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## **Some comments on the trade unions' role in combating workplace harassment.**

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First of all I will express that I am very humble and full of respect to how trade unions tackle the challenging situation for all partners in the working life of Portuguese and European employees.

I dare to say that the on-going crises in Europe, and the new challenges for Norway - due to the relatively low oil prices, really represent an eye-opener for us. Seeing this in the context of the fact that the our government coalition of the conservative and the more right-winged parties have (started to) change our act on work environment by introducing what they call more flexibility in the working life, really show how fragile we are.

### Organised

But the situation in Norway is still quite different for trade unions in Portugal and many other European countries. Approximately 60% of all employees are organised, meaning that they are members of a trade union. In the public sector nearly 80% of the employees are organised.

The employers on their side are, to a large extend, members of an employers organisation. In the private sector numbers are rising, in the public sector all municipals and county municipal are members of KS as an employer's organisation.

Strong and resourceful trade unions and employers organisations have developed different partnerships together with an intervening government. This form of tripartite cooperation at the central level really pays for the partners.

### Acts on harassment

There are three relevant acts when it comes to fighting harassment or bullying in the workplace.

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

These acts are important tools protecting the employees against bullying and harassment. But the trade union also tries to tie up the employers by anchoring the themes in the main agreements. The main agreement between the umbrella organisation LO and the employers counterpart in the private sector NHO, says that employees have a right not to work with or be led by persons showing activities of bullying or improper behaviour.

The most important act is the work environment act that regulates a lot of the activities in the Norwegian working life. Of course there will not be possible to refer much from this act, but there will be beneficial for our purpose to describe the local HSE committees and the Safety representative (Ombud).

### The work environment act on safety representatives an environment commettees

The work environment act of course has the most important regulations in the field of HSE, calling upon the duties of the employer, the safety representatives and the employers. The act, in English, can be downloaded [here](#).

According to this act it is mandatory to elect safety representatives. If there are less than 10 employees the parties (the employer and the trade union) may agree in writing upon a different arrangement or agree that the company shall not have a safety representative. The Directorate of Labour Inspection may, following a concrete assessment of the circumstances at the company, decide that it shall nevertheless have a safety representative.

If there are more than 20 employees a working environment committee must be appointed if it is required by any of the parties. 50 or more employees it is mandatory. The Norwegian Labour Inspection Authority can regulate that even companies with fewer employees than 20 should have these kind of committees.

The employer and the employees shall have an equal number of representatives on the committee. Representatives of the employer and of the employees shall be elected alternately as chairman of the committee. The duties are to make efforts to establish a fully satisfactory working environment in the workplace. The committee shall participate in planning safety and environmental work and shall follow up developments closely in questions relating to the safety, health and welfare of the employees.

#### A systematically approach

From the view of trade unions we find it important to react against harassment and bullying with a strategic and systematic approach. We want to react collectively. This kind of acting, this kind of incidents are attack on us as a collective entity, in the sense that it could have been me, it could have been you, but this time it was him. And we ought to act together to avoid this in the future.

We believe that this approach makes it less intimidating to report harassment and bullying to the safety representative, or to the environment committee. There are procedures, policies and action plan in most of the workplaces. Union representatives are committed to report and follow up on behalf of their members and colleagues, and we have the impression that employers organisations have the same approach to these challenges.

#### Appendix – some excerpts from the Work Environment Act.

##### **Section 2-3. Employees' duty to cooperate**

1. Employees shall cooperate on the design, implementation and follow-up of the undertaking's systematic work on health, environment and safety. Employees shall take part in the organised safety and environmental work of the undertaking and shall actively cooperate on implementation of measures to create a satisfactory and safe working environment.
2. Employees shall:
  - a. use the prescribed protective equipment, exercise caution and otherwise contribute to prevention of accidents and injury to health,
  - b. immediately notify the employer and the safety representative and to the extent necessary other employees when employees become aware of faults or defects that may involve danger to life or health and they themselves are unable to remedy the fault or defect,

- c. interrupt work if the employees consider that it cannot continue without involving danger to life or health,
  - d. ensure that the employer or the safety representative is notified as soon as employees become aware of harassment or discrimination at the workplace,
  - e. notify the employer if an employee suffers injury at work or contracts diseases which the employee believes to result from the work or conditions at the working premises,
  - f. cooperate on preparation and implementation of follow-up plans in connection with total or partial absence from work owing to accidents, sickness, fatigue or the like,
  - g. take part in a dialogue meeting when summoned by the employer, cf. section 4-6, fourth paragraph.
  - h. Obey instructions issued by the Labour Inspection Authority.
3. Employees charged with directing or supervising other employees shall ensure that safety and health are taken into consideration when work that comes under their areas of responsibility is being planned and carried out.

#### **Section 4-3. Requirements regarding the psychosocial working environment**

- 1. The work shall be arranged so as to preserve the employees' integrity and dignity.
- 2. Efforts shall be made to arrange the work so as to enable contact and communication with other employees of the undertaking.
- 3. Employees shall not be subjected to harassment or other improper conduct.
- 4. Employees shall, as far as possible, be protected against violence, threats and undesirable strain as a result of contact with other persons.
- 5. The Ministry may by regulation issue further provisions concerning implementation of the requirements of this section.

#### **Section 13-1. Prohibition against discrimination**

- 1. Direct and indirect discrimination on the basis of political views, membership of a trade union, sexual orientation, disability or age is prohibited.
- 2. Harassment and instruction to discriminate persons for reasons referred to in the first paragraph are regarded as discrimination.
- 3. The provisions of this chapter shall apply correspondingly in the case of discrimination of an employee who works part-time or on a temporary basis.
- 4. In the case of discrimination on the basis of gender, the Gender Equality Act shall apply.
- 5. In the case of discrimination on the basis of ethnic origin, national origin, descent, colour, language, religion and ethical and cultural orientation, the Anti-discrimination Act shall apply.
- 6. In the case of discrimination on the basis of disability, the Anti-discrimination and Accessibility Act shall apply.