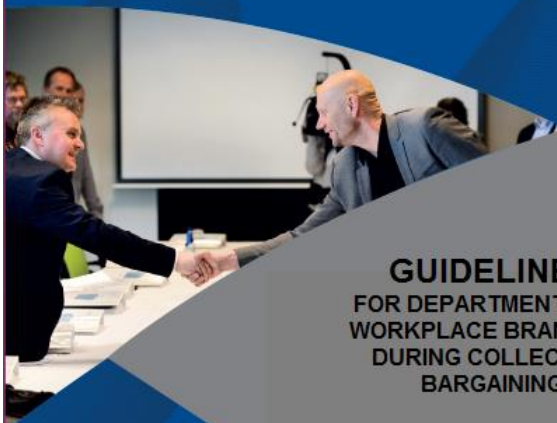




Fellesforbundet



GUIDELINES
FOR DEPARTMENTS AND
WORKPLACE BRANCHES
DURING COLLECTIVE
BARGAINING

GUIDELINES FOR DEPARTMENTS AND WORKPLACE BRANCHES DURING COLLECTIVE BARGAINING

Foreword

During wage settlements and possible conflicts, departments and workplace branches have many important tasks to do. In this booklet we have created a guide for all local representatives. The booklet is not a 'law book', with legal conclusions to questions that representatives may be asked during a wage settlement. This is a political and organisational guide for implementing wage settlements in situations when strikes and lockouts might be used by the parties to make a stand. It is essential to fully understand the material presented here, to avoid unnecessary mistakes.

The information provided in this booklet is based on the Basic Agreement, the union's constitution* and established practice. The word 'conflict' has therefore replaced the words 'strike' and 'lockout'. The tasks associated with a conflict are the same as for a strike or lockout. Fellesforbundet will ensure that, in addition to this booklet, the departments and workplace branches also receive all information required during a wage settlement.

Information is continually updated on our website.

Words and terms used in negotiations and mediation

The state mediator website has a dictionary for common words and terms used in negotiations and mediation - <http://www.riksmekler.no/index.php/themes/riks/modules/Admin/pnstyle/index.php?module=Pagesetter&type=file&func=get&tid=5&fid=dokument&pid=65>

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* union's constitution referred to as "constitution" in this text

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DEPARTMENTS' AND WORKPLACE BRANCHES' TASKS DURING COLLECTIVE BARGAINING

Organisational tasks during collective bargaining

This booklet focuses principally on those tasks that departments and workplace branches must perform during a conflict. A conflict can place major demands on an organisation in all areas, particularly in terms of preparation and implementation. Moreover, there are a number of tasks that the departments and workplace branches will have responsibilities relating to the implementation of wage settlements regardless of whether the settlement ends in a conflict or not.

Wage settlements generate awareness around Fellesforbundet and its organisation. In the workplace branches and departments the process starts by submitting proposals for the settlement. This is an important part of the wage settlement because already at this point work begins on ensuring that Fellesforbundet's requirements are understood by its members.

Organisation and recruitment

The discussions and awareness around the wage settlement and the federation also provides opportunities for discussion with non-members with the aim of organising them in Fellesforbundet.

The highest possible level of organisation is essential for our negotiation. According to the constitution it is the departments that are responsible for recruitment, but the workplace is where much of the activity and actual recruitment takes place. From an experience perspective, we know that the most effective way to gain new members is when a colleague asks non-members if they want to join Fellesforbundet.

It should be a matter of course that all those who are not organised in a union but working for a company with a collective agreement are contacted by the union representative with the offer of membership. It is important here to remember that renewed members must have paid the standard membership fees to an LO union at least 12 weeks before work stoppage to be entitled to conflict subsidies, and that new members must have paid their membership fees for at least 2 weeks. (Constitution Chapter 1, pt. 5.3.2.1)

Unpaid dues (due fees)

It is a condition for members that they do not owe membership fees for more than two months to retain their right to conflict subsidies. (Union's constitution Chapter 1. Pt. 5.3.2.1-2). It is therefore important for the departments to review members' arrears.

Information

The parties' requirements are announced at the start of the settlement. It is important to publicise the requirements in the workplace, both the union's demands, but also, and equally important, the employer's demands. The parties' claims and counterclaims represent what is at stake in the settlement.

It is important that information about the process of the settlement is thoroughly dispersed in the workplace.

Working with proposals for wage settlements

Getting more (active) members and greater participation at the ballot starts at the wage proposal process. By including as many members in the club as possible in the discussion on wage proposals, more will be interested in the outcome. Via their own proposals, members and company representatives help determine which wage requirements should be raised. Some members do not enjoy speaking out in meetings. In order to include these members, it is important to walk round and talk to people individually. Many also send out questionnaires to find out which wage requirements people want the union to raise. The questionnaire can include both local and central requirements.

Working with the ballot

Holding a ballot on the result is an important part of the process surrounding a wage settlement. It is important that departments and workplace branches plan and implement the ballot in the best way possible and that the ballot provides a clear reflection of members' views. Participation in the ballot is essential. A high participation in a ballot will not happen by itself but is achieved through targeted effort. This is stated in the Basic Agreement's § 3-4.2.a *about rights* and in § 3-4.2.d *about duty* to participate in all ballots on wage proposals and the Union's constitution's Chapter 1, pt. 5.2.1, which says that '*All members to whom the collective agreement applies have the right to vote*'.

Member meetings for voting on wage proposals

Basic Agreement § 5-6.4 (extract): *Member meetings for electing representatives and voting on wage proposals may be held during working hours without any deduction in pay, as long as this does not cause significant operational hindrance.* Furthermore, the Basic Agreement's § 3-4.3.b states: *For companies that operate*

shifts, and where there is no conflict, the meeting or meetings must be held such that all members have an opportunity to vote.

Preparations for collective bargaining

Companies es with no members – 0 companies

Case handling wage proposals starts in the autumn the year before the main settlement, with a review of all companies that have a collective agreement and 0 members. Here the department has two tasks: The first is to work actively with any company that has 0 members to see whether there are any opportunities for organising employees. The second is to quality assure that the union doesn't have any members in the company. In companies with 0 members, the collective agreement will not be renewed following the wage period. Fellesforbundet will send out a letter on this matter.

Direct companies to be taken out if there is a conflict

The same autumn, the departments are asked to provide feedback about which direct companies need to be taken out in case of a conflict. This is an important job for the department together with the workplace branches affected. Fellesforbundet will send out a letter on this matter.

Termination of agreements

LO approves the termination of wage agreements (Form 1). The union will terminate the agreements before the deadline. For main agreements, this means letters are sent to the counterpart at the end of January.

Mediation, notice of collective work stoppage, the final extent of the collective work stoppage

Before a conflict can be discussed, the wage agreement must be presented for mediation. When the union breaks negotiations with the counterpart, we will move notice of collective work stoppage (Form 3). The scope of collective work stoppage covers the union's members in the collective agreement in the employer's wage-bound member companies.

If mediation does not lead to resolution, the union will notify of the final extent of the collective work stoppage (Form 4). It is only upon receipt of notification of final extent of the collective work stoppage that a final decision of who is covered by the work stoppage can be made. This could apply to everyone covered by collective work stoppage or only a specified number of jobs.

The basic agreement's § 3-1.1 determines that Felleseforbundet is obliged to notify of and implement notice of collective work stoppage and the final extent of the collective work stoppage for companies outside the employer association in a relatively similar scope and at the same time, although limited to what is practically possible.

Registering members with the right company

In order to be covered by notice of collective job stoppage and the final extent of the collective job stoppage, the member must be registered with the company. This means that both the workplace branches and departments must review the member register and check that all members are registered with the right company.

Preparatory work before a conflict occurs

Good preparations are essential for handling a conflict effectively. Many things need to be planned in advance. It is important that local parties clarify any important questions on how the conflict should be processed *before* a conflict arises. It is equally important that necessary preparations are in place so that the conflict is handled effectively. It is far too late to start preparations once the conflict has started.

The shop stewards' tasks ahead of a possible conflict

Agreements and clarifications with the company

Before a potential conflict arises, there are several conditions that need clarifying between the company and the club. It is therefore important that an agreement indicates how different conditions around a conflict should be handled. This should be assessed in the individual company, but might include:

- *Shutdown of production*
When shutting down work as part of work stoppage, reference is made to the Basic Agreement's § 3-3. If required, the local parties must agree the work required for shutting down production. We emphasise that this can only be justified by taking technical and safety considerations into account.

It is common that under the National Agreement, parties centrally provide dispensation for checking guests out. Information is available about this on the Felleseforbundet's website.

- *Essential security against fire, theft etc. and to prevent damage to any equipment or similar.*

When a conflict arises, the starting point for our company workplace branches must be that all work at the individual company is blocked. The workplace branches must in this instance – and before the conflict arises - negotiate with the companies about which staff must be present to ensure that equipment and similar is not damaged, and that the necessary safety precautions have been made against fire, theft and similar. This usually applies to security guards, but may also involve other groups.

- *Access to the union office under a conflict*

In many of our companies, the union board has its own office. It is Fellesforbundet's opinion that companies should provide access to this. However, who has access to the union office must be agreed with the company. If against expectations the club/union does not have access to using the club office at the individual company, the club board and department must establish themselves outside the company.

- *Picket*

It is worthwhile making practical arrangements related to pickets with the company, such as access to toilets and other facilities on the company's premises.

- *Company equipment*

If employees use company equipment for private use, such as a mobile phone, computer equipment and similar, it is important to agree with the company whether these can be used in a conflict situation.

- *Relationships with other employee groups, such as managers*

When contacting the company, the club board must also discuss relationships with other employee groups such as managers etc. It is Fellesforbundet's opinion that they cannot conduct work other than their daily job. These groups can therefore not – under any circumstance – perform blocked work during a conflict.

- *Hired employees, including contractors/construction*

The relationship with any hired employees, who work in part of the company's standard production, must be addressed by the company management. It is Fellesforbundet's opinion that these people should not work during a conflict.

Construction jobs in Norway that are performed by foreign companies with foreign workers can only be performed in cases of genuine construction jobs under own management, with own employees and in a clearly designated area. The scope of such a job should be clarified with the company.

Example:

Installing machines using own engineers, own tools and own management. This would take place

unhindered, but without assistance from our members, such as welding or crane operation. If the job requires such support functions, the job will end the moment these functions are required.

In cases where it is difficult to determine what is a contract and what is a hired contract, contact the federation.

- *Clarify who in the company is covered by the conflict*
In some cases, there may be members in the company who are not covered by the conflict. In such cases, it is important that the local parties clarify in advance who these members are and what they should do during a conflict.
- *General contact between club and company*
During a conflict contact may be required between the club board and the company's management. It should be agreed in plenty of time on what basis such contact should take place, and when such meetings can be held.

Employees working on jobs outside the company

Many companies in our organisational areas have workers who work/have jobs outside the company. They will also be involved in any conflict that may arise.

All the company's obligations cease for its employees as soon as the conflict starts. Agreements therefore need to be put in place to handle any questions that arise during a conflict.

For members on rotation schemes, a specific assessment of where in their work period members are at the start of the conflict is required when entering an agreement with the company.

If members are summoned back to the company or sent home, it is Fellesforbundet's opinion that the associated costs should be covered by the company.

It is important that the workplace branches negotiate clear and transparent agreements with the companies.

- *Onshore*
For members on an onshore plant, agreements should first and foremost be made so that members can stay living where they are if they take part in a strike and roll-call meetings at their place of work.
- *Offshore*
The same applies to offshore members, but the options for transport to land, capacity for overnight stays and safety must also be taken into account.

Contact with members

It is essential that the club retains good contact with members during a conflict, and that the club board ensures updated contact information to all members. It is also important for members' contact information to be updated so that payment of conflict subsidies is problem free.

Before a conflict starts, the club board must inform members about the background to the conflict, and any special conditions in the work place (reduced access to the company area, what is considered as being on strike, any requirements for employees to bring personal belongings with them before the conflict starts etc.)

Before any possible conflict, the club must make sure it has good emergency information that can be implemented immediately when the conflict starts, and the club board must then assess the need for member meetings and any other activities.

It is essential that the club maintains good contact with members during a conflict and the club board must therefore have updated contact information for all members.

The club board must regularly assess needs for member meetings and any other activities.

The department's task ahead of a possible conflict

Before a conflict arises, the departments must plan how they are going to manage their members.

Responsibility for these settlements fall on the department, but it is clear that the department will not be able to complete these without close collaboration with the workplace branches.

These settlements must begin no later than when negotiations start breaking down. It is too late to start once conflict has begun.

Collecting account information

The departments must collect account information for all members

Collection of information about working terms – part-time etc.

The departments must collect information about the scope of members' jobs. In practice, this means that the department must provide an overview of all those who work

part-time or who have loosely defined job terms. Fellesforbundet will provide further information about this.

Student members

Student members must be registered as employees in the company to be covered by job resignation and job dismissal

Roll-call meetings

During a conflict, the departments must ensure a roll-call at least once a week. It is important that the first roll-call meeting is held as early as possible, and should therefore be planned before a conflict has already occurred. The roll-call meeting should provide necessary information about the conflict, and ensure that the necessary checks are performed. Members are obliged to attend roll-call meetings.

In most departments, it will be standard to summon a roll-call meeting for all of the department's members involved in the conflict. In areas where this is not practically possible, the department must ensure that the club boards, particularly in larger companies, summon everyone to such meetings and that the departments ensure that a representative is present at the meeting.

Personal finance

A conflict will always be of financial concern to those involved. If the conflict lasts a long time, friction can easily arise as a result of financial problems. The department should contact banks and other credit institutions where members have loans, and agree a postponement of any payments and interest while the conflict is on-going. The departments should also obtain an overview of those banks that provide conflict loans, and ensure that members are informed of these.

Conflict - strike or lockout

Scope of conflict

Any work stoppage (strike or lockout) initially only covers organised employees covered by collective agreements who have been notified.

Apprentices

Apprentices and interns on a training contract will, as a rule, not be removed during a conflict, ref. the Basic Agreement's § 3-2.1. If they are to be subjected to the conflict, it must be clearly indicated in the notification of dismissal (an example is that apprentices covered by the Hotels and restaurant Agreement are traditionally covered by the notification).

Apprentices who remain in the company must not be asked to perform jobs over and above their normal job. If the apprentices cannot perform work that forms part of their apprenticeship, they may be laid off by the company with a minimum of 7 days' notice for the duration of the conflict ref. § 3-2 of the Basic Agreement.

For apprentices who are laid off, the question of possible extension of their apprenticeship due to work stoppage must be clarified in accordance with the Apprenticeship Act, or similar regulations in other legislation.

Apprentices who are members of Fellesforbundet will upon dismissal or participation in the conflict be entitled to conflict subsidies just as the other Fellesforbundet members.

Transfer of production

Fellesforbundet is of the opinion that members of foreign companies must not undertake any production/work that should have been undertaken in the company during the conflict. This also applies to the transfer of production from a foreign-owned subsidiary in Norway to another country. Example: A company increases production in Sweden to compensate for the shortage in Norway.

It is important that representatives who become aware that the company is transferring, or planning to transfer, production during a conflict, notify their local department about it.

Picket lines

The department is responsible for organising picket lines for the companies involved in the work stoppage. In practice it is the club boards that prepare picket lines and adapt them to the individual company. This must be submitted to the department for approval.

The picket lines' duties are first and foremost to ensure that no one carries out the work that our members should be doing. It is very important that picketers act firmly on the tasks they are assigned, but also calmly and respectfully to avoid unnecessary acrimonious situations from arising.

Strikebreakers

Employees who are not involved in the conflict must not perform work that is normally done by employees who are involved in the conflict. It is considered strikebreaking if employees perform work normally performed by members involved in the conflict.

The company's owner, spouse and live-in children and the daily manager can do whatever work they want without this being considered strikebreakers.

Attempt at strike breaking should be reported to the **department** immediately. Fellesforbundet must be informed if such a development cannot be stopped at local level. If no report is provided, the department must report to post@fellesforbundet.no.

Members applying for membership during conflict

New members applying for membership after final extent of the collective work stoppage are not covered by the conflict. A new collective work stoppage must be called. For this type of collective work stoppage, a deadline of 14 days applies from the date of work stoppage for them to be covered by the conflict.

Financial terms during conflict

Due wages

When work stoppage begins, the company's payment obligations cease to apply. On the last payday prior to work stoppage, accrued wages are paid as normal. Wages earned during a payment period when the work stoppage occurs, must be paid as soon as possible.

Strike benefit

Strike benefits are paid from the first day of the conflict. Fellesforbundet's board may make an exception to this rule in special circumstances.

To be entitled to Strike benefits, ref. Chapt.1 pt. 5.3.2.1 pt. 2 of the constitution, a member must have:

- paid their membership fees to a union affiliated to LO at least 2 weeks prior to the work stoppage
- re-instated members must have paid ordinary membership fees in an LO union for at least 12 consecutive months prior to the work stoppage.
- membership fees are not owed for more than 2 months

How much Strike benefit?

(See also constitution Chapt. 1 pt. 5.3.2.2-1)

Fellesforbundet's board shall determine the amount of strike benefits paid.

Members who work part-time and members on shift and rotation schemes are paid strike benefits in relation to a pre-determined work schedule. Fellesforbundet's board may make an exception to this rule in special circumstances.

Members who were ill when the work stoppage began can claim strike benefits from the day their sick pay is no longer paid. Members who were on leave with parental pay from NAV are entitled to support from the point when the leave and the pay stops. Members who were conscripted to military service when the work stoppage began will receive strike benefits from the day they are discharged.

Payment

Payment will be made directly from Fellesforbundet and to the individual member using Fellesforbundet's member system. The departments will be issued with instructions containing comprehensive guidelines for implementing subsidy payments.

It is important to be aware of the rules in the articles' chapter 1 point 5 concerning strike benefits, which state that:

- All members, to whom the collective agreement applies, have the right to vote. (Chapt. 1. Pt. 5.2.1)
 - Members who during work stoppage for no valid reason have not voted on proposals for a new agreement, shall lose the right to continued strike benefits. Disputes between the department and members on this rule shall be resolved by Fellesforbundet's board. Other disputes between a department and a union on the use of voting rules, shall be resolved by Norwegian Confederation of Trade Unions (LO)'s secretariat. (Chapt. 1. Pt. 5.3.2.1)
- If members accept other work during the conflict, they must inform the department. Subsidies during work stoppage shall cease for as long as the member continues such work. (Chapt. 1. Pt. 5.3.2.2)

Extra membership fees

- Solidarity management for the members who are NOT affected by the conflict

According to Fellesforbundet's constitution, members who work and who are not affected by the conflict are obliged to pay an additional membership fee, ref. Chapt.1. pt. 4.1.5. of the articles.

Fellesforbundet's board determines when the additional membership fee should be paid.

When Fellesforbundet's board has decided to claim additional membership fees, Fellesforbundet will immediately provide detailed guidelines on how the additional membership fees should be collected.

Members of foreign unions

We do not have any rules in our constitution for paying conflict subsidies to employees who are members of foreign unions. If such employees take part in the conflict

alongside our own members (attend roll-call meetings, picket etc.) they will receive subsidies from us.

LO-favør

Through the LO-favør benefits system, there are two schemes available for members in conflict. One is a postponed loan repayment, the other is a conflict loan. Conflict loans are available following a standard credit check.

Information from LO-favør (www.lofavor.no)

A conflict loan is available if you are financially affected due to a conflict at work. To receive LO favør's Conflict loan, the conflict must be legal. Your union can tell you whether the conflict is legal.

Your membership benefits:

- Postponed loan repayments
- Loan type: Loans without security
- Loan total are two net monthly wages
- No set-up fees
- Home loan rate
- Up to 3 years' duration

We have chosen SpareBank 1 as our partner

We have chosen SpareBank 1 as our supplier and business partner for banking products in our benefits programme. SpareBank1 provides personal advice and has excellent products that adhere to the same rules we follow around security and peace of mind. They also have staffed outlets across the country. SpareBank 1 provides products in banking and insurance and LO members receive customer discounts.

How to get a conflict loan

If you want to set up an LOfavør conflict loan or would like more information about the product, contact your nearest SpareBank 1.

To receive a conflict loan from SpareBank, you must first contact your trade union. You must also have set up a customer relationship with the bank. The loan requires a current account in the bank and a standard credit check. Download the product sheet for LOfavør Conflict loans.

Other terms and conditions during conflict

Right to holiday / holiday pay

In the Holiday Act § 9 pt. 4, it states that:

During lawful industrial action (strike or lockout) holiday can be scheduled and claimed in accordance with the provisions of § 6 and 7. The employer cannot change the dates of scheduled holiday because of lawful industrial action. Should the employer fail to pay holiday pay in accordance with § 11 paragraph 4, fixed holiday shall not be considered as taken during the absence.

This means the provisions for holiday planning and holiday claims in §§ 6 and 7 do not change as a result of lawful industrial action. The employer cannot change the time of a scheduled holiday.

The Holiday Act states that holiday must be taken in accordance with the law's standard provision, even during lawful industrial action. Holiday pay shall be paid as normal for the holiday taken during the conflict.

This includes:

- Scheduled holiday should be taken during the conflict unless the parties agree otherwise. The employer cannot change the time of the scheduled holiday due to lawful industrial action.
- If holiday is not scheduled before the start of the industrial action, the Holiday Act's standard provisions apply. This means that the employer can demand notice of the time of holiday at least two months before the holiday takes place. The employer must also comply with the rules for consultation duty.
- Holiday pay accrued from the previous year must be paid on the last normal payday before the holiday. The employer can claim holiday pay is paid no later than 14 days before the holiday. Even if due to industrial action wages are not paid on the day that would otherwise be a normal payday, holiday must be paid on that day. The employer must also pay holiday pay even if the conflict is in process. If the employer refuses to pay holiday pay, the scheduled holiday cannot be considered as taken during the absence.
- Holiday pay accrued from the present holiday year, must not be paid upon dismissal as part of industrial action.

Right to sick pay

The National Insurance Act has in § 8-31 provisions on the right to sick pay during a conflict.

The employee who is reported as sick by a doctor before the start of work stoppage is entitled to sick pay from the social security office during work stoppage.

The individual NAV office will take the employer's place and pay the sick pay during the employer period. The NAV office must pay sick pay for as long as the member is reported sick during the conflict. If the sickness lasts beyond the conflict period, the employer period shall resume from the day the work stoppage ceases. From the point that the sickness stops, but the conflict is still on-going, conflict subsidies shall be paid instead.

Employees, who are reported sick through self-certification when the work stoppage starts or who are reported sick by a doctor after this point, cannot claim sick pay.

Insurance cover

LO's leisure accident insurance applies to our members affected by a conflict. This also means that members who are active as picketers or in another activity during the strike are covered by LO's leisure activity insurance. The insurance cover also applies to journeys to and from the home.

With regards compensation amounts and terms, please refer to LOfavor's website (www.lofavor.no)

Leave of absence

Employees, who have taken paid leave of absence before the start of work stoppage, will not be affected by the conflict for the duration of the leave. This means that these employees are entitled to complete their paid leave regardless of the work stoppage. Moreover, employees are not entitled to be granted leave for new collective agreements (e.g. Brief compassionate leave or other leave as is normally sought pursuant to tariff provisions) as long as they are involved in the work stoppage.

Layoffs

- *Work stoppage in own company*

Employees who are not involved in the conflict in their own company can be laid off according to the Basic Agreement's § 7-1, providing they can no longer be employed in a rational way. A period of 14 days notice must be given in this instance. According to § 7.5, however, a special rule applies to conditional notice. Anyone who might be affected by the layoff shall be notified as far in advance of implementation as possible (see report on conditional layoff notice below).

- *Work stoppage in another company*

Conflict in another company can provide reasonable grounds for layoffs under the Basic Agreement's § 1.7, and then the rule of 14 days notice does not apply. Meanwhile the company is obliged to give as much notice as possible, ref. the Basic Agreement's § 7-3 no. 4.

- *Discussions with representative*

Before notice is given, discussions with the representative must take place. A protocol must be set-up based on discussions. The notice period in the Basic Agreement's § 7-3 no. 1 and no. 2 only start once the discussion has been held.

- *Law on payment obligation during a layoff*

§ 3 no. 3 of the Wages Act during layoffs states that employers' payment of wages does not apply to layoffs as a result of industrial action.

- *Conditional layoff notice*

During a conflict in your own company it may be appropriate for the employer to provide a conditional layoff notice to employees who are not involved in the conflict. The notification shall be provided with 14 days notice, see Basic Agreement § 7.3 Section 1. When it becomes necessary to implement the announced layoff notice shall be given as far in advance as possible provided there has been at least 14 days since the lay-off notice was given, see Basic Agreement § 5.7.

- *Unemployment benefit during layoffs*

We refer to the National Insurance Act § 4-22 – Suspension during strikes and lockouts:

Unemployment benefit is not paid to members who participate in a strike, or who are involved in a lockout or other industrial dispute. The same applies to members who do not take part in the industrial dispute, but due to the industrial dispute become available at the company or workplace dispute, when it is to be assumed that the salary or working conditions will be affected by the outcome of the dispute.

This means employees who have already been laid off due to reasons other than the conflict, will lose the right to unemployment benefit if their pay and working conditions are affected by the dispute.

- *Conflict subsidies*

Conflict subsidies are provided when members are laid off because of the conflict and when these are not entitled to unemployment benefit under the National Insurance Act.

Dispensations

If a company believes it should be exempt from the conflict, it must submit an application to its employer association (National Association) for dispensation from work stoppage (conflict). If the employer organisation decides to send the dispensation application to the federation, it is the federation that processes the application and determines whether it should be granted (companies that have a direct agreement

with Fellesforbundet, and which are affected by the conflict, can submit their application directly to Fellesforbundet). Such dispensation applications are the company's responsibility, and the workplace branches/representatives do not have to make their views known nor sign the applications. Only upon direct request from Fellesforbundet should the club/representative make their opinion known, and then only to Fellesforbundet.

All dispensations must be approved by Fellesforbundet, ref. § 3-3 of the Basic Agreement.

Collective bargaining

Summary of the negotiation process and mediation

Negotiations

Negotiations begin as soon as proposals for changes to the agreement have been exchanged between parties. If agreement is reached about a new agreement, the recommended proposal is sent to ballot.

Break in negotiations

If the prospect of reaching agreement on a new contract is not present, either or both of the parties may request negotiations be broken and notify of stoppage.

Stoppage

If when the mediator receives notice of collective dismissal, finds that a work stoppage for this area will harm public interest, he should in accordance with the Industrial Disputes Act lay down a prohibition against work stoppage until mediation has been attempted.

Mediation / stoppage

The parties are hereby subjected to the management of the mediator.

When 10 days have passed following the notice of prohibition of work stoppage, either party can demand an end to mediation and report work stoppage. The mediator then has 4 days to mediate before the start of work stoppage. Two things must happen during this 4-day work period:

- if the parties, with the mediator's support, reach a recommended proposal for a new collective agreement, the proposal is sent to ballot.

- if the parties are so far apart that there is no basis for the mediator to make a proposal, if a proposal is rejected by the negotiation committee or if the recommended mediator's proposal is rejected in the ballot, then we face a conflict situation.

The deadline for concluding negotiations/mediation is usually midnight, but the parties may agree to negotiate/mediate in additional time.

Members are responsible for keeping themselves informed about whether the negotiations/mediation during the night have resulted in a solution of whether the company is in a conflict.

Ballot

The department's board is responsible for the ballot in their area.

For ballots on wage proposals, Fellesforbundet will provide details about the rules that apply to holding a ballot via a circular.

The regulation on wage revision, ballots and work stoppage is found in chapter 1 point 5 of Fellesforbundet's constitution, and in the Basic Agreement's § 3-4.

All ballots must be held so that members can vote in their place of work, and in accordance with the rules stated here. It is important that the ballot is implemented in an appropriate manner so that members who work at different times and have different time off also have the opportunity to vote before the deadline.

Ballot paper

Alongside the proposal is a ballot slip to be used during the ballot. Other ballot paper may not be used. Only a YES or NO should be ticked. If anything else is written on the ballot slip, it must be discarded.

The meetings held to inform members at the individual company, must be held before the ballot.

Ballots must not be held at the information meetings. Members have the opportunity to learn about the proposal and comment before voting.

Voting duty

Reference is made to the Basic Agreement's § 3-4.2.d and to Fellesforbundet's constitution Chapter 1, pt. 5.2. pt. 1: "All members to whom the collective agreement applies, have a duty to vote."

Implementing the ballot

- *Voting board*

The vote is led by the department's board, a department-appointed voting board, the club board or voting board appointed at the workplace. The voting should, as a rule, take place for the whole company. For larger companies where this is not practically possible, voting may be carried out in groups. A voting board must be appointed for each individual group.

The voting board must consist of 3 or more members depending on the company's or group's size and depending on practical requirements. The voting board is appointed from those who are familiar with and have the most experience of such tasks.

If there is no company club, the department is responsible for conducting the voting.

- *Ordinary voting*

Voting shall take place during a personal meeting in a central and appropriate location in the company. The voting board takes registration by crossing names off a list. Upon request, applicable proof of membership must be shown at the vote.

Individual members to whom the wage proposal applies must vote in their department.

- *Electronic voting*

For those areas where it is possible to use electronic voting, Fellesforbundet will provide further information on how to do this. Ref. § 3-4.1 of the Basic Agreement.

Separate guidelines and systems apply to such voting.

- *Postal vote*

For areas where it is appropriate to use a written postal vote, Fellesforbundet will provide further information on how to do this.

In this instance, voting shall be done using two envelopes, whereby the ballot slip with yes or no is placed in envelope no. 1. Nothing is written on this envelope. This envelope is then placed in a stamped addressed "reply" envelope (envelope no. 2), which is posted.

- *Voting offshore / plants*

Company workplace branches that have members on plants/installations in the North Sea are responsible for sending the proposals and ballot paper to its members and a copy of the last available list of Fellesforbundet memberships to the contact person/representative at the relevant installation. Voting at installations is done by the same deadline as other members of Fellesforbundet.

In this instance Fellesforbundet's representatives at the plants/installations comprise the voting board.

As soon as the count has been completed, the result is reported by telephone to the workplace branches that have members who have voted. Hereafter, the ballot paper and ticked checklists are sent to the club (s).

The workplace branches that have members at plants/ installations must, as soon as possible after the count, report their result to the department, so that these votes can be included in the ballot.

The club board must take into account voting for offshore workers who are having time off on land. If this does not happen, members must be informed that they have to vote in their department.

- *Check*

An appropriate ballot box must be provided. The ballot box must be supervised. Voting on behalf of others is not permitted. Only one ballot slip is to be submitted from each member.

Alongside the voting board, the club board has the main responsibility for voting in the company, and must therefore ensure that this is done in a discreet and secure manner, in accordance with the instructions from Fellesforbundet.

- *Protocol*

When the company voting is complete, the votes are counted by the voting board. A protocol must be set up for the voting results. This protocol must be signed by the voting board's members. The protocol and voting slips are given to the department, which provides a receipt.

- *Reporting the voting results*
The department announced the result of the vote to Fellesforbundet by phone and confirms the result by immediately scanning and sending in the signed voting protocol. The protocol can be sent by e-mail.
- *Storage of ballot paper*
Ballot paper from the vote are stored in a secure manner until further instruction from Fellesforbundet. This is in case Fellesforbundet requires a re-count.
- *Publishing of results*
The voting result is published by the mediator if the matter has been through mediation, or by Fellesforbundet centrally when a result has been achieved through negotiation.

Before the result is released, the results from the workplace branches or departments must not have been announced. Refer to pt. 1 of § 3-4 of the Basic Agreement, and § 27 of the Industrial Dispute Act.

- *Implementation of the negotiation/mediation result*
When a wage proposal is adopted by members, it is essential that the representatives in the departments and workplace branches ensure that the new collective agreement is followed up in accordance with the agreement's provisions, and in accordance with the information provided by Fellesforbundet.

Mediation and negotiation process in brief

Negotiations

Negotiations begin as soon as proposals for changes to the agreement have been exchanged between parties. If agreement is reached about a new settlement, then the recommended proposal is sent for ballot.

Break in negotiations

If it is not possible to reach an agreement, both or either party can request a break in negotiations and notify of job termination.

Prohibiting work stoppage

If when the National Mediator has received notification of collective work stoppage, or believes that work stoppage for this area would prejudice public interest, he/she must in accordance with the labour dispute act, prohibit work stoppage until mediation has been attempted.

Mediation / The final extent of the collective work stoppage

The parties are under mediation, directed by the National Mediator.

Once 10 days have passed following the prohibition against work stoppage, either party can request an end to mediation and demand collective work stoppage. The National Mediator then has 4 days to mediate before work stoppage begins. Over the course of this 4-day period, two things must happen:

- if both parties, with support from the National Mediator, agree the recommended proposal for a new wage settlement, the proposal is sent to ballot.
- if the parties are so far from reaching an agreement that it is not worthwhile for the National Mediator to put forward a proposal, if a proposal is rejected by the negotiation committee, or if the recommended mediation proposal is voted down in the ballot, then we face a conflict situation.

The deadline for completing negotiations/mediation is usually midnight, but the parties can agree extra time to negotiate/mediate.

Fellesforbundet will update news on our website.

It is important that all shop stewards and members stay informed about whether negotiations/mediation have lead to a solution or a conflict.

Fellesforbundet on social media:



(<https://www.facebook.com/Fellesforbundet>)



(<https://twitter.com/Fellesforbundet>)



(<https://plus.google.com/+fellesforbundet/posts>)



(https://www.youtube.com/channel/UCn_bcoNrRVuOQKwRz-9heVw?sub_confirmation=1)



(<http://www.linkedin.com/company/fellesforbundet>)

Wage revision – schematic overview of the procedure

