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Nov 07, 2013

# Newsletter from the Nordic Labour Journal 8/2013

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Theme: The many faces of part time work



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# Editorial: The part time debate needs broadening

Part time work is one of the most important issues in the Nordic gender equality debate. The gap might be narrowing, but women still work more part time than men. This is a question of money, culture and morals, but where lecturing might not be the best tool if you want to change things.

## COMMENTS

07.11.2013

BY BJÖRN LINDAHL, ACTING EDITOR IN CHIEF

Sweden's Presidency of the Nordic Council of Ministers has made part time work a priority issue. It has taken the shape of a two-stage rocket; the first stage was a comparative study of how the Nordic pension systems work. It would map the consequences for women who choose to work part time for periods of their working lives.

When the report was presented during a Stockholm conference hosted by NIKK (Nordic Information on Gender) the result was surprising: in Denmark and Norway the effect is small, because the pension systems have been changed so that wage earners with no children subsidise part time working women's pensions. They get 98 to 99 percent of the pension they would have had if they had stayed in full time employment. In the other Nordic countries, where no such subsidy system exists, the effect was no larger than a six percent fall in pension pay.

But we shouldn't conclude that the challenges of part time work have gone away. The only thing this report shows is that it is not the pension system that needs changing — at least not in Denmark and Norway. Part time work has many other consequences, including the fact that part time workers are less likely to take further education compared to people working full time. That means they fall behind on pay and as a result get lower pensions.

In 2013 Swedish women will take home a pension which is only 65 percent that of men, and the situation is similar in the other Nordic countries.

The second stage seeks to find out why women work part time. That task went to Oslo's Work Research Institute, which presents its result on 5 November next year when Iceland takes on the Presidency of the Council of Ministers.

Some of the dilemmas women face are highlighted in our story about a part time working pre-school teacher in Denmark, Dorte Nielsen. She chose to reduce her working week from 37 to 30 hours to have the energy to stay in her job. But the resulting tight personal economy forced her and her husband to take on a Sunday cleaning job.

It might seem paradoxical to take on an extra job in order to not have to work full time. But it was a job she did alongside her husband and in a different environment from the pre-school.

It is one example that reality is always more complex than the examples which researchers must use in order to make their comparisons.

# Women less penalised for part time work than previously thought

Part-time work has few negative consequences for women in the Nordic region. New regulations have reduced the impact on pensions. A preschool teacher or enrolled nurse in Denmark or Norway who works part time for ten years still receives 98-99 percent of the maximum pension.

THEME

07.11.2013

TEXT: BJÖRN LINDAHL

The figures come from a new study published during the conference Part time in the Nordic region, hosted by NIKK on commission from the Swedish Presidency of the Nordic Council of Ministers.



The main authors were Marianne Sundström, Professor of Labour Economics and master student of demography Alma Wennemo Lanninger, with help from researchers from the other Nordic countries.

Part time work is often described as a gender trap, because women work far more part time than men in order to focus on children and family issues for set periods of time. They used to be hit later in life when pensions were calculated and they were eligible for less pension pay than full-time employees.

## First Nordic-only study

The study published during the conference is the first to look at both men and women in full-time or part-time work across all of the Nordic countries. It has been difficult to generalise

because the different countries have different pension systems, so the researchers have chosen to concentrate on two occupations and the long-term consequences of working part time for women of a certain age. Some preconditions have been worked in; the period of part time work should have lasted no longer than ten years and made up 75 percent of full-time employment, and all the women had had two children. Part-time work lasting for more than ten years has larger consequences for the pension payout. But none of the part-time working women across all of the countries were paid less than 94 percent of what a woman in full time work in the same occupation would get from her pension.

## Subsidised by other tax payers

The main reason is the compensation offered to the women through the pension system for their child rearing years. The two researchers have borrowed a term from the insurance industry when describing the differences between the Nordic countries.

“We can conclude that the Finnish, Icelandic and Swedish pension systems are more actuarial than the Danish and Norwegian ones, where part time work mixed with child care is subsidised by other tax payers. What’s more, childless people in Norway and Sweden will lose more out of their pensions when they work part time compared to people with children,” the two researchers write.

Actuarial means that something is calculated according to historical and statistical facts, e.g. when accident statistics are used to calculate insurance premiums.

The conference discussed the political consequences this should have. The risk of getting lower pensions is one of the main arguments in the debate over whether women should choose to work full time.

### **The number of part time workers changes slowly**

The attitudes to full time or part time work aren't prone to rapid change. In Finland, the Nordic country with the fewest women in part time work, the number has been nearly constant between 1995 and 2012. 17 years ago 12 percent of women worked part time. Last year that number had risen to 16 percent. Norway has the highest number of women working part time, 36 percent, followed by Sweden at 31 percent, Denmark's 29 percent and Iceland's 26 percent.

The number of part time working women in these four countries fell relatively rapidly towards the end of the 90s, but has since remained stable.

In all of the countries the number of part time working men is much lower. It has stayed at between four and ten percent since 1997. Those who do work part time have other reasons for doing so than women. While 30 to 48 percent of women in the five countries say they work part time to accommodate their families, no (!) Icelandic men give that as a reason. Norwegian men are nearly at the same level with four percent, while 23 to 39 percent of men in Denmark, Finland and Sweden say their family is the reason for their working part time. The most common reasons men give for working part-time is ill health or studies.



Tapio Bergholm, Finland, Drifa Snædal, Iceland and Signe Friberg Nielsen, Denmark, were among representatives from the social partners at the conference on part time work

## “Part time is about money, culture and morals”

There is an intensive debate on part time work in all of the Nordic countries. But this goes further than women choosing to work part time for certain periods. If gender equality is the goal, should women take on more full time work or should men work more part time?

THEME

07.11.2013

TEXT AND PHOTO: BJÖRN LINDAHL

There were frank exchanges at the conference hosted by the Nordic Council of Ministers and NIKK (Nordic Information on Gender) in Stockholm on 22 October. Straight after Marianne Sundström’s presentation of a study showing the consequences needn’t be too grave for women who choose to work part time for parts of their lives, Maria Hemström Hemmingsson from the Delegation for Gender Equality in Working Life concluded the opposite.

### **Women only get 65 percent**

“The terrain doesn’t fit with the map,” she said and referred to statistics showing Swedish women only get 65 percent of the pension men get.

“It’s because women work for free seven weeks a year at home, they take two out of three days off to care for a sick child and 76 percent of paid parental leave. This means their

wage increase is slower and they earn on average 3.6 million kronor (€410,000) less than men during their lifetime," said Maria Hemström Hemmingsson.

Women's employment rate is lower than men's – 77 percent compared to 83 percent – and 34 percent of women work part time compared to 10 percent of men. This means a major socio-economic loss.

"If women worked as much as men, Sweden's GDP would grow by 10 percent or 353 billion kronor (€40.2bn)," Maria Hemström Hemmingsson pointed out.

### **It's about money, culture and morals**

Cathrine Egeland from Norway's Work Research Institute was next on the list of speakers. She is one of the researchers who has been tasked with finding the reasons why women work part time (and men work full time). The results will be presented next year, but based on the interviews Cathrine Egeland has given together with colleague Ida Drange in a different, yet to be published research project, it is about money, culture and morals.

"We focus far too much on involuntary working hours, while feeling guilty about voluntary part time work. Voluntary part time work run against the expectations of the Nordic welfare model and the political equality project, and that is why we're uncomfortable with it," said Cathrine Egeland.

Women — and families — don't do what they do because of a lack of knowledge:

"People are fully aware of the consequences when they decide. But for many couples — especially when the man is well paid — it is still a decision which the women feel they can justify both culturally and morally," said Cathrine Egeland.

### **Being a mother used as an excuse**

She used the leader of Norway's Confederation of Trade Unions (LO), Gerd Kristiansen, as an example of society's negative attitude to part time work. Kristiansen had said in an interview that women "use their role as a mother as an excuse to be the one who takes on the main responsibility for the children at home."

According to the LO boss you must be prepared to sacrifice something when you work full time. A normal Norwegian working week is 37.5 hours. "That is just a little bit more than a night and a day." All in all people therefore have a lot of time with their children, according to the Norwegian LO boss.

"But women choose part time work for other reasons than hours and time. This is about making what they feel to be a morally justified and culturally legitimate choice when weighing up working life and life in general."

### **Workplace culture**

Tapio Bergholm, senior researcher at The Central Organisation of Finnish Trade Unions, pointed out that male-heavy trade unions, like Transport, have fought against part time employment more efficiently than more female dominated unions like those representing the retail and hotel sectors — despite the great pressure to only offer morning and evening shifts to suit the demands within the transport sector.

Signe Frieberg Nielsen, chief negotiator with the employers' organisation Danish Regions, provided examples of how certain workplaces develop a kind of part time culture.

"Historically nurses married to doctors and working hours were adapted to fit in with that. It just became the way things were. But young female doctors don't work part time, neither do female engineers or police," she said.

"We have to ask for how long can we afford to train three nurses in order to fill two full time posts?"

### **Is part time voluntary?**

One of the conference's other debates highlighted Cathrine Egeland's example of the negative attitude to part time work:

"I would seriously question whether 'voluntary' part time work really is voluntary," said Jørgen Arbo-Bæhr, MP and chairman for Denmark's Red-Green Alliance.

Sweden's Minister for Gender Equality Maria Arnholm, was also not convinced by the report which concluded that the consequences for women working part time were not all that grave.

"Limited part time work during a limited period of time in you life also has limited consequences," she said.

"But in real life there is massive inequality in pensionable pay which we definitely cannot ignore," said Maria Arnholm.





## Danish educator: my economy suffers because of part time work

Dorte Nielsen is one of many Danish female public sector employees in part time work. Her working life has improved but her economy has suffered.

THEME

07.11.2013

TEXT: MARIE PREISLER, PHOTO: LARS BERTELSEN

Many Danish educators work part time. Dorte Nielsen is one of them. She chose to go part time herself in order to get a better working life. As a result her private economy is now so tight that she and her husband have been forced to take on a Sunday cleaning job.

“Education is a poorly paid female occupation, and when I reduced my hours eight years ago from 37 to 30 my economy became seriously strained. My husband and I have therefore been cleaning on Sundays for some years now in order to earn a little extra, but the cleaning job was taken over by Polish labour, so we are really up against it,” she says.

### Fewer full time positions

Dorte Nielsen is 56 and has been working as an educator for 30 years. For the past 16 years she has been working at the Simonshøj after-school club in Hvidovre municipality, a Copenhagen suburb. She decided to cut her hours when Hvidovre municipality introduced close cooperation between schools and after-school clubs. She and other educators from the municipality’s after-school clubs would work along with teachers to teach the youngest pupils, but Dorte Nielsen found the teachers hard to work with. She could avoid the school lessons by going part time and she chose that solution.



“To me going part time was necessary to save my working life, and I am very happy that I had the opportunity to do it, because I love my job as an educator.”

Most of Dorte Nielsen’s educator colleagues also work part time. For most of them this is not through choice but because it is required of them if they want to find a job. At the Simonshøj after-school club only two of the eight educators work full time, and in the entire trade there is a clear tendency of more part time jobs and fewer full time positions, says Dorte Nielsen’s closest boss, Gert Skjoldborg, who is the managing director at the Simonshøj after-school club:

“There are fewer full time jobs because working hours have been cut. Our opening hours have been cut in order to save money and because the children spend more hours at school,” he says.

The many part time positions make it harder to recruit, he thinks. In his experience male educators generally look for full time work, while female educators would like part time jobs while their children are young.



Dorte Nielsen would have liked to have one too while her son was little. But back then she was a single mother and needed to work full time to make ends meet. Working full time with a small child was a “living nightmare” she recalls.

### **A good solution for families with children and older workers**

As an educator Dorte Nielsen meets many families with children where parents work full time and are under pressure to manage in daily life. She thinks working part time presents a good opportunity both for parents of small children and for older workers.

“Many families are under immense pressure and I think all young families with children should be offered advice and the chance to work part time if they want to. Older workers can benefit from working part time too. I notice that I am no longer 25. My body aches and my hearing is going. It is good to be able to leave work a little bit early or come in a little bit late,” says Dorte Nielsen.

She doesn’t know what her part time job will mean to her pension, but she fears the worst:

“I worry about becoming a poor pensioner because working part time means I can save less for my old age than people in full time jobs can, but I really don’t know what will happen. Even though I am approaching pensionable age I am one of those who has not had the energy to properly understand my pension scheme.”



Alexa Bostwick is one of many British youths on zero hour contracts

## British youth trapped in zero hour contracts

In the UK the use of so-called zero hour contracts is increasing in step with the country's economic uncertainty. Employers say the contracts created jobs and give workers more freedom. Trade unions fight what they call the exploitation of young people.

THEME

07.11.2013

TEXT: LARS BEVANGER, MANCHESTER

Alexa Bostwick (19) is preparing to study to become a nurse by working in a care home. Her zero hours contract means she must be available to work at short notice, while her employer is not obliged to offer her a set number of hours.

"The manager calls me on a weekly basis and asks me when I'm free. So if I say I'm free all week sometimes she'll say 'well I've only got a few hours on Saturday available' and then that would be it," she says.

"Obviously the weeks when I'm working 9 to 5 every week it is worth while. But I can never be certain. Sometimes I only work 16 hours in a full month. That is not enough for me to get by, really," says Alexa.

Geoff Haughton (21, not his real name) agrees with Alexa that zero hour contracts aren't there to first and foremost help youths into the labour market. He has finished his degree in politics from the University of Bristol. Alongside his studies he also worked on a zero hour contract at a call centre.

"For me it worked out pretty well, I could work when it suited me. But mostly I think zero hour contracts are a convenient way for companies to have a convenient pool of labour available at their disposal," Tom says.

Figures for how many Brits are working zero hour contracts vary. Official statistics put the figure at at least 250,000, while trade unions think nearly 5.5 million workers are on zero hour contracts.

Many of them are students like Geoff and Alexa who want to earn some extra money, but there is also an increasing number of young graduates who struggle to find permanent jobs. Youth unemployment for 16 to 24 year olds stands at 21 per cent, and it has been risen steadily since the start of the economic crisis in 2008.

#### **“Necessary tool”**

The Institute of Directors (IoD), a business leader interest organisation, defends the use of zero hour contract, arguing they offer employers the chance to offer jobs they otherwise would not be able to offer in a stressed market.



“It means a job can be created for a period of time when work is available and thereby very easily be reduced down to a zero if no work is available – without necessarily having to recruit and dismiss people, says the IoD’s Alexander Ehmann.

“If ultimately zero hour contracts didn’t exist, then employers would be faced with a much more stark choice between no job creation and a job that had a lot more certainty in fixed terms associated with it. Which means there would have been fewer jobs during these difficult economic periods,” argues Ehmann.

The UK has been at the forefront in Europe with creating a flexible labour market. Margaret Thatcher introduced much

of the labour market legislation which exists today during her time as Prime Minister between 1979 og 1990. Many think this flexibility is what has attracted major foreign investments and multinational companies to the country.

#### **Skills suffer**

Zero hour contracts represent the ultimate result of employers’ need for full flexibility in a labour market which is constantly changing. But British trade unions say this is often at the expense of job safety and continuity for workers, and especially those who are new in the labour market.

British youths who must go from job to job on zero hour contracts are struggling to gain the skills and experience needed to find a permanent job in the sector they trained to work in, the unions argue.

But the alternative is worse, says Alexander Ehmann from the Institute of Directors:

“The worst thing for young people is not to have any work at all. If an employee is out of work for an enforced period of time because they cannot find employment, their skills will very quickly degrade and their ability to get back into the marketplace even when conditions improve will be markedly reduced.

“Even though zero hour contracts might not be an individual’s first preference, they do keep people in the workplace and they do keep people’s skills relevant,” thinks Ehmann.

#### **Used as punishment**

But uncertain working hours and income are not the only arguments against zero hour contracts.



“We see cases where hours are being used as a reward or as a punishment,” says Vidhya Alakeson from the think-tank The Resolution Foundation. In her report ‘**A Matter of Time: The rise of zero-hour contracts**’ she writes that the advantages employers get from zero hour contracts come at a too high cost for employees.

“Many of these workers are low paid and have limited power in the workplace. It means that they often feel that if they turn down hours they won’t be offered hours in the future. And even if they have more hours than they need they feel obliged to keep accepting hours,” says Alakeson.

“There’s also issues of people being zeroed down - having hours completely removed rather than being paid redundancy. This is using zero-hour contracts to get around employment rights.”

Jane Thompson from the trade union University and College Union has written a report on the use of zero hour contracts in higher education. She too thinks there are indications that employers within the education sector are consciously circumnavigating labour market legislation in this way:

“We had legislation that came in to protect part time workers and agency workers, all of which made those staff more expensive. At the same time the use of zero hours contracts increased, and I think some institutions might have moved to zero hour contracts to get around the new legislation,” says Thomson.





## Sture Fjäder challenges Finland's trade union culture

Strengthening the Nordics as an economic region, cutting income tax, reviewing the priorities of the welfare state – these are just a few of the issues on union boss Sture Fjäder's agenda for Finland and the Nordic region.

PORTRAIT

07.11.2013

TEXT: CARL-GUSTAV LINDÉN, PHOTO CATA PORTIN

It is just after 4pm and the autumn darkness is starting to descend outside Akava's Helsinki offices. Sture Fjäder still has a lot of work to do before his working day is over: there are many things he wants to change and time is running out. The leader of the Confederation of Unions for Professional and Managerial Staff in Finland has managed to strengthen the organisation's profile in the two and a half years he has been boss. Sture Fjäder's ambition when he won the race to become Akava's leader two years ago was to be much more

visible in the social debate, and the National Coalition Party member has really succeeded in that respect.

### **Challenges through openness**

His open approach has also had some of his more old fashioned colleagues shift uncomfortably in their chairs. They have been used to solve things behind closed doors, while Sture Fjäder has openly talked about what has been happening during meetings.

Finland's trade union culture definitely presents a challenge. He is also fighting to maintain a confederation with more than half a million highly educated members organised through 35 trade unions.

Sometimes they don't have much in common. The largest group among the members is the teachers' union with some 100,000 members. Yet the majority work within the private sector.

In recent years the confederation has recruited five more trade unions representing 60,000 members, but the successful recruitment drive has a flip side – getting along with totally new groups is a challenge.

“We have 35 owners and three negotiating organisations, so it's naturally rather difficult.”

### **Two year labour conflict freeze?**

He has also spent long hours negotiating a framework agreement with employers which guarantees a two year labour conflict freeze. Finland is in a deep crisis and unions agreed in principle to freeze members' salaries. Employers also promised to hold back.

“Executives' salaries must not increase more than employees' pay during these two years, then all credibility would be gone and you would no longer be able to make these kinds of agreements.”

The government supported the solution by regulating tax brackets in line with inflation, which safeguards people's purchasing power. The government's role in negotiations is comparatively unique, as is the fact that central issues like pension policies, labour market legislation and parts of economic policy are delegated to the social partners.

“Governments have a certain degree of contact with trade unions in the other Nordic countries too, but we do have a very special situation in Finland where the state uses a carrot and stick approach.”

### **Renewal worries**

Underlying all this is a deep concern for how the country can manage to renew itself while central parts of industry, Nokia and the IT sector, are fighting for survival.

“We're facing the greatest change to Finnish industrial history since the country gained independence. We have to hope that we can get through this crisis by simply creating new things, and to do that you need the right incentives.”

The incentives he is talking about include cutting income tax, a topic to which we shall return.

### **President of the NFS**

As this year's President of the Council of Nordic Trade Unions (NFS) with more than 8.7 million members, Sture Fjäder is currently speaking from an even wider platform.

“I feel I have focused a lot on the NFS, perhaps more than many previous presidents. I am a strong believer in the Nordics. I have spent a lot of time there, I have been meeting with the secretariat. During my term we are focusing more on concrete issues than on communiques.”

The Presidency is regulated by a carefully drawn up system of rotation which runs all the way to 2022. There is always one president and six people in the presidium, which is a working committee. The Vice President will be next year's President.

The NFS currently has no Secretary General because Loa Brynjulfssdottir has moved to the Swedish Trade Union Confederation (LO) and her designated successor turned out not to fulfil the NFS presidium's criteria.

After much debate, the NFS has developed a joint vision and a clear strategy comprising three main points which Fjäder sums up like this:

“Remove border obstacles and secure a free labour market: that is the first priority. The Nordic model for collective agreements is under pressure and we need to change it. I think we should do it ourselves. The third is an economically and socially sustainable working life.”

This is not his first Nordic mandate. In the 1990s and 2000s he served as Secretary General at the Nordic Economist Union (NCF).

“I think you should look at the Nordic region as a whole. If something happens in Finland, Sweden or Denmark, something major in terms of initiatives or industrial development, it creates jobs in the other Nordic countries too because companies are so closely linked these days. It is business to business and it is networks.”

### **EU friendly**

*My colleagues in Oslo read Akava's Europe Programme and felt it was more EU friendly than they were used to?*

“Yes, but at Akava we are strong believers in Nordic cooperation and in the Nordic region as a labour market. There is no contradiction in the fact that we feel Europe to be an opportunity, but yes - we do see the EU as more of an opportunity than a threat.”

Akava is also a strong proponent of the common currency.

“The euro has been a good thing from a Finnish perspective, through the eyes of Finnish workers.”

When it comes to the NFS, the most important issue is labour mobility. The Nordic region has in principle enjoyed a free Nordic labour market since 1954, but there are still many border obstacles despite the fact that Ole Norrback's border obstacle forum has managed to remove some of them (NLJ has written several articles on border obstacles over the years).

“This is about safety like pensions, health insurance, unemployment systems and so on. This is the social part of the labour market and you obviously have national solutions to pensions, social protection, insurance and such – these aren't EU issues.

“The Council of Nordic Ministers doesn't play a role like the EU or parliament, issuing directives and such. Therefore we have a problem.”

Sture Fjäder thinks the group of civil servants now taking over the work does not represent a good solution.

“You cannot just identify the problems, you have to solve the problems and here the NFS has an agenda. We want to aim for no border obstacles in the labour market.”

He points out that the NFS has been a driving force and has cooperated closely with the Nordic Council of Ministers and Ole Norrback.

“Perhaps the Nordic Council of Ministers should cooperate even closer with the NFS and the different countries' trade unions, because we have the knowledge and we have the members. Our degree of organisation is after all so high that we have a right to be heard. Our unions are called up about this so we can play a part, but of course politicians are the ones with the mandate – it is they who create national legislation and this should of course be coordinated to get rid of border obstacles.”

*But does the NFS speak with one voice here – there are those who even argue in favour of higher border obstacles?*

“Yes, but no NFS members have a national policy. On this issue everyone agrees that we want an open Nordic labour market and that all border obstacles must go.”

### **The importance of the Nordic region**

To Finland, Nordic cooperation has for a long time represented a road towards the West, ever since after WW2.

“I sense a renaissance for Nordic cooperation now, there is a great need for it. If you look at Norway I guess it is the most EU adapted country in the Nordic region despite it not being an EU member.”

Yet he also sees great potential for improvements of the economic, political and social model which the Nordic countries to a large degree share.

“What is the Nordic welfare model? Is it the one we have today, or is it something which is modernised and less wide reaching – because in Finland at least we are struggling to pay for it?”

The demographic challenge with an ageing population lends urgency to the debate around the future of the welfare society. The new EU member states and southern Europe are

putting pressure on Germany and the Nordic countries to ease their labour legislation and collective agreements.

The NFS has traditionally argued that politicians must protect the Nordic collective agreement model.

“That is always on the Nordic Region's agenda because of our shared cultural heritage: we have similar societies, we share basic labour legislation and collective agreements. Depending on which country you're in you have more agreements and less legislation or more legislation and fewer agreements. But it is still the same basic social model and the same Nordic welfare state.”

Sture Fjäder feels the response has been poor. Trade union membership is still relatively high in the Nordic region compared to many EU countries, which makes the NFS a relevant organisation. That's why the politicians should listen.

“What we miss in the Nordic region is a social dialogue on working life between the Nordic Council and the Nordic Council of Ministers and employers – that's the kind of cooperation we should have, just like it is within the EU, a social dialogue. The NFS wants this and it has not been promised by politicians. But employers don't have a joint Nordic organisation.”

### **The welfare question**

Sture Fjäder's social views really come to light when he talks about welfare issues.

“What are our collective responsibilities and what are individual responsibilities? In all of the Nordic countries there is a debate on the role of the public sector. The welfare society wasn't meant to oversee the outsourcing of your entire life?”

He doesn't feel this is about ideology. His message is anchored in Akava's strategy and does not represent his personal views.

“This isn't a political question but a question of what kind of society we want. Should people have more freedom of choice and more control over their own money instead of paying taxes which are distributed by politicians in the form of services?”

Finns earning between €3,000 and €6,000 a month make up 18 percent of all tax payers, but they pay 53 percent of all public taxes.

“So you'll understand why we take great interest in what future investments should be, what can we afford? We must prioritise and this is the difficult question for politicians. We want to have this debate: what do we at least keep?”

*You talk about cutting income tax to an average European level, but there are different structures and welfare costs money?*



“Yes, welfare costs money, but we have a vision which we call vision 2019. We want to create a new welfare society which clearly identifies what is society's responsibility and what is the individual's responsibility.”

Sture Fjäder thinks education, health care and care for the elderly are obvious state responsibilities.

“Education, training, knowledge – these are universal benefits, but should the state interfere in everything or should you allow the marketplace and individuals to decide?”

Akava's leaders are worried about the way in which the public sector's share of the country's GDP is growing, and say only a larger private sector can maintain the public sector.

“The more companies we get the more of an incentive we have, and the better things will be for Finland and the rest of the Nordic region. The broader and bigger the private sector, the bigger the public sector can grow so this is no zero-sum game.”

Member surveys also show that people's attitude to work has changed. There is a new generation wanting to be entrepreneurs – not to save Finland but in order to be their own boss. Economic prosperity is also a driving force.

“As a worker in Finland you can never grow rich, our taxes are too high. It is an equalising system, it is the Nordic model and it guarantees social peace. But there are no incentives to work long hours and take responsibility for hundreds of people.”

Finland's service sector also appears under-developed and this is where you find the greatest potential for new jobs. With a ten percent increase in employment, Finland would not have any problems at all financing the public sector.

“Our taxes are so high that people cannot afford to consume.”

Laura Hartman from Sweden's Social Security Agency

Laura Hartman from Sweden's Social Security Agency in a heated debate on women's sick leave

## More sick leave among 'double-shift' women than men

When a woman has her second child while holding down an equally demanding job as the father, she is at twice the risk of going off sick compared to her husband, according to a new report on sick leave among women, presented in Sweden on 5 November.

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TEXT AND PHOTO: GUNHILD WALLIN

"Women have considerably higher levels of sick leave than men and trying to understand the reasons for the increase in women's absence from work is one of our time's great socio-political challenges," said Sweden's Minister for Social Security, Ulf Kristersson (Moderates) when he opened a breakfast meeting on women's sick leave. The meeting on 5 November was hosted by the Ministry of Social Affairs.

The number of sick days taken has generally fallen in Sweden, yet women's sick leave levels are considerably higher than men's, which is an international trend. The level of sick leave among women is increasing too, and the most common causes are psychological problems followed by muscular ailments. The reasons behind all this are without doubt complex, according to the seminar speakers and participants. Ulf Kristersson described his nearly obsessive interest in trying to understand what is happening.

"Never before have we had access to better help to get people with somatic illnesses back into work, but we are not doing as well when it comes to diseases which are on the increase today," said Ulf Kristersson.

As part of gathering new knowledge about women's sick leave levels, Ulf Kristersson initiated three different reports on the theme one year ago. Each report highlights different perspectives, and they were all presented during the seminar.

The Swedish Social Security Agency has performed a so-called registry study which maps levels of sick leave over time for parents who had their first children in 2005.

Karolinska Institutet has performed a study of sick leave among twin sisters where one twin has given birth and the other has not. The third report is a genetics analysis of women's sick leave levels performed by psychologist and organisation consultant Heléne Thomsson.

### When working and family life collide

The Social Security Agency has performed a registry study of all women and men who had their first child in 2005. The agency then analysed the correlation between the degree of gender equality between the spouses both at home and in the labour market, and the risk for the mother going off on sick leave. The analysis shows that women are off sick more often than men even before the first child is born – a difference which increases especially after the second child is born, when the woman is twice more likely to go on sick leave.



*Laura Hartman from Sweden's Social Security Agency.*

“When the workload is at its heaviest, combined with having responsibilities also in the labour market, we see that the probability for women taking sick days increases markedly,” says Laura Hartman, head of analysis at the Social Security Agency.

The level of education, where they live, income and occupation are all factors which influence women’s health and the results confirm the image that women with high education and income take less time off sick. Women working in the health sector, education and care are at greater risk of falling ill than women in other occupations. Before their first child, psychological and muscular ailments represent the most common reasons for the women going off sick. After their first child is born the reasons are often related to complications during pregnancy, and after the second child psychological ailments again become the most common cause.

Career women or women in higher positions than their partner who also share responsibility for running the household are more likely to end up on sick leave. Men’s health is not particularly affected by having children, regardless of number.

At the same time it is not as simple as saying children automatically lead to higher sick leave numbers, according to the report from Karolinska Institutet. On the contrary; the twin women who did not have children were more often off sick or received other work-related benefits compared to their sisters.

### **Inequality linked to children**

Heléne Thomsson wanted to use genetic analysis of women’s work absence to broaden the perspective and make us look at the system which influences women’s levels of sick leave. She includes terms like power, norms, relations and expectations.

“What do we think about each other, about society and about who benefits from having women trying to fit into a pattern which makes us ill?”

The inequality often becomes more visible when children arrive, and parenthood means different things to women and men. Both norms and choices become limited, which in turn increases the risk of ill health. Gender equality is therefore considered to be an important factor in improving women’s health.

“If our basic idea is that women share the same responsibility in working life as men, then men take must the same responsibility at home and for family life,” the Minister for Social Security Ulf Kristersson also said during a TV debate on women’s sick leave levels.

# The Efta court clashes with Norway's Supreme Court

Norway's Supreme Court was wrong to rule that companies posting workers to the Norwegian shipbuilding industry must pay their travel, board and lodging expenses, argues the Efta Court's President in a general attack on the Supreme Court. He accuses it of being disloyal to the EEA agreement and indicates the last word may still not been had.

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TEXT: KERSTIN AHLBERG, EDITOR EU & ARBETSRÄTT

It is not common for judges to criticise each other's decisions in such an open and candid manner as that used by the Efta Court's President Carl Baudenbacher when he attacked Norway's Supreme Court's judgement in the STX Norway case, or the 'shipbuilder case' as it is also known. Baudenbacher presented his criticism in an article published in the Norwegian legal trade magazine 'Lov og Rett'. But these are not only his personal views. Some of them are echoed by an Efta Court judgement which came only weeks after the Supreme Court had passed its judgement. The argument centres on what the EEA agreement actually means – and which of the two courts have the final say.

## Row over collective agreement

The story began when Norway's Tariff Board decided certain parts of the collective agreement for the ship building industry would be universally applicable. The decision meant that foreign companies with posted workers in Norway were forced to comply with the agreement's rules on working hours and overtime pay, as well as paying a special so-called *utenbystillegg* [out of town fee] plus travel, board and lodging expenses. Nine Norwegian ship yards went to court and asked for the Tariff Board's decision to be declared void, arguing it was in breach of the EU directive on the posting of workers as well as the EEA agreement's rules on the free movement of services. Because the case centred on how to interpret EEA law, the issue ended up in the Efta Court.

## Different conditions

When a national court sends questions to the Efta Court it is still the domestic court's job to pass judgement in the dispute. The Efta Court must only pronounce what EEA law means in principle, before the native court applies the answer to the facts of the case. The same happens when courts in EU countries send questions to the EU Court of Justice. But there are differences too. While for instance Swedish courts

are *obliged* to refer certain cases to the EU Court of Justice, the EEA agreement only says that national courts, like the Norwegian ones, "may" consult the Efta Court. In other words; it is a possibility but not an obligation. Another difference is that the EU Court of Justice's decisions are *binding* for Swedish courts. The Efta Court's pronouncements, however, are only *advisory* - that, at least, is how it is formulated. The difference is deliberate and stems from the fact that Norway and the other Efta countries were not prepared to give up as much of their sovereignty as the EU member states have to do.

## Question already decided?

The problem is that pronouncements from the EU Court of Justice and the Efta Court sometimes are so definite that they have practically already decided the outcome of the case. There is no room for manoeuvre left for the domestic courts, even though they are the ones to pass judgement. This seems to be the case in the shipbuilder case. The Efta Court did say, as usual, that it was the Norwegian court's job to judge the facts of the case, but at the same time it was obvious that the Efta Court considered the Tariff Board's decision to be in breach of the posted workers directive on two points: *utenbystillegget* and the compensation for travel, board and lodging.

That is when Norway's Supreme Court did something it had never done before: it passed a judgment which flew in the face of the Efta Court's clear directions. The two courts have enjoyed a very frosty relationship ever since.

The Supreme Court argues that a domestic court must be allowed from time to time to pass a judgement which goes against the Efta Court's opinion as long as the EEA agreement clearly states that they are advisory - although of course there needs to be special reasons for doing so.

### **Demands loyalty**

But Carl Baudenbacher argues this self determination is just a formality; in actual fact the Efta countries' courts are expected to loyally follow the Efta Court's pronouncements in the same way that courts in EU countries must follow the EU Court of Justice. If not, you would end up with a separate Norwegian EEA law, running contrary to the principle of interpreting rules based on EU directives in the same way no matter where you are, he thinks. For that same reason Norwegian courts are for instance obliged to refer cases to the Efta Court even though that is not how it is formulated. The Norwegian courts are not doing well here either, he seems to think.

### **No appeal**

The nine ship yards that lost the case in the Norwegian Supreme Court have no right of appeal. Nevertheless, the Efta Court's President is hinting that the last word has not yet been had. He points out that Efta's surveillance authority ESA can bring a state before the Efta Court if it fails to fulfil its obligations according to the EEA agreement, for instance if the country's highest court applies EEA law in the wrong way. If that happens, the Efta Court can decide an issue which it has already taken a position to beforehand.