



# Communicating with foreign drivers to prevent under-declared work in the road transport sector

## Norway

	<p><b>Summary</b></p> <p>Among other communication initiatives to overcome language barriers, Norway has created a questionnaire in 12 languages to be used during roadside labour inspections of foreign drivers (of freight and passenger coach transport). These inspections are aimed at detecting under-declared employment. Multilingual information sheets about the applied rules in Norway as well as online guidance are also available.</p>
<p><b>Title of the practice in original language</b></p>	<p><i>Not applicable</i></p>
<p><b>Name(s) of authorities/bodies/organisations involved</b></p>	<ul style="list-style-type: none"> <li>▶ The Labour Inspectorate (<i>The Norwegian Labour Inspection Authority or Arbeidstilsynet</i>)</li> </ul>
<p><b>Sectors</b></p>	<p>Transport and storage</p>
<p><b>Target groups</b></p>	<ul style="list-style-type: none"> <li>▶ Norwegian and foreign drivers of freight transport by road or tour buses (directly targeted);</li> <li>▶ Employers of drivers (directly targeted).</li> </ul>
<p><b>Purpose of measure</b></p>	<p>Prevention</p>


	<p><b>Aims and objectives</b></p> <p>To communicate effectively with foreign drivers during roadside inspections and ensure a safe working environment for them and to detect under-declared work, the Labour Inspectorate introduced several communication tools, including a multilingual questionnaire.</p>
<p><b>Background context</b></p>	<ul style="list-style-type: none"> <li>▶ It is not unusual for foreign drivers posted to Norway to have pay and employment conditions that fall short of the provisions of collective agreements. To ensure that these foreign drivers (in connection with carrying out temporary services) are</li> </ul>



	<p>receiving equivalent pay and conditions to Norwegian drivers and prevent distortion of competition,<sup>i</sup> new regulations concerning the General application of collective agreements of freight transport by road and passenger transport by coach were introduced on 1 July 2015;<sup>ii</sup></p> <ul style="list-style-type: none"> <li>▶ The Labour Inspectorate supervises compliance with the regulations, which is difficult due to the nature of the sector, including high mobility, language barriers, and foreign employers, as well as the Labour Inspectorate having limited resources allocated to the task;<sup>iii</sup></li> <li>▶ The Labour Inspectorate introduced several tools to solve the language barrier during inspections. Questionnaires (in 12 languages) are distributed to drivers at roadside inspections, allowing drivers to answer questions quickly, and more effectively discover instances of under-declared work. The questionnaire positions the Labour Inspectorate as a contact point to ensure a safe working environment for drivers.<sup>iv</sup> Firstly, it makes drivers performing cabotage or combined transport in Norway aware that they are entitled to wages and working conditions according to Norwegian law, and notes that any information they provide can help them to claim the rights to which they are entitled;</li> <li>▶ <b>Multilingual information</b> is available for drivers on the general application of collective agreements in Norway and the rules on subsistence allowances. Also, inspectors who speak foreign languages participate in roadside checks to overcome communication difficulties. Translation services (e.g., Google translate) are also used. Online information for Norwegian and foreign companies on their obligations as transport and tour bus operator, especially in respect of drivers, is also available on the Labour Inspectorate’s website;<sup>v</sup></li> <li>▶ The practice of using these communication tools is ongoing at the time of writing (February 2023).</li> </ul>
<p><b>Key objectives of the measure</b></p>	<p><b>General objective:</b></p> <ul style="list-style-type: none"> <li>▶ To communicate effectively with foreign drivers during labour inspections regarding employer compliance with collective agreement regulations concerning pay and working conditions.</li> </ul> <p><b>Specific objectives:</b></p>



	<ul style="list-style-type: none"> <li>▶ To ensure a safe working environment of foreign transport drivers;</li> <li>▶ To ensure that the wages and working conditions of foreign drivers are in accordance with Norwegian law.</li> </ul>
<p><b>Main activities</b></p>	<ul style="list-style-type: none"> <li>▶ Following the introduction of the Act on the general application of collective agreements concerning freight and passenger transport by road in 2015,<sup>vi</sup> the Labour Inspectorate intensified inspections at roadsides, using multilingual communication tools;</li> <li>▶ Drivers who are stopped are asked to present documentation<sup>vii</sup> showing that they are receiving wages at generally-applicable rates and a daily subsistence allowance for the portion of the assignment that is performed in Norway. They are asked to fill out a multilingual questionnaire allowing the inspector to ascertain if they are receiving the rights they are entitled to;</li> <li>▶ The Labour Inspectorate’s follow-up depends on whether the driver can document that their pay and conditions comply with the regulations; if it complies, the inspection may conclude with a report to the driver's employer. If the documentation is unavailable at the time of inspection, the Labour Inspectorate may write to the employer requesting it;</li> <li>▶ Where a violation of the regulations is confirmed, the employer receives a notification letter from the Labour Inspectorate. When transport companies are found to be under-paying, they can be excluded from the provision of cabotage and combined transport operations in Norway. In instances where gross violations are suspected or confirmed, the Labour Inspectorate may impose fines, or report the enterprise to the authorities which means possible fines or imprisonment of up to one year, and up to three years in the event of aggravating circumstances;</li> <li>▶ The Labour Inspectorate exchanges information with supervisory agencies in other countries regarding drivers who have been posted to Norway. It may request information through international agencies regarding enterprises it supervises (for example, the identity of owners).</li> </ul>
<p><b>Funding/organisational resources</b></p>	<ul style="list-style-type: none"> <li>▶ Funded by the Labour Inspectorate.</li> </ul>

	<p><b>Outcomes</b></p> <p>While there has been no formal evaluation of the use of the questionnaires or information sheets, feedback from inspectors using the measures and social partners involved in their dissemination has been positive. Also, the number of violations of the regulations protecting the pay and working conditions of foreign road transport workers has fallen during the period.</p>
<p><b>Achievement of objectives</b></p>	<ul style="list-style-type: none"> <li>▶ There has been no formal evaluation of the use of the questionnaires or information sheets. However, the inspectors who use the questionnaires have provided very positive feedback on their usefulness and effectiveness. They have also provided good input for improvements which have been used when revising the forms;</li> <li>▶ Social partners have also provided good feedback on the multilingual information sheets which provide guidance on how the general application of collective agreements in transport should be understood by transport arrangers and drivers. The social partners have provided help to share these guides with their sister organisations in other countries;</li> <li>▶ Inspection figures show that, between 2015 and 2017, 74% of foreign freight transport operators violated the minimum wage, as did 53% of tour bus operators;</li> <li>▶ In 2018, the shares were at 54% and 77%, respectively, while in 2019, they fell to 36% and 25%, respectively;</li> <li>▶ In 2020 and 2021, no bus tours took place (COVID-19 crisis) and violations of minimum wage regulations of foreign transport operators fell to 20% and 26% (inspections also declined in those years due to the COVID-19 crisis).</li> </ul>
<p><b>Lessons learnt and success factors</b></p>	<p>Concerning the implementation of the practice, key factors in its success so far have been the close cooperation with other inspection agencies in carrying out the inspections and similarly close cooperation with social partners to get the relevant information out to those who need it.</p>
<p><b>Transferability</b></p>	<p>The measure is highly transferable. One key component for other Member States interested in applying a similar measure is the importance of including the target group of the questionnaire/information sheets in their design, whether it is used during supervision or as guidance for employers and transport companies.</p>



## Further information

### Contact

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### Useful sources and resources

#### Norway: General Application of Collective Agreements in the Transport Sector

<https://www.eurofound.europa.eu/mk/publications/article/2016/norway-general-application-of-collective-agreements-in-the-transport-sector>

#### Norwegian Labour Inspection Authority website: Information on wages and subsistence allowances for freight drivers in Norway

<https://www.arbeidstilsynet.no/contentassets/a15860df4e8f47b9b353a3447885abac/lonn-og-diett-for-sjaforerer-som-kjorer-godstransport-i-norge-engelsk.pdf>

#### Norwegian Labour Inspection Authority website: Information on Minimum Wage

<https://www.arbeidstilsynet.no/en/working-conditions/pay-and-minimum-rates-of-pay/minimum-wage/>

#### Norwegian Labour Inspection Authority website: Working in Norway – Your Rights and Obligations

<https://www.arbeidstilsynet.no/en/knowyourrights/>

<sup>i</sup> Directive 96/71/EC (the Posting Directive) obliges EU/EEA countries to make their national provisions concerning further specialised pay and employment conditions applicable to undertakings established in other Member States when these undertakings post their own employees to carry out temporary services. Norwegian statutory provisions concerning further specified terms of work and employment shall apply to posted workers. This applies inter alia to health, safety, and environment, wages and working hours. See Norwegian Labour Inspection Authority Factsheet on General application of collective agreements concerning freight transport by road, available at <https://lastebil.no/content/download/25429/545525/version/1/file/Allmenngj%C3%B8ring+gods+juni-15-Arbeidstilsynet.pdf> (in Norwegian).

<sup>ii</sup> The Regulations on general application of collective agreements (the General Application Regulations) for road transport are intended to ensure minimum pay for all employees who perform freight transports using vehicles of over 3.5 tonnes in Norway. They also apply to foreign enterprises that perform transport assignments in Norway, either in the form of cabotage or combined transport. The regulations do not cover international transport. See



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*Wages and subsistence allowances for freight drivers in Norway*, available at [lonn-og-diett-for-sjaforerer-som-kjorer-godstransport-i-norge-engelsk.pdf \(arbeidstilsynet.no\)](https://www.arbeidstilsynet.no/om-oss/prioriterte-aktiviteter/transport/#Veiledningomallmenngj%C3%B8ringp%C3%A5flerespr%C3%A5k)

<sup>iii</sup> See [Norway: General application of collective agreements in the transport \(europa.eu\)](https://european-labour-authority.europa.eu/)

<sup>iv</sup> ELA (2022), *Tackling under-declared employment through innovative approaches*, Learning resource paper from thematic review workshop 26-27 October 2022, Estonia and online.

<sup>v</sup> <https://www.arbeidstilsynet.no/om-oss/prioriterte-aktiviteter/transport/#Veiledningomallmenngj%C3%B8ringp%C3%A5flerespr%C3%A5k>

<sup>vi</sup> The Act stipulates that foreign drivers who run cabotage assignments or carry out combined transport are entitled to the general minimum wage in Norway. For drivers' planned overnight stays, the subsistence allowance must be paid in accordance with the Norwegian law. The Act also applies to drivers of tour buses (i.e., passenger transport) and includes clauses on joint and several liability.

<sup>vii</sup> The information for this section is provided online by the Norwegian Labour Inspectorate : [lonn-og-diett-for-sjaforerer-som-kjorer-godstransport-i-norge-engelsk.pdf \(arbeidstilsynet.no\)](https://www.arbeidstilsynet.no/om-oss/prioriterte-aktiviteter/transport/#Veiledningomallmenngj%C3%B8ringp%C3%A5flerespr%C3%A5k)