



**UiO** : **Department of Private Law**  
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## **On peace obligation in Norwegian labour law**

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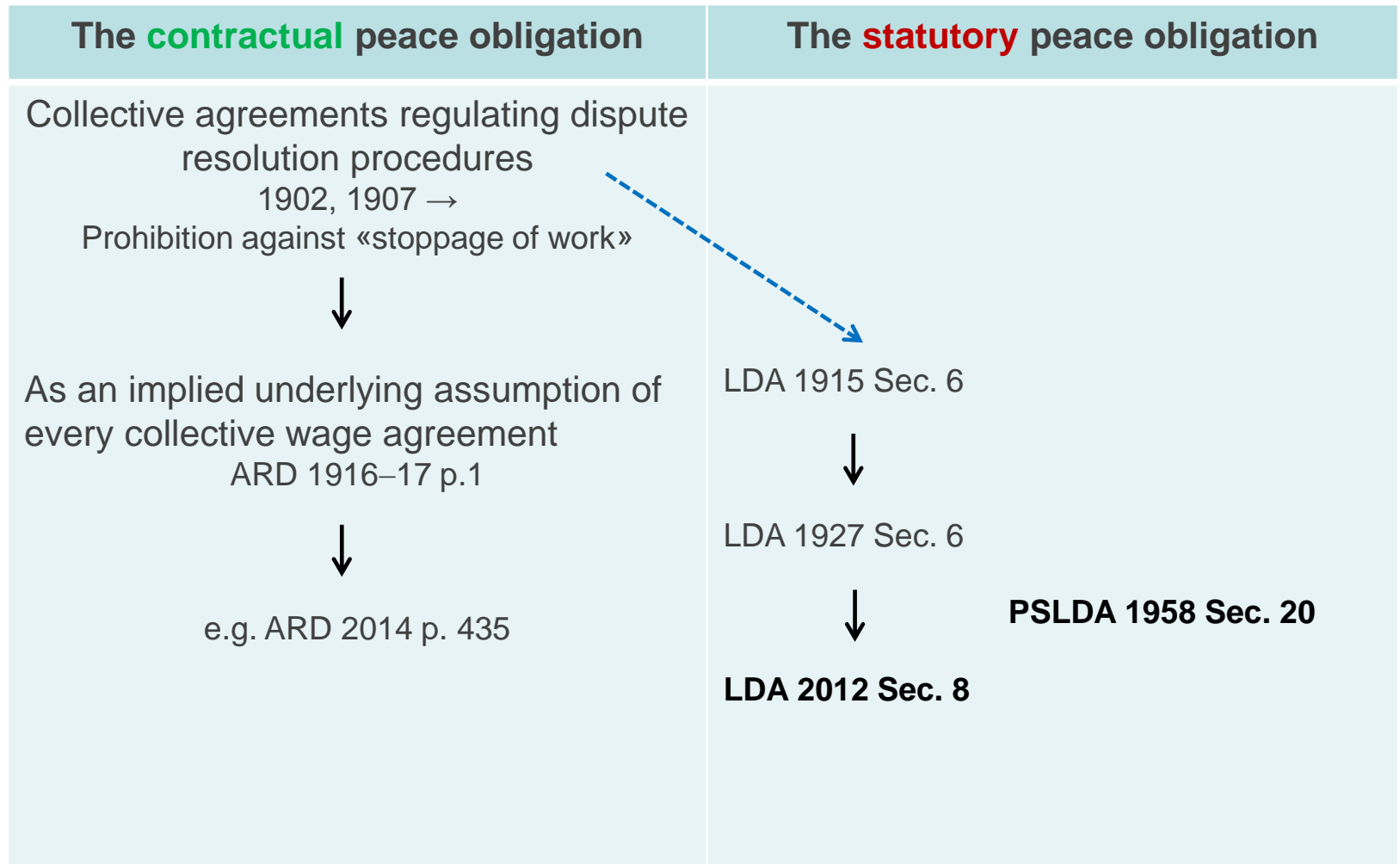
# Questions

1. What is the legal basis for the peace obligation?
2. Who is bound by the peace obligation?
3. What is the scope of the peace obligation?

## But first...

The peace obligation is an obligation **to refrain from** industrial action and as a corollary an obligation **to counteract violation** of the peace obligation

# Legal basis



# Who is bound by the peace obligation?

- Parties of a collective wage agreement
  - trade union, employers association, employer
- Members of the contracting parties
  - association, employer, employee
    - Labour Court's judgement February 2 1916:
      - members are bound by the contractual peace obligation (Paal Berg)
    - Cf. arbitration case December 4 1915
      - members are not bound by the contractual peace obligation (Paal Berg)

# The scope of the peace obligation

- Prohibition against industrial action (NO: «arbeidskamp»)

→ Certain forms of activities with certain purposes

- Which forms of activities fall within the scope?
  - LDA operates with three categories
    - «strike» = stoppage of work implemented by employees
    - «lockout» = stoppage of work implemented by an employer
    - «other industrial actions» = **every activity** performed by employers, employees or their organization, cf. ARD 2014 p. 25
  - Example: The Labour Court's judgement May 20 1958
    - To only allow the legal number of passengers on the buss considered as an industrial action

# The scope of the peace obligation

- Purpose and distinction between disputes
- Disputes of law: absolute
  - Peace obligation comprises industrial action which purpose is to force resolution of a dispute concerning the existence, validity, interpretation or application of a collective agreement and disputes pertaining to claims based on the agreement, cf. LDA Sec. 8 (1), cf. Sec. 1.
  - Other disputes of law?
- Disputes of interest: relative
  - Peace obligation comprises industrial action which purpose is to force resolution of a question regulated in the collective agreement

# The scope of the peace obligation

Three main categories which are not comprised:

## 1. Political strike

- The purpose is to express or impose an opinion on political issues
  - cf. ARD 1920–21 p. 1
- A precondition that the political action is of short duration, or that there is a reasonable degree of proportionality between the duration of strike and its consequences
  - cf. ARD 2001 p. 88 and ARD-2016-1

## 2. Sympathy action

- The purpose is to support a party in another dispute of interest
- A precondition that the main dispute is lawful
  - cf. ARD 1930 p. 115, ARD 1933 p. 82
- No other substantive restrictions
  - cf. ARD 1924–25 p. 179, ARD 1926 p. 47, ARD 1927 p. 71, ARD 1933 p. 92, ARD 1940 p. 8  
→ ARD 2010 p. 222

## 3. Actions of individual contractual character



## Some differences

Statutory peace obligation	Statutory and contractual peace obligation	Contractual peace obligation
<ul style="list-style-type: none"><li>• <b>all</b> disputes of interest until certain procedural requirements are met</li></ul>	<ul style="list-style-type: none"><li>• interest dispute – questions regulated in own collective agreement and disputes of law which are connected to the collective agreement</li></ul>	<ul style="list-style-type: none"><li>• actions which have a political purpose, but where the strike is not “proportional”</li><li>• disputes of law which have no connection to the collective agreement?</li></ul>