

Resolution on the appointment and the role of Efling union representatives

I: General provisions

1. Article

- 1.1 The work of union representatives is governed by current national laws, collective agreements and the Union's by-laws, which override the provisions of this resolution in the event of a conflict between them.¹

2. Article

- 2.1 The resolution is set by the Union Board and shall be presented to the Delegate Council and union representatives.²
- 2.3 This resolution may be amended or repealed by a protocol of the Board, and such amendments shall be presented to the Delegate Council and to union representatives.
- 2.4 The duration of the resolution is indefinite.

II: Election and appointment of a union representative

3. Article

- 3.1 All full members can stand for election to the position of a union representative if the position is vacant. The union representative shall, however, not exercise the function of a boss or have control over Efling staff.

4. Article

- 4.1 A union representative is chosen by their co-workers but is not considered to be officially exercising the position until the union has informed the employer of their appointment. The Union Board is responsible for the appointment of the union representative and has it confirmed

¹ Provisions on union representatives are set out in Article 17 in the [union by-laws](#) of Efling. It reaffirms: a) their role as being “contacts between the leadership of the Union, the Union’s employees, and the workers who work in their workplaces”, b) that they shall be elected where possible, c) that terms of reference shall be issued, d) that union representatives have a duty to monitor laws and agreements and e) that the union is obliged to assist them in their work. This resolution is largely intended as a more detailed version of the provisions of the article. The article also reaffirms another legal basis that the work of union representatives is based on, namely [Act no. 80/1938](#) and [the union’s collective agreements](#), and that the resolution is an addition thereto. It is reaffirmed that in the event of a conflict between the resolution and laws, collective agreements, or the union by-laws, then the resolution is subordinated. This could be of importance, e.g. if changes are made to collective agreements or the union by-laws.

² According to Act 80/1938 the union boards have the power to both appoint union representatives, as well as deprive them of their mandate (articles 9 and 12). The resolution is intended to define the limits and criteria for Efling’s board to use in connection to those powers; so it is appropriate for the board itself to set the resolution. The proviso of introduction to the Delegate Council is set while keeping in mind the importance of the Delegate Council in the union by-laws of Efling.

by issuing terms of reference (letter of appointment). The Board may entrust the union's office to issue such a letter of appointment, but the chairman shall sign it.³

5. Article

- 5.1 The union shall seek to ensure that the union representative has both the mandate and support of their co-workers prior to their appointment.
- 5.2 An election shall be held if more than one member stands for election for the same position of a union representative.
- 5.3 The union shall be prepared to assist in carrying out the elections, guaranteeing its legality and announcing the results.
- 5.4 The election may be carried out by hand-raising at a workplace meeting, by secret voting (with ballot papers) at a workplace meeting or by electronic voting.
- 5.5 The union does not take a stand in an election between two or more union members that run for union representative.
- 5.6 The union may call new elections if there is any doubt regarding the normal or appropriate conduct of the election for the union representative.⁴

6. Article

- 6.1 If only one member is running for the position of the union representative, an election is not necessary, but an attempt shall be made to confirm the mandate and support of the co-workers through other means, for example the collection of signatures.

7. Article

- 7.1 Prior to the election, the collection of signatures or other acquisition of a mandate or support for a particular member that is running for a vacant position of a union representative, it shall be ensured that a call for expressions of interest has been made in connection to the position. The union shall seek confirmation that such a call, or its equivalent, has been made.

8. Article

- 8.1 The appointment of the union representative is valid for two years, unless they, for example, resign, the board revokes their appointment or the employee stops working at the workplace.⁵

³ The article is a simplified rewording of the following provision from the union by-laws of Efling (article 17): "The Board is authorized and obliged to appoint union representatives in all workplaces that have five union members or more, and where the union's agreements with employers apply. Union representatives shall be elected by union members who work in the workplaces in question. According to national laws on Trade Unions and Labour Disputes, the union board is authorized to appoint union representatives in workplaces if an election is not forthcoming. Union representatives shall work according to the terms of reference given to them by the Board." The terms of reference are more thoroughly addressed in article 12.

⁴ It is common for a union representative to be elected without contest, and thus it is not strictly necessary to hold an election; the provision does not preclude that a union representative may, in such instances, be appointed without an election. It is useful not to create an obligation for holding elections in the resolution, as provisions in the union by-laws of Efling and in the collective agreements as well are not mandatory provisions. On the other hand, the union should ensure that the person in question enjoys minimum support / mandate, but the union can use other methods than voting to do so.

⁵ Reaffirmation of the provisions of the collective agreements on the term of office, which is two years if the situation does not change.

9. Article

- 9.1 The union board may revoke the appointment of a union representative if they fail to fulfil their obligations in accordance with the provisions of law, collective agreements or this resolution, or if it is deemed evident that they have acted in a manner incompatible with the role of a union representative. Justifications, notified in writing, shall be provided and the union representative shall be granted the right to object.

III: The Union's obligations

10. Article

- 10.1 In each workplace where five or more Efling members work, the union shall help to reach the aim of having a union representative in the group, as permitted in law and collective agreements.⁷
- 10.2 The union shall keep a periodically updated list of appointed union representatives in the workplaces of Efling members. The list shall always be accessible to the members and is not considered to be personal data.⁸

11. Article

- 11.1 The union shall ensure that the terms of reference (letter of appointment) are issued and delivered to the union representative and to the employer and are also kept in a secure manner by the union. The union shall ensure, when delivering the terms of reference (letter of appointment) to an employer, that its receipt is confirmed.⁹

12. Article

- 12.1 The union shall ensure that courses are provided for union representatives, as is permitted in collective agreements. The union provides timely information about the organisation of the courses and provides help communicating with the employer, if needed, to ensure the attendance of the union representative.¹⁰

⁶ The article provides a permission and sets a frame for instances when it is necessary to dismiss a union representative from their post. Various laws and collective agreements of the union address the role and responsibilities of union representatives. Chapter IV in the resolution lists the responsibilities of the union representative in relation to both their role and the union. With reference to failure to comply with obligations according to provisions of law, collective agreements and the resolution (e.g. not attending an educational course for union representatives) and, where applicable, to other reprehensible conduct, the board may revoke the union representatives' appointment. Written justification is required to ensure that the board exercises this power with responsibility and the right of objection is included for reasons of fairness. Also note the wording in article 12 of [Act 80/1938](#) on Trade Unions and Labour Disputes that allows a union to revoke the mandate of a union representative: "In case a union representative, in the view of the trade union that nominated them, neglects their duties in accordance with the present Act, the board of the trade union concerned is authorized to deprive them of their mandate and nominate another person, from the group of workers at the workplace, as a union representative ..."

⁷ The article is in accordance with the aims and policy of the union on increasing the number of union representatives and increasing the capacity of the unions' internal work.

⁸ The article is intended to ensure that members in a certain workplace, as well as others, e.g. employers, can easily acquire information from the union whether there is a union representative at the workplace, who they are and the duration of their appointment. This information has sometimes not been accessible. See also the web page of VR where this list has been [published](#).

⁹ There have been instances where an employer has not confirmed the receipt of the announcement about the election of a union representative after they've been appointed, but in the meantime the union representative is laid off. The article is intended to prevent those circumstances by reaffirming that the union has a duty to make sure that reception is confirmed.

¹⁰ Reflects article 19. The obligation to attend the courses is mutual between the union and the representatives.

13. Article

- 13.1 The union shall, within the scope of collective agreements and law, seek to provide all the support a union representative needs to be involved in protecting rights on behalf of union members, e.g. provide legal counselling and accompany them to meetings with employers or co-workers.

14. Article

- 14.1 The union shall, on request, assist the union representative in calling for and running a workplace meeting, in line with the authority vested in the collective agreement.¹¹

15. Article

- 15.1 If the employer lets the union representative suffer in any way for holding the position of a union representative, such as threatening their employment security or impairing their conditions, the union shall fully exert itself to support and defend the union representative, using all resources allowed according to law and collective agreements.¹²

16. Article

- 16.1 The union shall seek to give union representatives an opportunity to hold roles of responsibility within the union, such as being members of the Delegate Council, Board of the Fund and participate in congresses of associations where the union is represented.¹³

IV: Responsibilities of a union representative

17. Article

- 17.1 A union representative is chosen by their co-workers and appointed by their union to represent them. They enjoy special protection of the law, beyond their co-workers, against dismissals and they have a special right to devote time to their work and to participate in necessary training. A union representative thus has a special status in both their workplace and within the union.
- 17.2 A union representative must carefully study their role according to national law, collective agreements, the union by-laws, and this resolution, and perform that role to the best of their knowledge and ability. They must act in such a way that they will gain trust and respect from others and are honourable representatives of both the union and their co-workers.¹⁴

18. Article

- 18.1 The union representative has an obligation to assist their co-workers in finding solutions to their rights issues in relation to their employer.¹⁵

¹¹ A reminder for union representatives about the possibility of getting help from the union to hold workplace meetings, which can be complicated at times due to the reluctance of an employer. Reflects article 19.

¹² Places the responsibility on the union to defend the union representative against attacks on their employment security.

¹³ Reaffirms the special role of union representatives as being active members of the union, in line with the unions' policy to engage the union representatives more and better. The Selection Committee takes this article into account.

¹⁴ The provision is intended as a reminder for the person in question that the role is challenging and comes with a lot of responsibility.

¹⁵ This is reaffirmed in Article 10 of Act 80/1938.

- 18.2 The union representative is obliged to assist the union in getting information across to their co-workers regarding working rights, social matters, and other appropriate issues.
- 18.3 The union representative is obliged to report to the union, as requested.
- 18.3 The union representative shall, as necessary, spend time on the aforementioned tasks, within the scope allowed in collective agreements.¹⁷

19. Article

- 19.1 During their period of appointment, the union representative has a duty to attend a union representatives course held by the union, given that the number of hours for each course do not exceed the amount permitted in collective agreements as regards paid course attendance.
- 19.2 In exceptional circumstances, the union can take responsibility for unpaid wages, if necessary.¹⁸

20. Article

- 20.1 If a union representative is appointed to a negotiations committee or to the Delegate Council as an alternate, they must take a seat.¹⁹

21. Article

- 21.1 The union representative shall, on request, assist the union in calling for and running a workplace meeting, in line with the authority vested in the collective agreement.²⁰

22. Article

- 22.1 Before the end of their period of appointment, the union representative shall call for a union representative and carry out an election.

23. Article

- 23.1 The union representative shall inform the union without delay if they become unfit to hold the position of a union representative or if they do not want to hold the position any longer.

¹⁶ See paragraph 2. in article 10 of Act 80/1938.

¹⁷ The article reaffirms and lists the main roles of a union representative according to the Act on Trade Unions and Labour Disputes and the by-laws of Efling. It also reaffirms the union representative's duty to devote the time needed to these tasks, as they have quite a broad permission to do so while receiving pay according to the collective agreement between Efling and the Confederation of Icelandic Employers (SA). As in article 13.2:

“Union representatives at workplaces shall, in consultation with their superiors, be permitted to spend time on work that may be entrusted to them by the workers at the workplace and/or by the relevant trade union in their capacity as union representatives, without reduction of their wages.”

¹⁸ Establishes the obligation for a union representative to attend a union representatives course, given that the time spent on it does not exceed the permission in the collective agreement (2 weeks on the first year, 1 week per year after that). Reflects article 11. In conjunction with other the provisions of the resolution, an appointment of a union representative may be revoked if they do not attend the course.

¹⁹ Refers i.a. to article 15 in the by-laws of Efling, where the board is authorised to appoint alternates to the Delegate Council when the ordinary members are unable to attend, and a similar provision regarding the negotiations committee in article 18.

²⁰ Reaffirms the union representative's duty to assist calling for a workplace meeting if the union deems it necessary, but according to article 13.5 in the collective agreement, it's the union representative that has the right, in relation to the employer, to call for a workplace meeting.

23.2 The union representative must also inform their workplace if they give up their position as a union representative during their period of appointment, while continuing to work at the workplace.²¹

Adopted at the board meeting of Efling on March 9, 2023 with the proviso of introduction to union representatives at a course on March 15 and to the Delegate Council on March 23.

²¹ The provision is intended to ensure that the union receives information when and if the union representative quits, whatever the reasons may be. Also establishes the obligation for the union representative to inform, at their own initiative in their workplace, about quitting.