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Project manager

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REPORT

Good practices exchange, Oslo, Norway, 2021

I. Organizational details

No.	Issue	Details	Obs.
1.	Time	25.09-02.10.2021	-
2.	Place	Oslo, Norway	-
3.	Participants	Gabriela STERIAN, Project manager Ramona VELEANU, Vicepresident Gheorghe BĂLĂCEANU, President Irina FORGO, Project coordinator Mădălina PENA, Expert Răzvan NICULESCU-ARON, Vicepresident	FGS FAMILIA FGS FAMILIA FGS FAMILIA FPSC FPSC FPSC

II. Travel objectives

1. Meetings with the representatives of Norwegian trade unions and employers' representatives in the construction sector.
 - The implementation of the social card for workers in Norway – the perspective of trade unions;
 - The implementation of the social card for workers in Norway – the perspective of employers' representatives;
 - The recruitment process of the members and keeping their loyalty;
 - Social dialogue with employers and public authorities;
 - Bilateral and international partnership;
2. Meetings with representatives of public institutions with labor inspection responsibility (Arbeidstilsynet);
 - The perspective of Norwegian public authorities regarding the social card for workers;
 - Measures and instruments to combat undeclared work;
3. Visit on a construction site;
4. Visit to an organization/school dedicated to the training of the construction staff;
5. Management meeting.

III. Estimated results

- 1 meeting with trade union representatives
- 1 meeting with employers' representatives
- 1 meeting with the Labor Inspection

- 1 visit to a vocational training center/school
- 1 construction site visit
- 1 management meeting

IV. Meetings' agenda

27.09.2021

Participants: Romanian delegation (FGS and FPSC), Pal Lund and Maria Cristina Costea (Norwegian Labor Inspection) Edvard Sorensen (Fellesforbundet), Alina Tran (interpret)

1. Fellesforbundet presentation – Edvard
 - Created through a merger of 8 national trade unions: textiles, construction, tourism, metal processing, transport, etc.
 - 160000 members in over 5000 companies
 - Membership fee – 185 NOK per month
 - Regional subsidiaries may apply other taxes between 0.1-0.3%
2. FGS, CSC and CMC presentation – Bălăceanu, Veleanu
3. FPSC presentation – Niculescu-Aron, Forgo, Pena
4. Team and project presentation – Sterian
5. Norwegian Labor Inspection presentation – Pal Lund, Maria Costea
 - 5 activities: inspections, cooperation with social partners, social dialogue, regulation through draft laws or comments/initiatives of legislative proposals
 - Administrative tasks, such as OSH permits/authorizations for buildings under construction
 - When working with asbestos, the builder notifies the Labor Inspection and an authorization is required to undertake these works
 - Population 5.3 million, 590000 firms in activity and 2.6 million workers
 - Polonia, Sweden, Pakistan, Iraq and Somalia provide the most foreign workers
 - Labor Inspection has 650 employees
 - Labor Inspection is subordinated to the Ministry of Labor and Social Affairs
 - Branches and regional offices, the largest activity being in Western and Eastern Norway, where it is the highest population density and the most active companies.
 - In 2020 the organization was restructured to include:
 - Legislation division
 - IT and administration office
 - counseling and communication
 - OSH inspections
 - UDW-work related crime
 - division for authorizing the start of construction works
 - Department to combat work-related crime
 - 90 employees, most of them inspectors or law counselors
 - 5 service centers for foreign workers

- 4 sectors programs of tripartite cooperation: transport, cleaning services, hospitality industry and automobile sector
 - Governmental strategy presented in January 2021, which includes the fact that 4 governmental agencies cooperate together: Labor Inspection, Tax administration, Police and Welfare/social administration, and they need a common position in their annual assignment/budget letters
 - Regional cooperation in different centers around Norway
 - Service centers established in 2007 for foreign workers
 - Efficient and user-friendly bureaucracy:
 - Important institutions in one place
 - Fast track for skilled workers
 - Short processing times
 - Few languages
 - Tripartite programs:
 - Close cooperation between labor inspection and social parts
 - The programs are established by the Ministry of Labor and Social Affairs and includes transport, cleaning services, hospitality industry and automobile sector
 - The politicians, authorities and the social partners share a common commitment to compromise and seek solutions for their problems and upcoming challenges
 - These are also the sectors that have implemented the HSE social card
 - There is a campaign called “Know your Rights” financed through Norway Grants, cooperation between Labor Inspection from Norway, Estonia, Latvia, Lithuania, Romania and Bulgaria, campaign only for citizens of those countries who work or are established in Norway
6. Presentation about work in Norway <https://www.arbeidstilsynet.no/en/knowyourrights-RO/> and www.knowyourrights.no
- Wage is negotiated between the employee and the employer and is part of the employment contract
 - Minimum wage has been set for certain sectors and activities: construction, cleaning services, agriculture, road transport, etc.
 - Labor Inspection cannot oblige the employer to pay the wage rights, but it may require to pay the correct wage in case of sectors in which a minimum wage is established
 - Holiday – 25 working days per year
 - Holiday allowance is at least 10.2% of the gross salary
 - Workers over 60 receive a holiday allowance of 12.5% and additional holiday of one more week
 - Working time is 9 hours in 24hours or 40 hours in 7 days
 - Overtime is paid with an increase of at least 40% of the agreed hourly wage
7. How is undeclared work defined in Norway?
- There is no national minimum wage, but a minimum wage per sector
 - Criminality in the labor market means immigrants without work documents, human trafficking, false IDs, money laundering
 - Negative effects:
 - For employees it means lack of legal and social protection

- For employers it means unfair competition and social dumping
 - At social level: tax evasion, non-payment of taxes
- Department to combat work-related crime was established in 2015 in Oslo, focusing on the construction sector, then including car washes, neighborhood shops, cafes, restaurants.
- Part of this department are: 4 labor inspectors, 4 representatives of the Ministry of Labor, 6 representatives of the Tax Administration and 4 representatives of Police
- The department tries to stop the activity of work-related criminals and to limit what is meant by crime in the field of work
- Effects of this activity
 - The number of fictitious invoices issued in the construction sector has been reduced
 - The number of phantom companies, usually run by the same people, has been reduced
 - The exploitation of employed workers through labor agents has increased recently, many of them from the Baltic countries
 - There are many Romanian workers in the construction field, fishing and agriculture

8. HMS Kort social card

- The occupational safety and health social card (OSH) (HMS-kort) is a mandatory card, which must be worn visibly at work by all employees in the construction and cleaning industry
- The yellow one is for cleaning services, the green one is for construction industry
- Both are mandatory and refer to OSH and environmental protection
- The purpose of these cards is to show who works and where
- The card appeared as a common desire at the tripartite level
- It is a physical card; they do not think about introducing an application with a QR code yet
- These cards are useful both legally and practically
- It is the responsibility of the employer to apply for the social cards; until their issuance, the employees present a receipt given by the Labor Inspection, which is nominal for each employee
- It is the employee's responsibility to announce that his social card expires
- 35 EUR – the price of a card, valid for 2 years
- The employee must receive a card every two years from its employer
- What was initially wanted to achieve with this card:
 - A list of competencies and qualifications
 - Correct and transparent registration in the labor and fiscal registries
 - Identification data of the organization and the applicable fiscal regime
 - The contractual relationship between the employee and the employer
 - No one enters the construction site if they do not have this card, regardless of whether they are employees, suppliers, customers
 - The card provides information related to working and time and timesheet
 - How many workers on the construction site belong to which company, if there are any subcontractors on that construction site
 - The general contractor must declare to the municipality all the subcontractors it works with, how many employees each one has and what are the labor relations
 - All expired cards belonging to fictitious companies are to be confiscated
 - Labor Inspection is the one that issues the social cards

- Labor Inspection approves the establishment of companies with cleaning services by authorizing the activity
- The registry of social cards validates the history of all information for each employee depending on the registration number of the company or companies he works for
- All sites, public and private, must have implemented the card reading and presentation system
- Method of control:
 - It is mandatory to show the social card at the inspection
 - If the employees do not have this social card, the Labor Inspection asks the employer to obtain the cards as soon as possible
 - Otherwise, the Labor Inspection applies fines, usually around NOK 1,000/day from Monday to Saturday; these fines may increase and the company's activity may be temporarily or permanently stopped until the employer meets all the requirements
 - If the violations of the law are repeated, the Labor Inspection can apply fines of NOK 10,000
 - If the company has been sanctioned because the workers have no social cards, the minimum penalty is NOK 25,000
 - The number of applied sanctions decreased from 4,365 in 2016 to 3,178 in 2020, 98% being applied in the construction sector
 - Only the employer is responsible If the employee does not have a social card with him and he is on a construction site.

9. Project Stronger Together

- Promotion of the decent work conditions for workers, fair competition for companies and sustainable social assistance systems through joint or coordinated controls, exchange of good practices and informational activities in a close partnership between the Romanian Labor Inspection and the Norwegian Labor Inspection.
- Activities:
 - Information campaigns to increase the knowledge of Romanian employers and employees (as well as in other partner countries) on labor rules and regulations in Norway and to allow employees to use their knowledge in their search for a decent job.
 - Annual seminars to increase the knowledge of both parties on effective ways to combat undeclared and illegal work, to establish fair competition in the labor market and to ensure safe working conditions for workers by exchanging good practices and relevant information.
 - Tripartite seminars to promote the benefits of tripartite cooperation in combating undeclared work in cooperation with both the authorities and the social partners in both countries.
 - Good practices exchange – Romanian inspectors from Labor Inspection visit colleagues from the Norwegian Labor Inspectorate and vice versa, to experience the practice, culture and legal norms.

29.09.2021

Participants: delegation members (FGS and FPSC), Kristian Ilnert (Fellesforbundet), Alina Tran (interpreter)

1. About vocational training in Norway – Kristian Ilnert
 - Trade unions and employers have called for a change in the vocational training system in Norway
 - The vocational school lasts 2 years and it is integrated in high schools, being followed at the end of their studies
 - The profiles of construction and construction techniques include a common theoretical year (mathematics, Norwegian language, English language, etc.), then comes the specializations: landscape architect, mason, carpenter, scaffolder, plumber, etc.
 - The theoretical basis offers the possibility for the graduate to continue his/her professional training, although criticism have started to appear regarding the fact that the studies within the vocational school have become too difficult.
 - After graduating year 2 of studies, graduates go as apprentices in a company, where they sign an apprenticeship contract.
 - Those who graduated a theoretical high school already have the theoretical basis and will do their apprenticeship only for 2 years.
 - The dual model does not apply in Norway as in other countries

2. About Fellesforbundet – Kristian Ilnert
 - Has 160,000 members
 - Technical workers with journeyman certificates
 - Workers obtain qualification certificates after graduating 2 years of professional training and 5 years of apprenticeship, having a theoretical exam
 - The groups are specified in the collective labor agreement and have different wage levels
 - The agreements have different categories:
 - Unskilled workers and skilled workers without a qualification certificate - can obtain a qualification through the “candidate for internship” program, but for this they must have worked 5 years
 - Technician with studies – those with qualifications and other studies/professional training courses
 - interns
 - there is a need for recruiting engineers with higher education, because they are also unions that represent engineers (after getting support and a qualification, engineers leave Fellesforbundet)

3. Tripartite education system in Norway – ILO Convention no. 142 for the development of human resources – Kristian Ilnert
 - ACVT-EU Commission, technical schools and national committee for technical schools
 - Includes pedagogical staff from schools and technical experts
 - Each country has a committee for vocational programs, with representatives of the employers who express their needs in the field

4. About vocational training in Norway – Kristian Ilner
 - To increase the skills means to follow short programs, starting with vocational school and reaching vocational training classes
 - Vocational training classes does not mean the loss of a job, but an advantage in salary negotiation and job advancement, mastering modern technologies and elements related to ecology, recycling, new production lines, sustainable development
 - There is a pressure at the workplace, many companies prefer to hire workers instead to train the existing ones
 - Trade unions and employers have initiated a training program in the construction sector, Frontfagoppgjøret, starting with 2016
 - National authorities fund these training programs, trade unions and employers participate in the development of vocational training programs
 - The employees that are graduates of higher education are the ones who want vocational training
 - The Ministry of Education finances these programs through the Directorate of Competences and Vocational Training
 - The management of this program establishes the training programs and the vocational schools/universities/vocational training centers participate in the organization of these training classes, the one with the best offer will win the funding and will organize the respective vocational training course
 - There is a system of transferable credits, 10 points means 142 hours of training
 - Trade union and employers' representatives discuss the need for vocational training, and then determine what competencies should be achieved through a training program
 - The regulatory framework of vocational training is represented by the collective labor agreement and everything is done with the will of the parties.

5. BIM in Norway
 - Norway has been a partner in the development of open BIM standards and has worked with the 3D part of BIM on public projects for at least a decade
 - The Norwegian construction industry plays a leading role in European and international standardization within BIM.
 - the exhibition outside – Industry 4.0 with its BIG DATA, VR, AR, and optimization through automation
 - Standard Norway is a leader in the work of building a buildingSMART Data Dictionary, an international reference library for the construction industry
 - Contractors and owners are legally allowed to have a digital library of Safety data sheets, and in fact, the NHO (Confederation of Norwegian Enterprise) in encouraging them to use software solutions such as Cobuilder Collaborate (previously ProductXchange) for collection, administration and risk assessment of information about dangerous chemical substances.

6. Kuben Vocational Arena
 - Kuben Vocational Arena is a professional arena for students, trainees and employees from various companies.
 - It contains, in addition to Kuben Upper Secondary School (year 11-13):
 - Oslo Technical College
 - Apprenticeship Center for the Building Trades
 - Kuben Technology Center

- Kuben is working hard to increase recruitment to vocational training in Oslo, and to contribute to more students making the right career choices, and successfully complete their training and education.
- Kuben's educational programs are:
 - Building and construction
 - Electrical trades and electronics
 - Healthcare, childhood and youth development
 - Information technology and Media production
 - Technical and industrial production
 - General academic studies
 - Preparatory year for minority applicants
 - Norwegian language for minorities (dept. Ullevål)
 - Follow-up service for students not integrated in ordinary vocational education
- Kuben is involved in Erasmus+ projects, NordPlus projects, and is a member of the United Nations Association of Norway.
- Kuben's mission is to educate tomorrow's best vocational workers, to give students a broad foundation in order to meet competency requirements for employment and further education, and to be a frontrunner in school development and professional collaboration with the industry.
- The school also offers the ordinary three-year specialization in general academic studies program towards college or university admissions certification.
- The students at general academics can choose between the program areas Natural science and mathematics studies and Languages, social science and economics studies.
- For students who has completed the vocational two years in school, Kuben offers the one-year supplementary academic program for general college or university admissions certification. For students in need of more general studies before entering an upper secondary program, Kuben offers a one-year preparatory program for minorities towards general academics.
- For students in Building and construction and Childhood and youth development the school offers a 4 years' double competence course that combines Vocational competence and general university admissions certification. After 4 years the students will have both a journeyman certificate and an Examen artium for specialization in general studies for college or university admissions certification.
- Two 3-year courses combine vocational and special study competence. Both follows ordinary curricula, but the concretization of the curricula takes place in close collaboration with relevant professional environments and are aimed at a future need for competence. One course is called the robotics course, based on electrical engineering and automation. The other is called the informatics course, based on computer science, programming, design and development of IT systems.
- For General academics Kuben has developed the Technology program, that offers specialization within technology, innovation, research and entrepreneurship.

29.09.2021

Participants: delegation members (FGS and FPSC), Cristian Erbaşu (President of FPSC), Edvard Sorensen (Fellesforbundet), Steinar Krogstad (Vice-president Fellesforbundet), Thomas Norland (EBA-the director of the professional training department), Øystein Seljeflot (Lawyer of EBA), Alina Tran (interpreter)

1. Short introduction – Cristian Erbaşu
 - There are 350,000 Romanian workers employed in Romanian construction sector and 700,000 Romanian workers employed abroad
 - There is a great need to clarify the usefulness of this social card in the physical format and what is the history of this card, as well as why the information on the card would be important, which brings in addition to the already existing registries
 - We are interested in the problem substantiation, because migration in Europe, social dumping and unfair competition are the most important challenges of the labor market and, implicitly, of the application of this social card in the construction sector
 - There are some construction companies that have applied a card system, which demonstrates the job status, working time and employee status for the respective construction project
 - EU obliges member states to abandon facilities granted to the construction employees
 - Wages for construction workers are low in Romania, with pressures arising from workers migration; however, wages are among the lowest in the EU, so the question that arises is how does a construction social card help in this case?

2. HSE cards in Norway – Edvard Sorensen
 - The main problems that lead to the creation of this card were undeclared work and social dumping, along with the criminality in the labor market
 - HSE cards was introduced for 2 industries, construction and cleaning services
 - It is issued by the Norwegian Labor Inspection Authority and costs 130 NOK (about 300 RON), paid by the employer and not the employee
 - HSE cards identify the employee and show which company he or she works for. The purpose of the HSE card is to contribute to an overview of the people who are on construction sites
 - Some private initiatives had been made to put information from these cards in systems to prevent social dumping and work-related crimes.
 - One example is HMSREG –which provides a simple overview of companies and employees who are present on the construction site at all times.
 - Who must have an HSE card:
 - Foreign employees employed by foreign companies on assignment at construction sites in Norway. This also applies to short-term assignments.
 - Sole proprietorships (including those operating alone).
 - Hired workers. It is the company that rents out (employer) that must ensure that the employees are equipped with HSE cards.
 - Employees who perform work in support functions such as canteen operations when they are permanently established within the facility's area.
 - Cleaners must have an HSE card for cleaning companies instead of an HSE card for the construction industry.
 - Persons who transport goods to building and construction sites, if the work takes place regularly.

- HSE cards in building and construction
 - Everyone who works in the industry must have an HSE card.
 - The card is personal.
 - It is the employer who must ensure that anyone who carries out work on building and construction sites has a valid HSE card.
 - The employee must carry the HSE card clearly visible and be able to present a valid HSE card at when/if controlled.
 - If the employee changes his place of work, the new employer will issue a new card
 - The HSE cards, as it is depicted today, has no transnational function, because it is issued by the employer and not by the employee
 - The employer is the one having the information about his employee, for which it issued this card
 - The need for this card appeared because all the persons that enter the construction site need to be controlled by presenting this card
 - The goal of such a card is to have control over the people who enter a construction site or even how many people are involved in the work
 - Who checks HSE cards:
 - When at a building and construction site, employees must wear their HSE card so that it is clearly visible. Upon request, the card must be shown to:
 - the Norwegian Labor Inspectorate, the Petroleum Safety Authority Norway, the Norwegian Tax Administration and the police
 - safety representatives and regional safety representatives
 - construction clients, construction clients' representatives
 - the coordinator for health, safety and the environment (in accordance with the Construction Client Regulations)
 - the company responsible for coordinating safety measures (pursuant to Section 2-2 of the Norwegian Working Environment Act)
2. Why is HSE cards important – Steinar Krogstad
- The HSE cards identify the employee and the employer, and the arrangement helps to prevent social dumping, undeclared work and other illegal working conditions.
 - But we cannot argue, statistically speaking, that in this moment there is a visible improvement in the undeclared work and criminality in the labor market
 - It can be seen that unserious companies increasingly disappear, since it's harder for them to gain a competitive advantage
3. EBA – about social cards – Øystein Seljeflot
- The largest employer's federation in Norway
 - Includes about 260 companies with a total turnover of over NOK 135 billion
 - A social card was required in the construction sector for all people entering the construction sites, especially the employees
 - The two sectors that implemented the social cards had most of the violations of legislation, from unpaid minimum wages to undeclared work
 - The introduction of the social card was a successful measure, because there is a possibility to know who works in case of labor inspections

- This card is implemented through a regulation that offer the cases of accessing a construction site based on a social card, but also based on the receipt following the employer's request for issuance of the cards
- There have been noticed frauds related to the presentation of this receipt or copies of the application for the social cards, especially in the case of painters, which appeared on several sites, so there has been decided that workers must enter the construction site only with the social cards
- Th biggest problems are that it is not well known who works and how much they work on a construction site, or what is the status of the works, especially in the case of small companies, because large companies do not work at all in the private sector and small companies work for private contracts
- In order to digitize the system, we want to include on this card as much information as possible, so as not to need too many papers and people to handle them, but everything to be simple to make, but also simple to check.
- Employers and trade unions have issued a list of requirements that contracting authorities must include in the contracts with the construction companies to ensure that these conditions are met and that the tripartite system works.
- Among these seriousness requirements there are the following:
 - The social card must exist from the first day at work
 - What differs from the regulation itself is that it is not enough to have only the submitted application and a copy of it or the receipt, so that the worker will not be let to enter the construction site if he does not have the social card with him
 - Even if the Labor Inspection said that the receipt cand be used, construction companies consider these requirements tougher to make sure that there are no abuses related to the social cards.
 - This pact is legal, it is not considered an abuse, because in the case of public auctions it represents a strong argument for the signed contract between the municipality and the construction companies.
 - Another request is the percentage of skilled and unskilled workers that participate at a construction project
 - The possibility of use subcontractors was limited for certain types of works
 - A certificate from the tax authorities is also required to prove the payment of taxes
 - Cash payments do not apply for salaries, suppliers, customers etc.
 - Rented workers must not represent less than 80% on the construction site
 - Contracting authorities are interested not only in the lowest price, but also in meeting these social requirements.
- Employers' representatives want to include more information about their employees on the social card
- The law requires the employer to report the salary and taxes paid for each employee, which means that he has the information about what the employer reports for his activity as an employee in the company
- For the time being, the main contractor can do this verification only for the records of the working hours and the existing contract between it and the employee
- Basically, the general contractor uses the registry to find out if his subcontractors have also paid the salaries and taxes for their employees.

- Se dorește o conexiune directă între informațiile continute de cardul social și de sumele plătite în fiecare lună pentru fiecare angajat
- Se dorește includerea unui fel de filtru care să anunțe imediat contractorul dacă subcontractantul nu lucrează 80% pe șantier
- Aceste lucruri au fost deja discutate și există sub forma unui raport numit „E simplu să fii serios!”, care prezintă punctul de vedere atât al patronatelor, cât și al sindicatelor

4. Professional competencies – Thomas Norland

- There is a great need to open a HMS vocational training registry that is closely related to the use of social cards, as well as to open a national vocational training center, but the authorities did not agree with this
- Thus, has been created a registry of qualifications, called StartBank (both for distributors and contractors in the construction services), which provides information about which construction companies are registered, what works they have, but also what suppliers and customers they have, the financial status of these companies, quality management systems, if there are any companies that accept apprentices and so on
- If an entrepreneur has a contract in Oslo, the representatives of the municipality would want to know who is at work at any time on their construction site.
- The social card is connected with this StartBank registry, so that the relevant information that relates to the construction site and the active workers can be accessed at any time.
- It is desired that this HMS registry to include information about the level of education and competencies/qualifications that employees have, as well as specific trainings that are required by law or performed during their activity.
- There are formal competencies, certifications and abilities, then internal training (such as those for the use of equipment), thus it would be desirable to include other qualification certifications
- There is a certificate of competencies regarding the use of equipment, specific training and it is also desired to be introduced a social card for OSH training and certification for the use of the forklift.
- It is desired that HSE card include also education and qualifications, along with information on incomes and taxes.
- The registry is intended to enter into force in 2022.

V. Conclusions

1. The social card must support the prevention of undeclared work and social dumping.
2. The social card must be an instrument for:
 - Identifications of persons on a construction site
 - Registration of training in the field of health and safety at work
 - Entering a construction site
3. The card must be mandatory
4. The card may also include elements related to the education and training of the employee
5. The card can document the employees' work experience
6. There will be needed an analysis of the potential impact of this card in the construction sector