

For the press:

Information about Mediation at the National Mediator's Office

The purpose of the work the National Mediator does is to avoid conflict. The parties come to the National Mediator when negotiations have broken down.

The Formal Basis and Time Frame for Mediation

Once the National Mediator has received a notice of collective work stoppage caused by breaking off negotiations in creating or revising a collective agreement, she will temporarily prohibit this work stoppage if it is deemed capable of harming public interests. The parties are also summoned to the first mediation meeting. The Act Relating to Labour Disputes (Arbeidstvistloven) functions as the legal basis for mediation with the exception of disputes involving the public administration, in which case the Act Relating to Civil Service Disputes (Tjenestetvistloven) forms the legal basis.

Based on the scope of the law, a timeframe for the mediation is generally agreed upon ahead of time through discussions with the parties. Once collective work stoppage has been temporarily prohibited, ten days must pass (as of the following day) before one of the parties can demand a stop to the mediation, according to the Act Relating to Labour Disputes. The mediator then has four days to conclude the mediation. This means that at least 14 days must pass from the point of a temporary work stoppage prohibition before a conflict can start.

In the Act Relating to Civil Service Disputes, timeframes are usually somewhat more flexible, and three to five weeks can pass from the notice of breaking off negotiations until the conclusion of mediation, depending on when the first mediation meeting takes place. When a temporary work stoppage prohibition in the municipal sector is put into effect, the National Mediator can decide that the time limits in the Act Relating to Civil Service Disputes and not the Act Relating to Labour Disputes are to apply in this dispute.

Who can mediate?

The King appoints a National Mediator and several mediators. The National Mediator decides who mediates on a case by case basis.

Mediation Start

Before the formal opening of the mediation, the mediator will start with a short, separate introduction with the employers and employees in their meeting rooms.

An opening meeting is then held. In addition to the formal basis of the mediation, practical information, review of work method and clarification of authority, there will be an opportunity for a short presentation of demands/offers from each of the parties.

The mediator will normally have a meeting with each delegation shortly after the opening meeting. The mediator can, by agreement with the delegation leader, meet with each delegation along the way for orientation and exchange of viewpoints.

The most important form of work is usually the bilateral meetings with selective representation/delegation leader. If needed, full meetings will be held with both the negotiation leaders/selective representation.

With the mediator's consent, the parties can be allowed to negotiate directly, with or without aid from the mediator. If agreement is achieved due to this, the result will be a "negotiation solution under mediation".

Confidentiality

In the Act Relating to Labour Disputes of 2012, the provisions regarding confidentiality are enhanced and clarified. The mediation is to take place behind closed doors. Only those participating as parties, acting on behalf of parties or as consultants for parties, as well as the mediation institution's employees, have access to the mediation. The press does not have access to mediation meetings. Those without access to mediation meetings will be turned away from the premises.

Anyone participating in the mediation has a duty of confidentiality. This applies to all kinds of mediation activities, as well as to anyone who has participated in the mediation, no matter for how long or in what way, including for example contact by telephone. The duty of confidentiality includes all information seen, heard and experienced during the mediation. To violate the duty of confidentiality is in conflict with the confidentiality provisions in the Act Relating to Labour Disputes. Violations of the duty of confidentiality are sanctioned by law, and the sanction is fines. This also applies to mediations where the Act Relating to Civil Service Disputes forms the legal basis. The strict and comprehensive duty of confidentiality is in place to ensure mutual trust and confidence between the parties during negotiations.

Contact with the Press

The mediator is the only one who potentially will talk to the press about how the mediation is going and about what has happened during the mediation afterwards. The parties can, however, comment on conditions concerning a possible conflict as well as about offers/demands that were publicly known before the start of mediation.

Conclusion of the Mediation

A mediation potentially lasting past midnight (12:00 a.m.) the final day has to be cleared with both parties ahead of time.

A mediation can have several outcomes:

1. The mediator presents a written proposal.
 - Both parties accept or recommend the proposal. The result is a mediation solution. There is no conflict. The recommended proposal becomes an attachment to the meeting book. Potential further proceedings (treatment by a board/board of representatives, member ballot and deadline) are also presented in the meeting book.
 - One or both parties reject the proposal. The mediation ends without result and industrial action follows
2. The mediator does not find a basis for presenting a written proposal that he/she presumes both parties will be able to accept. The mediation thus ends without a result and industrial actions follows.

After the mediation is concluded, a concise record of the mediation meetings (the meeting book) is created that is also made available to the public.

A final full meeting is held, with delivery of the meeting book and potential attachments. If the press is present, it is natural for the mediator, together with the delegation leaders, to make the result publicly known.

After the mediation concludes, a news release with the meeting book and potential attachments is promptly posted on the National Mediator's website.

Information regarding upcoming and ongoing mediations, as well as potential ongoing conflicts, is also posted here. The address is www.riksmekleren.no