norwegian Advisory Council on Bankruptcy. The arrangement is to be established during 2015 or the start of 2016. National standards for cooperation routines and prosecution practice will be completed by 31 December 2015.

8. Business and industry contacts in the police districts

Responsible ministry: The Ministry of Justice and Public Security

Business and industry contacts are to be established in the 'new' police districts on the pattern of the post of business and industry contact at the National Bureau of Crime Investigation (Kripos). The purpose of the business and industry contacts is to ensure sound local cooperation between the police, business and industry, relevant organisations and other actors in civil society. The work is directed by Kripos in cooperation with the National Authority for Investigation and Prosecution of Economic and Environmental Crime (Økokrim) and the Norwegian Business and Industry Security Council. A preliminary report has been submitted concerning national, regional and local levels. Its recommendations include a joint introductory programme,

qualification requirements, organisational placement, etc. The arrangement is to be established during 2015 or the start of 2016. Coordination routines between the business and industry contacts at local, regional and national levels will be completed by 31 December 2015.

Procurements

9. Introduce a provision in the Public Procurement Regulations enabling limitation of the number of subcontractors in particularly challenged sectors

Responsible ministry: The Ministry of Trade, Industry and Fisheries

A legal provision enabling limitation of the number of subcontractors in the contract chain in connection with public procurements in particularly challenged sectors will be drafted and submitted to the Storting by the end of 2015. The regulations are to be drafted and circulated for comment in parallel with drafting and consideration of the bill. This must include consideration and assessment of the number of subcontractors the supplier chain may consist of and the sectors to which this requirement is to apply. Entry into force is planned to take place in spring 2016.

10. Introduce a requirement in the Public Procurement Regulations that undertakings shall have apprentices in areas where there is a particular need

Responsible ministries: The Ministry of Trade, Industry and Fisheries and the Ministry of Education and Research

A provision in the Public Procurement Regulations requiring contracting parties to require the use of apprentices has been circulated for comments in connection with amendments to the Public Procurement Act. In cooperation with the Ministry of Trade, Industry and Fisheries, the Ministry of Education and Research is to draft new regulations and prepare documentation in areas where there is a need for apprentices. Entry into force of the statutory provision and new regulations is planned to take place in spring 2016.

Pending new regulations, the current regulations have been amended with effect from July 2015. It is now stated that the requirement may apply to both Norwegian and foreign contractors and that requirements are also to be imposed in the specific contract regarding the use of apprentice(s) when requirements are imposed regarding association with an apprenticeship scheme.

11. Establish an arrangement facilitating control of suppliers' responsibility

Responsible ministry: The Ministry of Trade, Industry and Fisheries

In September 2015, work is to start on establishing an arrangement facilitating control of suppliers' responsibility. In cooperation with the Ministry of Trade, Industry and Fisheries, the Agency for Public Management and eGovernment (Difi) is to establish a 'procurement database' or 'procurement testimonial', which is to function as documentation that contractors satisfy the requirements for being a supplier to the public sector. This database/testimonial provides the contracting entity with access to the various registers. It is planned that the Brønnøysund Register Centre and other affected parties shall be involved in the project.

12. Guide to best practice for compliance with the Regulations concerning wages and working conditions in connection with public procurements

Responsible ministries: The Ministry of Labour and Social Affairs and the Ministry of Trade, Industry and Fisheries

A guide to best practice for compliance with the Regulations concerning wages and working conditions in connection with public procurements has been prepared by Difi in cooperation with the social partners in the construction and cleaning services sectors and large public construction clients. The guide was issued in March 2015, and contains proposals for checkpoints and templates for the use of all personnel with responsibility for procurements. The work is to be followed up by an agreement between the Ministry of Labour and Social Affairs and Difi concerning measures for information and guidance on the regulations.

Knowledge

13. Recognition of foreign vocational qualifications

Responsible ministry: The Ministry of Education and Research

Work has been started on establishing a national recognition system for foreign vocational qualifications. A study carried out by the Norwegian Directorate of Education and Training will be considered in a forthcoming white paper on lifelong learning and exclusion. The Ministry of Education and Research wishes to introduce an arrangement for recognition of foreign vocational qualifications.

14. Further develop the arrangement for central authorisation of enterprises in the construction industry, and consider potential models for registers or authorisation schemes documenting whether enterprises comply with the rules

Responsible ministry: The Ministry of Local Government and Modernisation

In Prop 131 L (2014-2015) on amendments to the Planning and Building Act, legislative proposals were submitted including the authority to issue regulations providing for the authority to impose requirements on centrally authorised enterprises concerning tax payments, etc., in addition to qualification requirements. The amendments have been considered by the Storting. The regulations will be circulated for comment before the 2015 summer recess, and are to enter into force in January 2016.

The proposition also describes further work on follow-up of measures for promoting a responsible construction industry.

15. Improve the HSE card arrangement in the construction and cleaning services sectors

Responsible ministry: The Ministry of Labour and Social Affairs

The HSE card arrangement in the construction and cleaning services sectors provides a better overview of the actors in the various sectors, thus allowing more effective supervision. The change of the name of the arrangement from 'ID card' to 'HSE card' was laid down in regulations in summer 2015.

The social partners in the construction industry want an arrangement enabling the validity of the cards to be checked on the basis of information provided in real time. The Labour Inspection Authority has established an arrangement that enables information to be provided in real time via the Web.

The Ministry of Labour and Social Affairs is currently assessing a number of amendments to the regulations, particularly the question of whether undertakings should have access to information in real time. A bill is planned to be circulated for comments in August 2015.

16. Amend the Construction Client Regulations to require that lists of persons employed at construction sites shall include personal ID numbers and be kept electronically

Responsible ministry: The Ministry of Labour and Social Affairs

It is to be laid down in the Construction Client Regulations that the list of workers who perform work at the construction site is to be kept electronically and contain personal ID numbers in consistency with the requirements regarding personnel lists pursuant to the Bookkeeping Act. It is planned that a draft proposal amending the Construction Client Regulations will be circulated for comments in August 2015.

17. Evaluate measures initiated to counteract social dumping and irresponsibility in working life

Responsible ministry: The Ministry of Labour and Social Affairs

The Government will evaluate the measures against unacceptable wages and working conditions implemented to date. A number of measures have been evaluated, and further evaluations will be conducted as a basis for overall assessments. An analysis of the effect of the general application arrangement on wage formation and the labour market will be made available in October 2015. A request for tenders has been advertised for an evaluation of the authorisation arrangement for cleaning companies, which is due to be completed during the first quarter of 2016. A survey of the actors' experience of regional safety representatives in the hotel, restaurant and cleaning sectors will be completed in September 2015. The Office of the Auditor General will carry out administrative audits of the use of and compliance with the Regulations concerning wages and working conditions in public contracts. The report will be submitted to the Storting in spring 2016. A survey of cooperation between public agencies will be conducted (see measure 3). An investigation of compliance with the equal treatment provisions of the Temporary Agency Work Directive will be conducted (see measure 18).

18. Survey hiring out of labour

Responsible ministry: The Ministry of Labour and Social Affairs

An investigation will be conducted of compliance with the equal treatment provisions of the Temporary Agency Work Directive. The investigation will be completed by 31 December 2015.

An examination is to be made of the need for better statistics and knowledge concerning the hiring out of labour. A multi-year research project (2014–2018) on the development of various forms of affiliation in the labour market is currently in progress. The project is being carried out by the Institute for Applied Social Science (Fafo) and the Institute for Research in Economics and Administration (SNF). The work is being followed up by the Ministry of Labour and Social Affairs in cooperation with the social partners.

19. Survey the extent of the black economy

Responsible ministry: The Ministry of Finance

The Tax Administration has initiated a project to assess the possibility of calculating the tax gap in Norway. There is no international definition of 'tax gap', and the size of the tax gap may therefore be difficult to compare between countries. However, common to all who investigate the tax gap is the wish to calculate the difference between the amount of tax that would have been paid if all taxpayers complied fully and the amount of tax that is actually collected. The work will, among other things, be based on recent research and international experience of similar calculations. It is the aim of the Directorate of Taxes that tax gap analysis will also allow for analysis of the tax gap in individual sectors. The Tax Administration's work on analysis of the tax gap is intended in the long term to assist in assessing the size of the black economy. The Ministry of Finance will follow up the work of the Tax Administration during autumn 2015.

Information

20. Extend provision of information to foreign workers in Norway

Responsible ministry: The Ministry of Labour and Social Affairs coordinates

The Labour Inspection Authority has been requested to conduct a survey of provision of information to foreign workers in Norway and to identify points of contact that can be used to provide sound and targeted information on the rights of individuals and on where help can be obtained. Work on the survey will begin during October–November 2015. On the basis of the survey, specific proposals will be presented for measures for making the information provision more well known.

International cooperation

21. Strengthen cooperation with foreign labour inspection agencies – follow up EU efforts to counteract undeclared work

Responsible ministry: The Ministry of Labour and Social Affairs coordinates

The Norwegian authorities will follow up the EU work by establishing a platform against undeclared work. The matter is still undergoing consideration by EU bodies, and clarification is expected during autumn 2015. It is proposed that EEA countries shall be able to attend meetings as observers. A national point of contact is to be appointed for follow-up of the platform.

22. Implement the Posting of Workers Enforcement Directive in Norwegian law

Responsible ministry: The Ministry of Labour and Social Affairs

The Enforcement Directive was adopted by the EU in 2014, and its purpose is to ensure that workers posted in connection with provision of services in other member states receive the protection to which they are entitled pursuant to the Posting of Workers Directive. The Enforcement Directive is to be implemented in Norwegian law. The matter will be circulated for comments in autumn 2015. The Directive must be implemented by June 2016.