

NORWAY

ACT OF 14. DECEMBER 1973 NO. 61 RELATING TO THE STATE
GUARANTEE FOR WAGE CLAIMS IN THE EVENT OF BANKRUPTCY, ETC.
AS AMENDED, MOST RECENTLY ON 8. JUNE 1984

§ 1

The payment of wage and similar claims that cannot be satisfied on account of an employer's insolvency shall be guaranteed by the State in accordance with the provisions of this Act.

The guarantee shall cover claims to wages and other forms of remuneration that have become due in respect of work performed under an employment relationship, including leave pay, claims against the employer in respect of pensions and loss of earnings, and also any interest and expenses with the prosecution of such claims.

Claims shall be covered by the guarantee to the extent that they have priority according to Chapter 9 in act concerning Creditors's Right to Satisfaction of Claims but limited in each case to an amount corresponding to three times the basic National Insurance amount on the term-date. In cases where no bankruptcy or settlement proceedings have been instituted, the rules in shall apply, mutandis; the time limits specified in the Act shall then be reckoned from the date on which the application is received, unless the competent authority appoints some other date in any particular case.

§ 2

Save as may be otherwise determined by the Crown, the guarantee shall cover wages, etc., earned under an employment relationship in respect of which employer contributions are payable to the national insurance scheme.

The guarantee shall be financed from employer contributions forming part of the employer contributions to the national insurance scheme.

§ 3

Application for the payment of the guarantee shall be made to the employer or the person administering his estate, who shall be afforded an opportunity of expressing an opinion.

§ 4

Where the employer or the person administering his estate contests the entire claim or any part of it, the employee may bring an action against him within a specified time limit. Where the time limit is not observed, the right to coverage under this Act shall be forfeited. The time limit may be extended in special cases or a new time limit may be fixed.

§ 5

When the guarantee is paid in accordance with this Act, any compulsory deductions shall be made, in so far as the available information permits, as if payment were made by the employer.

Public authorities, the employer and his estate are required notwithstanding the obligation to observe professional secrecy to provide such information as is necessary to deal with cases covered by this Act.

§ 6

Where the State settles a claim under the guarantee, it shall be subrogated in the employee's claim against the employer or the person administering his estate. The foregoing shall apply even where the conditions for the payment of the guarantee are not fulfilled.

§ 7

Where, in the course of the last three years an employee has benefited from coverage under this Act, he shall not be entitled to any further coverage in respect of a wage claim that has arisen against the same employer during that time, unless he has obtained the approval of the competent authority or it would otherwise be unreasonable in the light of the circumstances to refuse such coverage. The period referred to in the first sentence of this section shall be reckoned from the date of receipt of the first application (cf. the third paragraph of section 1) to the date of receipt of the second.

§ 8

Where the State suffers prejudice in connection with a payment made in accordance with this Act through the fault or negligence of the employee or any person acting on his behalf, it may claim the reimbursement of the amount involved. The foregoing shall also apply to any overpayment received dishonestly or in bad faith.

§ 9

Unless some heavier penalty has been prescribed, any person who wittingly provides inaccurate information or conceals facts affecting any right or obligation under this Act or who, when called upon to do so, fails to submit returns or information required by or in pursuance of this Act shall be liable to a fine.

§ 10

The Ministry determines the specific conditions governing the wage guarantee. For coverage of claims relating to the period after the term-date it may be stipulated that the employee has reported to the employment service. The Ministry may also prescribe rules concerning the implemen-

tation and supplementation of this Act, including rules governing the right to waive claims for repayment against the employer or his estate, and the obligation of the Probate Court and executor or receiver to assist in the handling of cases under this Act. The Ministry issues specific regulations concerning the fixing of remuneration for work on cases under the Act, and to what extent the remuneration is to be paid by the bankrupt estate and whether any refund shall be made under the wage guarantee system.

The Ministry may make special rules for persons employed on board ship or certain categories of such persons and, when so doing, permit exceptions to the provisions of this Act.

§ 11

§ 12

This Act shall enter into force from such date as determined by the King (1. January 1984).