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a *flamme* *sysselsettingen*, *1947*
(Sysselsettingsloven) *1947*

27
Act of 27th June 1947

Respecting Measures to Promote Employment.
Amended last 15th March 1968.

Chapter I. The Labour Directorate and the Local Employment Bodies.

1. The Labour Directorate shall keep a close watch on the development of employment in this country, strive to achieve a steady and adequate level of employment and advise the Ministry in matters relating to employment and unemployment. It shall —

- (a) collect information regarding employment, unemployment and possibilities of employment, seek to establish the causes of fluctuations in employment and produce surveys of employment and unemployment at regular intervals;
- (b) encourage the preparation by Government agencies, counties and communes of such detailed plans for public works as can be put into operation at short notice to the extent required in the various parts of the country. The Labour Directorate shall assemble and keep a summary of the plans. It shall likewise endeavour to obtain the fullest possible information concerning private plans of work where their execution will have a bearing on the level of employment;
- (c) arrange for useful works to be undertaken in times of unemployment, and for works to be postponed in times of manpower shortage where they can be deferred without great detriment;
- (d) promote measures to hinder or remedy unemployment, and hereby work for planned and organized development of industrial life and the co-ordination of measures instituted for this purpose;
- (e) direct the employment service so as to provide suitable employment and suitable workers for all vacancies;
- (f) undertake vocational guidance with the aim of assisting young people and others when choosing a career, training for it and adjusting themselves to working life, and co-ordinate all official activity connected with vocational guidance.

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The Ministry may issue further directives concerning the activities of the Directorate and impose on it duties other than those mentioned in paragraph one.

2. The Labour Directorate shall be managed by a board consisting of seven members, who shall be designated (together with personal deputies) by the Crown for a term of four years at a time. Workers and employers shall each have two representatives on the board, but each group shall have only one vote. The Crown shall designate a chairman and vice-chairman from among the other members. The chairman may call in experts to give advice when certain matters are dealt with.

The day-to-day management of the Directorate shall be entrusted to the Director of Labour, who shall be appointed by the Crown. The Ministry shall designate a deputy-director. If the director is not a member of the Board, he may nevertheless attend the Board meetings but without the right to vote.

A member of the Board shall not take part in the discussion of any matter in which he or his wife has a strong personal interest in the decision adopted. This provision shall also apply where any person to whom such member is related by blood or marriage in a degree not more distant than that of a brother or sister has a like interest, or where a company or undertaking in which he is employed or in which he has considerable financial interest has a like interest. The Board shall decide questions of disability, the person concerned taking no part in the decision.

The Crown shall make further provisions to govern relations between the board and the director and also detailed provisions of an administrative nature for the Labour Directorate, and the Board. The said provisions may prescribe that certain classes of business shall be dealt with by committees, to which members may be specially appointed if required.

The State shall defray the administrative expenses of the Labour Directorate. The members of the Board and experts called in by the Board shall be entitled to an allowance covering fares and meals in accordance with the regulations for public employees. They shall also be entitled (except in the case of the Director) to a prescribed allowance for each meeting attended.

3. In each county there shall be a county employment and public works committee, which shall keep a close watch on the employment situation in the county, endeavour to maintain a steady and adequate level of employment, and together with the

3. Kommunal dept.

Labour Directorate, the other local employment bodies coming under this Act and other interested organizations, carry out the duties mentioned in section 1 within the county in question.

The county employment and public works committee shall have 7 members with personal deputies. Of the members 1 shall be spokesman for the employees and 1 for the employers. The Chief Administrative Officer of the county shall be the chairman of the committee. The 7 seats on the committee shall be distributed between the rural districts and the towns in relation to the population according to the last general population census. The committee shall be appointed for a term of 4 years by the County Executive Committee, as soon as possible after the latter has been elected, and commences upon its duties as soon as it has been appointed. The County Executive Committee shall appoint a vice-chairman from among the members. The County Executive Committee may decide that certain groups of cases shall be dealt with by a sub-committee, with specially appointed members, if necessary.

The persons appointed must have the right to vote under section 50 (see section 53) of the Constitution, be resident in the county but not officials of the employment service or the county employment and public works committee, or officials or auditors of an insurance fund. Persons fulfilling the above conditions are bound to accept appointment, but may claim exemption from re-appointment for a period equal to that already served. Persons who have reached the age of 65 years may also claim exemption. The provisions of section 2, para. 3 respecting invalidity also apply here.

If the duties of a member of the county employment and public works committee are particularly onerous, the Ministry may grant reasonable compensation. Members are entitled to an allowance for fares and board according to the regulations for public officials.

In each county there shall be a county employment office which is the secretariat for the County Employment and Public Works Committee and which shall have within the county the duties mentioned in section 1, reference being made to Art. 1. The managers of the county employment offices are appointed by the Ministry. Other members of the staff shall be appointed according to rules laid down by the Crown.

Regional planning and matters concerning support from the District Development Fund, reference being made to Act of the 16th December 1960 (No. 3), shall, however, belong under the

The violations mentioned in the first paragraph shall be deemed to be offences.

Any breach of the obligation of secrecy under section 33 shall be punishable under section 121 of the General Civil Penal Law of 22nd May 1902, even where the authorized representative or official is not a public employee.

Of the State's expenditure on the County Employment and Public Works Committees and County Employment Offices (including the Seamen's Offices) $66\frac{2}{3}\%$ shall be met by the National Reserve Fund of the Unemployment Insurance Scheme and 5 % by the Disability Insurance Scheme, reference being made to Act on Disability Insurance of the 22nd January 1960. The cost of maintaining the Seamen's Offices is the sum remaining after the signing-on fees to the State have been deducted.

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mittee shall in these cases also have a representative of each commune in the district. The representative and his deputy shall be elected by the relevant local Council for the duration of its term of office.

The Ministry may determine that certain types of cases shall be delegated to a sub-committee of the committee, which may have specially appointed members.

With regard to eligibility for election, the right to claim exemption and ineligibility, the provisions laid down in Art. 3, para. 3 see Art. 2, para. 3 are applicable here; also Art. 3, para. 4 with regard to compensation for onerous duties and claims for board and travelling expenses.

The head of the employment service in the district shall act as secretary to the committee and its sub-committees. If the employment service in a district is run by the County Employment Office, see Art. 6, para. 3, the Ministry may draw up further provisions respecting the carrying out of the secretarial work for the committee.

The Ministry may draw up special regulations concerning the organization in the counties of Oslo and Bergen.

5. A commune may appoint its own public works committee or set up a joint committee with another commune for the purpose of maintaining steady and adequate employment and working for the planned and organized development of industrial life.

The bodies mentioned in Art. 3 should be informed of the setting up of such committees and their composition and duties.

Chapter II. Public Employment and Vocational Guidance Service.

6. The State shall be responsible for the organization of a public employment and vocational guidance service to cover the whole country.

Employment offices shall be established in the places and with the districts which the Ministry has determined. The Ministry determines the manner in which the employment service shall be organized in the various local government areas in the district.

The Ministry may determine that in certain districts there shall be an employment officer instead of an employment office, or that the employment service shall be conducted by the appropriate County Employment Office. It may also stipulate that an employment office or specially established office shall provide employment

services for larger areas of the country in further specified fields of the employment service.

At the County Employment Offices and those employment offices determined by the Ministry, there shall be departments or special officials with the task of carrying out vocational guidance and the rehabilitation of handicapped applicants for work.

7. (Repealed by Act of June 2., 1960.)

8. The managers of the district offices and institutes for occupational psychology shall be appointed by the Ministry, otherwise the appointment of the officials of the employment service are made in accordance with the regulations laid down by the Ministry.

9. (Repealed by Act of June 2., 1960.)

10. No official of the employment service shall act as the authorized representative of, or accept an appointment in, an employers' or workers organization. Similarly, no such official shall act as bargaining representative in a labour dispute. This provision shall not apply as regards the organizations of the officials themselves or as regards disputes concerning their own conditions of employment.

11. The employment services shall be neutral and impartial. They shall provide their services free of charge. The committees exercising supervision may, however, with the approval of the Labour Directorate, decide that the cost incurred in obtaining certain information requested, or in making a placing for which an advertisement was requested, shall be derayed by the person making the request. When the employment service on request, selects candidates for employment by means of psycho-technical or similar special methods the employer may be required to pay a fee fixed by the Ministry. The provision shall also apply to the testing of workers already in employment.

The employment services shall consult with the local organizations of employers and workers in the performance of their work.

12. Employers in branches of employment where the workers are normally liable to unemployment insurance shall immediately notify the employment service in the commune of all vacancies. Where a vacancy is filled forthwith, such notification shall not be required. The Ministry shall determine all doubtful cases as to whether a given branch of employment is covered by the provisions of this paragraph.

The duty to notify vacancies shall not apply where vacancies occur solely by reason of a lock-out or strike approved by the principal organizations of employers or workers concerned in the dispute and not declared unlawful by a court.

An employer who has applied to the employment service for workers shall immediately notify the office if the application is withdrawn.

Any employer who wishes to advertise for workers on his own account without his name shall, when notifying the employment service under the first paragraph, give the reasons for his wishing to advertise in this manner.

The Crown shall determine the extent to which the State, counties, communes and public or semi-public institutions shall notify the employment service of vacancies otherwise than under the provisions of the first paragraph of this section, and the extent to which they shall avail themselves of the employment services in obtaining staffs.

13. Employers and workers who fail to comply with reasonable demands in connection with the employment service may be refused all assistance from the employment service for periods of longer or shorter duration.

In every such case, the committee responsible for supervision shall be notified forthwith. The said committee may revoke the decision. Any person who is refused assistance may appeal to the Labour Directorate for a final decision.

14. (Repealed by Act of June 2., 1960.)

Chapter III. Special Provisions Respecting the Registration, Placing in Employment and Engagement of Seamen.

15. There shall be a special committee («Seamen's Committee») in the Labour Directorate for matters relating to the registration, placing in employment and engagement of seamen and other matters affecting the employment of seamen or entrusted to the committee by special provision.

The Seamen's Committee shall consist of six members. These shall include two members representing the shipowners and two representing the seamen, who shall be appointed (together with a personal deputy for each) on the recommendation of the national organizations of shipowners and seamen. The chairman of the

Board of the Labour Directorate shall act as a chairman of the Seamen's Committee. A representative of the Ministry of Commerce shall be a member, acting as vice-chairman. Personal deputies shall be appointed for the chairman and vice-chairman. The provisions of section 2 shall apply also to the Seamen's Committee and to its work, subject to the provisions of this section. 16. In places which the Crown determines, there shall be Seamen's Offices to deal with the matters mentioned in the first paragraph of section 15, or entrusted to these offices by special provision. The Crown shall determine the districts to be covered by each office.

Each seamen's office shall be placed under the supervision of a special supervisory committee, consisting of a chairman and one representative of the shipowners and one representative of the seamen, with a personal deputy for each. The supervisory committee shall be appointed by the Ministry for the term of office of the communal authority, after consultation with the appropriate organizations and the Seamen's Committee. The members shall be entitled to an allowance to cover fares and meals in accordance with the regulations for public employees. The Ministry shall decide whether members shall receive remuneration for their work and, if so, the amount of the remuneration. As regards disability the duty of accepting appointment and the right to claim exemption, the provisions of the third paragraph of section 2 and of the third paragraph of section 3 shall apply.

The Ministry shall appoint the managers of the Seamen's Offices on the recommendations of the Seamen's Committee. The appointment of other officials of the seamen's offices are made in accordance with the regulations laid down by the Ministry.

The managers shall be persons over thirty years of age with at least ten years' sea-service. The provisions as to sea-service may be relaxed in the case of applicants who through their work ashore have acquired an adequate knowledge of seafaring conditions. The remainder of the staff shall be persons with practical experience of seafaring conditions if they have to undertake the engagement of seamen.

In places where no Seamen's Office has been established, the duties mentioned in Art. 15 shall be undertaken by the ordinary employment service in accordance with directives issued by the Ministry.

17. A register of all Norwegian seamen of all ranks shall be established to assist in placing, engagement and other business connected with the occupation.

In each seamen's office there shall be a register of all the seamen whose homes are within the area covered by the office. A central authority to be designated by the Crown shall keep a central register of all Norwegian seamen.

The Ministry, or any authority commissioned by the Ministry, shall make further provisions in respect of the registers (including rules as to the information to be entered therein and the arrangement and manner of keeping the registers up to date).

18. The placing and engagement of seamen throughout the Kingdom shall be effected at the Seamen's Office.

19. The placing and engagement of seamen shall be conducted in accordance with the following rules:

- (a) where there are two or more applicants with equal qualifications in a given group of seamen, the date upon which the seamen registered as seeking employment shall be the deciding factor in allocating vacancies. Persons shall be directed to vacancies in such manner that an employer may obtain the seamen most suited to his needs and that a seaman may obtain as far as possible the job which he desires or for which he is best suited;
- (b) in the event of considerable unemployment among seamen, preference shall be given to seamen who, in view of their length of sea-service in Norwegian ships, appear to have chosen the Norwegian merchant navy for their career. Preference shall also be given to persons with considerable sea-service during the war;
- (c) as regards boys who have not yet been to sea, due regard shall be given to the aptitude shown by the applicant for the occupation and to the time (if any) during which his name has been on the waiting-list.

The above rules may be developed in fuller detail by agreement between the principal organizations of the shipowners and seamen. The agreement shall be subject to the approval of the Crown. If no such approved agreement is concluded, the Crown may issue further rules.

20. Any complaints against decisions of the Seamen's Offices in respect of the placing or engagement of seamen shall be brought before the supervisory committee. The latter may also, on its own account, revoke the decision of a seamen's office without any complaint having been made. The person directly affected by the decision of the supervisory committee, or the minority of the said committee, may appeal against the decision to the Seamen's Committee.

21. A supervisory committee may refuse to engage a seaman who has shown himself to be unsuited to the occupation or who has grossly or repeatedly violated his service or in any other way shown himself to be unworthy to continue to serve at sea. In urgent cases the Seamen's Office may make a provisional decision, but the matter shall be brought before the supervisory committee without unnecessary delay.

The last sentence of section 20 shall apply as regards appeals.

22. The engagement for Norwegian ships of seamen who are abroad shall take place at Norwegian foreign stations or other institutions approved by the Ministry concerned. Engagement shall normally take place in accordance with principles corresponding to those given in section 19.

An appeal against decisions regarding engagements shall be made to the Seamen's Committee.

23. The provisions of sections 18—22 shall not apply to the appointment of

1. Masters, other officers and pilots. However, the Crown may determine that the said provisions shall apply in whole or part to further specified groups of officers, excluding masters, first mates, chief engineers and pilots;
2. seamen who transfer to another post or ship in the same shipping company (if the new appointment follows immediately after the earlier one or the seamen has not been employed in the intervening period by another shipping company);
3. the crews of ships under one hundred gross registered tons;
4. the crews of ships used for fishing or sealing (if it is intended that all or part of the catch shall be brought ashore in this Kingdom);
5. the crew of ships trading on Norwegian inland lakes and rivers;

6. the crews of ships in Government or other public services (if they are not used commercially for the transport of goods or passengers);
7. persons who are not employed in the service of the ship-owner aboard ship;
8. ship's doctors and nurses.

24. In this Chapter, the expression «seaman» and «crew» shall include all persons employed aboard a ship for the purpose of running the ship.

The Crown, or an authority commissioned by the Crown, shall in doubtful cases determine to what persons this Chapter shall apply.

25. The provisions of section 10 shall apply also to the staffs of the Seamen's Offices.

Similarly, section 11 shall apply as regards the placing, engagement and registration of seamen at Seamen's Offices.

Chapter IV. Private Employment Agencies.

26. Save in the cases mentioned in section 27, no person shall operate a private employment agency.

27. Training and instruction establishments which have an obligation under their own rules to find employment for their pupils on the completion of the course of training and instruction, and which do so free of charge, may be authorized by the Ministry to continue such activities until further notice, on condition that they co-operate with the employment service in such manner and submit to such supervision and instructions regarding notification as the Ministry may prescribe.

The provisions of the first paragraph shall also apply to societies with charitable objects which find employment free of charge for persons whom they wish to assist.

28. Repealed by Act of 15th February, 1963, number 1. IV.

Chapter V. Supervision of Activities Promoting Emigration.

29. No person shall carry on activities with a view to promoting the emigration of Norwegian subjects or the acceptance by them of employment abroad (including employment in foreign ships) unless he has obtained the consent of the Ministry. The Crown

may, where necessary in order to safeguard Norwegian industrial life, order that the same rule shall apply to other forms of recruitment.

The Ministry may require that suitable security be given, and may make such rules for supervision as are required.

The Ministry may delegate all or some of its powers under this section to the Labour Directorate and subordinate agencies.

This section shall not affect the operation of the provisions of the Act of 22nd May 1869, respecting supervision of the transportation of emigrants to other parts of the world, and supplementary Acts.

Chapter VI. Miscellaneous Provisions.

30. Any employer who resolves to reorganize or to curtail his activity which will result in his having to give notice in the course of one month to at least 10 employees, shall immediately notify the employment service of this. The same applies if the employees are to be given leave of absence without pay, or will for more than 4 weeks have their weekly working-hours reduced to less than 30 hours. Notice shall be given not later than two months before the reorganization or curtailment is put into effect, unless it was impossible to predict such reorganization or curtailment so early.

The notice shall be given to the employment service in the district where the activity is located on a form prescribed by the Labour Directorate.

If the reorganization or curtailment is due to considerable financial difficulties or if there are reasons of a substantial commercial nature for this, the notice may be given to the County Employment Manager or to his deputy with a request that the notice shall be dealt with confidentially until the employees have been notified. In that event the notice shall not be made known without the consent of the employer outside the Labour Directorate, the local bodies and the relevant Ministry, and possible measures shall be discussed with the employer before they are put into effect.

The provisions of this Article do not apply to work in agriculture, forestry, whaling, sealing and fishing and the laying up of ships abroad. Nor do the provisions apply to dismissals for the purpose of effecting a lock-out, reference being made to Art. 1, point 6 of Act on Labour Disputes of the 5th May 1927, or when the suspension of work or reduction of work is due to circumstan-

ces which give the employer the right to dismiss the employees at shorter notice pursuant to Art. 42 of the Workers' Protection Act of the 7th December 1956. The Labour Directorate may stipulate other limitations of the obligation to give notice.

Notice under this Article does not exempt the employer from giving the employee notice provided by law, labour agreements or labour regulations.

31. (Repealed by Act of June 30., 1954.)

32. (1) The Crown may impose upon the institutions and committees established under this Act other functions not prescribed in this Act and, in such cases, shall make such special provisions as are required.

(2) The appropriate Ministry shall issue such detailed provisions of an administrative character as are required for the execution of this Act.

33. A person who, by reason of his holding a post or commission of trust arising out of this Act, receives information regarding manufacturing or business secrets or other matters not generally known, shall not reveal the said information otherwise than in pursuance of his official duties under this Act. Similarly, he shall not make use of such information in business activities of his own.

34. All persons shall be bound to furnish such information as the Labour Directorate and other agencies having authority under this Act consider necessary for the purpose of carrying out their duties under this Act. Public employees shall be bound to display all notices and posters sent to them by the employment service.

35. Unless a severer penalty is provided for a given case:

- (a) any person who acts as an employment agent in violation of the provisions of this Act or who violates the provisions laid down in, or made in pursuance of Art. 29.
- (b) any person who advertises for employees without giving his name and without giving notice in due time under section 12, or who fails to give the notice required under section 30;
- (c) any employer or agent of an employer who violates the provisions of section 18—22;
- (d) — — — —
- (e) any person who fails to furnish information required under section 34 in due time, or who furnishes incorrect or incomplete information — —

shall be liable to a fine or to a term of imprisonment not exceeding three months, or to both penalties.

The violations mentioned in the first paragraph shall be deemed to be offences.

Any breach of the obligation of secrecy under section 33 shall be punishable under section 121 of the General Civil Penal Law of 22nd May 1902, even where the authorized representative or official is not a public employee.

Of the State's expenditure on the County Employment and Public Works Committees and County Employment Offices (including the Seamen's Offices) $66\frac{2}{3}\%$ shall be met by the National Reserve Fund of the Unemployment Insurance Scheme and 5 % by the Disability Insurance Scheme, reference being made to Act on Disability Insurance of the 22nd January 1960. The cost of maintaining the Seamen's Offices is the sum remaining after the signing-on fees to the State have been deducted.

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