



UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/1978/E/Add.12  
13 February 1978

ORIGINAL: ENGLISH

First regular session, 1978  
Agenda item 5. Implementation of the  
International Covenant on Economic,  
Social and Cultural Rights

REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)  
BY STATES PARTIES TO THE COVENANT CONCERNING RIGHTS COVERED BY  
ARTICLES 6 TO 9

NORWAY

[23 December 1977]

1. General remarks

By way of introduction, it may be of some interest to have an account of how Norway implements the obligations she has pursuant to international law. Attention is drawn to Norway's report, submitted on 22 March 1977, in accordance with the International Covenant on Civil and Political Rights (Doc. CCPR/C/I/Add.5). But since economic, social and cultural rights are implemented rather differently from civil and political rights, some additional comments may be appropriate here.

In principle, control is exercised by the courts. The control of the constitutionality of laws is of little importance, however, since the Constitution contains only one provision of an economic, social or cultural nature (§ 110, see A. below) and it is somewhat uncertain what the legal significance of this provision will amount to. It is therefore ordinary statutory law that is of greatest importance for the implementation of these rights. The principle of "legality" 1/ is of limited significance. It is intended to protect the citizen against encroachments by the authorities, while the economic, social and cultural rights are of a more "positive" character: they imply some form of benefit provided by the State.

1/ This principle implies that the authorities must be empowered by statutory law adopted by the National Assembly (the "Storting") in order to intervene in the sphere of legal rights of citizens. The imposition of new burdens, a more stringent application of existing obligations or the deprivation of rights thus require authorization by law. It should be noted that this principle protects all individuals without regard to race, sex, language etc.

78-02672

/...

These rights ought not therefore to be viewed exclusively from a legal point of view, since the financial aspect, evidenced for example in the annual appropriations, is also clearly of great interest. In the last resort, it is the political will which decides to what extent economic, social and cultural rights are to be implemented. In Norway there has been broad support for the welfare state policy.

#### ARTICLE 6: THE RIGHT TO WORK

##### A. Principal laws - administrative regulations

In 1954, a new § 110 was incorporated in the Constitution. It runs as follows:

"It is incumbent on the authorities of the State to create conditions which make it possible for every person who is able to work to earn his living by his work."

It is somewhat uncertain what the legal significance of this provision will amount to. It is formulated in such a manner that it does not accord the individual any right enforceable by the courts of law. Presumably it must be regarded as a manifesto and a binding political declaration.

The "right to work" assumes a systematic policy on employment. The legal framework for such a policy is found in Act no. 9 of 27 June 1947 on Measures to Promote Employment. Section 1 of this Act runs as follows:

"The Directorate of Labour shall keep a close watch on the development of employment in this country, strive to maintain employment at a steady and adequate level and advise the Ministry in matters relating to employment and unemployment. It shall -

- (a) collect information regarding employment, unemployment and possibilities of employment, seek to establish the causes of fluctuations in employment and produce surveys of employment and unemployment at regular intervals;
- (b) encourage the preparation by government agencies, counties and municipalities of such detailed plans for public works as can be put into operation at short notice to the extent required in the various parts of the country. The Directorate of Labour shall assemble and keep a summary of the plans. It shall likewise endeavour to obtain the fullest possible information concerning private plans of work where their execution will have a bearing on the level of employment;
- (c) arrange for useful works to be undertaken in times of unemployment, and for works to be postponed in times of manpower shortage where they can be deferred without great detriment;
- (d) promote measures to hinder or mitigate unemployment, and hereby work for the planned and organized development of industrial life and the co-ordination of measures instituted for this purpose;

/...

- (e) direct the Employment Service so as to provide suitable employment for all and suitable employees for all vacancies;
- (f) undertake vocational guidance with the aim of assisting young people and others when choosing a career, training for it and adjusting themselves to working life, and co-ordinate all official activities connected with vocational guidance.

Furthermore the Directorate of Labour shall deal with matters relating to benefits payable out of the funds of the National Insurance Scheme under Chapter 4 of the National Insurance Act.

The Ministry may issue further directives concerning the activities of the Directorate and entrust it with duties other than those mentioned in the first and second paragraphs."

On 15 August 1977 a White Paper on employment policy (Report to the Storting No. 14: 1977-75) was submitted to Parliament. The aim of the employment policy, as defined in this White Paper, is that everyone between 17 and 69 years of age who so wishes shall be able to obtain gainful full-time or part-time employment or be offered facilities for suitable training. In order to attain such a goal, by means of economic measures and regional development, the authorities will place emphasis on creating new jobs, particularly outside congested areas. The White Paper attaches great importance to proposals for measures to ensure that the groups which are most disadvantaged from the labour market angle shall be offered the possibility of obtaining gainful employment. It is expected that the White Paper will be debated in the Storting in the spring of 1978. A summary in English of Report No. 14 to the Storting 1977-78 is enclosed.

### B.1 Free choice of occupation

The "Right to work" assumes not only that there is work, but also that there is free choice of occupation. Under Norwegian law there is no general provision explicitly prescribing such a right, although the principle is recognized. Mention may be made of the following special rules:

It was formerly a requirement that only those professing the Evangelical-Lutheran faith should be appointed to higher posts in the State. The requirement is connected with the fact that there is a State Church in Norway, cf. § 2 in the Constitution. This requirement in respect of the profession of faith by holders of higher official posts has gradually been abolished, so that it now applies only to church appointments and teachers attached to faculties of theology.

§ 92 in the Constitution explicitly provides that both men and women may hold higher office in the State. A requirement for appointment to a senior post in the State is that the appointee is a Norwegian national.

As an example of a provision which indirectly restricts the right to free choice of occupation may be mentioned the fact that a person applying for unemployment benefit may, in certain circumstances, be obliged to move to another

locality to take up suitable work. If he refuses, he will lose the right to the daily cash allowance pursuant to chapter IV in Act No. 12 of 17 July 1966 on National Insurance.

Although the choice of occupation is free in principle, it is reasonable to assume that some groups need special help and guidance. This applies particularly to those coming on to the Norwegian labour market for the first time.

### Immigrants

The increased immigration which has occurred from non-Nordic, and largely non-European, countries in recent years has resulted in extra tasks for the Employment Service. This applies both in regard to job placements and to the need to inform these employees of conditions on the Norwegian labour market and to help them to adapt in other fields. Thus in Oslo, where the majority of the immigrants are found, a special employment and information agency for foreign nationals has been set up. As well as employment officials, legal advisers and social welfare officials are attached to this department, which also includes a special interpreter service among its functions.

### Handicapped persons

The Employment Service's special activities in regard to obtaining work for handicapped persons (vocational rehabilitation) are an integral part of the Employment Service's ordinary operations. The objective is to acquire a place in ordinary working life for the handicapped, whatever the cause of their problems. However, Norway practices no form of quota system.

### Young people

As part of the effort to counteract unemployment among young people, special programmes have been implemented. The aim is to motivate young people to take up further education or vocational training, or to provide them with information and job training so that they may obtain work with a firm.

Trial projects have been started to help socially disadvantaged clients, in particular young people with alcohol/drug problems.

At some Employment Offices there are staff specially appointed to work on projects for young people.

### Women

In 1975 five advisory officers were appointed who are especially assigned to work on matters relating to women's employment. These officials are placed in different counties. Apart from this external work aimed at the public, extensive information measures have been implemented internally within the service relating to women's special problems in working life.

Special two-four weeks vocational guidance programmes for women over 20 years

/...

of age have been arranged. These programmes are intended for adult women who have lost their work and women not previously in the labour force.

## B.2 Policies and techniques to achieve steady economic, social and cultural development

During the present economic recession special efforts were needed to maintain the level of employment.

Norwegian employment policy has placed special emphasis on selective measures of different kinds. One of the main principles underlying the shaping of policy measures has been to enable employees to carry on with their usual jobs for as long as possible. Only when this fails are other measures to be introduced, as a second line of defence, to provide alternative jobs for the unemployed. Unemployment benefit is regarded as a last resort.

In keeping with this general principle, a series of new measures has been added to the programme of practical labour market policy. Extra employment has been created by bringing forward national and local government projects, above all in the building and construction sectors (infrastructural investments etc.). Over and above these investment projects, "single work places" have been organized during the current recession. These are work places within the public administration, social services and public health, the environmental sector etc. This has served to widen the range of extra employment opportunities for the benefit of additional groups of applicants, e.g. women, young persons and the occupationally handicapped. About 40 per cent of persons in extra employment of this kind have been employed at these "single work places".

On-plant training has been added to the adult vocational educational programme as a suitable alternative to lay-offs and dismissals. Roughly one third of the persons affected by training measures undergo on-plant training.

Great importance has been attached to a special programme to counteract unemployment among young persons, and several new expedients have been tried over and above relief work in the form of "single work places" and grants toward on-plant training. These grants have been paid to employers taking on young people on a casual basis (i.e. for "single work places" in private enterprise).

More than 15,000 persons were in employment in March 1976 as a result of these special job creation measures.

Several new forms of support - liquidity loans, interest grants towards stockpiling production, operational grants - have been added to the catalogue of preventive measures, i.e. the first line of defence. These measures have attained quite considerable proportions. The number of persons employed by firms receiving liquidity loans is almost 50,000, while 10-15,000 are employed by firms receiving interests grants. Altogether the three forms of support are estimated to have affected 10-20 per cent of the country's total industrial labour force.

/...

### B.3 Measures to ensure the best possible organization of the employment market

The official manpower policy is centralized under the Ministry of Local Government and Labour (Kommunal-og arbeids-departementet).

Subordinate institutions, such as the Directorate of Labour (Arbeidsdirektoratet), and the Regional Development Fund (Distriktenes utbyggingsfond), are consultative and executive bodies for the Ministry. As a general rule, executive bodies make suggestions to the Ministry on the implementation of specific measures. The Ministry evaluates the essence of the suggestions, particularly their political implications, and considers the financial and legal aspects of the proposals made. If deemed appropriate, the Ministry may forward the proposals to the Government for consideration.

The manpower policy is outlined in connexion with the annual fiscal and national budgets and the Long Term Programme (four years). Further, the manpower policy emerges in connexion with the preparation and framing of legislation, as well as in the handling of current practical issues. Finally, the manpower policy is shaped in connexion with certain government reports (white papers) presented to the Storting.

The collection and analysis of employment statistics is an important part of manpower planning procedures.

The statistics concerning registered totally unemployed based on the local Employment Offices play a central role in assessing the labour market. The following characteristics of the unemployed are regularly available: sex (monthly), counties, labour market districts and municipalities (monthly), age (January, April, July, September and November), duration of unemployment (five groups - January and September).

The main figures are available shortly after the reference date (the last working day of the month). These statistics are part of the current monthly statistics concerning the flow of applicants for work. As of the end of each month, figures are available for applicants for work specified by fully employed, partially employed, and totally unemployed.

Another source of unemployment statistics is the quarterly Labour Force Sample Surveys (Arbeidskraftundersøkelser). <sup>2/</sup> The surveys provide supplementary information concerning the unemployed (non-employed persons seeking work).

The monthly statistics concerning vacancies registered at the local Employment Offices belong to the "leading" cyclical indicators. The Directorate of Labour conducts a sample survey in October each year to estimate the total uncovered demand for manpower in the manufacturing, building and construction industries.

---

<sup>2/</sup> Abbreviated AKU.

On the basis of the statistics concerning applicants for work and vacancies, the Directorate of Labour publishes a so-called tightness indicator each month (the stock of vacancies registered at the beginning of the month plus the flow of new vacancies registered during the month computed as a percentage of the corresponding figures concerning applicants for work).

The current statistics concerning production cutbacks reported to the Directorate of Labour (dismissals, lay-offs, and reduced working hours) include companies which implement production cutbacks involving more than 10 persons within a month.

During the past two years a monthly series has been produced concerning employment (actual and six months forecast) associated with selective employment measures specified by each type of measure, county, young persons and sex.

The main source of employment statistics is the quarterly Labour Force Sample Surveys. As a result of the sampling error and changes in the questionnaire etc., these employment statistics have so far been of only limited value as a cyclical indicator. Another serious short-coming is that reliable figures are not available for geographic areas.

To attempt to compensate for the geographic short-comings of the AKU figures, new regional employment statistics have been published since the first quarter of 1975, covering mining, manufacturing and building and construction.

Beginning in 1973, reasonably complete and detailed statistics (January and August) have been produced concerning employment in individual firms engaged in oil activities closely related to the production of crude oil and natural gas in the North Sea. Foreign nationals employed in oil activities are specified.

#### B.4 Technical and vocational guidance and training programmes

Vocational guidance is carried out in co-operation between the labour market and the educational authorities. The guidelines for this co-operation have been drawn up by a special body, the Co-ordinating Committee for Vocational Guidance. The Committee, which is composed of representatives from the different types of schools and from the Employment Service, has recently been reorganized to allow both employees and employers to be represented. The Directorate of Labour acts as the secretariat of the Committee.

The educational authorities and the Employment Service have co-operated in developing and organizing vocational guidance in the schools. Vocational orientation is a special subject in the seventh, eighth and ninth grades of the compulsory elementary school.

Practical vocational guidance has been introduced as a further supplement. Pupils, predominantly in the eighth and ninth grades, usually spend at least one week receiving "on-the-job experience".

/...

In secondary education, such as upper secondary schools, folk high schools, teachers' training schools etc., vocational guidance is carried out according to programmes drawn up by the Directorate of Labour. Moreover, in co-operation with various institutions, the Employment Service gives information and guidance to upper secondary school students, by special arrangements all over the country.

The Vocational Guidance Service co-operates with student advisors at universities, institutions of higher learning and other training institutions.

Vocational guidance for adults plays an increasingly important role. For women, mostly married women, wishing to find out about their labour market opportunities, special information courses are arranged in many counties.

In 1974 a six-week programme was started to counteract the increasing unemployment among young people (16-20 years of age). The model programme consisted of working periods in different undertakings or in different sections in the same undertaking. One day each week was reserved for general and individual vocational guidance. The general vocational guidance included information on working conditions, on rights and obligations in employment and on the respective functions and tasks of the workers' and employers' organizations.

Two-four week vocational guidance programmes are, also, arranged for women over 20 years of age, see B (1).

A programme on vocational guidance for mentally deficient young people has been outlined. Further adaptation is in progress.

The objective of vocational training for adults is, first and foremost, to create work possibilities for the workers who need training in order to acquire a suitable, stable occupation. The training is also planned so as to qualify the trainees to cover the current need for manpower on the labour market.

An effort is being made to provide a wide variety of courses at the same time, as there must be a high degree of flexibility in what these courses offer. Thus it should be possible to start courses at short notice when conditions on the labour market make this necessary.

#### B.5 Protection against arbitrary termination of employment

The rules concerning protection against unwarranted notice to leave are contained in the Act of 4 February 1977 relating to Worker Protection and the Working Environment. 3/

Notice to leave is subject to specific formal requirements. The employer must give the notice to leave in writing and it must be delivered personally to the employee or be sent to him by registered post.

---

3/ See list of reference material appended to this report.



The notice to leave shall inform the employee of his right to demand negotiations and to institute legal proceedings and of the time-limits applicable. The employee may demand to be told the grounds for notice to leave.

In order to be valid, the notice to leave must be warranted by sufficient grounds. It would not be sufficiently warranted to lay off an employee on the grounds of curtailed operations or rationalization measures if the employer can provide some other suitable work in the enterprise.

If an employee is given notice to leave during sick leave or pregnancy, the employer must produce evidence that there are other valid grounds for notice to leave.

The Working Environment Act provides for longer periods of notice than were required previously. For employees with less than five years in the enterprise's employ, the period of notice is generally one month. For employees with more than five years in the enterprise's employ, a minimum of two months' notice is required.

#### Discrimination in appointment to jobs and notice to leave

There is no legislation in Norway which expressly states that there is any protection against discrimination as regards the right to obtain work and against arbitrary termination of employment.

However, as regards posts in the public administration it may be assumed that the principle of equality embodied in administrative law and the Penal Code's provisions relating to responsibility for acts committed during public service will be applicable.

For work in the private sector, §410 of the General Penal Code may be applicable. It provides for the punishment of anyone who, contrary to the law, refuses to take a person into or discharges a person from his service, when an undertaking already exists to take that person into or keep that person in his service. However, this provision is only applicable in cases where an employment contract exists. As mentioned above, the Working Environment Act (Act No. 4 of 4 February 1977) provides protection against discriminatory notice to leave. Finally, the provisions of the general wage settlements provide a certain extent of protection against differing conditions of employment for the sector of industry they cover.

Finally, it may be mentioned that the Government has submitted a Bill for Equality of Status between the Sexes, see Bill to the Odelsting, No. 1 (1977-78). <sup>4/</sup> The first paragraph of clause 4 in this Bill prohibits discriminatory treatment of women and men, i.a. as regards appointment and notice to leave.

---

<sup>4/</sup> A translation will be forwarded when available.

B.6 Protection against unemployment

See item B.2.

C. Statistical and other information

In 1974 the Norwegian economy was characterized by a very high level of capacity exploitation. Towards the end of the year, however, foreign demand began to decline, and this resulted, towards the end of the year, in a certain decline in the numbers of new vacancies. Unemployment gradually rose during the first half of 1975 and subsequently.

In March 1975 this development prompted discussions between various ministries, together with the Norwegian Labour Market Board. In the beginning of May 1975 these discussions resulted in a government bill for supplementary employment incentive allocations totalling some Nkr. 200 m.

In May 1975, by which time the recession had become still more apparent, the Government instructed the Labour Market Board to draw up a concrete action programme for the approaching winter season. This action programme was presented to the Government in mid-July 1975.

A government bill based on the action programme and providing for employment incentives totalling some Nkr. 500 m. was presented in September. The measures thus provided for included a stepping up of public projects and labour market training, but also measures to improve the ability of firms to continue production.

Successive additions were made to this programme during the winter and spring of 1975-76, see also item B.(2).

According to the Central Bureau of Statistics' manpower survey, the total average employment figure in 1976 was 1,771,000, being 1,033,000 (61 per cent) men and 688,000 (39 per cent) women. The total employment figure represented 63 per cent of all persons between 16 and 74 years of age. For men the employment percentage was 77 and for women 49. Of the employed, 1,503,000 (85 per cent) were wage-earning and the remainder either self-employed or working in a family concern.

Of employed persons in gainful work, 73,000 (4 per cent) stated they had a working week of 1-9 hours. For 107,000 (6 per cent) it was 10-19 hours, for 158,000 (10 per cent) 20-29 hours and for 1,273,000 (77 per cent) over 30 hours. The average working time per week in work outside the home was considerably less for women than for men, 30 hours as against 42 hours. The average number of working hours per week has dropped from 1975 to 1976 for both men and women.

For the first half of 1976 the unemployment figure was much higher than for the corresponding period in 1975 and than the usual level of the preceding years. From the beginning of September, however, unemployment was slightly lower than it had been a year earlier. This indicated the effect of the generally better state of the labour market.

The unemployment figure registered by the Employment Service in 1976 was on average 19,900. In relation to the total labour force this amounted to 1.3 per cent. The proportion of women comprised in the total unemployment figure has risen in recent years from 27.1 per cent in 1973 to 34.1 per cent, 35.4 per cent and 35.8 per cent in 1974, 1975 and 1976 respectively.

### Difficulties affecting the degree of realization of the right to work

#### Women

There are considerably more women looking for jobs than there are jobs available. The number of women employed in sparsely populated areas is very much less than in built up areas. The traditional division into "men's occupations" and "women's occupations" in many branches and enterprises also proves an obstacle to many women in obtaining work.

In 1975 women represented somewhat over 37 per cent of the total number of employed persons. Only about 60 per cent of these women work more than 30 hours per week in gainful employment. The remainder, i.e. 40 per cent, work part-time. The greatest increase in the number of women in employment has occurred in this latter group.

The proportion of women was highest in the service sector and in jobs in the retail trade, hotel and restaurant sector. Over 65 per cent of all employed women work in these two economic sectors. The lowest percentage of women (only 5.4 per cent) is to be found in the building and construction sector.

The number of women seeking jobs has increased from 1974 to 1976, probably due to the fact that more and more women wish to work outside the home.

The established pattern of traditional roles in the family is largely responsible for women having less opportunity to participate in working life on the same terms as men. The availability of more nursery schools will represent an important factor when it comes to having more women in working life. In 1975 a new statute relating to nursery schools to meet the local requirements was passed. <sup>5/</sup> The Act makes the municipalities responsible for planning the necessary expansion of nursery schools.

In 1977 the government grants to nursery schools on average cover 30 per cent of the running costs, i.e. an increase of 10 per cent since 1975.

By far the greatest degree of responsibility in respect of children is still placed on women, and the scarcity of places in nursery schools and other facilities for child-minding mean that women are cut off from working life for many years. The long interruption in working life is in turn one of the main reasons why women generally hold lower positions and have lower pay.

---

<sup>5/</sup> See foot-note 3.

At both the national and the Nordic level, endeavours are being made to expand adult education because of its importance for re-training schemes and for housewives wishing to participate in working life.

### III ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

#### A. Remuneration

##### A.1 Laws and regulations

In Norway the level of wages is in principle determined on the basis of negotiations and agreements between the parties concerned. Normally the Government plays no part in this. Little use has been made of the voluntary arrangement by which a Wages Board is placed at the disposal of the parties pursuant to Act No. 7 of 19 December 1952 concerning the Wages Board in Labour Disputes. 6/ The use of a compulsory Wages Board can only be considered when the political organs of the State consider that a specific labour dispute threatens vital public interests of an economic or other nature (see also below under the heading: Right to strike). Act No. 2 of 15 February 1918 on Home Industries is the only statute now in force which contains provisions for establishing a minimum wage arrangement.

The system of wage agreements now practised is dependent on the existence of labour dispute legislation comprising two statutes - the Act of 5 May 1927, 6/ with subsequent amendments, relating to labour disputes in respect of the private and municipal sector and the Act of 13 July 1958, 6/ with subsequent amendments, relating to public service disputes in respect of the public sector.

##### A.2 Principal methods used for fixing wages

Where the parties (the Norwegian Employers' Confederation or the employers on the one hand and the trade unions on the other) do not reach agreement on the substance of the wage agreement, the conflict is submitted, pursuant to the above-mentioned Acts, to arbitration which usually leads to the wage agreement being successfully negotiated.

In rare cases the agreement is only arrived at after the workers have called a strike and after new arbitration has taken place. It is even rarer for pay and terms of employment to be laid down by the Wages Board (see item A.1 above).

The categories of employees whose pay is not based on wage agreements may be divided into four groups:

(a) groups comprising highly-paid staff occupying positions of particular trust in the private sector. It is difficult to cite figures since some of these groups, for example civil engineers, are partly covered by wage agreements. This also applies to a few leading posts in the local and central administration;

---

6/ See foot-note 3.

(b) employees mainly engaged in small enterprises where neither the employer nor the employees are members of organized associations or unions. This group may be estimated at some 10,000 of the total work force of about 1.2 million in Norway;

(c) domestic help, cleaning assistants, etc. in private households and part-time positions in firms. This group too amounts to a considerable number;

(d) employees (altogether several hundred) who are covered by the Act of 15 February 1918 relating to Home Industries, the object of this statute being to ensure that their remuneration keeps pace with the general wage drift, yet in such a way that home industries are not ousted from the market. This is the only sector with minimum pay legislation.

### A.3 Workers' remuneration other than regular wages

In the private sector there is a wide range of pay systems, varying from pure or partial piece-rate systems to different forms of bonus or production premiums. There are no temporary supplements on the grounds of increased living costs. However, it is usual for the two-year wage agreements to incorporate clauses allowing for index regulation. The result of these represents a permanent element in wages.

### A.4 Statistical data showing the evolution of the levels of remuneration and the cost of living

The relationship between the level of pay and the cost of living (consumer price index) over a 10-year period is apparent from the figures below. The year 1967 has been taken as the base and the figures give the average pay for workers, comprising all adult men and all adult women within the pay sphere covered by the Norwegian Employers' Confederation. Average wages include special supplements such as piece-rate pay, bonuses, etc.

<u>Year</u>	<u>Adult men</u>	<u>Adult women</u>	<u>Consumer price index</u>
1967	100	100	100
1968	107	109	103
1969	117	119	107
1970	131	134	118
1971	147	151	125
1972	160	166	134
1973	176	184	144
1974	206	217	158
1975	247	265	176
1976	286	314	193

The pay of employees in the local and central administration may be assumed to have followed the same trend.

#### A.5 Equal pay for work of equal value

##### Immigrants

On account of the previously mentioned increased immigration of foreign workers, it has become apparent that there is a need to see that these workers are not employed at lower rates of pay and on less good terms than Norwegians. A bill is at present being prepared which will result in the particular employee organization exercising this control function.

##### Women

Since 1972 the Equal Status Council has carried on the work of the Equal Pay Council on questions related to equal pay for men and women. In May 1977, the Equal Status Council stated as follows:

"Pay trends in industry and for some branches in the retail trade sector show that the levels of women's and men's pay came closer to one another in the 1970s. For clerical staff in industrial enterprises, however, there has been a decline in the average rate of women's pay as a percentage of men's pay.

In 1975 women's average hourly wages in industry represented in all 79 per cent of men's. In the fourth quarter of 1976, women's average earnings were 79.3 per cent of men's hourly wages. In over two thirds of all branches of industry women earned somewhat above 85 per cent of men's earnings for clerical staff with simple work routines. In industrial enterprises the average monthly pay for women was 82 per cent of that for men in 1976, while for office staff with work requiring higher qualifications the difference was slightly less.

The recommendation from the committee appointed to enquire into the pay status of women's occupations within the public sector was taken up for consideration in connection with the drawing up of a new pay system in the government administration. The new pay system, introduced in 1976, covers, inter alia, improved pay for the lowest-paid post categories, which means an improvement in the situation for women in particular. Furthermore, there has been some improvement in the pay status in the intermediate levels where recruitment is largely based on women, for example, nurses, pre-school teachers, etc.

Recent wage settlements have advocated raising pay rates for the low-paid categories, for example by moving several of the lowest-paid categories up one level. By the wage settlement of spring 1976, the low-pay supplements were most of all to the advantage of women. The same trend was noted in the general wages settlement of 1977."

The Government Bill on Equal Status (Ot. prop. nr. 1 (1977-78)) includes clauses relating to equal pay for equal work for the same employer. As already mentioned, the bill also contains other clauses intended to prevent discrimination in the employment sector (in regard to appointment, promotion, notice to leave or redundancy leave).

/...

An equal status ombudsman and a grievances board for equal status questions will facilitate the implementation of the Act.

#### A.6 Fair remuneration - difficulties and promises

Through the comprehensive wages revision effected in the spring of 1976 and the pay regulation arrangements for the second agreement year in the spring of 1977, agreement was reached on the so-called Comprehensive Incomes Settlement. To reduce the rise in prices and the inflation which would inevitably result from a conventional wage settlement in these years, the State authorities declared themselves willing to participate through reduced taxes and other pledges of economic significance adjusted to meet such cutbacks as the parties to the settlement might agree on. The arrangements arrived at for these years, however, are not to be regarded as an indication of any new and permanent form of wages settlement.

#### B. Safe and healthy working conditions

##### B.1 Principal laws

The Act of 4 February 1977 relating to Worker Protection and the Working Environment entered into force on 1 July this year. The Act superseded the earlier Workers' Protection Act of 7 December 1956. The objectives of the Working Environment Act are:

1. to secure a working environment which affords the workers full security against harmful physical and mental influences and which has safety, occupational hygiene and welfare standards that correspond to the level of technological and social development of the society at large at any time;
2. to secure sound contract conditions and meaningful occupation for the individual employee;
3. to provide a basis whereby the enterprises themselves can solve their working environment problems in co-operation with the organizations of employers and employees under the supervision and guidance of the public authorities.

The Working Environmental Act basically covers all enterprises that engage employees, including employees working on fixed installations in the oil industry on the Norwegian continental shelf. The following are exempt from the Act:

- (a) shipping, hunting and fishing, including processing of the catch on board ship;
- (b) aviation;
- (c) agriculture and other enterprises covered by the Act relating to working conditions for agricultural workers.

Conditions in these industries have been considered to be of such a special nature that it has been desirable to have separate legislation in these sectors.

/...

The Working Environment Act contains rules on the general requirements concerning the working environment. It is stated that the working environment 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. Furthermore, the Act contains, inter alia, rules on the right to leave of absence in the event of pregnancy and confinement, the organization of safety/worker protection services, work done by children and young people, engagement, notice to leave and dismissal, working hours, the organization of the Labour Inspection, and penalties.

B.2 Principal arrangements and procedures to ensure that these provisions are effectively respected

The Labour Inspection carries out inspections to ensure that the provisions contained in or issued pursuant to the Act are observed.

The Directorate of Labour Inspection directs the activities of the Labour Inspection which in the regional areas is organized as a local Labour Inspection consisting of district offices with appurtenant divisional offices.

One of the main objectives of the Act is to ensure that the workers themselves shall participate in and have an influence on the creation of the working environment. It is hoped to establish a basis for increased worker participation through the organized safety and environment work in the enterprises.

Special working environment committees shall be set up in enterprises with at least 50 employees. At the request of any of the parties in the enterprises, a working environment committee shall also be set up in an enterprise with between 20 and 50 employees.

The working environment committee shall consider all plans that may be of material significance for the working environment. It shall also study all reports relating to occupational diseases and occupational accidents and see that steps are taken to prevent recurrence.

The working environment committees may resolve that the employer shall, for example, make any necessary tests and effect necessary concrete measures to improve the working environment within the framework of the provisions stipulated in or pursuant to the Act. The committee may also appoint specialists or a commission of inquiry to investigate the causes of occupational diseases or occupational accidents. If the employer finds himself unable to effectuate the resolution, he may submit the committee's resolution to the Labour Inspection for decision.

The employer and the employees are equally represented on the committee. The safety and health personnel are represented on the committee, but without voting rights.

The safety delegate plays an important part during the planning and implementation of all measures with a bearing on the working environment, and shall also be allowed the time necessary for performing his duties in a proper manner. In larger enterprises, a senior safety delegate must also be elected to co-ordinate the work of the safety delegates.



The safety delegates are entitled to halt dangerous work when the danger cannot be averted by other means.

C.4 Statistical information concerning the number, nature and frequency of occupational accidents and cases of occupational diseases

See enclosed statistics (annex I). 7/

D. Rest, leisure, limitation of working hours and holidays with pay

D.1 Principal laws

The Working Environment Act (Act No. 4 of 4 February 1977) contains specific rules on the length of working hours and has provisions regarding breaks and time off.

The Act is based on the premise that working hours shall be so arranged that they do not result in placing any strain on the employees or their immediate family in health or social terms. The provisions regarding working hours refer to situations normally found in working life. In respect of working situations of a more special nature, the Act contains rules of procedure which can contribute to the establishment of working hour arrangements which are suited to satisfying the requirements of such enterprises and which at the same time make certain that the employees' time at work is fully satisfactory as regards worker protection and social conditions.

According to the system provided for under the Act, the employee representatives, the enterprise's working environment committee and the Labour Inspection shall participate in establishing special arrangements in respect of working hours. Which of these three instances should participate in the particular case depends on how far the arrangements in question depart from the standard rules under the Act.

The Holiday Act (Act No. 3 of 14 November 1947 7/) contains specific rules regarding the right to holidays with pay.

D.2 (i) Weekly off-duty time

Ordinary working hours for employees shall be arranged so that each week they have a continuous off-duty period of at least 36 hours which always includes one full 24-hour day. Whenever possible the off-duty time shall be on a Sunday or public holiday and be given at the same time for all employees at the enterprise.

Daily off-duty time

Working hours must be arranged so that the employees have an off-duty period of at least 10 hours between two working periods.

---

7/ See foot-note 3.

### Breaks

When working hours exceed five and a half 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.

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 enterprise 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 all the time if necessary. In such cases, and in cases where no satisfactory canteen or restroom is provided, the break shall be regarded as part of the working hours.

### D.2 (ii) Normal hours of work

The working hours for continuous shiftwork and comparable work by rota, work below ground in mines and work involving tunneling and blasting subterranean rooms must not exceed 9 hours per day and 36 hours per week. The working hours for discontinuous shiftwork and other comparable work by rota, work on two shifts also performed by rota at least every third Sunday, and work principally performed at night must not exceed 9 hours per day and 36 hours per week. For other employees, ordinary working hours must not exceed 9 hours per day and 40 hours per week.

Overtime shall be arranged in such a manner as to avoid placing too great a strain on the individual employee.

Together with the ordinary working hours, the overtime must not result in any employee working for more than a total of 14 hours on any one day. Overtime must not exceed 10 hours in any one week or 25 hours in 4 consecutive weeks or 200 hours in the calendar year.

Nevertheless, it is permissible for the employee, if he is willing to do so, to work overtime for a total of up to 16 hours in a single 24-hour day.

The employees are entitled to be exempted from overtime, where indicated by important health or social considerations. Overtime shall be paid by a supplement of at least 40 per cent over and above ordinary pay.

Where overtime exceeds two hours, the employee is normally entitled to a pause of at least half-an-hour which shall be calculated as working time.

### D.2 (iii) Holidays with pay

The Holiday Act is a minimum rights statute which cannot be modified to the

/...

detriment of the employees. The annual holiday period shall be 24 ordinary weekdays, cf. Holiday Act, §3,1. At least 18 days of the holiday must be given consecutively in the period between 16 May and 30 September. Employees who have reached 60 years of age are entitled to 6 extra weekdays off work.

The fundamental principle here is that time off for holidays shall not be more financially disadvantageous for the employee than if he had worked normally in the holiday period. Holiday remuneration is calculated at 9.5 per cent of the ordinary pay and is paid by the employer. For employees over 60 years of age who are entitled to extra holidays, the remuneration shall be raised by 2.3 per cent of the ordinary pay. The employer may claim to have this increased remuneration refunded by the National Insurance.

As regards length of holiday, length of working hours, weekly off-duty time etc., the situation is that these rights are provided for both in the relevant legislation and in the wage agreement. To a certain extent, the employees are ensured wider rights through the wage agreements than under the law.

#### D.2 (iv) Remuneration for public holidays

Payroll employees receive their normal pay irrespective of whether there are public holidays in the period concerned. For employees paid on an hourly or weekly basis, the question of remuneration for public holidays is regulated under the wage agreements.

### ARTICLE 8: TRADE UNION RIGHTS

#### A. Principal laws

Norwegian legislation contains no explicit rule generally providing for full freedom of association. The only statute directly concerned with freedom of association is Act No. 4 of 14 December 1951 on the Right of Foremen in Private Enterprises to Join and Form Trade Unions etc. The right of employees other than foremen to join trade unions is protected by the rules relating to unlawful compulsion in the Penal Code (E 222), by Act No. 1 of 5 December 1947 on Boycotting and by the statutory rules directed against unwarranted dismissal. In practice, moreover, the right of free association is largely laid down in the wage agreements.

#### B. Right to join trade unions

It may be mentioned here that the right to join trade unions applies equally to non-Norwegian as to Norwegian employees.

#### C. Right of trade unions to federate

We have no provisions regulating the right of trade unions to form national federations or group confederations and the right of any such to form or join international trade union organizations. A trade union is therefore free to do so, since such an encroachment on the general right to freedom of action would need to be warranted by law in accordance with the principle of "legality".

/...

D. Right of trade unions to function freely

There are no restrictions on trade union activities.

E. Right to strike

There is a firm basis in Norwegian legislation for recognizing strikes and lockouts as lawful weapons in a labour dispute. It is equally certain, however, that even a limited labour conflict can be extremely detrimental to the community as a whole, and it is for this reason that the right to strike is limited.

Act No. 1 of 5 May 1927 relating to Labour Disputes, §6 and Act No. 2 of 18 July 1958 relating to Public Service Disputes, §20 prohibit the parties from seeking to solve "legal disputes" in established wage relationships by resorting to direct industrial strife. Legal disputes shall be resolved by the Labour Disputes Court, and this obligation to maintain industrial peace must be regarded as absolute. Where disputes regarding conflicts of interest are concerned, the obligation to maintain industrial peace applies for the period covered by the relevant wage settlement. Therefore, it is before a new wage settlement is entered into that the right to strike applies. As already mentioned, the public authorities provide for a special court of arbitration in the case of conflicts of interest in labour relations, see Act No. 7 of 19 December 1952 relating to the Wage Board in Labour Disputes. In addition to this voluntary arrangement, compulsory arbitration may be decided on by special statute (or by means of a provisional ordinance, if the Storting is not in session).

When the Norwegian ratification of the Convention was under consideration, it was resolved that the obligation to maintain industrial peace should be subject to the reservation mentioned in article 8, subparagraph 1 (d) (exercise of right in conformity with the laws of the particular country). On the other hand, it was laid down as a premise that the system of a compulsory wages board and any new permanent statutory prohibitions exceeding the limitations in subsection 2 would not be compatible with the Convention. Norway therefore reserved her position in respect of article 8, subparagraph 1 (d).

F. Special restrictions imposed upon the exercise of the rights mentioned in B-E above by members of the armed forces, the police or the administration of the State

Act No. 3 of 13 March 1936 relating to the Police, §20 runs as follows:

"It is prohibited for police officers and officials to cease wholly or partly to carry out their duties by agreement or as a result of an understanding with one another. It is similarly prohibited to attempt to prevent the said positions being manned."

Because of the special conditions applying to military service, it must be assumed that in the same way members of the armed forces do not have the right to strike. Finally, there is a broad traditional consensus that certain groups holding public posts (senior office-holders) do not have the right to strike.

/...

G. Trade union rights - progress achieved

Both in the private and the public sector recent years have witnessed the development of forms of co-operation which have in several respects given the employees and their representatives increased influence. Also of importance in this context are the amendments to the Joint Stock Companies Act 8/ which lay down rules regarding employee representation on the board and in the corporate assembly (industrial democracy).

ARTICLE 9: THE RIGHT TO SOCIAL SECURITY

Attention is drawn to Norway's reports concerning:

ILO Convention No. 102 - submitted with letter of 15 December 1976;

ILO Convention No. 118 - submitted with letter of 19 July 1976;

ILO Convention No. 128 - submitted with letter of 30 November 1976;

ILO Convention No. 130 - submitted with letter of 28 November 1975.

A survey of the improvements made in the course of the past year follows below.

1. Principal laws

The most important statutes concerning the right to social security are:

1. The Working Environment Act (Act No. 4 of 4 February 1977);
2. The National Insurance Act (Act No. 12 of 17 June 1966).

2. (c) Maternity benefits

Leave with pay in connexion with birth of child

The statutory right to leave of absence in connexion with pregnancy and confinement has been extended from 12 to 18 weeks (Working Environment Act §31.1). For this period, benefit is granted pursuant to §3-13 in the National Insurance Act.

In connexion with the birth, the father is entitled to two weeks leave of absence (Working Environment Act §31.2). In addition the parents are entitled to leave of absence without pay in order to care for the child during the first year of its life. Such leave may be divided between the two parents, but must not exceed one year as a total for both parents jointly (Working Environment Act §31.3).

---

8/ See foot-note 3.

Maternity grant to mothers working at home

Women who have not been gainfully employed for at least 6 of the 10 months immediately preceding their confinement, and who are thus not entitled to maternity benefit in connexion with leave, are now paid a cash grant in connexion with their confinement. The cash grant amounts to 20 per cent of the national insurance basic amount (National Insurance Act §3-13, subsect. 6).

Right to leave of absence in connexion with adoption (Working Environment Act §32)

In cases of adoption the adoptive parents are entitled to leave of absence to care for the child for a total of:

- (a) up to 46 weeks during the first year of the child's life,
- (b) up to three months when the child is under the age of 15.

Foster-parents shall similarly be entitled to leave of absence in accordance with the rules in (b) from the time the child enters into their care.

2. (b) Unemployment benefits

By the amendments of 1975 the period during which an unemployed person can be granted a daily allowance when unemployed has been extended from 21 weeks in the calendar year to 40 weeks in the calendar year. This amendment has been introduced as a result of the increased unemployment due to the economic recession dating from 1974-75. At the same time the benefit rate was raised to cover on average an estimated 70 per cent or so of the annual income instead of, as previously, an average of about 53 per cent. The daily allowance is worked out on the basis of the income in the last completed calendar year, or, where appropriate, the average income for the three last completed calendar years prior to application for benefit, if this is to the advantage of the insured person. The rate of benefit is 1.1 per thousand of the base of calculation supplemented by Nkr 15 per day. The daily allowance is paid for all days of the week except Sunday.

(i) Family benefits

From 1 January 1978 employees responsible for the care of children under 10 years of age are to be allowed the leave of absence necessary to attend a sick child. The right to leave of absence is restricted to 10 days per calendar year for each of the parents (Working Environment Act §33 A). The question of whether single parents shall be entitled to leave of absence of up to 20 days is now receiving attention.

/...

List of reference materials attended to the report\*

1. Employment Policy - Objectives and measures  
Reprint of the summary in Report No. 14 to the Storting (1977-78) on  
Employment Policy
2. Youth Employment  
Reprint of Report No. 14 to the Storting (1977-78) on Employment Policy
3. National Insurance Act of 17 June 1966 and Acts of 19 June and  
19 December 1969 relating to special supplements and compensation  
supplements to benefits from the National Insurance Scheme. With amendments  
latterly by Act of 15 December 1972
4. The National Insurance Scheme - an outline (August 1976)
5. Social insurance in Norway
6. The Working Environment Act - Act No. 4 of 4 February 1977 relating to Worker  
Protection and Working Environment
7. Norwegian Penal Code - Extracts
8. Kindergartens in Norway
9. Act of 19 December 1952 respecting Wage Committees in Labour Disputes
10. Act of 5 May 1927 respecting Labour Disputes - Amended last by Act of  
10 June 1966
11. Act of 18 July 1958 respecting Public Service Disputes
12. Act of 14 November 1947 respecting Annual Holiday - as subsequently amended,  
last by Act of 7 June 1968
13. The Norwegian Joint Stock Companies Act 1976
14. Tables of:  
Occupational Diseases and Injuries Reported to the Labour Inspection 1966-75  
and  
Occupational accidents 1975, by industrial groups and cause of injury

-----

---

\* These reference materials are available for consultation in the files of  
the Secretariat in their original language as received from Norway.