

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

**INTERNATIONALLY-RECOGNISED CORE
LABOUR STANDARDS IN NORWAY**

**REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF
TRADE POLICIES OF NORWAY**

(Geneva, 22-24 October 2008)

EXECUTIVE SUMMARY

Norway has ratified all eight ILO core labour conventions.

With regard to the ILO Conventions on Freedom of Association and the Right to Collective Bargaining, however, the government recurs to use of the “compulsory arbitration” formula to halt legal strikes and intervene in industrial disputes in non essential services. The ILO has determined that the government of Norway goes beyond the strict sense of essential services and has urged the government to use this instrument within the scope of the internationally recognised definition.

While Norway has ratified the ILO Conventions on Equal Remuneration and Discrimination, women still earn less than men for work of equal value. However, in general, Norway has progressive legislation that protects the population against discrimination policies and practices.

There is no indication of child labour or forced labour in Norway, although there are cases of trafficking for the purposes of commercial sexual exploitation.

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN NORWAY

Introduction

This report on the respect of internationally recognised core labour standards in Norway is one of the series the ITUC is producing in accordance with the Ministerial Declaration of the World Trade Organisation (WTO) (Singapore 9-13 December 1996) and endorsed at the fourth WTO Ministerial Conference (Doha, Qatar, 9-14 November 2001) in which the ministers stated: “We renew our commitment to the observance to the internationally recognised core labour standards”. These standards were further upheld in the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work adopted by the 174 member countries of the ILO at the International Labour Conference in June 1998.

Norway was a founding member of the WTO on the 1st of January 1995. The ITUC has three affiliates in Norway, the Confederation of Unions for Professionals-Unio, the Confederation of Vocational Unions-YS and the Landsorganisasjonen I Norge-LO.

The Norwegian economy features a combination of market forces and government intervention. The government controls key areas such as the petroleum sector, through large scale state enterprises. The country has many natural resources, such as petroleum, hydropower, fish, forests, and minerals, and is highly dependent on its oil production and international oil prices, with oil and gas accounting for one third of exports.

Norway is a member of the European Economic Area and contributes to the EU budget, despite not being a member of the EU. It participates in the European Union’s single market via the European Economic Area (EEA) agreement. Along with Switzerland, Liechtenstein and Iceland, it belongs to the European Free Trade Association (EFTA). This makes Norway a highly integrated member in most sectors of the European Union internal market. However, some sectors such as agriculture, oil and fish, are not wholly covered by the EEA treaty.

In 2007 the labour force was estimated at 2.507 million people occupied in agriculture (4%), industry (22%) and services (74%). Norway’s main export commodities are petroleum and petroleum products, machinery and equipment, metals, chemicals, ships and fish, its main export partners being the UK, Germany, the Netherlands, France, Sweden and US. Norway imports mainly machinery and equipment, chemicals, metals and foodstuffs, its main import partners being Sweden, Germany, the UK, Denmark, China, US and Canada. In 2007 its exports reached 139.4 billion dollars and its imports 78.11 dollars, giving the country a positive balance of trade.

There are no export processing zones in the country.

I Freedom of association and the right to bargain collectively

Norway ratified ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organise in 1949, and Convention No. 98 on the Right to Organise and Collective Bargaining in 1955.

The law allows workers to form and join unions of their choice without previous authorisation or excessive requirements. All workers, including government employees and military personnel have the right to organise and bargain collectively. The law provides for the right to strike; however, the government may, with the approval of the parliament, introduce compulsory arbitration under certain circumstances.

On 7 June 2006, the government intervened by means of compulsory arbitration in the bargaining dispute in the state sector between the Federation of Norwegian Professional Associations (Akademikerne) and the state. The decision followed more than two weeks of strike action among employees with higher university qualifications who are members of Akademikerne.

In June 2006 the Finance Sector Union (Finansforbundet) took strike action because the employers refused to accept trade union input in the development of the sector's occupational pension system. On 11 June 2006, Finansforbundet called an end to the strike. The union's decision to call off further action came after the government declared its intentions to halt further conflict by means of compulsory arbitration.

In March 2008, the Committee on Freedom of Association of the International Labour Organisation considered a complaint by the Finance Sector Union against the Norwegian government for imposing compulsory arbitration in the financial services sector in 2006. The committee's verdict was in favour of the complainant, stating that the nature and scale of the dispute did not justify the government's use of compulsory arbitration.

The CEACR (Committee of Experts on the Application of Conventions and Recommendations) stated that the possibility of referring any collective labour disputes to compulsory arbitration at the discretion of the public authorities seriously limits the means available to trade unions to further and defend the interests of their members, as well as their right to organise their activities and formulate their programmes, and is therefore not compatible with article 3 of the convention. The committee recalled that it had drawn the attention to the need to limit the possibility of imposing legislative intervention in respect to industrial action and the use of compulsory arbitration to essential services in the strict sense of the term, that is, those the interruption of which would endanger the life, personal safety or health of the whole or part of the population or to public servants exercising the authority in the name of the state. The Committee stated that the oil sector is a non-essential service in the strict sense of the term.

In this regard, it should be recalled that the Norwegian government was criticised repeatedly in the past by the ILO CEACR Committee for resorting to compulsory arbitration too quickly during strikes, particularly in the oil industry. Similar problems arose in the public sector, particularly in education.

***Conclusions:** Norway has ratified the two ILO international conventions protecting the right to form and join unions and to bargain collectively. However the government of Norway has had recourse to halting strikes through compulsory arbitration. Indeed over the years it has repeatedly used this formula to halt strikes in non essential sectors. Consequently the ILO CEACR (Committee of Experts on the Application of Conventions and Recommendations) has continued reminding the government of Norway that its use of this legal instrument goes beyond the scope of the convention.*

II Elimination of discrimination in respect of employment and occupation

Norway ratified both ILO Convention No. 100 on Equal Remuneration and Convention No. 111 on Discrimination (Employment and Occupation) in 1959.

The law prohibits discrimination based on race, gender, disability, language, or social status.

Women have the same legal status as men and enjoy identical rights. The office of the gender equality ombudsman is generally considered effective in processing and investigating complaints of sexual discrimination. In 2006, the office received 276 complaints, a substantial drop from previous years.

The law protects the rights of women and provides that women and men engaged in the same activity shall have equal wages for work of equal value. However, women's wages as a proportion of men's wages were 84.3 per cent in 2007, virtually unchanged from previous years. In the public sector the figure was 88.1 per cent and in the private sector 83.1 per cent.

A 2005 law mandates that 40 percent of the board positions in publicly listed companies need to be held by women. By the end of 2006, 83 percent of companies had complied. Currently, corporations must meet the requirement before they can be registered as a company.

The law provides that employees shall not be subjected to harassment or other unseemly behaviour. Employers who violate this law are subject to fines or prison sentences of up to two years, depending on the seriousness of the offense.

The law prohibits discrimination against persons with disabilities in employment, education, access to health care or in the provision of other state services. The law mandates access to public buildings for persons with disabilities. In 2006 there were two cases of official racial discrimination reported in the media.

There are no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

To ascertain whether the government is succeeding in its efforts to include and integrate immigrants and their descendants, some targets have been developed for the inclusion policy. In 2008, developments will be reported in relation to 17 targets in eight ministries' areas of responsibility.

***Conclusions:** Norway has ratified the ILO international conventions aiming at eliminating discrimination in respect of employment and occupation. The country has progressive legislation that intends to provide comprehensive protection against*

discrimination policies and practices. However, women still earn less than men for work of equal value.

III Abolition of child labour

Norway ratified ILO Convention No. 138, the Minimum Age Convention, in 1980. It ratified Convention No. 182, the Worst Forms of Child Labour Convention in 2000.

The government implements laws and policies to protect children from exploitation in the workplace. Children 13 to 18 years of age can be employed part time in light work that will not adversely affect their health, development, or schooling.

The government provides free education for children, which is compulsory for 10 years. Most children stay in school at least until the age of 18 and school attendance is virtually 100 percent.

Conclusions: There is no evidence of child labour in Norway.

IV Elimination of forced or compulsory labour

Norway ratified ILO Convention No. 29, the Forced Labour Convention in 1932 and Convention No. 105, the Abolition of Forced Labour in 1958.

The law prohibits forced or compulsory labour, including by children.

Although the law prohibits trafficking in persons, there are some unconfirmed reports that women, and possibly children under 18 years of age, are trafficked to and in the country for commercial sexual exploitation. The government cooperates with foreign governments, Interpol, and Europol in the investigation and prosecution of trafficking cases. Most of the suspected victims are women from Nigeria, Russia, Albania, Eastern Europe, and the Baltic countries. It is believed that organised crime groups are responsible for most trafficking.

The government of Norway has presented recently a new plan of action to combat all forms of human trafficking, nationally and internationally, through measures to limit recruitment and demand, ensure appropriate assistance to victims, ensure that child victims of human trafficking receive appropriate follow-up services, provide a greater degree of exposure and prosecution of human traffickers, increase knowledge and interdisciplinary cooperation and strengthen the international framework and international cooperation. The plan contains 37 measures, most of which are aimed at continuing and strengthening the work that has already been initiated, while sixteen of the measures are new.

Conclusions: Norway has ratified both international ILO conventions aiming at combating forced or compulsory labour. Despite the fact that national legislation bans explicitly any kind of forced labour and that the international cooperation with other countries and anticrime organisations is strong, there are still cases of trafficked victims for sexual commercial exploitation, mainly women from Africa and Eastern European countries.

Conclusions and Recommendations

1. The government of Norway must stop making recourse to the misuse of the compulsory arbitration formula to halt legal strikes and intervene in industrial disputes. Norway, as a member of the ILO, must follow the recommendations of the supervisory organs of that organisation in this regard.
2. Norway must increase its efforts to tackle wage discrimination between men and women.
3. Further efforts are required to completely eliminate cases of official racial discrimination.
4. The government of Norway must increase its efforts to prevent cases of commercial sexual exploitation in its territory. Bilateral cooperation must be strengthened with the countries of origin.
5. In line with the commitments accepted by Norway at the Singapore WTO Ministerial Meeting and its obligations as a member of the ILO, the government of Norway should therefore report to the WTO and the ILO on its actions to implement fully core labour standards.
6. The WTO should draw to the attention of the authorities of Norway the commitments the country undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. The WTO should request the ILO to intensify its work with the government of this country in these areas and provide a report to the WTO General Council on the occasion of their next trade policy review.

References

ILO, Report of the Committee of Experts on the Application of Conventions and Recommendations

ILOLEX database

Norway Ministry of Labour and Social Inclusion

Norwegian trade unions

Statistics Norway/ Statistisk sentralbyrå

USA Department of State Country Reports on Human Rights Practices

World Fact Book