

The background of the slide is a photograph of the Perito Moreno Glacier in Argentina. The glacier is a massive wall of jagged, blue-tinted ice that has advanced into a lake, creating a field of smaller icebergs in the foreground. The sky is overcast and grey, and a few birds are visible flying in the distance.

# **Social Partnership in the Field of Dispute Resolution Mechanisms**

**Virtual study visit to Norway – June 2 and 3 2021**

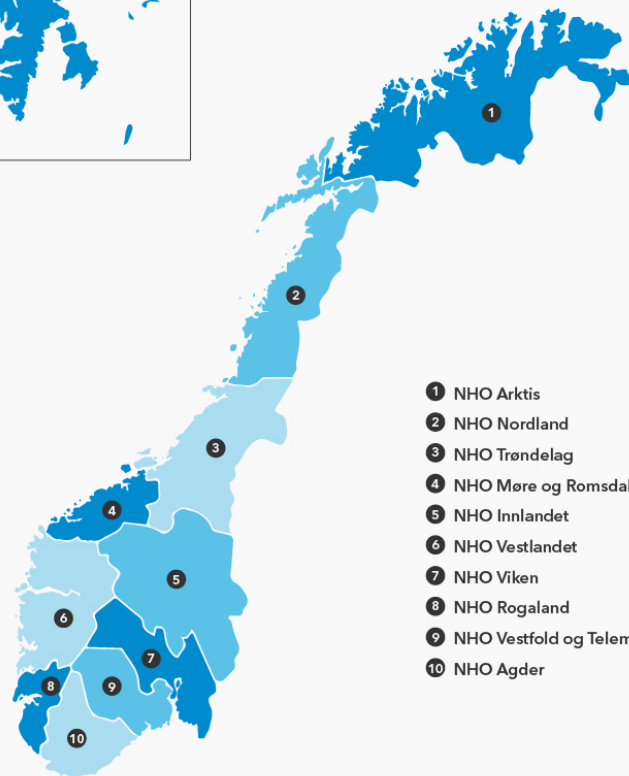
**Rolf Negård, NHO**

This is NHO

Established 1900  
NHO since 1989

An organization for the company as  
an employer and as a commercial  
business

«Employees and shareholders»



- 1 NHO Arktis
- 2 NHO Nordland
- 3 NHO Trøndelag
- 4 NHO Møre og Romsdal
- 5 NHO Innlandet
- 6 NHO Vestlandet
- 7 NHO Viken
- 8 NHO Rogaland
- 9 NHO Vestfold og Telemark
- 10 NHO Agder

# This is NHO - Three core functions



## Member Services

- Legal advice
- Conflict solving
- Digital transformation
- Restructuring processes
- Health&Safety
- Training/Competence building
- Economic Outlook

## CBA

- Signatory to more than 200 national CBAs
- National Wage Formation
- Industry Sectoral Wage Negotiations
- Industrial Relations
- Tripartite

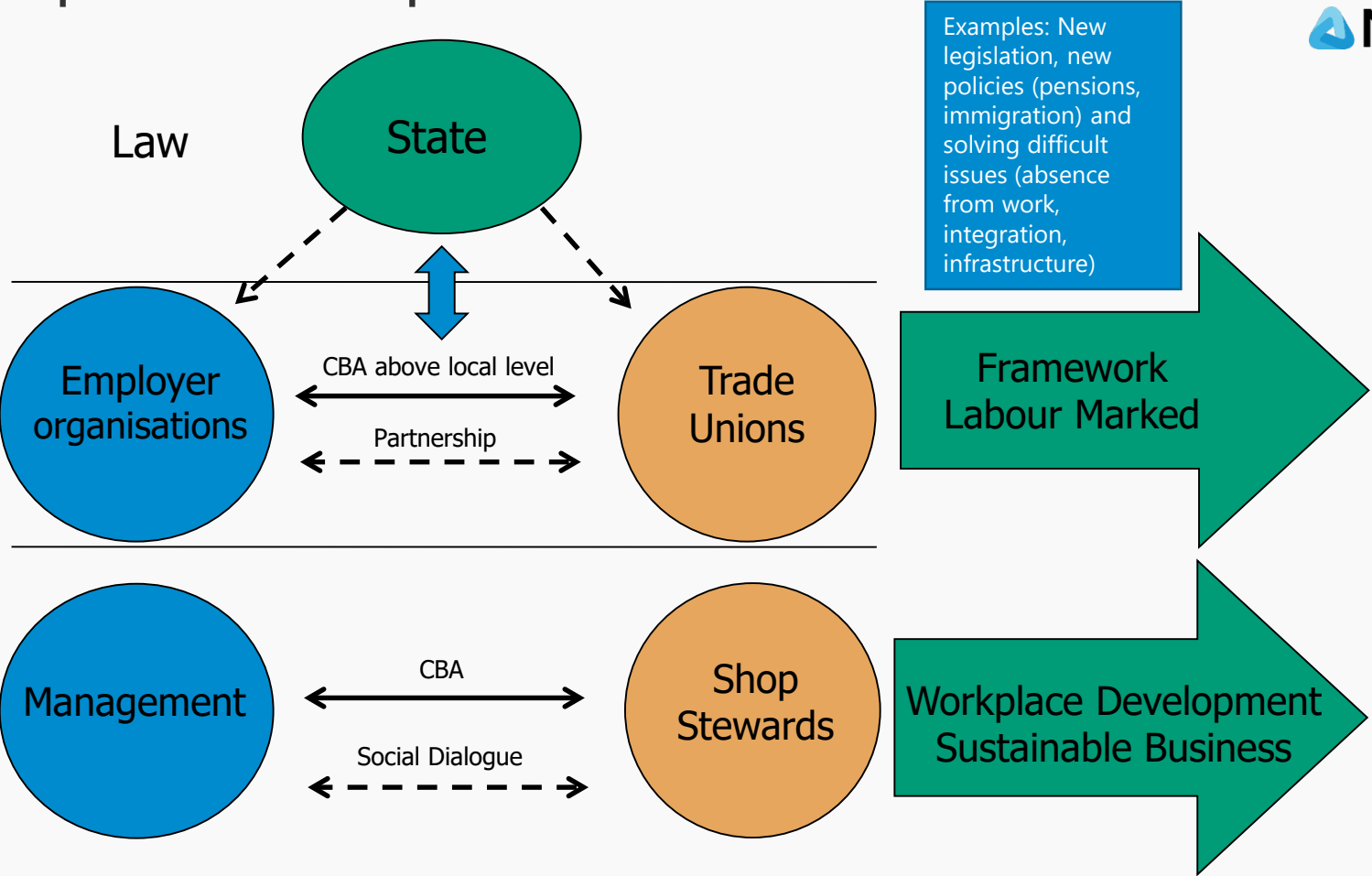
## Advocacy

- Fiscal policy
- Monetary policy
- Labor Market policy
- Infrastructur
- Education/Competence building
- Tax
- Energy
- New Business Areas
- Market Access
- Stakeholder analyses

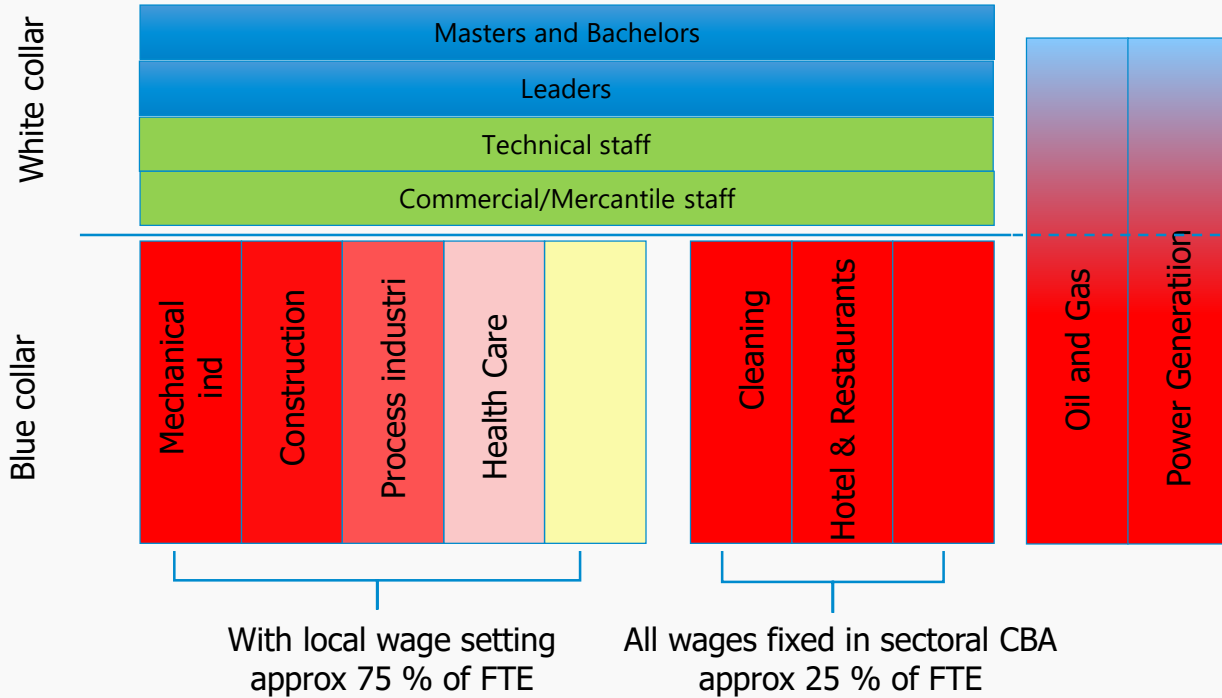
## The Nordic model



# Bipartism and Tripartism



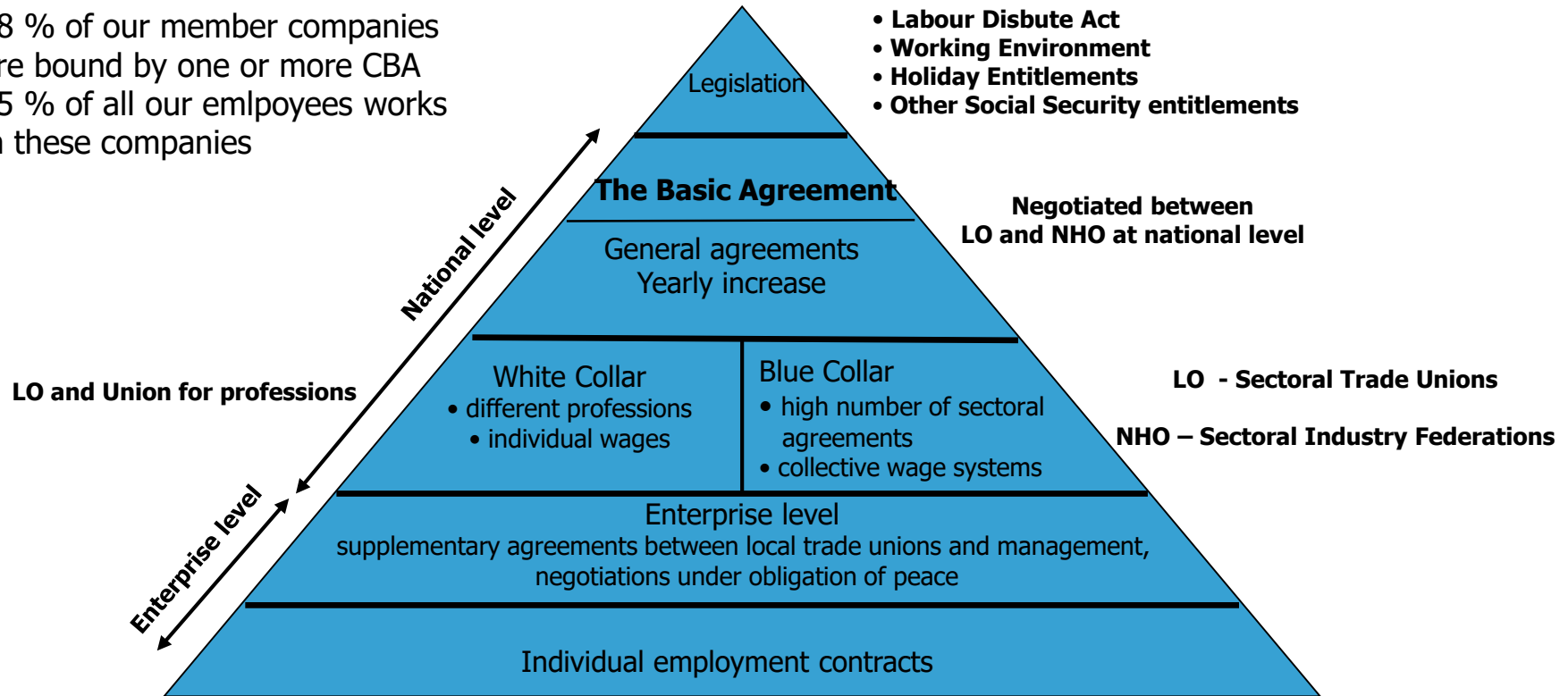
# Our CBA structure



NHO and LO are parent parties in all CBAs  
Member companies bounded, but not part

# The structure of CBA - private sector

- 230 national wide CBAs
- 48 % of our member companies are bound by one or more CBA
- 75 % of all our employees works in these companies



# The Labour Disputes Act

ARBEIDSTVISTLOVEN  
(LOV OM ARBEIDSTVISTER)

1. januar 2012 nr. 9

Endringer, sist ved lov  
19. juni 2015 nr. 65  
ikraft 1. oktober 2015

CAPPELEN DAMM  
AKADEMISK  
LOVDATA

# The Basic Agreement

Hovedavtalen LO-NHO 2015-2017



# The Working Environment Act

ARBEIDSMILJØLOVEN  
(LOV OM ARBEIDSMILJØ  
STILLINGSVILKÅR)

CAPPELEN DAMM  
AKADEMISK  
LOVDATA

- Disputes of Interest
- Legal Disputes



# The Basic Agreement

## “The constitution” of work life in Norway



- Negotiated, under the obligation of peace, between NHO and LO every 4th year for private sector.
- Content:
  - **negotiation procedures and conflict solving procedures**
  - Special agreements/local level agreements
  - rights/obligations of shop stewards
  - Temporary redundancy
  - Workers' involvement; cooperation, information, consultation rights

No regulations of terms and conditions (not a single word on wages!)

The history of our Basic Agreement goes back to 1935

# Legal disputes

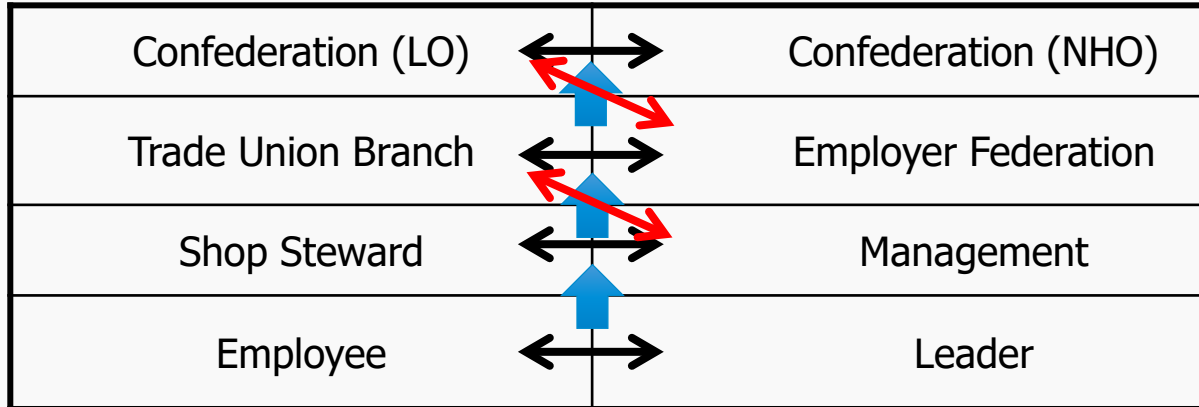
- *Disputes between a trade union and and employer/employer's association concerning the validity, interpretation or existence of a collective agreement*
- Statutory peace obligation
- Negotiations at various levels as stipulated in the Basic Agreement must be conducted
- If the dispute is not settled by negotiations, it will be brought before the Labour Court for final decision

# Conflict solving process hierarchy

## Legal Disputes related to CBAs

**Trade unions**

**Employers organisation/  
enterprise**



# The Labour Court - hearing



# The Labour Court



- A specialized Direct Supreme Court – limited right to appeal
- Parties before the court – the parent parties to the collective agreement
- Negotiations between the parties is a prerequisite
- Oral hearing
- Deciding cases within reasonable time. Main hearing within six months
- As a main rule, costs are not awarded
- Seven judges
  - Three neutral legal judges
  - Four judges appointed by nomination
    - Two by trade unions
    - Two by the employers' association

# Disputes of interest

- Collective agreements are negotiated every second year
- Statutory peace obligation during the agreement period
- The organisations decides who to be part of industrial actions (strike/lockout).
  - Single members cannot reserve
  - Period of notice two weeks (gross)/four days (final number to start with)
- No agreement -> obligation to bring the conflict to The National Mediator before any industrial action
- The National Mediator prohibits industrial action (strike) until mediation has been carried out
- Compulsory participation in mediation