

# DECENT WORK CHECK

## **NORWAY** 2022

Iftikhar Ahmad

## WageIndicator Foundation - [www.wageindicator.org](http://www.wageindicator.org)

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected information on national websites, thereby serving as an online library for wage information, labour law, and career advice, both for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people on a monthly basis. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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## Bibliographical information

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# INTRODUCTION

Decent Work is the type of work for which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working, since late 2007, to raise awareness on workplace rights through a unique tool, i.e., **Decent Work Check**. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their rights at the workplace while simultaneously enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysing the impact of regulatory regimes.

# MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Working Environment Act, 2005
2. Annual Holidays Act, 1988
3. Public Holidays Act, 1995
4. National Insurance Act, 1997
5. Act concerning Cash Benefit for Parents with Small Children 1998
6. Public Health Act of 2011
7. Occupational Injuries Insurance Act, 1989 /Workers Compensation Act
8. Act on Individual Pension Schemes, 2008
9. Gender Equality Act, 2013
10. Constitution of the Kingdom of Norway, 1814
11. Anti-Discrimination and Accessibility Act 2013
12. Ethnicity Anti-Discrimination Act 2013
13. Sexual Orientation Anti-Discrimination Act 2013
14. General Civil Penal Code, 1902
15. Labour Disputes Act, 2012
16. General Application Act on Collective Agreements, 1993

# 01/13 WORK & WAGES

## **ILO Conventions**

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

**Norway has ratified the Convention 95 only.**

### ***Summary of Provisions under ILO Conventions***

The minimum wage must cover the living expenses of the employee and his/her family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## Regulations on work and wages:

### Minimum Wage

There is no statutory provision on minimum wage in Norway. Minimum wages are determined under collective bargaining agreements following negotiations between social partners.

### Regular Pay

There are no statutory provisions on payment of wages and wage period. Wages are determined under collective agreements on hourly basis and the maximum wage period is one month. Other provisions on wage payment are found in sectoral collective agreements.

In May 2021, the Norwegian Parliament adopted new legislation to prevent the wage theft by requiring the employers to pay wages into employees' accounts via a bank transfer (no longer by cash). Wage theft includes those cases where employers fail to pay wages or other remuneration to employees; pay too little; or demand repayment of wages already paid. The new provisions will be effective from 01 January 2022.

# 02/13 COMPENSATION

## ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Norway has not ratified any of the above-mentioned Conventions.**

### *Summary of Provisions under ILO Conventions*

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, overtime pay rate should not be less than one and a quarter time (125%) the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, he/she should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the course of the following week. Similarly, if a worker has to work on a public holiday, he/she must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.



## Regulations on compensation:

- Working Environment Act, 2005

## Overtime Compensation

The working hours of employees are subject to strict and detailed rules stipulated in the Working Environment Act. Normal working hours are 9 hours a day and 40 hours a week (including breaks). For workers working in semi-continuous shifts, nights or Sundays, normal working hours 38 hours per week. The normal working hours are further reduced to 36 hours per week for continuous shift work and work in underground mines, tunnelling and blasting of rock chambers.

The provisions concerning working hours do not apply to employees holding a leading position or a particularly independent position. To a certain extent, the statutory rules concerning working time may be deviated from through collective agreements. Norwegian labour law further allows for calculation of normal working hours on the basis of a fixed average. Under this scheme, workers work longer than normal hours in certain periods while working shorter hours in other periods. The average hours however cannot cross the limit of 40 hours (or 38 or 36 hours) per week. Fixed averaging of hours may be agreed in an employment contract, or laid down in a collective agreement or may be practiced in accordance with the regulation of labour inspection authority. Working Environment Act allows parties to distribute working hours as follows for a period of one year: 10 hours per day and 48 hours per week. The 48-hour limit is calculated over an eight-week period. The normal working hours under this scheme must not exceed 50 hours per week. The

other option is to distribute working hours as follows for a period of one year: 12.5 hours per day and 48 hours per week. The 48-hour limit is calculated over an eight-week period however normal working hours in a week must not exceed 54 hours. In both of the above cases, the yearly average must not exceed statutory limits set for working hours (36-40 hours per week).

Overtime (time in excess of normal working hours) is allowed only when there is exceptional and time-limited need for it. When feasible, employers are required to discuss the need for overtime in advance with worker's representatives.

The general overtime work must not exceed 10 hours per week, 25 hours per four consecutive weeks, or 200 hours during a period of 52 weeks. Under a collective agreement, the overtime limits can be raised to 20 hours per week, 45 hours in four consecutive weeks and 300 hours during a 52-week period. The Labour Inspection Authority may, on application in special cases, permit overtime of 25 hours per week and 200 hours for 26 weeks (400 hours overtime for 52 weeks). The general overtime may be imposed only on employees who, in each individual case, have declared their willingness to perform such overtime. Workers can be exempted from working overtime for health reasons or weighty social reasons. The weekly working limit is set in 48 hours (including overtime hours) on average over an 8-week period.

For overtime work a supplement is paid in addition to the pay received by the employee for corresponding work during normal working hours. The overtime supplement is at least 40 per cent, i.e., workers are paid 140% of their normal wage

for overtime hours. Law allows for time-off in lieu of overtime on an hour-for-hour basis however the minimum overtime premium of 40% would be paid anyway. Collective agreements try to raise this overtime premium or allow the overtime premium before reaching weekly normal working hour limit.

In line with the Working Environment Act, part-time employees have the right to increase their working hours within their position. Employer has to allow the part-time employees to raise their working hours instead of hiring a new employee. However, the part-time employee must be eligible for the position.

Source: §10-3 to 10-6 & 10-9 of Chapter 10-Working Hours of the Working Environment Act, 2005

## Night Work Compensation

The provisions regulating night work in Norway are contained within the Working Environment Act. The said Act defines the term "Night work" as work carried out in the interval between 21:00 and 06:00. A collective agreement may, in writing, another period of at least eight hours falling between 24:00 and 06:00 as night work. Night work is generally prohibited unless necessitated by the nature of the work.

The employer must consult with locally elected workers' representatives before introducing night work, and it may be permitted in workplaces covered by a collective agreement, when there is an exceptional and time limited need for it.

Normal working hours for an employee who regularly works more than 3 hours during above referred night hours, cannot not on

average exceed 8 hours during a work day especially if the work involves exceptional risk or considerable physical or mental strain. The average is calculated over 4 weeks.

No legal provisions on a special compensation for work performed during the night could be identified within the law. In case of derogation of above referred provisions, collective agreements may provide for corresponding compensatory rest periods or other appropriate protection. Night workers must be medically examined before commencing employment and at regular intervals.

Source: §10-11 of Chapter 10-Working Hours of the Working Environment Act, 2005

## Compensatory Holidays / Rest Days

The rules on compensatory rest days for working on a weekly rest day or public holiday come from the Working Environment Act.

Generally, work on weekly rest days and public holidays is not permitted unless necessitated by the nature of the work. In undertakings bound by a collective agreement, the employer must discuss the need for work on such days with the employees' elected representatives and enter into a written agreement on work on weekly rest days and public holidays when there is an exceptional and time limited need for it.

As a rule, an employee who has worked on a Sunday or on a public holiday is allowed the corresponding time-off on days that are equivalent to Sundays and public holidays according to the worker's religion.

Source: §10-10 of Chapter 10-Working Hours of the Working Environment Act, 2005

## **Weekend/Public Holiday Work Compensation**

The compensation to be paid for working on weekly rest day/public holiday is determined through collective agreements between the employer and the employees through trade unions.

# 03/13 ANNUAL LEAVE & HOLIDAYS

## **ILO Conventions**

Convention 132 (1970) on Holidays with Pay Convention  
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.  
In addition, for several industries, different Conventions apply.

**Norway has ratified the Conventions 14, 47 & 132 only.**

### ***Summary of Provisions under ILO Conventions***

An employee is entitled to at least 21 consecutive days of paid annual leave. National and religious holidays are not included. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days on which the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours in every 7-day period, i.e., a week

## Regulations on annual leave and holidays:

- Annual Holidays Act, 1988
- Public Holidays Act, 1995
- Working Environment Act, 2005

## Paid Vacation

Annual Holidays are regulated by the Annual Holidays Act of 1988. Accordingly, employers must ensure that employees have 25 working days' leave in each year after the qualifying year. (Qualifying year means the year preceding the year in which a person may take holidays. In addition, all day's count as working days except Sundays and statutory church or public holidays). However, employees who reach the age of 60 in a holiday year are given 6 working days' extra holiday. A worker who joins an enterprise before 30 September in a year is entitled to full vacation period of 25 working days. Those who start working in an organization after 30 September are entitled to only 6 working days of annual leave.

An employee is entitled to holiday pay from his employer amounting to 10.2% of the annual wages paid in the qualifying year. Employees over the age of 60 years are entitled to a minimum of 12.5%. Holiday pay is payable on the last normal working day before the holiday.

The employer must discuss the fixing of holiday dates and setting up of holiday lists with each employee or employee representatives. In the event of disagreement, employer may decide the vacation dates. Employee can still demand to take at least three working weeks (18 days) of annual leave during the annual leave period (1 June to 30 September). If

employee demands, the remaining 7 days of annual leave must be consecutive days. Employers are required to inform workers at least two months before their approved vacation dates. Employees over 60 are required to notify employers at least two weeks prior to taking extra holidays. The Holidays Act allows for carrying forward/transfer of two weeks (12 working days) of annual leave to the next year. The Act also allows taking 12 working days leave in advance. Full holidays can be carried forward to the next year if worker was ill or on parental leave.

Payment in lieu of annual holidays is prohibited except in the case of termination of employment contract where employer is required to clear all dues along with holiday pay on the last normal pay day.

Source: Annual Holidays Act, 1988

## Pay on Public Holidays

The legal provisions on public holidays are contained in the Public Holidays Act. The Act enumerates 12 public holidays, mostly of religious nature. The public holidays are as follows: New Year's Day (January 1); Maundy Thursday (last Thursday before Easter Sunday); Good Friday (the last Friday before Easter Sunday); Easter Sunday (the first Sunday after the first full moon that occurs on or after March 21); Easter Monday (the first Monday after Easter Sunday); Labour Day (May 1); Constitution Day (May 17); Ascension Day (39 days after Easter); Pentecost (49 days after Easter); Whit Monday (50 days after Easter); Christmas Day (December 25); and Boxing Day/St. Stephen's Day (December 26).

Source: Public Holidays Act, 1995

## Weekly Rest Days

The provision in law on weekly rest days comes from the Working Environment Act, which states that an employee must have a continuous off-duty period of 35 hours per seven days. However, this may be reduced to 28 hours per week by collective agreement between the employer and workers' representatives. The employee must be ensured corresponding compensatory rest periods or, where this is not possible, other appropriate protection.

The Day specified as a weekly rest day will usually be Sunday, unless the employer and the employee agree in writing to allocate the weekly rest period according to the employee's religion. The required daily rest period is 11 consecutive hours between two main work periods.

Source: §10-8 of Chapter 10-Working Hours of the Working Environment Act, 2005

# 04/13 EMPLOYMENT SECURITY

## **ILO Conventions**

Convention 158 (1982) on employment termination

**Norway has not ratified the Convention 158.**

### ***Summary of Provisions under ILO Convention***

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirement are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written however workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed to let a worker learn new skills. A newly hired employee may be fired during probation period without any negative consequences.

A reasonable notice period, depending on the length of service of an employee, may be required before an employer may sever the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).



## Regulations on employment security:

- Working Environment Act, 2005

## Written Employment Particulars

Employment contracts are regulated under the Working Environment Act, which requires a written contract of employment for all contractual terms (definite or indefinite). Employers are required to provide written employment contracts, stating the terms and conditions of employment, within one month of start of employment contract. If the contract term is less than one-month, written employment contract must be provided immediately.

Employment contracts must include following information: identities of the parties; workplace; job title and job description; expected contract duration (for employment of temporary nature); trial period; annual leave duration and holiday pay; notice period applicable to the parties for contract termination; wages, payment method and wage payment intervals; daily and weekly working hours including breaks; and information regarding collective pay agreements regulating the employment relationship.

Workers who are posted abroad must be given a written employment contract prior to departure. The employment contract must at least regulate the following: duration for which work is to be performed abroad; currency of remuneration; cash or in-kind benefits associated with working abroad; and conditions relating to worker's return journey.

Any amendments to the employment contract must be in writing and included in employment contract within one month of

the changes being in force. From 1 January 2019, workers must be paid wages within ten days of the start of lay-off period. The maximum lay-off period is also reduced from 49 weeks to 26 weeks.

Source: §14-5 to 14-8 of Chapter 14-Appointment, etc. of the Working Environment Act, 2005

## Fixed Term Contracts

An employment contract is generally entered into for an indefinite period of time. Thus, the employees have a right to continue working for the employer until the employment contract is terminated by one of the parties. Temporary employment may only be used in specifically defined situations such as for project work, temporary positions, work as trainee, where a person participates in the labour market scheme, and employees within organized sports. and for the chief executive officer of an enterprise. An employer may also, on a general basis, use temporary employment contracts for a maximum period of 12 months (for maximum 15% of the employees of the undertaking). Fixed term contracts can be used for chief executive officer of an enterprise.

Workers who have been temporarily employed for more than four consecutive years (for work of temporary nature) or for three years (replacing another employee or as three one-year contracts), these are considered permanent employees and therefore covered by the provisions on termination of employment. When calculating the length of the employment relationship, no deduction for employee's absence may be made. Trainees, participants in labour market schemes under the auspices of or in cooperation with



the labour and Welfare Service, athletes, trainers, referees and other leaders within organized sports are however excluded from the 48 months' limitation of the maximum cumulative duration. Thus, the maximum length of a single fixed term contract including renewals varies between three to four years, depending on the case.

Source: §14-9 to 14-10 of Chapter 14-Appointment, etc. of the Working Environment Act, 2005

## Probation Period

The Working Environment Act states that the maximum period for probation is six months. Unlike temporary employment, after the six-month period of probation, the employment automatically turns into a permanent employment for an indefinite period. Trial/probation period can be extended in the following two cases: absence of the employee during the trial period and its extension by a corresponding period in agreement with the employer (is not applicable to the absences caused by the employer); regulations by the Ministry allowing longer trial period in case of certain groups of employees.

Employment contract may be terminated during trial period on the grounds of the employee's lack of suitability for the work, or lack of proficiency or reliability. In the case of employment termination, either party may give 14-day notice unless otherwise agreed in writing or in a collective pay agreement.

In addition, the employer can dismiss an employee on probation if the dismissal is objectively justified on circumstances relating to the undertaking, the employer or the employee.

Source: Chapter 15- Termination of Employment Relationships of the Working Environment Act, 2005

## Notice Requirement

Employment relationship may be terminated by either party. Statutory written notice period is provided under the Working Environment Act, which states that unless otherwise stipulated in collective pay agreement, the notice period is one month. The Act however provides for the following notice periods:

- a) 14 days' notice for less than 6 months of service;
- b) one-month notice for less than 5 years of service;
- c) two-month notice for 5-10 years of service;
- d) three-month notice for more than 10 years of service;
  - a. four-month notice for workers aged 50 years or more;
  - b. five-month notice for workers aged 55 years or more;
  - c. six-month notice for workers aged 60 years or more.

Where the employee initiates termination, the same notice period is applicable. However, such a notice must be in writing. In addition, either party can also terminate the contract without notice, where one party is found in serious breach of the obligations under the contract.

The employee may claim compensation if the notice is not in accordance with the rules. The notice period starts on the first day of the calendar month following the month in which notice was given. If an employer wants to terminate more than 10 employees within a month, it is considered collective dismissal. In such a case,

employer is required to inform and consult with employee representatives and notify the Labour & Welfare Administration.

Dismissal must be objectively justified on the basis of circumstances relating to the undertaking, the employer or the employee. The prohibited grounds for dismissal include pregnancy, maternity leave, adoption leave, military service, workers with family responsibilities, temporary work injury or illness, political views, trade union membership, sexual orientation, disability, age, ethnic origin, national origin, descent, colour, language, religion, and ethical and cultural orientation.

Source: Chapter 15- Termination of Employment Relationships of the Working Environment Act, 2005

## Severance Pay

There are no legal provisions on the severance pay or redundancy pay. Severance pay is rather determined by collective agreements between the employer and the employee. Moreover, redundancy pay may be negotiated by the employer and the workers' representatives during the consultation and information process preceding collective redundancies. Employer must specify in written the criteria for calculation of extraordinary severance pay, if applicable.

# 05/13 FAMILY RESPONSIBILITIES

## **ILO Conventions**

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

**Norway has ratified the Convention 156 only.**

### ***Summary of Provisions under ILO Convention***

Paternity leave is for the new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks the employers to look into the measures for improving general working conditions through flexible work arrangements.

## Regulations on family responsibilities:

- Working Environment Act, 2005
- National Insurance Act, 1997
- Act concerning Cash Benefit for Parents with Small Children 1998

## Paternity Leave

The rules on Paternity leave are found in the Working Environment Act, which stipulates that all workers employed in the public and private sectors, except for those working in shipping, hunting, fishing (including processing of the catch on board ship) and military aviation are entitled to availing paternity leave subject however, to certain qualifications.

In order to qualify for paternity, leave in connection with childbirth, the father of the child must be living with the mother and require time to assist her. If the parents do not live together, the father's leave may be claimed by another person assisting the mother in connection with the birth. The employer must be given notice as soon as possible, and not later than a specified period in advance, depending on the length of leave the relevant person intends to take.

Father has the right to take two-week paternity leave after birth (referred to as "daddy days") as well as 10-week leave from parental leave as father's quota.

The daddy days are paid by the employer depending on the individual or collective agreement signed with the employer.

Source: Chapters 12 & 14 of the Working Environment Act, 2005

## Parental Leave

Parental Leave and the benefits received for it are regulated by the Working Environment Act and National Insurance Act.

In order to qualify for the parental leave, the employer must be given notice as soon as possible, and not later than a specified period in advance, depending on the length of leave intended to take.

The total parental leave varies between 49 and 59 weeks, depending on the payment level. It is funded through general taxation and is paid at 100% of the earnings for 49 weeks or 80% of the earnings for 59 weeks, subject to a ceiling of six times the basic national insurance benefit payment. Non employed women receive a flat rate payment.

Parental leave is composed of maternity leave (13 weeks of which three weeks are prenatal and ten weeks as postnatal leave), father's quota (10 weeks) and family leave which can be taken by either parent (26 or 36 weeks depending on the payment level). One week is five benefit days; Benefits are not paid for Saturdays and Sundays. In the case of multiple births, the parental money period (benefits) is extended by five weeks for each child with 100% of pay or seven weeks for each child with 80% of pay. Parents receive payments for six weeks following a child's death during parental leave.

Other than compulsory 6-week postnatal leave, workers may choose the timing of their leave and take it within three years of the child birth. The family leave can be taken at once, as part time or split into shorter blocks of time.

Source: Chapters 12 & 14 of the Working Environment Act, 2005; Chapter 14 of the National Insurance Act, 1997; §7-10 of the Act concerning Cash Benefit for Parents with Small Children 1998

## **Flexible Work Option for Parents / Work-Life Balance**

Partial parental leave may be taken by all workers employed in the public and private sectors, except for those working in shipping, hunting, fishing (including processing of the catch on board ship) and military aviation, who are natural or adoptive parents of a child.

A written agreement has to be concluded between employee and employer on the absence, and the partial absence must be taken within a time frame of three years. The employer must be given notice as soon as possible, and not later than a specified period in advance, depending on the length of leave intended to take.

The worker has the right to re-join the organization at the same position after parental leave, and have access to benefits from improvement in working conditions to which the worker would otherwise have been entitled during absence.

Source: section 33 of The Equality and Anti-Discrimination Act; Chapter 12 of the Working Environment Act, 2005

# 06/13 MATERNITY & WORK

## **ILO Conventions**

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks of which a period of six weeks compulsory leave should be after childbirth.

**Norway has ratified the Convention 183 only.**

### ***Summary of Provisions under ILO Convention***

During pregnancy and maternity leave, a worker should be entitled to medical and midwife care without any additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to same or equivalent position after availing maternity leave.

After childbirth and on re-joining work, a worker must be allowed paid nursing breaks for breast-feeding the child.

## Regulations on maternity and work:

- Public Health Act of 2011
- Working Environment Act, 2005
- National Insurance Act, 1997

## Free Medical Care

Information on free medical care is available on the website of the Ministry of Health and Care Services. Medical care is regulated under the Public Health Act of 2011. Norwegian Directorate of Health administers medical benefits. There is full or partial reimbursement of medical expenses. Benefits include doctors' fees and free healthcare in a public hospital.

The financing and provision of hospital services is mainly the responsibility of the national government, financed by income and wealth taxation.

Source: Public Health Act of 2011

## No Harmful Work

The provisions on the protection of health and safety of pregnant workers come from the Working Environment Act and the National Insurance Act.

Night work is not prohibited for either women or pregnant workers. With respect to overtime work, an employee is entitled to exemption from performing work in excess of agreed working hours when he or she so requests for weighty social reasons. Lastly, work on rest days and Sundays is prohibited in general for all employees.

An employee who, according to law, has to refrain from working for a certain period prior to confinement due to hazardous working conditions/environment, is

entitled to pregnancy benefits from the time she stops working. Pregnancy benefits are provided to pregnant women who cannot continue work during their pregnancy because it may cause harm to the fetus. Some of the work examples include work with chemicals, physically exhausting labour, particular stressful work, and psychosocial circumstances. Similarly, women must be assigned to work that does not involve exposure to radiation, narcotic gases and cytostatic agents.

Source: Chapter 10-12 of the Working Environment Act, 2005; Chapter 14 of the National Insurance Act, 1997

## Maternity Leave

The rules on maternity leave are provided for in the Working Environment Act. There is no separate maternity leave. It is part of the parental leave. The total length of maternity leave is 13 weeks of which three weeks are prenatal leave while ten weeks are taken as postnatal leave. Of the ten weeks, 6 weeks are obligatory after birth for health reasons. If worker was not able to fully avail prenatal leave (3 weeks) due to earlier birth, it cannot be transferred to postnatal period.

No provisions were identified in relation to extension that may be allowed for multiple births or in case of ill health.

Source: Chapter 12 of the Working Environment Act, 2005

## Income

The National Insurance Act provides the details on the income received during the period in which a woman avails the maternity leave.

In order to qualify for receiving cash benefits during maternity leave, the mother must have been employed and earning a pensionable income for at least 6 of the 10 months immediately prior to the commencement of the benefit period.

During the term of 13-week maternity leave, workers are paid their full earnings up to a ceiling of six times the basic national insurance benefit payment amount (which is 92,576 Norwegian Krone in a year).

Source: Chapter 1 & 14 of the National Insurance Act, 1997

## Protection from Dismissals

The Protection against dismissal during pregnancy is regulated by the Working Environment Act.

An employee who is pregnant and is availing pregnancy leave or maternity leave cannot be dismissed on grounds of pregnancy. No notice of termination in this regard can be given by the employer during the period of absence if employer is aware that the absence is due to such reasons or the employee notifies without delay.

Source: Chapter 15 of the Working Environment Act, 2005

## Right to Return to Same Position

No provisions on the guaranteed right to return to the same position for workers returning from maternity leave could be identified within the law. However, since the law protects workers from dismissal during maternity leave and pregnancy, right to return is implicitly provided under the law.

## Nursing / Breastfeeding Breaks

Working Environment Act provides for nursing breaks of at least 30 minutes twice a day to women workers who are nursing their children. Instead of taking such breaks, such workers may request reduction in working hours by one hour per day.

Source: Chapter 12 of the Working Environment Act, 2005



# 07/13 HEALTH & SAFETY

## ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

**Norway has ratified both the Conventions 81 and 155.**

### *Summary of Provisions under ILO Conventions*

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

## Regulations on health and safety:

- Working Environment Act, 2005

## Employer Cares

Workplace health and safety is ensured under the provisions of the Working Environment Act. The employer has to ensure that the provisions of the Act are fully complied with. Workers are allowed to interrupt work if they consider that it cannot continue without involving danger to life or health.

The Act imposes a range of specific obligations on the employers which are as follows:

- Employees must be informed of accident risks and health hazards that may be connected with the work, and that they receive the necessary training, practice and instruction;
- Employees that are charged with directing or supervising other employees must have the necessary competence to ensure that the work is performed in a proper manner with regard to health and safety;
- Provision of occupational health services where recommended by the Labour Inspection Authority;
- The organization, arrangement and management of work, working hours, pay systems, including use of performance-related pay, technology, etc., in such a way that the employees are not exposed to adverse physical or mental strain and that due regard is paid to safety considerations;
- Ensuring that passageways, sanitary facilities, work equipment are designed and arranged so that

employees with disabilities can work at the undertaking;

- Ensuring buildings and equipment, indoor climate, lighting, noise, radiation and the like are fully satisfactory with regard to the employees' health, environment, safety and welfare;
- Make Arrangements for avoiding heavy lifting for work;
- Ensure that the machines and other work equipment to be used by employees are safe;
- Living quarters for employees are properly constructed, equipped and maintained; and
- Appoint safety representatives responsible for ensuring occupational health and safety standards

Source: Chapters 3, 4 and 6 of the Working Environment Act, 2005

## Free Protection

The employer is required to provide satisfactory personal protective equipment to the employees and to ensure that the employees are trained in the use of such equipment and that the equipment is used. Employees are required to protective equipment, exercise caution and contribute to the prevention of accidents and injury to health.

Source: Chapter 3 of the Working Environment Act, 2005

## Training

Employers are required to ensure that employees are informed of accident risks and health hazards that may be connected with the work, and that they receive the necessary training, practice and

instruction. The employees charged with directing or supervising other employees must have the necessary competence to ensure that the work is performed in a proper manner with regard to health and safety.

When appointing a safety representative for the workplace, the employer must ensure that safety representatives receive the training necessary to enable them to perform their duties in a proper manner. The safety representative has the right to attend the necessary training in the form of courses held by the employee organizations. The employer will be responsible for the costs of training and other costs associated with the work of the safety representatives.

Source: Chapters 3 & 6 of the Working Environment Act, 2005

## Labour Inspection System

The Working Environment Act has created a Labour Inspection Authority for the purposes of ensuring compliance with the provisions of the Act. The Norwegian Labour Inspection Authority is responsible for compliance with the Working Environment Act, the Annual Holidays Act, the Public Holidays Act, and the Smoking Act (certain parts).

The Act sets out the various powers that the authority has in this regard:

- Appoint specialists to conduct controls, inspections, etc. on its behalf (with free access to workplaces in this regard);
- Power to demand information from any of the persons in a workplace for the purposes of inspection and can also issue orders and make such

decisions as are necessary for the implantation of the provisions of the Working Environment Act;

- Prohibit the manufacture, packaging, use or storage of hazardous chemicals or biological substances;
- Require that the employer conduct special inspections or submit samples for inspection;
- Impose fines for non-implementation of its orders;
- Halt work being undertaken or such activities in a particular workplace that does not comply with its orders or is dangerous.

If an enterprise is not compliant with the law, the Labour Inspection Authority may respond with orders (to correct the situation within a time limit), coercive fines (prohibitive fines), shutdown of operations (in the case of imminent danger) or report to police (in the case of more serious breaches thus leading to imprisonment).

Source: Chapter 18 of the Working Environment Act, 2005

# 08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

## **ILO Conventions**

Convention 102 (1952), Conventions 121 (1964) and 130 (1969) concerning Social Security, Employment Injury Benefits and Medical Care and Sickness Benefits

**Norway has ratified the Convention 102 and 130.**

### ***Summary of Provisions under ILO Conventions***

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefit may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

During illness, a worker should be entitled to medical care without any additional cost. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, he/she must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage while in the case of fatal injury, the survivors may be provided with 40% of the deceased worker's average wage in periodical payments.

## Regulations on sick leave & Employment Injury Benefits:

- National Insurance Act, 1997
- Working Environment Act, 2005
- Occupational Injuries Insurance Act, 1989 /Workers Compensation Act

### Income/Paid Sick Leave

The rules on paid sick leave come from the National Insurance Act.

If an employee is absent from work due to illness or injury, he or she is entitled to payment from the employer for the first 16 days of the absence (the employer paid period). After the employer paid period of 16 calendar days, the responsibility of paying the employee is passed on to the National Labour & Welfare Administration (NAV). The employee is entitled to 100 percent of his wage benefits, up to a ceiling of six times the basic national insurance benefit payment amount (which is 92,576 Norwegian Krone in a year). The limit is regulated annually. In order to receive sick pay, the employee must immediately notify his or her employer of the sickness. If the illness exceeds three days, worker must obtain a doctor's certificate. In the case of an oral notification of absence for illness, the employer may require a written confirmation from the employee upon his or hers return to work.

In order to receive benefits for sick leave from social insurance, the employee must have earned at least 50% of the base amount and worked at least 28 days (four weeks) before the incapacity began. The sickness benefit is payable for a period of one year, i.e. 260 days after excluding Saturdays and Sundays.

Source: Chapter 8 of the National Insurance Act, 1997

### Free Medical Care

Under the National Insurance Act, payments are also made for medical care of the concerned person. This includes part of doctors' fees and free medical care in a public hospital. Patients pay 39% of expenses for listed essential medicine, laboratory services, and transportation costs over a certain amount for each required trip to hospital. The insured person may choose the hospital, after a referral from a doctor.

Source: Chapter 5 of the National Insurance Act, 1997

### Job Security

The Work Environment Act prohibits the dismissal of an employee who is wholly or partially absent due to illness for the first 12 months after becoming unable to work. An employee who claims protection against dismissal due to illness must produce a medical certificate or by other means notify the employer in due time of the reason for his absence. When required by the employer, a medical certificate must be produced certifying the total length of the sick leave.

Source: §15-8 of Chapter 15 of the Working Environment Act, 2005

### Disability/Work Injury Benefit

The legal provisions on the work injuries and relevant benefits come from the Occupational Injuries Insurance Act 1989 and the National Insurance Act. Work injuries may be classified on the basis of their consequences as those resulting in: (i)

permanent total incapacity (ii) permanent partial incapacity (iii) temporary incapacity and (iv) fatal injury leading to death of a worker. There is no minimum qualifying period for work injury benefits. Accidents that occur while committing to and from work are covered if the transport facility was arranged by the employer.

The permanent disability pension is of two types: universal pension and earnings related disability pension. If the insured person is assessed with total disability, pension is 100% of the base amount. National Insurance Administration assesses the degree of disability. The earnings related disability pension is granted if the insured person is assessed with at least 30% loss in working capacity with 20-40 years of coverage, according to the year of birth. The pension is 42% of the base amount multiplied by the person's average annual number of pension points in the 20 years with most points.

In the case of temporary disability, 100% of the insured's covered income is paid from the first full day of incapacity up to 50 weeks. Thereafter, the insured may receive a work assessment allowance or permanent disability pension.

In the event of worker's death, there is provision for survivor benefits: up to 100% of the base amount is paid to the surviving spouse. Full pension is payable if the deceased worker had at least 40 years of coverage. There is also provision for special supplement which is 100% of the base amount if the deceased worker was not eligible for earning related pension. The supplement is reduced proportionally for less than 40 years of coverage.

There is also provision for orphan's pension which is 40% of the base amount for the first

child and 25% for each additional child under 18. Full orphans under 18 (age limit is extended to 20 years for students) receive full survivor pension (universal + earnings related pension) based on whichever parent's pension is higher. Pension is split equally if there are two or more children. There is also provision for an income-tested funeral grant which is paid as a lump sum amount. No funeral grant is applicable if the deceased was under 18 years.

Source: Chapters 07, 12 & 13 of the National Insurance Act, 1997; Occupational Injuries Insurance Act, 1989 /Workers Compensation Act

# 09/13 SOCIAL SECURITY

## **ILO Conventions**

Social Security (minimum standards): Convention 102 (1952). For several benefits somewhat, higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

**Norway has ratified the Conventions 102, 128, 130 and 168.**

### ***Summary of Provisions under ILO Conventions***

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.



## Regulations on social security:

- National Insurance Act, 1997
- Act on Individual Pension Schemes, 2008

## Pension Rights

The provisions on pension rights come from two different legal sources which are: (i) the National Insurance Act and (ii) The Act on Individual Pension Schemes, 2008. The 2008 Act introduces a new old-age pension system which replaces the universal pension with a guaranteed minimum benefit and the earnings-related pension with a notional defined contribution (NDC) scheme. The new system covers persons born since 1963. Persons born before 1954 remain under the old system. A transitional system covers persons born between 1954 and 1962.

The qualifying conditions for entitlement to universal and earnings related pension under the old system is age 67 with 40 years of coverage from age 16 to 66. Under the new system, the guaranteed pension is provided to workers aged 67 with 40 years of coverage and receiving a small or no income related pension. Under the income pension, the retirement age is flexible and ranges from 62 to 75 years. Old age pensions are not payable with less than three years of coverage.

Under the old system, the universal and earnings-related pension are as follows: Universal old age pension is paid up to 100% of the base amount (92,576 Norwegian Krone) for a single pensioner. The amount is 185% of the base amount if the spouse or cohabitant receives a pension or has annual income exceeding twice the base amount. Social insurance (earnings

related pension) is 42% of the base amount multiplied by the insured worker's average annual pension points earned in the 20 years with the most points. If the insured worker has less than 20 years of coverage, the average of all pension points is used.

Under the new system, the universal and social insurance pensions are as follows: universal pension is paid as an amount fixed every year however the amount is reduced proportionately if the insured worker receives an income pension or has less than 40 years of coverage. The income pension is calculated based on the covered income earned from age 13 to 75 and is adjusted according to wages and life expectancy. The maximum annual income used to calculate benefits is 7.1 times the annual base amount.

Source: Chapter 19 & 20 of the National Insurance Act, 1997; Act on Individual Pension Schemes, 2008

## Dependents' / Survivors' Benefit

The pension for a survivor is subject to the following qualifying conditions: the deceased must have been a pensioner or had at least three years of coverage immediately before death. The surviving spouse must have been married to the deceased for at least five years or must care for at least one dependent child.

The full pension is paid if the deceased had at least 40 years of coverage, with coverage projected as if the deceased had worked to age 67. Surviving spouse must be under the age of 67 and residing in Norway. Orphans must be under 18 (20 years for full orphan and a student) to be eligible for survivor pension. While the universal pension ceases



on remarriage, the earnings-related pension continues.

Spouse pension is composed of basic and supplementary pension. The full basic pension is equal to basic amount while the full pension supplement is 55% of the supplementary pension which the deceased received or was entitled to receive as an old age or disability pensioner. Orphan's pension is granted till age 18 (age 20 for full orphans and students). The orphan's pension is 40% of the base amount for the first child and 25% for each additional child. In the case of two or more children, pension is split equally. Currently, the base amount is 92,576 Norwegian Krone.

Source: Chapter 17 and 18 of the National Insurance Act, 1997

## Unemployment Benefits

The provisions on unemployment benefits come from the National Insurance Act. In order to qualify for unemployment benefits, the concerned person must have reduced working hours by at least 50% and have annual earnings in the last year before unemployment of at least 1.5 times the base amount at the time of the claim or three times the base amount in the last three years before unemployment at the time of the claim. The insured must be registered at a public employment office as a genuine job seeker for at least three of the last 15 days. Unemployment is not due to voluntary leaving, discharge for misconduct, participation in an illegal labour dispute, or the refusal of a suitable offer or retraining (disqualification for at least four weeks).

Unemployment benefits are dependent on the income and social security benefits received during the last three years. The benefits are paid at a rate of 0.24% of the calculation basis for five days a week up to 52 weeks if annual income before unemployment was less than two times the national insurance basic amount (185,152 krone). The unemployment benefits are payable for 104 weeks if annual income was more than twice the national insurance basic amount. Unemployment benefit payments equal approx. 62.4 % of gross income, up to a ceiling of six times the basic national insurance benefit payment.

Source: Chapter 4 of the National Insurance Act, 1997

## Invalidity Benefit

The pension received by a person who has become disabled is regulated by the National Insurance Act.

The benefit is paid to those aged 18 to 67 with an assessed loss in earning capacity of at least 50%. The insured person must have at least three years of coverage (one year in certain cases) immediately before the date of the claim. The degree of disability in this regard is assessed by the National Insurance Administration.

The invalidity benefit is paid after the sickness benefit has been exhausted (52 weeks). The benefit is paid at a rate of 66% of the insured's average pensionable income in the best three of the last five years before the disability began. The minimum benefit is 2.28 times the base amount for couples (2.66 times if the disability that began before age 16); 2.48 times the base amount for single persons (2.91 if the disability began before age 16).

The benefit is reduced proportionately for an assessed degree of disability of less than 100%.

There is also provision for work assessment allowance which is 66% of the pensionable income in the year the before the earning capacity was reduced or the average pensionable income during the last three years before the disability began, whichever is higher. Work assessment allowance is applicable both in the case of work injury or non-occupational injury.

The annual base amount is 92,576 Norwegian Krone.

Source: Chapter 12 of the National Insurance Act, 1997 Chapter 12

# 10/13 FAIR TREATMENT

## ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

**Norway has ratified the Conventions 100 and 111.**

### *Summary of Provisions under ILO Conventions*

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and the clear matching of pay and position should be in place and to help prevent wage discrimination.

Convention No. 190 recognizes the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against you on in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

## Regulations on fair treatment:

- Gender Equality Act, 2013
- Working Environment Act, 2005
- Constitution of the Kingdom of Norway, 1814
- Anti-Discrimination and Accessibility Act 2013
- Ethnicity Anti-Discrimination Act 2013
- Sexual Orientation Anti-Discrimination Act 2013

## Equal Pay

Gender Equality Act guarantees equal pay to women workers for work of equal value. The Act requires that men and women working in the same undertaking must receive equal pay for the same work or work of equal value. Pay will be set in the same way for women and men without regard to gender. The right to equal pay for the same work or work of equal value is applicable whether the work relates to different professions or pay is governed by different wage agreements. Value of work is determined following an overall assessment in which emphasis is given to the expertise that is required to perform the work and other relevant factors, such as effort, responsibility and working conditions.

A worker who suspects discrimination in the setting of pay is entitled to demand that the employer provide written confirmation of the pay level and the criteria for the setting the pay of the person or persons with whom the person in question is making a comparison. An employer who releases pay information about an employee must simultaneously inform the person in question of what information has been released, and to whom.

Source: §34 of The Equality and Anti-Discrimination Act 21-22 of the Gender Equality Act, 2013;

<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/108186/133591/F-559859066/NOR108186%20Eng.pdf>

## Sexual Harassment

Sexual harassment is prohibited under the Gender Equality Act which prohibits harassment on the basis of gender and sexual harassment. “Harassment on the basis of gender” means acts, omissions or statements that have the effect or purpose of being offensive, frightening, hostile, degrading or humiliating. Sexual harassment is defined as unwanted sexual attention that is offensive to the person receiving the attention.

The Act places duties on organizations, educational institutions and employers to preclude and seek to prevent the occurrence of harassment.

Under the Working Environment Act, employers have to ensure that the employer or safety representative is notified as soon as the employees become aware of harassment or discrimination at the workplace. The Act further requires employers to arrange work in such a way to preserve the employees’ integrity and dignity. And that employees are not subjected to harassment or other improper conduct. Harassment is also considered a form of discrimination.

Moreover, The Equality and Anti-Discrimination Act has also prohibited the retaliation against anyone who has submitted a complaint regarding breach of this Act or who has wanted to submit complaint.

Source: § 13 & 14 of the Equality and Anti-Discrimination Act; § 8, 15 & 25 of the Gender Equality Act, 2013; § 02-03, 04-03, and 13-1 of the Working Environment Act, 2005

## Non-Discrimination

Discrimination is prohibited under the Constitution, the Anti-Discrimination Act and the Working Environment Act.

Under the Constitution, all are equal before the law and no person must be subjected to unfair or disproportionate discrimination.

Under the Working Environment Act, direct and indirect discrimination on the basis of political views, trade union membership or age is prohibited. Discrimination on the basis of gender is prohibited under the Gender Equality Act.

The Gender Equality Act, Anti-Discrimination and Accessibility Act 2013; Ethnicity Anti-Discrimination Act 2013 and Sexual Orientation Anti-Discrimination Act have been repealed and new law i.e. the Equality and Anti-Discrimination Act has been enacted. Legislation prohibits direct and indirect discrimination.

The Equality and Anti-Discrimination Act stipulates that discrimination on the basis of gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression, age or combination of these factors is prohibited. Moreover, ethnicity includes national origin, descent, skin colour and language. The employer also is not allowed to ask questions during recruitment about

pregnancy or plans to have or adopt children, religion or beliefs, ethnicity, disability and sexual orientation. Lawful differential treatment on the basis of pregnancy, childbirth or breastfeeding and leave in connection with childbirth or adoption. However, differential treatment on the basis of pregnancy, childbirth, breastfeeding or leave in connection with childbirth or adoption is never permitted in connection with recruitment and dismissal.

Source: § 98 of the Constitution of the Kingdom of Norway, 1814; § 14-(3) 13 of the Working Environment Act amended in 2019, 2005; § 6, 7, 10, 29 & 30 of The Equality and Anti-Discrimination Act

## Equal Treatment of Women at Work

Under the Constitution, the government authorities are required to facilitate that any working-man can earn a living by work or sustenance. Further, the Gender Equality Act has been enacted to promote equality irrespective of gender in the work place. Women can work in the same profession as men. No discriminatory provisions could be located in the law.

It is employer liability to promote equality and prevent discrimination.

Source: § 110 of the Constitution of the Kingdom of Norway, 1814; § 26 of The Equality and Anti-Discrimination Act

# 11/13 MINORS & YOUTH

## **ILO Conventions**

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

**Norway has ratified the Conventions 138 and 182.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years however developing countries may set this at 14 years. The minimum age for hazardous work, work that is likely to jeopardize the health, safety or morals of young persons, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm the health, safety or morals of children. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

## Regulations on minors and youth:

- Working Environment Act, 2005
- Constitution of the Kingdom of Norway, 1814

## Minimum Age for Employment

Under the Working Environment Act, children under 15 or attending compulsory education cannot perform work except when the work is cultural work, light work (provided the child is 13 years of age or more) or work that forms part of their schooling or practical vocational guidance (provided the child is 14 years of age or more)

Working hours for persons under 18 are so arranged that these do not interfere with their schooling or prevent them from benefiting from their lessons. For children that are under 15 or are attending compulsory education, working hours cannot exceed:

- a) 2 hours a day and 12 hours a week in weeks during school days;
- b) 7 hours a day and 35 hours a week during school vacations; and
- c) 8 hours a day and 40 hours a week (for the total of working hours and school hours where the work is part of an arrangement involving alternating theoretical and practical education)

For young persons between 15 and 18 years who are not attending compulsory education, working hours will not exceed 8 hours a day and 40 hours a week. Free and compulsory education is guaranteed under the Constitution. Compulsory education age is 15 years.

Source: §110 of the Constitution of the Kingdom of Norway, 1814; Chapter 11 of the Working Environment Act, 2005

## Minimum Age for Hazardous Work

The minimum age for hazardous work is 18 years. Persons under 18 must not perform work that may be detrimental to their safety, health, development or schooling. This includes work that is carried out between 20:00 and 06:00. However young persons aged 15 to 18 may be required to do night work where it is necessitated by the nature of the work or there is an exceptional and time-limited need for night work. If young persons are engaged for night work, medical examination must be conducted prior to commencing employment and subsequently at regular intervals. With regards to overtime, for children that are under 15 years of age or are attending compulsory education, working hours cannot exceed limited stated above. Workers under 18 have a weekly rest period of 48 hours and must include, as far as possible, Sunday or public holidays. Similarly, persons under 18 who are in education must have at least 4-week annual leave per year of which two weeks must be taken during summer holidays.

Source: Chapter 11 of the Working Environment Act, 2005

# 12/13 FORCED LABOUR

## **ILO Conventions**

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means violation of human rights.

**Norway has ratified both Conventions 29 & 105.**

### ***Summary of Provisions under ILO Conventions***

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers have to allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this as forced labour).

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.



## Regulations on forced labour:

- Constitution of the Kingdom of Norway, 1814
- General Civil Penal Code, 1902
- Working Environment Act, 2005

## Prohibition on Forced and Compulsory Labour

The legal provisions preventing slavery and forced labour are found in the Constitution and the Penal Code.

The Constitution has stipulated that no one can be held in slavery or forced labour. The General Civil Penal Code also prohibits forcing others to forced labour or services including begging. Any person who forces another person to engage in forced labour is subject to imprisonment for a term not exceeding 5 years.

Source: §93 of the Constitution of the Kingdom of Norway, 1814; §224 of the General Civil Penal Code, 1902

## Freedom to Change Jobs and Right to Quit

Norwegian law gives a worker freedom to change jobs and the right to quit. In accordance with the provisions of the Constitution, everyone has the right to work and freedom of work. A worker who wants to terminate his employment contract must also give his employer a minimum period of notice depending on the length of employment and his/her age, which ranges between two months to six months. The termination notice must be in writing.

Source: §110 of the Constitution of the Kingdom of Norway, 1814; Chapter 15 of the Working Environment Act, 2005

## Inhumane Working Conditions

Normal working hours are 09 hours a day and 40 hours a week. The general overtime work must not exceed 10 hours per seven days, 25 hours per four consecutive weeks, or 200 hours during a period of 52 weeks. However, a collective agreement may allow overtime as 20 hours per week, 45 hours in a 4-week period and 300 hours in a period of 52 weeks. The Labour Inspection Authority may, on application in special cases, permit a total of overtime work not exceeding 25 hours per seven days or 200 hours during a period of 26 weeks. The general overtime may be imposed only on employees who, in each individual case, have declared their willingness to perform such overtime. The weekly working limit is set as 48 hours (including overtime hours) on average over an 8-week period.

For more information on this, please refer to the section on working time.

Source: Chapter 10 of the Working Environment Act, 2005

# 13/13 TRADE UNION

## **ILO Conventions**

Freedom of association and protection of the right to organize: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

**Norway has ratified both Conventions 87 & 98.**

### ***Summary of Provisions under ILO Conventions***

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be put at a disadvantage when they are active in the trade union outside working hours. The list of exclusions for sectors of economic activity and workers in an organization should be short.

Trade unions are entitled to negotiate with employers on term of employment without hindrance. The freedom of a trade union to negotiate with employers to try and conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violation of this principle).

Workers have the right to strike in order to defend their social and economic interests. It is incidental and corollary to the right to organize provided in ILO convention 87.

## Regulations on trade unions:

- Constitution of the Kingdom of Norway, 1814
- Working Environment Act, 2005
- Labour Disputes Act, 2012
- General Application Act on Collective Agreements, 1993

## Freedom to Join and Form a Union

The Constitution guarantees freedom of association and gives everyone the “right to form, join or withdraw from associations, including trade unions and political parties.” The Working Environment Act prohibits direct or indirect discrimination on the basis of trade union membership as well as discrimination on the basis of enrolment or participation in a trade union. This prohibition is applicable to all aspects of the employment relationship, with the exception of differential wage rates (and working conditions) as stipulated by collective agreements.

Source: §101 of the Constitution of the Kingdom of Norway, 1814; Chapter 13 of the Working Environment Act, 2005

## Freedom of Collective Bargaining

The basic legal framework of collective bargaining is set out in labour dispute legislation, which consists essentially of the 2012 Labour Disputes Act. This legislation is based on the principle of freedom of collective bargaining and contains no specific limitations on the scope of bargaining issues. Collective agreement is defined as “an agreement between a trade union and an employer or employers' association regarding employment and wage terms or other working conditions.”

Trade unions and employer or employers' association can make a claim for negotiations with a view to enter into or revise a collective agreement. If the counterparty does not attend the negotiations or the negotiations do not lead to the conclusion of a new or revised collective agreement, the first party may strike or lockout.

A collective agreement is established in writing and should contain provisions regarding the effective date, duration and notice period. Unless otherwise agreed, the usual collective agreement duration is 3 years and must be terminated in writing by giving a three months' notice before its expiry. If a collective agreement is not terminated by the deadline, it is extended by one year.

The issues discussed under collective bargaining and which ultimately form part of the collective agreement is wide-ranging. Examples of the issues that are involved are: employment security; working hours and shift schedules; wages; overtime; night work bonus; employee training; and leaves. There is provision for extension of collective agreements to non-signatory parties.

There are many tripartite bodies working for income policy cooperation and tripartite concertation on labour market issues. These bodies include Contact Committee (for wage settlements), Working Life and Pension Policy Council (for discussion on labour market and pension issues), and Technical Calculation Committee for Wage Settlements (generates statistics on wage development prior to annual wage agreements).

Source: §01-07 of the Labour Disputes Act, 2012; General Application Act on Collective Agreements, 1993

## Right to Strike

The Labour Disputes Act defines the term Strike as “full or partial work stoppage by workers jointly or in concert with each other to force a resolution of a dispute between a union and an employer or employers' association.” The Act differentiates between disputes of rights and disputes of interest. Dispute of rights concerns validity, interpretation or existence of a collective agreement. A collective dispute of rights cannot to be resolved through strike, lockout or other industrial action and must be resolved by the Labour Court, which has sole jurisdiction over such disputes, or through voluntary arbitration. On the other hand, dispute of interest concerns organization of future employment and wage terms or other working conditions that are not subject to a current collective agreement. Such disputes can be resolved through negotiation, collective bargaining and industrial action on meeting certain notice requirements.

In order to resolve labour disputes that may arise between the employer and employees, a mediator is appointed, who is tasked with resolving the disputes between the two parties.

If in pursuance of a dispute the employees wish to go on strike, the employees must give a notice in writing of stoppage of work 14 days prior to the intended strike to the employer. This notice must be given also to the mediator and additionally will contain the following information:

- A copy of the notice of collective work stoppage;
- Details of the Dispute;
- Number of workers participating in work stoppage;

- Information on expiry of the term of collective work stoppage; and
- Details on any negotiations between the parties and the progress achieved

Once the notice given to the employer (14 days) has expired, and after the passage of 4 days from the date on which the notice was sent to the mediator, the employees may go on strike. However, the mediator may upon receiving of the notice, in order to resolve the dispute, order a temporary ban on the stoppage of work by the employees. The mediator may then proceed to resolve the dispute between the parties by presenting a proposal, the acceptance of which will depend on a vote of the concerned parties. If the proposal is rejected by vote, the workers may continue with the strike till resolution of the dispute.

Source: §01-03 & 14-28 of the Labour Disputes Act, 2012

# QUESTIONNAIRE

## DECENTWORKCHECK.ORG

## Check

Decent Work Check Norway is a product of WageIndicator.org



National Regulation exists



National Regulation does not exist

## 01/13 Work &amp; Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

## 02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

## 03/13 Annual Leave &amp; Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

## 04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

## 06/13 Maternity &amp; Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

\* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





# DECENTWORKCHECK.ORG

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |









## 08/13 Sick Leave & Employment Injury Benefits

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 09/13 Social Security













- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 10/13 Fair Treatment



- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                      |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion   |  | <input type="checkbox"/> | <input type="checkbox"/> |

\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.




# DECENTWORKCHECK.ORG

	Nationality/Place of Birth		<input type="checkbox"/>	<input type="checkbox"/>
	Social Origin/Caste		<input type="checkbox"/>	<input type="checkbox"/>
	Family responsibilities/family status		<input type="checkbox"/>	<input type="checkbox"/>
	Age		<input type="checkbox"/>	<input type="checkbox"/>
	Disability/HIV-AIDS		<input type="checkbox"/>	<input type="checkbox"/>
	Trade union membership and related activities		<input type="checkbox"/>	<input type="checkbox"/>
	Language		<input type="checkbox"/>	<input type="checkbox"/>
	Sexual Orientation (homosexual, bisexual or heterosexual orientation)		<input type="checkbox"/>	<input type="checkbox"/>
	Marital Status		<input type="checkbox"/>	<input type="checkbox"/>
	Physical Appearance		<input type="checkbox"/>	<input type="checkbox"/>
	Pregnancy/Maternity		<input type="checkbox"/>	<input type="checkbox"/>
40	I, as a woman, can work in the same industries as men and have the freedom to choose my profession		<input type="checkbox"/>	<input type="checkbox"/>





## 11/13 Minors & Youth

41.	In my workplace, children under 15 are forbidden		<input type="checkbox"/>	<input type="checkbox"/>
42.	In my workplace, children under 18 are forbidden for hazardous work		<input type="checkbox"/>	<input type="checkbox"/>

## 12/13 Forced Labour

43.	I have the right to terminate employment at will or after serving a notice		<input type="checkbox"/>	<input type="checkbox"/>
44.	My employer keeps my workplace free of forced or bonded labour		<input type="checkbox"/>	<input type="checkbox"/>
45.	My total hours of work, inclusive of overtime, do not exceed 56 hours per week		<input type="checkbox"/>	<input type="checkbox"/>

## 13/13 Trade Union Rights

46.	I have a labour union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
47.	I have the right to join a union at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
48.	My employer allows collective bargaining at my workplace		<input type="checkbox"/>	<input type="checkbox"/>
49.	I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination		<input type="checkbox"/>	<input type="checkbox"/>



# DECENTWORKCHECK.ORG

## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Norway scored 40 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.