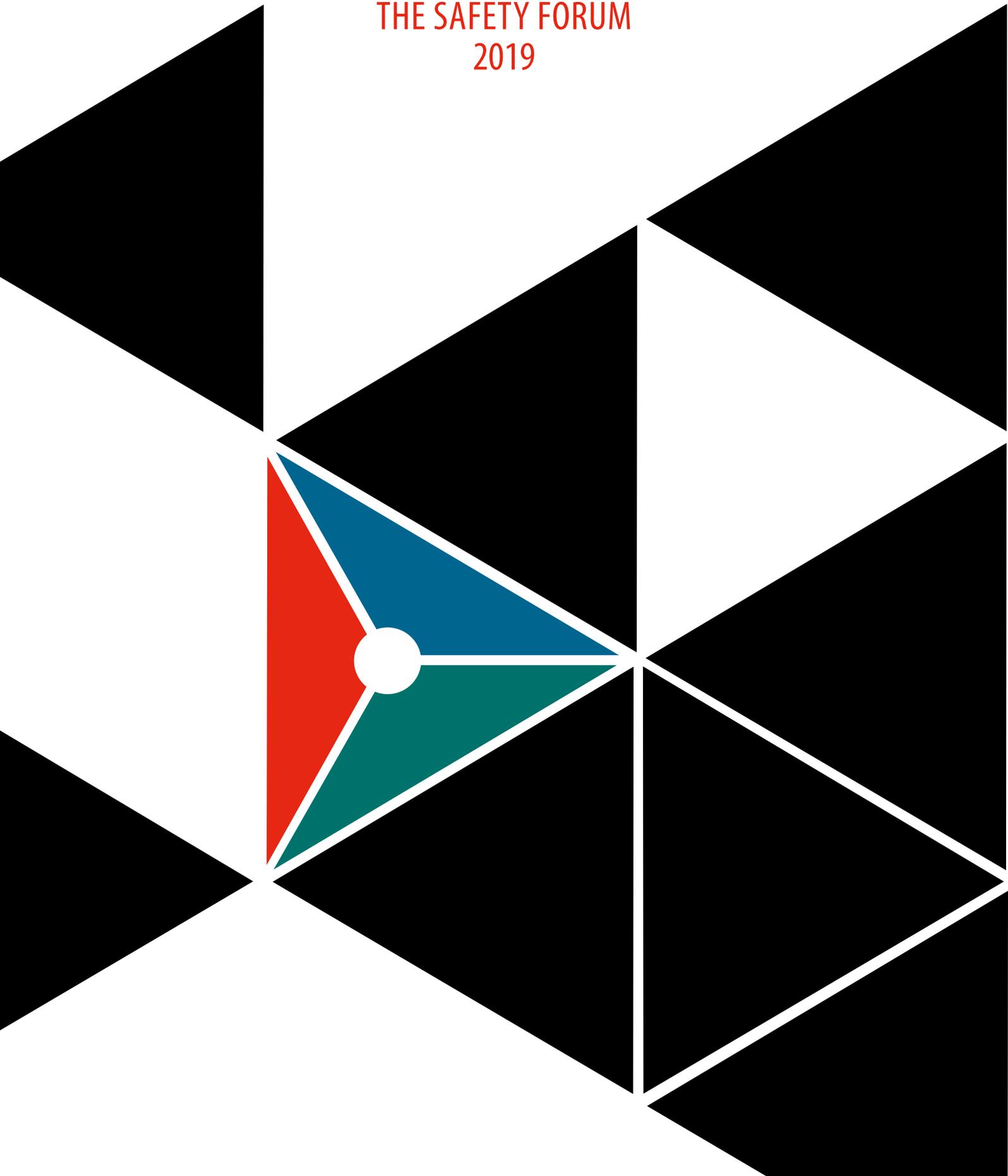


RESPONSIBILITIES, ROLES AND MODELS  
FOR BI/TRIPARTITE COLLABORATION

REPORT FROM  
THE SAFETY FORUM  
2019





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## **1. Introduction**

### **1.1 Background**

The Ministry of Labour and Social Affairs invited parties and government agencies concerned in November 2016 to discuss the condition and development of health, safety and the environment (HSE) in the Norwegian petroleum industry. Developments in 2015 and 2016 had created a need to put HSE conditions in this sector on the agenda. The committee was chaired by Ole Andreas Engen, professor of risk management and societal safety at the University of Stavanger. Its work would contribute to the forthcoming White Paper on HSE in the petroleum industry.

An important goal was to arrive at a representative and harmonised picture of the status for HSE in the petroleum sector. The committee was also to assess requirements for maintaining and improving the level of safety while sustaining efficient and financially viable operation. One of the committee's recommendations was the appointment of a working group drawn from employers, unions and government to look specifically at bi/tripartite collaboration.

The Safety Forum has accepted responsibility for following up that recommendation, as referenced on page 68 in Report no 12 (2017-2018) to the Storting (parliament) on HSE in the petroleum sector: "At the recommendation of the 2017 tripartite working group, a tripartite collaboration has been initiated under the auspices of the Safety Forum to acquire, discuss and collate experience with the aim of learning lessons from and continuing to develop collaboration between the parties. Among other issues, this group can debate and define roles and responsibilities in bi/tripartite collaboration and discuss various management systems."

The Safety Forum has considered these issues at several meetings, and held a one-day session where the Norwegian Confederation of Trade Unions (LO) and the Confederation of Norwegian Enterprise (NHO) presented their Basic Agreement (BA). This report identifies important constraints on and promoters of good bi/tripartite collaboration.

### **1.2 Structure of the report**

Chapters 2 and 3 of the report provide a general description of bi/tripartite collaboration and which parties and players are involved in it. Chapter 4 describes some challenges which have emerged from the discussions in the Safety Forum and some common starting points for what constitutes good bi/tripartite collaboration. Chapter 5 reviews the BA, the provisions of the Working Environment Act (WEA) and bipartite collaboration related to HSE. The safety representative (VO) service in particular and the working environment committee (AMU) are covered in chapters 6 and 7 respectively. Chapter 8 deals with tripartite collaboration, while chapter 9 summarises the recommendations and measures which the Safety Forum wants to continue pursuing.

## 2. On bi/tripartite collaboration in general

### 2.1 Description of bi/tripartite collaboration in Report no 12 (2017-2018) to the Storting

*Section 2.3 of Report no 12 (2017-2018) to the Storting provides a description of the formal basis and the various arenas for bi/tripartite collaboration and worker participation.*

#### 2.3 Bi/tripartite collaboration and worker participation

“Worker participation and bi/tripartite collaboration are significant preconditions and important arenas for the HSE regime in the Norwegian petroleum sector. This regime assumes that the key players have mutual trust in and respect for each other. That applies to worker participation at the enterprise level, to bipartite collaboration and to the various arenas for tripartite collaboration.

“Pursuant to the WEA, the employee has the duty and the right to contribute to a fully acceptable working environment, while the employer has the duty to make provision for such participation. The Act also specifies requirements for the VO service and employee representation on the AMU. Company law provides more detailed provisions concerning employee representation on the boards of enterprises.

“Furthermore, both formal and informal arenas exist for bipartite collaboration between employees and their unions on the one hand, and the employers and their organisations on the other.

“The collective agreements on pay and conditions provide the foundation for bipartite collaboration. In addition to the established bipartite collaboration, broad tripartite collaboration between employers, unions and government in the petroleum industry takes place in a number of arenas.”

## 2.2 From the Working Environment Act and the Basic Agreement

Worker participation and collaboration are significant preconditions for the HSE regime in the petroleum sector. It could therefore be relevant to refer to the statements of purpose in the WEA and the BA.

Section 1.1, litera (d) of the WEA states that one of its purposes is:

“to provide a basis whereby the employer and the employees of undertakings may themselves safeguard and develop their working environment in cooperation with the employers’ and employees’ organisations and with the requisite guidance and supervision of the public authorities.”

Section 13 of the framework regulations on facilitating employee participation states:

“The responsible party shall ensure that the employees and their elected representatives are given the opportunity to participate in matters of importance for the working environment and safety in the petroleum activities, according to requirements stipulated by and pursuant to the WEA and these regulations. Such participation shall be ensured in all the various phases of the activities.

“In order to further the interests of health, safety and the environment, the employees and their elected representatives shall be ensured the opportunity to participate in the establishment, follow-up and further development of management systems, as mentioned in section 17 of these regulations.”

Section 9-1 of the BA specifies objectives for information, cooperation and codetermination between employees, their elected representatives and the management of individual enterprises and groups of companies:

“The LO and the NHO agree on the need for good and trusting relations between the employees, their elected representatives and management in individual enterprises and in groups of companies.

“Through cooperation and codetermination, employees will contribute their experience and insight towards creating the financial conditions necessary for the continued development of the enterprise and for secure and satisfying working conditions, to the benefit of both the enterprise and its employees.

“It is important to promote understanding of and insight into the financial position of the enterprise and the enterprise’s influence on the environment.

“The management of the enterprise, the employees and their elected representatives have a common duty to take the initiative and actively support and contribute towards cooperation. Elected representatives shall be informed as early as possible in advance of any matters on which the enterprise wishes to brief employees.

“The central organisations on their part will, separately and jointly, effect various measures to support this work.

“The objectives stated in this section are binding with regard to cooperation at the enterprise and shall also serve as guidelines for the parties at the individual enterprises when organising cooperation.”



### 3. Parties and players in bi/tripartite collaboration

#### 3.1 Who are the parties in industrial relations?

Three levels on the employee side:

- main organisations
- unions
- local unions/branches

The main organisations or federations on the employee side are the LO, the Confederation of Vocational Unions (YS), the Confederation of Unions for Professionals, Norway (Unio) and the Federation of Norwegian Professional Associations (Akademikerne). These bodies have unions as members. In addition come independent unions, such as the Norwegian Society of Engineers and Technologists (Nito) and the Norwegian Organisation of Managers and Executives (Lederne). Unionised employees in an enterprise usually belong to a local union or branch, which is in turn part of a union.

Three levels on the employer side:

- main organisations
- employer associations
- enterprises

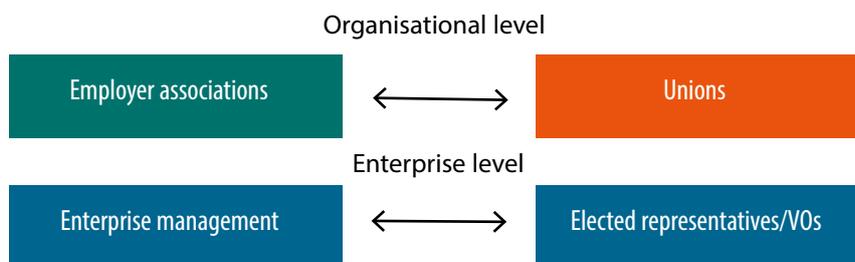
The NHO is a main organisation on the employer side, with subordinate national associations covering different sectors. In addition come independent national employer associations such as the Norwegian Shipowners Association. Companies employing workers form the membership on the employer side.

#### 3.2 Players in bipartite collaboration

Bipartite collaboration in industrial relations takes place at three levels: between main organisations (such as the LO/NHO), within sectors (unions and employer associations) and between local unions/branches and management at the individual company and/or group of companies.

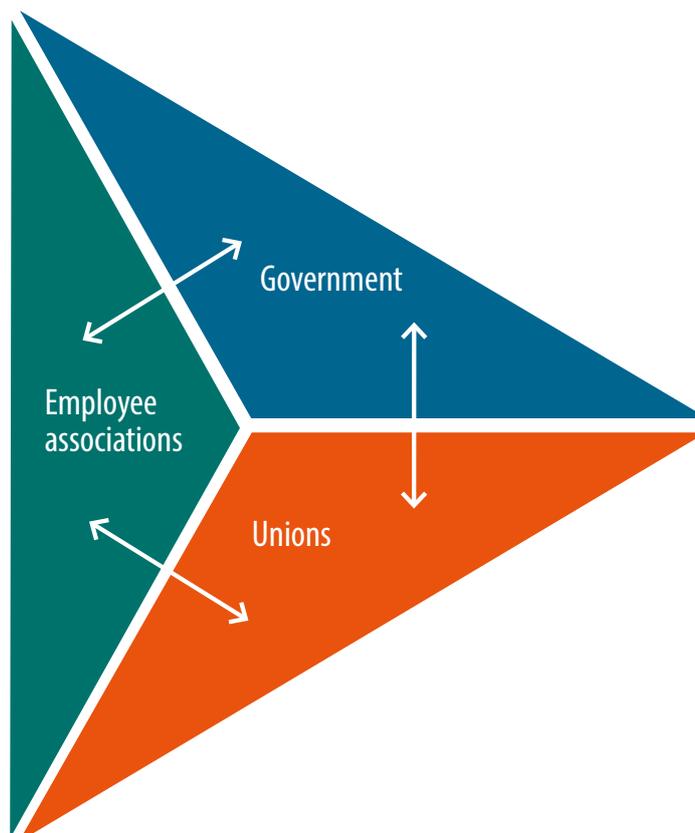
Companies not covered by the BA are subject to the legal requirements of the WEA as the basis for worker participation.

Bipartite collaboration which takes place outside the individual enterprise will also take place between representatives for employer associations and unions. Representatives for local unions and enterprises may take part, but in the name of the organisation they belong to.



### 3.3 Players in tripartite collaboration

Tripartite collaboration is characterised as cooperation between government, employers and unions. At national level, it will involve the main organisations and the government. Development of tripartite collaboration at national level forms the basis for what is often described as the Norwegian model for industrial relations.



### 3.4 The Norwegian model

The Norwegian model builds on the common interest of employer associations, unions and the government in contributing to competitive and productive enterprises. Collaboration centrally has helped to reduce the level of labour conflicts and is considered to have been a successful strategy for value creation and prosperity. Tripartite collaboration centrally has given the organisations influence on the overall management of industrial relations and the economy, and motivated them to find solutions which benefit everyone concerned.

The Safety Forum is an example of tripartite collaboration at industry level, which builds on a goal that the parties and the Petroleum Safety Authority Norway (PSA) can jointly participate in developing the level of safety and the working environment in the petroleum sector. This tripartite collaboration is based on agreement and has its own strength in that the parties see it as expedient to take part.

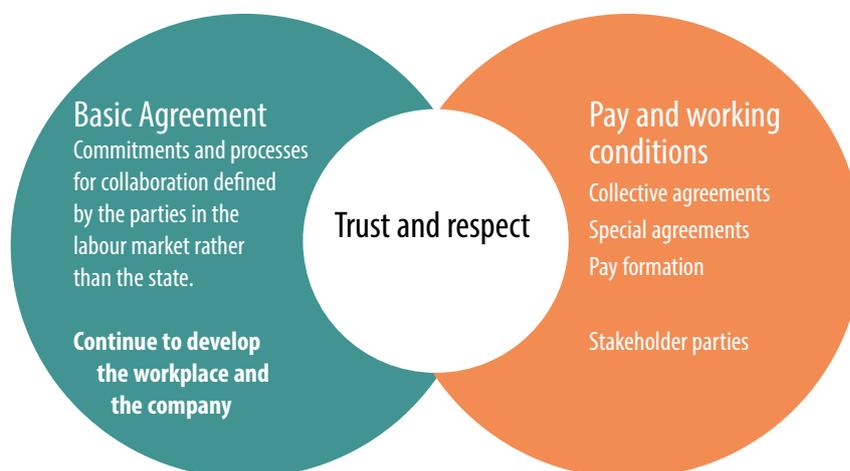
A functioning bipartite collaboration is the basis for the Norwegian model and, in itself, a precondition for tripartite collaboration. Without this, the model would not function. That employees and management have a common interest in creating secure jobs in a competitive company underpins the development of the BA. The core of the LO/NHO agreement is that elected representatives, with their experience and expertise, have an opportunity to influence decision processes.

Through the BA, elected representatives occupy a key place in industrial democracy. Legislation on worker participation requires all employees to elect representatives to industrial democracy bodies. That provides the basis for the AMU and the VO service.

### The Norwegian model as a competitive advantage

Employees and management have a common interest in creating secure jobs in a competitive company. Assessments that the Norwegian model is successful, promotes productivity and provides a competitive advantage rest on several factors.

This model builds on societal dialogue. In other words, it requires a substantial degree of trust between the parties – a confidence that both sides have a genuine interest in reaching a joint agreement which benefits both company and employees. Since the model depends on a representative system, it also requires a high level of unionisation.



Employees and management have a common interest in creating secure jobs in a competitive company

*The LO and NHO philosophy for bipartite collaboration.*



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## **4. Challenges – promoters of and constraints on bipartite collaboration over HSE**

The Safety Forum has discussed various challenges for bipartite collaboration. This discussion has reflected the petroleum sector's diverse player composition, with suppliers large and small, service companies, operators, shipping companies, enterprises with activities both on land and offshore, and so forth. There is agreement that worker participation functions in the big picture, but that this picture varies and becomes more challenging further down the supplier chain. The Safety Forum has chosen not to discuss individual areas, but to concentrate instead on general challenges for bipartite collaboration. It has not been appropriate in this discussion to distinguish between activities offshore or on land.

The petroleum industry is characterised by a high level of unionisation. This is a crucial requirement for a representative system to function, and therefore also for both the Norwegian model and the use of performance-based regulations. The challenges posed to representative worker participation by the development of new modes of operation, digitalisation, company mergers, new players, contracts and operating parameters, and foreign labour have been raised during the discussions in the Safety Forum. The union side has maintained that the use of temporary employment and contract labour presents particular challenges. Developments in the industry's organisation form an important backdrop to understanding the issues raised.

Emphasis has been given by the Safety Forum to identifying promoters of and constraints on good bipartite collaboration. Good familiarity in the company with the regulations and the BA is a promoter. Lack of such familiarity is a constraint.

## **5. Bipartite collaboration in the petroleum sector**

### **5.1 Right of representative codetermination in HSE work**

The WEA's general rules on worker participation and codetermination apply to the petroleum industry both on land and offshore. In addition come specific demands for worker participation in the HSE regulations. The requirement to facilitate worker participation and to collaborate with employees and their elected representatives in work on HSE is entrenched in several parts of the WEA, the framework regulations and the BA.

### **5.2 Representation arrangements enshrined in the BA**

Part A, chapter IX of the LO/NHO BA contains provisions on information, cooperation and codetermination. The statement of purpose in section 9-1 has already been quoted in section 2.2 above.

The agreement contains a part B with proposed cooperation agreements for companies and groups as well as agreements on expertise development and so forth. Part C contains supplementary agreements on such matters as working-environment training and safety work, company development and European works councils.

Provisions on information and consultation in the BA go further than the requirements of the WEA. The provisions of the latter are mandatory, as specified in section 1-9: "This Act may not be departed from by agreement to the detriment of the employee unless this is expressly provided". However, that does not prevent employees having better rights under the BA.

The most important function of the BA in the working-environment area is achieved through an interaction with the legislation.

### **5.3 Those responsible for following up HSE in an enterprise**

The employer is responsible for ensuring an acceptable working environment.

See section 4.1 of the WEA and the Petroleum Act.

Section 2-3, paragraph 3 of the WEA gives line management a special responsibility for following up HSE:

“(3) Employees charged with directing or supervising other employees shall ensure that health and safety are taken into consideration when work which comes under their areas of responsibility is being planned and carried out.”

Employees have a duty to cooperate, pursuant to section 2-3, paragraph 1 of the WEA:

“Employees shall cooperate on the design, implementation and follow-up of the undertaking’s systematic work on HSE. Employees shall take part in the organised safety and environmental work of the undertaking and shall actively cooperate on the implementation of measures to create a satisfactory and safe working environment.”

### **5.4 Responsibility of the principal undertaking and the operator’s “see to it” duty**

Section 10-6 of the Petroleum Act provides that:

“The licensee and other persons engaged in petroleum activities comprised by this Act are obliged to comply with the Act, regulations and individual administrative decisions issued by virtue of the Act through the implementation of necessary systematic measures.

“In addition the licensee shall see to it that anyone performing work for him, either personally, through employees or through contractors or subcontractors, shall comply with the provisions laid down in or pursuant to the Act.”

Section 33 of the framework regulations specifies that the operator is the principal undertaking pursuant to section 2-2, paragraph 2 of the WEA, which states:

“The principal undertaking shall be responsible for coordinating the health, environment and safety work of each undertaking. If more than 10 employees are employed at the same time and none of the undertakings may be regarded as the principal undertaking, it shall be agreed in writing which undertaking shall be responsible for coordination. In the event that no such agreement is reached, the Labour Inspection Authority shall be notified and shall decide which employer shall be responsible for the coordination.”

Responsibility for coordination embraces not only the VO and health services but also the safety measures which the principal undertaking is responsible for. Coordination must help to ensure that employers receive the necessary information about each other’s work, so that preventive measures can be taken to avoid causing injury to workers at the other employers.

The principal undertaking’s responsibility is specified in section 8, paragraph 2 of the framework regulations:

“The principal undertaking is responsible for coordinating the individual enterprise’s safety and working environment efforts and is specifically obligated to:

- a) ensure that routines are established for exchange of information between the various employee groups in the workplace,
- b) ensure that all employees have an assigned VO in the workplace, and that they are given the opportunity to bring issues to the attention of the AMU,
- c) ensure that VOs and safety and health personnel are sufficiently familiar with the operations in the workplace, and
- d) ensure that violations of relevant provisions in the WEA and supplementary regulations are pointed out and corrected.”

## 5.5 Collaboration

Collaboration in the individual company and group of companies is often referred to as worker participation or codetermination, without these concepts being clearly defined.

The LO/NHO BA relates various rights and duties to the concepts used. The content of the terms "information" and "discussion" are defined in more detail in section 9-6 of the BA. Sub-section 1 defines them as the management's obligation to allow elected representatives to make their views known before a decision is taken.

### ***Section 9.6 Particulars relating to discussion and information***

#### **Paragraph 2 states:**

"Before adopting any decision on matters which concern the employees' jobs and working conditions, this shall be discussed with the elected representatives."

#### **Paragraph 3 states:**

"In cases where the management of the enterprise finds that the elected representatives' comments cannot be taken into consideration, the reasons for this must be given. Minutes of the discussions shall be kept and signed by both parties.

"2. Obligation for enterprise to inform elected representatives of reasons for and effects of its actions.

"In cases concerning matters which come under sections 9-4 and 9-5, the elected representatives shall be informed of the reasons for the enterprise's actions and the legal, financial and employment-related consequences these actions are believed to have for the employees."

"Genuine/actual participation" is addressed in both legislation and agreements. The guidelines to section 13 of the framework regulations describe it as follows:

#### **"Actual participation**

"The provision entails that the employees are provided with an actual opportunity to influence the working environment and safety in the activities. An actual opportunity means that the employees are involved sufficiently early in the decision process for their input to amount to part of the basis for making decisions ...

"(It) also entails a duty for the employer to ensure that employees have sufficient knowledge and skills, and that they have the necessary time needed to perform their tasks, of section 3-2, first subsection, litera a and section 6-5, first and second subsections of the Working Environment Act, and section 7-4."

## 5.6 Overview of some key provisions in the WEA and the BA

### THE WEA

#### Section 3-1 Requirements regarding systematic health, environment and safety work

“In order to safeguard the employees’ health, environment and safety, the employer shall ensure that systematic health, environment and safety work is performed at all levels of the undertaking. This shall be carried out in cooperation with the employees and their elected representatives.”

#### Section 4-2 Requirements regarding arrangement, participation and development

Paragraphs 1 and 3 of this provision specify more detailed requirements for participation:

“(1) The employees and their elected representatives shall be kept continuously informed of systems used in planning and performing the work. They shall be given the training necessary to enable them to familiarise themselves with these systems, and they shall take part in designing them.”

“(3) During reorganisation processes that involve changes of significance for the employees’ working situation, the employer shall ensure the necessary information, participation and competence development to meet the requirements of this Act regarding a fully satisfactory working environment.”

The purpose of the provision in paragraph 3 of section 4-2 is to promote collaboration between employer, employee and elected representatives.

#### Chapter 8 Information and consultation

This chapter of the WEA specifies minimum requirements for information and consultation, and applies to companies with at least 50 employees. The rules will not restrict the right of the employees or their elected representatives to information, consultation and codetermination pursuant to the provisions of other legislation, regulations or collective agreements. In practice, the provision will be relevant for enterprises which are not bound by a collective agreement, since a wider right to worker participation is provided by the BA.

#### Chapter 6 VOs

“Section 6-2 (2) Each safety area shall be clearly delimited and shall not be larger than that the VO can have full control and attend to his duties in a proper manner.”

Regulations concerning organisation, management and employee participation, section 3-18 on training of VOs and members of AMUs:

“VOs and members of AMUs shall receive the training necessary to enable them to perform their duties in a proper manner; see Section 6-5 (1) and Section 7-4 of the WEA. The training shall:

“a) give the participants an understanding of what a thoroughly sound working environment entails in their workplace, the employer and employees’ roles, and the roles and duties of the AMU, the VO, the occupational health service and the Labour Inspection Authority.”

“d) make the participants capable of identifying factors that promote or hinder a good psychosocial and organisational working environment in their undertaking.”

Section 3.19 on duration of the training of VOs and members of AMUs:

“The training shall be of at least 40 hours’ duration.”

## THE BA

Section 9-1 specifies objectives for information, cooperation and codetermination (see more details about this provision in section 2.2).

Section 9.2 specifies requirements for organisation and implementation.

- An important principle is that cooperation and participation must be adapted to the nature of the enterprise, the size of the company, the actual organisational structure, etc
- A requirement for insight into the company's financial position
- Representation in developing meaningful jobs and forms of organisation and management
- Genuine influence on the composition and mandate of ad-hoc groups

Section 9-3 Discussions concerning the ordinary operations of the enterprise:

"The management will discuss with the employee representatives (the executive committee):

- matters relating to the financial position of the enterprise, its production and its development
- matters immediately related to the workplace and everyday operations
- general pay and working conditions at the enterprise.

"Unless otherwise agreed, discussions shall be held as early as possible and at least once a month, and otherwise whenever requested by employee representatives."

Section 9-4 specifies requirements for discussions on reorganising operations:

"The management of the enterprise shall discuss the following with the employee representatives (the executive committee) as early as possible:

- reorganisations of importance for the employees and their working conditions, including important changes in production systems and methods
- employment matters, including plans for expansion or cut-backs."

Section 9-5 Discussions concerning matters of company law:

"The management of the enterprise shall discuss the following with the employee representatives (the executive committee) as early as possible:

- mergers, demergers, selling or closing down all or part of the business, or reorganisation of the legal form of the business.

"The management of the enterprise shall provide for a meeting to be held between employee representatives and the new owners concerning the transfer and whether the collective agreement shall continue to apply.

"If the enterprise is considering whether to close down, the possibility of continued operation, including whether the employees desire to take over the business, shall be discussed with the employee representatives (the executive committee)."

Section 9-6, paragraph 1 provides more details on information and consultation:

“Before adopting any decision on matters which concern the employees’ jobs and working conditions, this shall be discussed with the employee representatives.”

Section 9-12 specifies requires for consultation at group level:

“In this connection, ‘group’ means an amalgamation of legally and/or administratively independent units (eg, limited companies and/or divisions) which financially and in part also administratively and commercially form one unit.”

Part B, section 12-1 Scope and purpose:

“The object of this agreement is to strengthen and further develop cooperation between the employees, their representatives and the management in the individual enterprises and groups of companies. The objectives expressed in section 9-1 of the BA also apply for cooperation pursuant to this agreement.

“Cooperation agreements should be entered into locally. Here consideration must be given to the nature of the operations, the size of the company, technology, organisational structure, decision-making system, geographic location, etc.”

The joint cooperating bodies covered by this chapter are as follows:

Works councils, chapter XIII

- combined works/working environment councils, chapter XIV
- departmental councils, chapter XV
- committees for groups of companies, chapter XVI.

### Supplementary agreements

Supplementary agreement III on in-company training in relation to the working environment for safety delegates and members of the AMU:

#### “Introduction

“This agreement is based on the provisions of the Working Environment Act.

“Training in working environment matters is a precondition for good health, safety and environmental (HSE) work in the enterprise. Sound knowledge of the working environment should exist at all levels. It is particularly important that members of AMUs, safety delegates and foremen have the knowledge required to be able to perform their functions in HSE work. Other people who make decisions affecting the working environment should also have such knowledge. So should other people who make decisions affecting the working environment. It is therefore desirable that other key personnel also undergo training.”

#### “4. Implementing the training

“The LO and the NHO shall develop criteria for the training, with the focus on applicable legislation and the investment areas of the organisations, for the training organisations which offer training on behalf of the parties.

“To ensure that the training is linked with the participants’ own working environment, it is recommended that the parties in the industry sector prepare common teaching materials based on the relevant rules and regulations in force for the area, and with the focus on the particular challenges of the individual industry sectors. If the parties in the industry sector so agree, they may choose relevant material.”



## 5.7 The Safety Forum's conclusions – bipartite collaboration

The Safety Forum has particularly discussed aspects of bipartite collaboration which are significant for HSE. Agreement prevails that collaboration in companies must be based on:

- trust and a corporate culture for speaking out and contributing to systematic HSE work.
- opportunities for the individual employee to influence their own working conditions and possible risk factors which they are exposed to
- taking decisions which could affect HSE conditions on the best possible basis and incorporating the experience and expertise of employees.

### Some basic preconditions for building a good climate of cooperation in the company

Discussions in the Safety Forum have identified some basic requirements for building a good culture for worker participation in a company.

#### Promoters

- Trust, openness and respect between the parties, and developing this calls for a mutual commitment.
- A good framework for bipartite collaboration provides the necessary predictability and must build on
  - adequate knowledge of/expertise on the regulations and the BA among all the parties
  - necessary training of managers and elected representatives about the regulations and the BA
  - ensuring that the players are given the necessary time to become familiar with issues, and the time required to perform their role.
- Priority must be given to being present. This must be emphasised by both parties. Management must make employee representatives visible if their recruitment is to be positive, and it must provide information about them.

#### Constraints

- Opportunities to contribute expertise and quality are reduced by late involvement.
- Excessive emphasis on management's right to manage/exaggerated aggression by employee representatives makes the other side defensive.
- A sense of resignation develops when decisions are taken ahead of the process.
- New contractual and organisational models can reduce clarity in bipartite relations.

#### Government's role

The parties in the individual company have an independent responsibility for the functioning of bipartite collaboration. The PSA not only supervises compliance with the law, but also has a duty to provide guidance. This supervisory role must be viewed in relation to the responsibility of the parties.

## 6 VO service

### 6.1 The VO

#### Section 6.1 of the WEA on the obligation to elect VOs

“(1) Safety representatives shall be elected at all undertakings subject to this Act.

“(2) The number of safety representatives shall be decided according to the size of the undertaking, the nature of the work and working conditions in general. If the undertaking consists of several separate departments or if employees work shifts, at least one safety representative shall generally be elected for each department or shift team. Each safety area shall be clearly delimited and shall not be larger than that the safety representative can have full control and attend to his duties in a proper manner.

“(3) Undertakings with more than one safety representative shall have at least one senior safety representative, who shall be responsible for coordinating the activities of the safety representatives. The senior safety representative shall be elected from among the safety representatives or other persons who hold or have held positions of trust at the undertaking.”

The VO will play an active role in HSE work at the enterprise. They will also be consulted during planning and execution of measures which are significant for the working environment within the VO's area of safety responsibility, including the establishment, exercise and maintenance of the internal control system in the enterprise.

Key responsibilities of the senior VO (HVO) are to coordinate the work of the VOs. They will sit on the AMU as one of the employee representatives and are either elected by the VOs from among their number, or appointed by local unions/union branches pursuant to section 3-5 of the regulations concerning organisation, management and employee participation.

Basically, the VO service itself determines how much time is required to do the job properly. In the event of a dispute, the Norwegian Labour Inspection Authority/PSA can be contacted for a ruling.

### 6.2 Safety Forum's conclusions – VOs

The Safety Forum emphasises that the VO service is an important precondition for safety and the working environment.

It emerged from the discussions that recruitment to the VO service has become more difficult in some companies. This was attributed to reduced attractiveness, a lot of work, less time, little recognition and the possibility that such service could be negative for career advancement. On the other hand, examples were produced where the service functions well. Sharing much information, trusting relationships, close dialogue, short lines of communication, and treating the service as part of the corporate culture rather than as a separate exercise were identified as important factors for a good VO service.

### Promoters of a good VO service

- Important that management supports and understands the VO service's role and duties.
- The VO service and management must have a good risk understanding, and must receive training in this.
- Good plans for worker participation should be developed – descriptions of how worker participation is handled in the company.
- The VO must get the necessary time to participate and be actively involved in issues at an early stage.
- To increase the attractiveness of the role, the VO must be made visible and talked up.

### Constraints

- Lack of continuity in the role.
- Unclear distinction between the roles of employee and VOs.
- Lack of knowledge about and expertise on the VO's role and duties among VOs, management and the rest of the organisation. Often due to lack of training.
- The VO's area of responsibility is too broad and complex, which often means that the time available and the overview of risk conditions are insufficient to do the job properly.

## **7. Working environment committee (AMU)**

### **7.1 AMU**

#### **Section 7.2 of the WEA on the duties of the working environment committee:**

“(1) The working environment committee shall make efforts to establish a fully satisfactory working environment in the undertaking. 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.”

The committee is empowered to take decisions within its area of responsibility. It has an expanded mandate to take decisions and order the employer to implement specific measures to improve the working environment. The committee cannot require measures to be implemented outside the scope of the WEA.

### **7.2 Coordinating AMUs (K-AMU)/joint local AMUs (FS-AMU)**

The petroleum industry is basically subject to the same working-environment regulations as land-based operations. Given the special conditions which prevail on the continental shelf, section 34 of the framework regulations permits the establishment of joint AMUs. Paragraph 1 specifies:

“Such joint AMUs will have the same duties and rights as other AMUs according to the Working Environment Act and regulations issued pursuant to the Act.”

K-AMUs and FS-AMUs basically function in the same way as other AMUs. Their aim is to ensure coordination of safety and environmental work at the individual enterprises and to give all workers a genuine opportunity to participate in and exert influence on safety and environmental work in their own workplace, regardless of their employment status. The joint AMU will be superior to the AMUs of the individual enterprises in matters relating to its area of responsibility.

The duty to establish a joint AMU does not diminish the duty of the individual enterprise to establish an AMU pursuant to section 7.1 of the WEA.

More detailed provisions on coordinating AMUs for fields and FS-AMUs on mobile facilities are provided in section 4 of the activities regulations:

“A coordinating AMU shall be established for each field, or, where all parties are in agreement, a coordinating AMU that covers several fields, where these have shared management and operations organisations, shared contractors and contracts, and where considerable personnel groups work on several of these fields. A joint, local AMU shall also be established for each individual mobile facility. The committees shall coordinate and process matters concerning safety and the environment, cf Section 34, second subsection of the Framework Regulations.

“Employer and employee representatives from the various main activity areas on the field or on the mobile facility shall participate in the coordinating or the joint, local AMU, respectively. For mobile facilities, a representative of the operator shall participate, except during transit.

“When a mobile facility is part of the petroleum activities on a field, the operator shall ensure coordination between the joint, local AMU and the coordinating AMU.”

### 7.3 Safety Forum’s conclusions – AMUs

The Safety Forum finds that great differences can exist in the way the AMU functions in the various companies and at the individual company over time. Both well-functioning and less well-functioning AMUs can be found. The AMU’s functions must be tailored to conditions prevailing in the individual company.

The AMU plays an important role in HSE work, and it is important that those involved have agreed good rules of the road and long-term plans for the AMU’s work. The Safety Forum would emphasise some conditions which contribute to well- or poorly-functioning AMUs.

#### Promoters of a well-functioning AMU

- Important to resolve issues at the lowest possible level.
- The AMU is a decision-making body, and decisions taken must be followed up.
- Everyone must contribute to and be active in preparing matters. That calls for competence and a good understanding of roles among participants.
- Important to refresh the AMU in technical terms and to encourage good work.
- Make provision for common training in the individual AMU.
- Emphasis a concentration on expertise in relation to roles and responsibilities in the AMU.
- System description, rules of procedure and management document for the AMU. A fixed structure and schedule of meetings is important, but an AMU can also have sub-committees if appropriate. When planning extra meetings, the appropriate expertise must be present. A challenge with extra meetings is that they must often be conducted with stand-ins.
- Implement an annual evaluation on fulfilling the role envisioned in the regulations.

#### Constraints

- Ignorance in the company and among the employees about the AMU’s role and its status as a decision-making body.
- Inadequate provision by management for meetings and involvement. The AMU must be used as an active instrument in HSE work and not serve simply as an information forum.
- Lack of relevant issues for discussion. Which issues are raised in the AMU will also be influenced by other collaboration arenas in the company.
- It may be unclear who is responsible for decision processes and where responsibilities lie when regular meetings with unions, on safety issues and so forth are held in other arenas.
- High turnover of participants makes it difficult to achieve stability, predictability and a long-term perspective in the work.



## **8. Tripartite collaboration in the petroleum sector**

### **8.1 Formal tripartite arenas**

Several formal arenas currently exist for tripartite collaboration in the petroleum industry. An overview of these is provided in section 2.3 of Report no 12 (2017-2018) to the Storting.

#### **Safety Forum**

This was established in the autumn of 2000 and comprises representatives from government, employers and unions. Chaired by the PSA, its main duties are to promote work on safety and the working environment in the Norwegian petroleum industry by:

- serving as a forum for discussion and follow-up of relevant safety and working environment issues
- making provision for good collaboration between employers, unions and government
- acting as a reference group for projects under way or planned by the employers, unions or government.

Through work in the forum, key issues are collectively identified and the parties discuss ways of resolving them. It is also used actively to spread knowledge across the industry and to discuss strategies for and priorities in HSE work. Everything which happens in the forum is documented, and also made readily available to others who do not participate in it directly. This is intended to contribute to open and binding processes. Over the years, a number of important processes for continuous improvement in the level of HSE have been entrenched through the forum.

#### **Regulatory Forum**

Established in 1986, this is also chaired by the PSA. It gives the parties an opportunity to follow work on the regulations continuously and to comment on important proposals along the way. That enhances ownership of and consensus about the final proposals for regulatory development. The forum also helps to clarify differences and similarities between operations on land and offshore. It will lay the basis for:

- information, discussion, consultation and possible feedback on the work of developing and maintaining the regulations governing petroleum operations
- information on and discussion about the practical implementation and utilisation of the HSE regulations.

### **8.2 Other arenas based on tripartite collaboration:**

#### **Working Together for Safety**

This was established in 2001 as a collaboration arena between employers and unions, with the PSA participating as an observer. Its work includes preparing training and information materials in the form of safety films and specific recommendations for the industry.

#### Sector board for petroleum standardisation

This has been appointed by the board of Standards Norway to serve as a link between the latter and the owners/users of petroleum standards. Important duties include contributing to efficient user-managed standardisation work in line with the goals, overall plans and strategy of Standards Norway.

#### Competence in rules and regulations for the petroleum industry (RVK)

This training programme for the petroleum industry provides its courses through the BI Norwegian Business School, which is responsible for organising the teaching side. The RVK ranks today as an active tripartite collaboration, which has tailored its programmes to ongoing regulatory work. So far, more than 15 000 people have undergone training organised by the RVK.

#### Committee for helicopter safety on the NCS (SF)

Although helicopter transport as such does not rank as a petroleum activity, it is closely associated with this industry as part of overall operations on the NCS. Chaired by the Civil Aviation Authority of Norway, the SF comprises representatives from government, helicopter operators, the oil industry, airport operator Avinor, the unions and others involved in offshore flying. It issues recommendations and statements to other players, such as joint responses to government consultations.

#### Norwegian Oil and Gas Forum for Safety and Emergency Preparedness Training (FSB)

The FSB follows up matters related to safety and emergency preparedness training on the NCS, and contributes actively through initiatives and discussions to:

- developing the Norwegian Oil and Gas curriculum for safety and emergency preparedness training
- exchanging experience to improve safety and emergency response courses.

Chaired by Norwegian Oil and Gas, the FSB includes representatives from field operators on the NCS and the unions – the Norwegian Union of Energy Workers (Safe), the Norwegian Union of Industry and Energy Workers (Industry Energy), Lederne and the United Federation of Trade Unions – as well as training centres and the Norwegian Shipowners Association, with the PSA as an observer.

#### Ad hoc projects and initiatives

Employers, unions and the government also collaborate outside the established arenas. One example is the tripartite work group invited by the Ministry of Labour and Social Affairs in November 2016 to conduct a joint assessment of and discussion on HSE conditions and developments in the Norwegian petroleum industry. Chaired by professor Ole Andreas Engen, the group presented its report on HSE in the petroleum industry in October 2017. This document was an important contribution to Report no 12 (2017-2018) to the Storting on HSE in the petroleum industry, and one of its recommendation was the present project.

### 8.3 Players in tripartite collaboration

The following parties are represented in the **Safety Forum**.

Employer associations	Unions	Government
<ul style="list-style-type: none"> <li>Norwegian Oil and Gas Association</li> <li>Federation of Norwegian Industries</li> <li>Norwegian Shipowners Association</li> </ul>	<ul style="list-style-type: none"> <li>Norwegian Union of Energy Workers (Safe)</li> <li>Norwegian Organisation of Managers and Executives (Lederne)</li> <li>The Cooperating Organisations (DSO)</li> <li>Norwegian Electrician &amp; IT Workers Union (IE)</li> <li>Norwegian Confederation of Trade Unions (LO)</li> <li>United Federation of Trade Unions</li> <li>Norwegian Society of Graduate Technical and Scientific Professionals (Tekna)</li> </ul>	<ul style="list-style-type: none"> <li>Petroleum Safety Authority Norway (PSA)</li> <li>Ministry of Labour and Social Affairs (observer)</li> <li>County Governor of Rogaland</li> <li>Norwegian Environment Agency (NEA)</li> <li>Norwegian Maritime Authority (NMA)</li> <li>Norwegian Radiation Protection Authority</li> </ul>

The following parties are represented in the **Regulatory Forum**.

Employer associations	Unions	Government
<ul style="list-style-type: none"> <li>Norwegian Oil and Gas Association</li> <li>Federation of Norwegian Industries</li> <li>Norwegian Shipowners Association</li> </ul>	<ul style="list-style-type: none"> <li>Norwegian Union of Industry and Energy Workers (Industry Energy)</li> <li>Norwegian Union of Energy Workers (Safe)</li> <li>Norwegian Organisation of Managers and Executives (Lederne)</li> <li>The Cooperating Organisations (DSO)</li> <li>Norwegian Confederation of Trade Unions (LO)</li> <li>United Federation of Trade Unions</li> <li>Norwegian Society of Graduate Technical and Scientific Professionals (Tekna)</li> <li>Norwegian Society of Engineers and Technologists (Nito)</li> </ul>	<ul style="list-style-type: none"> <li>Petroleum Safety Authority Norway (PSA)</li> <li>Ministry of Labour and Social Affairs (observer)</li> <li>County Governor of Rogaland</li> <li>Norwegian Environment Agency (NEA)</li> <li>Norwegian Maritime Authority (NMA)</li> <li>Norwegian Radiation Protection Authority</li> </ul>

Other arenas: Most of the participants in the Safety Forum also participate in other arenas where the tripartite model is applied in the petroleum sector.

## 8.4 Safety Forum's conclusions – tripartite collaboration

Tripartite collaboration makes an important contribution to HSE work, and the parties will prioritise this. Such collaboration takes time, and following up the overall number of fora, ad hoc work groups and conferences is demanding. The Safety Forum sees a need for clearer future prioritisation of which fora and issues are to be worked with. The Engen committee is a good example of tripartite collaboration seen by all the parties as having great value.

## 9. Conclusion – the Safety Forum's recommendations

In this report, the Safety Forum has reviewed frameworks and regulations which form the foundation for a well-functioning bi/tripartite collaboration. On that basis, promoters and constraints shown by experience to affect collaboration have been discussed.

The Safety Forum wants to take this opportunity to provide some overriding recommendations and considerations aimed at its own activities as well as those of the parties.

- The parties in the Safety Forum all have a responsibility to help increase expertise on the regulations, the BA and the Norwegian model, including communicating knowledge of this report to their members.
- The parties representing employees and employers will map and assess the need for further development of teaching materials to be used in the 40-hour WEA course, concentrating on the industry's common challenges, pursuant to the BA's supplementary agreement III.
- The parties will hold a joint meeting during 2019 to identify/discuss promoters of and constraints on bipartite collaboration in tendering processes and new organisational models.
- The PSA will conduct a review of its own supervisory follow-up of bipartite collaboration in light of this report, and present the results to the Safety Forum by the end of 2019.
- This report aims to strengthen local bipartite collaboration. The Safety Forum considers it important to identify good examples where the VO service has functioned well, so that others can learn from them.
- Identify good examples where the AMU has functioned well, so that others can learn from them. The parties must identify good tools for getting the AMU to function. On the basis of section 21 of the management regulations on follow-up, the parties will prepare an evaluation guide to be made available to the companies.

A number of bi/tripartite groups were established by the Safety and Regulatory Fora in the wake of Report no 12 (2017-2018) to the Storting on HSE in the petroleum industry and the Engen II committee. The experience of the parties with the collaboration achieved by and mode of working applied in these groups is being evaluated in order to arrive at the most appropriate possible organisation of future bi/tripartite arenas and work groups.

The Safety Forum has gone into more detail in a separate document on how it will follow up the recommendations.





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