

Employment protection in Norway – 2008

Item 1 Notification procedures in the case of individual dismissal of a workers with a regular contract	Written notice to employee, with statement of reasons upon request.
Item 2 Delay involved before notice can start	The written notice can be handed directly to the employee or sent as a registered letter. The notice period runs from the first day of the month following that in which notice was given. Before making a decision regarding dismissal with notice, the employer shall, to the extent that it is practically possible, discuss the matter with the employee and the employee's elected representatives unless the employee himself does not desire this.
Item 3 Length of notice period at different tenure durations	All workers: 14d<6m, 1m<5y, 2m<10y, 3m>10y. If an employee is dismissed after at least ten years' employment with the same undertaking, the period of notice shall be at least four months when given after the employee is 50 years of age, at least 5 months after the age of 55 and at least six months after the age of 60.
Item 4 Severance pay at different tenure durations	None by law, but collective agreements may under certain conditions require additional payment.
Item 5 Definition of unfair dismissal	Fair: Dismissals for personal and economic reasons (rationalisation measures, etc.) are possible. However, the courts have restricted personal reasons mainly to cases of material breach of the employment contract (disloyalty, persistent absenteeism, etc.). Social considerations, age or job tenure do not determine the choice of which worker to dismiss but can to a certain extent influence the decision. Unfair: Dismissals for economic reasons are unfair if the employee could have been retained in another capacity. Dismissals for reasons of age (under the age of 70), for trade union activities, military service, pregnancy and of recent mothers and employees on sick leave are also unfair.
Item 6 Length of trial period	By law up to 6 months trial period (14 days notice required for dismissal during the trial period).
Item 7 Compensation following unfair dismissal	In the case of unfair dismissal, the employee is entitled to compensation. The amount of the compensation is determined by a court and varies depending on the financial loss, circumstances relating to the employer and employee and other facts of the case. Typical compensation of up to 6 months pay (although it can go up to 3 years in rare cases), plus back pay for the duration of the court case. Typical compensation at 20 years tenure: 12 months (assuming case takes 6 months).
Item 8 Reinstatement option for the employee following unfair dismissal	Reinstatement orders fairly frequent.
Item 9 Maximum time period after dismissal notification up to which an unfair dismissal claim can be made	The time period for claiming an unfair dismissal is eight weeks. If an employee claims compensation only, the time limit shall be six months. In individual cases, the parties may agree upon a longer time limit for initiating legal proceedings. The time limit starts to run from the conclusion of negotiations. If negotiations are not conducted, the time limit runs from the time the notice is given. If the dismissal does not meet the formal requirements according to law, there is no time limit for such claims.
Item 10 Valid cases for use of fixed term contracts	Fixed-term contracts are valid when warranted by the nature of the work and the work differs from that which is ordinarily performed in the undertaking, for work as a temporary replacement for another person or persons, trainee, participants in labour market schemes under the auspices or in cooperation with the Labour and Welfare Service, athletes, trainers, referees and other leaders within organised sports, chief executives of firms and when necessary as a result of an agreement with a foreign state or international organisation. National unions may enter into collective agreements with an employer or employers' association concerning the right to make temporary appointments within a specific group of workers employed to perform artistic work, research work or work in connection with sport. If the collective agreement is binding for a majority of the employees within a specified group of employees at the firm, the employer may on the same conditions enter into temporary contracts of employment with other employees who are to perform corresponding work.
Item 11 Maximum number of successive FTCs (initial contract plus renewals and/or prolongations)	No legal limit, but in case of successive contracts, justification of limitation of contract subject to court examination.
Item 12 Maximum cumulated duration of successive FTCs	The provisions concerning termination of employment relationships shall apply to employees who have been employed on fixed-term contracts for more than four consecutive years, with the exemption of trainees, participants in labour market schemes under the auspices or in cooperation with the Labour and Welfare Service, athletes, trainers, referees and other leaders within organised sport.

Item 13 Types of work for which temporary work agency (TWA) employment is legal	TWA employment is legal under the same conditions as fixed-term contracts, which means when warranted by the nature of the work and the work differs from that which is ordinarily performed in the undertaking, for work as a temporary replacement for another person or persons, for work as a trainee, for participants in labour market schemes under the auspices of or in cooperation with the Labour and Welfare Service, for athletes, trainers, referees and other leaders within organised sport.
Item 14 Are there restrictions on the number of renewals and/or prolongations of TWA contracts?	No limit specified, as long as there is an objective reason.
Item 15 Maximum cumulated duration of TWA contracts	The provisions concerning termination of employment relationships shall apply to employees who have been temporarily employed for more than four consecutive years, with the exemption of trainees, participants in labour market schemes under the auspices or in cooperation with the Labour and Welfare Service, athletes, trainers, referees and other leaders within organised sport.
Item 16 Does the set-up of a TWA require authorisation or reporting obligations?	The set up of a TWA requires periodic reporting obligations.
Item 17 Do regulations ensure equal treatment of regular workers and agency workers at the user firm?	There are no regulations which ensure equal treatment of regular workers and agency workers at the user firm.
Item 18 Definition of collective dismissal	10+ employees within a month.
Item 19 Additional notification requirements (compared to Item 1) in cases of collective dismissal	Notification of employee representatives: Duty to inform and consult with trade union/employee representatives. Notification of public authorities: Notification of Labour and Welfare Administration.
Item 20 Additional delays involved (compared to Item 2)	30 days waiting period after notification of employment service.
Item 21 Other special costs to employers in case of collective dismissals	Type of negotiation required: Consultation on alternatives to redundancy and selection standards. Selection criteria: Accepted custom is by seniority, but recent case law gives more weight to business needs. Severance pay: No legal requirements.

This summary was produced by the OECD based on responses to a questionnaire submitted by authorities in OECD member countries. It describes the situation current as at 1 January 2008 and is the basis for calculating the OECD employment protection indicators. To find out more about the methodology used to calculate the OECD employment protection indicators, see www.oecd.org/employment/protection.