



NORWEGIAN MINISTRY OF LABOUR

Meld. St. 29 (2010-2011) Report to the Storting (white paper) Short version

# Joint responsibility for a good and decent working life

Working conditions, working environment and safety





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## **1 The main message in the white paper**

This is the first time a government white paper on working conditions, working environment and safety in Norwegian working life has been submitted to the Storting, the Norwegian parliament. The white paper invites the Storting to take part in a discussion of the basic conditions and challenges of working life in Norway. It also discusses a number of relevant working life issues and how these can be followed up.

By submitting this white paper the government wishes to stress the importance of a good and decent working life for societal development in a broad sense.

In the view of the government, a working life characterised by cooperation, respect, co-determination, equality and decent working conditions is a pre-requisite for the success of the Norwegian welfare model.

A key objective of the white paper is to further develop the factual and analytical basis of working environment policies and to submit this for debate in the Storting.

The description of the current status given in the white paper, which has been prepared in dialogue with the social partners, reveals good working conditions in Norway for the vast majority of employees. In general the conditions

are better than those in other countries, and in recent years very many employees have experienced further improvement of the working environment and the working conditions.

Employee rights have been extended or strengthened under the centre-left government. For example, rota work has now been equated with shift work.

However, the status description identifies challenges which are significant for both the individual and society:

- Some sectors, for instance cleaning and restaurants, are characterised by a large number of questionable enterprises and social dumping.
- Parts of working life are characterised by high levels of long-term sickness absence and social exclusion, for example within the health and care services and the transport sector.

In addition, there is a future danger that questionable practices and social dumping will spread in Norwegian working life and will thus weaken our equality-based working life model and the foundation of an effective business sector. We must view this problem in light of expectations that Norway's labour market is becoming more and more integrated into a much larger European labour market,

where there are large differences in salary levels and working conditions between countries.

The government will confront these challenges and will at the same time safeguard the Norwegian working life model by following guidelines that include:

- Strengthening cooperation and the social partnership
- Targeting efforts at different sectors
- Active implementation of the Inclusive Working Life Agreement (IA Agreement)
- Making large and medium-large employers more responsible for creating a sound working life
- Reinforcing public supervisory agencies
- More knowledge about working-life issues
- Continuing to direct close attention to social dumping
- Working on specific HSE challenges, such as night work and chemicals.

Moreover, one of the government's goals is to reduce the amount of involuntary part-time work, and to ensure that those who wish can get full-time employment. A concerted effort to reduce involuntary part-time work and to promote full-time work is essential. The government does not envisage the development of ever stricter statutory regulations on working life. The current body of legislation is for the most part adequate to protect employees and to ensure them the necessary societal protection. A development trend towards more statutory regulations may also make the business sector less flexible and less competitive. The biggest challenge is to ensure that the intentions of the legislation and of the IA Agreement are followed up in practice at the individual workplace.

All parties involved have a joint responsibility for ensuring a good and decent working life. The tripartite cooperation between employees, employers and the public authorities on working life issues generally functions well. The Norwegian model requires responsible and strong organisations in working life.

The Ministry of Labour has initiated an independent evaluation of the two action plans against social dumping which will shortly be available. The evaluation will be reviewed in cooperation with the social partners and the

possible consequences of the use of instruments in this area will be assessed. The Norwegian employer organisations are a key partner in the work on social dumping and the government will stress the full inclusion of these organisations in further activities.

The government sees no need to liberalise the provisions in the Working Environment Act relating to working time. The government is of the opinion that the rules give adequate opportunity to establish different kinds of working time schemes. However, the system is complex, and a large number of employers find it somewhat difficult to comprehend. The government intends to meet the challenges of working time for employees in particularly independent positions through control and inspection rather than by pursuing the proposal that has been prepared for amending the legislation.

The white paper assesses the report of the Medverknads- og medbestemmingsutvalet (Cooperation and co-determination committee) and is particularly concerned with ensuring a wider application and better utilisation of the current cooperation and co-determination schemes by providing improved information and knowledge about them.

The white paper deals with the requirements of the Storting regarding regular reports on HSE in the petroleum sector. HSE status in the petroleum sector has improved seen in a ten-year perspective and is mainly good, partly as a result of a well-developed tripartite cooperation. Nonetheless, some serious incidents recently and certain developmental features merit special attention. The Petroleum Safety Authority has requested the industry to prepare a strategy that can reverse the negative development. The white paper further declares that the Ministry will initiate activities that aim at reviewing the supervisory strategy and regulations for HSE in the petroleum sector. Work targeted at safety on the Norwegian continental shelf has also drawn on the lessons learned from the serious events in the Mexico Gulf in April 2010.

The government will continue to maintain an active approach to working life and will evaluate whether new initiatives are needed on an ongoing basis, including measures that are not dealt with in this white paper. For example, in

the wake of the Adecco affair a group composed of different parties has been set up to examine measures to combat questionable labour practices and social dumping related to the public sector, and these measures will be followed up. It is also possible that measures will be proposed to ensure a more professional manpower supply sector, and this can partly be seen in the context of the ongoing evaluations related to the directive on temporary agency work.

## **2 What does the status description show?**

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Working life standards in Norway are good. Nine out of ten people in active employment report job satisfaction. Most of them have a permanent work contract and feel that they have job security. Employees state that working time is well adapted to family life and social commitments, and most experience that they can influence their own working day to a considerable degree. Norway is one of the countries in which most employees say that they can participate in paid professional development programmes. A smaller percentage of employees are exposed to negative working environment strains than was the case 15-20 years ago. On average, Norwegian workers have one of the shortest working weeks in Europe, to a large extent because so many people work part-time. Norway performs well on a number of psychological and social factors in the working environment compared with most other European countries.

At the same time we have a few remaining challenges. During the last 15 years, higher work intensity levels have been reported in the EU, and Norway is among the countries that score highest on work intensity in a working environment survey that compares working environment conditions in the EU and Norway. Norway is also among the countries in which the highest proportion of employees say that the pace of work is governed by the direct demands of customers, clients and the like. A somewhat larger percentage experience exposure to violence – from patients, clients and the like. Both in Norway and the EU, repetitive or monotonous hand and arm movements are the most frequently reported mechanical risk factors, while

Norwegian, Swedish and Finnish employees head the list when it comes to the lifting of people. This may be explained by the relatively high percentage of employees who work in nursing and healthcare. Employees in Norway report less often than their counterparts in the EU that they are exposed to chemical risk factors, but on the other hand they are among those most exposed to biological material. In Norway 29 per cent of employees state that their work has a negative effect on their health.

Almost one in four employees in the Nordic countries claim that their work affects their health negatively while at the same time these countries have a low score on risk factors.

## **3 Some facts about working life in Norway**

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Approximately 2.6 million people in Norway have a job.<sup>1</sup>

Two out of three people in work have their normal working hours between 6am and 6pm, and two out of three employees do not have flexible working hours. A majority of employees are members of a labour union and their salary and working conditions are determined through collective bargaining. Most of them are permanently employed, while the percentage of temporary workers is stable, and 95 per cent of those with permanent employment state that they have a written employment contract with their employee.

Service workers generally adhere to traditional organisational structures. They are least involved in project work and cooperation beyond the company level, and only have flexible working hours to a very small degree. Employees in professions which require higher education constitute the other extreme. They are more involved in project work and cooperation beyond the company level, more often have flexible working hours and work to a very limited extent outside normal working time.

The hiring of temporary staff from manpower suppliers has increased, but makes up a relatively small proportion of the labour market

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1. See the white paper for bibliography and source references, figures and tables.

– just under 2 per cent of the total number of employees.

Slightly less than ten per cent of Norwegian employees are temporary employees. In contrast to many other countries the number of temporary employees in Norway has fallen since the mid-1990s and has remained relatively stable over the last decade. The majority of temporary workers will achieve permanent employment status during a two-year period.

Many employees are affected by restructuring in working life. In general the largest degree of restructuring seems to take place in professional groups with higher education and in sectors such as the health and social services and education. Employees in the processing industries also report frequent reorganisations.

The most common forms of control and monitoring in Norwegian working life are the use of access control systems/access cards. In a study carried out in 2007, almost one of two answered that such access control existed in their workplace. Most employees claim that access control and camera surveillance makes them feel safer.

Knowledge about working conditions for immigrant workers is deficient and difficult to chart. Several studies show that there was a slight positive development from 2006 to 2010 in the wage levels of Polish construction workers and the duration of normal working time for this group. There was also a substantial increase from 2006 to 2010 related to the percentage of companies reporting permanent employment as an employment form for Eastern European labour.

Immigrants state more frequently than others in the working population that they are exposed to strains and accidents at work. Altogether 11 per cent of immigrants report that they have been involved in such serious accidents that they have been absent from the workplace longer than the day of the accident. The corresponding figure for all employees is 4 per cent. Approximately 60 per cent of immigrant employees work in the six industries that have the highest rate of exit to disability.

## 4 Challenges and initiatives

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### *Social partnership and co-determination*

The government wants to highlight that the social partnership benefits society, working conditions and productivity in the enterprises and the individual worker's opportunity for co-determination. Therefore the government will pave the way for sound arenas for cooperation between the social partners at national, regional and local levels, and for collective and individual cooperation schemes.

Just over half of Norwegian employees are members of an employee organisation, and the collective agreement coverage is approximately 70 per cent. The degree of union organisation increases with the level of education – particularly in the private sector. Those with the most insecure working conditions – for example temporary employment, low seniority or extra jobs in addition to studies – are among those who are least often members of a labour union or an employee organisation. Approximately 66 per cent of Norwegian employees work in undertakings that belong to an employer's organisation (figures from 2006).

Norwegian working life has a long tradition of well-functioning, institutionalised social partnership. Cooperation with the social partners on follow-up of the IA Agreement is a key feature of government initiatives to increase participation in working life. The government has also established a tripartite sector programme to strengthen tripartite cooperation and to mobilise the parties to confront working environment challenges in vulnerable industries.

In some sectors the degree of union membership and collective bargaining coverage is far lower than in working life as a whole. Cooperation arenas are especially weak in several of the industries characterised by social dumping and unacceptable working conditions. One instrument that can be used to strengthen the social partnership is increasing the degree of union affiliation in working life – for both employees and employers.

Social partnership is firmly established in the well-organised Norwegian labour market, but managers and employee representatives still possess insufficient knowledge about the formal schemes for cooperation and co-determination.

Even though such schemes have been established in many enterprises, surveys reveal that these have not been introduced in a large number of workplaces. In addition, the schemes have not always been put into practice as anticipated.

Two out of ten enterprises do not have a safety delegate, and a relatively large percentage have not set up a working environment committee even though this is stipulated in statutory legislation.

One of the main challenges is therefore to increase the dissemination of current cooperation and co-determination schemes and to improve the use of them. One of the most important measures/instruments to achieve this is to increase knowledge and awareness of the schemes.

### *Measures*

- The Ministry will evaluate the necessity of clarifying the tasks of the safety organisation in the guidelines for the regulatory framework.
- The Ministry will put forward a proposal to introduce the possibility of establishing group employee representation by agreement between the group and the employees.
- The Ministry will assess a requirement for employers to investigate whether employees wish to be represented on the Board when the conditions for representation are fulfilled.

*Measures*

- The Ministry will prepare a consultation memo in which the introduction of an "extended HSE responsibility" in group companies and franchise relationships will be assessed.
- The Ministry will propose the planning and implementation of information and training activities in conjunction with the social partners and the Norwegian Labour Inspection.
- The Ministry will assess whether there is a need to strengthen regulations on the employer's duty to undergo training in order to clarify the purpose of the regulations. This applies to the requirement to adapt training to the individual enterprise.
- The Ministry will take the initiative to achieve a closer and more active cooperation to improve HSE training in schools possibly including a cooperation agreement between the Norwegian Labour Inspection Authority and the National Council for Vocational Education and Training.

*Measures*

- The Ministry will have a round of consultations of a proposal to give the Labour Inspection Authority supervisory competence in accordance with the regulations on salaries and working conditions in public contracts (ILO 94).
- The Labour Inspection Authority will strengthen working life guidance related to immigrants.
- The Ministry will submit a proposal to introduce a statutory right for the Labour Inspection Authority and the Petroleum Safety Authority to impose penalty charges for contraventions of the working environment regulatory framework.
- The Ministry will initiate a broad and comprehensive study on the enforcement of serious breaches of the regulatory framework.
- The Ministry will assess whether the supervisory bodies

*Health, safety and environment activities in the enterprises*

In several areas there is a need for changes or improvements that can strengthen HSE activities in the enterprises both in the short and long term.

Changes in ownership, organisational and management structures have resulted in considerable influence being exerted on the enterprise by others than the employer, for example in group companies and franchise relationships. The same applies when a concern that has been previously structured as one enterprise has been split up through outsourcing of tasks to subcontractors and the like. These types of organisation have become more and more common, and they encompass a considerable number of employees. In the view of the Ministry it is not unreasonable that the right to exercise influence that will affect the working environment of the individual employee should be accompanied by a degree of responsibility for HSE, particularly in group companies and to a certain extent in franchise relationships. This means that the Ministry will not propose a general extension of the term 'employer' in the Working Environment Act.

New regulations for health, safety and environment related to the Working Environment Act are planned to be completed in 2011. Most HSE regulations under the Act will be incorporated in a completely new structure, and this will give the opportunity to strengthen knowledge about the material content of the regulations, which is a prerequisite for HSE work. Training must be planned and carried out in cooperation with the parties.

*Stronger supervisory agencies and stricter penalties*

Even though it is the employer who has responsibility for ensuring that the statutory requirements are met, and even though the Ministry stresses in this white paper the responsibility of the parties to make a greater contribution, the enforcement of the law by the authorities is also crucial. This is particularly important in relation to the more questionable areas of working life.

The Norwegian Labour Inspection Authority and the Petroleum Safety Authority monitor salary and working conditions pursuant to the Immigration Act and provisions for general application of collective agreements. The Ministry is of the opinion that the Labour Inspection Authority should have supervisory authority pursuant to the regulations on salary and working conditions in public-sector contracts. Even in areas where a collective agreement is generally applied, in which the supervisory agencies can have contact with each individual employer and also have the right to check whether the responsible body has fulfilled its duty to inform and to comply, it will be expedient to be able to approach public authorities as client/owner directly and check that they have fulfilled their responsibility in accordance with the regulations.

Actual experiences from the Labour Inspection Authority show that individual sectors and enterprises are over-represented in



the statistics on breaches of the working environment regulatory framework. For similar repeated offences in the same enterprise, penalty charges for violations can be a more effective sanction than injunctions, enforcement penalties, stopping operations or notification to the police. If public agencies have the right to issue penalty charges, this will entail a greater financial risk for the enterprise under inspection than is the case today if the enterprise contravenes the working environment regulatory framework. In this respect, penalty charges can be an effective sanction for eliminating repeated violations.

Suggestions have been put forward to assess whether other ways of dealing with serious contraventions of the working environment regulatory framework should be considered. Proposals that have been in focus include confiscating the profits of enterprises that violate the regulatory framework and allowing labour unions to bring a class action. In addition, the Higher Prosecuting Authority and the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime have pointed out that the sentencing frameworks in both the Act relating to general application of wage agreements etc. and the Working Environment Act have lagged behind developments in other environmental statutes in recent years. In their view, working environment legislation should not have lower maximum sentences than other environmental legislation.

The government is eager to ensure that breaches of the working environment regulatory framework should lead to penalties, and that there are good systems to ensure this. The Ministry will initiate a broad and comprehensive study on the enforcement of serious breaches of the regulatory framework in which the need for increased sentencing frameworks will be assessed.

### *More and better knowledge and documentation*

The present registration of workplace accidents, occupational diseases and fatal occupational injuries is too fragmented and gives an incomplete overview of the extent of and development in work-related accidents, injuries and illness in Norway.

Non-existent or incomplete statistics and documentation entail a danger that risk conditions and development trends are not sufficiently well identified and thus provide a poor foundation for preventive and follow-up activities by various actors and public agencies.

The need for knowledge in the vocational health and working environment area is very broad and complex and includes technological, medical, chemical, biological, legal and social research. The development of knowledge in the area represents a particular challenge due to the swift pace of change, varying and composite circumstances and the complex, interacting exposure factors and impacts found in working life.

The Ministry is therefore of the opinion that a number of measures must be initiated to improve the registration, statistics and documentation related to key information on the occupational health

should be given a more formal role in the identification of grounds for general application of salary conditions in a particular industry.

### *Measures*

- The national statistics on occupational injuries and diseases must be improved through development work conducted under the auspices of Statistics Norway, the Norwegian Welfare and Labour Administration, the Labour Inspection Authority and the National Surveillance System for Work Environment and Occupational Health (NOA). This work has been commenced and will monitor Norwegian commitments pursuant to EU regulations.
- The Labour Inspection Authority will establish a new register of occupational accidents involving serious personal injury.
- In the longer term, doctors will be able to report work-related illness to the Labour Inspection

- Authority via an electronic patient record.
- The Ministry of Health and Care Services are undertaking a number of development activities that will improve different registers and documentation of importance in the working environment and occupational health areas.
- The Ministry has initiated more focused discussions with the Research Council of Norway on how research on the working environment and occupational health can be better promoted within the framework of the Research Council and the Ministry's allocations to the Research Council.
- The Ministry aims to continue its allocations to HSE research in the petroleum sector under the auspices of the Research Council.

and working environment areas. The Ministry has already taken the initiative towards more focused discussions with the social partners and the Research Council of Norway.

### *Measures*

- Improvement of cooperation between the Labour Inspection Authority and the road authorities in order to acquire more knowledge about occupational accidents in traffic.
- Planned preparation by the Labour Inspection Authority of comments on noise regulations, and the assessment of whether industry-specific guidelines should be compiled on issues such as noise in cooperation with partners in the different industries.
- Proposal to adapt current norms for pollution in the workplace atmosphere in line with changed working time schemes, and at the same time to prepare for the introduction of short term exposure limit values for work in a polluted atmosphere.
- Strengthening the knowledge base for potential health risk from nano-materials
- In the white paper, the Ministry provides an overview of the factors that employers should particularly take into account when drawing up working time schemes that include night work.

### *Some specific working environment challenges*

Occupational accidents have serious consequences for the individual, the enterprise and society. Despite requirements for systematic HSE activities and preventive measures to combat injuries and other impacts, occupational injuries continue to be a grave societal problem. It is vital that the supervisory agencies know where the risk of fatal accidents at work and serious occupational injuries is greatest so that they can utilise this knowledge in the case of risk-based inspection. In this connection there is a potential for improvements in both reporting routines and data quality.

Many employees are exposed to chemicals on a daily basis, even though the percentage has declined in step with the disappearance of workplaces in the traditional industries. New measures have been proposed in the area of chemicals.

Exposure to dangerous noise levels is a working environment challenge in many Norwegian workplaces. Approximately 11 per cent of all employees say that they suffer from hearing loss or tinnitus to a greater or smaller degree, and one third claim that this is job-related. In other words, roughly 70 000 employees claim to be affected by hearing loss which they attribute to their work situation. Better information about the regulatory framework, a more general reaction from the public authorities and sector-specific guidance are required.

The Working Environment Act contains a number of regulations that protect employees against the negative effects of night work. However, an important requirement for complying with the regulatory framework is that the enterprises have sufficient knowledge of and insight into both the risk factors involved in night work and of how the work situation can best be facilitated to avoid these factors.

- The Ministry will consider information campaigns on night work targeted at industries that are at special risk.
- In cooperation with the social partners, the authorities will prepare guidelines on the impacts of night work and remedial measures.
- The Ministry will assess whether the medical examinations prescribed by the Working Environment Act should be offered to more employees than is the case today.

### *Involuntary part-time work*

In 2010, there was a total of 67 000 part-time employees who wished to work longer hours and had attempted to achieve this goal. A relatively small number remain under-employed in the long term.

Involuntary part-time work is extremely detrimental to the individual employee, who is unable to acquire the income and the amount of work that he or she wishes, and for society as a whole, which needs the labour resources this represents. Involuntary part-time work and the fact that people cannot get a full-time position when they want to, constitute a complex phenomenon. Reducing involuntary part-time work therefore demands a raft of instruments and initiatives from many actors – not only from the central authorities but also locally at the individual workplace. Moreover, a permanent reduction of involuntary part-time work requires efforts over time. The government has the objective of reducing involuntary part-time work, and also of ensuring that those who wish to work full-time can do so. In the white paper the government indicates its intentions to undertake concerted efforts to reduce involuntary part-time work.

It is vital that the preferential right to an extended position stipulated in section 14-3 of the Working Environment Act exists in practice so that part-time employees who so wish and who are qualified can be appointed to such a post, instead of a new employee being appointed. The Ministry will initiate a survey to find out how familiar employees and employers are with this provision and whether it has influenced their actions, in addition to establishing to what extent the dispute resolution model is well-known. This knowledge will provide a better basis for evaluating whether the provisions have helped reduce the extent of involuntary part-time work.

The Ministry has also commenced a new assessment of the practices of the Disputes Resolution Board, which deals with complaints in connection with preferential rights. This will entail a review and systematisation of cases relating to this right. An analysis of the outcome of the cases and a systematisation of the different types will provide both an overall view of how the provision is applied in practice and a basis for evaluating whether and to what extent the

### *Measures*

- Further work on measures linked to a three-year pilot programme “Saman for ein betre kommune” (Working together for a better municipality”) and related initiatives.
- The Ministry is preparing an evaluation of preferential rights for part-time employees with the aim of ensuring that this right is actually applied in practice, and the evaluation will particularly address whether employers are subjectively utilising the requirement stating that exercising the preferential right must not involve significant inconvenience for the enterprise.
- The Ministry will launch a round of consultations on the proposal to introduce compulsory negotiations with union representatives on the use of part-time positions.
- The Ministry will prepare a proposal on the right to a higher FTE percentage as a result of regular extra work over time.
- The Ministry will examine the totality of the various measures that have been and will be initiated, and will closely monitor the developments in working life in this area in dialogue with the social partners.

provision on preferential rights helps to reduce involuntary part-time work.

The goal of these reviews is to increase knowledge of the provision. The Ministry will particularly address whether the requirement stating that exercising the preferential right must not involve significant inconvenience for the enterprise is being utilised by employers in an inappropriate manner.

A possible means of reducing the extent of involuntary part-time work is a statutory duty for employers to discuss the use of part-time positions with union representatives on a regular basis. This requirement will entail a duty for employers – in cooperation with union representatives – to put the use of part-time positions on the agenda systematically and regularly. The Ministry will launch a round of consultations on such a proposal.

In the view of the Ministry it may be desirable to evaluate whether employees who wish to have a higher percentage of full-time equivalent employment, and who over a period of time have worked longer hours than stipulated in the employment contract, should have the right to a higher percentage equivalent to the average amount of extra work the employee has carried out in a specific period. An example of this is when an employee has been appointed to a 60 per cent position, but can prove that the actual post has been equivalent to an 80 per cent position over time. The content of such a provision, including what is meant by a 'specific period' must be assessed in further work on the proposal.

The Ministry wishes to underscore that it is a prerequisite that action to combat involuntary part-time work is prioritised by the social partners through initiating measures that can help to reduce the incidence.

Another relevant measure is an assessment by the Ministry of Children, Equality and Social Inclusion of how the efforts of enterprises to combat involuntary part-time work can best be incorporated as part of the employer's duty to make active efforts to promote equality and to report these annually pursuant to the Gender Equality Act. Furthermore, it may be of interest to examine how work schedules (cf. Working Environment Act, section 10-3) can be used as a tool to combat involuntary part-time work.

### *Measures*

- The Ministry will monitor developments in the social partners' practice of agreements and will assess whether or not to impose a requirement that the parties prepare official statistics on agreements entered into pursuant to section 10-12 (4) of the Working Environment Act.
- The Ministry will initiate a dialogue with the social partners to establish whether the parties can make the use of these work-

### *Working time parameters and exemptions from these – long rota schemes, co-resident and rota work/extended shift schemes*

The rules on working time in the Working Environment Act are intended to serve and balance a number of different considerations. A main goal is to ensure that the working time of employees does not inflict unnecessary health-related or social burdens on the employees and their closest family. The Act not only stipulates the right to protection against repetitive strain injuries that can harm health, but shall also ensure the social wellbeing or welfare of employees. This is done through the provision of adequate leisure time and time off at periods of the day when they can spend time with family and friends,

as well as the right to have time for recreational activities. Thus the regulations also indicate the desired level of welfare. The regulatory framework must also promote inclusion in working life by ensuring that the working time schemes that society in general offers are formed in such a way that as many people as possible can participate in working life and can continue in work until retirement age.

Such considerations must be weighed against the needs of enterprises to be able to organise their operations as effectively and profitably as possible, and the needs of public enterprises to fulfil their functions.

Employer organisations claim that it is problematic that labour unions at the central level reject schemes that have local support, and that the agreement mechanism makes it difficult to know if agreed schemes can be continued when a contract period expires. In addition, the statutory exemption for employees in particularly independent positions is discussed separately.

In the view of the Ministry, the current system with options to deviate from the main framework by agreement or by exemption granted by the supervisory authority, paves the way for solutions adapted to conditions in the individual enterprises. The agreement mechanism invests the schemes with legitimacy, while strengthening the role of the organisations, and gives the social partners real influence on important issues in Norwegian working life. The government wishes to stress that it is positive that the parties agree on flexible solutions, not least because this is especially important for users and clients, for example in the health and welfare sector.

In the opinion of the Ministry, the principle that agreements on the most wide-ranging working time schemes must be entered into by a labour union entitled to submit recommendations will ensure that health, welfare and more long-term interests are taken into account. In addition agreements will not be established as a result of pressure from the employer or the short-term wishes of individual employees.

The Ministry refers to the report of the Institute for Labour and Social Research (Fafo) on working time schemes that are exempt from the Working Environment Act. The Fafo report states that most of the agreements are based on local initiatives and are adapted to local needs for shift work or rota work, and that the employee organisations at central level very seldom reject local proposals for such agreements.

In the view of the Ministry the regulatory framework and the existing system considered in its entirety is well balanced and flexible in the sense that it permits adaptation to the conditions and requirements of the various enterprises. Furthermore, it permits the establishment of different kinds of working time schemes, both specific schemes that may be required in particular circumstances and work schemes that may promote a reduction in involuntary part-time work. Nonetheless, the system is composed of many elements and a large number of employees may find it difficult to comprehend.

- ing time schemes simpler and more predictable over time.
- The Labour Inspection Authority will continue its supervisory and guidance activities related to the exemption for employees with particularly independent positions
- It is intended to conduct a new evaluation of the status of working life in these areas.

The Ministry therefore believes that there is no reason to make major changes in the current schemes. The Ministry will initiate measures to monitor trends in the practices of the social partners with regard to agreements that have been entered into pursuant to section 10-12 (4) of the Working Environment Act. It is crucial that the agreements give the enterprises, the users and the employees predictable guidelines. The Ministry will assess whether or not to impose a requirement that the parties prepare official statistics on their use of the opportunity to enter into an agreement. The Ministry will also initiate a dialogue with the social partners in order to determine whether the working time schemes can be made simpler and more predictable to use over time.

A key task in the future will be to meet the challenges of working time for employees in particularly independent positions. The Ministry has concluded that it is not expedient to pursue the path of amending legislation in this area. The most important factor is that the Labour Inspection Authority continues its supervisory activities, which appear to have given solid results so far.

In addition, the Labour Inspection Authority must continue its work to disseminate knowledge and information about the correct interpretation of the rule on employees in particularly independent positions. The Ministry is of the opinion that it is vital to follow developments in this field. Therefore it is intended to conduct a new evaluation of the status of working life in this area.

### *Laying off workers*

A lay-off entails a temporary suspension of the parties' commitments in a working relationship and gives enterprises the opportunity to downsize the workforce if there is no work for a temporary period, without the necessity of dismissing workers. The working relationship continues in the lay-off period, even though salaries and work duties are discontinued. Currently there are no legal rules that explicitly regulate the use of lay-offs, neither regarding the actual right to lay off nor how the employer should proceed in connection with a lay-off. However, the opportunity to lay off workers is solidly founded on customary law which has been developed through working life practice and case law. The rules of customary law have given and still give non-union workers good protection. Following an overall assessment, the Ministry is of the opinion that there is no need for a statutory regulation of lay-off practices.

### *Health, safety and environment in the petroleum industry*

The government has the ambition that Norwegian petroleum enterprises will be world leaders in the field of HSE. Even though there is a potentially high risk of accidents in petroleum enterprises, very few occupational accidents and fatalities take place, and there are few serious emergency emissions. However, there has been an increase of near-misses related to hydrocarbon leaks and well control incidents that could have resulted in a major accident. This demands

### *Measures*

- The Ministry will initiate activities to ensure a broad review of inspection strategies and of the regulatory framework for HSE in the petroleum industry.

extra attention. The Petroleum Safety Authority has contacted the industry and requested the preparation of a strategy that will reverse this negative trend.

The petroleum enterprises are generally characterised by systematic efforts to improve the level of risk. A smoothly-functioning cooperation between the social partners, responsible actors and a strong supervisory authority are decisive success factors in today's situation. The challenges rest in the ability to continue the positive development that has taken place in the last ten years, and to instigate further improvements. It is particularly challenging to reverse the negative trend related to well control incidents and to a certain extent the hydrocarbon leaks of the last two years, and to ensure a renewed reduction in the frequency of such incidents in this critical area. The industry itself is responsible for ensuring that security is good at all times, and has launched several action goals to achieve improvements in the areas in which there has been a negative development. For the authorities, it is vital to ensure that the improvement activities undertaken by the industry are effective, and that they are taken into industry-wide use.

The accident with the Deepwater Horizon drilling rig has been the subject of several independent enquiries, and these have been monitored closely by the Petroleum Safety Authority, which in June this year submitted a preliminary report with suggested measures for improvement. The industry itself has implemented a range of activities in the wake of this accident. Lessons learned from the Deepwater Horizon accident will be an important source of improvements in Norwegian petroleum activity in the coming years.

A main priority for the Petroleum Safety Authority is to monitor employee groups who are especially exposed to risk. For example employees in contracting companies are regarded as a risk group, and a major area of activity in the future will be to reduce exposure to noise that can impair hearing.

Achieving a positive development in the risk scenario requires that all parties are continually encouraged to continue their positive efforts and to identify areas in which improvements can be made. In addition it is crucial that the distribution of roles among the social partners and vis-à-vis the Petroleum Safety Authority is not undermined.

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