



ACT RELATING TO  
WORKER PROTECTION  
AND WORKING ENVIRONMENT

Arbeidslivets lover

as subsequently amended,  
last by Act No. 27  
of 30 April 2003

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Directorate of Labour Inspection  
Postboks 8103 Dep, 0032 Oslo

## **List of amendments to the Worker Protection and Working Environment Act**

(From January 2002 to May 2003)

Amended by Act No. 27 of 30 April 2003

Section 13 Employees with reduced capacity for work

Section 14 Duties of the employer

Section 16 Duties of employees

Section 64 Protection against dismissal in the event of illness, etc.

Amended by Act No. 16 of 14 March 2003

Section 42 Night Work

Amended by Act No. 13 of 28 February 2003

Section 50 Length of overtime work

Section 56 Scope of provisions relating to dismissal with notice

Amended by Act No. 23 of 21 June 2002

Section 34 Prohibition against child labour

Section 35 Exemptions

Section 36 Working hours

Section 37 Prohibition against night work

Section 38 Medical examinations

Section 39 Rest breaks and time off

Amended by Act No. 25 of 21 June 2002

Section 55 G (new)

Amended by Act No. 27 of 21 June 2002

Section 73 E Information and consultation

Amended by Act no. 18 of 7 June 2002

Section 33 E (new) Right to leave in connection with military service, etc.

Section 65 A Protection against dismissal during military service, etc.

Act No. 4 of 4 February 1977 relating to

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Act No. 4 of 4 February 1977 relating to  
**Worker Protection and Working Environment**  
as subsequently amended, last by Act No. 117 of 21 December 2001.

## **Chapter I. Purpose and scope of the Act.**

### **Section 1. Purpose.**

The purpose of this Act is:

1. to secure a working environment which affords employees full safety from harmful physical and mental influences and which has safety, occupational health and welfare standards at any time consistent with the level of technological and social development of society,
2. to secure sound conditions of employment and a meaningful working situation for the individual employee,
3. to provide a basis whereby the establishments themselves can solve their working environment problems in cooperation with the organizations of employers and employees and under the supervision and guidance of the public authorities.

### **Section 2. Scope.**

1. Provided that it does not expressly state otherwise, this Act applies to any establishment that engages employees.
2. The following are exempt from the Act:
  - a) shipping, hunting and fishing, including processing of the catch on board ship,
  - b) military aviation, which is covered by the Aviation Act.
3. The King may decide that activities associated with exploration for and exploitation of natural resources in the seabed or its substrata, Norwegian inland waters, Norwegian sea territory and that part of the continental shelf which is subject to Norwegian sovereignty, except for areas subject to private property rights, shall wholly or in part be exempt from this Act.

The Act applies to activities as mentioned above in the area outside the Norwegian part of the continental shelf if this ensues from a special agreement with a foreign state or from international law in general. The King may decide that the activities shall wholly or in part be exempt from this Act.

The King may also decide that the Act shall apply wholly or in part to activities as mentioned in the first paragraph in areas outside the Norwegian part of the continental shelf if exploration for and exploitation of natural resources in the seabed or its substrata are carried out from an installation registered in a Norwegian shipping register or if manned underwater operations are carried out

from an installation or vessel registered in a Norwegian shipping register. The King may similarly decide that the Act shall apply in connection with the movement of such installations or vessels as mentioned in the previous sentence.

When activities as mentioned in the first and second paragraph above are exempt from this Act, the King may at the same time lay down other rules which shall apply instead. The same applies when the Act is applied in cases as mentioned in the third paragraph above.

The King may decide that parts of the public administration shall be exempt from this Act or from parts of it when the activity is of such a special nature that it would be difficult to adapt it to the provisions of the Act. The King will decide whether an activity conducted by the public authorities shall be regarded as administration.

4. The King may decide to what extent exemptions from the Act shall be made for civil aviation and other state aviation for purposes of public law which is covered by the Aviation Act. In this connection the King may lay down rules which shall apply instead of the rules of this Act.

5. The King may decide that the rules of this Act wholly or in part shall apply to establishments within agriculture and forestry with no employees. In this connection, the King may lay down special rules and exemptions for such establishments.

For the purposes of this Act, agriculture shall also mean forestry and other activities which are connected with agriculture and which do not substantially exceed what is required for operating the farm or the household.

Activities involving animal husbandry, raising of fur-bearing animals, market gardening and horticulture are also regarded as agriculture, even where such activities are not connected with ordinary agriculture.

The King may decide that the provisions of Chapter IV of this Act shall apply to manufacturers, suppliers, etc. of technical appliances and equipment, or toxic substances or other substances hazardous to health that will or may foreseeably be used by establishments within agriculture and forestry with no employees.

The King may exempt from this Act - and issue separate provisions concerning - establishments within agriculture which do not employ hired labour other than as some form of relief assistance.

6. The King may decide whether and to what extent this Act shall apply to work performed in the employee's home.

The King may further decide that the rules of this Act shall apply wholly or in part to employees who carry out domestic work, care or nursing in the home or household of private employers, and may in this connection lay down special rules for such employees.

7. The King may decide that the provisions of the Act shall apply wholly or in part to establishments with no employees.

8. The King may decide that the provisions of the Act shall apply wholly or in

part to anyone legally responsible for building assignments or his representative.

**Section 3. *Employee.***

1. For the purposes of this Act *employee* shall mean any person who performs work in the service of another.

If an establishment is conducted by two or more persons jointly for their own account, only one of these persons shall be regarded as an employer pursuant to this Act, while the others shall be regarded as employees. This does not apply to family holdings within agriculture and forestry. The name of the person to be regarded as the employer shall be reported to the Labour Inspection Authority without delay.

2. The King will decide to what extent

- a) students at educational or research institutions,
- b) national servicemen,
- c) persons performing civilian national service,
- d) inmates in prisons,
- e) patients in health institutions, rehabilitation institutions, etc.,
- f) persons who for training or rehabilitation purposes are placed in establishments without being employees,
- g) persons who without being employees participate in labour market schemes

shall be regarded as employees when performing work in an establishment covered by this Act. Provisions relating to the employer shall apply accordingly.

**Section 4. *Employer.***

For the purposes of this Act *employer* shall mean any person who has engaged employee(s) to perform work in his service.

The provisions of this Act relating to the employer shall apply accordingly to a person managing the establishment in the employer's stead.

**Section 5. *Indispensability.***

This Act may not be departed from by agreement unless this is expressly provided.

**Section 6. *Obligation to register.***

An establishment subject to this Act shall be registered in writing with the Labour Inspection Authority unless it has been registered with the Inspection Authority previously pursuant to section 3 of the Protection of Workers Act of 7 December 1956. The Inspection shall also be notified when an establishment intends to start using new permanent premises, whether in connection with removal or otherwise, and when temporary premises are taken into use for a period of more than six weeks. Registration shall take place as early as possible

and not later than one week before the establishment commences operations or begins to use the premises. The Directorate of Labour Inspection will issue further rules regarding requirements concerning notification in respect of temporary or mobile construction sites where work is scheduled to last for less than six weeks.

The Directorate of Labour Inspection will issue further rules concerning the information to be given for registration. The Directorate may grant exemption from the rule relating to registration of temporary premises and for specific categories of persons engaged in a business activity when such registration would involve undue inconvenience for the establishment and registration is not considered necessary for purposes of regulatory supervision of the Act.

## **Chapter II. Requirements regarding the working environment.**

### **Section 7. *General requirements.***

1. The working environment in the establishment shall be fully satisfactory when the factors in the working environment that may influence the mental and physical health and welfare of the workers are judged separately and collectively.

2. The King may issue rules restricting permission to employ certain groups of employees who may be particularly vulnerable to accidents or health hazards. In doing so the King may issue rules concerning the relocation of such groups.

3. In establishments where consideration for the workers' health and safety make it necessary, the King may issue regulations prescribing that:

- a) special safety measures shall be implemented,
- b) the establishment shall obtain permission to perform dangerous work, including work with biological factors in the working environment,
- c) employers shall only employ workers who can document that they have completed a training programme which satisfies specific requirements as regards skills or knowledge. It may also be required that the person who is in charge of the training shall satisfy specific requirements.

### **Section 8. *The working premises.***

1. The working premises shall be designed so that the working environment is fully satisfactory as regards the safety, health and welfare of the employees.

In particular it shall be ensured that:

- a) workrooms, passageways, stairways, etc. are suitably dimensioned and equipped for the activities being conducted,
- b) good lighting is provided, if possible with daylight and the possibility to see out,

- c) climatic conditions are fully satisfactory as regards volume of air, ventilation, humidity, draughts, temperature, etc.,
  - d) pollution in the form of dust, smoke, gas, vapours, unpleasant odours, effects of biological factors, and radiation is avoided, unless it has been established that the pollution cannot lead to undesirable effects upon employees,
  - e) noise and vibration are avoided or reduced to prevent undesirable strain on the employees,
  - f) the necessary precautions are taken to prevent injury to employees from falls and falling or sliding objects or masses,
  - g) precautions are taken to prevent fire and explosions, and to provide adequate means of escape in the event of fire, explosion or other emergencies,
  - h) sanitary facilities and welfare rooms are satisfactory in size and design,
  - i) workrooms, sanitary facilities and welfare rooms, etc. are kept in good repair, and are clean and tidy,
  - j) first-aid equipment is readily accessible.
  - k) that the working premises be equipped and arranged in such a way as to avoid adverse physical strain on the workers.
2. The working premises shall be arranged so that employees of both sexes can be employed.
3. Living quarters made available to employees by the employer shall be properly constructed, equipped and maintained. Any house rules shall be drawn up in consultation with employee representatives. The King may issue regulations prohibiting house rules that have unreasonable effects upon employees.
4. The King will issue further provisions concerning the requirements imposed under this section for permanent, temporary, ambulatory and outdoor working premises. These rules may also be made applicable to the lessors of premises, etc.

**Section 9. *Technical appliances and equipment.***

1. Technical appliances and equipment in the establishment shall be designed and provided with safety devices so as to protect employees from danger to life and health.

When technical appliances are being installed and used, care shall be taken to ensure that the employees are not exposed to undesirable effects from noise, vibration, uncomfortable working positions, etc.

Technical appliances and equipment should be designed and installed so that they can be operated by or be adapted for use by employees with varying physical qualities.

Technical appliances and equipment shall always be maintained and attended.

2. The King will issue further rules concerning the requirements imposed under this section, including requirements as to:

- a) design, construction, installation, labelling, etc.,
- b) approval,
- c) approval of bodies set up to exercise supervision in relation to production of technical appliances and equipment.
- d) use, maintenance and inspection.

**Section 10.** (Repealed by Act No. 90 of 26 June 1992, entry into force as of 1 March 1993 in accordance with Royal Decree No. 96 of 11 February 1993.)

**Section 11.** *Toxic and other substances hazardous to health, including biological agents that are toxic or hazardous to health.*

1. In establishments where toxic or other substances hazardous to health, including biological agents that are toxic or hazardous to health, are manufactured, packed, used or stored in a manner that may involve a health risk, the working processes and other work shall be fully satisfactory so that employees are protected against accidents, injury to health and excessive discomfort. Containers and packaging for the substances shall be clearly marked giving the name of the substance and a warning in Norwegian.

The establishment shall keep a record of such substances showing the name of the substance, its composition, physical and chemical properties, and information concerning possible poisonous effects (toxicological data), elements of risk, preventive measures and first aid treatment. The establishment shall have the necessary equipment to prevent or counteract injury to health due to such substances. Such dangerous substances shall not be used if they can be replaced by substances less hazardous to the employees.

2. In establishments that manufacture, pack, use or store toxic or other substances hazardous to health, including biological agents that are toxic or hazardous to health, in a manner that may involve a health hazard, the working environment and the health of the employees shall be kept under continuous control.

The Directorate of Labour Inspection shall issue further rules concerning test methods, the extent and frequency of tests, and on reporting of the results. Moreover, the Directorate may require the employer to carry out special examinations or submit specimens for examination.

The cost of examinations required under this section shall be borne by the party under obligation to carry out the examination or submit the specimen.

3. The Directorate of Labour Inspection may decide that a record shall be kept of all employees who are exposed to specified substances that are hazardous to health, including biological material that is toxic or hazardous to health in establishments covered by this Act.

4. The King may prohibit the manufacture, packaging, use or storage of substances hazardous to health, including biological agents that are toxic or hazardous to health, in establishments covered by this Act. Moreover, the King may impose further conditions on the use or production of any substance.

5. The Directorate of Labour Inspection will issue further rules concerning the manufacture, packaging, use and storage of toxic and other substances hazardous to health, including biological agents that are toxic or hazardous to health, in establishments covered by this Act.

6. The Directorate of Labour Inspection may wholly or in part exempt from the rules laid down in this section establishments that use toxic or other substances hazardous to health, including biological material that is toxic or hazardous to health, in connection with research and analysis, etc.

**Section 12. *Workplace arrangements.***

1. General requirements.

Technology, organization of the work, execution of the work, working hours and pay systems shall be arranged in such a way that the employees are not exposed to adverse physical or mental strain and that their possibilities of exercising caution and observing safety considerations are not impaired. Necessary means to prevent adverse physical strain shall be placed at the disposal of the employees. Employees shall not be subjected to harassment or other improper conduct.

Conditions shall be arranged so that employees are afforded reasonable opportunity for professional and personal development through their work.

2. Arrangement of work.

The individual employee's opportunity for self-determination and professional responsibility shall be taken into consideration when planning and arranging the work.

Efforts shall be made to avoid monotonous, repetitive work and work that is governed by machine or conveyor belt in such a manner that the employees themselves are prevented from varying the speed of the work.

Otherwise efforts shall be made to arrange the work so as to provide possibilities for variation and for contact with others, for connection between individual job assignments, and for employees to keep informed about production requirements and results.

The work must be arranged so as not to offend the dignity of the employee.

3. Control and planning systems.

The employees and their elected representatives shall be kept informed about the systems employed for planning and carrying out the work, and about planned changes to such systems. They shall be given the training necessary to enable them to learn these systems, and they shall take part in designing them.

4. Work involving safety hazards.



- a) Performance-related pay systems shall not be employed for work where this may materially affect safety.
  - b) If work is to be carried out in the establishment that may involve particular hazards to life and health, special working instructions shall be issued prescribing how the work is to be done and the safety precautions to be observed, including any particular instruction and supervision.
  - c) When the work is of such a nature that it involves the danger of disaster or disastrous accidents, plans shall be drawn up for first-aid, escape routes and rescue measures, registration of employees present at the working premises and so on.
  - d) Employees shall be informed of the regulations and safety rules, etc. relating to the area concerned and of the plans and measures mentioned under c).
  - e) When satisfactory precautions to protect life and health cannot be achieved by other means, employees shall be provided with suitable personal protective equipment. Employees shall be trained in the use of such equipment and if necessary shall be required to use it.
5. The King will issue further rules concerning the requirements to be imposed upon the establishments under this section.

Moreover, the King will issue further rules concerning personal protective equipment, including rules concerning:

- a) design, labelling, etc.,
- b) use, maintenance, etc.,
- c) testing, certification and approval.
- d) approval of bodies set up to exercise supervision in relation to production of personal protective equipment.

The rules concerning personal protective equipment may also be made applicable to the manufacturer, importer and supplier.

**Section 13. *Employees with reduced capacity for work.***

1. Passageways, sanitary facilities, technical appliances and equipment, etc. shall, to the extent possible and reasonable, be designed and arranged so that the establishment can employ workers with temporarily or permanently reduced capacity for work.

2. If an employee suffers temporarily or permanently reduced capacity for work as the result of an accident, illness, strain or the like, the employer shall, to the extent possible, implement the necessary measures to enable the employee to be given or to retain suitable work. Preferably the employee shall be given the opportunity to continue his normal work, possibly after special adaptation of the work, working hours, alteration of technical appliances, rehabilitation or the like.

3. In the event that, pursuant to the rules of (2) above, there is question of

transferring an employee to other work, the employee and the elected representative concerned shall be consulted before any decision is made.

4. Unless regarded as evidently unnecessary, the employer shall in consultation with the employee prepare a follow-up plan for return to work following an accident, illness, strain or the like, Work on the follow-up plan shall at the latest commence when the employee has been wholly or partly absent from work for a period of eight weeks. The follow-up plan shall include a review of the employee's responsibilities and residual working capacity. The plan shall moreover include appropriate measures by the employer, appropriate measures involving the assistance of the authorities and further plans for follow-up.

5. Further rules concerning implementation of the provisions of this section will be issued by the Ministry.

### **Chapter III. Duties of employer and employees.**

#### **Section 14. *Duties of the employer.***

The employer shall ensure that the establishment is arranged and maintained, and that the work is planned, organized and performed in accordance with the provisions laid down in or pursuant to this Act, cf. in particular sections 7-13.

To ensure the safeguarding of the safety, health and welfare of the employees at all levels throughout the establishment, the employer shall:

- a) when planning new working premises, alteration of working premises or production methods, procurement of technical appliances and equipment, etc., study and evaluate whether the working environment will be in compliance with the requirements of this Act and implement the measures necessary,
- b) arrange for continuous surveillance of the existing working environment in the establishment as regards risks, health hazards and welfare, and implement the measures necessary,
- c) arrange for continuous checks on the working environment and the health of employees when there may be a danger of injuries to health caused by the long-term effects of influences in the working environment,
- d) ensure that employees who work mainly at night, cf. section 46 (3)(d), are offered medical examinations prior to commencing employment, and subsequently at regular intervals. This does not apply to employees who normally work less than three hours of their daily working time at night.
- e) arrange for expert assistance and for testing and measuring equipment when this is necessary in order to comply with the requirements of the Act,
- f) organize and adapt the work giving due consideration to the age, proficiency, capacity for work and other capabilities of the individual employees,
- g) ensure the systematic promotion of safety within the establishment and

that employees charged with directing or supervising other employees have the necessary understanding of safety matters to supervise that the work is performed in a proper manner as regards safety and health.

h) ensure compliance with the provisions of the Act relating to systematic promotion of safety, cf. Chapter VII,

i) ensure that employees are informed of any accident risks and health hazards that may be connected with the work and that they receive the necessary training, practice and instruction.

j) ensure implementation of systematic preventive work on working environment and adaptation, including systematic work on sickness absenteeism.

The King will issue further rules concerning the employer's duties pursuant to the preceding paragraph.

**Section 15.** *Two or more employers at the same working premises.*

1. When two or more employers are conducting activities simultaneously at the same working premises:

- a) each employer shall ensure that his own activities and his employees' work are arranged and carried out so that the other employers' employees are also protected in accordance with the rules of this Act;
- b) each employer shall cooperate to provide a fully satisfactory working environment for all employees at the working premises;
- c) the principal establishment shall be responsible for coordinating the safety and environmental work of each establishment.

2. At working premises where more than 10 employees are employed at the same time, and no one of the establishments can be regarded as the principal establishment, the employers shall decide by written agreement which of them shall be responsible for coordination. In the event that no such agreement is reached, the Labour Inspection Authority shall be notified and shall decide which employer shall be responsible for the coordination.

3. The Directorate of Labour Inspection will lay down further provisions concerning the duties which follow from this section.

**Section 16.** *Duties of employees.*

1. Employees shall take part in the creation of a sound, safe working environment by carrying out the prescribed measures and participating in the organized safety and environmental work of the establishment.

Employees shall perform their work in conformity with orders and instructions from superiors or from the Labour Inspection Authority. They shall use the prescribed protective equipment, exercise caution and otherwise contribute to preventing accidents and injury to health.

If employees become aware of faults or defects that may involve a danger to

life or health and they themselves are unable to remedy the fault or defect, they shall immediately notify the employer or his authorized representative, the safety representative and, to the extent necessary, the other employees.

Employees who find that their work cannot continue without danger to life or health shall interrupt their work.

Employees who suffer injury at work or who contract diseases which they believe result from the work or conditions at the working premises shall report this to the employer or his representative.

Employees who are wholly or partly absent from work owing to accident, illness, strain or the like shall cooperate on preparation and implementation of follow-up plans, cf. section 13 (4).

2. Employees whose duty it is to manage or supervise other employees shall ensure that safety and health are taken into consideration when work that comes under their areas of responsibility is being planned and carried out.

**Section 16a.** The King will issue further rules concerning internal control and internal control systems to ensure compliance with requirements set out in or issued pursuant to this Act.

## **Chapter IV. Liability of manufacturers, suppliers, etc.**

**Section 17.** *Manufacturers, suppliers and importers of technical appliances and equipment.*

1. Any person who manufactures, imports, sells, leases or lends technical appliances or equipment that will or may foreseeably be used by establishments covered by this Act shall, before delivering the same for use, ensure that they are designed and provided with safety devices in accordance with the requirements of this Act.

Technical appliances or equipment that is displayed for purposes of sale, advertising or demonstration, and that is not provided with the necessary safety devices, shall be visibly marked with information to the effect that the appliance or equipment does not comply with the requirements of the Act and cannot be supplied for use until the manufacturer, supplier or importer has adapted it to meet the requirements laid down in or pursuant to this Act. When demonstrating appliances or equipment necessary measures shall be taken to prevent persons, animals or property from being exposed to danger.

Care shall be taken when designing such technical appliances and equipment as mentioned in the preceding paragraph to ensure that they can be used for their intended purposes without involving excessive inconvenience or discomfort.

They shall be accompanied by the necessary, easily understandable written

instructions in Norwegian concerning transport, installation, operation and maintenance.

2. Any person who undertakes independently to install such technical appliances or equipment as mentioned in subsection 1 of this section shall ensure that it is assembled and installed in accordance with the requirements of this Act.

3. Before such technical appliances or equipment as mentioned in subsection 1 of this section are delivered or displayed, they shall be marked with the name and address of the manufacturer or, in the case of imported goods, of the importer, or otherwise be marked so that the manufacturer or importer can easily be identified.

4. The King will issue further provisions concerning:

- a) design, construction, installation, labelling, etc.,
- b) approval,
- c) approval of bodies set up to exercise supervision in relation to production of technical appliances and equipment.

5. The costs of examination or inspection required under this section shall be borne by the party under obligation to carry out the examination or survey.

**Section 18.** *Manufacturers and importers of toxic substances and other substances hazardous to health, including biological agents that are toxic or hazardous to health.*

1. Any person who manufactures or imports toxic substances or other substances hazardous to health, including biological agents that are toxic or hazardous to health, that will or may foreseeably be used by establishments covered by this Act shall:

- a) procure information concerning the composition and properties of the substance,
- b) effect the necessary measures to prevent accidents and injury to health or excessive discomfort or inconvenience to the employees,
- c) notify the agency specified by the King of the name of the substance and its composition, physical and chemical properties, and supply such additional information as may be required to determine how hazardous the substance is,
- d) ensure proper packaging so as to prevent accidents and injury to health,
- e) mark the packaging with the name of the substance, the name of the manufacturer or importer, and a clear warning in Norwegian. The label shall be submitted with the report required under litera c).

2. The King may require that the manufacturer or importer shall carry out tests or submit specimens for testing to determine how hazardous the substance is.

The King may prohibit the sale of any substance if the manufacturer or importer fails to observe his duty to report or mark the substance, or fails to provide additional information required pursuant to subsection 1, litera c) of this section.

3. The King will issue further provisions concerning the duties of manufac-

turers and importers under this section, including provisions concerning exemptions in cases in which importers use the imported substances in their own establishment.

The King may lay down that the provisions of this section shall apply wholly or partly to dealers, or that obligations pursuant to this section shall be imposed upon dealers rather than on manufacturers or importers.

The costs of tests required under this section shall be borne by the party under obligation to carry out the test or submit the test specimen.

4. Medicines, substances covered by Act No. 9 of 5 April 1963 relating to plant protection products, etc. and foods covered by Act No. 3 of 19 May 1933 relating to the control of food products, etc. are exempt from the provisions of this section regarding notification and marking.

## **Chapter V. Consent of the Labour Inspection Authority for erection of new buildings, alterations to buildings, reorganization, etc.**

**Section 19.** Any person wishing to erect a building or perform building work that must be reported or for which an application must be submitted pursuant to the current Planning and Building Act and that will or may foreseeably be used by an establishment subject to this Act shall obtain prior consent from the Labour Inspection Authority.

The same shall apply if an existing establishment wishes to effect such alteration of the premises, production processes, machinery, etc. as will result in a material change of the working environment.

The Ministry will issue further rules concerning the extent of the duty to obtain prior consent from the Labour Inspection Authority under this section, the information that may be required by the Inspection, and the conditions that may be imposed for granting such consent.

The Ministry may decide that prior consent is not necessary for specific working premises or buildings, or alterations to buildings, if this is unobjectionable in relation to the working environment.

## **Chapter VI. Reporting and recording occupational accidents and occupational diseases.**

**Section 20.** *Recording injuries and diseases.*

The employer shall ensure that all injuries occurring during the performance of work are recorded. The same shall apply to diseases believed to have been

caused by the work or by conditions at the working premises.

The records must not contain medical information of a personal nature without the consent of the person to whom the information applies. The records shall be accessible to the Labour Inspection Authority, safety representatives, working environment committees, and safety and health personnel. Otherwise the employer shall observe secrecy regarding information in the records concerning personal matters.

The employer is under obligation to keep a statistical record of absences due to sickness and of absences due to a sick child in accordance with more detailed guidelines issued by the National Insurance Administration, cf. section 25-2, first paragraph of the National Insurance Act.

**Section 21. *Employer's duty to submit reports.***

If, as the result of an occupational accident, an employee loses his life or is seriously injured, the employer shall immediately, and by the quickest possible means, notify the Labour Inspection Authority and the nearest police authority. The employer shall confirm his notification in writing. The safety representative shall receive a copy of the confirmation.

The Directorate of Labour Inspection may also require such notification to be given in other cases.

The Directorate of Labour Inspection may require that the employer report to the Labour Inspection Authority:

- a) occupational accidents in respect of which notification is not required under the first or second paragraph, also including acute poisonings, and any near accidents,
- b) any disease that is, or may be, caused by the work or by conditions at the working premises.

The Directorate of Labour Inspection will issue regulations concerning the extent and implementation of the duty to give notification of, and the duty to report, injuries and accidents.

**Section 22. *Medical practitioners' duty to submit reports.***

Any medical practitioner who through his work learns of an employee who is suffering from an occupational disease of the same status as an occupational injury pursuant to section 13-4 of the National Insurance Act, or another disease which the medical practitioner believes is due to the conditions of work of the employee, shall report this in writing to the Labour Inspection Authority.

Subject to the consent of the employee concerned, the employer shall also be notified of the disease.

The Directorate will issue further rules concerning the duty to submit reports, including the duty to report specified diseases that may be presumed to be caused by the nature of the work or by conditions at the working premises.

## **Chapter VII. Safety representatives, working environment committees, safety and health personnel.**

### **Section 23. *Working environment committees.***

1. Establishments which regularly employ at least 50 employees shall have a working environment committee on which the employer, the employees and the safety and health personnel are represented.

Working environment committees shall also be formed in establishments having between 20 and 50 employees when so required by any of the parties at the establishment.

Where working conditions so indicate, the Labour Inspection Authority may decide that establishments having less than 50 employees shall establish a working environment committee.

Working environment committees may appoint sub-committees.

2. When a working environment committee is established, this shall be reported to the local Labour Inspection Authority office. Notices shall be posted at the workplace giving the names of the persons who are members of the committee at any given time.

3. The employer and the employees shall have an equal number of representatives on the committee. Representatives of the employer and of the employees shall be elected alternately as chairman of the committee. Safety and health personnel on the committee have no vote. When votes are equally divided, the chairman has the casting vote.

4. The King will issue further rules concerning working environment committees, including their composition, election and terms of office.

The King may issue rules providing that on specified conditions other cooperative bodies in the establishment may act as the working environment committee .

### **Section 24. *Duties of working environment committees.***

1. The working environment committee shall work to establish a fully satisfactory working environment in the establishment. The committee shall participate in planning safety and environmental work and shall follow up developments closely in questions relating to the safety, health and welfare of the employees.

2. The working environment committee shall consider:

- a) questions relating to the occupational health service and the internal safety service,
- b) questions relating to training, instruction and information activities in the establishment that are of significance for the working environment,
- c) plans that require the consent of the Labour Inspection Authority pursuant to section 19,



- d) other plans that may be of material significance for the working environment, such as plans for building work, the purchase of machines, rationalization, work processes, and preventive safety measures.
- e) establishment and maintenance of internal control systems, cf. section 16a.
- f) health and welfare issues related to working-hour arrangements.

Questions relating to work for vocationally disabled employees may also be considered by the committee, cf. section 13.

3. The committee shall study all reports relating to occupational diseases, occupational accidents and near accidents, seek to find the cause of the accident or disease, and ensure that the employer takes steps to prevent recurrence. As a general rule the committee shall have access to Labour Inspection Authority and police inquiry documents. When the committee considers it necessary, the committee may decide that inquiries shall be conducted by specialists or by a commission of inquiry appointed by the committee. Without undue delay the employer may submit such decisions to the Labour Inspection Authority for decision.

The committee shall study all reports relating to occupational health inspections and measurements.

Before such reports as mentioned in the first and second paragraphs above are considered by the committee, medical information of a personal nature shall be removed from the reports, unless the person to whom the information applies consents to it being submitted to the committee.

4. If the working environment committee considers it necessary in order to protect the life or health of employees, it may decide that the employer shall implement concrete measures to improve the working environment within the framework of the provisions laid down in or pursuant to this Act. To determine whether a health hazard exists, the committee may decide that the employer shall conduct measurements or examinations of the working environment. The committee shall impose a time limit for effectuation of the decision. If the employer finds that he is unable to effectuate the decision, the matter shall be submitted without undue delay to the Labour Inspection Authority for decision.

5. Each year the working environment committee shall submit a report on its activities to the administrative bodies of the establishment, to employee organisations and to the Labour Inspection Authority.

The Directorate of Labour Inspection will issue further rules concerning the contents and composition of the annual report.

6. The King will issue further rules concerning the activities of the committee, including rules concerning procedure and concerning the obligation of secrecy for members of the committee.

**Section 25. *Safety representatives.***

1. Safety representatives shall be elected at all establishments subject to this Act. At establishments having less than ten employees, the parties may agree upon a different system or agree that the establishment shall not have a safety representative. Unless otherwise provided regarding the period of validity of the agreement, it shall be considered to apply for two years from the date of signature. The Directorate of Labour Inspection may, following a concrete evaluation of the circumstances at the establishment, decide that it shall nevertheless have a safety representative. At establishments having more than ten employees, more than one safety representative may be elected.

2. The number of safety representatives shall be decided according to the size of the establishment, the nature of the work and working conditions in general. Establishments that consist of several separate departments or where employees work shifts shall as a general rule have at least one safety representative for each department or each shift team.

Each safety area shall be clearly delimited and shall not be larger than that the safety representative can have full control and attend to his duties in a proper manner.

3. Establishments having more than one safety representative shall have at least one senior safety representative who shall be responsible for coordinating the activities of safety representatives.

The senior safety representative shall be elected from among the safety representatives or other persons who hold or have held positions of trust in the establishment.

4. The employer shall notify the local Labour Inspection Authority office when safety representatives are elected. Notices giving the names of those acting as safety representatives at any given time shall be posted at the workplace.

5. The King will issue further rules concerning the number of safety representatives, concerning elections, including conditions governing the right to vote and eligibility, concerning the right of the local trade union to appoint safety representatives, and concerning the safety representatives' term of office.

**Section 26. *Duties of safety representatives.***

1. Safety representatives shall safeguard the interests of employees in matters relating to the working environment. Safety representatives shall ensure that the establishment is arranged and maintained and that work is carried out in such a manner that the safety, health and welfare of the employees are safeguarded in accordance with the provisions of this Act.

2. In particular safety representatives shall ensure that

- a) employees are not exposed to hazards from machinery, technical appliances, chemical substances or work processes
- b) safety devices and personal protective equipment are provided in ade-

- quote numbers, that they are readily accessible and in proper condition,
- c) employees receive the necessary instruction, drills and training,
- d) work is otherwise arranged so that the employees can carry out the work in a proper manner with regard to health and safety,
- e) reports relating to occupational accidents, etc. required under section 21 are submitted.

3. As soon as a safety representative learns of circumstances that may lead to an accident or present a health hazard, the safety representative shall notify the employees at the place and, if he is unable to avert the danger himself, the safety representative shall bring the matter to the attention of the employer or his representative. When so notified the employer shall give the safety representative a reply. If no action has been taken within a reasonable space of time, the safety representative shall notify the Labour Inspection Authority or the working environment committee.

4. The safety representative shall be consulted during the planning and effectuation of measures of significance for the working environment within the representative's safety area, including the exercise of internal control and establishment and maintenance of internal control systems, cf. section 16a.

The Safety representative shall be informed of all occupational diseases, occupational accidents and near accidents in his or her area, of reports relating to occupational health inspections and measurements and of any faults or defects detected.

5. The safety representative shall familiarize himself with existing safety rules, directives, orders and recommendations issued by the Labour Inspection Authority or the employer.

6. The safety representative shall participate in the inspection visits of the establishment undertaken by the Labour Inspection Authority.

7. Further rules concerning the activities of safety representatives and their duty of secrecy will be issued by the King. Such rules may stipulate that the safety representative shall perform tasks allotted to the working environment committee under section 24 when the establishment has no such committee. Authority to make decisions in accordance with section 24, subsection 3, first paragraph, third sentence, and subsection 4, may not be vested in the safety representative.

**Section 27. *Safety representatives' right to halt dangerous work.***

If a safety representative considers that the life or health of employees is in immediate danger and such danger cannot be averted by other means, work may be halted until the Labour Inspection Authority has decided whether work may be continued. Work may be halted only to the extent the safety representative considers necessary in order to avert danger.

The halting of work and the reason for this shall be reported without delay

to the employer or his representative.

The safety representative is not liable for any loss suffered by the establishment as a result of work being halted under the provisions of the first paragraph above.

**Section 28. *Special local or regional safety representatives and working environment committees.***

In building and construction establishments, for work involving loading and unloading of goods, and otherwise when special circumstances so necessitate, the King may decide that special local working environment committees or safety representatives shall be appointed. The tasks, rights and duties of these working environment committees and safety representatives may be such as mentioned in sections 24, 26 and 27 above, in relation to all employees at the workplace.

The King may also decide that there shall be regional working environment committee or safety representative arrangements covering several establishments within one geographical area.

Rules issued pursuant to this section shall contain special provisions concerning the appointment of working environment committees or safety representatives, their duties, and the distribution of the costs of their activities.

**Section 29. *Other provisions.***

1. Costs associated with the activities of safety representatives and working environment committees shall be borne by the employer.

2. The employer shall ensure that safety representatives and working environment committee members receive the training necessary to enable them to perform their duties in a proper manner.

Safety representatives and members of working environment committees are entitled to receive the necessary training at courses arranged by employee organizations.

Costs associated with such training shall be borne by the employer.

The Ministry will issue further rules concerning the requirements for such training.

3. Safety representatives and members of working environment committees shall be allowed the time necessary to perform their duties pursuant to sections 24 and 26 in a satisfactory manner. As a general rule these duties shall be performed within normal working hours. If the persons concerned must leave the workplace, they shall notify their immediate superior in advance, or as soon as possible. Safety work which must be performed outside normal working hours pursuant to section 46 cf. section 47 shall be remunerated in the same way as overtime work. However, this shall not apply to employees who are exempted from the rules relating to working hours pursuant to section 41.

4. The employer shall ensure that holding office as safety representative or as a working environment committee member does not result in any loss of income for the employee and does not in any other way impair his terms and conditions of employment.

**Section 30. *Safety and health personnel.***

1. When special supervision of the working environment or of the health of employees is necessary, the establishment shall have safety and health personnel.

2. Safety and health personnel shall assist the employer, the employees, the working environment committee and the safety representatives in their efforts to create safe and sound working conditions.

Safety and health personnel shall cooperate with and assist the Labour Inspection Authority.

3. Safety and health personnel shall have a free and independent position as regards working environment matters.

4. The King may issue further rules concerning when and to what extent establishments shall have safety and health personnel, the professional qualifications of such personnel, and the duties they are to perform.

## **Chapter VIII. Right to leave of absence.**

**Section 31. *Pregnancy and childbirth.***

1. A pregnant employee is entitled to leave of absence for up to 12 weeks during pregnancy.

After giving birth, she shall have leave of absence for the first six weeks.

The Labour Inspection Authority may grant exemption from this rule when the mother produces a medical certificate showing that it is better for her to resume work.

2. In connection with the birth of a child the father is entitled to two weeks' leave of absence provided that he lives with the mother and spends the time taking care of family and home.

3. Parents are entitled to further leave of absence during the first year of the child's life provided, however, that leave of absence pursuant to subsections 1 and 3 does not exceed 1 year altogether for both parents jointly.

The provision in the first paragraph notwithstanding, parents are entitled to leave of absence when a parental benefit is paid by the National Insurance.

4. In addition to leave pursuant to subsection 3, each of the parents is entitled to leave of absence for up to one year for each child. Leave of absence pursuant to this provision must be taken in connection with leave of absence pursuant to subsection 3.

The right to leave pursuant to the first paragraph shall not apply when the employee exercises the right to partial leave of absence pursuant to section 31A. However, the right shall apply if the agreement regarding partial leave is terminated pursuant to subsection 4 of section 31A.

5. If the parents are living apart, the father's right pursuant to subsection 2 may be exercised by any other person who assists the mother during her pregnancy. If the child is not in the care of both parents, the right under subsection 3 of the parent who does not take care of the child may be exercised by any other person taking care of the child. Employees who have sole responsibility for the care of a child shall be entitled to leave of absence pursuant to subsection 4 for a period of up to two years.

6. Any person exercising the right to leave of absence pursuant to subsection 1 shall notify the employer as soon as possible and not later than one week in advance when leave of absence shall last more than two weeks.

Any person exercising the right to leave of absence pursuant to subsection 2 shall notify the employer as soon as possible.

Any person exercising the right to leave of absence pursuant to subsection 3 shall notify the employer as soon as possible, and not later than four weeks in advance if leave of absence is to last more than twelve weeks.

Any person exercising the right to leave of absence pursuant to subsection 4 shall notify the employer as soon as possible and not later than three months in advance.

Disregard of such periods of notice shall not entail that an employee must postpone leave of absence when such absence is necessary owing to circumstances unknown to the employee before expiry of the period and the employer has been notified as soon as possible.

Disputes as to whether due notice of leave of absence has been given will be settled by the Labour Inspection Authority.

7. Pregnant employees shall be entitled to leave of absence with pay in connection with examinations in connection with the pregnancy when such examinations cannot reasonably take place outside working hours.

#### **Section 31A. *Partial leave of absence.***

1. Employees are entitled to partial leave of absence combined with partial payment of parental or adoption benefit, cf. sections 14-21 to 14-29 of the National Insurance Act. This right is based upon an agreement between employee and employer. The right to partial leave is conditional upon the employee working more than a 50 per cent post.

Partial leave may be taken out as a reduction in working hours to either 90, 80, 75, 60 or 50 percent of a full-time post. This corresponds to a partial payment of parental benefit equal to 10, 20, 25, 40 or 50 percent of the chosen daily rate.

Employees who are not working full time may, in connection with the time

account, reduce their working hours to those fractions of full time mentioned in the second paragraph. The fractional payment of parental benefit shall correspond to the percentage of reduction in working hours.

Partial leave combined with partial payment of parental benefit must take place within a time frame of two years. The minimum period for partial leave combined with fractional payment of parental benefit is 12 weeks.

2. Any person wishing to take such leave of absence shall notify the employer as soon as possible, and not later than four weeks prior to the commencement of full leave.

An employee who fails to comply with the time limit for notification shall not be required to postpone leave of absence when such absence is necessary owing to circumstances unknown to the employee before expiry of the time limit and notification is given as soon as possible.

Disputes as to whether due notice of leave of absence has been given shall be settled by the Board of appeal, cf. subsection 5.

3. An employee who wishes to take such leave of absence as mentioned in subsection 1 must enter into a written agreement with the employer stating the duration, the percentage of partial leave and the manner in which the leave of absence is to be taken out. The wishes of the employee shall be granted unless this would entail significant inconvenience to the establishment.

The employee is entitled to engage the assistance of an elected representative or other adviser during the negotiations. Similarly the employer may engage the assistance of an adviser.

4. The agreement may be amended or terminated due to special circumstances.

5. Disputes between employee and employer concerning leave of absence pursuant to this provision, may be brought before a Board of appeal by the parties.

The Board of appeal shall have three members. The members with personal substitutes shall be appointed by the Ministry.

The chairman of the Board shall have special knowledge of labour law. The other two members shall be appointed on the recommendation of the Confederation of Norwegian Business and Industry and of the Norwegian Confederation of Trade Unions, respectively.

Representatives of the Ministry responsible for the State's employer's interests and of employers' organizations outside the Confederation of Norwegian Business and Industry may appear before the Board and state their positions concerning disputes within their respective sectors. Likewise, union representatives outside the Norwegian Confederation of Trade Unions may appear before the Board and state their positions in disputes concerning their members.

The decision of the Board may not be appealed. The legality of a Board decision may be reviewed by the Courts.

The Ministry will issue further regulations concerning the procedure and other activities of the Board.

**Section 32.** *Adoption, etc.*

1. In cases of adoption the adoptive parents are entitled to leave of absence to care for the child for a total of 1 year when the child is under the age of 15. The adoptive parents are however entitled to leave of absence for more than 1 year when adoption benefit is paid by the National Insurance.

2. The right pursuant to subsection 1 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 permit.

3. The rules of subsection 4, the third sentence of subsection 5 and subsection 6 of section 31 shall apply accordingly.

4. Foster parents shall be entitled to leave of absence to care for the child pursuant to the rules of subsections 1 and 3 from the time the child enters into their care.

5. An employee who takes over parental responsibility on the death of the other parent or who is assigned parental responsibility pursuant to sections 36 and 37 of the Children Act and who has received less access than laid down in section 44a, second paragraph of the Children Act shall be entitled to leave of absence to care for the child pursuant to the provisions laid down in subsections 1 and 3 from the date that parental responsibility for the child is taken over.

6. This section does not apply to the adoption of stepchildren.

**Section 33.** *Leave of absence for nursing mothers.*

A nursing mother is entitled to request the amount of time off necessary for this purpose, at least 30 minutes twice daily, or to request that her working hours be reduced by up to 1 hour per day.

**Section 33A.** *Right to leave of absence in the event of a child's or childminder's illness.*

1. Employees who have children in their care are entitled to leave of absence when necessary to attend a sick child. The right to leave of absence applies up to and including the calendar year of the child's twelfth birthday. If the child is chronically ill or disabled and the illness or disability entails a markedly greater risk of the parents' being absent from work, the right to leave of absence applies up to and including the calendar year of the child's eighteenth birthday.

2. The employee is similarly entitled to leave of absence when necessary to attend a child under 12 years of age, respectively 18 years of age, if the person responsible for the daily childcare is ill or is prevented from attending the child because he or she is accompanying another child that is to be examined or admitted to a health institution.



3. Leave of absence pursuant to subsection 1 and subsection 2 is limited to a total of ten days per calendar year per employee, but to 15 days if the employee concerned has more than two children in his/her care. Employees who are responsible for the care of chronically ill or disabled children as mentioned in subsection 1 are entitled to 20 days' leave of absence per calendar year.

4. Employees who have sole responsibility for the care of children are entitled to leave of absence as mentioned above of up to 20 days per calendar year, but of up to 30 days if the employee has more than two children in his/her care. If the employee has sole responsibility for the care of chronically ill or disabled children, he/she is entitled to up to 40 days' leave of absence per calendar year. The same rules apply if there are two persons responsible for such childcare and one of them is prevented for a long period from supervising the child owing to a personal disability, admission to a health institution as a long-term patient or similar circumstances.

Even if one parent has sole responsibility for care of the children, the parents may share the right to leave of absence between them according to their agreement concerning access to the children, cf. section 9-6, fifth paragraph of the National Insurance Act.

5. An employee who has responsibility for the care of a child who is hospitalized is entitled to leave of absence from the eighth day after admission of the child if he or she resides at the health institution for the sake of the child. The age limits ensuing from the second and third sentence of subsection 1 apply accordingly. The right to leave shall also apply after the child is discharged in cases where the employee must stay at home because the child needs continuous care and attention.

An employee who is responsible for the care of children under 18 years of age who are suffering from a life-threatening or other extremely serious illness or injury is entitled to leave of absence if he or she must, out of regard for the child, stay at the health institution. The right to leave of absence also applies when an employee must stay at home because the child needs continuous care and attention. An employee with responsibility for the care of a mentally disabled child is entitled to corresponding leave, notwithstanding the 18-year age-limit.

6. Employees who are responsible for the care of children who are chronically ill or disabled are entitled to leave of absence if they have to take part in a course or other training programme at an approved health institution in order to be able to take care of and treat the child. The same applies to participation in courses for parents at approved public resource centres.

7. The Ministry may issue further rules concerning the implementation of this section.

**Section 33B.** *Right to leave of absence for taking care of close relatives.*

Employees who in the home takes care of close relatives in the terminal stage are entitled to 20 days leave of absence to take care of the individual patient.

**Section 33C.** *Right to leave of absence for the performance of official duties.*

An employee shall be entitled to leave of absence from work to such extent as is necessary in order to comply with statutory requirements regarding attendance in public bodies.

## **Chapter VIII A. Educational leave**

**Section 33D.** *Right to educational leave*

1. An employee who has worked for at least three years and who has worked for the same employer for the last two years has the right to full-time or part-time leave for up to three years to attend organized courses of education. Beyond the level of the lower or upper secondary school, leave will only be granted for vocational studies. Vocational studies include all types of continuing education and training of relevance for the labour market.

2. Educational leave may not however be demanded when it would constitute an obstacle to the employer's responsible planning of operations and personnel assignments.

3. An employee who has taken educational leave is not entitled to further educational leave until the time that has elapsed since the commencement of the previous educational leave is equal to twice the duration of the leave and a minimum of one year. The requirement regarding a period of one year before the next educational leave does not apply for employees who have taken educational leave for a course of under one month's duration.

4. An employee who wishes to make use of his or her right to educational leave must notify the employer of this in writing. The notification given to the employer shall include information concerning the academic content of the course, the duration and, if appropriate, admission to the educational institution. When the course involves education beyond the level of the lower or upper secondary school, grounds must be given for vocational relevance.

5. If the employer maintains that the conditions for educational leave have not been fulfilled, including cases where leave must be postponed out of regard for the employer's responsible planning of operations and personnel assignments, the employee must be notified of this in writing at the earliest opportunity and at the latest within six months. Until the employee's request has been answered, the employer shall keep the employee informed of what has been done to make all possible arrangements for the educational leave. When the leave applied for is of a shorter duration than six months, the employer's reply shall be given within three months following receipt of the employee's request for leave but, when the leave applied for is of a shorter duration than one month, the reply shall be given within two months.

6. Disputes between an employee and an employer concerning whether the

conditions for educational leave have been fulfilled and whether leave must be postponed out of regard for the employer's responsible planning of operations and personnel assignments may be brought by either party before an arbitration committee after the expiry of the employer's time limit for reply pursuant to subsection 5.

7. The arbitration committee shall have seven members, of which an equal number of members shall be from the employees' and the employer's side. The committee shall have a neutral chairman and two permanent representatives from each side of industry. In addition to this, for each case, a single member shall be appointed on the recommendation of the affected parties on each side.

8. The committee's decisions may not be brought before the courts except in cases regarding the procedures followed or the interpretation of the provisions laid down in this section. When a decision of the committee is under review by a court of law, it shall stand while under review. In cases where this has unreasonable consequences, other temporary arrangements may be decided by the court when so requested by either party. The time limit for bringing the committee's decision before the court is eight weeks from the date of the committee's decision.

9. The King may issue further rules concerning the fulfilment and implementation of the provisions laid down in this section, and may wholly or partly exempt establishments from this Act.

**Section 33E.** *Right to leave in connection with military service, etc.*

1. An employee has a right to leave in connection with compulsory or voluntary military service or similar national service.

The same shall apply to voluntary service of a total of 24 months' duration in forces organized by the Norwegian authorities for participation in international peace operations, provided that the employee notifies the employer as soon as possible after entering into a binding agreement concerning service in such forces.

2. Employees who wish to continue their employment after completion of such service have a duty to notify the employer of this before commencing service.

The employer shall not be obliged to take the employee back into work until one month after receipt of notification of the date on which the employee can resume work.

## **Chapter IX. Employment of children and young people.**

**Section 34.** *Prohibition against child labour.*

Children under 15 years or who, pursuant to the Education Act, are atten-

ding compulsory education, shall not be employed for work covered by this Act except in the cases mentioned in section 35.

Persons under 18 years must not be engaged in employment that may be detrimental to their safety, health or development. The Directorate of Labour Inspection may issue further rules concerning the types of work subject to this prohibition.

The Directorate of Labour Inspection may issue further rules concerning registration of employees under 18 years.

#### **Section 35. Exemptions.**

Notwithstanding the provision of section 34, first paragraph:

a) Children aged 13 or more may be employed for light work which is not detrimental to their health, development or schooling.

b) Children aged 14 or more who are still undergoing compulsory schooling may be employed for work that forms part of their schooling or practical vocational guidance when such work cannot be detrimental to their health or development. The training programme involving such work shall be approved by the educational authorities.

c) Children who are under the age of 15 or who are attending compulsory education may be employed in cultural or similar activities.

The Directorate of Labour Inspection may issue further rules and conditions concerning the types of work that shall be permitted pursuant to this provision.

#### **Section 36. Working hours**

Working hours for persons under 18 years of age shall be so arranged that they do not interfere with schooling or prevent pupils from benefiting from their lessons.

In the case of children who are under 15 years or who are attending compulsory education, normal working hours must not exceed two hours a day and twelve hours a week. On days without teaching, the daily working hours may be increased to seven hours. During school holidays of at least one week, normal working hours may not exceed seven hours a day or 35 hours a week.

In the case of children who are under 15 years or who are attending compulsory education and who are engaged in employment as part of an arrangement involving alternating theoretical and practical education, the total of working hours and school hours must not exceed eight hours a day and 40 hours a week.

In the case of young people between 15 and 18 years who are not attending compulsory education, normal working hours must not exceed 8 hours a day and 40 hours a week.

When children work for two or more employers, working hours shall be calculated as a total of the hours worked for all employers. The employer shall

obtain information concerning hours worked for other employers.

Persons under 18 years may not be given overtime work.

The Directorate of Labour Inspection may issue further rules concerning exceptions from the limits of two hours a day and twelve hours a week provided in the second paragraph for cultural or similar work and in this connection lay down conditions. The Directorate of Labour Inspection may issue further exceptions from the provisions laid down in the third and fourth paragraph in special cases where there are objective grounds and establishing conditions for such exceptions.

**Section 37. *Prohibition against night work***

Children who are under 15 years or who are attending compulsory education shall have a work-free period between 8.00 p.m. and 6.00 a.m.

Young people between 15 and 18 years who are not attending compulsory education shall have a work-free period either between 10.00 p.m. and 6.00 a.m. or between 11.00 p.m. and 7.00 a.m. Work between 9.00 p.m. and 10.00 p.m. or work between 9.00 p.m. and 11.00 p.m. is night work and must not be performed in cases other than those mentioned in sections 42 and 43.

The Directorate of Labour Inspection may issue further rules concerning whether the work-free period may be shorter in respect of certain types of work, and establishing conditions for such exceptions.

**Section 38. *Medical examinations***

The employer shall prior to engagement and subsequently at regular intervals ensure that young people assigned night work pursuant to section 37, third paragraph, shall be offered medical examinations.

The Directorate of Labour Inspection may issue further rules concerning implementation of the medical examinations and concerning medical examinations in other cases where work places special demands on the health or physical characteristics of employees.

**Section 39. *Rest breaks and time off***

Persons under 18 years shall have a rest break of at least 30 minutes, if possible continuous, if daily working hours exceed 4 1/2 hours.

Children who are under 15 years or who are attending compulsory education shall have a continuous rest period of at least 14 hours for each period of 24 hours. Young people between 15 and 18 years who are not attending compulsory education shall have a continuous rest period of at least 12 hours for each period of 24 hours.

Persons under 18 years shall have a weekly continuous period of time off of at least 48 hours. The time off shall if possible be taken on Sundays and public holidays.

Persons under 18 years who attend school shall have a minimum of four weeks time off a year, of which at least two weeks shall be taken during the summer holiday.

The Directorate of Labour Inspection may in special cases provide exceptions from the provisions laid down in the second, third and fourth paragraphs.

**Section 40.** *Work in the event of accidents, natural disasters and the like.*

Notwithstanding the provisions laid down in section 37, young people between 15 and 18 years who are not attending compulsory education may be employed between 10.00 p.m. and 7.00 a.m. when night work owing to natural disasters, accidents or other unforeseen events must be performed in order to avert danger or damage to life or property, and where it is strictly necessary to employ the young people concerned in this work. Young people who take part in such work shall have a subsequent compensatory rest period.

## **Chapter X. Working hours.**

**Section 41.** *Work not covered by the rules relating to working hours.*

The provisions of this chapter do not apply to:

- a) work in leading positions and work performed by others who hold special positions of responsibility in the establishment. This exemption does not apply in respect of foremen and others in similar positions who during working hours accompany the employees in their charge,
- b) work by representatives, agents or commercial travellers that is performed outside the permanent working premises of the establishment,
- c) work performed in educational institutions by those engaged in teaching,
- d) work in the lighthouse service,
- e) - - -
- f) fieldwork and expeditions.

The exception in the first paragraph, litera a) shall not however apply in relation to the provisions laid down in section 46 A.

Disputes as to whether the work is covered by literae a-f of the first paragraph shall be settled by the Labour Inspection Authority.

When the work is of such a special nature that it cannot be adapted to the provisions of this chapter, the Directorate of Labour Inspection may permit working hours during a period of maximum six months to be arranged in a different manner. When considering whether to grant such permission, importance shall be attached to whether the working hours arrangement that is established will secure for the employees an equally satisfactory standard of safety and welfare as the provisions of this chapter.

Trade unions entitled to submit recommendations pursuant to subsection 1

of section 11 of Act No. 1 of 5 May 1927 relating to Labour Disputes or the first paragraph of subsection 2 of section 25 of the Act relating to Civil Service Disputes may conclude collective pay agreements relating to the arrangement of ordinary working hours notwithstanding the rules laid down in this chapter regarding the duration and disposition of working hours.

Employers bound by collective pay agreements as mentioned in the preceding paragraph may make the provisions of the agreement relating to working hours applicable to all employees who perform work of the type covered by the agreement, provided that the agreement is binding for a majority of employees. If only a minority is bound by the agreement, the approval of the Directorate of Labour Inspection shall be required.

Use of extended overtime pursuant to the fifth and sixth paragraphs may only be agreed to in respect of employees who, in each individual case, have declared their willingness to perform such overtime, and when the conditions of section 49 have been complied with.

**Section 42. *Night work.***

Work between the hours of 9.00 p.m. and 6.00 a.m. is night work and must not be performed in cases other than those mentioned in this and the following section. The employer shall consult the employees' elected representatives in advance concerning the necessity of night work.

Permissible night work is:

- a) work that cannot be performed unless other work at the workplace is interrupted, and which must be performed at night owing to the operating hours at the workplace,
- b) maintenance and repair work that must be performed at night to ensure normal operation of the establishment. When important reasons so necessitate, such work may also be performed at night out of regard for normal operation of other establishments,
- c) work that is necessary to prevent damage to the plant, machinery, raw materials or products,
- d) watchmen's and doormen's work,
- e) supervision and care of animals,
- f) permanently organized transport activities and necessary loading, unloading and storage connected therewith, and the despatching of mail, telegrams and telephone calls. Work that must be performed at night to ensure the operation of means of transport or to meet the needs of passengers, shall be considered equivalent to transport activities,
- g) work in two shifts that fall between the hours of 6.00 a.m. and 12.00 midnight,
- h) work in institutions providing medical care and nursing, and in boarding accommodation attached to schools, children's homes, day care institutions, etc.,

- i) work necessary to provide services for guests in hotel and catering establishments,
- j) work by police, fire service, customs service, prison service, church officials, work at rescue operation centres and in broadcasting services, newspapers, telegram and news agencies,
- k) work at theatres and other shows and performances,
- l) work at sales outlets,
- m) salvage and diving work when conditions necessitate night work,
- n) work that for technical reasons cannot be interrupted,
- o) agricultural work when there is an especially heavy workload,
- p) supervision and care of live plants.
- q) necessary work in connection with production of bakery goods.

Disputes as to whether the work is permissible night work shall be settled by the Labour Inspection Authority.

**Section 43.** *Night work by special permission or agreement.*

1. Night work by agreement with the employees' elected representatives.

At establishments bound by collective pay agreements the employer may conclude a written agreement with the employees' elected representatives concerning performance of night work for a total period of up to six months in the course of a period of one year:

- a) when an especially heavy workload arises at regularly recurring periods of the year,
- b) when there is an unexpected heavy workload,
- c) when natural disasters, accidents or other unforeseeable events disturb or threaten to disturb normal operations,
- d) when interrupting production would entail considerable inconvenience for technical operations,
- e) when important community interests or other important considerations render it imperative.

If the agreement is binding upon the majority of the employees, the employer may make it applicable to all employees in the establishment who perform work of the type covered by the agreement.

2. Night work by permission of the Labour Inspection Authority.

In the cases mentioned in literae a)-e) of the first paragraph of subsection 1 above, night work may be permitted by the Labour Inspection Authority.

Use of night work shall be discussed with the employees' elected representatives before such permission is granted. Records of these discussions shall accompany the application. When making its decision the Labour Inspection Authority shall attach particular importance to the health and welfare of the employees.

In the case of work mentioned in litera b), c) or e) of the first paragraph of



subsection 1, when it is particularly important that night work be commenced immediately, the employer may commence night work for a period of up to 4 days without awaiting the decision of the Labour Inspection Authority.

**Section 44. *Work on Sundays and public holidays.***

No work shall be performed from 6.00 p.m. on the day preceding a Sunday or public holiday until 10.00 p.m. on the evening preceding the next working day. On Christmas Eve, and on the Saturdays preceding Easter Sunday and Whit Sunday, no work shall be performed from 3.00 p.m. until 10.00 p.m. on the evening preceding the next working day. Work performed during these periods shall be regarded as work on Sundays and public holidays and must not be performed in cases other than those mentioned in this and the following section. The employer shall consult the employees' elected representatives in advance concerning the necessity of working on Sundays and public holidays.

The following work is permitted on Sundays and public holidays:

- a) work that cannot be performed unless other work at the workplace is interrupted, and which must be performed on Sundays and public holidays owing to operating hours at the workplace,
- b) maintenance and repair work that must be performed on Sundays and public holidays to ensure normal operation of the establishment. When important reasons so necessitate, such work may also be performed on Sundays and public holidays to ensure normal operation of other establishments,
- c) work that is necessary to prevent damage to the plant, machinery, raw materials or products,
- d) watchmen's and doormen's work,
- e) supervision and care of animals,
- f) permanently organized transport activities and necessary loading, unloading and storage connected therewith, and the despatching of mail, telegrams and telephone calls. Work that must be performed on Sundays and public holidays to ensure the operation of means of transport or meet the needs of passengers shall be considered equivalent to transport activities,
- g) work in institutions providing medical care and nursing, and in boarding accommodation attached to schools, children's homes, etc.,
- h) work necessary to provide services for guests in hotel and catering establishments,
- i) work by police, fire service, customs service, prison service, church officials, work at rescue operation centres and in broadcasting services, newspapers and telegram and news agencies,
- j) work at libraries, and at theatres and other shows and performances,
- k) work at sales outlets within the opening hours laid down in or pursuant to other legislation,

- l) salvage and diving work when conditions necessitate work on Sundays and public holidays,
- m) work that for technical reasons cannot be interrupted,
- n) agricultural work when there is an especially heavy workload,
- o) supervision and care of live plants.
- p) limited work operations in bakeries that are necessary to enable the following day's production to be carried out normally.

Disputes as to whether work is permitted on Sundays or public holidays shall be settled by the Labour Inspection Authority.

**Section 45. Work on Sundays and public holidays by special permission or agreement.**

1. Work on Sundays and public holidays by agreement with the employees' elected representatives.

At establishments bound by collective pay agreements the employer may conclude a written agreement with the employees' elected representatives concerning work on Sundays and public holidays in the establishment for a total of up to eight Sundays and holidays per calendar year:

- a) when an especially heavy workload arises at regularly recurring periods of the year,
- b) when there is an unexpected, heavy workload,
- c) when natural disasters, accidents or other unforeseeable events disturb or threaten to disturb normal operations,
- d) when interrupting production would entail considerable inconvenience for technical operations,
- e) when important community interests or other important considerations render it imperative.

If the agreement is binding upon the majority of the employees, the employer may make it applicable to all employees in the establishment who perform work of the type covered by the agreement.

2. Work on Sundays and public holidays by permission of the Labour Inspection Authority.

In the cases mentioned in subsection 1, first paragraph, literae a) - e), the Labour Inspection Authority may permit work on Sundays and public holidays. When making its decision, the Labour Inspection Authority shall attach particular importance to the health and welfare of the employees.

A permit for work on Sundays and public holidays does not apply to the time from 3.00 p.m. on Christmas Eve and on Saturdays preceding Easter Sunday and Whit Sunday until 10.00 p.m. on the evening preceding the next working day, or to the time from 6.00 p.m. on the Wednesday preceding Maundy Thursday until 10.00 p.m. on Good Friday, unless this is specifically stated in the permit.

Before a permit is granted, work on Sundays and public holidays shall be discussed with the employees' elected representatives. Records of the discussions

shall accompany the application.

3. Work on Sundays and public holidays in special cases by agreement with the individual employee.

Employers may conclude written agreements with employees concerning work on Sundays and public holidays in cases other than those mentioned in this and the preceding section, allowing the employee corresponding time off on the days that are equivalent to Sundays and public holidays according to the employee's religion. Such agreements may also be concluded notwithstanding the provisions of section 51, subsection 3.

**Section 45A.** (Repealed pursuant to Act No. 2 of 6 January 1995 (in force 1 February 1995).)

**Section 46.** *Length of ordinary working hours.*

1. Definition of working hours and off-duty time.

For the purposes of this Act, *working hours* means time when the employee is at the disposal of the employer.

For the purposes of this Act, *off-duty time* means time when the employee is not at the disposal of the employer.

Rest breaks shall be regarded as working time when the employee is not free to leave the workplace during the break.

2. 40-hour working week.

In the case of work not covered by subsections 3 and 4 below, ordinary working hours shall not exceed 9 hours per day and 40 hours per week.

3. 38-hour working week.

Ordinary working hours shall not exceed 9 hours per day and 38 hours per week in the case of:

- a) semi-continuous shift work and other comparable rota work,
- b) work on two shifts which are regularly carried out on Sundays and public holidays and other comparable rota work regularly carried out on Sundays and public holidays
- c) work which necessitates that individual employees work at least every third Sunday,
- d) work principally performed at night.

Disputes concerning the length of ordinary working hours pursuant to the first paragraph shall be settled by the Labour Inspection Authority.

4. 36-hour working week.

Ordinary working hours shall not exceed 9 hours per day and 36 hours per week in the case of:

- a) continuous shift work and comparable rota work,
- b) work below ground in mines. Walking time shall also be counted as working time,

- c) tunnelling and blasting rock chambers when the distance between tunnel openings is at least 50 meters, or the rock chamber is at least 25 meters deep, measured from the opening. This includes all work at such workplaces until the tunnel or rock chamber has been permanently secured.

Disputes concerning the length of ordinary working hours pursuant to the first paragraph shall be settled by the Labour Inspection Authority.

5. Extended working hours for standby duties, etc.

In cases where the work wholly or mainly consists of the worker's presence at the workplace to perform duties if required, working hours may be extended by up to one half of the passive periods, but not by more than 2 hours per 24-hour day and 10 hours per week.

6. Extension of working hours for passive duties.

In the case of work where, except for short or occasional intermittent periods, the employee is exempted from work and the duty of attentiveness, the Labour Inspection Authority may consent to the daily and weekly working hours being extended beyond those stipulated in subsection 5.

7. Extension of working hours for preparatory and finishing work.

When the normal operations of an establishment cannot take their course unless certain employees begin their work before or finish their work after the other employees, the ordinary working hours of such employees may be extended by up to half an hour per day.

8. Work periods which extend beyond the dividing point between two full days.

If a work period extends into the following day it shall, in relation to the provisions of subsection 2 to subsection 6 of this section and to the provisions of section 50, be regarded as one work period and must not exceed the limits on working hours permitted in a single day.

9. Stand-by duty at home.

In cases where the employee is required to stay in his home in order to be available for duty if required, at least 1/5 of such stand-by duty shall as a general rule be included in the ordinary working hours.

At establishments where employees are bound by collective pay agreements, the employer and the elected representatives of the employees may conclude an agreement to the effect that the working hours shall include a lesser share of the stand-by period at home, or that such stand-by duties shall not be included.

If no agreement pursuant to the second paragraph above has been concluded, and calculation of working hours according to the first paragraph appears clearly unreasonable, the Labour Inspection Authority may stipulate a different method of calculation if so requested by the employer or the employees' elected representatives.

When particularly required out of consideration for the interests of the community, the Ministry may decide that the provision of the first paragraph above

shall not be applicable to certain groups of employees.

10. Exceptions from the rules regarding the length of working hours in certain cases.

The Labour Inspection Authority may make exceptions from the rules laid down in this section for employees who voluntarily undertake work of a social nature in addition to their ordinary work for the same employer.

**Section 46A. *Right to reduction of working hours.***

1. An employee who for health, social or other material welfare reasons needs to have his ordinary working hours reduced shall have this right if the reduction of working hours can be arranged without particular inconvenience to the establishment. The reduction of working hours may be taken as off-duty periods.

2. An employee who wishes to work reduced hours shall notify the employer of this in writing at the earliest opportunity and not later than four weeks in advance. The notification shall state the working hours arrangement desired, the reasons for applying for reduced working hours and the period for which the arrangement is desired. Employees may apply for reduced working hours for up to two years at a time.

3. Before the employer makes his decision, the matter shall be discussed with the elected representatives of the employees unless the employee himself is opposed to this. Likewise the employee is entitled to engage the assistance of an elected union representative or other adviser during the negotiations. Similarly the employer may engage the assistance of an adviser.

4. It is the duty of an employee to inform the employer and resume full working hours when the circumstances justifying the reduction of working hours no longer prevail. When the agreed period of reducing working hours has expired, the employee has the right to resume previous working hours.

5. Other conditions being equal, an employee working reduced hours shall have a preferential right to increase his working hours in the event of a vacancy in the establishment. The condition for such a right is that the post wholly or essentially is assigned the same tasks.

6. Disputes as to whether the conditions justifying a right to reduced working hours or off-duty periods exist shall be settled by the Labour Inspection Authority. The Labour Inspection Authority may also make decisions concerning the extent of the reduction, and the implementation and duration of the arrangement.

7. The right to reduced working hours dealt with in this section, shall not apply to military personnel.

**Section 47. *Calculating average working hours.***

1. Average working hours according to written agreement.

By written agreement, ordinary working hours may be arranged so that on an average over a period not exceeding one year, the working hours are as long as prescribed by section 46, but do not exceed 48 hours in any one week. Daily working hours must not exceed nine hours. Within agriculture, an agreement on calculation of average working hours may be concluded orally, provided that none of the parties demands a written agreement.

The agreement shall stipulate or provide a basis for the employees to calculate which weeks of the year will have longer or shorter working hours than prescribed by section 46, unless this is to be decided by the individual employee (flexible working hours, etc.).

2. Calculation of working hours on the basis of a fixed average on agreement with the elected representatives of the employees.

At establishments bound by collective pay agreements, a written agreement may be concluded between the employer and the elected representatives of the employees to the effect that average working hours over a period not exceeding one year are as laid down in section 46 but do not exceed 54 hours in any one week or 10 hours on any one day in the following cases:

- a) if an irregular distribution of working hours is necessary owing to the nature of the work or the establishment,
- b) if there is an especially heavy workload at regularly recurring periods of the year in an occupation or establishment owing to the season, climate or other causes,
- c) if the work is performed at such places that time off cannot be used in a satisfactory manner.
- d) in order to make up for days off in connection with Christmas, Easter and other public holidays except Sundays.

Longer working hours than prescribed by section 46 must not be worked for more than 6 consecutive weeks.

At establishments covered by section 46, subsection 4, litera a), the agreement may provide that two shifts with an intervening off-duty period equivalent to a single shift (*springskift*) may be worked on Sundays.

The agreement shall stipulate or provide a basis for the employees to calculate which weeks of the year will have longer or shorter working hours than prescribed by section 46, unless this is to be decided by the individual employee (flexible working hours).

If the agreement is binding upon the majority of the employees, the employer may make it applicable to all employees in the establishment who perform work of the type covered by the agreement.

3. Calculation of working hours on the basis of a fixed average by permission of the Labour Inspection Authority.

In the cases mentioned in literae a) - d) of the first paragraph of subsection 2 above, the Labour Inspection Authority may permit working hours which, over

a period not exceeding six months, are on average as long as prescribed in section 46, notwithstanding the daily and weekly working hours.

The system of working hours shall be discussed with the employees' elected representatives before the Labour Inspection Authority makes its decision. Records of the discussions shall accompany the application. When making its decision the Labour Inspection Authority shall attach particular importance to the health and welfare of the employees.

4. Employees engaged for a given period of time.

In the case of employees engaged for a given period of time or for one season, the period for which average working hours are calculated must not be longer than the period of employment.

**Section 48. *Work schedule.***

If work is performed at different times of the day, a work schedule shall be drawn up showing the working and off-duty hours of each employee. The work schedule shall be drawn up in cooperation with the employees' organizations or their elected representatives. When drawing up and altering the work schedule, particular importance shall be attached to the health and safety of the employees at the workplace.

Unless otherwise provided by a collective pay agreement, the work schedule shall be discussed with the employees' elected representatives as early as possible and not later than two weeks before the work schedule comes into effect.

The working hours stipulated by the work schedule must be in conformity with the other provisions of this chapter.

If working hours are planned so as to require the consent of the Labour Inspection Authority, a draft work schedule shall accompany the application.

The work schedule shall be posted at the workplace.

**Section 49. *Overtime work and additional work.***

1. Conditions for overtime work and additional work.

If any employee works longer than the ordinary working hours in accordance with section 46, cf. section 47, the time in excess shall be regarded as overtime.

For an employee working reduced hours (cf. section 46A) or who is employed on a part-time basis, working hours in excess of the number of hours agreed upon, but within the ordinary working hours, shall be regarded as additional work.

Before overtime work and additional work are executed, the employer shall if possible discuss the necessity of such work with the employees' elected representatives.

Overtime work and additional work must not be established as a regular system and must not be performed except in the following special cases:

- a) when unforeseen events or the absence of employees disturb or threaten to disturb normal operations,
  - b) when overtime work and additional work are necessary to prevent damage to the plant, machinery, raw materials or products,
  - c) when there is an unforeseen volume of work,
  - d) when there is an especially heavy workload owing to a lack of specially qualified manpower, seasonal fluctuations, etc.
2. Right to exemption from overtime and additional work.

The employer shall excuse an employee from overtime work and additional work when so requested by the employee for reasons of health or weighty social reasons. The employer shall also excuse any employee who requests this for other personal reasons, when the work can be postponed or performed by others without harm.

3. Overtime pay.

For overtime work a supplement shall be paid in addition to the pay received by the employee for corresponding work during ordinary working hours. The overtime supplement shall be at least 40%.

**Section 50. Length of overtime work.**

1. General rule.

The employer shall seek to distribute overtime so as to avoid placing too great a strain upon the individual employee.

Overtime work must not together with the ordinary working hours result in any employee working for more than a total of 14 hours in a single 24-hour day. Overtime shall not exceed 200 hours per calendar year.

2. Extended overtime by agreement with the employee.

Employer and employee may conclude a written agreement concerning overtime work of up to 400 hours per calendar year.

3. Extended total working hours by agreement with the employees' elected representatives.

In establishments bound by a collective pay agreement, the employer and the employees' elected representatives may conclude a written agreement stipulating total working hours of up to 16 hours during a single 24-hour day.

4. Average total working hours.

Overtime work must be distributed in such a way that the weekly working hours including overtime during a period of four months do not exceed an average of 48 hours. The period for such calculation of working hours on the basis of a fixed average may be extended to six months in establishments characterized by the need to ensure continuous services or production or by the distance between the place of work and the employee's place of residence or the distance between the places of work. In establishments bound by collective pay agreements the employer and the employees' elected representatives may conclude a



written agreement that the period for calculation of working hours on the basis of a fixed average shall be a maximum of one year.

**Section 51. *Rest breaks and time off.***

1. Rest breaks.

When working hours exceed 5 1/2 hours per day, there shall be at least one rest break during work. The break shall be stipulated by written agreement between the employer and the employees or their elected representatives, provided, however, that the breaks total at least half an hour when working hours are eight hours or more per day. If the parties fail to reach agreement, the matter shall be settled by the Labour Inspection Authority. When due consideration for the health of employees so indicates, the Labour Inspection Authority may require an arrangement different from that agreed upon between the parties.

Unless operations in the workrooms stop completely during breaks, employees shall not remain in the workrooms. When conditions so necessitate, the break may be postponed, but shall then be taken at the first opportunity.

When the nature of the establishment renders this necessary, instead of breaks as mentioned in the first paragraph above, the employer may allow employees to take their meals during breaks while work is in progress, the employees being required to stay at the workplace the entire time if necessary. In such cases, and in cases where no satisfactory canteen or leisure room is provided, the break shall be regarded as part of the working hours.

Disputes concerning the employer's right to apply the provisions of the preceding paragraph shall be settled by the Labour Inspection Authority.

When required to work overtime for more than two hours after ordinary working hours, an employee shall first be allowed a break of at least half an hour. When circumstances render this necessary, this break may be shortened or postponed. Breaks which come after the end of ordinary working hours shall be subject to remuneration as overtime but shall not be included in the number of hours it is permitted to work overtime under section 50. If the break comes before the end of ordinary working hours, it is to be regarded as part of ordinary working hours.

2. Daily off-duty time.

Working hours must be arranged so that employees have a continuous off-duty period of at least eleven hours between two working periods. Nevertheless, it may be verbally agreed with the individual employee that work assignments of short duration may be performed during the off-duty period when a risk of serious disruptions in operations suddenly arises.

At establishments bound by a collective pay agreement, the employer and the employees' elected representatives may conclude a written agreement that overtime work may be performed during the off-duty period when this is necessary to avoid serious disturbances to operations and stand-by duty at home. At

establishments which are not bound by a collective pay agreement, the employer and the employee representatives may conclude a written agreement on the same terms to the effect that overtime may be worked during the off-duty period. At agricultural establishments which are not bound by a collective pay agreement, such an agreement may be made orally, provided that none of the parties demands a written agreement.

When it is necessary for the satisfactory performance of duties, and the establishment is bound by a collective pay agreement, the employer and the employees' elected representatives may conclude a written agreement that the off-duty period between two working periods shall be reduced to under 11 hours, but not to less than eight hours.

Shorter off-duty periods may be permitted by the Labour Inspection Authority in special cases.

### 3. Weekly off-duty time.

Ordinary working hours for employees shall be distributed in such a way that each week has a continuous off-duty period of at least 36 hours which always includes one full 24-hour day, cf. section 54. Whenever possible the off-duty time shall be on a Sunday or public holiday and shall be granted at the same time to all employees at the establishment.

At establishments which are bound by a collective pay agreement, the employer and the employees' elected representatives may agree that this off-duty period shall on average be 36 hours, but never shorter than 28 hours in any single week. The period during which off-duty time is calculated according to a fixed average shall correspond to the period during which working hours are calculated according to a fixed average pursuant to section 47.

At establishments not bound by a collective pay agreement, the Labour Inspection Authority may permit a corresponding calculation of average off-duty time as in the previous paragraph. Before permission is given, the organization of off-duty time shall be discussed with the employees' representatives. A record of the discussions shall accompany the application. In its decision the Labour Inspection Authority shall pay due regard to the employees' health and welfare.

An employee who has worked on a Sunday or public holiday shall be off duty on the following Sunday or public holiday in conformity with the requirement of the first paragraph of section 44. When circumstances render it particularly necessary, the Labour Inspection Authority may permit modifications of this rule. If there are two or more successive Sundays and public holidays, 10.00 p.m. shall be considered the dividing point between these days.

At establishments bound by a collective pay agreement, the employer and the employees' elected representatives may, for a period of up to six months, agree on an arrangement of working hours which ensures that the employees will be off duty on average every other Sunday and public holiday, provided,

however, that the weekly 24-hour off-duty period falls on a Sunday or public holiday at least every third week.

In the case of work in hotel and catering establishments or work performed without interruption throughout the week, the work schedule may stipulate a different distribution of off-duty days from that prescribed in the fourth paragraph above, provided, however, that the weekly 24-hour off-duty period falls on a Sunday or public holiday at least every third week.

**Section 52. *Pay lists.***

Pay lists shall be kept showing the number of hours overtime worked per week and per calendar year by each employee. The Labour Inspection Authority and the employees' elected representatives shall have access to these lists. Lists showing the number of hours overtime per day may be required by the Labour Inspection Authority or the union representatives.

**Section 53. *Exemptions from provisions relating to working hours.***

Work that owing to natural disasters, accidents or other unforeseen events must be performed in order to avert danger or damage to life or property, may be performed at any time of the day or night and on Sundays and public holidays, notwithstanding the provisions of section 42, first paragraph and section 44, first paragraph. Such work may also be performed during rest breaks and during daily and weekly off-duty time, notwithstanding the provisions of section 51. The restrictions imposed by subsection 1 of section 50 shall not apply for the first four days.

The Directorate of Labour Inspection may permit further overtime work for up to 10 days notwithstanding the limitations laid down in section 50, subsection 1.

**Section 54. *Days and weeks.***

For the purposes of this Act "day" means the time from 00.00 to 24.00 hours, and "week" means the time from 00.00 hours on Monday to 24.00 hours on Sunday.

A different hour may be used as the beginning of the day and week when the arrangement is founded on a collective pay agreement or some other basis that cannot be altered unilaterally by one of the parties to the employment relationship.

## **Chapter XI. Payment of salary and holiday pay.**

**Section 55.**

1. *Method of payment.*

Salary and holiday pay shall be paid in cash in the absence of any agreement

concerning payment to a salary account, by cheque or by giro. Payment shall be made at or near the workplace during working hours or as soon as possible after the end of working hours. If an employer is bound by a collective agreement or other pay agreement with regard to the method of payment of salary or holiday pay and this agreement applies to a majority of the employees, the employer may make the agreement applicable to all employees at the establishment.

*2. Date of payment.*

When hourly, daily or weekly pay is agreed upon, payment shall be effected at least once a week. Payment for piece work may be postponed until the work is completed, provided, however, that a suitable advance for the work done is paid each week. Other time limits for payment may be stipulated by agreement.

Payments to employees receiving monthly or annual pay shall be made at least twice a month where not otherwise agreed.

The date of payment of holiday pay is governed by section 11 of the Holiday Act.

*3. Prohibition of deductions in pay and holiday pay.*

No amounts may be deducted from pay except:

- a) when authorized by law,
- b) in respect of regular payments to pension or health insurance schemes,
- c) when stipulated in advance by written agreement,
- d) when a collective pay agreement provides for the withholding of trade union dues including premiums for group insurance linked to trade union membership or contributions to information and development funds or low-income funds,
- e) in respect of compensation for damage or loss suffered by the establishment and caused wilfully or by gross negligence on the part of the employee in connection with the work, when the employee has acknowledged his liability in writing or it has been established by court decision, or when the employee unlawfully terminates his employment.
- f) when, owing to current routines for calculation and disbursement of pay, it has in practice been impossible to take account of absence due to work stoppages or lockouts during the accounting period.

Deductions in salary or holiday pay pursuant to literae e) and f) shall be limited to that part of the claim which exceeds the amount reasonably needed by the employee to support himself and his household.

*4. Consultations.*

Before effecting deductions in accordance with litera e) of subsection 3 above, the employer shall consult the employee and the employee's elected representative or two representatives elected by the employees concerning the basis for and the amount of deduction.

*5. Statement of account.*

At the time of payment or immediately thereafter, the employee shall recei-

ve a written statement of the method used for calculating the pay, the basis on which the holiday pay is calculated, and any deductions made.

## **Chapter XIA Employment.**

### **Section 55A. *Engagement of employees.***

The employer may not demand, when advertising vacant posts or in any other way, that applicants supply information concerning their political, religious or cultural views or whether they are members of any labour organizations. A similar prohibition shall apply to information concerning the possible homosexuality or homosexual form of cohabitation of the applicant. Neither may the employer effect measures to obtain such information by other means. These provisions are not applicable if such information is justified by the nature of the post or if the objective of the activity of the employer in question includes promotion of particular political, religious or cultural views and the post is essential for the fulfilment of the objective. In cases where such information will be required this must be stated when advertising the vacancy.

The employer may not, while engaging employees, discriminate against applicants on grounds of race, colour, national or ethnic origin, homosexuality or homosexual form of cohabitation. By discrimination is meant any action which, for no objective reason, directly or indirectly, distinguishes between people on grounds of race, colour or ethnic or national origin, homosexuality, homosexual form of cohabitation or disability. When establishing whether discrimination on grounds of disability exists, consideration shall be given to whether the employer, to the extent possible and reasonable, could have adapted the workplace for the disabled person concerned.

Exemption from the prohibition against discrimination on grounds of homosexual form of cohabitation laid down in the second paragraph shall be made for posts associated with religious communities where special requirements based on the nature of the post or the purpose of the activities of the employer are specified in the advertisement of the vacant post.

A job applicant who believes himself or herself to have been subjected to discrimination, may demand to be informed in writing by the employer of what educational qualifications, practice and other ascertainable qualifications for the post are held by the person appointed.

If the job applicant is able to establish circumstances that give reason to believe that discrimination exists, the employer must substantiate that this is not due to circumstances mentioned in the second paragraph.

If the employer has acted in contravention of the provisions of the second paragraph, the job applicant may demand compensation in accordance with the normal rules.

**Section 55B. *Contract of employment.***

All employment relationships shall be subject to a written contract of employment. The employer shall draft a written contract of employment pursuant to section 55 C.

In the case of employment relationships of a total duration exceeding one month, the written contract shall be entered into as soon as possible and not later than one month after commencement of employment.

In the case of employment relationships of a shorter duration than one month or involving hiring out of labour, a written contract of employment shall be entered into immediately.

**Section 55C.** The contract of employment, cf. section 55 B, shall at least include the following:

- a) the identities of the parties;
- b) the place of work; where there is no fixed or main place of work, the contract of employment shall provide information to the effect that the employee is employed at various locations, and state the registered place of business or, where appropriate, the home address of the employer;
- c) a description of the work or the employee's title, grade or category of work;
- d) the date of commencement of the employment;
- e) if the employment is of a temporary nature, its expected duration;
- f) the rights of the employee to holidays and holiday pay, and the rules concerning the fixing of dates for holidays;
- g) the periods of notice of termination applicable to the employee and the employer, cf. section 58 of the Working Environment Act and sections 9, 10 and 11 of the Civil Service Act;
- h) the pay applicable or agreed on commencement of the employment relationship, any supplements and other remuneration not included in the pay, e.g. pension payments and meals/accommodation allowances, and payment intervals,
- i) the normal daily or weekly hours of work,
- j) where appropriate, provisions relating to a trial period of employment, cf. section 58 subsection 6 and section 63 of the Working Environment Act and section 8 of the Civil Service Act;
- k) information concerning any collective pay agreements governing the employment relationship. If the agreements have been concluded by parties outside the establishment, the contract shall contain information as to who the parties to the collective pay agreements are.

The information mentioned in the first paragraph, literae f), g), h) and i) above may be given in the form of a reference to the acts, regulations and/or collective pay agreements regulating these matters.

**Section 55D.** *Changes in the employment relationship.*

Changes in the employment relationship as mentioned in sections 55C and section 73P shall be reflected in the contract of employment at the earliest opportunity and not later than one month after the date of entry into effect of the change in question. This shall not apply if the changes in the employment relationship are due to amendments of acts, regulations or collective pay agreements as mentioned in the second paragraph of section 55C and the third paragraph of section 73P.

**Section 55E.** *Order to draft a contract of employment.*

The Labour Inspection Authority may order the employer to draft a written contract of employment pursuant to the provisions laid down in sections 55B–55D and the first and second paragraphs of section 73P.

**Section 55G.**

The employer shall inform the employees of vacant posts in the establishment.

## **Chapter XI B. Hire of employees from other establishments**

**Section 55K.** *Hire of employees from establishments whose object is to hire out labour*

1. The hire of employees from establishments whose object is to hire out labour, shall be permitted to the extent that temporary engagement of employees may be agreed pursuant to section 58A, subsection 1, first paragraph.

2. In establishments bound by collective pay agreements, the employer and the elected representatives who collectively represent a majority of the employees in the category of workers to be hired may enter into a written agreement concerning the hire of workers for limited periods notwithstanding the provisions laid down in subsection 1.

3. In the event of a dispute following termination of the job hire relationship as to whether the job hire relationship was lawful, section 61, subsection 1 shall apply to the extent it is appropriate.

A hired worker who wishes to claim that hiring has taken place contrary to section 55K, subsection 1 may demand negotiations with the hirer pursuant to the provisions laid down in section 61, subsection 2. The time limit pursuant to section 61, subsection 2, first paragraph is calculated from the actual date that employment was terminated.

If the dispute is not settled by means of negotiations or if negotiations are not conducted, the hired worker may institute legal proceedings against the hirer pursuant to the provisions laid down in section 61, subsection 3, however,

in such cases, section 57, subsection 2, third paragraph shall not apply. The time limit shall be calculated from the completion of negotiations or from the actual date of termination of employment.

If the court finds that the hiring was contrary to section 55K, subsection 1, the court shall, at the request of the hired worker, decide that he or she shall be engaged by the hirer. The court may however, in response to a request from the hirer, decide that the hired worker shall not be engaged if, after weighing up the interests of the respective parties, it finds that such engagement would be clearly unreasonable. If hiring has taken place contrary to section 55 K, subsection 1, the hired worker may seek compensation from the hirer. The compensation shall be fixed at the amount that the court finds reasonable in view of the financial loss, the circumstances of the hirer and the hired worker and other facts of the case. If legal proceedings are instituted later than one year after the completion of negotiations or the actual date of termination of employment, the judgement of the court may only apply to compensation.

Section 58 A, subsection 4, fourth paragraph shall apply accordingly.

4. In the event of a dispute as to the lawfulness of an existing job hire relationship, section 61, subsection 1 shall apply to the extent it is appropriate.

A hired worker who wishes to claim that hiring has taken place contrary to section 55 K, subsection 1 may demand negotiations with the hirer. The hirer shall ensure that negotiations are held as soon as possible and at the latest within two weeks following receipt of the demand. Moreover, section 61, subsection 2, second, third and fourth paragraphs shall apply accordingly.

If the dispute is not settled by means of negotiations, the hired worker may institute legal proceedings against the hirer. If negotiations have been conducted, a certified copy of the minutes shall be forwarded with the summons.

If the court finds that hiring has taken place contrary to section 55 K, subsection 1, the court shall, at the request of the hired worker, decide that he or she shall be engaged by the hirer. The court may however, in response to a request from the hirer, decide that the hired worker shall not be engaged if, after weighing up the interests of the respective parties, it finds that such engagement would be clearly unreasonable. If hiring has taken place contrary to section 55 K, subsection 1, the hired worker may seek compensation from the hirer. The compensation shall be fixed at the amount that the court finds reasonable in view of the financial loss, the circumstances of the hirer and the hired worker and other facts of the case.

If the hired worker has terminated his or her employment after negotiations have been demanded or legal proceedings have been instituted, the provisions laid down in subsection 3 of this section shall apply to further consideration of the matter.

5. The King may issue regulations prohibiting hiring for certain categories of employee or in certain areas when so indicated by important social considerations.



6. This section shall not apply to the hiring of persons to offices or posts or other employment subject to the Civil Service Act.

**Section 55L.** *Hire of employees from establishments other than those whose object is to hire out labour*

1. Hire of employees from establishments other than those whose object is to hire out labour shall be permitted when the hired worker is permanently employed by the hirer out. In order that an establishment may be said not to have the object of hiring out labour, hiring out must take place within the main areas of activity of the hirer out and not more than 50 per cent of the permanent employees of the hirer out must be engaged in the hiring activity. Before a decision is taken in respect of such hiring, the hirer shall consult with the elected representatives who collectively represent a majority of the employees in the category of workers to be hired.

2. In the case of hiring in excess of 10 per cent of the hirer's employees, but not fewer than three persons, for a period in excess of one year, an agreement shall be concluded with the elected representatives who collectively represent a majority of the employees in the category of workers to be hired. This provision does not apply to the hiring of employees within the same corporate group.

3. The King may issue regulations prohibiting hiring for certain categories of employee or in certain sectors when so indicated by important social considerations.

4. This section shall not apply to the hiring of persons to offices or posts or other employment subject to the Civil Service Act.

## **Chapter XII. Dismissal with notice and summary dismissal, etc.**

**Section 56.** *Scope of provisions relating to dismissal with notice.*

The King will decide whether and to what extent the provisions of this chapter shall apply to employees who are covered by the Civil Service Act or who are senior civil servants.

The provisions of this chapter shall not apply to dismissal with notice pursuant to section 29 of the Labour Disputes Act or with section 22 of the Civil Service Disputes Act. Irrespective of the employee's period of employment, the term of notice pursuant to the Labour Disputes Act shall be 14 days where not otherwise provided by a written agreement or by a collective pay agreement.

The provisions of this chapter concerning dismissal shall not apply for the chief executive of the establishment if this person has in a prior agreement relinquished such rights in exchange for compensation on termination of employment.

**Section 56A.** *Information in the event of collective redundancies.*

1. For the purposes of this Act, “collective redundancies” shall mean notice of dismissal given to at least 10 employees within a period of 30 days without being warranted by reasons related to the individual employees. Other forms of termination of contracts of employment which are not warranted by reasons related to the individual employee shall be included in the calculation, provided that at least five persons are made redundant.

2. An employer contemplating collective redundancies shall at the earliest opportunity enter into consultations with the employees’ elected representatives with a view to reaching an agreement to avoid collective redundancies or to reduce the number of persons made redundant. If redundancies cannot be avoided, efforts shall be made to mitigate their adverse effects. The consultations shall cover possible social welfare measures aimed, inter alia, at providing support for redeploying or retraining workers made redundant. The employees’ representatives shall have the right to receive expert assistance.

3. Employers shall be obliged to give the employees’ elected representatives all relevant information, including written notification of the grounds for the any redundancies, the number of employees who may be made redundant, the categories of workers to which they belong, the number of employees normally employed, the categories of employees normally employed, and the period during which such redundancies may be effected. The written notification shall also include criteria for selection of those who may be made redundant and the criteria for calculation of extraordinary severance pay, if applicable. Such notification shall be given at the earliest opportunity, and at the latest at the same time as the employer calls a consultation meeting.

4. A copy of the notification pursuant to subsection 3 shall be sent to the Public Employment Service, cf. section 14 of the Employment Act.

5. The employees’ elected representatives may give any comments they may have regarding the notification directly to the Public Employment Service.

6. Projected collective redundancies shall not come into effect earlier than 30 days after the Public Employment Service has been notified. If necessary in order to reach an agreement, the Public Employment Service may extend the period pursuant to the first sentence by up to 30 days. If the Public Employment Service alters this period, written notification of such alteration shall be given to the employer. The period may not be extended when the activities of an establishment are terminated as the result of a judicial decision.

7. The Public Employment Service shall make use of the period pursuant to the first or second sentence of subsection 6 to find solutions to the problems caused by the projected redundancies. The Ministry may issue further rules as to how the right to postpone redundancies shall be exercised and the role of the Public Employment Service in the event of postponement. The employer shall have an obligation to enter into consultations even if the projected redundancies

es are caused by someone other than the employer who has superior authority over the employer, such as the management of a group of companies.

**Section 57. Form, delivery and content of notices.**

1. Notice shall be given in writing.

Before making a decision regarding dismissal with notice, the employer shall, to the extent that is practically possible, discuss the matter with the employee and the employee's elected representatives, unless the employee himself does not desire this.

2. Notice given by an employer shall be delivered to the employee in person or be forwarded by registered mail to the address given by the employee. Notice will be considered as having been given at the time it was delivered to the employee.

The notice shall contain information concerning the employee's right to demand negotiations and to institute legal proceedings and his right to remain in his post pursuant to the provisions of section 61, and of the time limits applicable for requesting negotiations, instituting legal proceedings and remaining in his post. If the employee has been dismissed owing to lack of work, the notice shall also inform him of his preferential claim to new employment pursuant to section 67. The notice shall also state the name of the employer and the appropriate defendant in the event of legal proceedings.

If notice from the employer is not given in writing or does not contain the information mentioned in the preceding paragraph, no time limit for instituting legal proceedings shall apply. If legal proceedings are instituted by the employee within 4 months from the date that notice was given, the notice shall be adjudged invalid, unless special circumstances make this clearly unreasonable.

If the notice is invalid, the employee may claim compensation. The same shall apply if the notice is inadequate, but the employee does not demand a court ruling of invalidity. Compensation shall be stipulated in the amount the court deems reasonable in view of the financial loss, the circumstances of the employer and employee and other circumstances.

3. If the employee so demands, the employer shall state the reasons claimed as grounds for dismissal. The employee may demand that such information be given in writing.

**Section 58. Periods of notice.**

1. Unless otherwise agreed in writing or stipulated by a collective pay agreement, a period of one month's notice shall be applicable to either party. Before notice has been given, an agreement on a shorter period of notice may only be concluded between the employer and the employee's elected representatives at establishments bound by a collective pay agreement.

The Ministry may by regulation stipulate a shorter period of notice for participants on labour market schemes.

2. In the case of employees who, when notice is given, have been in the employ of the same establishment for at least five consecutive years, at least two months' notice shall be given by either party. If the employee has been in the employ of the same establishment for at least ten consecutive years, at least three months' notice shall be given by either party.

3. If an employee is dismissed after at least ten consecutive years' employment with the same establishment, the period of notice shall be at least four months when given after the employee is 50 years of age, at least five months after the age of 55, and at least six months after the age of 60. The employee on his part may terminate his contract of employment at not less than three months' notice.

4. The periods of notice stipulated in subsections 1-3 above shall be counted from and including the first day of the month following that in which notice was given.

5. The consecutive employment required in subsections 2 and 3 of this section is not interrupted by a temporary termination of employment owing to a lawful labour conflict, but the time for which the employee was absent shall not be included unless otherwise agreed when the labour conflict was settled.

Calculation of the length of consecutive employment pursuant to this section shall take into account periods of employment by other establishments within a corporate group to which the employer belongs, or within any other group of establishments affiliated through ownership interests or joint management in such a way that it is natural to regard the employment as being consecutive. If the establishment or part of it has been assigned to or leased by a new employer, the period of consecutive employment shall include any periods in which the employee was in the employ of the previous employer or of any establishment within such group of establishments or activities to which the previous employer belonged.

6. In the case of written contracts of employment under which the employee is engaged for a given trial period, 14 days' notice shall be given by either party unless otherwise agreed in writing or in a collective pay agreement.

7. The periods of notice required under subsections 2 and 3 may not legally be set aside by the parties in collective pay agreements or other agreements without prior notice, nor may the parties decide that the notice to be given by an employee shall be longer than that to be given by an employer.

8. An employee who has been laid off without pay in connection with a reduction or suspension of operations may resign by giving 14 days' notice calculated from the date on which the notice is received by the employer. This applies regardless of the periods of notice ensuing from this Act or any agreement.

**Section 58A. *Temporary engagement.***

1. Contracts of employment that apply to a given period of time or for given

work of a temporary nature may only be legally concluded in the following cases:

- a) when warranted by the nature of the work and the work differs from that which is ordinarily performed in the establishment,
- b) for work as a trainee or temporary replacement,
- c) when a person participates in a labour market scheme under the direction of or in cooperation with the labour market administration. The Ministry lays down in regulations the types of measures to which this provision shall apply. The Ministry may lay down in regulations that this shall also apply to extraordinary employment in other labour market schemes.
- d) with the chief executive of the establishment or when considered necessary as a result of an agreement with a foreign state or international organization (engagement for a fixed term of years).
- e) for athletes, trainers, judges and other leaders within organized sports.

National unions may enter into collective agreements with an employer or employers' association concerning temporary employment within a specific group of workers employed to perform artistic work, research work or work in connection with sport.

When a collective agreement such as is mentioned in the second paragraph is binding upon a majority of the employees within a specific group, the employer may make the agreement applicable to all employees appointed to carry out the type of work covered by the agreement.

2. Temporary contracts of employment shall terminate when the agreed period of time expires, or when the given work is completed, unless otherwise agreed in writing or stipulated by a collective agreement.

3. An employee who has been employed for more than one year is entitled to written notification of the date on which he is to leave his post not later than one month prior to that date. However, this shall not apply to persons participating in labour market schemes covered by litera c) of subsection 1. Such notification shall be delivered to the employee in person or shall be sent by registered mail to the address stated by the employee or by means of electronic communication if a satisfactory method is used to ensure that the notification is received. Notification shall be deemed to have been given at the time it was delivered to the employee. If the employer fails to give such notification, he cannot require the employee to leave his post until one month after notification has been given.

4. In the event of a dispute following the termination of an employment relationship as to whether a lawful temporary engagement has existed, the employee may demand negotiations pursuant to the rules laid down in section 61, subsection 2. The time limit pursuant to section 61, subsection 2, first paragraph shall be calculated as from the date on which the employee is to leave his post.

If the dispute is not settled through negotiations or if no negotiations take place, the employee may institute legal proceedings pursuant to the rules laid down in section 61, subsection 3. The time limit shall be calculated from the termination of negotiations or from the actual date on which the employee left his post.

If the Court finds that the temporary engagement was in violation of section 58A, subsection 1, the Court shall at the request of the employee pass judgement that the employment relationship is still valid. In special cases, the Court may however, in response to a request from the employer, decide that the employment relationship shall terminate if, after weighing up the interests of the respective parties, the Court finds that a continuation of the employment relationship would be clearly unreasonable. If a temporary engagement has been in violation of section 58A, subsection 1, the employee may claim compensation. Compensation shall be stipulated in accordance with section 62, second paragraph, second sentence. If legal proceedings are instituted more than one year after the completion of negotiations, or more than one year after the date on which the employee leaves his post, judgement may only be passed on the issue of compensation.

The right to remain in the post, cf. section 61, subsection 4, does not apply in the case of temporary engagements. The Court may however, at the request of a temporary employee, decide that the employee may remain in the post until the case has been legally decided.

5. In the event of a dispute concerning whether an existing employment relationship constitutes a lawful temporary engagement, section 61, subsection 1 shall apply accordingly.

An employee who wishes to claim that a temporary engagement is in violation of section 58A, subsection 1, may demand negotiations with the employer. The employer shall ensure that the negotiations take place at the earliest possible date and at the latest within two weeks from receipt of the demand. section 61, subsection 2, second, third and fourth paragraph shall apply accordingly.

If the dispute is not settled through negotiations, the employee may institute legal proceedings. If negotiations have taken place, a certified copy of the minutes shall be appended to the summons.

If the Court finds that a temporary engagement is in violation of section 58A, subsection 1, the Court shall, at the request of the employee, pass judgement in accordance with this. An employee in whose favour the decision has been given may claim compensation. Such compensation shall be stipulated in accordance with section 62, second paragraph, second sentence.

If an employee has left his post after negotiations have been demanded or legal proceedings have been instituted, the rules laid down in subsection 4 shall apply during further consideration of the case.

**Section 59. *Dismissal with notice in the case of unforeseeable events.***

1. If operations must wholly or partly be suspended owing to accidents, natural disasters or other unforeseeable events and employees are laid off for that reason, the period of notice for laying off employees engaged in the work suspended may be reduced to 14 days counted from the date of the event. If the period of notice in force is less than stated here, the shorter period shall apply.

2. The period of notice may not be reduced pursuant to the preceding paragraph by reason of the employer's death or bankruptcy, nor when operations are suspended because it is not possible to use the workroom, machinery, tools, materials or other aids furnished by the employer, unless the employee himself is responsible for the suspension of operations.

**Section 60. *Protection against unfair dismissal.***

1. Employees may not be dismissed unless this is objectively justified on the basis of matters connected with the establishment, the employer or the employee.

2. Dismissal due to curtailed operations or rationalization measures is not objectively justified if the employer has other suitable work to offer the employee in the establishment. When deciding whether a dismissal is objectively justified by curtailed operations or rationalization measures, the needs of the establishment shall be weighed against the disadvantage caused by the dismissal for the individual employee.

Dismissal owing to an employer's actual or planned contracting out of the establishment's ordinary operations to a third party is not objectively justified unless it is absolutely essential in order to maintain the continued operations of the establishment.

3. Dismissal before an employee reaches 70 years of age due solely to the fact that the employee has reached retirement age pursuant to the National Insurance Act shall not be deemed to be objectively justified. After the employee reaches 66 years of age, but not later than six months before he reaches retirement age, the employer may inquire in writing whether the employee wishes to retire from his post upon reaching retirement age. A reply to this inquiry must be returned in writing not less than three months before the employee reaches retirement age.

Provided that this is expressly stated in the inquiry, protection against dismissal under the preceding paragraph lapses if no reply is received within the time limit stated.

**Section 61. *Disputes relating to unfair dismissals, etc.***

1. In legal proceedings concerning whether an employment relationship exists or compensation in connection with termination of an employment relationship, Act No. 5 of 13 August 1915 relating to the Courts of Justice and Act No. 6 of 13 August 1915 relating to Judicial Procedure in Civil Cases shall apply,

but in accordance with the special rules laid down in this section and sections 61A, 61B and 61C. Claims in connection with or in the place of claims that may be submitted pursuant to the first sentence may be included.

2. Employees who wish to claim that an employment relationship has not been legally terminated or who wish to claim compensation owing to termination of an employment relationship may demand negotiations with the employer. In that event the employee shall notify the employer of this in writing not later than two weeks after receiving notice. The employer shall arrange a meeting for negotiations at the earliest opportunity and not later than within two weeks of receiving the request.

If the employee institutes legal proceedings or notifies the employer that proceedings will be instituted without negotiations having been conducted, the employer may demand negotiations with the employee. A demand for negotiations shall be submitted in writing as soon as possible and not later than two weeks after the employer has been notified that legal proceedings have been or will be instituted. The employer shall arrange a meeting for negotiations in accordance with the rules of the preceding paragraph and, if legal proceedings have been instituted, shall notify the court in writing that negotiations will be conducted. The employee is obliged to attend the negotiations.

The employee is entitled to engage the assistance of an elected union representative or other adviser during the negotiations. Similarly the employer may engage the assistance of an adviser.

The negotiations must be completed not later than two weeks from the day the first negotiating meeting was held, unless the parties agree to continue negotiations. Minutes shall be kept of the negotiations and shall be signed by the parties and their advisers.

3. If the dispute is not settled by negotiation or if negotiations are not conducted, the employee may, within eight weeks of the conclusion of negotiations or of the date that notice of dismissal was given, open legal proceedings pursuant to the rules laid down in this Act, nevertheless cf. section 57, subsection 2, third paragraph, of this Act. If the employee claims compensation only, the time limit for legal proceedings is 6 months from the date notice of dismissal was given. The parties may agree upon a longer time limit for legal proceedings in each individual case.

If negotiations have been conducted, a certified copy of the minutes shall be forwarded with the summons.

4. As long as the dispute is the subject of negotiations in accordance with the rules of subsection 2, the employee may remain in his post.

If legal proceedings have been instituted in accordance with subsection 3 within eight weeks of the time negotiations were concluded or notice was received, and before expiry of the period of notice, the employee may remain in his post until a legally enforceable judgement is delivered. The same applies if, before the



period of notice expires, the employee notifies the employer in writing that legal proceedings will be instituted within the eight-week time limit. Nevertheless, when so requested by the employer, the court may order that the employee shall leave his post while the case is in progress, provided that the court finds it unreasonable that employment should continue while the case is in progress. At the same time the court shall stipulate the time limit within which the employee is to leave.

The court may decide that an employee who has been unlawfully locked out of his place of work after the time limit for notice has expired is entitled to resume his post, if the employee so requests within four weeks of such a lockout.

The right to remain in the post does not apply to participants in labour market schemes under the direction of or in collaboration with the Labour Market Administration who are dismissed because they are offered ordinary employment or transferred to another scheme or because the scheme is terminated.

**Section 61A.** *Handling of other claims, conciliation proceedings, etc.*

In connection with legal proceedings in respect of whether an employment relationship exists or of compensation in connection with termination of employment, the court may also deal with questions of salary and holiday pay settlements and any dispute concerning other provisions of Chapter XII of the Working Environment Act. The same shall apply to claims interconnected with the primary claim or which wholly or partly can be set off by counter-claims, in so far as these do not constitute a major inconvenience to the legal proceedings concerning the notice. The decision of the court pursuant to the preceding sentence may not be contested by interlocutory appeal or appeal.

If the employer or the employee who has been dismissed wishes to claim compensation from the other employees of the establishment or from a labour organization to which they belong because it is held that the dismissal was due to pressure from them, they may be summonsed as parties to the case and the claim may be adjudicated. Such claims may be presented until the case is closed for judgement.

Conciliation proceedings shall not take place in respect of the primary claim or other claims being dealt with together with the primary claim.

If negotiations pursuant to section 61, subsection 2, have been or will be requested, court proceedings will be postponed until the negotiations are completed.

**Section 61B.** *Special district courts and panels of lay judges.*

For each county the King appoints the district courts which shall deal with disputes concerning dismissals pursuant to the rules of this Act, and may in this connection appoint a specific district court judge to decide such disputes in several court districts.

For each county the Ministry will appoint a panel of lay judges with a broad knowledge of industrial life. The panel shall consist of ten lay judges or a higher number divisible by five, to be stipulated by the Ministry. At least two-fifths of the lay judges shall be employers and at least two-fifths employees. At least one-fifth shall be appointed on the recommendation of the Norwegian Confederation of Trade Unions and at least one-fifth on the recommendation of the Confederation of Norwegian Business and Industry.

**Section 61C.** *Main hearing, time limit for appeal, etc.*

For the main hearing the district court sits with two lay judges. The court of appeal normally includes four lay judges, but may sit with only two if the parties so agree.

The lay judges are appointed on the recommendation of the parties from the panel of lay judges appointed pursuant to section 61B, second paragraph. In cases before the Court of Appeal the lay judges are taken from the panels appointed within the district of the court.

Each party proposes one-half of the number of lay judges included in an individual case. If the proposals from the parties are not available within the time limit stipulated by the judge, he may appoint lay judges pursuant to section 87, second paragraph, of the Courts of Justice Act. The same applies if several plaintiffs or defendants fail to agree on a joint proposal.

Nevertheless, the court may sit without lay judges if the parties and the court are agreed that lay judges are unnecessary.

The court shall expedite the case as much as possible and if necessary fix a time for sitting out of turn. The time within which an appeal must be lodged is one month.

**Section 61D.** *Arbitration agreements.*

Employers may conclude a written agreement with the chief executive of the establishment to the effect that disputes in connection with termination of the employment relationship shall be settled by means of arbitration.

**Section 62.** *Consequences of unfair dismissal.*

If the court finds that the dismissal is unfair, and the employee so demands, it shall be ruled invalid. Nevertheless, in special cases, following a plea by the employer, the court may decide that employment shall be terminated if, after weighing the interests of the parties, the court finds it clearly unreasonable that employment should continue.

If the dismissal is unfair, the employee may claim compensation. Compensation shall be stipulated at the amount considered reasonable by the court in view of the financial loss, the circumstances of the employer and

employee and other facts of the case.

**Section 63.** *Protection against dismissal in contracts of employment specifying a trial period.*

If an employee engaged by written contract for a given trial period is dismissed, such dismissal must be on the grounds of the employee's lack of suitability for the work, or lack of proficiency or reliability. In any court proceedings concerning a disputed dismissal, the employer shall present evidence of the grounds upon which the dismissal is based, so that his evaluation may be reviewed by the courts.

This provision in no way restricts the employer's right to dismiss an employee pursuant to section 60.

This provision shall only be applicable in the event that notice is given before expiry of the agreed trial period, which shall not exceed six months, cf. the fourth paragraph.

If an employee has been absent from work during the trial period, the employer may extend the agreed trial period by a period corresponding to the period of absence. Such extension may only take place when the employee has been informed of this possibility in writing at the time of his appointment, and when the employer has informed the employee of the extension in writing prior to expiry of the trial period. The right to extend the trial period shall not apply to absences caused by the employer.

In the event of disputes relating to notice of dismissal given prior to expiry of the trial period, the provisions of sections 61 and 62 shall apply accordingly, but the employee shall not be entitled to remain in his post while the case is in progress, unless so ordered by the court.

The King may lay down regulations stipulating that the provision of the first paragraph may be applicable to certain groups of employees for a longer period of time than that specified in the third paragraph.

**Section 64.** *Protection against dismissal in the event of illness, etc.*

1. An employee who is wholly or partly absent from work owing to accident or illness may not be dismissed for that reason during the first six months after becoming unable to work. If the employee has been employed by the establishment for five consecutive years or more or if the employee is unable to work owing to injury or illness incurred in the service of the employer, he may not be dismissed on the grounds of such absence during the first 12 months after becoming unable to work.

2. Unless other grounds are shown to be highly probable, absence from work owing to accident or illness shall be regarded as the reason for dismissal during the period when the employee is protected against dismissal under this section.

3. Any employee who wishes to claim protection from dismissal under this section must produce a medical certificate or by other means notify the employer in due time of the reason for his absence. When so required by the employer, a medical certificate shall be produced certifying the total length of the sick leave.

4. In the event of dispute concerning the lawfulness of a dismissal pursuant to this section, the provisions of sections 61 and 62 shall apply accordingly, but the time limits for requesting negotiations or instituting legal proceedings shall not commence until the end of the period during which dismissal is prohibited pursuant to (1) and (2).

5. If employees who are absent from work in accordance with the rules of sections 33A or 33B are dismissed during their absence, the time limit for requesting negotiations shall be extended by the number of days corresponding to the period of absence following the date on which notice of dismissal is received. The time limit for instituting legal proceedings shall be extended by the corresponding number of days calculated from the date on which notice was given.

**Section 65.** *Protection against dismissal during pregnancy or following the birth or adoption of a child.*

1. An employee who is pregnant may not be dismissed on grounds of pregnancy. Pregnancy shall be regarded as the reason for dismissal of a pregnant employee unless other grounds are shown to be highly probable. If so required by the employer, a medical certificate of pregnancy shall be produced.

2. An employee who is absent from work in accordance with the provisions of sections 31 and 32 shall not be given notice of dismissal which becomes effective during the period of absence if the employer is aware that the absence is due to such reasons or the employees notify him without undue delay that the absence is due to such reasons. If the employee is lawfully dismissed at a time falling within the period mentioned in sections 31 and 32, the notice is valid but shall be extended by that period.

The first paragraph shall apply to leave of absence for a period of up to one year. With regard to leave of absence for a period exceeding one year and to leave pursuant to section 31 A, the first and second sentences of subsection 1 above shall apply accordingly.

3. In the event of a dispute concerning the lawfulness of a dismissal pursuant to this section, the provisions of sections 61 and 62 shall apply accordingly. If the employee has exceeded the time limits for requesting negotiations or instituting legal proceedings, the court may redress the disregard of the time limit when so requested by the employee and when this is considered reasonable by the court.

**Section 65 A. *Protection against dismissal during military service, etc.***

1. Employees may not be dismissed owing to leave pursuant to section 33E. In connection with leave pursuant to section 33E (1), second paragraph, protection against dismissal shall also apply to periods when the employee is not absent from work.

2. Unless other grounds are shown to be highly probable, such service shall be regarded as the reason for dismissal immediately prior to or during the period during which the employee is absent from work owing to leave pursuant to section 33E.

3. In the event of a dispute concerning the lawfulness of a dismissal pursuant to this section, the provisions of sections 61 and 62 shall apply accordingly. If the employee has exceeded the time limits for requesting negotiations or instituting legal proceedings, the court may redress the disregard of the time limit when so requested by the employee and when this is considered reasonable by the court.

**Section 66. *Summary dismissal.***

1. The employer may dismiss an employee with immediate effect if the employee is guilty of a gross breach of duty or other serious breach of the contract of employment.

2. With the exception of subsection 2, third paragraph, second sentence, the rules of section 57 shall apply accordingly to summary dismissal.

3. In the event of a dispute concerning the lawfulness of summary dismissal, the employee shall not be entitled to remain in his post while the case is in progress unless so decided by a court ruling.

4. In the event that the court finds the dismissal unlawful, it shall be ruled invalid if so demanded by the employee. Nevertheless, in special cases, when so requested by the employer, the court may decide that employment shall terminate if, after weighing the interests of the parties, the court finds it clearly unreasonable that employment should continue. The court may also decide that employment shall cease when it finds that dismissal is objectively justified.

5. If the dismissal is unlawful, the employee may claim compensation. Compensation shall be stipulated at the amount the court considers reasonable in view of the financial loss, the circumstances of the employer and employee, and other facts of the case.

**Section 67. *Preferential claim to new employment.***

1. Employees who have been dismissed owing to lack of work shall have a preferential claim to new employment in the same establishment unless the vacant post is one for which the employee is not suited. This shall also apply in respect of employees who were engaged for a limited period of time pursuant to section 58A, and whose appointment is terminated owing to lack of work, as

well as employees who have accepted an offer of reduced employment instead of dismissal. However, this shall not apply to employees engaged as temporary replacements.

The preferential claim pursuant to the preceding paragraph shall apply only to employees who have been employed by the establishment for a total of at least 12 months during the previous two years.

2. The preferential claim shall apply from the date on which notice is given and for one year after expiry of the period of notice.

3. The preferential claim shall lapse if the employee fails to accept new employment in a suitable post within 14 days after receiving the offer.

4. If two or more persons have a preferential claim to a post, the employer is obliged to follow the same rules for selection when making an appointment as apply in the event of dismissals owing to curtailed operations or rationalization measures.

5. The rules laid down in this section shall apply accordingly to employees who are laid off in connection with the bankruptcy of an establishment. This shall only apply when the establishment is continued or resumed and in view of its location, nature, extent, etc. must be regarded as being a continuation of the original establishment.

The provision in subsection 4 shall, however, not be applicable in connection with bankruptcy, public administration of the estate of an insolvent deceased person, or transfer of an establishment after debt settlement proceedings have been initiated, cf. Part One of the Act relating to Debt Settlement Proceedings and Bankruptcy.

6. In the event of disputes pursuant to this section, sections 61 and 62 shall apply accordingly. The time limits for requesting negotiations and instituting legal proceedings stipulated in subsections 2 and 3 of section 61 shall be calculated from the date on which the employer rejects the employee's request for new employment.

If the court decides that a person entitled to a preferential claim to employment should have been engaged in a specific post, the court shall, at the request of such person, rule that he be employed in that post unless this is deemed unreasonable.

**Section 68. References.**

Employees who leave after lawful dismissal shall receive a written reference from the employer. The reference shall state the employee's name, date of birth, the nature of his work and the duration of employment.

This provision does not restrict the employee's right to request a more detailed reference in employment where this is customary and where not otherwise provided in a collective pay agreement.

Employees who are summarily dismissed are also entitled to a reference, but the employer may state that the employee was summarily dismissed without

giving the reasons for the dismissal.

**Section 69. *Staff rules.***

Industrial, commercial and office establishments employing more than 10 persons shall have staff rules for those employees who do not hold leading or supervisory positions. The Ministry may decide that staff rules shall be established for establishments and employees other than those mentioned above. Such rules shall contain the necessary code of conduct, rules relating to working procedures, conditions for appointment, dismissal with notice and summary dismissal and rules relating to payment of salary. Such rules must not contain provisions contrary to this Act.

Staff rules may not stipulate fines for breach of the rules.

Staff rules may be established for establishments other than those covered by the first paragraph above. In that event sections 70-73 shall apply accordingly.

**Section 70. *Establishment of staff rules.***

1. At establishments bound by a collective pay agreement, the employer and the elected representatives of the employees may establish the staff rules by written agreement. If such agreement is binding upon a majority of the employees, the employer may make the staff rules applicable to all employees in the sectors of work covered by the agreement.

2. When the provisions of subsection 1 above are not applied, staff rules are not valid unless approved by the Directorate of Labour Inspection. Rules shall be drafted by the employer, who shall negotiate with the employees' representatives concerning the provisions of the rules. In the case of establishments bound by a collective pay agreement, the employer shall negotiate with the employees' elected representatives. Otherwise the employees shall appoint five representatives with whom the employer shall negotiate.

If divergent rules are proposed by the employees' representatives, such rules shall be enclosed with the draft submitted by the employer for approval. If the employees' representatives fail to negotiate concerning the rules, this shall be stated by the employer when he submits the draft for approval.

3. The staff rules shall be posted at one or more conspicuous places in the establishment and be distributed to each employee to whom the rules apply.

**Section 71. *Time limit for submitting staff rules.***

The employer shall take the initiative to have rules established by agreement pursuant to section 70, subsection 1, or have rules drafted in accordance with section 70, subsection 2, as soon as possible. Rules drafted in accordance with section 70, subsection 2, shall be forwarded to the Directorate of Labour Inspection not later than three months after the establishment commences operations.

**Section 72. *Validity of staff rules.***

Staff rules are valid only when established in a lawful manner and when they do not contain provisions contrary to the Act.

If rules drafted pursuant to section 70, subsection 2, contain provisions that are contrary to the Act or are unfair to employees, or if the rules were not drafted in the lawful manner, the Directorate of Labour Inspection shall refuse approval.

If rules established by agreement pursuant to section 70, subsection 1, contain provisions that are contrary to the Act, the Directorate shall bring this to the attention of the parties and ensure that the provisions are amended.

**Section 73. *Amendments to staff rules.***

The provisions of sections 69-72 shall apply accordingly when the staff rules are amended or supplemented.

**Chapter XII A. Rights of employees in the event of transfer of ownership of establishments, etc.****Section 73A. *Scope of this chapter***

The provisions of this chapter shall apply to the transfer of an establishment or part of an establishment to another owner as a result of transfer of ownership.

Sections 73B and 73C shall not apply in the event of transfer from a bankrupt estate.

**Section 73B. *Pay and working conditions*****1. Rights pursuant to the contract of employment**

The rights and obligations of the previous owner pursuant to an contract of employment or an employment relationship in force at the time of transfer of ownership shall be transferred to the new owner.

Claims pursuant to the first paragraph may still be raised against the previous owner.

**2. Rights pursuant to the collective pay agreement**

Following a change of ownership, the new owner shall maintain the individual working conditions provided for in the collective pay agreement binding upon the previous owner until the collective pay agreement expires or is replaced by another collective pay agreement.

**3. Pension benefits**

Subsections 1 and 2 shall not apply to employees' rights to benefits in connection with old age and invalidity or benefits payable to surviving relatives in accordance with pension schemes.



**Section 73C. Protection against dismissal**

1. Transfer of ownership to another owner as stated in section 73A shall not in itself constitute grounds for dismissal with notice or summary dismissal by the previous or new owner.

2. If the contract of employment or the employment relationship is terminated because a transfer of ownership as mentioned in section 73A entails significant changes in working conditions to the detriment of the employee, the termination shall be deemed the result of circumstances related to the employer.

3. In disputes pursuant to this section the provisions of sections 61, 62 with exception of the first paragraph, second sentence, and section 66, subsections 3 and 5, shall apply accordingly.

**Section 73D. Representation**

1. In cases where the establishment preserves its autonomy, the employees' elected representatives affected by transfer as mentioned in section 73A shall retain their legal status and function.

2. In cases where the establishment does not preserve its autonomy, the transferred employees who were represented prior to the transfer shall continue to be suitably represented until a new election can be held.

3. The provision in subsection 1 shall not apply if the transfer entails that the basis for the employees' representation ceases to exist. In such cases the elected representatives shall continue to be protected in accordance with the agreements protecting the elected representatives in this area.

**Section 73E. Information and consultation**

The previous and new owner are obliged to discuss transfer as mentioned in section 73A with the elected representatives as early as possible. Particular information shall be given concerning:

- a) the reason for the transfer,
- b) the legal, economic and social implications of the transfer for the employees,
- c) measures planned in relation to the employees.
- d) the agreed or proposed date for the transfer.

In establishments where there are no elected representatives, information as mentioned in (1)(a)-(d) shall be given to the affected employees as early as possible.

If the previous or new owner is planning measures in relation to their respective employees, they shall consult with the elected representatives as early as possible on the measures with a view to reaching agreement.

The new owner shall hold an information meeting with the employees concerning the transfer of ownership and its consequences for the employees at the latest when the transfer is made public.

## Chapter XII B. Posting of employees.

### Section 73K. *Scope of this chapter*

The provisions laid down in this chapter apply when foreign establishments post an employee to Norway in connection with the provision of services provided that an employment relationship exists between the foreign establishment and the posted employee during the period of posting.

The provisions laid down in this chapter shall not apply to Svalbard.

### Section 73L. *Definitions*

For the purposes of this Act, posting of an employee occurs when foreign establishments

- a) post an employee to Norway for their own account and under their own management in accordance with an agreement concluded between the establishment and the user of the service provided in Norway or
- b) post an employee to Norway to a place of business or establishment that belongs to the same group or,
- c) in the capacity of temporary employment undertaking or other establishment that makes employees available, post an employee to an establishment in Norway.

For the purposes of this Act, *posted employee* means an employee who for a limited period carries out work in Norway, but normally works in another country.

### Section 73M. *Terms and conditions of employment*

Regardless of which country's law otherwise governs the employment relationship, the following provisions concerning terms and conditions of employment shall apply for the posted employee:

- a) Sections 7 to 13, 31 to 33, 34 to 54, 55B, 55C and 65 of this Act
- b) Sections 5 to 11 and section 14 of Act No. 21 of 29 April 1988 relating to holidays (the Holidays Act)
- c) Section 27 of Act No. 9 of 27 June 1947 relating to measures to promote employment (the Employment Act)
- d) Sections 3 to 6 of Act No. 45 of 9 June 1978 relating to equal status between the sexes (the Gender Equality Act).

If the employment relationship of a posted employee falls within the area of application of a decision made pursuant to Act No. 58 of 4 June 1993 relating to general application of collective pay agreements, etc., the provisions which are given general application and which apply to pay or terms and conditions of employment pursuant to section 73M of this Act shall apply to the employment relationship.

The provisions laid down in the first and second paragraph shall only apply when a posted employee is not covered by more favourable terms and condi-

ons of employment laid down in an agreement or pursuant to the national law that otherwise applies to the employment relationship.

If the period of posting for a posted employee who is a skilled or specialist worker does not exceed eight days, the provisions laid down in the Holidays Act and in section 49, subsection 3, of this Act and the provisions mentioned in section 73M, second paragraph concerning holidays, holiday pay and salary, including overtime pay, shall not apply when:

- the work carried out involves initial assembly or installation subject to a contract for the supply of goods, and
- the work is necessary for taking the goods supplied into use.

If during the previous 12 months the establishment has posted other employees to carry out the same work, such periods shall be taken into account when calculating whether the period of posting exceeds eight days.

This exception shall not apply for a posted employee who carries out work within the construction trade involving construction, repair, upkeep, alteration or demolition of buildings.

#### **Section 73N. Information**

The Directorate of Labour Inspection shall, in the capacity of liaison office, provide information on the terms and conditions of employment that shall apply for the posted employee. The Directorate shall also be able to refer to employers' and employees' organisations in cases where provisions laid down in collective pay agreements apply, cf. section 73 M, second paragraph.

The Directorate of Labour Inspection shall cooperate with corresponding liaison offices in the other EEA countries.

#### **Section 73O. Jurisdiction**

In order to claim the right to terms and conditions of employment pursuant to section 73M a posted employee may institute legal proceedings in Norway. The legal proceedings may be instituted in the judicial district to which the employee has been posted.

#### **Section 73P. Posting from Norway**

When a Norwegian establishment posts an employee to another country within the EEA area, the employer shall ensure that the posted employee is covered by provisions provided in implementation of *Council Directive 96/71/EC concerning the posting of workers in the framework of the provision of services* in the country to which the employee is posted. This does not apply when the employee is covered by more favourable terms and conditions of employment laid down in an agreement or pursuant to the national law that otherwise regulates the employment relationship.

If the employee is to work abroad for a period exceeding one month, a writ-

ten contract of employment as mentioned in section 55B of this Act shall be entered into prior to departure. In addition to the information mentioned in section 55C of this Act, the agreement must at least regulate the following:

- a) the duration of the work that shall be carried out abroad,
- b) the currency in which remuneration is to be paid,
- c) any cash benefits or benefits in kind that are associated with the work abroad,
- d) any conditions relating to the employee's return journey.

Information mentioned in the second paragraph, literae b and c may be provided in the form of reference to Acts, regulations and/or collective pay agreements that regulate these matters.

#### **Section 73Q. *Penal provisions***

Violation of the legal provisions that shall apply pursuant to section 73M, first paragraph shall be punishable pursuant to the penal provisions that apply to violations of these provisions. Chapter XIV of this Act shall only apply in relation to the provisions laid down in section 73M, first paragraph, litera a.

### **Chapter XIII. The Norwegian Labour Inspection Authority.**

#### **Section 74. *Regulatory supervision of the Act.***

1. The Norwegian Labour Inspection Authority consists of the Directorate of Labour Inspection and the local offices of the Labour Inspection Authority. The Directorate of Labour Inspection manages the activities of the Labour Inspection Authority and is responsible for ensuring that the Labour Inspection Authority performs its duties in accordance with current Acts and regulations. The Labour Inspection Authority shall supervise compliance with the provisions contained in and issued by virtue of this Act. The King may decide that supervision of parts of the public administration and transport establishments operated by the State shall be organized in a manner other than that which ensues from this Act.

Specialists outside the Labour Inspection Authority may be appointed by the Ministry in special cases to conduct inspections on behalf of the Ministry.

For such activities in the area mentioned in section 2, subsection 3, first, second and third paragraphs, of the Act, the King may decide that supervision of compliance with provisions contained in or issued by virtue of this Act shall be entrusted to a public authority other than the Labour Inspection Authority.

Such public authority will within its sphere of responsibility be assigned the same powers as are assigned to the Labour Inspection Authority under this act unless otherwise decided by the King.

2. The King will issue further regulations concerning the organization and

activities of the Labour Inspection Authority, including relations between Labour Inspection agencies.

**Section 75.** (Repealed pursuant to Act No. 2 of 6 January 1995 (in force 1 February 1995).)

**Section 76.** (Repealed pursuant to Act No. 2 of 6 January 1995 (in force 1 February 1995).)

**Section 77.** *Labour Inspection Authority decisions.*

1. The Labour Inspection Authority shall issue such orders and otherwise make such individual decisions as are necessary for the implementation of the provisions contained in and issued pursuant to this Act.

Orders shall be issued in writing, and time limits shall be set for their effectuation.

Orders shall contain information regarding the right of appeal, the time limit for appeals, and the appeal procedure, as well as regarding right to examine the case documents, cf. section 27 of the Public Administration Act.

In the event of immediate danger the Labour Inspection Authority may demand that safety measures be implemented immediately.

2. If the time limit for carrying out an order is exceeded, the Labour Inspection Authority may close down all or part of the establishment until the order is carried out. In the event of immediate danger the Labour Inspection Authority may close down the establishment even if no order has been issued.

3. The Directorate of Labour Inspection may issue orders to the effect that a person who supplies or markets a product which, even if used in accordance with requirements, may entail danger to life or health, shall take the necessary measures to avert such danger. In this connection, it may be required that:

- a) supply or marketing is discontinued,
- b) products are recalled.

4. Conditions may be imposed by the Labour Inspection Authority in connection with permits, consent, dispensations or other individual decisions.

5. Dispensation from the provisions of this Act shall be valid only when given in writing.

6. Individual decisions adopted by local Labour Inspection Authority offices may be appealed to the Directorate of Labour Inspection. Individual decisions adopted by the Directorate may be appealed to the Ministry.

7. The employees' elected representatives shall be informed of orders issued and individual decisions adopted by the Labour Inspection Authority.

**Section 78.** *Coercive fines.*

When ordered pursuant to this Act, a continuous coercive fine may be im-

sed for each day, week or month that passes after expiry of the time limit set for implementation of the order until the order is implemented. A coercive fine may also be imposed as a single payment fine. The Directorate of Labour Inspection may waive accrued coercive fines.

**Section 79.** *Appointment of specialists and commissions of inquiry.*

1. When supervision pursuant to this Act requires special expertise, the Directorate may appoint specialists to carry out inspections, investigations, etc. on behalf of the Labour Inspection Authority.

2. The King may appoint a special commission of inquiry when an event at an establishment covered by this Act results in heavy loss of life or property, or when for other reasons the investigation is expected to be exceptionally extensive or complicated.

Until otherwise decided, the matter shall be handled in the usual manner by the ordinary supervisory authorities and when necessary by the public prosecutor.

The King will issue further rules concerning the commission.

**Section 80.** *Access of the Labour Inspection Authority to the establishment - Inspections.*

1. Representatives of the Labour Inspection Authority and any experts or commissions of inquiry appointed pursuant to this Act shall have free access at all times to any working premises covered by this Act or which it is proposed to bring under this Act, to living quarters covered by section 8, subsection 3 and to buildings, means of transport, warehouses, areas, etc. that house such machinery, technical appliances and equipment or toxic substances and other substances hazardous to health as mentioned in sections 17 and 18. Inspectors shall produce proof of their identity pursuant to section 15 of the Public Administration Act and, if possible, take contact with the employer and the safety representative and, if necessary, other safety and health personnel. The safety representative may require that another elected representative shall take part in the inspection. In establishments where no safety representative has been elected, inspectors shall take contact with another elected representative.

2. The employer or his representative has a right to be present during the inspection, and may be so ordered. The inspectors may decide that such right shall not apply during interviews of employees or if the presence of the employer would entail a major inconvenience or endanger the purpose of the inspection.

3. Unless weighty considerations indicate otherwise, the Labour Inspection Authority shall provide the employer with a written report on the result of the inspection. A copy of this report shall be given to the safety representative and, if necessary, to other safety and health personnel.

**Section 81. *Protection of sources of information.***

When the Labour Inspection Authority is informed that circumstances at an establishment are contrary to the provisions of this Act, the name of the informant shall be kept secret. The obligation of secrecy shall also apply in relation to the person whose affairs are reported.

**Section 82. *Information.***

All persons subject to inspection pursuant to this Act shall, when so demanded by the Labour Inspection Authority and regardless of the duty of secrecy, provide information regarded as necessary for performance of the inspection. The Labour Inspection Authority may decide the form in which the information shall be provided.

Information as mentioned in the first paragraph may also be demanded by other public inspection authorities regardless of the duty of secrecy that otherwise applies. The duty to provide information shall only apply to information that is necessary for the inspection authority's performance of its duties pursuant to statute.

**Section 83. *Charges - Fees.***

1. Establishments covered by this Act may be required to pay to the Treasury an annual charge for supervision or charges or fees to cover expenses relating to inspection and control, approval and certification as well as required examinations or tests.

The King may issue further rules regarding charges and fees. The charges and fees shall be enforceable by distraint.

2. The King may issue rules concerning the Labour Inspection Authority's right to claim the refund of the costs of inspections and tests which the employer is required to perform under this Act.

**Section 84.** (Repealed pursuant to Act No. 2 of 6 January 1995 (in force 1 February 1995).)

**Chapter XIV. Penal provisions.****Section 85. *Liability of proprietors of establishments, employers and persons managing establishments in the employer's stead.***

Any proprietor of an establishment, employer or person managing an establishment in the employer's stead who wilfully or negligently commits a breach of the provisions or orders contained in or issued by virtue of this Act shall be liable to a fine, imprisonment for up to 3 months, or both. Complicity shall be subject to the same penalties, employees nevertheless being liable to penalty in

accordance with section 86.

In the event of particularly aggravating circumstances the penalty may be up to 2 years' imprisonment. When determining whether such circumstances exist, particular importance shall be attached to whether the offence involved or could have involved a serious hazard to life or health, and whether it was committed or allowed to continue notwithstanding orders or requests from public authorities, decisions adopted by the working environment committee, or notwithstanding demands or requests from safety representatives or from safety and health personnel.

In the event of infringements that involved or could have involved a serious hazard to life or health, any proprietor of an establishment, employer, or person managing an establishment in the employer's stead shall be liable to penalty under this section, unless the person concerned has acted in a fully satisfactory manner according to his duties under this Act.

The provisions of this section do not apply in respect of the provisions of Chapter XII relating to protection against dismissal.

**Section 86. *Liability of employees.***

An employee who negligently infringes the provisions or orders contained in or issued pursuant to this Act shall be liable to a fine. Contributory negligence shall be subject to the same penalty.

If the infringement is committed wilfully or through gross negligence, the penalty may be a fine, up to three months' imprisonment or both.

In the event of particularly aggravating circumstances imprisonment for up to one year may be imposed. When determining whether such circumstances exist, particular importance shall be attached to whether the offence was contrary to special directives relating to work or safety and whether the employee understood or should have understood that the offence could have seriously endangered the life and health of others.

The provisions of this section do not apply in respect of the provisions of Chapter X relating to working hours and of Chapter XII relating to protection against dismissal.

**Section 87. *Liability of corporate bodies***

The criminal liability of establishments is regulated by the provisions of sections 48a and 48b of the General Civil Penal Code.

**Section 88. *Liability of parents and guardians.***

Any parent or guardian who allows a child or young person under the age of 18 to perform work contrary to the provisions of this Act shall be liable to a fine.



**Section 89.** *Liability for obstructing public authorities.*

Any person who obstructs a public authority in the performance of inspections required pursuant to this Act, or who fails to furnish the mandatory assistance or supply information required for effecting supervision in accordance with this Act, shall be liable to a fine unless the offence is subject to the provisions of section 85 above or to a more severe penalty pursuant to the General Civil Penal Code.

**Section 90.** *Public servants.*

For the purposes of the General Civil Penal Code, any person associated with the Labour Inspection Authority shall be regarded as a public servant.

**Section 91.** *Prosecution.*

Infringement of this Act is subject to public prosecution.

Infringement of section 49, subsection 3, or against section 55 is not subject to prosecution unless charges are preferred by the injured party or by the Labour Inspection Authority.

**Section 92.** *Misdemeanour.*

Any breach of this Act shall be regarded as a misdemeanour irrespective of the severity of the penalty.

**Chapter XV. Entry into force. Amendments to other Acts.**

(This chapter is not included.)

Last updated 21 December 2001

## Særtrykk av lover fra Tiden Norsk Forlag

Nedenstående særtrykk av lover kan bestilles fra Tiden Norsk Forlag. Hver av lovene har oversikt over tilhørende forskrifter og er ajour med Norsk Lovtidend. Vennligst oppgi bestillingsnummer.

- 7544 Arbeidsmiljøloven:** Lov av 4. februar 1977 nr. 4 om arbeidervern og arbeidsmiljø
- 7529 Arbeidsmiljøloven på engelsk**
- 7514 Arbeidstvistloven:** Lov av 5. mai 1927 nr. 1 om arbeidstvister.  
**Lønnsnemndloven:** Lov av 19. desember 1952 nr. 7 om lønnsnemnd i arbeidstvister
- 7521 Brann- og eksplosjonsvernloven:** Lov av 14. juni 2002 nr. 20 om vern mot brann, eksplosjon og ulykker med farlig stoff og om brannvesenets redningsoppgaver
- 7595 Ferieloven:** Lov av 29. april 1988 nr. 21 om ferie
- 7520 Forurensningsloven:** Lov av 13. mars 1981 nr. 6 om vern mot forurensninger og om avfall
- 7511 Forvaltningsloven:** Lov av 10. februar 1967 om behandlingsmåten i forvaltningssaker
- 7527 Genteknologiloven:** Lov av 2. april 1993 nr. 38 om framstilling og bruk av genmodifiserte organismer
- 7517 Likestillingsloven:** Lov av 9. juni 1978 nr. 45 om likestilling mellom kjønnene
- 7524 Lov om tilsyn med elektriske anlegg:** Lov av 24. mai 1929 nr. 4 om tilsyn med elektriske anlegg og elektrisk utstyr
- 7510 Offentlighetsloven:** Lov av 19. juni 1970 nr. 69 om offentlighet i forvaltningen
- 7505 Permitteringslønnsloven:** Lov av 6. mai 1988 nr. 22 om lønnsplikt under permittering
- 7506 Personopplysningsloven:** Lov av 14. april 2000 nr. 31 om behandling av personopplysninger
- 7518 Produktkontrollloven:** Lov av 11. juni 1976 nr. 79 om kontroll med produkter og forbrukertjenester
- 7525 Røykeloven (med forskrifter):** Lov av 9. mars 1973 nr. 14 om vern mot tobakksskader
- 7519 Sivilforsvarsloven:** Lov av 17. juli 1953 nr. 9 om sivilforsvaret
- 7513 Tjenestemannsloven:** Lov av 4. mars 1983 nr. 3 om statens tjenestemenn m.m.
- 7503 Yrkesskadeforsikring:** Lov av 16. juni 1989 nr. 65 om yrkesskadeforsikring