

# The role of social dialogue and the trade union, in reducing moral and sexual harassment

Lisboa, June 3<sup>rd</sup>, 2015

Bjørn Pettersen

Norwegian Union of Municipal and General Employees



**FAGFORBUNDET**

*Norwegian Union of Municipal  
and General Employees*

# Tripartite on harassment issues

“The Nordic model/Nordic approach”

Different approach and responsibilities to same issue

- Central authorities:
  - Laws/acts, regulations, incentives, surveillance
- Employers organisations:
  - Support and teach members, negotiate and cooperate with t.u.
- Trade unions:
  - Support and teach members, negotiation, cooperation and advocacy

Issues on harassment are part of the general agreement in the private sector and parts of the public

# The role of the trade union

Arbeidsmiljø nr. 2 - 11



Mobbing og trakassering på arbeidsplassen

**- Hva kan tillitsvalgte gjøre?**

- Since 2007 – an agreement at European level against harassment and violence at the workplace, framed the issue and sat the pace
- LO (the largest TU confederation in Norway) made a leaflet in 2011: “What can local union representatives do?”
- Different trade unions – different approach, but common anchoring in the leaflet

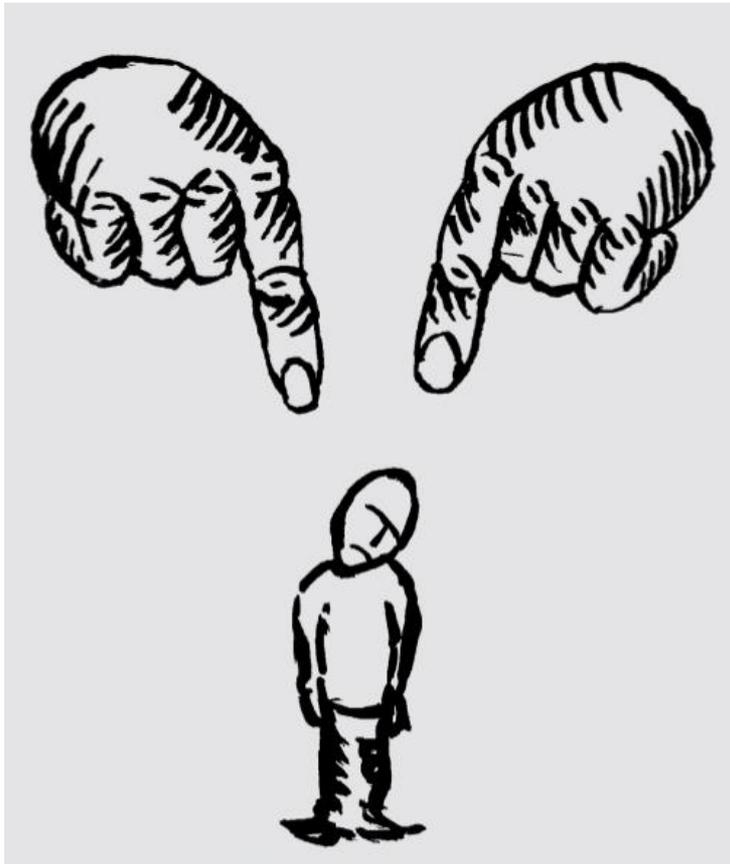


**FAGFORBUNDET**

Norwegian Union of Municipal  
and General Employees

# LO – have an action program

“LO is the largest confederation of trade unions in Norway”



Every form of mobbing/harassment is unacceptable:

LO points at its counterparts:

- The authorities must control the employers ability to prevent and tackle these issues,
- The employers/companies must have routines to prevent and tackle mobbing and harassment

(But accepts LO’s own duties)



**FAGFORBUNDET**

Norwegian Union of Municipal  
and General Employees

# Acts and regulations

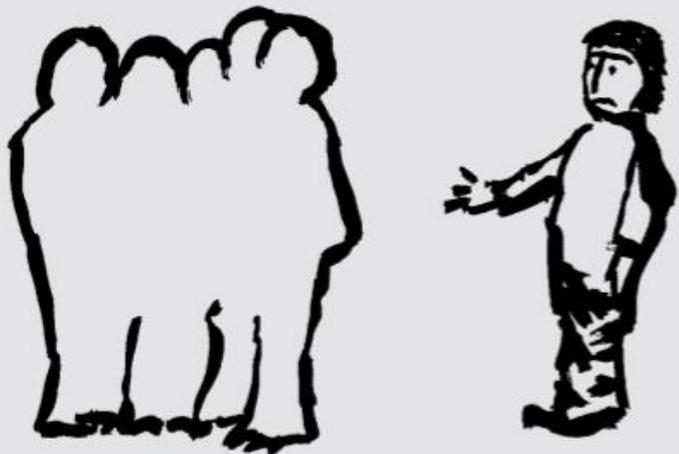
Three acts working together:

- The work environment act
- The act on equality
- The act on anti-discrimination

In common these acts condemn:

- Unwanted behaviour or actions
- The behaviour is felt to be, meant to be offensive, scaring, humiliating, troublesome, humiliating or degrading

Act on whistleblowing in 2007



**FAGFORBUNDET**

Norwegian Union of Municipal  
and General Employees

# General agreement in the privat sector

- Chapter § 10-1\_
- An employee is entitled to refuse to work with - or under the direction of - people who have shown improper conduct or behaviour that, by the general perception in working and social life, should be required removed
- Work against mobbing/harassment is part of the systematic approach to health-, environment- and safety work

# Union representatives at local level

- Unions representatives and safety representatives (ordinated according to the environmental act) are important partners to the employers work on these issues
- UR's role is to mediate, negotiate and settle agreements on actions - if members/employees find themselves exposed to mobbing/harassment
- Advocacy on safety issues



**FAGFORBUNDET**

*Norwegian Union of Municipal  
and General Employees*

# LO advises local trade unions to demand that;

- Employers should establish general rules against harassment in cooperation with union repr. Such rules will promote transparency and participation
- Work for a corporate culture where discussion and disagreements on matters are accepted, but not personal attacks
- Map risks on harassment in the work environment
- Clarify roles and responsibilities, as well as measures and solutions that can be initiated if the bullying and harassment occurs
- Establish routines to prevent and tackle harassment, routines for whistle blowing
- Train leaders and unions representatives in prevention and tackling harassment



**FAGFORBUNDET**

Norwegian Union of Municipal  
and General Employees

# Social dumping



A Latvian couple were promised decent work, decent wage, organised shifts, but got:

- 7 days a week
- 10 hours a day
- €1125 per month
- € 4 per hour



**FAGFORBUNDET**

Norwegian Union of Municipal  
and General Employees

# Increased class division in the workplace

When crises comes:

- The workers that are last in – ar the first out

Where the proportion of foreign workers is high, there is a trend towards:

- increased use of temporary contracts,
- increased ethnic segregation, and a
- new form of hierarchy where Norwegian 'native' are leaders, while migrant workers perform the work "on the ground".



Low wages, unsafe conditions and heavy physical labour characterize the situation for the vast majority of Polish workers in Norway.

Violation of fundamental rights at work is a common occurrence for many.



**FAGFORBUNDET**

Norwegian Union of Municipal  
and General Employees

# Au pair – on equal terms? Or not?

## Welcome to Au Pair Center - On Equal Terms

Are you au pair in Norway and need advice or assistance in relation to the host family or regulations? Are you a host family who need advice or assistance in relation to the au pair?

### Rights and Duties:



#### AU PAIRS AND HOST FAMILIES

What should the au pair look out for and what are the duties of the host family?

#### Philippino Au-Pairs:



#### THE HOST FAMILY

The purpose of the au pair scheme is cultural exchange.



#### THE AU PAIR

As an au pair you have many rights while you are in Norway.



- Mostly young girls from Phillipines/far east
- Working in private homes
- Low salaries, long hours
- Emotionally connected to the children the take care of – misses their own family
- “Part of the family”
- Exposed to sexual harassment
- A NGO & trade union (NUMGE) took action to help these vulnerable workers



**FAGFORBUNDET**

Norwegian Union of Municipal and General Employees

# Subcontracting in public sector

## Millionbot til sykehus for utnyttelse av sykepleiere

Oslo universitetssykehus er dømt til en bot på én million kroner for å ha utnyttet filippinske sykepleiere. Et ektepar er dømt til fengsel og million-erstatning i samme sak.



De filippinske sykepleierne fortalte at de måtte betale store pengebeløp for å komme i jobb i Norge, da de ble intervjuet av NRK i 2012.

Journalist  
**Sarah Pierstorff**  
@sarah\_pi

Journalist  
**Runar Henriksen Jørstad**  
@NRKrunar

Journalist  
**Edin Babic**

MER OM NORGE

Oppdatert 09.03.2015, kl. 18

- Oslo University Hospital sued an employment agency in hiring nurses
- The nurses were exposed to human trafficking
- Underpaid,
- A middleman snatched parts of their salary.
- Nurses have won in two court levels.

Social dumping can be anywhere



**FAGFORBUNDET**

Norwegian Union of Municipal  
and General Employees

# Labour crime / Indecent work

LIME – Grocery shops:

- 27 franchise shops
- Established 2012
- Illegal immigrants working under bad conditions
- Economic slavery
- Black money, tax frauds
- Razzia by 100 police- tax worker
- Will be taken to court
- One of the women – a trade union member took her case to court and won



**FAGFORBUNDET**

Norwegian Union of Municipal  
and General Employees

# Male police officer harassed - to cover up wrong decisions



- New Act on Whistle Blowing 2007, reporting on moral and sexual harassment as well as ethical breaches, violations of laws and regulations
- The employer has to develop routines for whistle blowing, KS developed a brochure 2007, changing working cultures towards openness and transparency
- Robin Schaefer, policeman in Bergen and whistle blower, won the Norwegian «Free Word Price 2015»
- Looked into partners case and did not believe that the 7 year old girl had committed suicide using her scarf and a door handle.
- Two years of disbelief, side tracking and a “cold climate”
- The case was re-opened and the girls father arrested for murder



**FAGFORBUNDET**

Norwegian Union of Municipal  
and General Employees

# Closing comments on social dialogue and harassment

- We can't pretend that it's not happening
- It is not the fault of the offended – harassment of a colleague is harassment of us all
- We must look, listen and talk about it
- We must work systematically with the social partners

Harassments are like Norwegian trolls – when brought up in open daylight they

explode