Regulation of 18 February 2005 No. 145 concerning guarantees for social security entitlements for employees on Norwegian ships

Chapter 1
General provisions

§ 1
Scope of application

Chapter 2 applies to employees who are not covered by Norwegian social security schemes pursuant to statute or to a reciprocal agreement or by the social security Regulation of the EEA Agreement, Regulation (EEC) No. 1408/71, Article 14b, and who are employed:

a) on board ships registered in the Norwegian International Ship Register; or
b) in the service of foreign employers who carry out business activities on board ships in foreign service that are registered in the Norwegian Ordinary Ship Register.

Chapter 3 applies to persons who are employed in hotel and restaurant services on board tourist ships registered in the Norwegian International Ship Register and who are covered by the social security Regulation of the EEA Agreement, Regulation (EEC) No. 1408/71, article 14b.

§ 2
Definitions

For the purposes of this Regulation:

a) occupational injury means physical injury or disease caused by an industrial accident or any other injury or disease resulting from working conditions;
b) physical injury also means damage to a prosthetic appliance, support, bandage or the like;
c) G means the basic amount, a factor of calculation pursuant to the National Insurance Act.

Chapter 2
Guarantees for social security entitlements for employees who are not covered by Norwegian social security schemes

§ 3
The company’s obligation to furnish a guarantee for occupational injuries

The company is obliged to furnish a guarantee for employees as mentioned in Section 1, first paragraph, ensuring that he or his survivors will receive compensation in the event of occupational injury leading to disability or death. The guarantee shall cover:

a) compensation in the event of disability resulting from occupational injury;
b) compensation to the surviving spouse and children.

§ 4
Calculation and payment of compensation upon occupational injury

The compensation may be paid in the form of a lump sum. The size of the sum shall be agreed upon in the wage agreement between the employer and the employee’s organization in Norway or in the employee’s country of residence. In cases where the amount of compensation has not been laid down in such a wage agreement, the employee or his survivors are entitled to the same payments as under the provisions of Chapter 13 of the National Insurance Act and the Act relating to occupational injury insurance.
Chapter 3
Guarantees for social security entitlements for EEA nationals employed in hotel and restaurant services on board tourist ships registered in the Norwegian International Ship Register

§ 5
The company’s obligation to furnish a guarantee for nursing care, wages during illness, compensation for occupational injuries and disability and old-age pensions

The company is obliged to furnish a guarantee for employees as mentioned in Section 1, second paragraph, for social security entitlements that at least

a) entitles employees who are ill or injured to nursing care at the expense of the company for as long as they are engaged in service on board and for 16 weeks thereafter, and to the other rights pursuant to the provisions of § 28, first paragraph, of the Seamen’s Act;

b) entitles employees who are unfit for work by reason of illness or injury to full wages for a period not exceeding two months, and to the other rights pursuant to the provisions of § 28, second paragraph, of the Seamen’s Act;

c) entitles employees who are unfit for work by reason of an occupational injury to a lump-sum compensation not exceeding 18G, depending on the degree of disability and calculated according to general rules applicable in Norway. If the employee dies the survivors shall be entitled to a lump-sum compensation of 12G and to 2G for each child under 18 years of age, but not exceeding a maximum of 6G;

d) entitles employees who are unfit for work by reason of illness to a lump-sum compensation not exceeding 12G, depending on the degree of disability and calculated according to general rules applicable in Norway. If the employee dies the survivors shall be entitled to a lump-sum compensation of 6G and to 2G for each child under 18 years of age, but not exceeding a maximum of 6G;

e) entitles employees who are entitled to a seaman’s tax allowance and who have been in continuous service with the company for more than five years to rights with regard to disability and old-age pensions pursuant to the provisions of the National Insurance Act.

Chapter 4
Requirements for the guarantee

§ 6
Guarantor for the employee’s social security entitlements and rights in the event of bankruptcy or liquidation

A guarantee pursuant to this Regulation shall be furnished by an insurance company that is licenced to carry out such business activity in Norway. The Ministry of Trade and Industry may upon application permit other persons to furnish a guarantee for the whole or parts of the guarantee.

A national social security scheme in the employee’s country of residence may be approved of as a guarantee pursuant to the first paragraph, provided that the social security benefits satisfy the requirements of this Regulation.

The guarantor shall be a legal person independent of the company.

Where no guarantee is provided, the company is responsible for benefits pursuant to this Regulation.

§ 7
Documentation of a necessary guarantee

The Ministry of Trade and Industry, or whoever is authorized by the Ministry, may require that documentary proof that a necessary guarantee has been provided shall be submitted.

§ 8
Entry into force

This Regulation enters into force immediately. As of the same date, the Regulations of 17 December 1993 No. 1162 concerning mandatory guarantee scheme for employees on Norwegian ships, the Regulations of 23 December 1993 No. 1253 concerning guarantees ensuring payment of wages and passage home in the event of an employer’s bankruptcy or
liquidation, and the Regulations of 23 December 1993 No. 1254 concerning guarantees for social security entitlements for EEA nationals employed in hotel and restaurant services on board tourist ships registered in the Norwegian International Ship Register, are repealed.