Regulations of 14 February 1995 No. 382
concerning leave of absence in connection with pregnancy, childbirth, or adoption, etc.


§ 1
Scope of application

These regulations shall apply to any employee who
a) is pregnant,
b) has recently given birth to a child,
c) is breast-feeding,
d) has children,
with the exceptions and special provisions contained in the regulations currently in force concerning the scope of the Seamen’s Act.
§ 2

Pregnant women’s right to medical check-ups
If medical check-ups during pregnancy cannot reasonably take place outside the working hours, the pregnant woman is entitled to absence from work for this reason without pay reduction. Any absence shall be so arranged that it does not pose significant problems for the operation of the ship.

§ 3

Pregnant women’s right to take leave of absence
A pregnant employee may demand leave of absence when at least six months of the pregnancy has run.

§ 4

Right of the master or the shipping company to demand that leave of absence be sought
The master or the shipping company may demand that the woman apply for leave of absence from service on board when the pregnancy has run at least six months. However, for a woman in service in domestic trade this shall not apply if she wishes to continue in service and can demonstrate, by means of a Doctor’s Certificate, that this can be done without risk to herself, the unborn child or the pending birth.

§ 5

Father’s right to take leave of absence in the case of childbirth
In connection with the birth, the father is entitled to four weeks’ leave of absence if he is living together with the mother and will use the time to care for the family and home.

§ 6

Parents’ right to take leave of absence
(1) The parents are entitled to further leave of absence during the first year of life of the child, though such that the total leave of absence to both parents does not exceed one year.
(2) Notwithstanding the provision of the first paragraph, the parents are entitled to leave of absence when the National Insurance contributes with maternity benefits.

§ 7

Right to take leave of absence in the case of adoption
(1) In cases of adoption, the adoptive parents are entitled to leave of absence to care for the child for a total of up to one year when the child is under the age of 15 years. The adoptive parents are, nevertheless, entitled to leave of absence for more than one year when the National Insurance contributes with adoption benefits.
(2) The right pursuant to the first paragraph becomes applicable from the time the child enters into the care of the adoptive parents, even though this may take place prior to the granting of an adoption licence.
(3) This Section does not apply to adoption of stepchildren.

§ 8

Right to partial leave of absence
(1) Employees are entitled to partial leave of absence in combination with partial claim for maternity or adoption benefits, ref. Chapter 14 of the National Insurance Act of 28 February 1997 No. 19. This right is based on agreement between the employee and the employer/master. The right to partial leave of absence is conditional upon the employee working more than half time.
(2) Partial leave of absence may be taken out as a reduction of working hours to either 90, 80, 75, 60 or 50 per cent of full time. This corresponds to partial claim for maternity benefits as either 10, 20, 25, 40 or 50 per cent of chosen daily rate.
(3) Employees who do not work full time may, in connection with a time account, reduce their posts to the percentages of full time referred to in the second paragraph. In such cases, the percentage of maternity benefits taken out corresponds to the percentage of reduction in working hours.
(4) Partial leave of absence in combination with partial claim for maternity benefits must take place within a time-limit of two years. The minimum period for partial leave of absence in combination with partial claim for maternity benefits is 12 weeks.
(5) Anyone wishing to take such leave of absence shall notify the employer and the master as soon as possible, and not later than four weeks before full leave of absence is commenced.
(6) Failing to comply with the time-limit for notification does not entail that the employee must postpone the leave of absence if leave of absence is required due to circumstances which the employee had no knowledge of when the time-limit expired, and notification is given as soon as possible.
(7) Disputes as to whether due notice of partial leave of absence has been given shall be settled by the Dispute Resolution Board, ref. the eleventh paragraph below.
(8) If an employee wishes to take such leave of absence as is mentioned in the first to fourth paragraphs, an agreement shall be entered into in writing between the employee and the employer with regard to the duration, the percentage of partial leave of absence, and the manner in which the leave of absence is to be taken out. Requests from the employee shall be met to the extent this does not entail significant inconvenience to the enterprise.
(9) The employee has a right to assistance from an employees’ elected representative or from another adviser during the negotiations. The employer may similarly receive assistance from an adviser.
(10) The agreement may be altered or terminated when particular circumstances make this necessary.
(11) Any dispute between the employee and the employer relating to leave of absence pursuant to this provision may be brought before the Dispute Resolution Board by either party, ref. Section 12-14 of the Working Environment Act of 17 June 2005 No. 62.

Amended by Regulation of 8 November 2007 No. 1231 (in force on 1 January 2008).

§ 9
Duty of employees seeking leave of absence to inform the master or company
Employees who wish to exercise their right to take leave of absence pursuant to these regulations shall notify the master or shipping company as early as possible, so that the necessary substitute can be obtained.

§ 10
Time of commencement of leave of absence
The leave period pursuant to these regulations shall be reckoned from the date when earned holiday and time-off end.

§ 11
Right to free passage home
(1) A pregnant employee who is resident in Norway and who has been granted leave of absence pursuant to § 3 or § 4 is entitled to free passage home with maintenance at the State’s expense. A pregnant woman resident outside Norway has the same rights, though in this case the shipping company shall cover the expenses.
(2) If the birth takes place abroad or while the employee is in service on board, she and the child shall be sent home pursuant to the provisions of the first paragraph.
(3) Any right of free passage home pursuant to other statutory provision or agreement shall take precedence over the provisions of the first and second paragraphs.

§ 12
Supervision
The Norwegian Maritime Directorate shall supervise compliance with the provisions of these regulations.

§ 13
Penalty
(1) Wilful or negligent violation of these regulations is punishable by fines or by prison up to three months pursuant to § 416 of the General Civil Penal Code of 22 May 1902 No. 10.
(2) When a provision of these regulations has been violated by someone who has acted on behalf of the shipping company, the shipping company may be punished pursuant to § 48a and § 48b of the General Civil Penal Code of 22 May 1902 No. 10. This shall apply even in cases where no individual can be punished for such violation.
§ 14

Entry into force, etc.

(1) These regulations enter into force on 1 June 1995.

(2) As from the same date, the Regulations of 3 February 1986 No. 234 concerning leave in connection with pregnancy, childbirth, adoption and during the child’s first year of living are repealed.